



CHAPTER 46.

An Act to Incorporate the Alice Arm Railway.

[*May 20th, 1898.*]

WHEREAS a petition has been presented praying for the incorpora- Preamble.
tion of a Company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Moses McGregor, of the City of Victoria, Province of British Columbia, Contractor; Francis William Vincent, of the same place, Accountant, and Charles Stewart Baxter, of the same place, Clerk, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Alice Arm Railway Company," hereinafter called "the Company." Incorporation.

2. The capital stock of the Company shall be two million five hundred thousand dollars (\$2,500,000.00), divided into shares of one hundred dollars each, which shall be applied first to the payment of all costs and expenses incurred in the passing of this Act, and the remainder for the purposes of the Company's undertaking. Capital stock, etc.

3. So soon as fifty thousand dollars of the capital stock shall have been subscribed, and ten per cent. of the amount subscribed shall have been paid into some chartered bank of Canada, the Provisional Directors shall call a meeting of the shareholders of the Company at the place where the head office is situate, at such time as they shall think proper, giving the notice prescribed in section four of this Act, at which meeting the shareholders who have paid ten per cent. on the Directors, election of.

amount of stock subscribed by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect five Directors, who shall hold office until others are elected.

Notices, how given. **4.** At least thirty days' public notice of any meeting shall be given by advertisement published in the British Columbia Gazette, and in at least one newspaper published in the place where the head office is situate, in which notice shall be specified the place, day and hour of meeting. All such notices shall be published weekly, and a copy of the Gazette containing such notice shall, on production thereof, be conclusive evidence of the publication of such notice.

Provisional Directors. **5.** The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the Company, of whom three shall constitute a quorum for the transaction of business, and they shall hold office until the first election of Directors under the Act, and shall have power to open stock books and procure subscriptions of stock for the undertaking.

Head office. **6.** The head office of the Company shall be at the City of Victoria, or at such other place in the Province of British Columbia as the Company may from time to time by by-law appoint.

Annual general meeting. **7.** The annual general meeting of the Company shall be held on the first Monday in July in each year, at which meeting a board of five Directors, of whom three shall be a quorum, shall be elected for the management of the Company's affairs.

By-laws. **8.** It shall be lawful for the Company from time to time to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers and servants of the Company, and for providing for the management of the affairs of the Company in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others: Provided such by-laws shall not be repugnant to the provisions of this Act or of the "British Columbia Railway Act."

Acquisition, etc., of land. **9.** The Company may purchase, hold, receive or take land or other property, and also alienate, sell or dispose of the same.

Construction of works. **10.** The Company may lay out, construct, equip, maintain and operate the lines of railway with one or more tracks of the standard or narrow gauge mentioned and referred to in the Schedule of this Act, together with the branches hereinafter referred to; and for the purposes of construction, the undertaking of the Company shall be divided into two sections or divisions, as shown and particularized in the Schedule hereto, and the said sections or divisions shall be respectively known as the first and second sections; the Company shall construct and equip the first section on or before the 31st day of

December, 1901; the second section on or before the 31st day of December, 1903. Nevertheless the failure to build either of said sections, or any part thereof, within the time so limited for the completion of the same respectively shall not prejudice the rights, powers and privileges of the Company in respect of such part or parts, if any, of the section or sections as to which such failure shall be made as shall at the expiration of such limited time be made and completed, or in respect of either section as to which the period so limited for the completion thereof shall not have expired.

11. The Company may from time to time build branch lines from any point or points on either of the lines of railway in the preceding section referred to, to any point or points not more than twenty miles in a direct line from either of such lines of railway. Branch lines.

12. The Company may construct and operate telegraph and telephone lines along or in connection with the said lines of railway and their branches, and may establish offices thereon for the transmission of messages for the public, and charge tolls therefor: Telegraph and telephone lines.

(a.) No Act of this Legislature requiring the Company, in case efficient means are devised for carrying telegraph, telephone or electric wires under ground, to adopt such means, and abrogating the right given by this Act to continue carrying lines on poles, shall be deemed an infringement of the privilege granted by this Act.

13. The Company may also build, construct and maintain wharves, docks, steamboats and other boats, and may operate the same in connection with their undertaking. Wharves, etc.

14. The Company may also purchase, charter, hire, build or otherwise acquire steam and other vessels of any description, and operate and employ the same on any navigable waters in the conveyance of passengers, mails, produce and merchandise of all kinds, and may carry on all or any of the businesses of ship owners, carriers by land and water, warehousemen, wharfingers, dock owners and forwarding agents. Carriers, forwarding agents, etc.

15. The Company shall also be deemed to be a power Company incorporated for the purpose of acquiring water privileges and maintaining and operating electrical and other works within the meaning of Part IV. of the "Water Clauses Consolidation Act, 1897," and shall be entitled to all the rights and shall have all the powers and privileges appertaining to a Company incorporated for the special purposes of availing itself of the provisions of Part IV. of the said "Water Clauses Consolidation Act, 1897," subject nevertheless to all the restrictions therein, but only when and so long as the Company shall be exercising such powers and privileges. Application of "Water Clauses Consolidation Act, 1897."

Power to enter into traffic and other arrangements.

16. The Company may also enter into any agreement with any other railway company operating within the Province of British Columbia, or with any steamboat or transportation company, for the amalgamation with such railway, steamboat or transportation company, or for leasing or conveying to such railway, steamboat or transportation company, in whole or in part, any of the main lines or branches which the Company by this Act is empowered to construct and operate, or any rights or powers acquired by the Company under this Act, and also all surveys, plans, works, plant, materials, machinery and other property to the said railway or its branches belonging; and may also enter into an agreement for the purpose of forming any connection, traffic or other arrangement with any such railway, steamboat or transportation company, upon such terms and conditions as may be agreed upon, and subject to such restrictions as to the Directors seem fit: Provided that each such agreement has been sanctioned by a majority of the votes of the issued capital stock of the Company at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy.

Directors, qualification of.

17. No person shall be eligible as a Director of the Company unless he is owner of at least ten shares in the capital stock of the Company, and qualified to vote for Directors at the election at which he is chosen.

Payment in shares.

18. The Directors of the Company may, with the consent of a majority of the shareholders at a special general meeting called for that purpose, make and issue, as paid-up stock, shares of the Company, whether subscribed for or not, and may select and hand over such stock in payment for right of way, plant, rolling stock, and materials of any kind, and also for the services of contractors, engineers or any other person or persons who are engaged in promoting the undertaking, and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Calls.

19. No call shall be made at any time for more than twenty per cent. of the amount subscribed by any one shareholder, nor shall a greater amount than fifty per cent. of the amount of stock subscribed to be called up in any one year.

Taking of timber, etc., for railway.

20. It shall be lawful for the Company, subject to the consent of the Chief Commissioner of Land Works, to take from any public lands adjacent to or near the line of the said railway all stone, timber or gravel, and other material which may be necessary or useful for the construction of the railway, and also to fill in on the same.

Chinese and Japanese.

21. No Chinese or Japanese person shall be employed in the construction or operation of the undertaking hereby authorised under a

penalty of five dollars per day for each and every Chinese or Japanese person employed in contravention of this section, to be recovered on complaint of any person under the provisions of the "Summary Convictions Act."

22. The provisions of the "British Columbia Railway Act," except in so far as they are inconsistent with or repugnant to the express provisions hereof, shall be incorporated with this Act. Application of "B.C. Railway Act."

23. The Company shall, within six months after the passage of this Act, deposit with the Provincial Government the sum of five thousand dollars, either in cash or approved bonds, as security that the Company will expend before the 30th June, 1899, not less than ten thousand dollars in surveys or construction of the railway hereby authorised to be built. In default of such expenditure the aforesaid sum of five thousand dollars shall be forfeited to and become the property of the Government as liquidated and ascertained damages, and not as a penalty; and should such security not be deposited with the Government within the aforesaid time, all the rights and privileges conferred by this Act shall be null and void. Security for expenditure.

24. This Act may be cited as the "Alice Arm Railway Act, 1898." Short title.

SCHEDULE.

Schedule.

FIRST SECTION.

(Southern.)

A railway from a point on or near Alice Arm, Observatory Inlet; thence by way of the Naas River to some point on the Stickine River at or near Telegraph Creek.

SECOND SECTION.

(Northern.)

A railway from Telegraph Creek, on the Stickine River, by the most convenient and feasible route, to the south end of Teslin Lake.

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