



## CHAPTER 56.

An Act to Incorporate the Nakusp and Slocan  
Railway Company.

[12th April, 1893.]

**W**HEREAS a petition has been presented, praying for the incorpo- Preamble.  
ration of a Company for the purpose of constructing, equipping,  
maintaining and operating a line of railway from some point at or  
near the Town of Nakusp to some point at or near the Forks of  
Carpenter Creek, in the District of West Kootenay, with power to  
construct and operate telegraph and telephone lines in connection with  
the said railway, together with the usual powers to acquire lands,  
privileges, bonuses or aids from the Dominion or Provincial Govern-  
ments, and to make traffic and other arrangements with steamboat  
and other companies, and for all other usual and necessary powers,  
rights and privileges:

And whereas 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. That Charles G. Major, of the City of New Westminster, finan- Incorporation.  
cial agent; Johann Wulffsohn, of the City of Vancouver, banker; and  
Arthur Williams Jones, of the City of Victoria, financial agent; and  
such other persons and corporations as shall, in pursuance of this Act,  
become shareholders, are hereby constituted a body politic and corpo-  
rate, by the name of "The Nakusp and Slocan Railway Company,"  
hereinafter called "the Company."

Power to construct railway.

2. The Company, their servants, agents and workmen, shall have full power and authority to lay out, construct, equip, complete and operate a double or single line of railway of four feet eight and one-half inches, or standard gauge, commencing at a point at or near the Town of Nakusp to some point at or near the Forks of Carpenter Creek, in the District of West Kootenay, with power to construct, maintain, equip and operate branch lines, and also to construct and operate telegraph and telephone lines in connection with the said railway, together with the usual powers to acquire lands, privileges, bonuses or aids from the Dominion or Provincial Governments, and to make traffic and other arrangements with railway, steamboat and other Companies, and with all other usual and necessary powers, rights and privileges.

Head office.

3. The chief place of business and head office of the Company shall be at the City of Victoria, British Columbia.

Power to construct telegraph and telephone lines.

4. The Company may construct, maintain and work, in connection with the said railway, telegraph and telephone lines throughout and along the whole line of the railway and its branches, or any part or parts thereof, and they may use any improvement that may be hereafter invented (subject to the rights of patentees), and any other means of communication that may be deemed expedient by the Company at any time hereafter.

To acquire and dispose of steamers.

5. The Company may acquire, build, equip, maintain and navigate, sell and dispose of, charter and work steamers and other vessels, in and upon the waters of British Columbia, and generally do all things necessary and incidental to the exercise of the powers, rights and privileges granted by this Act, within the legislative authority of the Provincial Legislature.

Provisional Directors.

6. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the Company, of whom a majority shall form a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open the stock-book and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscriptions, and to cause plans and surveys to be made, and to acquire any plan and survey now existing, and to deposit in any chartered bank of Canada having an office in British Columbia all moneys received by them on account of stock subscriptions, and to withdraw the same for the purpose of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it in the aid of the undertaking, and to enter into any agreement respecting the condition or disposition of any gift, bonus,

guarantee or other assistance to the railway, and with such powers as, under the "British Columbia Railway Act," are vested in ordinary Directors.

**7.** The capital stock of the Company shall be one million two hundred thousand dollars, with power to increase the same in the manner provided in the "British Columbia Railway Act," to be divided into twelve thousand shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act and the organization of the Company, and for making the surveys, plans and works of the estimates connected with the work hereby authorized, for the procuring of any plans and estimates heretofore made, and all the remainder of said moneys shall be applied to the making, equipping, completing, maintaining and operating of the said railway, and to the other purposes of this Act. Capital stock.

**8.** The Provisional or Elected Directors of the Company may, in their discretion, exclude any one from subscribing for stock in the Company, or rescind the subscription and return the deposit of any person, if they are of the opinion that such person would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said Board of Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the Directors may, in their discretion, exclude any one or more of the subscribers, if, in their judgment, this will best secure the building of the said railway. Power to exclude persons from subscribing stock.

**9.** It shall be lawful for the Directors, in procuring subscriptions for stock, to allot such stock in such amounts, and subject to the payment of such calls, of such amount, and at such times, and at such discount as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments; and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call made in accordance with the provisions contained in section 35 of the "British Columbia Railway Act;" and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share. Allotment of stock.

**10.** The said Provisional Directors, or Elected Directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the Company, or in both stock and bonds, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock; and also, when sanctioned by a vote of the shareholders Power to pay contractors and promoters in stock.

at any general meeting, for the services of promoters or other persons who may be employed by the Directors for the purpose of assisting the Directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be Provisional or Elected Directors, or not; and any agreements so made shall be binding on the Company.

Failure to elect Directors.

**11.** No failure to elect Directors, or to hold the first or any annual meeting, shall operate as a dissolution of the Company; but anything omitted to be done may be afterwards performed at a meeting called in conformity with the by-laws, or at a meeting called specially for that purpose.

General meeting.

**12.** The Provisional Directors shall, at such time as may be convenient, not later than the 31st day of December, 1893, call a general meeting of the shareholders of the Company at the City of Victoria, for the purpose of electing Directors of the Company, giving at least two weeks' notice by advertisement in the British Columbia Gazette and in one of the daily papers published in the City of Victoria, of the time, place and purpose of said meeting.

Directors.

**13.** At such general meeting the shareholders assembled, in person or by proxy, shall choose not more than nine persons to be Directors of the Company, of whom the majority shall be a quorum, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and the "British Columbia Railway Act," and the said Board of Directors may employ and pay one of their number as Managing Director.

Qualification of Directors.

**14.** In the election of Directors under this Act, no person shall be Director unless he shall be the holder and owner of at least ten shares of the stock of the Company, upon which all calls have been paid.

Annual general meeting.

**15.** Thereafter the general meeting of the shareholders shall be held in such place in the City of Victoria, and on such days and at such hours as may be directed by the by-laws of the Company, and public notice thereof shall be published for at least two weeks previous in the British Columbia Gazette, and in one or more newspapers published in the City of Victoria during the two weeks preceding the week in which such meeting is to be held, at such place in the City of Victoria, and at such times and in such manner and for such purposes as may be directed by the by-laws of the Company, upon such notice as is provided in this section.

Power to issue bonds.

**16.** For the purposes of the Company, the Directors may issue bonds and debentures, and to secure the same and the interest thereon they may mortgage the undertaking, or any portion thereof, in the manner provided in the "British Columbia Railway Act," and in this

respect the provisions of the said Railway Act shall apply; and it shall be lawful for any railway company or companies (which may be lawfully authorized in that behalf) to agree for the loan of its or their credit, either by direct guarantee or traffic arrangements, or otherwise, to secure the payment of the principal, or any part thereof, either by the sinking fund or otherwise.

**17.** The Company may purchase, hold, receive, or take land or To hold and sell other property, and also alienate, mortgage, sell, or dispose of the lands.  
same.

**18.** The Company shall be entitled to borrow money on mortgages, To borrow money, bonds, or debentures.

**19.** The Company may from time to time, for advances of money, To pledge stock, pledge any stock, debentures, or bonds which, under the powers of this Act, can be issued for the construction of the railway, or otherwise.

**20.** The Company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of said railway, grants of land, bonuses, gifts or loans in money or debentures, or other securities for money, or exemption or freedom from any Municipal, Provincial, or other tax or impost, or by way of guarantee, upon such terms and conditions as may be agreed upon. To receive aid.

21. The Company shall have power to agree for connections and make running arrangements with any railway company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the Company to enter into any agreement with any railway company, if lawfully authorized to enter into such agreement, for the sale or leasing or hiring of their railway, or of any portion of their railway, or the use thereof, or for the sale or lease or hiring of any locomotives, tenders, plant, or rolling stock, or other property, or either or of both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreement shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies purchasing, leasing, or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line.

Power to receive  
back charges.

**22.** The Company shall have power to collect and receive all charges subject to which goods or commodities shall come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges.

To acquire gravel  
lands.

**23.** Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may mortgage, sell, and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of the "British Columbia Railway Act" shall not apply to this section.

Arbitration.

**24.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of the said railway, or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a Provincial Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof for their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the "British Columbia Railway Act," and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the Company, either for the right to the fee simple in the land from which the material shall be taken or for the right to take materials for any time they shall think necessary. The notice of arbitration, in case arbitration is resorted to, shall state the interest required

Power to lay sidings  
to gravel lands.

**25.** When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, and all the provisions of the "British Columbia Railway Act," and of this Act, shall apply and may

be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such rights may be so acquired for a term of years, or permanently, as the Company may think proper; and the powers in this and preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

**26.** The Company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon store-houses, warehouses, engine-houses, and other erections for the use of the Company, and the same or portions thereof in their discretion to sell, re-convey, and also to make use of, for the purpose of the said railway, any stream or water-course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course. To acquire land for buildings.

**27.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said Company, and all such shareholders, whether resident in the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors in the Company. Aliens may be shareholders.

**28.** All provisions of the "British Columbia Railway Act," except as varied by this Act, shall apply to the Company. Application of 1890, c. 39.

**29.** The railway authorized by this Act to be constructed shall be completed within three years from the passing of this Act. Completion.

**30.** This Act may be cited as the "Nakusp and Slocan Railway Short title. Act, 1893."

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VICTORIA, B. C.:

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