



CHAPTER 72.

An Act to Incorporate the Crawford Bay Railway Company.

[*May 11th, 1901.*]

WHEREAS a petition has been presented praying for the incor- Preamble.
poration of a Company to construct and operate railways as
hereinafter set forth, and it is expedient to grant the prayer of their
petition:

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

1. Robert Irving, of Kaslo, B. C., railroad manager; Anson Whealler, of Kaslo, B. C., barrister-at-law, and William N. Brayton, of Kaslo, B. C., agent, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Crawford Bay Railway Company," hereinafter called "the Company."

2. The head office of the Company shall be in the City of Kaslo, in the Province of British Columbia, but may be changed to such other place in Canada as is fixed by by-law passed at an annual general meeting or at any special meeting.

3. The Company may lay out, construct, and operate a railway of the gauge of four feet eight and one-half inches from a point at or near Crawford Bay, on Kootenay Lake, in the District of West Kootenay, in the Province of British Columbia; thence by the most convenient and feasible engineering route through the valley of Crawford Creek and the valley of St. Mary's River to the Kootenay River opposite Fort Steele, in the District of East Kootenay, with power to construct, maintain and operate branch lines not exceeding fifteen miles in length at any points along the said main line.

Capital stock.

4. The capital stock of the Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, and may be called up by the Directors from time to time as they deem necessary.

First general meeting.

5. So soon as one hundred thousand dollars of the capital stock shall have been subscribed and allotted, and ten per cent. of the amount shall have been paid into some chartered bank in 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 by section 6 of this Act, at which meeting the shareholders who have paid ten per cent. on the amount of stock subscribed by them shall, from the shareholders, elect five Directors, of whom three shall form a quorum for the transaction of business, who shall hold office until others are elected.

Notice of first general meeting.

6. At least thirty days' public notice of the first meeting of the shareholders of the Company shall be given by advertisement published in the British Columbia Gazette, and at least for thirty days in one newspaper published in the place where the head office is situate, and by a twenty days' notice in writing to each shareholder, delivered to him personally or mailed properly directed to him at his last known place of abode, in which notice shall be specified the place and the day and the hour of meeting. All such notices shall be published at least weekly, and a copy of such Gazette and newspaper containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Provisional Directors.

7. The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the Company, of whom two shall form a quorum for the transaction of business, and the said Provisional Directors shall have all the powers by this Act and by the "British Columbia Railway Act" conferred upon the Directors of the Company, and they shall hold office until the first election of Directors under this Act.

Annual general meetings.

8. The first annual general meeting of the Company shall be held at such time as the Directors of the Company may determine, and all subsequent annual general meetings shall be held at such time as may be prescribed by the Company in general meeting; and if no other time is prescribed, the annual general meeting shall be held on the third Wednesday of October in each year, at which annual general meetings a Board of five Directors, of whom three shall form a quorum for the transaction of business for the management of the Company's affairs, shall be elected.

Directors not disqualified by holding office.

9. No Director shall be disqualified from holding office by reason of or on account of his being concerned, directly or indirectly, in any

business dealings with the Company or contracts with the Company, or by reason of his holding some office under the Company in addition to that of a Director, or on account of his receiving any salary or remuneration from the Company.

10. The Company shall have power to promote any other company or incorporation or association of persons for any purposes which may seem directly or indirectly calculated to benefit the Company, and for that purpose to obtain any Act of Parliament which may seem expedient, and to oppose any proceedings or applications which may seem calculated, directly or indirectly, to prejudice the Company's interests. Power to promote other companies.

11. The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed: Provided, however, that no such bonds, debentures, or other securities shall be issued unless the Directors have been authorised so to do by a resolution passed by a two-thirds majority at any general or special meeting for that purpose among others called, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present or are represented by proxy. Bonding powers. Proviso.

12. The Company shall have in addition to the powers conferred by the "British Columbia Railway Act," the following powers, viz.:— Company to have following powers.

- (a.) To construct and operate telegraph and telephone lines for the purpose of its undertaking along the whole line of the said railway or any part thereof, and along any branch lines, and undertake to transmit messages for the public by any such line or lines of telegraph or telephone, and collect tolls for so doing, and to lease such line or lines of telegraph or telephone or any portion thereof, and to acquire by purchase, lease or otherwise any other line or lines of telegraph connected with the lines to be constructed along the line of said railway:
- (b.) To erect, maintain and work docks, dock yards, wharves, slips, piers, elevators, depôts, saw-mills, warehouses and buildings necessary or convenient for the purposes of the railway, and also to build all necessary bridges and roadways:
- (c.) To purchase, build, charter or otherwise maintain, sell, lease, and dispose of, navigate and work steamers, ferries and other vessels for the purpose of carrying cars, freight and passengers, or for such other purposes as the Company may determine:
- (d.) To exercise all rights, powers and privileges of a "power company" under Part IV. of the "Water Clauses Consolidation Act, 1897"; it being declared that the Company hereby incor-

porated shall be deemed and considered to be a specially Incorporated Company under the provisions of the said Part IV., and to have and to exercise all the powers and privileges of a company specially incorporated for the purpose of applying for, obtaining, exercising and using water-power privileges:

- (e.) To build, construct and operate aerial and other tramways from any point on the Company's line of railway or branch lines.
- (f.) To acquire and hold lands by way of bonus, privilege, concession or grant from any Government, municipal and other corporations, persons and companies, and to alienate, sell and dispose of the same and of any of the assets of the Company.

Pledge of stock, etc. **13.** The Company may, from time to time, for advances of money, pledge any stock, debentures or bonds which under the powers of this Act can be issued for the construction of the railway or other purposes of the Company hereby authorised.

Stone, timber, etc., required for construction. **14.** It shall be lawful for the Company, with the consent of the Chief Commissioner of Lands and Works, to take from any public lands adjacent to or near the line of the said railway, its branches or extensions, 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 upon any public lands.

Company may acquire or lease franchises of other companies. **15.** The Company may enter into any agreement or agreements for conveying or leasing to any other railway, steamship, transportation, telegraph or telephone company, in whole or in part, the lines of railway or branches, telegraph or telephone lines, which the Company by this Act is empowered to construct and operate, or for an amalgamation with any other such company if lawfully empowered to enter into such agreement, or for forming any traffic or other arrangements with any railway or steamboat or transportation company, the whole upon such terms and conditions as may be agreed upon by the contracting parties: Provided that each such agreement has been first sanctioned by two-thirds of the votes 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; and provided also that each such agreement shall be assented to by the Lieutenant-Governor in Council.

(1.) Such assent shall not be signified until after notice of the proposed application therefor has been published for thirty days in the Provincial Gazette, and also in one newspaper circulating in the district in which the railway of the Company runs.

(2.) A duplicate of each agreement referred to in this section shall within thirty days after its execution be filed in the office of the Pro-

vincial Secretary, and notice thereof shall be given by the Company in the Provincial Gazette; and the production of the Provincial Gazette containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

16. The Company shall complete the construction of the said railway within five years from the date hereof, but failing to complete any portion of the said railway within the time limited in this section shall not prejudice the rights and privileges of the Company in respect of so much of the said railway as is constructed within the time hereinbefore limited. Railway to be completed within five years.

17. The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and upon 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 were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Collection of charges on goods.

18. The clauses or sections of the "British Columbia Railway Act," and all future amendments thereto, shall apply to this Company, in the same manner and to the extent as if the same had been set forth clause by clause in this Act. "British Columbia Railway Act to apply."

19. The Company shall, within six months after the coming into force of this Act, deposit with the Minister of Finance the sum of five thousand dollars, either in cash or securities approved by said Minister, as security that the Company will expend not less than ten thousand dollars in surveys or construction of the railway hereby authorised to be built, before the first day of October, 1902, and in default of such expenditure the aforesaid deposit of money or securities shall be forfeited to and become the property of the Government; and should such security not be deposited as aforesaid, all the rights and privileges conferred by this Act shall be null and void. Deposit to secure expenditure of \$10,000 on construction before 1st October, 1902.

20. Any Act hereafter passed for the purpose of controlling, regulating or affecting railway companies incorporated by the Legislature of British Columbia with regard to any matter or thing shall apply to the Company from the time such Act goes into effect, and this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Future legislation to apply.

21. No aliens shall be employed on the railway during construction unless it is demonstrated to the satisfaction of the Lieutenant-Governor in Council that the work cannot be proceeded with without the employment of such aliens. As to employment of aliens.

When Act takes
effect.

22. This Act shall not come into force or effect until such time as the Company shall give security to the satisfaction of the Lieutenant-Governor in Council—

- (1.) That the Lieutenant-Governor in Council shall have the right from time to time to fix maximum rates for freight and passenger traffic, and the Company shall not charge rates higher than those so fixed :
- (2.) That in the event of Dominion legislation bringing this Railway Company under the exclusive jurisdiction of the Parliament of Canada the foregoing conditions shall be carried out by the Company so incorporated, as a contract and obligation of said Company prior to any other charge thereon.

Short title.

23. This Act may be cited as the “Crawford Bay Railway Act, 1901.”

VICTORIA, B. C. :

Printed by RICHARD WOLFENDEN, Printer to the King's Most Excellent Majesty.
1901.