



### CHAPTER 63.

## An Act to incorporate the Vancouver and Nicola Valley Railway Company.

[7th March, 1908.]

**W**HEREAS a petition has been presented praying for the incorporation of a Company to construct and operate Railways as hereinafter set forth, and it is expedient to grant the prayer of the petition : Preamble.

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

**1.** W. H. Armstrong, John Hendry, L. N. MacKechnie, R. P. McLennan, F. R. Stewart and F. H. Lantz, all of the City of Vancouver, in the Province of British Columbia, together with such other persons (and corporations) as shall become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic by the name of the Vancouver and Nicola Valley Railway Company, hereinafter called “the Company.” Incorporation.

**2.** The head office of the Company shall be in the City of Vancouver, 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. Head Office.

**3.** The Company may lay out, construct and operate a railway of standard gauge of four feet eight and one-half inches, from a point at or near Nicola Lake in the Yale District of this Province; thence along the valley of the Nicola River, by the most feasible and practicable route, to a point at or near the junction of the said Nicola River Line of Railway.

with the Coldwater River; thence following the course of the Coldwater River, by the most feasible and practicable route, to the divide of the Coquihalla River; thence following down the Coquihalla Valley to the junction of the Coquihalla River with the Fraser River, at or near Hope; thence along the south shore of the Fraser River, by the most feasible and practicable route, to the Railway Bridge across the Fraser River at New Westminster, and thence by the most feasible and practicable route to the City of Vancouver, in the Province of British Columbia, with power to construct, equip, maintain and operate branch railways and tramways in connection therewith, and all necessary roads, bridges, ways, ferries, and other works.

Capital stock.

4. The capital stock of the Company shall be five million dollars, divided into fifty 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. As 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 10 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 not less than five directors (of whom a majority shall form a quorum for the transaction of business), who shall hold office until others are elected.

Telephone and telegraph lines.

6. The Company may construct, maintain, protect and work telegraph and telephone lines through and along the whole or any portion or portions of the line or lines of railway authorised by this Act to be built, or any of the branches thereof, and may also acquire, by purchase, lease, or otherwise, any line or lines of telegraph connecting with the lines so to be constructed along the line or part of the line of the said railway; and may undertake to transmit any messages for the public, upon such terms and conditions as it may deem advisable, by any of such line or lines of telegraph or telephone, or any portion thereof, and may make such charges for the transmission of such messages as shall be from time to time fixed by the Directors, and they may use any improvements that may hereafter be invented (subject to the rights of the patentee) for telegraphing or telephoning, or any other means of communication that may be deemed expedient by the Company at any time hereafter: Provided that no Act of this Legislature requiring the Company to carry telegraph, telephone, or electric wires underground, and abrogating the right given by this Act to continue carrying lines on poles, shall be deemed an infringement of the privileges granted by this Act.

**7.** The Company may purchase, construct, own, charter, equip, navigate and sell steamboats, barges and other boats and vessels upon all waters of the straits, rivers, lakes and streams along the line of the railway, or any part or parts thereof or branch thereof, and upon other rivers, lakes and waters tributary thereto, and on any navigable waters within the Province, and may purchase, construct, own, lease, use and sell docks, warehouses, elevators and other works for facilitating transportation upon the railway and upon the said rivers, lakes, streams or navigable waters within the Province, or any of them.

Steamboats, docks, warehouses, elevators.

**8.** Public notice of the first meeting of the shareholders of the Company shall be given by advertisement published for at least thirty days in the British Columbia Gazette, and 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.

Notice of first general meeting.

**9.** The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the Company (a majority of whom shall form a quorum) with power to add to the number, but so that the Directors shall not in all exceed fifteen in number. The Board of Directors, so constituted, shall have all the powers hereby conferred upon the Directors of the Company, and they shall hold office until the first election of Directors under this Act.

Provisional Directors.

**10.** 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 not less than five Directors (of whom a majority shall form a quorum for the transaction of business), for the management of the Company's affairs, shall be elected.

Annual general meetings.

**11.** No Director shall be disqualified from holding office by reason of, or on account of his being concerned, directly or indirectly, in any other company or association, or in any contracts with the Company, or on account of his receiving any pay or remuneration from the Company as such Director, or otherwise.

Directors not disqualified by holding office.

**12.** No failure to elect Directors, or to hold the first or any annual meeting, shall operate as a dissolution of the Company; but anything

Failure to elect Directors not to operate as dissolution.

omitted to be done may afterwards be performed at a meeting, called in conformity to the by-laws, specially for the purpose.

Bonding powers.

**13.** 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 :

Proviso.

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.

Powers to promote other companies.

**14.** 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.

Pledges of stock, etc.

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

Traffic arrangements with other companies.

**16.** The Company may enter into any agreement 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 British Columbia 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 Provincial Secretary, and notice thereof shall be given by the Company in the British Columbia Gazette, and the production of the British Columbia Gazette containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

**17.** The Company may undertake to transmit messages for the public by its line of telegraph or telephone and collect tolls for so doing. Telegraph and telephone business.

**18.** The Company may carry on a general express business, either as a separate undertaking or in connection with its railway. Express business.

**19.** The Company may acquire and hold lands by way of bonus, privilege, concession, or grant from any government, or from any municipal or other corporation, or from any person, and may alienate, sell or dispose of the same. Powers to acquire lands by bonus.

**20.** The Company may, with the consent of the Chief Commissioner of Lands and Works, take from any public lands adjacent to or near the line of the said railway, or branches, 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. Stone, timber, etc., required for construction.

**21.** The Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such 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 persons for such charges. Collection of charges on goods.

**22.** 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. B. C. Railway Act to apply.

**23.** The Company shall, within six months after the coming into force of this Act, deposit with the Minister of Finance and Agriculture 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 thirty-first day of December, 1909, 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, or should such expenditure not be made within such time, all the rights and privileges conferred by this Act shall be null and void. Deposit to secure expenditure of \$10,000 on construction before.

Future legislation  
to apply.

**24.** Any Act hereafter passed for the purpose of controlling, regulating or affecting companies incorporated by the Legislature of British Columbia with regard to any matter or thing dealt with by this Act, 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.

Short title.

**25.** This Act may be cited as the "Vancouver and Nicola Valley Railway Company Act, 1908."

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VICTORIA, B. C.

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