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CHAP. 31.

An Act to Incorporate the Vancouver Street Railways Company.

[6th April, 1886.]

WHEREAS Harry Abbott, George Alexander Keefer, and William Fitzherbert Bullen all have by their petition prayed for an Act of incorporation for the purpose of constructing and operating street railways in the City of Vancouver and the districts adjacent thereto, and for obtaining power to carry the objects of the proposed Company into effect;

Preamble.

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. The said Harry Abbott, George Alexander Keefer, and William Fitzherbert Bullen, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic, under the name of "The Vancouver Street Railways Company."

Incorporation.

2. The capital of the said Company shall be five hundred thousand dollars, in shares of one hundred dollars each, but the capital may be increased by the shareholders as hereinafter provided.

Capital stock, \$500,000.

3. No shareholder in the said Company shall be in any manner liable or charged with the payment of any debt or demand due by the said corporation, beyond the amount of his, her, or their subscribed share or shares in the capital stock of the said Corporation.

Limited liability of shareholders.

4. The said Harry Abbott, George Alexander Keefer, and William Fitzherbert Bullen shall be the provisional directors of the said Company to obtain subscriptions for stock and organize the said Company, and shall hold office until the election of directors as hereinafter provided for.

Provisional Directors.

5. So soon as ten thousand dollars of the capital stock has been subscribed, the shareholders shall proceed to the election of a Board of Directors for the said Company; and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof to the shareholders.

Election of Board of Directors.

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Number of Directors.	
Proceedings at election.	
To hold office for one year.	
Vacancies, how filled.	
Annual election.	
Provides for election of directors, &c., when not elected on the day appointed therefor.	<p>7. If the election of directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved; but the shareholders may hold the election on any other day, in the manner provided for by any by-law passed for that purpose, and all acts of directors until their successors are elected shall be valid and binding upon the Company.</p>
By-laws for the management of the Company.	<p>8. The directors shall have full power to make all by-laws for the management of the Company, the acquirement, management, and disposition of its stocks, property and effects, and of its affairs and business, the entering into arrangements and contracts, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of share certificates and the transfer of shares, the calling of special and general meetings of the Company, the appointment, removal, and remuneration of all officers, agents, clerks, workmen, and servants of the Company, the fares to be received from persons transported over the said railway or any part thereof, and the remuneration for the transfer and delivery of all or any goods, chattels, or effects transferred and delivered through the agency of the said Company, and in general to do all things that may be necessary to carry out the objects and exercise any powers incident to the Company: Provided always, that the fares to be taken by the Company on the said railway shall not exceed for each passenger five cents per mile, or any part of a mile.</p>
Fares not to exceed five cents per mile.	
Increase of capital.	<p>9. The directors of the Company may from time to time increase the capital of the said Company for such amount or amounts as occasion may require; and also raise or borrow for the purposes of the Company any sum or sums not exceeding in the whole at any time the actual amount of capital stock, bona fide subscribed and paid up</p>
Power to borrow money.	

by the issue of bonds or debentures in sums of not less than \$100 each, and on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and income of the said Company, or any part thereof, for the repayment of the moneys so raised or borrowed and the interest thereon; and the said bonds when issued shall be a first charge on the railway: Provided always, that the consent of three-fourths in value of the shareholders of the Company, present or represented by proxy, shall be first had and obtained at a special meeting to be called and held for either or both of the purposes aforesaid.

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10. So soon as the shares to the amount aforesaid shall have been subscribed, and the said Board shall have been elected in manner aforesaid, the Company may commence operations and exercise the powers hereby granted, but the Company shall commence within two years from the passage of this Act, and shall expend \$10,000 within the corporate limits of the city within that period, otherwise the franchise hereby granted shall cease.

Construction to be commenced within two years.

11. The Company are hereby authorized and empowered to construct, maintain, complete, and operate a single or double iron railway, with the necessary side-tracks and turnouts, for the passage of cars, carriages, and other vehicles adapted to same, upon and along such streets within the City of Vancouver, as the Mayor and Council of said city may direct, and also along any road or roads, adjacent to the said city, as the Commissioner of Lands and Works for the time being of the said Province shall specify, who shall fix the location of the railway over the said highways in said districts, and direct the paving, macadamizing, repairing, and grading of such highways, and the construction, opening up, and repairing of drains or sewers and laying of gas or water pipes in the said highways, and under and subject to any by-laws of the Corporation of the said city made in pursuance thereof; and to take, transport, and carry passengers and freight upon the same, by the force or power of animals or such other motive power as the said Company may deem expedient, and to maintain and construct all necessary works, buildings, appliances and conveniences connected therewith.

Gives power to construct railway in the City of Vancouver.

Under the supervision of the Chief Commissioner of Lands and Works, and subject to by-laws of the Corporation of Vancouver.

12. The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways, and the said Company shall keep in good repair the portion of the street lying between and for eighteen inches on each side of the rails of said track; and in default of their so doing, the said municipality, in its limits, and the said Chief Commissioner of Lands and Works, may cause the same to be done at the expense and proper cost of the said Company.

Track to be laid so as not to impede traffic.

Certain portions of the street to be kept in repair by the Company.

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Stock to be deemed personal estate.

13. The stock of the said Company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

May purchase, lease, &c.

14. The Company may purchase, lease, hold, or acquire, and transfer any real or personal estate necessary for carrying on the operations of the Company.

Payment of passenger fares.

15. The fare shall be due and payable by every passenger on entering the car or other conveyance, and any persons refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance, shall be liable to a fine of not more than \$20, besides costs, recoverable before any two Justices of the Peace, Police Magistrate, or Stipendiary Magistrate in the said Province.

Penalty for refusing to pay fare or quit the car, &c.

Chinese not to be employed, directly or indirectly, by Company or its contractors.

16. This Act is passed upon the express understanding that no Chinese, either directly or indirectly, shall be employed in or about, or concerning any work or services authorized by this Act, or required by the Company to be done or performed. In the event of any Chinese being employed by the Company, the Company shall be liable, upon summary conviction before any two Justices of the Peace or functionary having the power of two Justices of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, to a penalty not exceeding twenty-five dollars or less than ten dollars for every Chinese employed; and in default of immediate payment of the penalty the same may be levied by distress and sale of the goods and chattels of the Company. And in the event of any Chinese being employed by any of the Company's contractors, or sub-contractors, contrary to the provisions of this Act, then any such contractor or sub-contractor shall be liable, upon summary conviction as aforesaid, to a penalty not exceeding twenty-five dollars nor less than ten dollars for every Chinese employed; and in case of default in immediate payment of such last mentioned penalty, the same may be recovered by distress and sale of the goods and chattels of the offender; and in default of sufficient distress, the offender may be committed to any gaol or place of confinement situate within the territorial jurisdiction of the convicting Justices, and there imprisoned for any term not exceeding thirty days; and any director or officer of the Company who causes or procures any Chinese to be employed, contrary to the provisions of this Act, or permits or connives at such employment, shall be liable, upon summary conviction as aforesaid, to the like penalties as hereinbefore in this section provided, recoverable in manner secondly hereinbefore mentioned.

Penalties.

Successive penalties. 17. The offender shall be liable to separate and successive penalties for each and every day during which any Chinese shall be employed.

18. The term "Chinese" wherever used in this Act, shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

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Meaning of "Chinese."

19. Upon any prosecution under sections 16 and 17 of this Act, evidence under oath of any witness that to the best of his knowledge and belief any person alleged to have been employed contrary to the provisions of this Act, is a Chinese, shall be prima facie evidence that such person is a Chinese within the meaning of this Act, and shall cast upon the defendant the burden of proving that such person is not a Chinese. The Justices may also decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

Evidence.

20. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process, or proceeding, that the same was made for an offence against some provision of this Act, and provided there is evidence to prove such an offence, and that it can be understood from such conviction, warrant, or process that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. Upon any application to quash any such conviction, or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon habeas corpus, or by way of certiorari or otherwise, the Court or Judge to which such appeal is made, or to which such application has been made upon habeas corpus or by way of certiorari or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defects as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process, or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process, or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

Convictions, &c., not to be quashed for want of form.