



## CHAPTER 64.

### An Act to Incorporate the "Lardeau Railway Company."

[8th May, 1897.]

WHEREAS John Andrew Mara, of the City of Kamloops, in the Preamble.

Province of British Columbia, gentleman ; William Farrell, of the City of Vancouver, in the said Province, Manager of the Yorkshire Guarantee and Securities Corporation, Limited, and Frank Stillman Barnard, of the said City of Vancouver, gentleman, have by their petition prayed and applied to be incorporated under the corporate name of the "Lardeau Railway Company," with all usual corporate powers, and with power to construct, equip, operate and maintain a standard or narrow gauge railway, suitable for transporting passengers, freight or ore, from some convenient point at or near Galena or Thumb Bay, on the Upper Arrow Lake, in the District of Kootenay, to a point at or near the Forks of the Lardeau River, and with power to build a branch line from a point on the main line of said railway, about thirteen miles from Galena Bay, to Trout Lake, and to extend the said railway or build branch lines thereof, up either or both the North and South branches of the Lardeau River, for a distance of twenty miles on either branch, and also to build a branch from a point on the main line of said railway, about eight miles from Galena Bay, for a distance of twenty miles up Fish Creek ; and with further power to build, equip, operate, and maintain telegraph and telephone lines in connection with the said railways, or any of them, and to build wharves and docks in connection with the said railways, together with the power to expropriate lands for the purposes of the Company, and to acquire lands, bonuses, privileges, or other aids from any government, municipality, or other persons or bodies corporate, and to make traffic and other arrangements with railway, steamboat or other companies ; and for all other usual, necessary, or incidental rights, powers and privileges as may be necessary, or incidental, or conducive to the attainment of the above objects, or any of them :

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:—

Incorporation.

1. The said John Andrew Mara, William Farrell and Frank Stillman Barnard, together with such other persons and corporations as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "Lardeau Railway Company," hereinafter called "the Company."

Capital stock.

2. The capital stock of the Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, with power to increase from time to time to any amount by the creation of new shares of such amount as may be deemed expedient. Such new shares shall be issued upon such terms and conditions, and with such rights and privileges annexed thereto as the general meeting resolving upon the creation thereof shall direct, and if no direction be given, as the Directors shall determine; and in particular such shares may be issued with a preferential or qualified right to dividends, and in the distribution of the assets of the Company, and with a special or without any right of voting.

Provisional  
Directors.

3. 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 they shall hold office until the first election of Directors to be had pursuant to this Act, and have power to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and shall have power to cause plans and surveys to be made, and to construct and carry on any of the railways and works, and to do any or all of the acts or businesses authorised by this Act to be constructed, carried on, or done by the Company, and to receive for the Company any grants, loans, bonus, or gift made to it, and to enter into, on behalf of the Company, any agreement respecting the conditions or dispositions of any gift or bonus in aid of the undertaking of the Company, and in addition shall have all such powers, rights and privileges, as, under the "British Columbia Railway Act," are vested in ordinary Directors, and such Provisional Directors may in their discretion exclude anyone from subscribing for stock who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing the undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said Provisional Directors, or Board of Directors, shall allocate and apportionate among the subscribers as they shall deem

most advantageous and conducive to the furtherance of the undertaking, and in such allocation the Directors may exclude any one or more of such subscribers.

4. The head office of the Company shall be at the City of Victoria, Head office.  
or at such other place in the Province of British Columbia, as the Company may from time to time determine.

5. The first annual meeting of the shareholders of the Company for the appointment of Directors, shall be held on the first Monday in June, 1897, at the principal office of the Company, and the annual general meeting of the shareholders for the election of Directors, and the transaction of business generally, shall be held on the same day in each year thereafter, unless otherwise provided by the by-laws. The Directors to be elected shall be three in number, of whom two shall form a quorum for the transaction of business. 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 the purpose. First annual meeting, Directors, etc.

6. At least thirty days' public notice of any general 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, and the day and the hour of such meeting. A copy of such notice shall be sent to each shareholder by mail, post paid, to the last known address of such shareholder, at least thirty days before such meeting, and published in the British Columbia Gazette for at least two weeks before the date of such meeting. Publication of notice of general meetings.

7. The Directors shall exercise all the powers of the Company, and shall have full power from time to time to pass, amend, or repeal by-laws or resolutions for the management of the Company, and in particular, but not so as to restrict the generality of the foregoing terms of this section, may from time to time pass, amend, or repeal by-laws or resolutions for :—(1) the acquirement, management or disposition of its shares, stocks, property and effects, and of its affairs and business; (2) the entering into agreements and contracts; (3) the declaration and payment of dividends out of the profits of the Company, and no larger dividend shall be declared than is recommended by the Directors; (4) the form and issuing of shares and share certificates and the transfer of shares; (5) the calling of special and general meetings of the Company; (6) the appointment and remuneration or removal of all officers, agents, clerks, workmen, and servants of the Company, the rules to be observed by the officers and servants of the Company, and all other persons using the railways or other property of the Company whatsoever; (7) the fares to be paid or Directors' powers.

received for the carriage of passengers over any of its lines, and (8) the remuneration for the transfer and delivery of all or any goods, chattels and effects transferred and delivered through the agency of the Company, and in general to do all things that may be necessary to carry out the objects of and exercise any and all powers incident to the Company: Provided, that no Director shall be disqualified from holding office by reason of or on account of his being concerned, directly or indirectly, or as a partner, in any other company or association, in any contract with the Company, or on account of his acting as Managing Director, or General Manager, or other officer of the Company, and receiving a salary, pay or remuneration for attending to the affairs of the Company.

Lands.

8. The Company may purchase, hold, receive, or take lands or other property, and may also alienate, sell or dispose of the same.

Line of railway.

9. The Company may lay out, construct, build, equip, maintain and continuously work a standard or narrow gauge railway, or both, or partly one and partly the other, from some convenient point at or near Galena or Thumb Bay, on the Upper Arrow Lake, in the District of Kootenay, to a point at or near the forks of the Lardeau River or Creek; and shall also have full power and authority to construct, equip, maintain and continuously work branch lines thereof up either or both the North and South branches of the Lardeau River for a distance of twenty miles; and also to build a branch line of railway from a point on the main line of the said railway, about thirteen miles from Galena Bay to Trout Lake, and shall have the like power to lay out, construct, equip, maintain, and continuously work branch lines, or a branch line of railway, not exceeding twenty miles in length, from a point on the main line of the said railway, about eight miles from Galena Bay, to a point on Fish Creek, all of which said points are in the District of Kootenay, in the Province of British Columbia.

Branches and extensions to mines, etc., in vicinity.

10. The Company shall also have full power and authority to construct, operate and maintain, besides the branches in the next preceding section of this Act mentioned, one or more branches from convenient points on the main line or extensions from the terminus by the most feasible and available engineering routes to any mines, smelters, mills, works or manufactories lying near or adjacent to the said main line or extensions, or in the vicinity thereof.

Telegraph and telephone lines.

11. 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 construct or 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 patentees) for telegraphing or telephoning, or any other means of communication that may be deemed expedient by the Company at any time hereafter.

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

**12.** The Directors of the Company may make and issue, as paid up stock, shares in the Company, and may allot such shares in payment of or for work done by engineers, contractors, or other persons who have been and are engaged in promoting the undertaking, and also in payment of any right of way, plant or rolling stock, or other purposes in connection with the interests of the Company, and such paid up stock shall be non-assessable thereafter for calls. Issue of paid up shares, etc.

**13.** The Company may issue bonds, debentures, or securities to the extent of twenty-five 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. Bonds, etc., \$25,000 per mile.

**14.** Subject to the approval of the Chief Commissioner of Lands and Works, it shall be lawful for the Company to divert or alter the course of any road or way crossing the railway, or to raise or sink any road or way in order the more conveniently to carry the same over, or under, or by the side of the railway, and if in the course of making the railway the Company shall interfere with any road or way, they shall, with all convenient speed, subject to the aforesaid powers, make good to the satisfaction of the Chief Commissioner of Lands and Works, all damage done by them to such road or way. Roads crossing railway.

**15.** It shall be lawful for the Company, its servants, agents and workmen from time to time, and at all times hereafter as it shall see fit, and it is hereby authorised and empowered to enter into and upon Crown lands or the lands of any person or persons, bodies politic or corporate, and to survey, set out, and ascertain such parts thereof as it may require for the said works, and to take and appropriate the said lands, and to make, carry or place the railway across the same, and to take timber, stone, gravel, sand and other material from the aforesaid lands or any lands adjacent thereto, for the construction of Entry on Crown and other lands.

the said works; and in case of disagreement between the Company and the owners and occupiers of the said lands respecting the amount of the purchase money, or the value thereof, or as to the damages any such appropriation shall cause to them through the construction of the said railways, or any of the works in this Act authorised, the same shall be decided in the manner set out in section 20 of the "British Columbia Railway Act."

Property of Company, how vested.

**16.** The lands, rights and privileges which shall be ascertained, set out or appropriated by the Company for any of the purposes aforesaid, shall be vested in the Company.

Steam and other vessels.

**17.** The Company may purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair steam and other vessels from time to time to be used in connection with the said railway.

Company may receive, etc., certain rights, franchises, etc.

**18.** The Company is hereby authorised and empowered to receive, take, hold, enjoy or lease from any government, person, corporation, municipal or otherwise, grants of land, bonuses, privileges, donations, loans, gifts of money, guarantees of bonds or interest, bonds or securities for money, exemptions from taxes or other impost, subscriptions for shares in the Company, or for bonds or debentures of the Company, or for any or all of the same, and generally any benefit or advantage to the Company, or in aid of the same, of any nature or kind whatsoever; and the Company may sell, lease or otherwise dispose of the same, either conditionally or absolutely, or for any limited estate or interest therein, and upon such terms and conditions as the Directors may deem proper, and the generality of the latter part of this section is not to be held to be restricted by the specific mention of the foregoing ways and means.

Commencement of line.

**19.** The main line of said railway shall be commenced within two years, and shall be completed within four years of the passage of this Act.

"B. C. Railway Act."

**20.** All the provisions of the "British Columbia Railway Act," except as varied by this Act, shall apply to the Company.

Application of "Vancouver Island Telegraph Regulation Act."

**21.** The "Vancouver Island Telegraph Regulation Act" shall extend and apply to the telegraph and telephone lines constructed under the authority of this Act, and shall be operative in relation thereto.

Short title.

**22.** This Act may be cited as the "Lardeau Railway Company's Act, 1897."

VICTORIA, B. C.

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