



CHAPTER 50.

An Act to Incorporate the Upper Columbia Navigation and
Tramway Company.

[20th April, 1891.]

WHEREAS a Petition has been presented praying for the Incor- Preamble.
poration of a Company for the construction, maintenance and
operation of tramway lines from Golden to the Columbia River, and
between two or more navigable portions of the Columbia River
and between the head waters of the Columbia River and the Kootenay
Rivers, and tramway or aerial ways to any mine or mines in the
vicinity of the Columbia River, with power to the said Company to
own and run a line of steamers or other vessels on the Columbia and
Kootenay Rivers, and to construct, maintain, and operate telegraph
and telephone lines between Golden and the Kootenay River :

And whereas it is expedient to grant the prayer of such Petition :

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

1. Thomas B. H. Cochrane, of Ryde, Isle of Wight, in the United Incorporation.
Kingdom of Great Britain and Ireland, and Francis Patrick Armstrong,
of Kootenay, in the Province of British Columbia and Dominion of
Canada, together with such other persons as become shareholders in
the Company hereby incorporated, are hereby constituted a body politic
and corporate, under the name of "The Upper Columbia Navigation
and Tramway Company."

2. The head office of the Company shall be at Golden, in the Province Head office.
of British Columbia.

3. The persons mentioned by name in the first section of this Act Provisional Directors
are hereby constituted Provisional Directors of the Company.

Capital stock.

4. The capital stock of the Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and such capital stock may be called up by the Directors from time to time as they deem necessary, but no one call shall exceed twenty per cent. of the shares subscribed.

Election of directors

5. So soon as twenty-five per cent. of the capital has been subscribed, and ten per cent. of the amount subscribed has been paid up, the Provisional Directors shall call a meeting of the shareholders of the Company at the place where the head office is situated, at such time as they think proper, giving the notice prescribed by section 6 of this Act, at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed by them, shall, from the shareholders possessing the qualifications hereinafter mentioned, elect three Directors, who shall hold office until others are elected.

Notice of meeting.

6. At least two weeks' public notice of any meeting shall be given by advertisement published in the British Columbia Gazette, and in at least one newspaper circulating in the place where the head office is situated, in which notice shall be specified the place, and the day, and the hour of the meeting; all such notices shall be published weekly, and a copy of such Gazette containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Annual meeting.

7. The annual general meeting of the shareholders shall be held on the first Monday in March in each year.

Power to make by-laws.

8. It shall be lawful for the Company from time to time to make such by-laws as they think fit for the purpose of regulating the conduct of the officers and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter or repeal any such by-laws and make others, provided such by-laws be not repugnant to the laws of this Province and to the provisions of this Act.

Power to hold lands.

9. The Company may purchase, hold, receive, or take land or other property, and also alienate, sell, or dispose of same.

Power to borrow money.

10. The Company shall be entitled to borrow money on mortgage and bond, or either, upon all or any of its property and franchises.

Power to construct a tramway.

11. The said Company are hereby authorized and empowered to construct, maintain, and operate a single or double line of tramway, with side-tracks and turnout, from and to the following points, namely:

- (1.) From Golden, on the line of the Canadian Pacific Railway, to a point at or near the steamboat landing, on the Columbia River:

(2.) From some convenient point on the westerly shore of Mud Lake southward, to the lower or northerly end of the Upper Columbia Lake :

(3.) From the head of navigation on Upper Columbia Lake, southerly, to the Kootenay River :

Subject, in so far as the same passes over or along any highway or bridges between the same points, to the supervision of the Chief Commissioner of Lands and Works for the time being of the said Province, who shall fix the location of the said tramway on the said highways and bridges between the said points.

12. The said Company are hereby authorized and empowered to erect, construct, and maintain all buildings, works, appliances, and conveniences connected with and incidental to the construction, maintenance, and operation of the said lines of tramway, and to take, transport, and carry passengers and freight upon and over the said lines of tramway by such motive power as the said Company may deem expedient. Power to erect buildings.

13. It shall be lawful for the Company, their servants, agents, and workmen, from time to time, and at all times hereafter, as they shall see fit, and they are hereby authorized and empowered so to do, to enter into and upon the land of any person or persons, bodies politic or corporate, lying between said points, and to survey, set out, and ascertain such parts thereof as they may require for the said works, and to contract with the owners and occupiers of, and all persons and bodies corporate having any interest in, the lands lying between the said points, for the purchase of the same or any part thereof, or of any privilege that may be required for the purpose of constructing and operating said line of tramway, or for the right to take timber, stone, gravel, sand, and other materials from the aforesaid or any lands adjacent thereto, for the use and construction of the said works. Power to enter on lands.

14. In any and every case of disagreement between the said Company and the owners, occupiers, or other persons or bodies corporate, as aforesaid, respecting the amount of the purchase money or value thereof, or as to the amount of damages any of the persons or bodies corporate aforesaid shall suffer through the construction of the said tramway, the matter or matters so in dispute shall be decided by three arbitrators, of whom the Company shall appoint one, the person or body corporate so damaged shall appoint another, and such two arbitrators shall, within ten days after their appointment, or that of the last of them, appoint a third arbitrator ; but in the event of two such arbitrators not appointing a third arbitrator within the time aforesaid, a Judge of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. Arbitration.

or other person having an interest in said lands, shall be an infant, or insane, or in case any such person shall be absent from the Province, or shall refuse to appoint an arbitrator in his behalf, or in case of a body corporate not having an agent or a representative in this Province, then a Judge of the Supreme Court of British Columbia, on application being made to him for that purpose by the said Company, shall nominate and appoint a disinterested person as such arbitrator.

Arbitrators' awards. **15.** The said arbitrators shall award, determine, adjudge and order the respective sum or sums of money which the Company shall pay to the respective persons entitled to receive the same.

Meetings of arbitrators.

16. The said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of Golden, to be appointed by the Company after twenty-one days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace: Provided, always, that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case reference may be made again to arbitration, as hereinbefore provided; and that any sums so awarded, and costs, shall be paid within one month from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume occupation of his property, and all his rights shall thereupon revive, and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Lands to be vested in the company.

17. The lands which shall be ascertained, set out, or appropriated by the Company, for the purposes thereof as aforesaid, shall thereupon, and so long as the said Company comply with the provisions of this Act, be vested in the Company; and it shall be lawful for the Company to construct, erect, and maintain in and upon said lands such works as may be requisite for the undertakings and operations of the Company.

Application of the Land Clauses Consolidation Act, 1845.

18. The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply; but the following sections of the "Land Clauses Consolidation Act, 1845," Imperial Statutes, shall be read with and as part of the Act, so far as the same may be applicable, and except in so far as such sections, or any of them, may be varied or modified by the provisions of this Act, or are repugnant thereto: sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, 79; but in section 69 in lieu of the

word "Bank," and the next following words, there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia," and in section 70, and said subsequent sections, in lieu of the words "Court of Chancery in England," there shall be read the "Supreme Court of British Columbia," and in sections 71, 73, and 76, in lieu of the word "Bank," there shall be read the "Treasury of British Columbia, to the account of the District Registrar of the Supreme Court of British Columbia."

19. The Company may acquire, build, equip, maintain, run, and navigate, a line of steamers and other vessels for the purpose of carrying freight and passengers in connection with the said lines of tramway upon the Columbia and Kootenay Rivers, and all navigable waters connected with the said rivers or tributary thereto.

Power to run steamers in connection with the company.

20. The Company may construct and operate telegraph and telephone lines along and in connection with the said tramway lines and routes travelled by the Company's steamers and vessels, or between any two or more points on said tramways and routes, and may construct wharves, docks, elevators, warehouses, station houses, offices, and such other buildings as may be found necessary or convenient in carrying on the business of the Company.

Power to construct telegraph and telephone lines.

21. The Company may also construct, maintain, and operate tramways or aerial ways to any mine or mines in the vicinity of the Columbia River or along the route of said tramways.

Branch lines.

22. The Company may acquire, build, equip, and operate mills or factories for the manufacture of lumber requisite and necessary for use in and upon any and all the works authorized by this Act.

Power to erect lumber mills.

23. Reasonable and uniform rates, tolls, and fares shall be from time to time fixed and regulated by the by-laws of the Company, or by the Directors thereunto authorized by the by-laws or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the said tramways, aerial ways and steamboats, and for all messages transmitted over said telegraph or telephone lines, and shall be paid to such person, and at such places, in such manner and under such regulations as the by-laws direct.

Fares.

24. The Company may, subject to the provisions of this Act, and the by-laws and regulations of the Company not inconsistent with this Act, make traffic arrangements with any railway, steamboat, or other transportation company or companies, for conveying passengers and freight over the Company's tramway and steamboat lines to or from any point or place beyond the termini of the tramways and steamboat lines hereby authorized, and may also make arrangements with any

Power to make arrangements with other companies.

telephone or telegraph line or lines for the transmission and receiving of messages to and from any place beyond the termini of the telephone or telegraph lines hereby authorized.

Commencement and completion.

25. The said tramway works shall be commenced within one year and shall be completed and in running order within two years of the passing of this Act.

Right of way.

26. The Company shall be entitled to and shall be accorded the right of way on all roads traversed by their tracks, telephone or telegraph lines in said districts: Provided always, however, that the location of the said tracks and the erection of poles shall be subject to the approval of the Chief Commissioner of Lands and Works for the time being.

Power to take gravel from the Crown lands.

27. The Company shall be entitled to take stone, earth, gravel and timber from the Crown lands adjoining the said tramway and aerial ways for the purpose of constructing, completing, and maintaining the same.

Power to accept bonus.

28. The Company may acquire land, land grants, and bonuses of land, money or other property, in aid of the works authorized by this Act, and may also alienate, sell, or otherwise dispose of the same.

Short title.

29. This Act may be cited as the "Upper Columbia Navigation and Tramway Company Act, 1891."

VICTORIA, B. C. :

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