



CHAPTER 50.

An Act to Incorporate the Pacific Northern and Omineca Railway Company.

[31st August, 1900.]

WHEREAS a petition has been presented praying for the passage of Preamble.
 an Act to incorporate a company with power to construct, equip, operate and maintain a railway, of standard gauge, to be operated by steam, electricity or any other motive power, for the carrying passengers and freight from a point on Kitimaat Inlet, in Coast District, Province of British Columbia, by the most convenient and feasible route to a point at or near Hazelton, on the Skeena River, in the District of Cassiar, Province aforesaid; and to build and operate tramways in connection therewith; with power to construct, operate and maintain branch lines and all necessary bridges, roads, ways, ferries and other works, and to build, own and maintain wharves and docks in connection therewith; and with power to build, acquire, own, equip and maintain steam and other vessels and boats and operate the same on any navigable waters within the Province; and with power to build, equip, operate and maintain telegraph and telephone lines in connection with the said railway and branches; and to generate electricity for supply of light, heat and power, and for all and every other purpose mentioned in sections 80, 81, 82 and 83, of the "Water Clauses Consolidation Act, 1897," and to do everything necessary and incidental to the carrying out of all or any of the objects referred to in said sections; and with power to expropriate lands for the railway purposes of the Company only; and to acquire lands, bonuses and privileges or other aids from any Government, Municipal Corporation or other persons or bodies, and to levy and collect tolls from all parties using, and on all freight passing over any of such roads, railways, tramways, ferries, wharves and vessels owned or operated by the Company; and with power to make traffic or other arrangements with railway, steamboat or other companies, and for all other usual, necessary or incidental rights, powers or privileges in that behalf.

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. John Irving, of the City of Victoria, Province of British Columbia, Master Mariner; John Andrew Mara, of the City of Kamloops, in the said Province, Merchant; and Frank Stillman Barnard, of the said City of Victoria, Gentleman, together with such other persons and corporations as shall hereafter in pursuance of this Act become shareholders of the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of the “Pacific Northern and Omineca Railway Company” (hereinafter called “The Company”), or such other name as the Lieutenant-Governor in Council with the consent of the Company may approve of.

Capital stock.

2. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, which shall be applied first to the payment of all costs and expenses incurred in the passing of this Act and the remainder for the purpose of the Company’s undertaking.

Head office.

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

Notice of first meeting.

4. 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 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, powers and duties.

5. 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 under this Act and shall 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 to cause plans and surveys to be made, and to receive for the Company

any grant, loan, bonus or gift made to it, and to enter into any agreement respecting the conditions or disposition of any gifts or bonus in aid of the railway, and with all such powers as under the "British Columbia Railway Act" are vested in ordinary Directors to be elected as hereinafter mentioned, 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 their undertaking under the provisions of this Act.

6. The Provisional Directors, or elected Directors, may pay, or agree to pay, in paid-up stock, or in the bonds of the Company, or in both stock and bonds, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the Directors for the purpose of assisting the Directors in the furtherance of the undertaking, or purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be Provisional or elected Directors or not; and any agreements so made shall be binding on the Company.

Certain agreements by Provisional or elected Directors to be binding on Company.

7. 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.

First general meeting.

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

By-laws.

9. The Company shall be entitled to borrow money on mortgage and bond, or either.

Power to borrow money.

10. The Company shall have the following powers, viz:—

General powers.

(1.) To lay out, construct, build, equip, maintain and continuously operate the line of railway mentioned and described in the Schedule to this Act:

Construction.

- | | |
|---|--|
| Branch lines. | (2.) To build such branches as the Company may from time to time deem expedient, to any point or points distant not more than twenty miles from the main line of railway ; but the provisions of the Railway Act as to the length of branch lines shall not apply to this sub-section, notwithstanding anything contained in this Act : |
| Telephone and telegraph lines. | (3.) To build, equip, maintain and operate telegraph and telephone lines along any of the lines of the said railway, or any of its branches, and to establish offices thereon and to transmit messages for the public and charge tolls for the same : |
| To acquire privileges conferred by "Water Clauses Consolidation Act, 1897," Part IV. | (4.) To acquire, hold and exercise all the rights, powers, privileges and authorities conferred upon companies incorporated for the purpose of taking the benefit of the provisions contained in Part IV. of the "Water Clauses Consolidation Act, 1897," and for that purpose the Company hereby incorporated shall be deemed to be a power company within the meaning of the said Part IV. of the said "Water Clauses Consolidation Act, 1897.:" |
| Power to acquire lands, etc., and receive grants. | (5.) To acquire, purchase, hold, receive or take land or other property and to receive concessions or grants of land or money from any powers or authorities for any purpose of the Company, or to aid or assist any of the objects for which the Company is incorporated, and to alienate, sell or dispose of any lands or property acquired in any manner by the Company : |
| Colonization and improvement. | (6.) To carry on generally the business of a colonization and improvement company and to settle and improve any lands acquired by the Company and to aid and promote immigration thereon : |
| Exploration. | (7.) To carry on generally the business of an exploration Company, and for that purpose to organize and maintain, from time to time, parties of surveyors, engineers or scientific men, and to do all things necessary or conducive to the comfort and success of such expeditions : |
| Shipping. | (8.) To carry on a general shipping and transportation business, and for that purpose to acquire and hold and to charter or otherwise deal with steamships and other vessels and boats of any description, and to carry on all or any of the businesses of carriers by land and water : |
| To acquire wharves, etc. | (9.) To acquire, construct, maintain and operate wharves, quays, docks, warehouses and buildings, and to carry on the business of warehousemen, wharfingers and forwarding agents : |
| Power to acquire rights of other companies, or to convey rights of this Company to other companies. | (10.) To enter into an agreement or agreements for conveying or leasing to or from any other railway, steamship or transportation company, in whole or in part, any of the main lines of the railway or branches which the Company by this Act is empow- |

ered to construct or operate, or any rights or powers acquired by this Company under this Act, as also surveys, plans, works, plant, materials, machinery and other property of the said railway or its branches belonging, or for an amalgamation with any other company having the like objects and purposes as the Company hereby incorporated, or for forming any traffic or other arrangements with any railway or steamboat company whose undertaking joins the railway or branches, or which may be operated in connection with the undertaking of the Company hereby incorporated; the whole upon such terms and conditions as are agreed upon and subject to such restrictions as to the Directors seem fit; 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 be assented to by the Lieutenant-Governor in Council:

Amalgamation with other companies.

Proviso.

- (11.) To promote any other company or corporation 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, etc.

11. The Directors of the Company, by authority of the shareholders to them given by resolution passed by a two-thirds majority at any general or special meeting of the Company 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, may issue bonds under the seal of the Company for any sum not exceeding twenty thousand dollars per mile of railway, which bonds shall be signed by the President or other presiding officer and countersigned by the Secretary or Treasurer, and such bonds may be payable at such time and in such manner, and at such place or places in Canada or elsewhere, and shall bear such rate of interest, not exceeding eight per cent. per annum, as the Directors may think proper; and the Directors shall have power to issue and sell all or any part of the said bonds at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking.

Bonds, issuing of.

Execution of.

12. The Company may, from time to time, for advances of money, pledge any stock, debentures or bonds, which under the powers of this

Pledging stock, etc.

Act can be issued for the construction of the railway or other purposes of the Company hereby authorised.

Stone, timber, etc., necessary for construction.

13. 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.

Power to collect and receive charges.

14. The said 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 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 charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

"B. C. Railway Act" shall apply.

15. The clauses or sections of the "British Columbia Railway Act" and all future amendments thereto, shall apply to this Company, and all powers and privileges conferred by the said Act shall be applicable as well to the main line of the Company as to all branch lines constructed under the provisions hereof, save and except in case of any conflict, inconsistency or repugnancy between the clauses of this Act and any of the clauses or sections of the "British Columbia Railway Act," in which case the provisions of this Act shall prevail and override any clause or section of the "British Columbia Railway Act," incorporated herewith, to the extent of any such conflict, inconsistency or repugnancy.

"Companies Clauses Consolidation Act" shall apply.

16. The provisions of the "Companies Clauses Consolidation Act, 1897," shall apply to the Company and to the undertaking authorised hereby, save so far as they are expressly varied or excepted by this Act, or as any of such provisions are repugnant to or inconsistent with the provisions of this Act, or the said "British Columbia Railway Act," as incorporated into this Act, in which case the provisions of this Act, or of the said Railway Act as so incorporated herein, as the case may be, shall, to the extent of such repugnancy or inconsistency, govern.

Deposit as security for expenditure.

17. The Company shall, within twelve 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 November, 1901, 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.

18. This Act may be cited the “Pacific Northern and Omineca Short title. Railway Act, 1900.”

SCHEDULE.

A line of railway from a point on Kitimaat Inlet, in Coast District Province of British Columbia, by the most convenient and feasible route to a point at or near Hazelton, on the Skeena River, in the District of Cassiar.

VICTORIA, B.C. :

Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty.
1900.