



CHAPTER 48.

An Act to Incorporate the Kamloops and Atlin Railway Company.

[31st August, 1900.]

WHEREAS a petition has been presented, praying for the passage Preamble.
of an Act to incorporate a company with the power to construct, equip, operate, and maintain a railway, standard gauge, for the conveying of passengers and freight from some point at or near the outlet of Kamloops Lake; thence by the most direct and feasible route to the plateau of the Bonaparte River; thence to a point on the Cariboo Waggon Road near the One Hundred-Mile House; thence northerly to some convenient point in the vicinity of Williams or Antler Creek, in the Cariboo District; with power also to build a branch line from some convenient point upon the above-described line to the confluence of the Quesnelle and the Fraser Rivers; and with power to construct, operate, and maintain all necessary bridges, ways, and ferries, and to build, own and maintain wharves and docks in connection therewith, and to build, own, equip, and maintain steam and other vessels and boats and to 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 the supply of light, heat, and power; and with power to expropriate land for the purposes of the Company, and to acquire lands, bonuses, privileges, or other aids from any Government, Municipal Corporation, or other persons or bodies, and to levy and collect tolls from all persons using, and on all freight passing over, any of such roads, railways, ferries, wharves, and vessels built by the Company; and with power to make traffic or other arrangements with railway, steamboat, or other companies, and for all other necessary or incidental rights, powers, and privileges in that behalf:

And whereas it is expedient to grant the prayer of the said petition, subject to the modifications hereinafter expressed :

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. Henry Purdon Bell, of the City of Victoria, in the Province of British Columbia, Civil Engineer ; Day Hart Macdowall, of the same place, Commission Merchant ; and Theodore Lubbe, of the same place, Merchant, 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 Kamloops and Atlin Railway Company (hereafter 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 purposes 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.

First meeting for election of Directors.

4. So 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 5 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 possessing the qualifications hereinafter mentioned, elect five Directors (of whom three shall form a quorum for the transaction of business), who shall hold office until others are elected.

Notice.

5. 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

Publication of.

weekly, and a copy of such Gazette and newspaper containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

6. 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 to 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 gift 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.

Provisional Directors.

Powers and duties.

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 in 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.

When first annual general meeting to be held.

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."

Power to make 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.:—

Other powers.

(1.) To lay out, construct, build, equip, maintain and continuously operate the lines of railway mentioned and described in the

To operate and construct railways.

- Schedule to this Act, and for the purposes of construction the undertaking of the Company shall be divided into three sections or divisions, as shown or particularised in the Schedule hereto, and the said sections or divisions shall be respectively known as the First, Second and Third Sections. The Company shall construct and equip the First Section on or before the 31st day of December, 1904; the Second Section on or before the 31st day of December, 1906, and the Third Section on or before the 31st day of December, 1908. Nevertheless the failure to complete any one or more of said sections, or any part thereof, within the time so limited for the completion of the same, respectively, shall not prejudice the Company in respect of such part or parts, if any, of the section or sections as to which such failure shall be made, as shall at the expiration of such limited time be made or completed, or in respect of any section or sections as to which the period so limited for the completion thereof shall not have then expired:
- To be divided into sections.
- Time limited for the construction of each section.
- To build branch lines.
- To maintain and operate telephone and telegraph lines.
- To benefit under Part IV. of the "Water Clauses Consolidation Act, 1897."
- To deal in land and other property.
- To carry on business of a colonization and improvement company.
- (2.) To build a branch line from the main line of railway at a point about 125 miles from the southern terminus, as described in the First Schedule hereto, by the most direct and feasible route to a point at or near Antler or Williams Creek, in Barkerville District, and such other branches as the Company may from time to time deem expedient, to any point or points distant not more than six miles in a direct line from the main line of railway :
 - (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 :
 - (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":
 - (5.) To acquire, purchase, hold, receive or take land or other property, and to receive concessions or grants of land from any powers or authorities, and to alienate, sell or dispose of any land or property acquired in any manner by the Company :
 - (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 :

- (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 : Of an exploration company.
- (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 : Of a shipping and transportation business.
- (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 : Of warehousemen, etc.
- (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 empowered to construct and operate, or any rights or powers acquired by this Company under this Act, as also surveys, plans, works, plant, materials, machinery and other property to 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 shall be approved by the Lieutenant-Governor in Council :
- (11.) 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. To promote 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 for that purpose among others called, at

Two-thirds of shareholders representing two-thirds of stock may issue bonds not exceeding \$20,000.

Disposal of bonds.

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.

Power to pledge stock, etc.

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

Power to take stone, timber, etc., from adjacent lands.

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 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.

"British Columbia Railway Act" and amendments to 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, 1897," 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.

17. The Company shall, within six 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 within eighteen months after the coming into force of this Act, 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.

Deposit to secure
expenditure of
\$10,000

18. This Act may be cited as the "Kamloops and Atlin Railway Act, Short title. 1900."

SCHEDULE.

THE FIRST SECTION.

A line of railway from some point at or near the outlet of Kamloops Lake; thence by the most direct and feasible route to the summit between the forks of the Bonaparte River and Bridge Creek.

THE SECOND SECTION.

A line of railway from the point last named in the first section to a point at or about 140 miles from the southern terminus of the railway.

THE THIRD SECTION.

A line of railway from the point last named in the second section to a point at or near the confluence of the Quesnelle with the Fraser River.

VICTORIA, B. C. :

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