



CHAPTER 84.

An Act to Incorporate the Vancouver and Grand
Forks Railway Company.

[May 11th, 1901.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate railways as hereinafter set forth, and it is expedient to grant the prayer of the petition: Preamble.

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

1. Richard Marpole, George McLaren Brown and Charles F. Law, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Vancouver and Grand Forks Railway Company," hereinafter called "the Company," or such other name as the Lieutenant-Governor in Council may approve of. Incorporation.

2. The head office of the Company shall be in the City of Victoria, in the Province of British Columbia, but may be changed to such other place in Canada as is fixed by by-law passed at an annual general meeting or at any special meeting. Head office.

3. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from the City of Vancouver, in the Province of British Columbia; thence to the City of New Westminster; thence crossing the Fraser River and following the south bank of said river, passing within a distance of not more than one mile from the Chilliwack Court House; thence to Hope; thence following the Coquehalla River to the headwaters of the Coldwater River; thence following the said Coldwater River to a point about twenty miles from its source: thence in a south-easterly Line of railway.

direction to the west fork of Otter River; thence following the Otter River to its junction with the Tulameen River; thence following the Tulameen River to Princeton; thence following the Similkameen River to Keremeos; thence in a south-easterly direction to a point in the vicinity of Osoyoos Lake; thence easterly to a point on the Kettle River, in the said Province; thence following the Kettle River to Midway; thence in an easterly direction to Grand Forks, and with further power to lay out, construct and operate a branch of said railway from the point where the main line thereof leaves Coldwater River, following the said Coldwater River through Nicola Valley to Nicola Lake; and with further power to lay out, construct and operate a branch line from Otter Flat at the junction of said Otter and Tulameen Rivers in a south-westerly direction, following the Tulameen River up the Tulameen Valley for a distance of thirty miles; and with further power to lay out, construct and operate branch lines not exceeding twenty miles in length from any point or points on the Canadian side of the International Boundary Line.

Capital stock.

4. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and may be called up by the Directors from time to time as they deem necessary.

First general meeting.

5. 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 6 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 of first general meeting.

6. 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 mailed, 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.

7. 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. Provisional Directors.

8. The Provisional Directors 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 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 any one 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. Powers of Provisional Directors.

9. 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. Power to issue paid-up stock, etc.

10. 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. Annual general meeting.

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

- General powers of Company.
- (1.) 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 : Telegraph and tele-phones.
- (2.) 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 Business.

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 hold property. (3.) To accept, hold, 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 the same :
- Shipping. (4.) 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 :
- Wharves, etc. (5.) To acquire, construct, maintain and operate wharves, quays, docks, warehouses and buildings, and to carry on the business of warehousemen, wharfingers and forwarding agents :
- Express. (6.) The Company may carry on a general express business for reward, and generally do all things necessary for, or incidental to, the carrying on of such business.

Traffic arrangements with other companies.

12. The Company may enter into any agreement or agreements for conveying or leasing to any other railway, steamship, transportation, telegraph or telephone company, in whole or in part, the lines of railway or branches, telegraph or telephone lines, which the Company by this Act is empowered to construct and operate, or for an amalgamation with any other such company if lawfully empowered to enter into such agreement, or for forming any traffic or other arrangements with any railway or steamboat or transportation company, the whole upon such terms and conditions as may be agreed upon by the contracting parties; 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 assented to by the Lieutenant-Governor in Council :

- (1) Such assent shall not be signified until after notice of the proposed application therefor has been published for thirty days in the Provincial Gazette, and also in one newspaper circulating in the district in which the railway of the Company runs :

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(2.) A duplicate of each agreement referred to in this section shall, within thirty days after its execution, be filed in the office of the Provincial Secretary, and notice thereof shall be given by the Company in the Provincial Gazette, and the production of the Provincial Gazette containing such notice shall be primâ facie evidence of the requirements of this Act having been complied with.

13. The Company shall have power 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.

14. The Company may issue bonds, debentures or other securities to the extent of thirty-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: Bonding powers.

Provided, however, that no such bonds, debentures or other securities shall be issued unless the Directors have been authorised so to do by a resolution passed by a two-thirds majority at any general or special meeting 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. Proviso.

15. 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. Pledges of stock.

16. 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. Stone, timber, etc., required for construction.

17. 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 Collection of charges on goods.

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” to apply.

18. The clauses or sections of the “British Columbia Railway Act,” and all future amendments thereto, shall apply to this Company, in the same manner and to the extent as if the same had been set forth clause by clause in this Act.

“Companies Clauses Act” to apply.

19. 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 to secure expenditure of \$10,000 on construction before 1st October, 1902.

20. The Company shall, within six months after the coming into force of this Act, deposit with the Minister of Finance and Agriculture 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 October, 1902; 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.

Future legislation to apply.

21. Any Act hereafter passed for the purpose of controlling, regulating or affecting railway companies incorporated by the Legislature of British Columbia with regard to any matter or thing, shall apply to the Company from the time such Act goes into effect, and this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

As to employment of aliens.

22. No aliens shall be employed on the railway during construction, unless it is demonstrated to the satisfaction of the Lieutenant-Governor in Council that the work cannot be proceeded with without the employment of such aliens.

When Act takes effect.

23. This Act shall not come into force or effect until such time as the Company shall give security to the satisfaction of the Lieutenant-Governor in Council—

(1.) That the Lieutenant-Governor in Council shall have the right from time to time to fix maximum rates for freight and

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passenger traffic, and the Company shall not charge rates higher than those so fixed :

- (2.) That in the event of Dominion legislation bringing this railway company under the exclusive jurisdiction of the Parliament of Canada, the foregoing conditions shall be carried out by the Company so incorporated, as a contract and obligation of said Company prior to any other charge thereon.

24. This Act may be cited as the "Vancouver and Grand Forks Short title. Railway Company Act, 1901."

VICTORIA, B C.:

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