



## CHAPTER 38.

An Act to incorporate the Vancouver Street Railways  
Company.

[6th April, 1889.]

**W**HEREAS George Turner, Richard Plunkett Cooke, and Frederick Colleton Innes have by their petition prayed for an Act of Incorporation for the purpose of constructing and operating street railways in the City of Vancouver and the lands adjacent thereto, and for obtaining power to carry the objects of the proposed Company into effect: Preamble.

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 :—

1. The said George Turner, Richard Plunkett Cooke, and Frederick Colleton Innes, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic, under the name of "The Vancouver Street Railways Company," hereinafter called the Company. Incorporation.

2. The capital of the said Company shall be two hundred and fifty thousand dollars, divided into two thousand five hundred shares of one hundred dollars each, but the capital may be increased by the shareholders as hereinafter provided. Capital stock  
\$250,000.

3. No shareholder in the said Company shall be in any manner liable or charged with the payment of any debt or demand due by the said Company beyond the amount of his, her, or their subscribed share or shares in the capital stock of the said Company. Limited liability of  
shareholders.

4. The said George Turner, Richard Plunkett Cooke, and Frederick Colleton Innes shall be the Provisional Directors of the said Company. Provisional  
Directors.

## (INCORPORATION).

to obtain subscriptions for stock and organize the said Company, and shall hold office until the election of Directors as hereinafter provided for.

First meeting of shareholders.

5. So soon as ten thousand dollars of the capital stock has been subscribed the shareholders shall proceed to the election of a Board of Directors for the said Company, and the Provisional Directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof to the shareholders.

Directors to be shareholders.

6. The Board of Directors shall consist of five Directors, who shall be elected at the meeting to be called as provided for in the preceding section, each of whom shall be a shareholder of not less than one share; such election, and every question to be decided at such election, shall be decided by a plurality of the votes of the stockholders present in person or represented by written proxy, each share to have one vote.

Election of Directors and President.

The Directors so chosen shall immediately elect one of their own number to be President, which President and Directors shall continue in office for one year, and until such others shall be chosen to fill their places; and if any vacancy shall at any time happen by death, resignation, or otherwise during the said year in the office of President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year; and the election of Directors shall take place annually, either on the anniversary of the day of the first election of Directors, or such other day as may be fixed by by-law as hereinafter mentioned.

Vacancies, how filled.

Annual election.

Failure to elect Directors not to operate as a dissolution.

7. If the election of Directors be not made on the day appointed by this Act the Company shall not for that reason be dissolved, but the shareholders may hold the election on any other day in the manner provided for by any by-law passed for that purpose, and all acts of Directors, until their successors are elected, shall be valid and binding upon the Company.

By-laws for the management of the Company.

8. The Directors shall have full power to make all by-laws for the management of the Company, the acquirement, management and disposition of its stocks, property, and effects, and of its affairs and business, the entering into arrangements and contracts, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of share certificates, and the transfer of shares, the calling of special and general meetings of the Company, the appointment, removal and remuneration of all officers, agents, clerks, workmen, and servants of the Company, the fares to be received from persons transported over the said railway, or any part thereof, and the remuneration for the transfer and delivery of all or any goods, chattels, or effects transferred and delivered through the agency of the said

Company, and in general to do all things that may be necessary to carry out the objects and exercise any powers incident to the Company.

9. The Directors may from time to time increase the capital stock of the said Company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the Company any sum or sums of money not exceeding in the whole fifty per cent. of the subscribed capital stock, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and incomes of the Company, or any part thereof (as may be expressed upon the face of any bond or debenture), for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided always, that the consent of the holders of a majority in value of the stock of the Company present, or represented by proxy, at a special meeting to be called and held for either or both of the purposes aforesaid shall be first had and obtained.

Increase of capital.

Power to borrow money and give security for same.

10. The Company are hereby authorized and empowered to construct, maintain, complete, and operate a single or double track street railway, with all necessary switches, side-tracks and turnouts, and other requisite appliances in connection therewith, upon and along such streets within the City of Vancouver as the Mayor and Council of said city may direct, and under and subject to any by-laws of the corporation of the said city made in pursuance thereof, and also along any road, or roads adjacent to the said city, as the Commissioner of Lands and Works for the time being of the said Province shall specify, who shall fix the location of the railway over the said highways in said districts, and direct the paving, macadamizing, repairing, and grading of such highways, and the construction, opening up and repairing of drains or sewers, and laying of gas or water pipes in the said highways, and to take, transport, and carry passengers upon the same by the force or power of animals, or such other motive power as the said Company may deem expedient, and to maintain and construct all necessary works, buildings, appliances, and conveniences connected therewith, but all expenses consequent upon carrying out the directions of the Chief Commissioner of Lands and Works shall be solely borne by the Company.

Power to construct railway in the city of Vancouver.

Work to be under supervision of the Chief Commissioner of Lands and Works and subject to city by-laws.

11. The stock of the said Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by by-law direct.

Stock to be personal estate.

12. The Company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the Company.

Power to acquire, &c., real and personal estate.

Payment of passenger fares.

**13.** The fare shall be due and payable by every passenger on entering the car, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car when requested to do so by the conductor or driver, shall be liable to a fine of not more than twenty dollars, recoverable with costs before any two Justices of the Peace, Police Magistrate, or Stipendiary Magistrate in the said Province, in like manner as fines are recoverable before Justices of the Peace under any Act for the time being in force in this Province.

Penalty for refusing to pay fare or quit the car.

Power to use public streets and highways.

**14.** The Company shall have full power and authority to use and occupy any and such parts of any of the streets, and roads, and highways aforesaid as may be required for the purposes of their railway track, the laying of the rails, and the running of their cars: Provided always, that the consent of the Mayor and Council of the said city, within the said city, and the Chief Commissioner of Lands and Works for the time being of the Province of British Columbia, adjacent to the said city respectively, shall be first had and obtained, who are hereby respectively authorized to grant permission to the said Company to construct their railway as aforesaid within their respective limits across and along and to use and to occupy the said streets or highways, or any part of them, for that purpose, upon such condition and for such period or periods as may be respectively agreed upon between the Company and the said city, or the Chief Commissioner of Lands and Works aforesaid, or either of them.

Authorizes city of Vancouver to enter into agreement with the Company for the construction of the said railway, and repair of streets, &c.

**15.** The Council of the said City and the said Company are hereby respectively authorized, subject to the provisions of this Act, to make and to enter into any agreement or covenant relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, the time in which the works are to be commenced, the manner of proceeding with the same, and the time for completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic.

The said city of Vancouver may pass by-laws giving effect to such agreements.

**16.** The said city is hereby authorized to pass any by-law or by-laws, and to amend, repeal, and enact the same for the purpose of carrying into effect any such agreement and covenants containing all necessary clauses, provisions, rules, and regulations for the conduct of all parties concerned, and for the enjoining obedience thereto, and also

for the facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

**17.** It shall be lawful for the said Company to enter into and carry out to completion any agreement with any person or persons, or body corporate, now having, or hereafter acquiring, the power or right to construct or work street railways in the said City of Vancouver, or now having, or hereafter acquiring, such power in said adjacent lands, for leasing, hiring, or purchasing the plant and rolling stock belonging to any such person or persons, or body corporate, or for making running arrangements, or amalgamating with any such person or persons, or body corporate, such agreement to be approved by a plurality of the shareholders voting in person, or by proxy, at a special meeting to be held for that purpose in accordance with the by-laws of the Company, and every such agreement when so approved shall be valid and binding according to the terms and tenor thereof, and any Company or individual accepting and executing any such lease or agreement is hereby empowered to exercise all the rights and privileges in respect of such agreement in this charter conferred.

Power to acquire plant and rights of, or amalgamate with, other Companies.

**18.** The by-law of the Corporation of the City of Vancouver passed on the 26th day of November, 1888, and being By-law No. 73, and By-law No. 76 amending the same, and the agreement made thereunder between the said corporation and the Vancouver Street Railway Company, Limited Liability, bearing date the 11th day of February, 1889, are hereby declared to be, and shall from and after the passing of this Act be, valid and binding upon the said corporation and the Company hereby incorporated, to all intents and for all purposes as if set forth in this Act and forming part thereof, subject to such changes or alterations as may hereafter be mutually agreed upon between them.

By-laws 73 and 76 of Vancouver City and agreements thereunder to be binding on this Company.

**19.** Nothing in this Act contained shall authorize the said Company to construct a street railway extending beyond a point five miles from the present municipal limits of the City of Vancouver.

Railway not to extend beyond 5 miles from Vancouver.

**20.** This Act may be cited as the "Vancouver Street Railway Act, Short title. 1889."