



## CHAPTER 80.

### An Act to Incorporate the Lake Bennett Railway.

[May 11th, 1901.]

**W**HEREAS 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.** Michael King, of the City of Victoria, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of the “Lake Bennett Railway Company,” hereinafter called “the Company.” Incorporation.

**2.** The head office of the Company shall be at Bennett, 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 (or a narrow gauge railway) from a point at or near the headwaters of Dyea River, in British Columbia, to a point at or near Lake Bennett, thence to the 60th parallel of latitude. Line of railway.

**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. Capital stock.

**5.** So soon as one hundred thousand dollars of the capital stock shall have been subscribed and allotted and ten per cent. of the First general meeting.

amount shall have been paid in to some chartered bank in Canada, the Provisional Director or 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, 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.

Failure to elect  
Directors not to act  
as dissolution.

7. No failure to elect Directors or to hold the first or any annual meeting shall operate as a dissolution of the Company, but anything omitted to be done may be afterwards performed at a meeting called in conformity with the by-laws or at a meeting called specially for the purpose.

Provisional Direc-  
tors.

8. The person named in the first section of this Act shall be and is hereby constituted Provisional Director of the Company (with power to add to the number), of whom three 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 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 shall have and exercise all such powers as under the "British Columbia Railway Act" are vested in ordinary Directors to be elected as hereinbefore mentioned, and may, in their discretion, exclude any one from subscribing for stock who, in their opinion, would hinder, delay, or prevent the Company from proceeding with and completing the undertaking under the provisions of this Act, and if at any time a portion or more

than the whole stock shall have been subscribed, and the said Provisional Board of Directors shall allocate and portion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers.

**9.** All moneys expended by the Provisional Directors, or any of them, in the carrying out and the construction of the undertakings authorised by this Act, either before or after the passage of this Act, may be treated as cash advanced on account of the Company, and at the first meeting of Directors after the passing of this Act such advances may be provided for accordingly. Remuneration of Provisional Directors.

**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 meetings.

**11.** 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: 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. Bonding powers. Proviso.

**12.** The Company shall have power 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. Power to promote other companies.

**13.** 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, etc.

Stone, timber, etc.,  
required for con-  
struction.

**14.** 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.

Collection of charges  
on goods.

**15.** 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” to apply.

**16.** 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.

Deposit to secure ex-  
penditure of \$10,000  
on construction  
before 1st October,  
1902.

**17.** 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 1st 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.

**18.** 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.

Branch lines.

**19.** The Company may and are hereby authorised at any time after or during the construction of the main line of railway, to lay out, construct, maintain and operate such branch line or lines of railway as the Company may deem advisable and advantageous from any point or points on its main line to any town, city, mine, smelter or mill, or to any other mining, milling, manufacturing or industrial works or undertaking, within twenty miles in a direct line by the most feasible and advantageous route of the said main line of railway, and all the

rights, powers, franchises and privileges by this Act granted in respect of the main line of railway hereby authorised shall be deemed to apply and shall apply to all such branch line or lines.

**20.** The Company shall have (in addition to the powers conferred by the "British Columbia Railway Act") the following powers, viz.:—

Powers for telegraph lines, steamers, wharves, electric works and water, etc.

- (a.) To construct and to operate telegraph and telephone lines for purposes other than its undertaking, and the Company may acquire by purchase, lease or otherwise, any other line or lines of telegraph or telephone connecting with the lines so to be constructed along the line of the said railway; and may undertake to transmit any messages for the public by any such line or lines of telegraph or telephone, and collect tolls for so doing:
- (b.) To construct wharves, docks, elevators, dockyards, slips, and piers, warehouses, and such other buildings as may be found requisite to carry on the business of the Company:
- (c.) To build, acquire, own, charter, equip, and maintain, steam or other vessels for the purpose of carrying cars, freight and passengers on any of the coast and inland waters of British Columbia, or for such other purposes as the Company may determine:
- (d.) For the purposes of its undertakings to purchase, hold, receive or take land or other property, and also to sell, or otherwise dispose of the same:
- (e.) The Company shall be entitled to borrow money on mortgage and bond, or either, upon property other than mentioned in section 11, aforesaid, subject to the same proviso as mentioned in said section:
- (f.) To erect, construct, operate and maintain electric works, wires, cables, transformers, accumulators, power-houses, generating plant, and such other appliances and conveniences as are necessary and proper for the generating of electricity and for transmitting the same, to be supplied by the Company as a motive power for hauling, propelling, pumping, lighting, heating, smelting, crushing, milling or drilling, or any other operations of any nature or kind whatever for which electricity may be used, supplied, applied or acquired, and the Company may contract with any person, body corporate or politic for supplying electricity to any such person, body corporate or politic, or to any streets, ways, lanes, passages, tramways, mines, smelters, mills, manufactories, shops, warehouses, public or private houses, buildings and places, and for such purposes the Company may, from time to time, lay down, carry, fit up, connect and furnish any accumulator, storage battery, cable, wire, pipe, switch, connection, branch, burner, lamp, meter, transformer, or other

apparatus, for or in connection with any electric main, pipe, lead or cable which for such purposes may be required, and to let any such apparatus for hire for such sum as may be agreed upon :

- (g.) The Company shall also be deemed to be a power Company, incorporated for the purpose of acquiring water privileges, and maintaining and operating electrical and other works within the meaning of Part IV. of the "Water Clauses Consolidation Act, 1897," and shall be entitled to all the rights, and shall have all the powers and privileges appertaining to a company incorporated for the special purposes of availing itself of the provisions of Part IV. of the said "Water Clauses Consolidation Act, 1897," subject nevertheless to all the restrictions therein, but only when and so long as the Company shall be exercising such powers and privileges.

Stock, shares, etc.,  
to be personal  
property.

**21.** The stock, shares, debentures, or bonds of the Company shall be personal property and may be sold or disposed of, allotted, granted or issued, in whole or in part as fully paid up, at a discount, or as part or all of the consideration for any contract or service rendered by, or on behalf of, or for the benefit of the Company, or upon such other terms or conditions, or with such liability attaching thereto and to the holder thereof as the Directors may fix, and no shareholder or debenture holder shall be liable to, or be chargeable, or charged with the payment of any debt, or demand due by or chargeable against the Company beyond the amount, if any, so fixed by the Directors and inscribed upon the issue of the particular shares or debentures held as unpaid thereon.

"Companies Clauses  
Consolidation Act,  
1897," to apply.

**22** The provisions of the "Companies Clauses Consolidation Act, 1897," shall apply to the Company and to the undertakings 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.

When Act to take  
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 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 “Lake Bennett Railway Company Short title. Act, 1901.”

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VICTORIA, B. C.

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