



CHAPTER 46.

An Act to incorporate the Bedlington and West Kootenay Railway Company.

[12th April, 1893.]

WHEREAS James Roderick Robertson, John Black McKilligan, and Hugh G. Ashby have presented a petition praying for their incorporation as a Company for the purpose of constructing, maintaining, and operating a railway from a point near the International Boundary Line at or near Bedlington, in the Province of British Columbia; thence following up the Kootenay River to Kootenay Lake; thence along the west shore of Kootenay Lake to its northerly extremity; with power to construct branches to the headwaters of the Lardeau and Duncan Rivers in said Province, and to construct telegraph and telephone lines, and to equip and operate the same, in connection with the said line of railway; together with the usual powers to acquire lands, privileges, bonuses, or other aids from the Dominion or Provincial Governments, and to make traffic or other arrangements with railway, steamboat, or other companies, and for all other usual and necessary powers, rights, and privileges : Preamble.

And whereas it is expedient to grant the prayer of such 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. James Roderick Robertson, John Black McKilligan, and Hugh G. Ashby, within the Province of British Columbia, and such other persons and corporations as shall in pursuance of this Act become shareholders, are hereby constituted a body politic and corporate under the name of “The Bedlington and West Kootenay Railway Company,” hereinafter called “the Company.” Incorporation.

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.

Election of Directors.

3. So soon as fifty thousand dollars of the capital stock shall have been subscribed, and ten per cent. of the amount subscribed shall have been paid in to 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 four 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, who shall hold office until others are elected.

Public notice of meetings to be given.

4. At least two weeks' public notice of any meeting shall be given by advertisement published in the Government Gazette and in at least one newspaper published in the place where the head office is situate, in which notice shall be specified the place, and the day, and the hour of meeting. All such notices shall be published weekly, and a copy of such Gazette containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Provisional Directors.

5. The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the Company, of whom a majority 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.

Head office.

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

Annual general meeting.

7. The annual general meeting of shareholders shall be held on the second Wednesday of July in each year, at which meeting 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.

By-laws

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

9. The Company may purchase, hold, receive, or take land or other property, and also alienate, sell, or dispose of the same. Power to hold and sell lands, &c.

10. The Company may construct and operate telegraph and telephone lines along and in connection with the railway and its branches, and may construct, build, acquire, operate, and maintain wharves, docks, elevators, steamboats, warehouses, station-houses, offices, and such other buildings and conveniences as may be found requisite in carrying on the business of the Company. To construct telegraph and telephone lines, &c.

11. The Company may lay out, construct, equip and operate a line of railway of the gauge of four feet eight and one-half inches from a point near the International Boundary Line, at or near Bedlington, in the Province of British Columbia: thence following up the Kootenay River to Kootenay Lake; thence along the west shore of Kootenay Lake to its northerly extremity; with power to construct branches to the headwaters of the Lardeau and Duncan Rivers in said Province. To construct railway.

12. The Company may for the purposes of construction divide the undertakings of the Company into two sections or divisions, particularized in the Schedule hereto, and such sections or divisions shall respectively be known as the Bedlington-Balfour and Lake Sections. The Company shall complete and equip the Bedlington-Balfour Section on or before the 31st day of December, 1895, and the Lake Section on or before the 31st day of December, 1895. Nevertheless failure to complete either of the said sections within the time so limited for the completion of the same, respectively, shall not prejudice the rights, powers, or privileges of the Company in respect of such part or parts (if any) of the section as to which such failure shall be made as shall at the expiration of such limited time be made and completed, or in respect of either section to which the period so limited for the completion thereof shall not have determined: Provided that if the Company shall complete that part of the Bedlington-Balfour Section between Bedlington and the foot of Kootenay Lake by the 31st day of December, 1895, they shall have until the 31st day of December, 1897, to complete the remainder of the first section and the lake section. To divide undertakings.
Time for completion.
Provided.

13. For the purposes of the foregoing work of construction the provisions of section ten of the "British Columbia Railway Act," when applied to the undertaking thereby authorized shall be read and considered distributively. Application of s. 10 of 1890, c. 39.

14. The Company shall also have full power and authority to construct, operate, and maintain one or more branches from convenient points on the main line by the most feasible and available engineering routes to any mine or mines lying near or adjacent to the said main line: Provided, however, that no branch shall exceed thirty miles; and Branch lines.

provided further that no such branches shall be built in any direction until the point of departure for any such branch shall be in continuous railway connection with the terminus of the line at or near Bedlington.

Qualification of Directors.

15. No person shall be eligible as a Director of the Company unless he is the owner and holder of at least ten shares in the capital stock of the Company, and qualified to vote for Directors at the election at which he is chosen.

Borrowing powers.

16 The powers of borrowing money and issuing securities therefor provided in sub-section (11) of section 9 of the "British Columbia Railway Act" may be exercised from time to time by the Directors of the Company : Provided, however, that the said powers shall not at any time be so exercised, except under the authority of the shareholders given to the Directors by resolution at a general or special meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present, or represented by proxy.

Bonds to be sealed and signed.

17. Any bonds or other securities for moneys issued in pursuance of the foregoing section shall be under the seal of the Company, and shall be signed by the President or other presiding officer, and shall be countersigned by the Secretary or Treasurer of the Company.

Calls.

18. No calls shall be made at any one time for more than twenty per cent. of the amount subscribed by any one shareholder, nor shall a greater amount than fifty per cent. of the amount subscribed be called in any one year.

Application of 1890, c. 39.

19. The provisions of the "British Columbia Railway Act," except in so far as they are inconsistent with or repugnant to the express provisions hereof, shall be incorporated with this Act.

Short title.

20. This Act may be cited as the "Bedlington and West Kootenay Railway Company Act, 1893."

THE SCHEDULE.

(a.) The Bedlington-Balfour Section shall consist of that portion of the line extending from a point at or near the Town of Bedlington ; thence following the west shore of Kootenay River and Kootenay Lake in a northerly direction to the Town of Balfour.

(b.) The Lake Section shall consist of that portion of the line extending from Balfour along the west shore of Kootenay Lake to its northerly extremity.

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