



## CHAP. 47.

An Act to incorporate the Harrison Hot Springs Tramway  
Company, Limited.

[28th April, 1888.]

**W**HEREAS John R. Brown, Joseph C. Armstrong, and Louis A. Preamble.

Agassiz, all of the District of New Westminster, in the Province of British Columbia, have by their petition prayed for an Act of incorporation under the name of "The Harrison Hot Springs Tramway Company, Limited," for the purpose of constructing and operating a single or double street tramway in New Westminster District, between the Harrison Hot Springs and the Fraser River :

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 John R. Brown, Joseph C. Armstrong, and Louis A. Incorporation.  
Agassiz, 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 Harrison Hot Springs Tramway Company, Limited."

2. The capital of the said Company shall be fifteen thousand dollars, Capital stock,  
in shares of fifty dollars each ; but the capital may be increased by the \$15,000.  
shareholders as hereinafter provided.

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

4. The said John R. Brown, Joseph C. Armstrong, and Louis A. Provisional Directors.  
Agassiz, shall be the Provisional Directors of the said Company, to obtain subscriptions for stock and organize said Company, and shall hold office until the election of Directors, as hereinafter provided for.

Election of Directors.

5. So soon as three thousand dollars of the capital 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.

Number of Directors, and mode of election.

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 ten shares; such election, and every question to be decided at such election, shall be decided by a plurality of votes of the stockholders present in person, or represented by written proxy, each share to have one vote. 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.

Failure to elect Directors on day appointed not to dissolve Company.

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 stockholders 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.

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 stock, property and effects, and of its affairs and business, the entering into arrangements and contracts with any person or persons, 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 tramway, or any part thereof, and the remuneration for the carriage of any goods, chattels or effects over the said tramway, and in general to do all things that may be necessary to carry out the objects and exercise any powers incident to the Company; provided always, that the fares to be taken by the Company on the said tramway shall not exceed for each passenger ten cents per mile.



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9. The Directors of the Company may, from time to time, increase the capital of the said Company for such amount or amounts as occasion may require; and also raise or borrow for the purposes of the Company any sum or sums not exceeding in the whole at any time the actual amount of capital stock bona fide subscribed and paid up, by the issue of bonds or debentures in sums of not less than one hundred dollars each, and on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and incomes of the said Company, or any part thereof, for the repayment of the moneys so borrowed and the interest thereon; and the said bonds when issued shall be a first charge on the tramway and the rolling stock and chattels belonging to the Company: Provided always, that the consent of three-fourths in value of the stockholders of the Company present, or represented by proxy, shall be first had and obtained at a special meeting to be called and held for either or both of the purposes aforesaid.

Power to increase capital stock.

10. So soon as the stock to the amount aforesaid shall have been subscribed, and the said Board shall have been elected in manner aforesaid, the Company may commence operations and exercise the powers hereby granted, but the Company shall commence within one year from the 1st May, 1888.

Operations to be commenced within one year.

11. The Company are hereby authorized and empowered to construct, maintain, complete, and operate a single or double iron tramway, with the necessary side-tracks and turn-outs, for the passage of cars, teams, carriages, and other vehicles adapted to same, upon and along such lands and highways lying between the Harrison Hot Springs and Agassiz Station, on the line of the Canadian Pacific Railway, and between the latter point and the Fraser River, subject, in so far as the same passes over or along any highways between the said points, to the supervision of the Chief Commissioner of Lands and Works for the time being of the said Province, who shall fix the location of the tramway over the said highways between the said points, and direct the paving, macadamizing, repairing and grading of such highways, and the construction, opening up, and repairing of ditches or drains along or across the said highways; and to take, transport, and carry passengers and freight upon the same, by the force or power of animals or such other motive power as the said Company may deem expedient, but reserving to the said Commissioner of Lands and Works to authorize what power may be used between the said points, or along any part of the said line, and the Company shall maintain and construct all necessary works, buildings, appliances, and conveniences connected therewith.

Power to construct tramway between Harrisons Hot Springs and Fraser River.

12. It shall be lawful for the Company, their servants, agents, and workmen from time to time, and at all times hereafter, as they shall see fit, and they are hereby authorized and empowered to enter into

Power to enter upon lands.

and upon the land of any person or persons, bodies politic or corporate, lying between the Harrison Hot Springs and Agassiz Station, and between Agassiz Station and the Fraser River, and to survey, set out, and ascertain such parts thereof as they may require for the said works, and to contract with the owners and occupiers of the lands lying between the said points, and those having any interest in same, for the purchase of the same, or of any part thereof, or of any privilege that may be required for the purposes of this Act, and for the right to take timber, stone, gravel, sand and other materials from the aforesaid land or any lands adjacent thereto for the use and construction of the said works; and in case of disagreement between the Company and the owners and occupiers of the said lands respecting the amount of the purchase money or value thereof, or as to the damages any appropriation shall cause to them, through the construction of the said tramway, the same shall be decided by three arbitrators to be appointed

Appointment of arbitrators.

as hereinafter mentioned, namely: The Company shall appoint one, the owner or owners shall appoint another, and the two such arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of two such arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. In case any such owner or occupant shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made to him for that purpose by the Company, to nominate and appoint three indifferent persons as arbitrators.

Award of arbitrators.

The arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge, and order the respective sums of money which the Company shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final

Meeting of arbitrators.

And the said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said Harrison Hot Springs, to be appointed by the Company, after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace: Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded and

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costs shall be paid within one month from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume occupation of his property, and all his rights shall thereupon revive, and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

The lands which shall be ascertained, set out or appropriated by the Company for the purposes thereof as aforesaid, shall thereupon, and so long as they comply with the provisions of this Act, be vested in the Company; and it shall be lawful for the Company to construct, erect, and maintain in and upon said lands such works as may be requisite for the undertaking.

Lands appropriated  
vested in Company.

**13.** The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply, but the following sections of the "Land Clauses Consolidation Act, 1845," Imperial statute, shall be read with and as part of the Act, so far as the same may be applicable, and except in so far as such sections, or any of them, may be varied or modified by the provisions of this Act, or are repugnant thereto: Sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, and 79; but in section 69, in lieu of the word "Bank" and the next following words, there shall be read the "Treasury of British Columbia, to the account of the District Registrar of the Supreme Court of British Columbia;" and in section 70 and said subsequent sections, in lieu of the words "Court of Chancery in England" there shall be read the "Supreme Court of British Columbia;" and in sections 71, 73, and 76, in lieu of the word "Bank" there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia."

Certain sections of  
"Land Clauses Con-  
solidation Act,  
1845," to apply.

**14.** The works to be constructed as aforesaid, and the lands, buildings, and all the other property belonging to the Company shall be exempt from taxation for three years from the passing of this Act.

Works, &c., exempt  
from taxation for  
three years.

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

Transfer of stock.

**16.** The Company may purchase, lease, hold, or acquire, and transfer any real or personal estate necessary for carrying on the operations of the Company under this Act.

Power to purchase,  
lease, &c., real or  
personal estate.

**17.** The fare shall be due and payable by every passenger on entering the car or other conveyance, and any persons refusing to pay the fare when demanded by the conductor or driver, and refusing to quit

Collection of fare,  
&c.

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the car or other conveyance, shall be liable to a fine of not more than twenty dollars, besides costs, recoverable before any two Justices of the Peace, or any Police Magistrate or Stipendiary Magistrate in the said Province.

Short title.

**18.** This Act may be cited as the “Harrison Hot Springs Tramway Company (Limited) Act, 1888.”

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