



## CHAPTER 47.

### An Act to Incorporate the Bedlington and Nelson Railway Company.

[8th May, 1897.]

**W**HEREAS a petition has been presented praying for the passage Preamble  
of an Act to incorporate a company to construct and operate a railway from a point near Bedlington, in the Province of British Columbia, to a point at or near the town of Nelson, and branch lines in connection therewith as hereinafter specified, with all necessary and proper powers, rights, and privileges incidental thereto :

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.** Alfred St. George Hamersley, Robert Garnet Tatlow, and Joseph Incorporation.  
Walter McFarland, together with such other persons and corporations as shall hereafter, in pursuance of this Act, become shareholders of the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of the “Bedlington and Nelson Railway Company” (hereinafter called “the Company,” which expression shall be deemed to include and comprehend the successors and assigns of the said Company).

**2.** The capital stock of the Company shall be one million dollars, Capital stock, &c.  
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, but the capital stock may be increased from time to time by a vote of a majority of the shareholders representing two-thirds in value of the subscribed capital of the Company present or represented by proxy at any meeting specially called for that purpose.

Shares, how transferable.

**3.** The shares of the Company shall be transferable in such manner and upon such conditions and subject to such restrictions as the by-laws of the Company may provide, and if no such by-laws or regulations are provided, then in manner prescribed by the "British Columbia Railway Act," and such shares may be granted and issued as paid-up shares for value received, or services rendered to the Company by engineers, contractors and other persons or corporations who have been or are engaged in promoting the undertaking, or for any other purposes in connection with the interests of the Company, and such shares shall be fully paid-up and unassessable thereafter for any purpose.

Payment of services by.

Head office.

**4.** The head office of the Company shall be at the City of Vancouver, or at such other place in the Province of British Columbia as the Company may from time to time appoint.

Election of Directors.

**5.** So soon as two hundred and fifty thousand dollars of the capital stock shall have been subscribed and allotted, 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 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.

Notices of meetings of the shareholders.

**6.** At least thirty days' public notice of any meeting of the shareholders of the Company shall be given by advertisement published in the British Columbia Gazette, and at least in one newspaper published in the place where the head office is situate, and by notice in writing to each shareholder, delivered to him personally or 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.

Provisional Directors, their appointment, duties, powers, &c.

**7.** The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the Company, 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 to allot the stock and to receive payments on account of stock subscribed, 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, may, in their discretion, exclude anyone 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; and if at any time a portion or more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion 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.

**8.** 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 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.

First annual general meeting.

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

To make by-laws.

**10.** The Company may purchase, hold, receive, or acquire land or other property, and also alienate, sell or dispose of the same.

May hold and sell land.

**11.** The Company shall be entitled to borrow money on mortgage and bonds, or either.

May borrow on mortgage or bonds.

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

Powers in addition to Railway Act.

(a.) To construct and operate telegraph and telephone lines for the purposes of its undertaking, and the Company may construct or acquire by purchase, lease or otherwise, any other line or lines of telegraph connecting with the line so to be constructed along the line of the said railway :

Telegraph and telephone lines.

Wharves, houses,  
buildings, &c.

(b.) To construct wharves, docks, elevators, dockyards, slips, and piers, warehouses, station houses, offices, and such other buildings as may be found requisite in carrying on the business of the Company :

Steam and other  
vessels.

(c.) To build, acquire, own, charter, equip and maintain steam or other vessels for the purpose of carrying cars, freight and passengers, or for such other purposes as the Company shall determine.

Legislation requir-  
ing carrying of wires  
underground no in-  
fringement of privi-  
leges.

**13.** No Act of this Legislature requiring the Company in case efficient means are devised for carrying telegraph, telephone, or electric wires under ground, to adopt such means, and abrogating the rights given by this Act to continue carrying lines on poles shall be deemed an infringement on the privileges granted by this Act.

Directors, qualifica-  
tion of.

**14.** No person shall be eligible as a director of the Company unless he is the owner and holder of at least twenty-five shares in the capital stock of the Company and qualified to vote for directors at the election at which he is chosen ; but no director shall be disqualified from being elected or holding office by reason of his being connected directly or indirectly with any other company, or on account of his receiving any pay or remuneration for attending to the affairs of the Company in any capacity.

Issue of bonds of  
\$30,000 per mile.

**15.** The directors of the Company by authority of the shareholders to them given by resolution 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, may issue bonds under the seal of the Company for any sum not exceeding thirty thousand dollars per mile of railway, signed by the President or other presiding officer, and countersigned by the Secretary or Treasurer, and such bonds may be payable at such time and in such manner and at such place or places in Canada or elsewhere, and shall bear such rate of interest, not exceeding eight per cent. per annum, as the directors may think proper ; and the directors shall have power to issue and sell all or any part of the said bonds at the best price and upon the best terms and conditions which at any time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking.

Pledging of stock,  
debentures, &c.

**16.** 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.

Calls, &c.

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

**18.** The Company may lay out, construct, equip, maintain, and operate a line of railway of standard or narrow gauge as the Company may determine, from a point at or near the International Boundary Line between this Province and the United States of America, at or near the Town of Bedlington, thence by the most feasible and available engineering route to a point at or near the Town of Nelson, with power to construct, maintain and operate branch lines, not exceeding twenty miles in a direct line from the main line, at any point or points along the said main line to all mines lying in the vicinity thereof, and the said line of railway with the branches that may hereafter be acquired or constructed shall constitute the line of railway herein called the "Bedlington and Nelson Railway."

Power to build line of railway, &c.

**19.** The Company may undertake to transmit, for profit, any messages for the public by any of its line or lines of telegraph or telephone, or any part thereof.

Sending of telegrams, &c.

**20.** 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, all stone, timber, or gravel, and other material which may be necessary or useful for the construction of the railway, and also where necessary to fill in upon any public lands.

Taking of gravel, &c., from Crown lands.

**21.** The Company may make traffic or other arrangements with any other railroad, steamboat or navigation company or companies whose line of railway or undertaking communicates with or is contiguous to that of the Company and which may be of mutual benefit to each other, and may enter into an agreement with such other company or companies for conveying or leasing to such company the line of railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired hereunder, and any assets of the Company, or for amalgamating with such company upon such terms and conditions as may be agreed upon.

Traffic and other arrangements with other companies.

**22.** The Company shall commence the construction of the main line of said railway within two years from the date hereof, and complete the same within five years from the date hereof; but failure to complete any portion of the said railway within the time limited in this section shall not prejudice the rights and privileges of the Company in respect of so much of the said railway as is constructed within the time hereinbefore limited.

Time for commencement and completion of construction.

**23.** The Company shall, within six months from the passage of this Act, deposit with the Provincial Government of British Columbia a bond for the sum of three thousand dollars, not as a penalty, but as liquidated and ascertained damages due to Her Majesty, in right of the Province of British Columbia, in case of default conditional that

Security for commencement of construction.

actual construction shall be commenced and prosecuted on the line of railway hereby authorised within the time specified.

Collection of charges, &c. **24.** 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.

Application of B. C. Railway Act. **25.** The clauses or sections of the “British Columbia Railway Act” shall, in so far as the Legislature of the Province has power to enact the same, apply to this Company in the same manner and to the same extent as if the same had been set forth clause by clause in this Act, save and except that in case of any conflict, inconsistency or repugnancy between the clauses of this Act and the clauses or sections of the said Railway Act so made a part of this Act, the clauses of this Act shall prevail and override any clauses or sections of the Railway Act so incorporated herewith, to the extent of any such conflict, inconsistency or repugnancy.

Short title. **26.** This Act may be cited as the “Bedlington and Nelson Railway Act, 1897.”

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