



CHAPTER 79.

An Act to Incorporate the Kootenay Central Railway Company..

[May 11th, 1901.]

WHEREAS a petition has been presented, praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to grant
the prayer of the said petition :

Therefore, His Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia, enacts as
follows :—

1. Robert L. T. Galbraith, Gentleman, of Fort Steele; James
Albert Harvey, of Fort Steele, Barrister; Hugh Watt, of Fort Steele,
Physician; Judson B. Langley, of Fort Steele, Miner; William
Roderick Ross, of Fort Steele, Barrister; and James Horace King, of
Cranbrook, Physician, together with such persons as become share-
holders in the company hereby incorporated, are hereby constituted a
body corporate under the name of "The Kootenay Central Railway Corporate name.
Company," hereinafter called "the Company."

2. The head office of the Company shall be in the Town of Fort Head office.
Steele, in the Province of British Columbia, 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.

3. The Company may lay out, construct, and operate a railway of Line of railway
the gauge of four feet eight and one-half inches— described.

FIRST.—From Fort Steele to Elko, or some other convenient point
on the Crow's Nest Railway between Elko and Wardner;
thence on either the east or west side of Wigwam River, or by
the most convenient route, to the International Boundary Line:

SECOND.—From Fort Steele to Windermere by either the east or west side of the Kootenay River; thence to the Town of Golden, on the main line of the Canadian Pacific Railway.

Capital stock.

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.

First general meeting.

5. So soon as one hundred thousand dollars of the capital stock shall have been subscribed and allotted, and ten per cent. of the amount shall have been paid into 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.

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 thirty days' notice in one newspaper published in the place where the head office is situate, and 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.

Provisional Directors.

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.

Annual general meetings.

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 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.

9. The Company may issue bonds, debentures, or other securities to the extent of twenty 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 :

Bonding powers.

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.

10. 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.

11. 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.

12. 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.

Stone, timber, etc., required for construction.

13. 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.

Collection of charges on goods.

14. 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.

"B. C. Railway Act" to apply.

15. The Company shall, within six months after the coming into effect of this Act, deposit with the Minister of Finance and Agriculture the sum of five thousand dollars, either in cash or securities

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

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 first 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.

16. 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.

Power to construct and operate branch lines.

17. The Company may lay out, construct, and operate branch lines from any point or points on the said line of railway not exceeding twenty miles in a direct line from the main line of railway.

Additional powers.

18 The Company may, in connection with its railway and for the purpose of its business,—

- (a.) Purchase, build, charter, or otherwise acquire, equip, maintain, sell, or dispose of, and navigate and work steamers and other vessels in and upon the waters of British Columbia:
- (b.) Build, equip, operate, and maintain telegraph and telephone lines in connection with said railway and branches, and generate electricity for the supply of heat, light, and power, and for all and every other purpose mentioned in sections 80, 81, 82, and 83 of the Water Clauses Consolidation Act of 1897 of the Province of British Columbia, and to do everything necessary and incidental to the carrying out of all or any of the objects referred to in said sections:
- (c.) Undertake to transmit messages for the public by its line of telegraph or telephone, and collect tolls for so doing.

Company may acquire or lease franchises of other companies.

19. The Company may enter into any agreement or agreements for conveying or leasing to any other railway, steamship, transportation, telegraph or telephone company, in whole or in part, the lines of railway or branches, telegraph or telephone lines, which the Company by this Act is empowered to construct and operate, or for an amalgamation with any other such company if lawfully empowered to enter into such agreement, or for forming any traffic or other arrangements with any railway or steamboat or transportation company, the whole upon such terms and conditions as may be agreed upon by the contracting parties: Provided that each such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of

the shareholders, duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and provided also that each such agreement shall be assented to by the Lieutenant-Governor in Council:

- (1.) Such assent shall not be signified until after notice of the proposed application therefor has been published for thirty days in the Provincial Gazette and also in one newspaper circulating in the district in which the railway of the Company runs:
- (2.) A duplicate of each agreement referred to in this section shall, within thirty days after its execution, be filed in the office of the Provincial Secretary, and notice thereof shall be given by the Company in the Provincial Gazette, and the production of the Provincial Gazette containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

20. No aliens shall be employed on the railway during construction, unless it is demonstrated to the satisfaction of the Lieutenant-Governor in Council that the work cannot be proceeded with without the employment of such aliens. As to employment of aliens.

21. 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,— When Act takes effect.

- (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.

22. This Act may be cited as the “Kootenay Central Railway Short title. Company Act, 1901.”