



CHAPTER 88.

An Act to Incorporate the "South Kootenay Railway Company."

[27th February, 1899.]

WHEREAS 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 at or near Fort Steele, in the Province of British Columbia, to a point near where the Kootenay River crosses the International Boundary line, 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 British Columbia, enacts as follows:—

1. Alfred St. George Hamersley, John W. Pugh, William Crickmay, Incorporation.
Harold B. Robertson, and Arthur B. Cotton, 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 "South Kootenay Railway Company" (hereinafter called the "Company," which expression shall be deemed to include and comprehend the successors and assigns of the said Company, where the context so requires or admits).

2. The capital stock of the Company shall be one million dollars, Capital stock.
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.

Head office.

3. 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.

First general meeting.

4. So soon as 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 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 5 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 elect five Directors, who shall hold office until others are elected.

Notice of first general meeting.

5. 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, 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.

6. 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, and to make calls upon subscribers in respect to 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 gifts 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 among 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 anyone or more of the said subscribers.

7. 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.

8. 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." By-laws of Company.

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

10. The Company shall be entitled to borrow money on mortgage and bond, or either. Borrowing powers.

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

- (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 lines or line of telegraph connecting with the lines so to be constructed along the line of the said railway. No Act of this Legislature requiring the Company in case efficient means are devised for carrying telegraph or telephone wires underground, to adopt such means, and abrogating the right given by this Act to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act:
- (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.

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

Bonds.

12. The Directors of the Company, by authority of a majority in value of the shareholders to them given by resolution at any general or special meeting for that purpose among others called, may issue bonds under the seal of the Company for any sum not exceeding twenty 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 the time they are able to obtain for the purpose of raising money for prosecuting the said undertaking.

Pledging stock.

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.

Construction, route, etc.

14. 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 Fort Steele, thence by the most feasible and available engineering route to a point at or near where the Kootenay River crosses the International Boundary Line, with power to construct, maintain and operate branch lines at any point or points along the said main line or branch lines to all mines lying in the vicinity thereof, and also to construct, maintain and operate extensions of the said line within the Province of British Columbia, and the said line of railway, with the branches and extensions that may hereafter be acquired or constructed, shall constitute the line of railway herein called the "South Kootenay Railway."

Telegraph and telephone.

15. 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 portion thereof.

Stone, timber, etc., required for construction.

16. 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.

17. The Company may make traffic or other arrangements with any other railroad, steanboat 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 arrange-
ments.

18. The Company shall complete the said railway within three 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.

Completion.

19. The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and upon 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.

Charges.

20. 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.

21. The Company shall be bound to carry over its line of railway, without charge, all persons whose transportation would otherwise be a charge against the Government of the Province, and also all members of the Legislature.

Transportation of
Government
employees.

22. No Chinese or Japanese persons shall be employed in the construction of the undertaking or the working of the railway.

Chinese or Japanese
not to be employed.

23. The preceding two sections are hereby declared to be conditions upon which this Act is passed, and shall be binding upon bondholders and all other persons in any way interested in the said Company or its property. In case either of said preceding two sections are violated, such violation shall work a forfeiture of all powers and privileges granted by this Act, but no such forfeiture shall operate except upon proceedings instituted in the Supreme Court of British Columbia by the Attorney-General.

Effect of preceding
two sections.

24. In case at any time the said railway is declared by the Parliament of Canada to be a work for the general advantage of

Effect of declaration
that work for general
advantage of Canada.

Canada, then all powers and privileges granted by this Act or by the "British Columbia Railway Act" shall thereupon cease and determine.

Deposit to secure expenditure of \$10,000 before 1st August, 1900.

25. 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 first day of August, nineteen hundred, 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.

Short title.

26. This Act may be cited as the "South Kootenay Railway Act, 1899."

VICTORIA, B. C. :

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