



CHAPTER 57.

An Act to Incorporate the “Delta, New Westminster and Eastern Railway Company.”

[11th April, 1894.]

WHEREAS it is in the interest of the public that a railway should Preamble.
be constructed and maintained from some point on the Gulf of Georgia, Delta Municipality, in the Province of British Columbia, to the City of New Westminster, with a branch line from some point in Delta Municipality through the Municipalities of Surrey, Langley and Matsqui, in the said Province, to a point at or near Abbotsford, in the said Province; and

Whereas, Charles George Major, of the City of New Westminster, in the Province of British Columbia, Robert Taylor Williams, of the City of Victoria, and John Andrew Paterson, of Delta, have presented a petition praying for their incorporation as a Company for the purpose of constructing a line of railway from some point on the Gulf of Georgia, Delta Municipality, thence by the most feasible route to the City of New Westminster, with power to construct a branch line extending from some point in Delta Municipality in an easterly direction through the Municipalities of Surrey, Langley and Matsqui, to a point at or near Abbotsford, British Columbia, with all the necessary and proper powers, rights and privileges; 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. Charles George Major, Robert Taylor Williams, and John Andrew Incorporation.
Paterson, and such other persons and corporations as shall in pursuance

of this Act become shareholders, are hereby constituted a body politic and corporate by the name of "The Delta, New Westminster, and Eastern Railway Company," hereinafter called "the Company."

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.

First meeting shareholders.

3. So soon as three hundred thousand dollars of capital stock shall have been subscribed and allotted, and five 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 4 of this Act, at which meeting the shareholders who have paid five 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.

Election of Directors.

Publication of notice of meetings.

4. At least two weeks' public notice of any meeting shall be given by advertisement, published in the British Columbia 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 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.

Quorum.

Powers.

5. The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the Company, of whom two 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 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 powers as under the "British Columbia Railway Act" are vested in ordinary directors. The said Directors, or a majority of them, or the Board of 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

Directors' powers to rescind subscriptions.

portion or more than the whole stock shall have been subscribed, the said Provisional Directors or Board of Directors shall allocate and Allocate stock. 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 if, in their judgment, such exclusion will best secure the carrying out of the undertaking.

6. The head office of the Company shall be in the City of Victoria, Head office. or at such other place in the Province as the Company may from time to time appoint, by notice published in the British Columbia Gazette.

7. The annual general meeting of shareholders shall be held on the second Wednesday of October in each year, at which meeting a Board Annual general meetings, when held. of five Directors (of whom three shall be a quorum for the transaction of business) for the management of the Company's affairs shall be elected.

8. It shall be lawful for the Company, from time to time, to make By-laws. such by-laws as they may think fit for the purpose 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 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 Hold land. property, and also alienate, sell or dispose of the same.

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

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

- (a.) To construct and operate telegraph and telephone lines for the Construct telegraph and telephone lines. 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 :
- (b.) To construct, maintain, and operate wharves, docks, elevators, Construct wharves, warehouses, stations, etc. bridges, 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 shall determine.

Construction and
route of railway.

12. The Company may lay out, construct, build, equip, maintain, and continuously work a line of railway, of the gauge of four feet eight and one-half inches, from some point on the Gulf of Georgia, Delta Municipality, thence by the most feasible route to the City of New Westminster, with power to construct a branch line extending from some point in Delta Municipality in an easterly direction through the Municipalities of Surrey, Langley, and Matsqui to a point at or near Abbotsford, British Columbia; and such railway shall be known as "The Delta, New Westminster, and Eastern Railway."

Delta and Eastern
Sections.

13. (a.) The Company may, for the purposes of construction, divide the undertaking into two sections or divisions, as shewn in the Schedule hereto, and such sections shall be respectively known as the Delta and Eastern Sections. The Company shall complete and equip the Delta Section on or before the 1st day of January, 1897, and the Eastern Section on or before the 1st day of July, 1898, nevertheless failure to complete either of the said sections within the time 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 or sections 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 any section or sections as to which the period so limited for the completion thereof shall not have determined.

Application of s. 10
of the Railway Act.

(b.) For the purposes of the foregoing work of construction, the provisions of section 10 of the "Railway Act" when applied to the undertaking hereby authorized shall be read and construed distributively.

Qualification for
Director.

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

Bonds.

15. The Directors of the Company, under authority of the shareholders to them given by a 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, may issue bonds under the seal of the Company, 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 or pledge 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.

16. The Company may, from time to time, for advances of money, *Pledging stock, etc.* pledge any stock, debentures, or bonds which under the powers of this Act can be issued, for the construction of the railway hereby authorized, or other purposes of the Company.

17. No calls shall be made at any one time for more than twenty *Limits amount of calls.* 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 in any one year.

18. The Company shall have power to collect and receive all charges *Collection of charges.* subject to which goods or commodities may come into their possession, and on payment by the Company 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 persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

19. The clauses of the "British Columbia Railway Act," with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "arbitration," "mines," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "Municipalities taking stock," "by-laws, notices, etc.," "working of the railway," "actions for indemnity, and fines and penalties and their prosecution," except in so far as they are inconsistent with or repugnant to the express provisions hereof, shall be incorporated with this Act. *Application of certain clauses of the B. C. Railway Act.*

20. The Company is authorized and empowered to make necessary *Amalgamation powers with other companies.* arrangements to contract and agree with any other railway company, if lawfully authorized to enter into such arrangements, for amalgamation, provided that the terms of such amalgamation are approved of by the holders of two-thirds of the shares issued, voting either in person or represented by proxy, at a special meeting to be held for that purpose.

21. The Company shall have power to enter into and conclude any *Leasing railway.* agreement with any other railway company, if lawfully authorized to enter into any such agreement, for leasing to them the railway herein authorized, or any part thereof, or for the working of the said railway, or for running powers over the same, or for leasing and acquiring running powers over lines of other railway companies, or for leasing, or for hiring any rolling stock or other property for any services to be rendered by one company to the other; provided, that such agreement shall be approved of by the holders of two-thirds of the shares issued at a special meeting called for that purpose.

May receive Govern-
ment or other aid.

22. The Company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms or conditions as may be agreed upon.

Municipalities may
make by-laws for
railway to run on
highways, etc.

23. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the Company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be in the possession or under the control of any joint stock company, then also with the assent of such Company; and it shall and may be lawful for the Company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Short title

24. This Act may be cited as the “Delta, New Westminster and Eastern Railway Company Act, 1894.”

THE SCHEDULE.

(a.) The Delta Section shall consist of all that portion of the undertaking lying to the west of the New Westminster Southern Railway.

(b.) The Eastern Section shall consist of all that portion of the undertaking lying to the east of the New Westminster Southern Railway.

VICTORIA, B. C. :

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