



CHAPTER 64.

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

[*May 20th, 1898*]

WHEREAS a petition has been presented praying for the passage of Preamble.
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 the Province of British Columbia, enacts as follows :—

1. Robert T. Williams, of the City of Victoria, British Columbia, Incorporation. 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-East Kootenay 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. 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 the vote of a majority in value 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.

3. The shares in 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.

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 fifty thousand dollars of the capital stock shall have been subscribed 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 in section six 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 who shall hold office until others are elected.

First meeting, notice of.

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 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.

7. The person named in the first section of this Act, together with others nominated by him not exceeding two in number, shall be and are hereby constituted Provisional Directors of the Company, of whom a majority 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 it 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.

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. First and other annual general meetings.

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." By-laws.

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

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

12. 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 purposes of its undertaking, and the Company may construct Telegraph and telephone lines.

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

Wharves, etc.

(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 may determine.

Directors, qualification for.

13. 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.

Bonds.

14. The Directors of the Company, by authority of a majority vote of all the issued capital stock of the Company 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 twenty-five 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 of the stock.

15. 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.

16. No calls shall be made at any one time for more than twenty Calls. 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.

17. The Company may lay out, construct, equip, maintain and operate a line of railway of standard gauge, from a point at or near Fort Steele; thence by the most feasible and available engineering route to a point distant at least five miles in a direct line from the International Boundary Line, with power to construct, equip, maintain and operate branch lines not exceeding twenty miles in length at any point or points along the said main line or branch lines 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 "South-East Kootenay Railway"; provided, however, that none of the rights or powers herein conferred shall be exercised within a distance of five miles from the International Boundary Line. Route of railway.

18. 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. Charge for transmission of messages.

19. 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 to fill in upon any public lands. Taking of stone, gravel, etc.

20. 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.

21. The Company shall commence construction of the main line of the said railway within two years from the date hereof, and complete the same 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 time hereinbefore limited. Commencement and completion of line.

Collection of charges,
tolls, etc.

22. 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.

“B. C. Railway
Act.”

23. 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 in the 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 such conflict, inconsistency or repugnancy.

Chinese and Japa-
nese.

24. No Chinese or Japanese person shall be employed in the construction of the undertaking hereby authorised, under a penalty of five dollars per day for each and every Chinese or Japanese person employed in contravention of this section, to be recovered on complaint of any person, under the provisions of the “Summary Convictions Act.”

Security.

25. The Company shall, within six months after the passage of this Act, deposit with the Provincial Government the sum of five thousand dollars, either in cash or approved bonds, 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 31st August, 1899, and in default of such expenditure the aforesaid sum of five thousand dollars shall be forfeited to and become the property of the Government, as liquidated and ascertained damages, and not as a penalty; and should such security not be deposited with the Government within the aforesaid time, 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-East Kootenay Railway Act, 1898.”

VICTORIA, B.:C.

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