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No. 35.

5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

An Act to incorporate the Comox and
Cape Scott Railway Company.

First reading, February 19, 1900.

(PRIVATE BILL.)

MR. MORRISON.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1900

An Act to incorporate the Comox and Cape Scott
Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.

1. James Dunsmuir, Robert Milne Jeffrey, James Albert Lindsay, Leonard Hollis Solly and Henry Kendell Prior, all of the city of Victoria, in the Province of British Columbia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Comox and Cape Scott Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

3. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

4. The capital stock of the Company shall be ten million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Capital stock.

5. The head office of the Company shall be in the city of Victoria, in the Province of British Columbia, or in such other place in Canada as the directors from time to time may determine by by-law.

Head office.

6. The annual meeting of the shareholders shall be held on the first Wednesday in September in each year.

Annual meeting.

7. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors.

Election of directors.

8. The Company may lay out, construct, and operate a railway of the gauge of four feet eight and one-half inches from a point in Comox district, Vancouver Island, situate on or near the 50th parallel of latitude on or near to the east coast of Vancouver Island, thence northerly through Sayward

Line of railway described.

and Rupert districts to Cape Scott, Vancouver Island, or to some other point at or near to the north end of Vancouver Island.

Powers of Company.	9. The Company may, for the purposes of its business, and in connection with its railway and branches,—	5
Vessels.	(a) build, equip, own and maintain, steam and other vessels and boats, and operate the same between ports in and out of Canada and on the lakes and navigable rivers in Comox, Rupert and Sayward districts, and carry and convey passengers and freight and charge and collect tolls therefor, and carry on a general transportation and express business, and may dispose of such vessels;	10
Transportation.	(b) construct, acquire and maintain wharves, docks, elevators, warehouses and coal bunkers on the line of the said railway and branches and in connection with the operations of the Company, and may collect wharfage, storage and other charges for the use thereof;	15
Docks, warehouses, etc.	(c) acquire, provide and utilize water and steam power for the purpose of generating electricity, and may also sell or otherwise dispose of surplus electricity not required for its undertaking;	20
Electricity.	(d) subject to such regulations as are imposed by the Governor in Council, acquire and dispose of lands and construct, acquire and dispose of buildings and other erections and plant for the purpose of supplying water for the use of its works, railways and branches;	25
Lands, buildings, etc.	(e) enter into contracts with railway and transportation companies, and with owners, charterers or freighters of any ship or vessel, for the transport or forwarding of passengers or freight passing or intended to pass over any part of the Company's railways, whether such traffic originates on the Company's railways or not, or is destined for any station on the Company's railways or not, and such contracts may include provisions for charging through rates for such traffic;	30
Transportation agreements.	(f) acquire, by lease, purchase, or otherwise, any rights in letters patent, franchise or patent rights, for the purposes of the works hereby authorized, and dispose of such rights.	35
Patent rights.	10. If the Company requires land for wharves, docks, warehouses, elevators or bunkers, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of <i>The Railway Act</i> shall apply to the subject matter of this section and to the obtaining of such land and determining the compensation therefor.	40
Expropriation of lands.	11. 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.	45
1888, c. 29.	12. The Company may issue the bonds, debentures or other securities authorized to be issued by this Act separately with respect to any specified section of its railway, or branch or	50
Bond issue limited.		
How to be issued.		

- extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon and be limited to the particular section, branch, or extension, in respect of which the same are thus respectively issued, and upon the rents and revenues thereof, and upon all the property of the Company appertaining or belonging to such section, branch, or extension.
- 10 **13.** In addition to the powers conferred by section 39 of *The Railway Act*, the directors of the Company elected by the shareholders may make and issue as paid-up stock shares in the Company whether subscribed for or not, and may allot and hand over such stock in payment for property of any kind acquired by the Company, and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls. Issue of paid up stock.
- 20 **14.** The Company may from time to time receive by grant from any government or person as aid in the construction of the railways, vessels and works provided for in this Act, any real or personal property or sum of money, debentures, or subsidies, either as gifts by way of bonus, or guarantees, or in payment or as subventions for services, and may dispose of the same, and may alienate such property as is not required for the undertaking of the Company. Aid to Company.
- 30 **15.** The Company may enter into an agreement with the Canadian Pacific Railway Company or the Esquimalt and Nanaimo Railway Company, for conveying or leasing to such Company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery, and other property to it belonging, or for amalgamation with either such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it; at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy; and that such an agreement has also received the sanction of the Governor in Council. Agreement with another company.
- 40 **2.** Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published. Approval of shareholders and Governor in Council.
- 45 **3.** A duplicate of the agreement referred to in subsection 1 of this section, shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada; and notice thereof shall be given by the Company in the *Canada Gazette*; and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. Notice of application for sanction.
- 50 Agreement to be filed with Secretary of State.