

No. 26.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

**An Act to incorporate the Kettle River
Valley Railway Company.**

First reading, February 18th, 1898.

(PRIVATE BILL.)

MR. BOSTOCK.

OTTAWA

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An Act to incorporate the Kettle River Valley Railway Company.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a line of railway 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. Charles Thomas Dupont, Daniel Chase Corbin and Austin Corbin, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Kettle River Valley 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 head office of the Company shall be in the city of Victoria or such other place in the province of British Columbia as the Company, from time to time, by by-law determines.

Head office.

4. The Company may lay out, construct and operate a railway of a gauge of [not less than three feet, and of not more than] four feet eight and one-half inches, from a point on the international boundary line at or near Cascade City, in the Cariboo-Kootenay district, in the province of British Columbia, thence running in a westerly and southerly direction, following the course of the Kettle River, to a point on the said international boundary line at or near Carson City, in the said district, and also a line of railway from Midway, on the said international boundary line, in the said district, in the said province, thence running northerly, following the course of Boundary Creek, to a point distant not more than twenty miles from said Midway.

Line of railway described.

5. The Company may also form a connection at the international boundary line at said points, namely, at or near Cascade City, and at or near Carson City and Midway, with the Spokane Falls and Northern Railway Company, a corporation organized under the laws of the state of Washington, and generally with the railway system of the United States.

Connection with another company.

6. The capital stock of the Company shall be two million five hundred thousand dollars, and may be called up by the directors, from time to time, as they deem necessary, but no

Capital stock and calls thereon.

one call shall exceed twenty per cent on the shares subscribed, nor shall a greater amount than fifty per cent of the amount subscribed be called up in any one year.

Annual meeting.

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

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Election of directors.

8. 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.

Amount of bonds, etc., limited.

9. The Company may issue bonds, debentures or other securities to the extent of twenty-five 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 the railway constructed or under contract to be constructed.

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Issue of bonds.

10. 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 extension of its railway, or as to certain sections thereof combined, or on the whole line of railway of the Company, and such bonds, debentures or other securities if 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 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.

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Time limited for construction.

11. [If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon within two years from the passing of this Act, or if the railway is not finished within seven years from the passing of this Act, then the powers granted by this Act, shall cease and be null and void, as respects so much of the railway as then remains uncompleted.]

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Agreement with another company.

12. The Company may enter into an agreement with the Spokane Falls and Northern Railway Company for leasing to such company, the railway of the Company hereby incorporated 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 an amalgamation with such company, [and may also enter into an agreement for the purposes of forming any connection authorized by section 5 of this Act, or may make any traffic or other arrangements or agreement with the said Spokane Falls and Northern Railway Company;] the whole upon such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that each 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 the same,

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Approval of shareholders and Governor in Council.

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at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in Council :

5 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 electoral district through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for sanction.

13. [Subject to the provisions contained in sections 121 and 122 of *The Railway Act*, the Company may construct, operate and maintain one or more branches from convenient points on its main line to any mine or group of mines adjacent to its main line ; provided however that any such branch shall not exceed twenty miles in length.]

Branch lines.

14. The Company shall transport ore from all stations on the line of its road, to any smelter located at Rosland, Nelson or any other point on the line of the Red Mountain and Nelson and Fort Sheppard Railways, at a rate per ton per mile which shall not exceed the rate charged by the Company under similar conditions for the transportation of ore to any smelter located on the Columbia River on the line of the Columbia and Red Mountain or Spokane Falls and Northern Railways ; it being the intent of this provision that the Company shall, without discrimination, transport ores and other smelter supplies and products, to and from smelters located on the lines of said railways in the province of British Columbia on as favourable terms and contracts as shall be granted to smelters located on the Columbia River on the lines of Columbia and Red Mountain and Spokane Falls and Northern Railways.

Charges for transportation of ore.

15. The Company may, subject to the provisions contained in section 16 of this Act, construct, equip, work and maintain a telegraph line and telephone lines along the whole length of the railway and branches, and may establish offices for the transmission of messages for the public, and collect tolls for so doing ; and for the purposes of erecting and operating such telegraph and telephone lines the Company may enter into a contract with any other company or may lease any of the Company's lines or any portion thereof.

Telegraph and telephone lines.

2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company.

Arrangements with telegraph and telephone companies.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.

Rates to be approved.

4. *The Electric Telegraph Companies Act*, being chapter 132 of the Revised Statutes, shall apply to the telegraphic business of the Company.

R.S.C., c. 132.

Power to enter upon highway, etc.	16. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and	
Erect poles.	may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic contrivances thereon; and, as often as the Company thinks proper, may enter upon, use, break up and open any highway or public place, subject, however to the following provisions :	5
Stretch wires.		
Break up highway.		
Travel not to be obstructed.	(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ;	10
Height of wires.	(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;	15
Kind of poles.	(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;	
Cutting poles or wires in case of fire.	(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;	20
Injury to trees.	(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;	25
Supervision of municipality.	(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;	30
Surface of street to be restored.		
Future legislation as to carrying wires under ground.	(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;	35
Workmen to wear badges.	(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;	40
Private rights.	(i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;	45
Temporary removal of wires and poles.	(j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office	50 55
Notice to Company.		

of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

(k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works. Liability for damage.

10 **17.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.

20 **18.** This Act may be cited as *The Kettle River Valley Railway Act, 1898.* Name of Act.