



CHAPTER 57.

An Act to Incorporate the “Greenwood City Water-works Company.”

[8th May, 1897.]

WHEREAS Charles Wilson, John H. Senkler, and Edgar Bloom- *Preamble.*
field, all of the City of Vancouver, in the Province of British Columbia, have by their petition represented that they are desirous of being incorporated as a joint stock company under the name of the “Greenwood City Water-works Company” to supply water for domestic, fire, manufacturing, mining, milling, smelting, reduction and other purposes to the inhabitants of Greenwood City, in Yale District, and all extensions of the said town, and to the inhabitants of the district about the said town, and to any mines, mills, manufactories, smelters, reduction, refining or other works in the said town or the district or vicinity thereof, and also to produce and supply power and electric light to the said town and the inhabitants thereof, and to the mines, manufactories, mills, smelters, reduction, refining or other works now or hereafter to be operated in the said town or in the district or vicinity thereof, and also for right to expropriate lands, and for all or any of the purposes aforesaid to appropriate, take and use the waters of Boundry Creek and Boundary Falls:

And whereas it is desirable 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. The said Charles Wilson, John H. Senkler, and Edgar Bloom- *Incorporation.*
field, all of the City of Vancouver, and Robert Wood, merchant, and C. Scott Galloway, mechanical engineer, both of Greenwood City, British Columbia, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body cor-

porate and politic under the name of the "Greenwood City Water-works Company," hereinafter called "the Company."

Capital stock.

2. The capital stock of the Company shall be (\$300,000) three hundred thousand dollars, divided into three thousand shares of one hundred dollars each, which shall be applied first in payment of all costs and expenses incurred in obtaining this Act, and the remainder for the purpose of the Company's undertaking; the capital stock may be increased from time to time by the vote of the majority in value of the shareholders at any meeting specially called for that purpose.

Head office.

3. The head office of the Company shall be at Greenwood City, or at such other place in British Columbia as the Company shall in general meeting determine.

Notice of meetings.

4. At least two weeks' public notice of any meeting of the shareholders of the Company shall be given by advertisement published in one newspaper published in the place where the head office is situate, in which notice shall be specified the place and the day and the hour of meeting, and the object thereof, and a copy of such notice shall be mailed to each shareholder at his registered place of abode at least two weeks before the date of such meeting. All such notices shall be published at least weekly, and a copy of such newspaper containing such notice shall, on production thereof, be evidence of the efficiency of such notice.

Liability of members.

(a.) The liability of the members of the Company shall be limited to the amount, if any, remaining unpaid on the shares respectively held by them.

Provisional Directors.

5. The persons mentioned 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.

Annual general meeting.

6. The annual general meeting of shareholders shall be held on the third Wednesday of July in each year, at which meeting a Board of not more than five Directors (of whom a majority shall be a quorum for the transaction of business) for the management of the Company's affairs shall be elected.

By-laws.

7. It shall be lawful for the Company from time to time to make such by-laws as it may think fit for the purpose of regulating the conduct of the officers and servants of the Company, and 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.

8. The Company shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water-works and all reservoir buildings, machinery, and appliances therewith connected, or necessary thereto, in Greenwood City, and parts adjacent thereto, hereinafter called the said area, as hereinafter provided. Water-works, reservoir, etc., in Greenwood City.

9. The Directors may, when authorised by a by-law for that purpose, passed and approved of by the Company in a general meeting, borrow money upon the credit of the Company, and issue bonds, debentures, promissory notes, bills of exchange, or other securities for any sums so borrowed, at such rate of interest and generally on such terms as are deemed necessary or expedient, and may mortgage, hypothecate, or pledge the real or personal property of the Company to secure any sums so borrowed and the interest thereon; but the amount borrowed shall not at any time be greater than fifty per cent. of the actual paid-up capital of the Company. Borrowing powers.

10. The provisions of the "Companies Clauses Act, 1897," shall apply to the Company and to the undertakings authorised hereby, save so far as they are expressly varied or exempted by this Act, or as any of the provisions hereof are repugnant to or inconsistent with the provisions of the said Act, in which case the provisions of the said Act shall, to the extent of such repugnancy or inconsistency, govern. Application of the "Companies Clauses Act, 1897."

11. For the purposes of this Act the Company may purchase, hold, lease, rent, surrender and sell such lands, works, buildings and tenements as may be necessary. Acquisition of lands, tenements, etc.

12. The Company shall have power to acquire water and water-power by records of unrecorded water, or by the purchase of water records or water privileges for, and to apply such water and water power within the said area to all or any of the purposes and in any of the manners and methods following, and to construct, equip, operate and maintain all such works as may be necessary therefor: Power to acquire water records.

- (a.) For rendering water and water-power available for use, application and distribution, by erecting dams, increasing the head of water in any existing body of water, or extending the area thereof, diverting the waters of any stream, pond, or lake into any other channel or channels, laying or erecting any line of flume, pipe or wire, constructing any raceway, reservoir, aqueduct, weir, wheel, building, or other erection or work Dams, etc.

which may be required in connection with the improvement and use of the said water and water-power, or by altering, renewing, extending, improving, repairing, or maintaining any such works or any part thereof.

Use of water power for electricity.

13. The Company shall have power to use water or water-power for producing and generating electricity within the said area for the purposes of light, heat and power, and for—

Construction, etc., of electrical works, power houses, etc.

(a.) Constructing, operating, and maintaining electric works, power houses, generating plant, and such other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, and for transmitting the same to be used by the Company or by persons, companies or corporations, contracting with the Company therefor, as a motive power for the operation of motors, machinery or electric lighting or other works, or to be supplied by the Company to consumers for heating, or as a motive power for propelling tramways, or for driving, hauling, lifting, pumping, lighting, crushing, smelting, drilling and milling, or for any other operations to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which electricity or electric power may be applied or acquired :

Lines, batteries, engines, etc.

(b.) Placing, sinking, laying, fitting, maintaining and repairing electric lines, accumulators, storage batteries, cables, mains, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, or other apparatus or devices, cuts, drains, water-courses, pipes, poles, buildings and other erections and works ; and erecting and placing any electric line, cable, main, wire, or apparatus above or below ground.

Supplying consumers with electricity.

14. The Company shall have the power of supplying electricity and electric power to consumers for any purposes to or for which electricity or electric power may be applied or required.

Part IV., "Water
Clauses Consolidation
Act, 1897."

15. For the purpose of carrying out such undertakings the Company shall (except as in this Act provided) be in the position of a company duly incorporated in compliance with the provisions of Part IV. of the "Water Clauses Consolidation Act, 1897," and with the like rights, powers, privileges, and priorities, and subject, except as aforesaid, to the like conditions and restrictions, and all the provisions relating to a power company of Part IV. of the said Act (except such as relate to the incorporation of the Company, or as are herein excepted, altered or varied) shall apply to the Company.

Records of water for domestic, mining and other uses.

16. The Company shall, in addition to the powers hereinbefore mentioned, have the right to apply for one or more records of the unrecorded water of any rivers, streams or lakes, and to purchase any

water records or water privileges as a source or sources of supply for a water-works system or branch of a system, or to augment any existing system or branch of such system, for the conveyance and supply of water for mining, domestic, manufacturing, fire and other purposes, to the inhabitants of the said area, and for the purpose of carrying out such undertaking the Company shall (except as in this Act provided) be in the position of a Company duly incorporated in compliance with the provisions of Part III. of the "Water Clauses Consolidation Act, 1897," and with the like rights, powers, privileges and priorities, and subject, except as aforesaid, to the like conditions and restrictions, and all the provisions relating to a water company of Part III. of the said Act (except such as relate to the incorporation of the Company, or as are herein excepted, altered or varied) shall apply to the Company.

17. All the provisions of Part V. of the "Water Clauses Consolidation Act, 1897," shall apply to the Company.

Part V., "Water Clauses Consolidation Act, 1897."

18. Upon the Company at any time within one month from the date of the "Water Clauses Consolidation Act, 1897," coming into force giving notice of the intention to apply for a record in pursuance of Parts III. and IV. of the "Water Clauses Consolidation Act, 1897," of the waters mentioned in the preamble of this Act, it shall, as to such waters, have priority over all notices of applications and applications made for records from any such sources made since the 10th day of November, 1896, and not completed by record prior to the passage of this Act.

Priority in application for water records.

19. All actions or suits for indemnity for any damage or injury sustained by reason of the works or operations of the Company shall be commenced within twelve months next after the time when such supposed injury shall have been sustained, or if there is continuance of damage, within twelve months next after the doing or committing of such damage ceases and not afterwards, and the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act.

Limitation of time for bringing actions against the Company.

20. If by any public Act hereafter passed any of the sections of the "Water Clauses Consolidation Act, 1897," corresponding to any of the sections or sub-sections of this Act be repealed, extended, varied or otherwise amended, the provisions of such amending Act shall thereafter apply to such of the sections or sub-sections as corresponds to the section of the "Water Clauses Consolidation Act, 1897," amended, but such amendment shall not deprive the Company of the right to exercise or use or complete any power or privilege exercised or in use or commenced by the Company prior to or at the time of the passage of such amending Act.

Application of future amendments of "Water Clauses Consolidation Act, 1897."

A municipality here-
after formed may ex-
propriate Boundary
Creek Water-Works.

21. In the event of the incorporation as a municipality of any portion of the said area within one year of the date of the passage of this Act, such municipality may at any time within such period take over any water record on Boundary Creek, or works constructed to supply such portion of the said area with water from Boundary Creek, on repaying to the Company the amount of money actually expended in such construction, without any bonus or percentage, as provided in the "Water Clauses Consolidation Act, 1897."

Short title.

22. This Act may be cited as the "Greenwood City Water-works Company Incorporation Act, 1897."

VICTORIA, B. C. :

Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty.
1897.