



CHAPTER 59.

An Act to Incorporate the "Kootenay Electric Company, Limited."

[8th May, 1897.]

WHEREAS George Alexander, of the City of Kaslo, in the Province of British Columbia, Barrister, W. P. Dickson, of the same place, Electrical Engineer, and H. B. Alexander, of the same place, Gentleman, have by their petition prayed to be incorporated as a joint stock company for the purpose of erecting and maintaining an electric system at or near the City of Kaslo aforesaid, for the purpose of generating electricity for the supply of light, heat and power to the inhabitants of the City of Kaslo aforesaid, and to mines, streets, towns and residents within a radius of thirty miles of the said City of Kaslo, hereinafter to be called the "said area," and to have conferred on them power to take and use as much of the water of Kaslo River, its tributaries and branches, as may from time to time be necessary for the purpose of generating power and transmitting electricity, to be used as a motive, heating or illuminating power, with power to do all things necessary or proper for any of the purposes aforesaid:

And whereas it is expedient to grant in part 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. George Alexander, W. P. Dickson, and H. B. Alexander, and such other persons as may become shareholders in the corporation to be by this Act created, shall be and they are hereby created and declared to be a body corporate and politic, by the name of the "Kootenay Electric Company, Limited," hereinafter called the "said Company."

2. The capital of the said Company shall be twenty-five thousand dollars, with power to increase the same to fifty thousand dollars, and

shall be divided into shares of one dollar each, which shares shall be held to be personal estate: Provided, however, that out of the moneys first received shall be paid the fees, expenses and disbursements incidental to the passing of this Act and the organisation of the Company.

Provisional
Trustees.

3. The said George Alexander, W. P. Dickson and H. B. Alexander are hereby appointed Provisional Directors of the said Company (of whom two shall form a quorum). The Provisional Directors shall hold office as such until the first election of Directors under this Act, and may forthwith open books and allot shares and receive payment on account of shares allotted, and deposit in any chartered bank in British Columbia money received by them on account of shares allotted, which money shall not be withdrawn for any cause whatever, except for the purpose of the Company, or upon the dissolution thereof.

Acquisition of real
and personal prop-
erty.

4. The said Company may from time to time and at all times hereafter acquire and hold, as purchasers for the general purpose of the said Company, any lands, tenements and hereditaments and personal property in the Province of British Columbia, and the same or any part thereof from time to time may sell or exchange, mortgage, lease, let or otherwise dispose of, and with the proceeds arising therefrom, and from time to time to acquire other lands, tenements and hereditaments and other property, real or personal, and for the use and purposes of the said Company.

Head office.

5. The head office of the said Company shall be in the said City of Kaslo, until the Company determine otherwise in general meeting, and thenceforth will be at such place as the Company from time to time determine.

First meeting of
shareholders.

6. The Provisional Directors shall, within three months after this Act comes into operation, call a general meeting of the shareholders of the Company at such place as the Provisional Directors may determine, giving at least two weeks' notice thereof in the British Columbia Gazette and in one newspaper published in the District of West Kootenay, of the time, place and purpose of such meeting, at which meeting the whole of the Provisional Directors shall retire from office and a Board of three Directors (of whom two shall form a quorum) shall be elected, and the Directors so elected, and all the Directors afterwards elected or appointed, shall hold office until the annual general meeting of the Company next after their respective election or appointment.

Annual general
meetings.

7. An annual general meeting of the Company for the election of Directors and other general purposes shall be held at such time and place in the said City of Kaslo as may be provided by the Company in general meeting, and if no other time or place is prescribed the annual general meeting shall be held on the first Monday in the month

of November in each year, at such time and place in the said City of Kaslo as may be determined by the Directors.

8. The Directors may, whenever they think fit, and shall, upon requisition made in writing by the members of the Company, not less in number than one-fifth of the whole, and holding not less than one-fifth of all the share capital (such requisition expressing the object of the meeting proposed to be held and being left at the head office of the Company) convene an extraordinary general meeting.

Extraordinary general meetings.

9. Notice of every general meeting of the Company specifying the day, place and hour of meeting (and in case of special business, the business of such general meeting) shall be given to the members in such manner as may be prescribed by the Company in general meeting, and unless and until it is otherwise specified fourteen days' notice of such general meeting shall be given to each member by sending through the post office, in a prepaid registered letter, addressed to each member at his registered place of abode or business; but non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

Notice of general meetings, how to be given.

10. The Company may, at an extraordinary meeting called for the purpose, or for that purpose together with any other, remove from office all or any of the Directors and appoint others in their place respectively.

Removal of Directors at extraordinary meetings.

11. At all general meetings of the Company every member shall have one vote for every share held by him.

Right to vote.

12. The Company shall have power in general meeting to make—

- (a.) By-laws for the regulation of its own proceedings and business:
- (b.) By-laws, rules and regulations to be observed by the officers and servants of the Company, and by all other persons using the electricity, power, heat or light, or any of the appliances or contrivances of the Company in connection with the same:
- (c.) Rules and regulations for the maintenance and management of the Company's undertaking, and for the collection of the power, lighting and heating rates or rents, and for fixing the time or times when and the places where the same shall be payable, and in case of default in payment to enforce payment by cutting off the electricity, or by suit of law, or by both: Provided, always, that such by-laws are not in conflict with any provisions of this Act.

By-laws, rules and regulations.

13. The failure to elect Directors, or to hold any general meeting, shall not operate as a dissolution of the Company, but anything omitted to be done may afterwards be done at any general meeting of the Company held in conformity with the Act and the regulation of the Company.

Failure to elect Directors or hold meeting.

Director's share,
qualification of.

14. No person shall be qualified to be a Director of the Company who is not holding in his own right at least ten shares in the Company, and has paid all calls made thereon and then due; and no person shall be disqualified to be a Director by reason of his receiving any salary or remuneration for attending to the affairs of the Company as Managing Director.

Directors' power to
borrow money.

15. The Directors may, when authorised by a by-law for that purpose, passed and approved by the Company in general meeting, borrow money upon the credit of the Company and issue bonds, debentures, promissory notes, bills of exchange, or other security for any sum so borrowed, at such rate of interest and generally upon such terms as are deemed necessary or expedient, and may mortgage, hypothecate and 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.

Liability of share-
holder.

16. 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.

Application of
"Companies Clauses
Act, 1897."

17. 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 excepted 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 this Act shall, to the extent of such repugnancy or inconsistency, govern.

Company may pur-
chase, hold, lease and
sell lands, buildings
etc.

18. 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.

Use of water for gen-
erating electricity.

19. 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—

Electric works,
power houses,
plant, 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, and 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 required:

- (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. *Lines, batteries, etc.*

20. The Company shall have power to construct, equip, operate and maintain electric works, power houses, generating plant, electric systems and lines, and all such appliances and conveniences in connection therewith, as are mentioned in the preceding section, and all such other appliances and conveniences whatsoever as are necessary and proper for constructing, equipping, operating and maintaining the same. *Company shall have power to maintain electric systems, etc.*

21. 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. *Supplying consumers with power.*

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

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

24. 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 Part IV. of the "Water Clauses Consolidation Act, 1897," of the waters mentioned in the preamble of this Act, it shall as to such waters at the present point of diversion above Eighth Street, in the City of Kaslo aforesaid, have priority over all notices of applications and applications made for records from any such sources, made since the 3rd day of December, 1896, and not completed by record prior to the passage of this Act. *Diversion of water and priority of records.*

25. All actions or suits for indemnity for any damage or injury sustained by reason of the works or operations of the Company shall *Limitation of time for bringing actions against the Company.*

be commenced within twelve months next after the time when such supposed injury is 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.

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

26. 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.

Short title.

27. This Act may be cited as the "Kootenay Electric Company's Act, 1897."

VICTORIA, B. C.:

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