



CHAPTER 57.

An Act respecting the Nanaimo Electric Light, Power and Heating Company, Limited.

[May 20th, 1898.]

WHEREAS the Nanaimo Electric Light, Power and Heating Com- Preamble.
pany, hereinafter called "the Company," has by petition
prayed for the passing of an Act to confer certain additional powers
on the Company, as hereinafter set forth, and it is expedient to grant
the prayer of the 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 Company is hereby authorised and empowered to erect, Electrical works.
construct, operate and maintain electric works, power houses, genera-
ting plant, and all such other appliances and conveniences as are
necessary and proper for the generating of electricity or other power,
and for transmitting the same to any part of the City of Nanaimo or
within a radius of fifteen miles of said city to be used by the Company
as a motive power for hauling, pumping, lighting, heating, smelting,
drilling, or any other operations or purposes to which it may be
adapted or to be used or supplied for or in connection with any other
purpose for which electricity or power may be applied or required.
And for any of the above purposes the Company is hereby authorised
and empowered by its servant, agents, contractors, and workmen from
time to time to make and direct such electric works or other power
works to be operated either by steam or water power, and to sink, lay,
place, fit, maintain and repair such electric lights, accumulators, storage
batteries, electric cables, mains, wires, switches, connection branches,

electric metres, dynamos, engines, machines, cuts, pipes, conduits, drains, wheels, water-courses, pipes, buildings and other devices, as may be deemed necessary. And to erect and place any electric line, cable, main wire, or other apparatus, for the transmission of power or light above or below ground, along, over or across any street or road in the said area, and to erect poles for the purpose of placing the same in position in such manner as the said Company shall think fit, necessary or proper for the purpose of carrying out the operations of the said Company in respect of, and incidental to, the making, generating or supply of electricity and transmitting power, heat and light. And also for all such purposes to open and break up the soil and pavement of the streets, roads or bridges within the said area, and to open and break up any sewers, drains or tunnels within or under such streets, roads and bridges, and to erect pipes, conduits, poles, pillars, posts, lamps, globes, or other apparatus, in or upon the said streets and bridges, or against any wall or walls erected on the same or adjoining thereto, and to dig and sink trenches and drains, and to lay electric lights, cables, and mains, area pipes, and conduits, and to put the electric lines, wires, switches, and connection branches, from such electric lines, cables, and mains in, under, across or along such streets and bridges, and from time to time to cut, remove, alter, repair and relay such area pipes, and conduits, electric lines, cables, mains, wires, switches, and connection branches, or other apparatus: Provided, however, that in any municipality the powers hereby conferred shall be subject to the assent of the Council of such municipality and to such regulations as it may appoint, and in any unincorporated portion of the said area to the assent of the Chief Commissioner of Lands and Works, and to such regulations as he may appoint.

Power to acquire,
etc., lands, etc.

2. 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.

Supplying electricity.

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

Power to acquire
the franchises of
and amalgamate
with other com-
panies.

4. It shall be lawful for the Company to purchase and acquire the power or electrical system, property, franchises, rights and privileges of any person or persons or corporations established or to be established in the said City of Nanaimo, or within a radius of fifteen miles thereof, or engaged in supplying with electric power, light or heating the present City of Nanaimo, or to amalgamate with any such person or persons, or corporations as aforesaid, and after such purchase or amalgamation to maintain, operate, and extend such power, system or electrical works connected therewith in the same way as if such works had been originally constructed under the authority of this Act.

5. It shall be lawful for the said Company, its agents, servants and workmen from time to time and at all times hereafter as it shall see fit, and it is hereby authorised and empowered to enter into and upon the lands of the Crown (subject to the consent and supervision of the Chief Commissioner of Lands and Works), and to survey, set out and ascertain such parts thereof as it may require for the purposes of the Company's works, or the construction of any dam, raceway, flume, or other appliances, for the purpose of diverting or carrying water.

Power to take Crown lands for line of railway.

6. The Company shall be, except as in this Act provided, deemed to be and shall have the like powers, privileges and priorities with a Power Company duly incorporated in compliance with the provisions of Part IV. of the "Water Clauses Consolidation Act, 1897," but the Company shall with respect to the exercise of any of the said powers, privileges or priorities, be subject to the conditions and restrictions imposed by the said Part IV. of the said Act.

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

7. The capital stock of the Company may be increased from time to time to any amount if such increase be sanctioned by a vote in person or by proxy of the shareholders representing two-thirds in value of the subscribed capital of the Company, such sanction to be given at a meeting called expressly by the Directors for that purpose, by a notice published in the British Columbia Gazette for thirty days, and a notice in writing to each shareholder delivered to him personally, or properly directed to him at his last known place of abode, and deposited in the post office at least thirty days previously to such meeting, stating the time and place and object of such meeting, and the amount of the proposed increase, and the proceedings of such meeting shall be entered in the minutes of the proceedings of the Company, and thereupon the capital stock may be increased to the amount sanctioned by such vote.

Increase of capital.

8. The Directors of the Company, under the authority of a majority vote of all the issued capital stock of the Company given at any special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present or represented by proxy, may from time to time raise and borrow, for the purposes of the Company, such sum or sums of money, not exceeding the capital stock of the Company or any sum to which it may be increased, upon such terms and in such manner as they may consider expedient, and may issue bonds or debentures of the Company in sums of not less than fifty dollars, or ten pounds sterling, each, and on such terms and credit and at such prices as they may think proper, and may pledge or mortgage all the tolls, incomes, franchises, uncalled capital and property both real and

Borrowing powers.

personal (whether then acquired or that may thereafter be acquired) of the Company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon; and any such mortgage deed may contain such description of the property, tolls, incomes, franchises, uncalled capital, and property real and personal (acquired or to be acquired), mortgaged by such deed, and upon such conditions respecting the payment of the bonds or debentures secured thereby, and of the interest thereon; and the remedies which shall be enjoyed by the holder of such bonds, or by any Trustee or Trustees for them, in default of such payment, and the enforcement of such remedies; and may provide for such forfeitures and penalties in default of such payment as may be approved by the Directors; and may also contain, with the approval aforesaid, authority to the Trustee or Trustees upon such default, as one of such remedies, to take possession of the said property so mortgaged and to hold and operate the same for the benefit of the bondholders thereof; or to lease or sell the said property so mortgaged after such default, and upon such terms and conditions as may be stated in such deed, and in case of any such lease or sale, the lessee or purchaser shall have the right to exercise all the powers and franchises by this Act conferred upon the Company, and the said property may continue to be held and operated under the provisions of this Act, with the corporate name and powers of the Company, and such lessee or purchaser shall have the same rights, powers, privileges and franchises, and shall stand in the same position, as regards the said tolls, incomes, franchise, powers, uncalled capital, and property, real and personal, as the Company itself under this Act.

“Companies Clauses Act, 1897.”

9. The provisions of the “Companies Clauses Act, 1897,” shall apply to the Company and to the undertaking authorised hereby, save so far as they are expressed, varied or excepted by this Act, or as any of the provisions hereof are repugnant to or inconsistent with the provisions of this Act, in which case the provisions of this Act shall to the extent of such repugnancy or inconsistency govern.

Telegraph and telephone lines.

10. No Act of this Legislature requiring the Company in case efficient means are devised for carrying telegraph, telephone or electric wires under ground, 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.

Chinese and Japanese.

11. No Chinese or Japanese person shall be employed in the construction or operation 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.”

12. Nothing in this Act contained shall be deemed or taken to abrogate or interfere in any way with the rights, powers and privileges vested in or granted to the City of Nanaimo by virtue of the Act under which it was incorporated and any of the amendments thereto. Privileges granted under Nanaimo City charter not to be infringed.

13. This Act may be cited as the "Nanaimo Electric Light, Power and Heating Company's Act, 1898."

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