



## CHAPTER 78.

### An Act to incorporate the “Ashcroft Water, Electric and Improvement Company.”

[17th February, 1899.]

**W**HEREAS Peter Ryan, of the City of Toronto, Province of Ontario; John Shields, James Charles Stuart Shields and Claude Rodolph Doxat, all of Ashcroft, Province of British Columbia, and Bernard Ryan, of the City of Toronto, Province of Ontario, have, by their petition, applied to be incorporated as a Company for the purpose of acquiring the property, real and personal, and tolls, rights, privileges and franchises of the “Ashcroft Water-works Company, Limited,” and of the “Ashcroft, Water, Light and Power Company, Limited,” to exercise the powers and carry on the business of the said Companies; to issue preference stock, to sell fully paid-up stock at a discount and to sell or mortgage such acquired properties, and for all other purposes necessary, usual, incidental or conducive to the foregoing purposes, or any of them, with power to appropriate and use so much of the water of the Bonaparte and Thompson Rivers and their tributaries, in the District of West Yale, as may be necessary for the purposes of the Company to supply power, water, light and heat for domestic, mining and manufacturing purposes, by compressed air and electricity, to the inhabitants of Ashcroft, British Columbia, and to the inhabitants, cities, towns, mines, smelters, railways and tramways within a radius of fifty miles from the town of Ashcroft aforesaid, in the Districts of West Yale, North Yale and East Lillooet, hereinafter to be called “the said area,” and to furnish water for irrigation purposes within the said area, and for all and any other purposes mentioned in sections 80, 81, 82 and 83 of the “Water Clauses Consolidation Act, 1897,” and to do everything necessary or incidental to the carrying out of all or any of the objects referred to in said

sections ; with power to construct, operate and maintain a dam on the Bonaparte River, about three miles from the mouth thereof, and to construct and maintain buildings, erections or other works, and to enter upon and expropriate land for a site for power houses, reservoirs and tanks, and to construct and maintain all works, buildings, pipes, ditches, poles, wires, appliances or conveniences necessary or proper for the generation and transmission of compressed air and electricity as aforesaid ; with power to construct, maintain and operate saw mills, sash and door factories and other manufactories in said area, and to acquire timber limits and agricultural land ; and whereas it is expedient 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 :—

- |  |   |
|--|---|
| Incorporation.   | <b>1.</b> The said Peter Ryan, John Shields, James Charles Stuart Shields, Bernard Ryan, Claude Rodolph Doxat, and such other persons and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of the Ashcroft Water, Electric and Improvement Company, hereinafter called “the Company.”  |
| Head office.   | <b>2.</b> The head office of the Company shall be at the town of Ashcroft, in the Province of British Columbia.   |
| Capital stock.   | <b>3.</b> The capital stock of the Company shall be one hundred thousand dollars, divided into shares of one dollar each.   |
| May increase stock.  | <b>4.</b> The Company in general meeting may, from time to time, increase its capital stock by the creation of new shares of such amount as may be expedient.   |
| Directors may sell paid-up stock for less than face value. | <b>5.</b> The Directors may, from time to time, sell and dispose of fully paid-up and non-assessable preference or ordinary shares of the Company at such less sum than the face value thereof as may be authorised by a vote, in person or by proxy, of the shareholders who hold at least a majority in amount of the issued stock of the Company, at any special meeting to be called and held for that purpose, and the purchaser or purchasers of such preference or ordinary shares shall not, on that account, be in any manner liable or charged with the payment of any debt or demand due by the Company. |
| Calls.   | <b>6.</b> No calls shall be made at any one time for more than twenty per cent. of the amount subscribed by any one subscriber, nor shall a greater amount than eighty per cent. be called up in any one year.  |
| Liability of shareholders.                                 | <b>7.</b> The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatsoever of the Company,  |

or for any engagement, claim, demand, loss, payment, injury, transaction, matter or thing whatsoever related to or connected with the Company beyond the unpaid amount of their respective shares in the capital stock thereof.

8. The said Peter Ryan, John Shields, James Charles Stuart First Directors. Shields, Claude Rodolph Doxat and Bernard Ryan shall be the first Directors of the Company.

9. Until otherwise determined by a general meeting, the number of Number of Directors. Directors shall be five, of whom three shall form a quorum, and each of whom shall be a shareholder of the Company of not less than ten shares, but the Company may increase or reduce the number of Directors so that the number of Directors shall not be more than ten nor less than three. .

10. The failure to elect Directors, or to hold any general meeting, Failure to elect Directors or hold meeting. shall not operate as a dissolution of the Company, but anything omitted to be done may afterwards be done at any general meeting, whether ordinary or extraordinary, of the Company held in conformity with the Act and the regulations of the Company; and all acts of the Directors until their successors are elected shall be valid and binding on the Company.

11. The first general meeting shall be held at such time (not being First general meeting. more than four months after the passing of this Act), and at such place as the Directors may determine. Subsequent ordinary general meetings shall be held at such period in each year as may be determined upon by order of a general meeting.

12. The business of an ordinary meeting shall be to receive and Business of ordinary meeting. consider the profit and loss account and balance sheet, the reports of the Directors, and the auditors; to elect Directors and other officers in the place of those retiring; to declare dividends and to transact any other business which, under the "Companies Clauses Act, 1897," ought to be transacted at an ordinary meeting, and any business which is brought under consideration by the report of the Directors issued with the notice convening such meeting.

13. The Directors shall, upon a requisition made in writing by two Extraordinary meeting. or more shareholders holding, in the aggregate, one-third of the issued capital, convene an extraordinary general meeting of the Company.

14. In order to constitute a meeting (whether ordinary or extra- Number to be present to constitute a meeting. ordinary) there shall be present, either personally or by proxy, three or more shareholders holding, in the aggregate, not less than one-fourth of the subscribed capital stock of the Company.

15. At all meetings of the Company every shareholder shall be Shareholders' right to vote at same. entitled to have one vote for every share held by him; provided

always, that no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then due upon the shares held by him.

Removal of Directors  
at extraordinary  
meetings.

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

By-laws, rules and  
regulations.

**17.** The Company shall have power, in general meeting, to make by-laws for the regulation of its own proceedings and business, 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, light or water, or any of the appliances or contrivances of the Company in connection with the same; rules and regulations for the maintenance and management of the Company's undertaking and for the collection of the power, lighting, heating and water 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 water, or by suit of law, or by any or all of these means; provided always, that such by-laws are not in conflict with any of the provisions of this Act.

Borrowing powers.

**18.** The Directors may, when authorised by a by-law for that purpose passed and approved by the Company in 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, from time to time, raise and borrow, for the purposes of the Company, such sum or sums of money, not exceeding the capital stock as defined by this Act, 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 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 descriptions 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 holders 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, franchises, powers, uncalled capital and property, real and personal, as the Company itself under this Act.

**19.** 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. Application of the "Companies Clauses Act, 1897."

**20.** Any new capital may be raised by the issue of new ordinary shares or by the issue of new ordinary stock, or, at the option of the Company, by either of those modes, or by the issue of new preference shares, or by the issue of new preference stock, or, at the option of the Company, by either of those modes, and such preference shares or stock may bear interest at any rate not exceeding 12 per cent. per annum. Raising of new capital.

**21.** The Company may purchase, lease, hold or acquire and transfer any real or personal estate. May hold real or personal estate.

**22.** The Company shall have the power to purchase, take over, lease or otherwise acquire the property, both real and personal, rights, privileges and franchises of the "Ashcroft Water Works Co., Limited," and of the "Ashcroft Water, Light and Power Co., Limited," and such companies or either of them are hereby authorised and empowered to effect and carry out a sale of the property, real and personal, rights and privileges, franchises and powers belonging thereto, or any part thereof, provided that the Company shall be liable for all debts and liabilities owing by either or both of said Companies prior and up to the time of such amalgamation. Power to acquire franchises, etc., of certain other companies.

**23.** The Company, upon acquiring the said property of either of the said companies in the next preceding section mentioned or referred to, shall thereupon have and be invested with all the powers and privileges, rights and franchises of such company or companies as the case may be, even though not specifically set out or referred to in this Act, so that the same shall be held, exercised and enjoyed by the Company invested with powers of other companies taken over.

Company as fully as if specially conferred hereby, except where the same are inconsistent with this Act.

Power to acquire  
water records.

**24.** 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 :

Dams, etc.

(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, cleaning out and deepening any existing channels, laying or erecting any line of flume, pipe or wire, constructing any raceway, reservoir, aqueduct, weir, wheel, building or other erection or work 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.

**25.** 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 :

(c.) Constructing, equipping, operating and maintaining telegraph and telephone systems and lines.

**26.** 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, and shall also have the power of supplying water to consumers for domestic, mining, manufacturing and irrigation purposes within the said area.

**27.** 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 powers, rights, 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.

**28.** 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 such system for the conveyance and supply of water for mining, domestic, manufacturing, fire, irrigation, agricultural 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 are herein excepted, altered or varied) shall apply to the Company.

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

**30.** The Company and their servants shall have full power and authority to lay out, construct and maintain retaining dams and such works in connection therewith as are specified in this Act, in any river or stream in the said area, upon such site and according to such plans and specifications as shall have received the approval of the Lieutenant-Governor in Council. Before such plans and specifications shall be submitted for such approval, they shall be deposited in the office of the Chief Commissioner of Lands and Works, and four weeks'

notice of such deposit shall be published in the British Columbia Gazette, and in a newspaper circulating in the District in said area in which such dam is proposed to be erected.

May engage in agricultural, manufacturing or industrial enterprises.

**31.** The Company shall have power to engage in all or any agricultural, manufacturing or industrial enterprises within the said area.

Limitation for time of bringing action against Company.

**32.** 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 of 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 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 future amendments of "Water Clauses Consolidation Act, 1897."

**33.** 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 correspond 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.

Company may be required to carry wires underground.

**34.** No Act of this Legislature requiring the Company, in case efficient means are devised for carrying telegraph, telephone or electric wires underground, 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 privilege granted by this Act.

Penalty for employing Chinese or Japanese.

**35.** No Chinese or Japanese persons shall be employed in the construction of the undertaking or the working of the same, 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 upon complaint of any person under the provisions of the "Summary Convictions Act."

Short title.

**36** This Act may be cited as the "Ashcroft Water, Electric and Improvement Company Act, 1899."

VICTORIA, B. C. :

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

1899.