



CHAPTER 51.

An Act to Incorporate the Cascade Water, Power and Light Company, Limited.

[8th May, 1897.]

WHEREAS Thomas Joseph Jones, Duncan Edward Campbell and George Henry Haynes, all of the City of Victoria, in the Province of British Columbia, have by their petition applied to be incorporated as a Company with power to appropriate and use so much water from Boundary Creek, Kettle River, and the North Fork of Kettle River, as the Company may see fit for the purpose of establishing water-works and supplying water for mining, domestic, manufacturing and other purposes to the inhabitants of the Townsites and Cities of Midway, Anaconda, Greenwood, Grand Forks and Cascade City, in Yale District, British Columbia, and to appropriate and use 150,000 miner's inches of water from Kettle River, near Cascade City, for the purpose of generating electricity for the supplying of light, heat and power to the inhabitants, cities, towns, mines, smelters and tramways within a radius of 40 miles (hereinafter called "the said area") from the said Townsite of Grand Forks, and to construct, erect and maintain all necessary works, buildings, dams, raceways, flumes, poles and erections; lay pipes and stretch wires for generating and supplying electricity as aforesaid, and to enter upon and expropriate land for the purposes of the Company; and also to construct, maintain and operate tramway and telephone systems within the said area: Preamble.

And whereas it is expedient to grant the prayer of such petition in part, and also to confer upon the petitioners the powers and privileges hereinafter contained:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the 'Cascade Water, Power and Light Company, Limited, Act, 1897.'

- Incorporation.** **2.** The said Thomas Joseph Jones, Duncan Edward Campbell and George Henry Haynes, and such other person or persons, corporation or corporations as shall in pursuance of this Act become shareholders in the Company, are hereby constituted a body corporate by the name of the "Cascade Water, Power and Light Company, Limited," and hereinafter called "the Company."
- Head office.** **3.** The head office of the Company shall be at the City of Grand Forks, or at such other place in the Province of British Columbia as may be hereafter determined upon by the Directors of the Company.
- Capital stock.** **4.** The capital stock of the Company shall be five hundred thousand dollars, divided into fifty thousand shares of ten dollars each.
- Calls.** **5.** No calls shall be made at any one time for more than twenty per cent. of the amount subscribed, nor shall a greater amount than eighty per cent. of the amount subscribed be called up in any one year. Calls shall not be made at a less interval than one month from the previous call.
- Liability of shareholders.** **6.** 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, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company beyond the unpaid amount of their respective shares in the capital stock thereof.
- Directors.** **7.** The said Thomas Joseph Jones, Duncan Edward Campbell and George Henry Haynes shall be the Directors of the Company.
- Election of Directors.** **8.** At the first ordinary general meeting, and at every succeeding ordinary general meeting, the whole of the Directors shall retire from office, and the Company shall at every such meeting fill up the vacated offices by electing a like number of duly qualified members as Directors. The retiring Directors shall be eligible for re-election.
- Number of Directors.** **9.** Until otherwise determined by a general meeting, the number of Directors shall be three, but the Company may increase or reduce the number of Directors so that the number of Directors shall not be more than seven, nor less than three.
- First general meeting.** **10.** The first general meeting shall be held at such time (not being 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 thereafter once in each year, on the third Wednesday in July.
- Business of an ordinary meeting.** **11.** The business of an ordinary meeting shall be to receive and consider the profit and loss account and balance sheet, the reports of

the Directors and the Auditors, to elect Directors and other officers in 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.

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

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

14. At all general meetings of the Company every shareholder shall be 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. Shareholders entitled to vote.

15. The Company, with the sanction of the vote of the majority in value of the shareholders at any meeting specially called for that purpose, may exercise any of the following powers:— Company by special meeting may—

- (a.) Raise any additional sum or sums 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 preference stock may bear interest not exceeding the rate of 12 per cent. per annum : Issue new shares or preference shares.
- (b.) Borrow from time to time on mortgage or bond such sums of money as the Company shall think fit: Provided, however, the Directors may from time to time, at their discretion, raise or borrow, without the sanction of a general meeting, any sum or sums of money for the purposes of the Company, but so that the amount at any one time owing in respect of the moneys raised or borrowed shall not, without the sanction of a general meeting, exceed the sum of \$20,000. Nevertheless, no lender or other person dealing with the Company shall be concerned to see or enquire whether this limit is observed : Mortgage bonds. Directors' borrowing powers.
- (c.) Create and issue debenture stock and may attach to the stock so created a fixed or preferential interest not exceeding the rate of 12 per cent. per annum, payable half-yearly or otherwise, and commencing at once or in future time or times when and as the debenture is issued, or otherwise as the Company thinks fit. Debenture stock.

Application of
"Companies Clauses
Act, 1897."

16. 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.

Power to acquire
water and water-
power.

17. 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 the application of such water and water power to all or any of the purposes within the said area and in any of the manners and methods following :—

(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 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.

Power to use water-
power for generating
electricity, com-
pressed air, &c.

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

Electric works.

(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 required :

Lines, batteries,
drains, pipes, &c.

(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 electric, cable, or other tramways or street railways, for the conveyance of passengers and freight: Tramways.
- (d.) Constructing, equipping, operating and maintaining telegraph and telephone systems and lines. Telegraph and telephone.

19. The Company shall have the power of supplying compressed air, electricity and electric power to consumers for any purposes to or for which compressed air or electric power may be applied or required. Compressed air and electricity to consumers.

20. 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. Application of "Water Clauses Consolidation Act, 1897."

21. The Company shall, in addition to the powers hereinbefore mentioned, have the right to apply for one or more records of the unrecorded water in 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 Townsites and Cities of Midway, Anaconda, Greenwood, Grand Forks and Cascade City, in the Osoyoos Division of Yale District, or either of them, 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. Supplying water to—Midway, Anaconda, Greenwood, Grand Forks, and Cascade City.

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

23. 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 pursu-

Priority of application for water records.

ance of the provisions of Part III. and Part IV. of the "Water Clauses Consolidation Act, 1897," of the waters mentioned in the preamble to this Act, it shall, as to such waters, except as to Boundary Creek, 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.

Limitation of time
for actions against
the Company.

24. 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 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 for
future amendments
of "Water Clauses
Consolidation Act,
1897."

25. If by any public Act hereafter passed any of the sections of the "Water Clauses Consolidation Act, 1897," be repealed, extended, varied or otherwise amended, the provisions of such amending Act shall thereafter apply to such of the preceding sections or sub-sections as corresponds to the section or sub-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.

VICTORIA, B. C.

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