



CHAPTER 48.

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

[8th May, 1897.]

WHEREAS William H. Brandon and C. Keary Hammond, of the Preamble.
town of Brandon, in the Province of British Columbia, and R. B. Kerr, of the town of New Denver, in the Province of British Columbia, have by their petition prayed for an Act to incorporate the "Brandon Water and Light Company, Limited," for the purpose of establishing water-works and supplying water for mining, domestic, manufacturing, fire, electric lighting, power and other purposes to inhabitants of the Town of Brandon, and to the pre-emption of W. H. Brandon, at the foot of Slocan Lake, and their vicinity, and to lay pipes and erect flumes for the conveyance and supply thereof; the water to be obtained from Springer and Climax Creeks, near the Town of Brandon aforesaid, and for all the other necessary rights, powers and privileges which are incidental or conducive to the attainment of the above objects:

And whereas it is desirable to grant in part 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. That the said William H. Brandon, C. Keary Hammond and R. Incorporation.
B. Kerr, together with such other persons and corporations, in pursuance of this Act, as may become shareholders of the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of the "Brandon Water and Light Company, Limited," hereinafter called "the Company."

- Head office. **2.** The head office of the Company shall be at the Town of Brandon, or at such other place in the Province as the Company may from time to time appoint.
- Capital stock. **3.** The capital stock of the Company shall be fifty thousand dollars, divided into five thousand shares of ten dollars each, which shall be applied first to the payment of all costs and expenses incurred in the passing of this Act, and the remainder for the purposes of the Company's undertaking.
- Provisional Directors. **4.** The persons named 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 receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue and recover the same, and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it.
- (*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.
- Annual general meeting. **5.** The annual general meeting of the shareholders shall be held on the first Thursday of June in each year, at which meeting a board of three directors (of whom two shall be a quorum for the transaction of business) for the management of the Company's affairs shall be elected.
- General power to build, etc., water-works. **6.** 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 the said Town of Brandon, and parts adjacent thereto as hereinafter provided.
- The acquisition of land, etc. **7.** For the purpose of this Act the Company may purchase, lease, rent, surrender and sell such lands, works, buildings and tenements as may be necessary: Provided that such sale shall be subject to the approval of the shareholders, expressed by not less than three-fourths in value of the subscribed stock of the Company present and represented by proxy at a general meeting called for that purpose.
- Power to— **8.** The Company, with the sanction of the vote of the majority in value of the issued shares obtained at any meeting specially called for that purpose, may exercise any of the following powers :—
- Raise money by issue of shares. (*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 preference stock, or (at the option of the Company) by either of these modes, and such preference shares or preference stock may bear interest not exceeding the rate of twelve per cent. per annum :

- (b.) Borrow from time to time on mortgage or bond such sums of money as the Company shall think fit, not exceeding in the whole the sum of \$100,000: 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 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 inquire whether this limit is observed : Borrow on mortgage bond, etc.
- (c.) Create and issue debenture stock, and may attach to the stock so created a fixed or perpetual preferential interest, not exceeding the rate of twelve 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, etc.

9. No calls shall be made at any one time for more than twenty per cent. of the amount subscribed by any one shareholder, 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. Calls, etc.

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. First general 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. Business of ordinary 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. Convening of extraordinary meetings.

13. In order to constitute a meeting (whether ordinary or extraordinary) there shall be present personally or by proxy, three or more shareholders necessary to constitute a meeting. What number of shareholders necessary to constitute a meeting.

shareholders, holding in the aggregate not less than one-fourth of the subscribed capital of the Company.

Shareholder's right to one vote for each share.

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.

The number of Directors.

15. 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 ten nor less than three.

Directors, election of.

16. 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.

Water records.

17. 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 its intention to apply for a record in pursuance of the provisions of Part IV. of the "Water Clauses Consolidation Act, 1897," of the waters mentioned in the preamble, 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 12th January, 1897, and not completed by record prior to the passage of this Act.

Actions for damage and indemnity against the Company.

18. All actions or suits for indemnity for any damage or injury sustained by reason of these works or operations of the Company shall be commenced within one year after the time when such damage is sustained, or if there is a continuance of damage, within one year 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.

Company's power to acquire and deal with water power and privileges.

19. 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, and for 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.

20. All the provisions of Part III., Part IV., and Part V. of the "Water Clauses Consolidation Act, 1897," shall apply to the Company, save and except as the same are by this Act modified, or are inconsistent herewith.

Application of Parts III., IV. and V. of the "Water Clauses Consolidation Act, 1897."

21. If by any public Act hereafter passed any of the sections of the "Water Clauses Consolidation Act, 1897," corresponding to 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 of this Act, 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 to "Water Clauses Consolidation Act, 1897."

22. This Act may be cited as the "Brandon Water and Light Company Act, 1897."

VICTORIA, B. C.

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

1897.