



CHAPTER 79.

An Act respecting the British Columbia Electric Power
& Gas Company, Limited.

[Assented to 7th March, 1927.]

WHEREAS the British Columbia Electric Power & Gas Company, Limited (hereinafter referred to as "the Company"), has by its petition set forth that it was incorporated on the fourth day of March, 1926, under the provisions of the "Companies Act," and that by its memorandum of association its objects comprise, amongst other things, the acquisition of shares of any other company wherever incorporated and the acquisition of the property, assets, rights, privileges, and the undertaking of the British Columbia Electric Railway Company, Limited (hereinafter called the "English Company"), or of any other company then or thereafter owned or controlled by the English Company, or any other company whatsoever, and that it has, pursuant thereto, acquired from the English Company the whole of the issued capital of the following companies:—

Preamble.

- The Vancouver Gas Company, Limited Liability (incorporated ninth February, 1886, under the "Companies Act, 1878");
- Victoria Gas Company, Limited (incorporated nineteenth December, 1860, by the "Victoria Gas Company's Act, 1860");
- British Columbia Gas Company, Limited (incorporated twenty-eighth June, 1911, under the "Companies Act");
- Vancouver Power Company, Limited (incorporated twenty-fifth January, 1898, under the "Water Clauses Consolidation Act, 1897"); and
- Bridge River Power Company, Limited (incorporated fifth December, 1912, under the "Companies Act");

and that the said Vancouver Power Company, Limited, owns or controls by share ownership:—

Western Power Company of Canada, Limited (incorporated by letters patent dated twenty-seventh September, 1916, under the “Companies Act” of the Dominion);

Vancouver Island Power Company, Limited (incorporated sixteenth January, 1907, under the “Water Clauses Consolidation Act, 1897”); and

Burrard Power Company, Limited (incorporated seventeenth February, 1906, under the “Companies Act, 1897”);

and the Company has prayed by its petition for an Act declaring its status and powers and empowering it to purchase, take over, or acquire the respective undertakings of the companies hereinbefore mentioned, including the English Company, and to exercise the powers and carry on the respective businesses of said companies:

And whereas it is expedient to grant the prayer of said petition:

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

Company's status
and powers.

1. The Company is hereby declared to have been since the fourth day of March, 1926, and to be and shall hereafter continue to be a valid and subsisting company under the “Companies Act,” for the objects and with the powers set out in its memorandum of association, and the Company shall have the additional powers and capacity conferred upon it by this Act.

Interpretation of
the word
“undertaking.”

2. In this Act the expression “undertaking” shall include property, both real and personal, contracts, rights, powers, privileges, immunities, concessions, and franchises.

Power to acquire
undertakings of
certain companies.

3. The Company shall have power from time to time and at any time to purchase, take over, or acquire and to hold, maintain, and operate the respective entire undertakings of any one or more or all of the following companies (which are hereinafter in this Act referred to collectively as “the selling companies”), namely:—

- (a.) The Vancouver Gas Company, Limited Liability;
- (b.) Victoria Gas Company, Limited;
- (c.) British Columbia Gas Company, Limited;
- (d.) Vancouver Power Company, Limited;
- (e.) Bridge River Power Company, Limited;
- (f.) Vancouver Island Power Company, Limited;
- (g.) Burrard Power Company, Limited;

and the selling companies are, and each one of the selling companies is, notwithstanding anything contained in any Act of the Province, grant, concession, franchise, charter, by-law, contract, or other document, and without any consent, order, or approval whatsoever,

hereby authorized and empowered to sell, convey, assign, or otherwise transfer to the Company their and each of their respective undertakings, and no such sale, conveyance, assignment, or transfer shall constitute a breach of or annul, avoid, impair, or affect any of such selling company's contracts, rights, powers, privileges, immunities, concessions, or franchises.

Whenever and as often as the Company shall have purchased, taken over, or acquired the undertaking of any one of the selling companies, the Company shall thereupon, subject, in the case of any land or charge affecting land comprised in any undertaking so acquired, to the due registration of title in the Company pursuant to the "Land Registry Act," be vested with and have, hold, and enjoy all the undertaking of such selling company, whether enjoyed, held, or conferred on such selling company by or under any Act of the Province, grant, concession, franchise, charter, by-law, contract, or otherwise, to as full an extent as such undertaking might have been held, exercised, and enjoyed by such selling company and as if any part of such undertaking specially granted or conferred by an Act of the Province had been specially granted or conferred on the Company hereby, subject, however, to all mortgages, liens, charges, and encumbrances, if any, upon the same or any part thereof, and the Company shall be deemed to have assumed, and shall thereafter be liable in lieu of such one of the selling companies for all debts, claims, demands, covenants, obligations, or duties to, of, or with municipalities or others for which such one of the selling companies was liable, and to as full an extent as such one of the selling companies was liable, at the time of such purchase, taking over, or acquisition, and the Company shall be deemed to be substituted for such one of the selling companies in all contracts to which such one of the selling companies was at such time a party, and in all by-laws enacted by any municipality granting or conferring upon such one of the selling companies any rights, powers, privileges, immunities, or concessions, and thereafter all such contracts shall be binding upon the Company and the other party or parties thereto, and all such by-laws shall continue in effect, in the same manner and to the same extent and with the same rights, powers, privileges, immunities, concessions, and liabilities as if the said contracts had originally been made between the Company and the other party or parties thereto and as if the said by-laws had originally been so enacted in favour of the Company.

4. The Company shall have power at any time to purchase, take over, or acquire, and to hold, maintain, and operate, and The Western Power Company of Canada, Limited (hereinafter called "the Western Company"), is, notwithstanding anything contained in any Act of the Province, grant, concession, franchise, charter,

Power to acquire
 undertaking of
 Western Power
 Company.

by-law, contract, or other document and without any consent, order, or approval whatsoever, hereby authorized and empowered, so far as the jurisdiction of the Province extends, to sell, convey, assign, or otherwise transfer to the Company the entire undertaking of the Western Company, and no such sale, conveyance, assignment, or transfer shall constitute a breach of or annul, avoid, impair, or affect any of the contracts, rights, powers, privileges, immunities, concessions, or franchises of the Western Company.

When the Company shall have purchased, taken over, or acquired the undertaking of the Western Company, the Company shall, so far as the jurisdiction of the Province extends, and subject, in the case of any land or charge affecting land comprised in any undertaking so acquired, to the due registration of title in the Company pursuant to the "Land Registry Act," thereupon be vested with and have, hold, and enjoy all the undertaking of the Western Company, whether enjoyed, held, or conferred on it by or under any Act of the Province, grant, concession, franchise, charter, by-law, contract, or otherwise, to as full an extent as such undertaking might have been held, exercised, and enjoyed by the Western Company and as if any part of such undertaking specially granted or conferred by an Act of the Province had been specially granted or conferred on the Company hereby, subject, however, to all mortgages, liens, charges, and encumbrances, if any, upon the same or any part thereof, and the Company shall be deemed to have assumed and shall thereafter be liable in lieu of the Western Company for all debts, claims, demands, covenants, obligations, or duties to, of, or with municipalities or others for which the Western Company was liable, and to as full an extent as the Western Company was liable, at the time of such purchase, taking over, or acquisition, and the Company shall be deemed to be substituted for the Western Company in all contracts to which the Western Company was at such time a party, and in all by-laws enacted by any municipality granting or conferring upon the Western Company any rights, powers, privileges, immunities, or concessions, and thereafter all such contracts shall be binding upon the Company and the other party or parties thereto and all such by-laws shall continue in effect, in the same manner and to the same extent and with the same rights, powers, privileges, immunities, concessions, and liabilities as if the said contracts had originally been made between the Company and the other party or parties thereto and as if the said by-laws had originally been so enacted in favour of the Company.

Power to acquire
undertaking of B.C.
Electric Rly. Co.,
Ltd.

5. The Company shall have power at any time to purchase, take over, or acquire, and to hold, maintain, and operate, and the English Company is, notwithstanding anything contained in any Act of the Province, grant, concession, franchise, charter, by-law, contract, or

other document and without any consent, order, or approval whatsoever, hereby authorized and empowered, so far as the jurisdiction of the Province extends, to sell, convey, assign, or otherwise transfer to the Company the entire undertaking of the English Company in the Province (excepting always any shares in the capital stock of the Company held by the English Company), and no such sale, conveyance, assignment, or transfer shall constitute a breach of or annul, avoid, impair, or affect any of the contracts, rights, powers, privileges, immunities, concessions, or franchises of the English Company.

When the Company shall have purchased, taken over, or acquired the undertaking of the English Company, the Company shall, so far as the jurisdiction of the Province extends, and subject, in the case of any land or charge affecting land comprised in any undertaking so acquired, to the due registration of title in the Company pursuant to the "Land Registry Act," thereupon be vested with and have, hold, and enjoy all the undertaking of the English Company, whether enjoyed, held, or conferred on it by or under any Act of the Province, grant, concession, franchise, charter, by-law, contract, or otherwise, to as full an extent as such undertaking might have been held, exercised, and enjoyed by the English Company and as if any part of such undertaking specially granted or conferred by an Act of the Province had been specially granted or conferred on the Company hereby, subject, however, to all mortgages, liens, charges, and encumbrances, if any, upon the same or any part thereof, and the Company shall be deemed to have assumed and shall thereafter be liable in lieu of the English Company for all debts, claims, demands, covenants, obligations, or duties to, of, or with municipalities or others for which the English Company was liable, and to as full an extent as the English Company was liable, at the time of such purchase, taking over, or acquisition, and the Company shall be deemed to be substituted for the English Company in all contracts to which the English Company was at such time a party, and in all by-laws enacted by any municipality granting or conferring upon the English Company any rights, powers, privileges, immunities, or concessions, and thereafter all such contracts shall be binding upon the Company and the other party or parties thereto, and all such by-laws shall continue in effect, in the same manner and to the same extent and with the same rights, powers, privileges, immunities, concessions, and liabilities as if the said contracts had originally been made between the Company and the other party or parties thereto and as if the said by-laws had originally been so enacted in favour of the Company; and the Company shall also be deemed to be substituted for the English Company in the "British Columbia Electric Railway Passenger Rates Act," and thereafter such Act shall be

read and interpreted as if the Company were named in section 2 thereof instead of the English Company.

Selling companies
authorized to accept
surrender of shares.

6. When the Company purchases, takes over, or acquires the undertaking of any one of the selling companies, such selling company is authorized to accept, in whole or in part consideration thereof, the surrender by the Company of any shares in the capital stock of the selling company which the Company may hold.

Notice in Gazette.

7. At least one week before the Company shall purchase, take over, or acquire the undertaking of any one of the selling companies, or of the Western Company or of the English Company, it shall give notice thereof in the Gazette and shall also send a copy of such notice to the clerk of each and every municipality in which the undertaking or any part thereof to be purchased, taken over, or acquired is carried on.

No extension of
franchises, etc.

8. Nothing in this Act shall be deemed in any way to enlarge or extend any undertaking purchased, taken over, or acquired by the Company under or by virtue of this Act, or in any way to authorize or empower the Company to exercise, carry on, or enjoy the undertaking in any manner or to any extent other than the company from whom the undertaking was so purchased, taken over, or acquired might lawfully have exercised, carried on, and enjoyed it, and every undertaking so purchased, taken over, or acquired shall be exercised, carried on, and enjoyed by the Company only in, over, and in respect of the same area or territory in, over, and in respect of which the company from whom the undertaking was so purchased, taken over, or acquired might lawfully have exercised, carried on, and enjoyed it.

Acts of the Province
to apply.

9. Any Act of the Province, general or special, affecting, concerning, relating, or applying to the undertaking or any part thereof of any one of the selling companies or the Western Company or the English Company shall, in the event of the Company purchasing, taking over, or acquiring such undertaking, be deemed to continue to affect, concern, relate, or apply to the undertaking or such part thereof in the same manner and to the same extent as such Act would have done if the undertaking had not been so purchased, taken over, or acquired.

Reference to
Schedule of private
Acts.

10. It is hereby declared that the statutory rights, powers, privileges, immunities, concessions, and franchises conferred by private Acts of the Province now held, owned, and enjoyed by the English Company, Vancouver Gas Company, Limited Liability, and Victoria Gas Company, Limited, respectively and under which they respectively operate their respective undertakings are contained in the Acts respectively mentioned in Parts One, Two, and Three of the Schedule to this Act.

11. This Act may be cited as the “British Columbia Electric Short title.
Power & Gas Company, Limited, Act, 1927.”

SCHEDULE.

PART ONE.

- “Vancouver Street Railway Act, 1889,” chap. 38, 1889.
“National Electric Tramway and Lighting Company, Limited, Act, 1889,”
chap. 39, 1889.
“Vancouver Electric Railway and Light Company’s Act, 1890,” chap. 51,
1890.
“Tramway Act, 1890,” chap. 52, 1890.
“Westminster Street Railway Act, 1890,” chap. 65, 1890.
“Westminster and Vancouver Tramway Company’s Act, 1890,” chap. 67,
1890.
“Westminster and Vancouver Tramway Company Amalgamation Act,
1891,” chap. 71, 1891.
“Consolidated Railway and Light Companies’ Act, 1894,” chap. 56, 1894.
“Victoria Electric Railway and Lighting Company, Limited, Act, 1894,”
chap. 63, 1894.
“Consolidated Railway Company’s Act, 1896,” chap. 55, 1896.

PART TWO.

- “Vancouver Gas Company Act, 1886,” chap. 27, 1886.

PART THREE.

- “Victoria Gas Company’s Act, 1860.”
“Victoria Gas Company’s Extension Act, 1861.”
“Victoria Gas Company’s Extension Act, 1862.”

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