



## CHAPTER 56.

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

[8th May, 1897.]

**W**HEREAS John Andrew Mara, gentleman, and Cecil Walford Preamble.

Ward, barrister, both of Kamloops, in the Province of British Columbia; and Steve O'Brien, wine merchant, of the City of Victoria, in the Province aforesaid, have, by their petition, applied to be incorporated as a company for the purpose of establishing water-works and of generating electricity, and of supplying the same to the persons and within the district hereinafter mentioned, for electric lighting, motive power, telegraph, telephone, and other works, and of supplying water to consumers as a motive power for hauling, pumping, lighting, smelting and drilling, and for domestic, mining, manufacturing, and any other purposes for which it may be applied or acquired, to the miners, smelters, operators of tramways, and inhabitants of the townsite of Grand Forks and of a strip of territory six miles in width on either side of the North Fork of Kettle River, and extending for twenty-five miles from and above the said townsite of Grand Forks along the line of the North Fork of Kettle River, and of constructing, equipping, operating, and maintaining electric, cable, or other tramways in the district above mentioned, and of constructing, maintaining, and operating a telephone system in the said district, and of constructing, erecting, laying and maintaining buildings, erections, dams, ditches, flumes, raceways, mills, manufactories, pipes, poles, wires, and all other appliances and conveniences necessary or proper for all or any of the aforesaid purposes, and with power to enter and expropriate land for fully and effectively carrying out the said purposes.

The water to be obtained from the North Fork of Kettle River and Manly Creek at points above the townsite of Grand Forks, Osoyoos Division of East Yale District.

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:—

- Short title.           **1.** This Act may be cited as the “Grand Forks Water Company, Limited, Act, 1897.”
- Incorporation.       **2.** The said John Andrew Mara, Cecil Walford Ward, and Steve O’Brien, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body corporate and politic by the name of the Grand Forks Water, Power and Light Company, Limited Liability, 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 the Company shall in general meeting determine.
- Capital.             **4.** The capital stock of the Company shall be five hundred thousand dollars, divided into one hundred thousand shares of five dollars each.
- Liability of shareholders.   **5.** The liability of the shareholders of the Company shall be limited to the amount, if any, remaining unpaid on the shares respectively held by them, and 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.
- Provisional Directors.   **6.** The said John Andrew Mara, Cecil Walford Ward, and Steve O’Brien 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 for and recover the same.
- First and other general meetings.   **7.** 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 second Thursday in June.

8. At the first ordinary general meeting, and at every succeeding Election of Directors. 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.

9. Until otherwise determined by a general meeting, the number of Number of Directors. 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.

10. The business of an ordinary meeting shall be to receive and Business of ordinary consider the profit and loss account and balance sheet, the reports of meetings. the directors and auditors, to elect directors and other officers in place of those retiring, to declare dividends and to transact such other business as 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.

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

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

13. At all general meetings of the Company every shareholder shall Shareholders' right be entitled to have one vote for every share held by him: Provided, to vote. 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.

14. The Company, with the sanction of the vote of the majority in General powers of— value of the issued shares obtained at any meeting called for that purpose, may exercise any of the following powers:—

- (a.) Raise any additional sum or sums by the issue of new ordinary Issuing new shares or shares, or by the issue of new ordinary stock, or at the option stock. of the Company by either of those modes, or by the issue of new preference shares, or by the issue of new preference stock, 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 twelve per cent. per annum:
- (b.) Borrow from time to time, on mortgage or bond, such sums of Borrowing on mort- money as the Company shall think fit: Provided, however, gage or stock.

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 twenty thousand dollars. Nevertheless, no lender or other person dealing with the Company shall be concerned to see or inquire whether this limit is observed :

Debenture stock. (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.

Calls. **15.** 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.

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.

Holding, etc., of land, buildings, etc. **17.** 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.

Power to obtain water records. **18.** 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 district contained in the townsite of Grand Forks, and a strip of territory six miles in width on each side of the North Fork of Kettle River and extending for twenty-five miles from and above the said townsite of Grand Forks along the line of the North Fork of Kettle River, said district being hereinafter called 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 :

Works to render such water-power available. (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.

**19.** 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—

Power to use such water-power and compressed air.

- (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 :
 

Construction of electric works, plant, 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 :
 

Electric lines, motors, etc.
- (c.) Constructing, equipping, operating, and maintaining electric, cable or other tramways or street railways, for the conveyance of passengers and freight :
 

Tramways and street railways.
- (d.) Constructing, equipping, operating and maintaining telegraph and telephone systems and lines.
 

Telephone and telegraph.

**20.** And the Company shall have power to construct, equip, operate and maintain, electric works, power-houses, generating plant, electric, cable or other tramways, or street railways, telegraph and telephone systems and lines, and all such appliances and conveniences in connection therewith as are mentioned in the preceding section, and all

Power houses and appliances.

such other appliances and conveniences whatsoever as are necessary and proper for constructing, equipping, operating, and maintaining the same.

Supplying consumers.

**21.** 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.

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

**22.** 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.

Records of water records for supplying domestic, etc., uses.

**23.** 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 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 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 as are herein excepted, altered or varied) shall apply to the Company.

Part V., "Water Clauses Consolidation Act, 1897."

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

Priority of applications for water records.

**25.** 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 pursuance of Parts III. and IV. of the "Water Clauses Consolidation Act, 1897," of the waters mentioned in the preamble of this Act, it shall, as to such waters, have priority over all notices of applications and applications made for records from Manly Creek and North Fork of Kettle

River in the vicinity of Pass Creek, made since the 17th day of December, 1896, and not completed by record prior to the passage of this Act.

**26.** 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 of any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act.

*Limitation of time for bringing of actions against the Company.*

**27.** The lands, rights and privileges which shall be ascertained, purchased or acquired, set out or appropriated by the Company for the purposes aforesaid shall, so long as the Company use the same for the purposes of this Act, be vested in the Company.

*Lands, rights, etc. vested in Company during use.*

**28.** 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 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 of "Water Clauses Consolidation Act, 1897."*

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