



## CHAPTER 46.

## An Act to Incorporate the Crow's Nest Pass Electric Light and Power Company, Limited.

[31st August, 1900.]

WHEREAS Robert Jaffray, George A. Cox, and Henry M. Pellatt, Preamble.  
all of the City of Toronto, and William Fernie and James Johnstone, of Fernie, British Columbia, have, by their petition, applied to be incorporated as a company, to be known as the "Crow's Nest Pass Electric Light and Power Company, Limited," for the purpose of using and supplying power, light, and heat by gas, compressed air, electricity, water or motive power to the inhabitants and to cities, towns, mines, smelters, industrial works of every kind and description, tramways, ropeways, and other means of transportation in and through the District of Kootenay; also to construct, maintain, and operate tramways, electrical works, gas works, electric railways, and ropeways and telephone systems in and throughout the said District of Kootenay, and to extend the said systems to other districts, and to erect and maintain all necessary works, buildings, flumes, dams, raceways, and poles; to lay pipes and stretch wires for the conveyance and supply of gas, compressed air, and electricity, water or other power as aforesaid; and with power to expropriate lands for the purposes of the said Company, and also for the purpose of generating gas, compressed air, power, light, and heat as aforesaid; to appropriate and use so much of the water of the various rivers and streams throughout the said District of Kootenay as the Company may see fit; to borrow money for the purposes of the Company, and to pledge or mortgage any of the Company's assets for that purpose; to carry on every description of commercial or financial business; to acquire privileges, franchises, and concessions throughout the said District, by grant, purchase, or otherwise, from any government, corporation, or individual; to levy

and collect tolls and charges from the public and from individuals for any power, light, heat, and water supplied, and to levy and collect tolls and charges from all parties using any such telephone systems, and from all passengers and on all freight passing over any such tramways, electric railways, and ropeways; and to acquire all such powers as may be necessary, conducive, or incidental for the carrying out of any or all of the above objects :

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 :—

Persons incorporated.

**1.** The said Robert Jaffray, George A. Cox, Henry M. Pellatt, William Fernie, and James Johnstone, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body corporate and politic, under the name of the “Crow’s Nest Pass Electric Light and Power Company, Limited.”

Corporate name.

Interpretation.

**2.** Where the words following occur in this Act, they shall be interpreted in the manner hereinafter mentioned, unless a contrary intention appears :—

(1.) “The Company” shall mean the “Crow’s Nest Pass Electric Light and Power Company, Limited” :

(2.) “The undertaking” shall mean the tramways, the electric, gas, compressed air, water-works or power-works of whatever description authorised by the “Water Clauses Consolidation Act, 1897,” or by this Act, to be executed or purchased, taken over or otherwise acquired by the Company :

(3.) “Lands” shall include all real estate, messuages, lands, tenements, and hereditaments of any tenure.

Head office.

**3.** The head office of the Company shall be at the Town of Fernie, in the Province of British Columbia, 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 two hundred thousand dollars (\$200,000), divided into two thousand (2,000) shares of one hundred dollars (\$100) each, which shares shall be transferable in such manner and upon such conditions as shall be provided by the by-laws of the Company (and such shares or any part thereof may be granted and issued as paid-up shares for value received or services rendered to the Company), either in money at par or at such price and upon such conditions as the Board of Directors may fix, or as part or all of the

consideration for any contract made by the Company, and such capital stock may be increased from time to time to any amount if such increase is sanctioned by a vote in person or by proxy of the shareholders who hold at least two-thirds in amount of the stock of the Company at any meeting specially called for that purpose, by the creation of new shares of such amount as may be deemed expedient. Such new shares shall be issued upon such terms and conditions, and with such rights and privileges annexed thereto, as a general meeting of the shareholders resolving upon the creation thereof shall direct, and if no direction be given, as the Directors shall determine; and in particular such shares may be issued with a preferential or a qualified right to dividends, and in the distribution of the assets of the Company, and with a special or without any right of voting.

5. The liability of the shareholders shall be limited to the amount unpaid on their shares; provided that all shares issued as paid-up shares are hereby declared to be fully paid up and non-assessable for any cause whatsoever, and shareholders holding the same shall be subject to no liability thereon. Shareholders' liability.

6. The persons named in the first section of this Act shall be the 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 and exercise all the powers hereby conferred upon Directors of the Company, and all acts of the Provisional Directors in accordance with this Act shall be valid and binding on the Company until their successors are elected. Provisional Directors' powers and duties.

7. The annual meeting of the shareholders of the Company shall be held at the head office of the Company on the second Monday of October in each year, or on such other day as may be fixed by the by-laws and regulations of the Company, and at such annual general meeting of the Company the Directors shall be chosen. The number of Directors shall be decided upon at the first meeting of the Company. Time and place of annual meetings.

8. In order to constitute a meeting (whether ordinary or extraordinary) 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. Required number of shareholders to constitute meeting.

9. 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. Votes of shareholders.

Qualification of  
Directors.

**10.** No person shall be qualified to be a Director of the Company unless he is the holder in his own right of at least five shares in the Company, and has paid up all calls made on shares held by him and then due. No person shall be disqualified to be a Director by reason of or on account of his being connected directly or indirectly as a partner, or shareholder, or director in any other company or association having any contract with the Company, or by reason of his receiving any salary or remuneration for attending to the affairs of the Company as Managing Director or Agent.

Business of ordinary  
meetings.

**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 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.

Extraordinary meet-  
ing.

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

Failure to elect  
Directors.

**13.** No failure to elect Directors or to hold the first or any annual meeting shall operate as a dissolution of the Company, but anything omitted to be done may be afterwards performed at a meeting called in conformity with the by-laws, or at a meeting called specially for the purpose, and all acts of the Directors shall be valid and binding upon the Company until their successors shall be elected.

Calls.

**14.** No call shall be made at any time for more than ten per cent. of the amount subscribed by any one shareholder. Calls shall not be made at a less interval than one month from the previous call.

Power to hold and  
sell land.

**15.** The Company may purchase, hold, lease, rent, surrender and sell lands, works, buildings and tenements.

Power to acquire  
water.

**16.** 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 supply such water and water power to the Town of Fernie and to the residents of the District of Kootenay, or 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 systems of waterworks for the Town of Fernie and within the District of Kootenay as aforesaid, 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, improving, repairing or maintaining any such works or any part thereof.

17. The Company shall have power to use water or water power obtained as aforesaid, for producing, generating and manufacturing compressed air, gas and electricity within the Town of Fernie and the District of Kootenay, for the purposes of light, heat and power; and power—

Use of water power for electricity.

(a.) To construct, operate and maintain electric works, power-houses, generating plant and gas works, and such other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, compressed air and gas, and for transmitting the same to be used by the Company, or by persons, companies, corporations contracting with the Company therefor, as a motive power for the operation of motors, machinery, electric light and 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, drilling, milling, or for any operations to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which electricity, compressed air or gas may be supplied or required within the Town of Fernie and the District of Kootenay:

Construction, etc., of electrical works, power houses, etc.

(b.) To construct, equip, operate and maintain tramways for the conveyance of passengers and freight within the Town of Fernie and the District of Kootenay, and to construct, equip and operate a line or lines of telephone along the sides of and across or under any highways, streets, bridges, or any line or lines of railway, tramway or street railway in the Town of Fernie, or in any municipality in the said District of Kootenay, or in any portion of the said District of Kootenay, and the Company may, by its servants, workmen or agents, enter upon any highway, street, bridge, or such other place or places as aforesaid, for the purpose of erecting and maintaining its line or lines of telephone along the sides of or across or under the same, and may construct, erect and maintain such and so many poles and all other works and devices as the Company may deem necessary for making, completing, settling, using, working and maintaining the system of communication by telephone, and may stretch wires thereon; but, subject in so far as any tramway passes over or along any highways, to the permission

Construction of tramways;

Telephones.

and under the supervision of the Chief Commissioner of Lands and Works for the time being of the Province of British Columbia, who, if he should see fit to give permission to operate on any highway, shall fix the location of the tramways over the said highways between the said points, and may direct the paving, macadamizing, repairing and grading of such highways, and the construction, opening up and repairing of ditches or drains along or across the said highways, and from time to time may give such directions as he may see fit and proper for the due protection and convenience of the public, and the maintenance and preservation of public roads and highways; but in so far as the tramway or telephone passes through or lies within the limits of any city, town or district municipality, to the assent of the Council of such municipality, and to such regulations, conditions, modifications, changes, matters and things as such municipality may from time to time by by-law enact.

General powers.

**18.** The Company shall have power—

- (a.) To take over by all requisite deeds of assignment from any trustee for the Company any property, rights, water privileges and easements or leases acquired by any trustee on behalf of the Company, and to use any of the said property, rights, water privileges and easements in the carrying on of the undertaking, or for any of the purposes of the Company :
- (b.) To construct, carry out, maintain, improve, manage and work roads, ways, bridges, reservoirs, aqueducts, wharves, furnaces, saw-mills, hydraulic works, electric works, gas works, factories, warehouses, and other works and conveniences which may seem directly or indirectly conducive to any of the objects of the Company, and to contribute, subsidize and otherwise aid or take part in any such operations.

Power to acquire existing water-works.

**19.** The said Company shall have power to purchase, take over, lease and operate any existing water works system within the said Town of Fernie and District of Kootenay.

Governed by Parts III. and IV. of "Water Clauses Consolidation Act, 1897."

**20.** The Company shall (except as in this Act provided) be in the position of a company duly incorporated in compliance with the provisions of Parts III. and 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 herein excepted, altered or varied), and all provisions of Part V. of the said Act shall apply to the Company.

**21.** 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:—

- (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 twelve per cent. per annum: Power to raise money.  
Issue of new stock, etc.
- (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 a sum equal to one-half of the capital stock of the Company: Provided, however, that 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 without the sanction of a general meeting shall not 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: Borrowing powers.
- (c) Create and issue debenture stock, and may attach to the stock so created a fixed or perpetual or 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. Power to issue debenture stock.

**22.** 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. Limitation of time for bringing actions.

**23.** The Directors of the Company shall have full power to make— Powers of Directors.

- (a.) By-laws, rules and regulations to be observed by the officers and servants of the Company, and by all persons using the tramways, rails, electric lines, electricity, gas, compressed air, or any property of the Company: By-laws.

Rules for manage-  
ment.

(b.) Rules, regulations for the maintenance and management of the Company's undertakings and works, and for the collection of tolls for freight or ores, fares for the carriage of passengers, rates for electricity, compressed air and gas supplied, and rent for electric lines and appliances let for hire, and for fixing the time or times when, and the places where the same shall be payable, and in case of default of payment, to enforce payment by cutting off the electricity, gas and compressed air, or by suit at law or both :

For collection of  
rates, etc.

(c.) By-laws, rules and regulations for the collection of the power, lighting and heating rates or rents, and for fixing the time or times when, and the places where same shall be payable, and in case of default in payment, to enforce payment by cutting off the electricity, gas or compressed air, or by suit at law or both :

Rates and charges,  
etc., may be revised.

(d.) But all tolls, rates and charges imposed by virtue of this section may be revised and altered at any time by the Lieutenant-Governor in Council.

Powers of Directors  
outside of general  
meeting.

**24.** The Directors shall exercise all such powers of the Company as are not by this Act, or by the by-laws or regulations of the Company, required to be done by the Company in general meeting.

Power to contract  
with other company.

**25.** It shall be lawful for the Company to contract with any other person, corporation or company for supplying with electricity or electric power, gas or compressed air, any such person, corporation or company upon or in any roads, streets, ways, lanes, passages, tramways, railways, manufactories, shops, warehouses, public or private houses, buildings and places ; and for such purposes may, from time to time, lay down, carry, fit up, connect and furnish any electric accumulator, storage battery, electric line, cable, wire, main pipe, switch, connection, branch, burner, lamp, meter, or other apparatus, for or in connection with any electric line, main lead or cable, which for such purposes may be required, and to let any such apparatus for hire or for such sum as may be agreed upon. The Company shall from time to time supply electricity, electric power, gas and compressed air to any premises lying within fifty yards of any main supply wire or cable suitable for that purpose, on being required by the owner or occupier of such premises ; provided, however, the Company, before supplying electricity, electric power, gas or compressed air, or making such connection, or as a condition to the Company continuing to supply the same, may require any customer to give reasonable security for the repayment to the Company of the costs of making such connection, and for the payment of the proper charges for electricity, gas or compressed air supplied, and for rent of instruments ; provided, also, that all parties supplied with electric light, gas or compressed air



by the Company may be required to place and use only lamps of such voltage as may be approved of by the Company.

**26.** If any corporation, company or person neglects to pay any charge for electricity, gas or compressed air, or any other sum due from him to the Company, either in respect to the supplies of electricity, gas or compressed air to such person, or in respect of the rent reserved by the Company for the use of electric lines, meters, accumulators, transformers, motors, distribution boards, lamps, fittings, works or apparatus lent or supplied for hire to such corporation, company or persons, the Company may cut or disconnect any electric line or other work through which electricity, gas or compressed air may be supplied, and remove such articles and works above mentioned as were let for hire to such corporation, company or person.

Power to deal with persons neglecting to pay rates, etc.

**27.** Where any electric lines, accumulators, transformers, motors, meters, generators, distribution boards, lamps, fittings, works or apparatus belonging to the Company are placed in or upon any premises not being in possession of the Company, for the purpose of supplying electricity, gas or compressed air, such electric lines, accumulators, transformers, motors, meters, generators, distribution boards, lamps, fittings, mains, pipes, works or apparatus shall not be subject to distress for rent for the premises where the same may be, nor be taken in execution under any process of law or equity against the person in whose possession the same may be.

Power to use premises not belonging to Company for certain purposes.

**28.** Any person appointed by the Company may, at all reasonable times, enter on any premises to which electricity, gas or compressed air is or has been supplied by the Company in order to inspect electric lines, accumulators, fittings, works and apparatus for the supply or application of electricity, gas or compressed air belonging to the Company therein, and for the purposes of ascertaining the quantity of electricity, gas or compressed air consumed or supplied, or where supplies of electricity, gas or compressed air are no longer required, or where the Company is authorised to take away or cut off the supply of electricity, gas or compressed air from any premises, for the purpose of removing any electric lines, accumulators, transformers, motors, distribution boards, meters, fittings, lamps, works or apparatus belonging to the Company.

Power to enter lands for certain purposes.

**29.** The Company may receive, take, hold, enjoy, or lease from any Government, person, corporation, municipal or otherwise, any lands, bonuses, donations, loans, gifts of money, bonds, guarantee of bonds, or interest guarantees, exemption from taxes or other impost, or any or all of the same, and generally any benefit or advantage to the Company or in aid of the same, of any nature or kind whatsoever; and

Company may take grants, etc.

may sell, lease or otherwise dispose of the same, either conditionally or absolutely, or for any limited estate or interest therein, and upon such terms and conditions as the Directors may deem proper ; and the generality of the latter part of this clause is not to be held to be restricted by the specific mention of the foregoing ways and means.

Company may acquire power already developed.

**30.** The Company is hereby authorised and empowered to acquire, by purchase or otherwise, the right to use, and to use and employ power already developed by others at any point or points, and whether the same be in the form of electrical power, compressed air, or otherwise.

Power to clear adjoining lands.

**31.** The Company may also, by its workmen, servants or agents, enter into and upon any lands adjoining the works of the Company, or any line or lines of pipe, fluming or wire laid or erected by the Company as a means of transmitting power for or in connection with any of the purposes referred to in this Act, and clear the said lands of timber and underwood to such width on each side of the said works, or such line or lines of pipe, fluming or wire, as aforesaid, as the Company may deem necessary for the proper protection of the same, subject, however, to making compensation for such clearing in manner hereinafter mentioned.

Power to acquire franchises of other companies.

**32.** The Company may purchase, lease, or otherwise acquire, for any term of years, any street railway, tramway or telephone systems established, or to be established, in British Columbia, connected, or to be connected, with the line or lines which this Company is authorised to construct, or may purchase, lease, or otherwise acquire for any term of years the right of any company to construct and maintain any street railways, tramway or telephone systems, and may amalgamate with or lease its line or lines, or any portion or portions thereof, to any company possessing, as proprietors or otherwise, any lines of street railway, tramways, or telegraph or telephone communication connecting, or to be connected, with the Company's line or lines, and the Company may enter into any agreement with any company possessing, as proprietor or otherwise, any line or lines of street railway, tramway, or telephone or telegraphic systems upon any such terms as may be deemed expedient and advisable, but subject to the consent of the Lieutenant-Governor in Council and to such terms as the Lieutenant-Governor in Council may impose, and may become a shareholder in any such company.

Amalgamation.

Power to break, open streets, roads, etc., subject to consent of Chief Commissioner.

**33.** The Company may, subject to the Chief Commissioner of Lands and Works, or of the proper authority having control of the streets, roads, highways and bridges, open and break up the soil and pavement and any sewers, drains or tunnels within or under such streets, roads, highways and bridges, and lay down and place within the said limits

its tracks, pipes, wires and poles, and from time to time repair, alter and remove the same, and for the purposes aforesaid may remove and raise all earth and materials in and under such streets, highways and bridges, and do all other acts which the Company shall from time to time deem necessary for the purpose of running its line or lines of tramways and supplying electricity, gas or compressed air, and maintaining a telephone service as hereinbefore more fully specified, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

- (a.) The Company shall not unduly interfere with the public right of travelling on or using such highways or streets.

**34.** When the Company opens or breaks up the roadway or pavement of any highway, street or bridge, or any sewer, drain or tunnel, it shall, with all convenient speed, complete the work for which the same shall be broken up, and shall fill in the ground, reinstate and make good the road or pavement, or the sewer, drain or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be open or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement, where the same shall be opened or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for one month after replacing the same.

Company shall put such streets, etc., in good repair.

**35.** The Company may purchase, acquire, or lease and hold, and may sell, dispose of, or surrender any lands, buildings or tenements, and may, for all or any of the said purposes, purchase or lease for any term of years any compressed air, electrical works, or gas works, established, or to be established, within the said District of Kootenay, and may enter into working arrangements with, or may enter into a lease of, or acquire the right to work and operate any such works, or to use the property and plant of such works.

Power to acquire lands, etc.

**36.** It shall be lawful for the Company, its servants, agents, or workmen, from time to time, and at all times hereafter, as they shall see fit, and they are hereby authorised and empowered to enter into and upon the land of any person or persons, bodies politic and corporate, set out and ascertain, take, expropriate, hold and enjoy such part or parts thereof as it may require for the purposes of the undertakings by this Act authorised, or any one or more of them, and to contract with the owners or occupiers of lands for the purchase thereof, or any part thereof, or of any right, easement or privilege that may be

Power to enter land, etc., of any person.

required for the purposes of the Company, and for the right to take all timber, stone, gravel, sand and other materials from the same for the use and construction of the said works of the Company.

Subject to "Lands  
Clauses Consolida-  
tion Act."

(a.) The powers conferred by this section shall be subject to and shall be exercised under and in conformity with the provisions of the "Lands Clauses Consolidation Act," Chapter 112, of the Revised Statutes of British Columbia, 1897.

Penalty clause.

**37.** Any person who shall maliciously or wilfully injure, molest or destroy any of the lines, posts or other material of the Company, or post up any advertisement, or print anything on any of the posts or other property of the Company, or in any way wilfully obstruct or interfere with the undertaking and working of the said electric, gas or compressed air plants or property, shall, on summary conviction thereof, be liable to a penalty for every offence not exceeding one hundred dollars, together with costs.

Deposit, to secure  
expenditure.

**38.** The Company shall, within six months after the coming into force of this Act, deposit with the Minister of Finance the sum of two thousand five hundred dollars, either in cash or securities approved by said Minister, as security that the Company will expend not less than ten thousand dollars in the undertaking on or before the 1st day of December, 1901, and if such security shall not be deposited as aforesaid, this Act shall be null and void, or if after such deposit the said sum of ten thousand dollars shall not be expended within the period herein mentioned, the aforesaid deposit of moneys or securities, if made, shall be forfeited to and become the property of the Government: Provided always, that the Lieutenant-Governor in Council shall have power to extend the time for deposit and construction, respectively, as aforesaid, but such extension shall not be for a longer period than one year.

Short title.

**39.** This Act may be cited as the "Crow's Nest Pass Electric Light and Power Company, Limited, Act, 1900."

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