



### CHAPTER 53

An Act to authorize the Kootenay Power Company, Limited, to construct Tramways and Eléctrical and other Works in the vicinity of Nelson.

[23rd April, 1892.]

**W**HEREAS the Kootenay Power Company, Limited, a company Preamble.  
 duly incorporated under the "Companies Act," Part I., the  
 "Companies Act, 1862" (Imperial), and hereinafter called "the Com-  
 pany," have, by their petition, prayed for authority to construct,  
 operate, and maintain tramways for the purpose of conveying passen-  
 gers, freight, and ores from some convenient point near the Town of  
 Nelson to any point or points within a radius of twenty-five miles from  
 the said Town of Nelson (which area is hereinafter called "the said  
 area"); and also for authority to take and use from the Kootenay  
 River, in the vicinity of the falls of the said river, so much of the  
 waters of the said river as may be necessary to obtain therefrom five  
 thousand horse power for the purpose of generating electricity, and  
 with power to the applicants to construct and maintain buildings,  
 erections, raceways, or other works in connection therewith for im-  
 proving or increasing the said water privilege; and also for authority  
 to enter upon and expropriate lands for a site for power-houses and  
 for dams, raceways, or other such works as shall be necessary; and  
 also for authority to construct and maintain all necessary works,  
 buildings, pipes, poles, wires, appliances, or conveniences necessary or  
 proper for the generating and transmitting of electricity or power  
 within the said area, such electricity to be used by the Company as a  
 motive power for the said tramways or other works of the Company,  
 or to be supplied by the Company to consumers as a motive power for  
 hauling, pumping, lighting, smelting, drilling, or for any other pur-  
 poses for which electricity or electric power may be applied or be  
 required:

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 British Columbia, enacts as follows:—

Power to construct  
and operate tram-  
way.

1. The Company are hereby authorized and empowered to construct, maintain, complete, and operate upon and along the lands, highways, and streets within the said area a line or lines of single or double iron tramways, with the necessary branches, side tracks, and turn-outs for the passage of cars, carriages, and other vehicles adapted to the same (subject, in so far as the same passes over or along any highways and bridges within the said area, to the permission and supervision of the Chief Commissioner of Lands and Works of the Province, who shall fix the location of the tramway over the said highways and bridges within the said area), and to transport and carry passengers, freight, and ores upon the same by electricity or such other motive power as the Company may deem expedient, and also to erect, maintain, and construct all necessary works, buildings, pipes, poles, wires, and appliances or conveniences necessary or proper for the use of the said tramway, or in connection therewith.

Power to take water  
from Kootenay  
River.

2. The Company are hereby authorized and empowered to take and divert from the Kootenay River, at such point or points as they shall judge suitable and desirable, and to appropriate and use for the purpose of generating electricity so much of the water of the said river as may be necessary to obtain a water power equal to five thousand horse power, with power to the Company to construct all works that may be necessary for making such water power available, and from time to time to improve such water privilege by erecting dams, diverting the waters of the said river into any channel or channels, constructing any raceways or other works which may from time to time be required in connection with the improvement or maintenance of the said water privilege hereby granted; and for the purposes aforesaid the Company, its workmen, servants, and agents are empowered and authorized to enter into and upon any lands in the vicinity of any of the falls on the said river of any person or persons, bodies politic or corporate, to survey, set out, ascertain, and take, expropriate, hold, and acquire such parts thereof as they may require for the purpose of obtaining the said water power, or for the construction of any dam, raceway, flume, channel, or other appliance for the purpose of increasing the water power to the extent of five thousand horse power, or for the erection of a power-house and generating plant: Subject, however, to making compensation therefor in the manner hereinafter mentioned; but the powers (other than the powers to enter, survey, and set out and ascertain what parts thereof are necessary for the purposes aforesaid, or for making the plans hereinafter mentioned) conferred by this

To enter on and,

section shall not be exercised or proceeded with until the plans and site of the said works have been approved of by the Lieutenant-Governor in Council. Plans to be approved before powers exercised.

(a.) 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.

3. The Company are hereby authorized and empowered to erect, construct, operate, and maintain electric works, power-houses, generating plant, and such other appliances and conveniences necessary and proper for the generating of electricity or electric power, and for transmitting the same to any part of the said area, to be used by the Company as a motive power for the tramways by this Act authorized, or other works of the Company, or to be supplied by the Company as a motive power for hauling, pumping, lighting, smelting, drilling, or 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. And for any of the above purposes the Company is hereby authorized and empowered, by its servants, agents, contractors, and workmen, from time to time, to make and erect such electric works, and to sink, lay, place, fit, maintain, and repair such electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connection branches, electric meters, dynamos, engines, machines, cuts, drains, water-courses, pipes, buildings, and other devices as may be deemed necessary. And to erect and place any electric line, cable, main, wire, or other electric apparatus above or below ground, along, over, or across any street in the said area, and to erect poles for the purpose of placing the same in such manner as the said Company shall think fit, necessary, or proper for the purpose of carrying out the operations of the said Company in respect of and incidental to the making, generating, or supplying of electricity. And also for all such purposes to open and break up the soil and pavement of the streets or bridges within the said area, and to open and break up any sewers, drains, or tunnels within or under such streets and bridges, and to erect posts, poles, pillars, lamp globe, or other apparatus in or upon the said streets and bridges, or against any wall or walls erected on the same or adjoining thereto, and to dig and sink trenches and drains, and to lay electric lines, cables, and mains, and to put electric lines, wires, Power to erect electric works, etc To open streets etc

switches, and connection branches from such electric lines, cables, and mains, in, under, across, or along such streets and bridges, and from time to time to cut, remove, alter, repair, replace, and relay such electric lines, cables, mains, wires, switches, and connection branches, or other apparatus.

May contract for purchase of lands, etc.

4. It shall be lawful for the Company to contract with the owners or occupiers of any lands required by the Company for the works in this Act authorized for the purchase thereof, or any part thereof, or of any easement or privilege that may be required for the purposes of the said Company, and for the right to take all timber, stone, gravel, sand, and other materials from the same or adjacent lands, for the use and construction of the said works.

Arbitration in case of disputes.

5. In case of disagreement between the said Company and the owner or owners or occupiers of the said lands, or any such privilege or privileges, right or rights, as aforesaid, respecting the amount of purchase money or value thereof, or as to the amount of damages arising through the disturbance of the surface of any of the said lands in the course or by reason of the construction of any of the works by this Act authorized, or as to the compensation to be paid by the Company in respect of the clearing mentioned in sub-section (a) of section 2 of this Act, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely: The Company shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, after their appointment, appoint a third arbitrator.

Failure to appoint arbitrator.

6. Either the Company or the owner or owners may, after making such appointment, serve notice thereof on the other parties, and if, within ten days after service of such notice, the party so served fails to appoint an arbitrator on his or their behalf, or in the event of the two arbitrators so appointed failing within twenty days after their appointment to appoint a third arbitrator, then, or in any of such cases, one of the Judges of the Supreme Court of British Columbia shall, on the application of either party, appoint such arbitrator.

Appointment of arbitrators in case owner infant, etc.

7. In case any such owner or occupant shall be an infant, insane, or under any other legal disability, or shall be absent from this Province, it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made to him for that purpose by the Company, to nominate and appoint three indifferent persons as arbitrators.

Arbitrator dying or refusing to act.

8. If, before the matter so referred shall be determined, any arbitrator appointed by either party die, or become incapable, or neglect or refuse to act, the party by whom such arbitrator was appointed may nominate and appoint, in writing, some other person to act in his

place, and if, for the space of seven days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed, *ex parte* :

- (a.) If any arbitrator appointed by the Court under any of the provisions hereinbefore mentioned should die or become incapable, or neglect or refuse to act before the matter so referred shall be determined, the Court may, on the application of either party, appoint some other person to act in his place :
- (b.) Every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability, neglect or refusal, as aforesaid.

9. The arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order whether any, and, if so, what sum or sums of money the Company shall pay to any person or persons in respect of the matters so referred, and the award of the majority shall be final.

Award of arbitrators final.

10. The said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said Town of Nelson to be appointed by the Company, after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested ; but no formal agreement or submission in writing shall in any case be necessary. The said arbitrators shall, before entering into the consideration of any of the matters so referred to them, each be sworn before one of Her Majesty's Justices of the Peace for any County or Electoral District of British Columbia (any of whom may be required to attend the said meeting for that purpose), well and truly to decide between the parties to the best of his judgment.

Meeting of arbitrators.

11. The arbitrators shall make their award within thirty days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by such arbitrators under their hands.

Time limit within which award to be made.

12. The said arbitrators shall call for the production of any documents in the possession or power of either party which the said arbitrators or any of them may think necessary for determining the question in dispute, and shall examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators shall examine witnesses.

13. All the costs of any such arbitration and incident thereto, including the fees of the arbitrators, shall be borne by the Company, unless the arbitrators shall award the same or a less sum than shall

Costs of arbitration.

have been offered by the Company, in which case the owners or occupiers shall bear the said costs incident to the arbitration, and the costs of the arbitrators.

Taxation of costs.

**14.** The costs of any such arbitration may, on the application of either party, be taxed by the Registrar of the Supreme Court at the City of Victoria, and on such taxation the said Registrar shall not be limited by any scale of fees in force in the said Court, or laid down in the "Arbitration Act," but may allow all such costs and expenses, including fees to arbitrators, witnesses, and counsel, as he shall consider reasonable and proper, having regard to the importance of the matters in dispute, and the length of time occupied in the said arbitration.

Award to be in writing, etc.

**15.** The arbitrators shall upon payment of their proper fees in that behalf deliver their award in writing to the Company, and the said Company shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party of the arbitration, and shall at all times on demand, produce the said award, and allow the same to be inspected or examined by such party or any other person appointed by him for that purpose.

Setting aside award.

**16.** No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form, but any such award shall be subject to be set aside or be referred back to the arbitrators, on application to the Supreme Court of British Columbia, in the same manner and on the same grounds (except irregularity or error in matter of form) as in ordinary cases of arbitration. For the purposes of such application, any award made under this Act shall be deemed to have been so made under a submission which has been duly constituted a rule or order of the said Supreme Court of British Columbia.

Award to be binding.

**17.** The award of the majority of the said arbitrators shall be binding upon all parties concerned, subject as aforesaid: Provided, however, if a majority of the said arbitrators shall not agree upon an award, the said reference shall be deemed to be abandoned and the parties may appoint other arbitrators and proceed to a second arbitration in accordance with the provisions of this Act, and so on from time to time until an award shall be made.

Payment of amount of award.

**18.** Any sum so awarded, shall be paid within six months from the date of the award, or the determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive.

When amount awarded to be paid into Court.

**19.** If the purchase money or compensation so awarded in respect of any lands or any interest therein purchased or taken by the Com-

pany, or in respect of any damages for disturbance of surface rights as aforesaid, shall be payable to a person who for any reason cannot make a conveyance thereof, or who shall be absent from this Province, then the Company may pay the amount awarded (less any sum which may be taxed against the other party for costs) into the Supreme Court of British Columbia, and thereupon the said Court may make an order vesting the said lands, or interest therein, or the rights or privileges sought to be acquired, in the Company, and no further conveyance or grant shall be requisite to perfect the title of the Company or its successors to the said lands, rights, or privileges:

Order of Court on such payment.

(a.) The said Court may make such order as to the disposition of any moneys so paid in, as shall be deemed requisite or proper. Ditto.

(b.) In all other cases, upon payment or tender of the amount so awarded the owners or occupiers of the lands, rights, or privileges aforesaid, shall, at the cost and expense of the Company, make, do, and execute all such acts, deeds, matters and things necessary on the part of such owners or occupiers, or any of them, to vest a complete and perfect title to the said lands, rights, or privileges in the said Company and its successors. On payment of award, deeds to be executed.

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

**21.** It shall be lawful for the said Company to contract with any person for supplying with electricity any such person, or any streets, ways, lanes, passages, manufactories, mines, shops, warehouses, public or private houses, buildings, and places, and for such purposes from time to time lay down, carry, fit up, connect, and furnish any electric accumulator, storage battery, electric line cable, wire, pipe, switch, connection, branch, burner, lamp, meter, or other apparatus from or in connection with any electric line, main, lead, or cable, or to lay down any new electric line, main, lead, or cable which for such purposes may be required, and to let any such apparatus for hire for such sum as may be agreed upon. Power to contract for supplying electricity.

**22.** Any person appointed by the Company may at all reasonable times enter any premises to which electricity is or has been supplied by the Company, in order to inspect the electric lines, accumulators, fittings, works, and apparatus for the supply or application of electricity belonging to the Company, and therein and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the Company is authorized to take away or cut off the supply of electricity from any Power to enter premises to inspect lines, etc.

premises, for the purpose of removing any electric lines, accumulators, transformers, motors, distribution boards, meters, fittings, lamps, works, or apparatus belonging to the Company.

Motors, etc., exempt from landlord's remedy for rent.

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

Powers of Company on non-payment of charge for electricity.

**24.** If any company or person neglect to pay any charge for electricity or any other sum due from them to the Company either in respect of the supply of electricity to such company or 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 company or persons, the Company may cut or disconnect any such electric line or other work through which the electricity may be supplied, and remove such articles and works above mentioned as were lent for hire to such company or person.

Mine owners may contract with Company for switches to connect tramways, and may hold shares in Company.

**25.** It shall be lawful for the owners or occupiers of any mineral claims traversed by the tramway to lay down upon their own lands any collateral branches of tramway to connect with the Company's tramway for the purpose of bringing trams to or from the Company's tramway, and the Company shall, on such terms and conditions as may be agreed upon by the Company and the owner or owners of such mineral claims, make such switches as may be necessary for effecting such communication, and it shall be lawful for any land or mining company to take shares in the Kootenay Power Company, Limited, and to grant rights of way thereto and to make contracts for the carriage of freight and ore by the said Company, and for the supply of electricity by the said Company. And the powers in this section may be exercised by any mining company working or owning any mine or mineral claim within the said area, whether such powers are or are not contained in the memorandum of association or partnership articles of such mining company.

Chief Commissioner may allow Company to alter road crossing tramway, etc.

**26.** Subject to the approval of the Chief Commissioner of Lands and Works, it shall be lawful for the Company to divert or alter the course of any road or way crossing the tramway, or to raise or sink any road or way in order the more conveniently to carry the same



over or under or by the side of the tramway, and if in the course of making the tramway the Company shall interfere with any road or way they shall with all convenient speed make good, to the satisfaction of the Chief Commissioner of Lands and Works, all damage done by them to such road or way. And all rails laid by the Company shall be of a description to be approved of by the said Chief Commissioner.

**27.** The Company may purchase, acquire or lease and hold, and may sell, dispose or surrender any lands, buildings or tenements, and may purchase or lease for any term of years any tramway system established or to be established within the said area, and may enter into working arrangements with, or may enter into a lease of or acquire running powers over or the right to work the line of, any such other tramway, and may sell or lease to any company authorized to operate tramways within the said area, either wholly or in part, the rights hereby granted, upon such terms and conditions as may be agreed upon by the Board of Directors of the respective companies: Provided, however, that every such transaction shall be subject to the approval of two-thirds of the votes of the shareholders of the Company present or represented by proxy at a special general meeting called for that purpose, and after any such agreement shall be made with any other company, such other company may acquire and hold shares, bonds or securities of the Company. Power to hold and sell lands, etc.

**28.** The directors shall have full power to make by-laws, rules and regulations to be observed by the officers and servants of the Company and by all other persons using the tramways, rails, electric lines, electricity, electrical or other appliances, or any property of the Company; also rules and regulations for the maintenance of the Company's undertakings and for the collection of tolls for freights or ores, fares for the carriage of passengers, rates for electricity supplied, and rents 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, or by suit at law, or both; provided, always, that such by-laws are not in conflict with any of the provisions of this Act. By-laws.

**29.** The Company may unite, amalgamate and consolidate its stock, property, business and franchises with those of any other company incorporated for all or any of the purposes which this Company is formed to carry on, and may enter into working engagements with, or may enter into a lease of and acquire running powers over, or the right to work the line of, any other Company which has been or may hereafter be empowered to construct and operate tramways within the area aforesaid, upon such terms and conditions as may be agreed upon by the Board of Directors of the respective companies. Power to amalgamate with other companies.

Provisions to which  
privileges and pow-  
ers are subject.

**30.** The privileges and powers by this Act granted are subject to the following provisions:

- (a.) The Company shall not interfere with the public right of travelling on or using such roads, streets, highways or water-courses, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway, or free access to any building erected in the vicinity; the Company shall not affix within the corporate limits of any town, any wire less than eighteen feet above the surface of the street or road, nor erect more than one line of poles along any road or street without the consent of the Municipal Council having jurisdiction over the roads or streets of the municipality; in any such municipality the poles shall be as nearly as possible straight and perpendicular, and shall be painted, if so required by any by-law of the Council:
- (b.) Whenever, in case of fire, it becomes necessary for its extinction, or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or claim compensation for any damage thereby incurred; the Company shall be responsible for all damage which its agents, servants, or workmen cause to individuals or property in carrying out or maintaining any of its said works:
- (c.) Within the limits of any town, the opening up of streets for the erection of poles, or for carrying the wires underground, shall be subject to the direction or approval of the engineer or such other official as the Council appoints, and shall be done in such manner as the Council directs; the Council may also direct and designate the places where the poles are to be erected in such municipality:
- (d.) The surface of the street shall, in all cases, be restored as far as possible to its former condition, by and at the expense of the Company.

Right to compel  
Company to place  
wires underground.

**31.** No Act of Parliament requiring the Company, in case efficient means are devised for carrying wires underground, to adopt such means and abrogating the right given by this Act to continue carrying their electric lines on poles through incorporated cities or towns, shall be deemed an infringement of the privileges granted by this Act.

Goods of dangerous  
nature not to be car-  
ried.

**32.** No passenger shall carry or require the Company to carry upon its tramway aqua fortis, oil, vitriol, gunpowder, nitro-glycerine, or any other goods which in the judgment of any agent of the Company are of a dangerous nature; and every person who sends by the tramway, any such goods without, at the time of so sending the same, distinctly

marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station-master or other servant of the Company with whom the same are left, shall forfeit to the Company the sum of five hundred dollars for every such offence. Penalty.

- (a.) The Company may refuse to take any package or parcel which any agent of the Company suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and the Company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of which shall be plainly painted in large letters the words "dangerous explosives." "Dangerous explosives," how to be carried.

**33.** The Company shall, from time to time, supply electricity to any mine or premises which shall be upon land lying within fifty yards of any main supply wire or cable, on being required by the owner or occupier of such mine or premises: Provided, however, the Company before supplying electricity or making such connection, or as a condition to the Company's continuing to supply the same, may require any consumer to give reasonable security for the repayment to the Company the costs of making such connection, and for the payment of the proper charges for electric supply and for rent of instruments: Provided, however, that all parties supplied with electric light by the Company may be required to use only such lamps as may be approved by the Company. Company to supply electricity to consumers giving security for costs.

**34.** The directors of the Company may from time to time borrow for the purposes of the Company, such sum or sums of money as they may consider expedient, and may issue bonds or debentures of the Company, in sums of not less than one hundred dollars each, and on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, income and uncalled capital of the Company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided, always, that before any such bonds are issued the consent of three-fourths in value of the shareholders of the Company present or represented by proxy shall be first had and obtained at a special meeting to be called and held for that purpose. Power to borrow money.

**35.** All actions or suits for indemnity for any damage or injury sustained by reason of the tramway, shall be commenced within six months next after the time when such supposed damage is sustained, or, if there is continuance of damage, within six months next after the doing or committing of such damage ceases and not afterwards; and the defendants 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 actions against Company.

All shareholders eligible to hold office.

**36.** All shareholders in the Company, whether British subjects or aliens, or resident of Canada or elsewhere, shall have equal rights to hold stock in the Company, and shall be eligible to hold office in the Company.

Commencement of electric works.

**37.** The electric works hereby authorized shall be commenced within twenty months after the passage of this Act, and unless the said works are commenced within the said period the powers conferred by this Act with reference to such works shall cease.

Commencement and operation of tramway system.

(a.) The tramway system shall be commenced and be in operation within four years of the same date, and unless the operation of such tramway shall have commenced within such period, then the powers conferred by this Act with reference to constructing and operating tramways shall cease: Provided, however, the time limited for the commencement of the operation of the tramway may be extended by the Lieutenant-Governor in Council, upon such terms and conditions as the Lieutenant-Governor in Council shall think fit: Provided, however, that the said time shall not be extended unless the Company shall have commenced their electric works within the time limited in that behalf.

Meaning of "electric line."

**38.** In this Act, unless the context otherwise requires, the expression "electric line" shall mean and include in addition to any of the electrical appliances specifically mentioned in this Act, wire or wires, cables, conductors or other means which are now in use or hereafter may be used for the purpose of conveying, transmitting or distributing electricity with any casing, coating, covering, post tube, pipe or insulator enclosing, surrounding or supporting the same, or any part thereof, or any apparatus connected therewith, for the purpose of conveying, transmitting or distributing electricity, electric power or electric current, or any apparatus for converting electrical into mechanical power, or for converting mechanical into electrical power.

Powers and privileges subject to rights of Crown and further legislation.

**39.** The powers and privileges conferred by this Act, and the provisions hereof are hereby declared to be granted subject to the rights of the Crown, and also subject to any further legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred which the Legislature may see fit to adopt, and the provisions of any such future legislation shall not be deemed to be in derogation of the privileges conferred by this Act.

Short title.

**40.** This Act may be cited as the "Kootenay Power Company's Construction Act."