



## CHAPTER 70.

## An Act respecting the Incorporation of the “Revelstoke Water, Light and Power Company, Limited.”

[8th May, 1897.]

**W**HEREAS, William Cowan, John Abrahamson, William M. Brown Preamble.  
and Thomas Downs, all of the Town of Revelstoke, in the Province of British Columbia, have, by their petition, prayed for an Act to incorporate a Company, to be known as the “Revelstoke Waterworks, Electric Light and Power Company, Limited,” for the purpose of supplying water for domestic and fire purposes to the Town of Revelstoke, and also to supply electric light and power to the inhabitants of the said town; also to supply water, electric light and power to the inhabitants and mines adjacent to the said town and within a radius of ten miles from the present townsite of Revelstoke; the water to be taken from the “1,065 Bridge Creek” on the Canadian Pacific Railway; the Right Hand Brewery Creek; the Left Hand Brewery Creek; Two-Mile North Creek, and the Illecillewaet River, and for all powers, rights and privileges for the purposes of carrying out the objects aforesaid:

And whereas, it is desirable 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:—

1. This Act may be cited as the “Revelstoke Water, Light and Short title.  
Power Company’s Act, 1897.”
2. The said William Cowan, John Abrahamson, William M. Brown Incorporation.  
and Thomas Downs, and 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 “Revelstoke Water, Light and Power Company, Limited.”

- Head office.           **3.** The head office of the Company shall be at the Town of Revelstoke, or at such other place in the Province of British Columbia as the Company shall in general meeting determine.
- Capital stock.       **4.** The capital stock of the Company shall be fifty thousand dollars (\$50,000.00), divided into one thousand shares of fifty dollars each, which shall be applied first in payment of all costs and expenses incurred in obtaining this Act, and the remainder for the purposes of the Company's undertakings.
- Preference stock.   **5.** The Company may issue a portion, not exceeding one-half, of the capital stock as preference stock, either of one class with the same privileges, or of several classes with different privileges, with any fixed, fluctuating, contingent, preferential, cumulative, perpetual, terminable, deferred or other dividend or interest. The interest (if any) on such preference shares shall be such rate or rates as may be agreed upon.
- Consent of share-  
holders.           **6.** Neither the power to issue preference shares nor the powers mentioned in the two next following sections shall be exercised except with the consent of the shareholders representing a majority of the shares of the Company then actually subscribed.
- Increase of capital.   **7.** The Company may from time to time increase its capital stock by the issue of new ordinary or preference shares; such aggregate increase to be of such amount and to be divided into shares of such respective amounts as the Company in general meeting shall direct.
- Mortgaging.       **8.** The Directors may, from time to time, raise or borrow for the purpose of the Company, any sum or sums of money not exceeding in the whole fifty per cent. of the subscribed capital stock, by the issue of bonds or debentures, promissory notes, bills of exchange or other securities, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls and incomes of the Company, or any part thereof (as may be expressed upon the face of any bond or debenture), for the repayment of the moneys so raised or borrowed, and the interest thereon.
- Provisional  
Directors.       **9.** The persons named in the second section of this Act shall be and the same are hereby constituted Provisional Directors of the Company, of whom three 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 for stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock, and to sue and recover the same, and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it.

**10.** Until otherwise determined by a general meeting the number of Directors of the Company shall be five, elected as hereinafter mentioned; but the Company may, from time to time, in general meeting, after due notice for that purpose, increase or reduce the number of Directors, but at no time shall there be more than nine or less than five, and a majority shall at all times form a quorum for the transaction of business. Number of Directors.

**11.** 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 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. Qualification for Director.

**12.** The provisions of the "Companies Clauses Act, 1897," shall apply to the Company and to the undertaking authorised hereby, save so far as they are expressly varied or excepted by this Act, or 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. "Companies Clause Act, 1897."

**13.** The Company shall have power to design, construct, build, purchase, improve, hold and generally maintain and manage and conduct water-works and all reservoirs, buildings, machinery and appliances therewith connected, or necessary thereto, in the Town of Revelstoke and parts adjacent thereto, as hereinafter provided: Water-works.

(a.) It shall be lawful for the said Company, its agents, servants and workmen, from time to time and at all times hereafter, as it shall see fit, and it is hereby authorised and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Revelstoke and within a radius of ten miles from the present Townsite of Revelstoke, and to survey, set out, and ascertain such parts thereof as it may require for the purposes of the said works or the construction of any dam, raceway, flume, or other appliance for the purpose of storing, diverting or carrying water, and also to divert and appropriate so much of the waters of "1,065 Bridge Creek," the "Right Hand Brewery Creek," the "Left Hand Brewery Creek," and the "Two-Mile North Creek," for water-works purposes as the Company may record as hereinafter provided, subject to any interim records that may hereafter be granted under the provisions of the "Water Clauses Consolidation Act, 1897 :"

General power to construct the works, etc., and convey water.

(b.) It shall be lawful for the Company to construct, erect and maintain all such reservoirs, water-works, and machinery requisite for the undertaking, and to convey the water thereto and therefrom, in, upon or through any of the ground or lands lying intermediate between the said reservoirs and water-works and the stream, creek or body of water from which the same is procured, and the said Town of Revelstoke, and within the said radius, by one or more lines, as may from time to time be found necessary; and for better effecting the purposes aforesaid, the said Company and its servants are hereby empowered to enter and pass upon and over said grounds or lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, under, over and through the highways, streets, and roads, lanes, and other passages in the Town of Revelstoke and within the said radius, and in, upon, through, over and under the lands and premises of any person or persons, bodies corporate or politic whatsoever, and to set out, ascertain, use and occupy such part or parts thereof as it, the said Company, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets for the same, and for the purchasing of any lands required for the protection of the said works, or for taking up, removing, altering or repairing the same, or preserving the purity of the water, and for distributing the water to the inhabitants of the Town of Revelstoke, and within the said radius, or for the uses of the Company, or the proprietors or occupiers of the land through or near which the same may pass, and for any other purposes whatsoever; and for this purpose to sink and lay down pipes, make reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as the construction thereof, as to the said Company shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to it, and making reasonable and adequate satisfaction to the proprietors, as prescribed by the "Lands Clauses Consolidation Act, 1897" hereinafter mentioned, and all such water-works, pipes, erections and machinery requisite for the said undertaking shall be vested in and be the property of the Company:

Railway lands and tracks.

(c.) The Company may lay down, in, through, across, under or along the railway, and lands of any railway, street railway or tramway company, any main pipe belonging or necessary to any water-works which the Company is authorised to construct, and may enter upon, break up, take or use any such land in any way necessary or convenient for the said purpose, but without interfering with the operation of such railway, street

railway or tramway, and subject to the payment of the value of any lands so taken to be ascertained according to the provisions of the "Lands Clauses Consolidation Act, 1897."

- (d.) The Company is hereby authorised and empowered, subject to the provisions of the "Water Clauses Consolidation Act, 1897," to take and divert from the Illecillewaet River at such point or points as it shall judge suitable and desirable, and to appropriate and use for the purpose of generating electricity so much of the waters of the said river as the Company may by record as hereinafter provided obtain : Diversion of water from Illecillewaet River.
- (e.) The Company shall have power to construct all works that may be necessary for making such water powers available, and from time to time to improve such water power 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 powers; and for the purposes aforesaid the Company, its workmen, servants and agents are empowered and authorised to enter into and upon any lands in the vicinity of the said river and in the Town of Revelstoke, of any person or persons, bodies politic or corporate, to survey, set out, ascertain and take, expropriate, hold and acquire such parts thereof as it may require for the purpose of obtaining the said water power or for the construction of any dam, raceway, flume, channel, or other appliances for the purposes of increasing the water power aforesaid, or for the erection of power-houses and generating plants; subject, however, to making compensation therefor in manner prescribed by the "Lands Clauses Consolidation Act, 1897." Power to construct all necessary works and things.
- (f.) The Company may also, by its workmen, servants or agents, enter into and upon any land adjoining the works of the Company, where any line or lines of pipe, fluming, or wire have been 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 land of timber and underwood to such width on each side of the said works, or such line or lines of pipe, fluming, or wire aforesaid, as the Company may deem necessary for the proper protection of the same; subject, however, to making compensation for such clearing in manner hereinbefore mentioned : Clearing timber on each side of land, etc.
- (g.) The Company shall have power to erect, construct, operate and maintain electric works, power-houses, generating plant, and other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, and for transmitting such electricity or electric power within the said Electric works, etc.

radius to be used by the Company as a motive power for the operation of motors, machinery or electric lighting, or other works of the Company, 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 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 authorised 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, switches, connection branches, electric meters, dynamos, engines, machines, cuts, drains, wheels 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 radius, 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 and supplying of electricity. And also for all such purposes to open and break up the soil and pavement on the said streets or bridges within the said radius, and to open and break up any sewers, drains or tunnels within or under such streets or bridges, and to erect posts, poles, pillars, lamp globes or other apparatus, in or upon the said streets or 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, 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:

Crown and municipal lands.

(h.) The powers set out in this section are to extend to the lands of the Crown, and are granted subject to the consent of the Chief Commissioner of Lands and Works as to such Crown lands, and of the municipal or other proper authorities having control of the streets, roads and bridges, and subject to such regulations as such authorities may impose.

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

14. For the purposes 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 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 are herein excepted, altered or varied), and all the provisions of Part V. of the said Act shall apply to the Company.

**15.** Upon the Company, at any time within one month from the date of the "Water Clauses Consolidation Act, 1897," coming into force, giving notice of its intention to apply for a record in pursuance of the aforesaid Act of any of the following waters, viz.:—the "1,065 Bridge Creek," the "Right Hand Brewery Creek," the "Left Hand Brewery Creek," and the "Two-Mile North Creek" for water-works purposes, and the Illecillewaet River at any point within three miles from the mouth thereof, for power purposes, it shall have priority over all notices of and applications made for records of waters from any such sources made since the 5th day of September, 1896, and not completed by record prior to the passage of this Act.

Diversion of water and priority of record.

**16.** The provisions of the "Lands Clauses Consolidation Act, 1897," shall apply to all undertakings authorised by this Act.

"Land Clauses Consolidation Act, 1897."

**17.** The liability of the members of the Company shall be limited to the amount (if any) unpaid on the shares respectively held by them.

Liability of members.

**18.** The annual general meeting of the shareholders shall be held on the first Monday of June in each year. Such meetings shall be held at such place in the Town of Revelstoke as the Directors may from time to time appoint.

Annual general meeting.

**19.** 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, and any business which is brought under consideration by the report of the Directors issued with the notice convening such meeting.

Business of an ordinary meeting.

**20.** At the first ordinary general meeting and at every succeeding ordinary general meeting the whole of the Directors shall retire from office, and the Company shall at every such meeting fill up the vacated offices by electing a like number of duly qualified members as Directors. The retiring Directors shall be eligible for re-election.

Election of Directors.

**21.** In order to constitute a meeting of shareholders (whether ordinary or extraordinary), there shall be present at least five shareholders who shall represent, either personally or by proxy, in the

Number of shareholders necessary to constitute a meeting.

aggregate at least one-half in value of the subscribed capital stock of the Company.

Notices of meetings of Company, how given.

**22.** Notice of every meeting of the Company (whether ordinary or extraordinary), shall be given by posting to every shareholder, at least fourteen days before the meeting, a notice thereof in a prepaid letter, addressed to the registered place of abode or business of such member. Every such notice shall state the place, day and hour of meeting (and in case of an extraordinary meeting, the general nature of the business), but non-receipt of such notice by any shareholder shall not invalidate the proceedings at any such meeting.

Extraordinary meeting.

**23.** It shall be lawful for three or more shareholders holding in the aggregate not less than one-tenth of the subscribed stock of the Company by requisition in writing, at any time, to require the Directors to call an extraordinary meeting of the Company; such requisition shall fully state the object of the meeting required to be called, and shall be left at the office of the Company or given to at least three Directors or left at their last or usual place of abode, and forthwith the Directors shall convene a meeting of the shareholders, and if for fourteen days after such notice the Directors fail to call such meeting, the said shareholders, or any three of them, may call such meeting by giving fourteen days' public notice thereof.

Votes.

**24.** At all general meetings of the Company each member shall have one vote for each share held by him.

Proxy.

**25.** No person shall be entitled to vote as a proxy unless the instrument appointing such proxy shall be deposited with the Secretary of the Company at least twenty-four hours before the time appointed for holding the meeting at which such proxy is to be used.

Amendments to "Water Clauses Consolidation Act, 1897."

**26.** 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.

Supply to Revelstoke.

**27.** The Company shall so far complete its works as to be able to supply water and electricity to the inhabitants of the Town of Revelstoke within two years from the passage of this Act.