



CHAPTER 51.

An Act to Incorporate the Kaslo Electric Light,
Power and Water Works Company (Limited).

[12th April, 1893.]

WHEREAS Samuel H. Green, Benjamin H. Lee, E. E. Coy, T. J. Roadley, James F. Wardner, all of Kaslo, in the Province of British Columbia, and E. C. Kilbourne, of Seattle, in the State of Washington, one of the United States of America, have by their petition prayed to be incorporated as a joint stock company, for the purpose of erecting and maintaining systems of electric light, power and water works at or near the Town of Kaslo, and parts adjacent to the said Town of Kaslo, hereinafter called the "said area," and to have conferred on them power to take and use so much of the water of Kaslo River as may from time to time be necessary for the purpose of generating power and transmitting electricity, to be used as a motive or illuminating power for any purposes for which electricity may be applied or required, and also for the purpose of supplying said water works system with water, with power to do all things necessary or proper for any of the purposes aforesaid :

Preamble.

Roadley, James F. Wardner, all of Kaslo, in the Province of British Columbia, and E. C. Kilbourne, of Seattle, in the State of Washington, one of the United States of America, have by their petition prayed to be incorporated as a joint stock company, for the purpose of erecting and maintaining systems of electric light, power and water works at or near the Town of Kaslo, and parts adjacent to the said Town of Kaslo, hereinafter called the "said area," and to have conferred on them power to take and use so much of the water of Kaslo River as may from time to time be necessary for the purpose of generating power and transmitting electricity, to be used as a motive or illuminating power for any purposes for which electricity may be applied or required, and also for the purpose of supplying said water works system with water, with power to do all things necessary or proper for any of the purposes aforesaid :

And whereas it is expedient to grant the prayer of such 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. Samuel H. Green, Benjamin H. Lee, E. E. Coy, James F. Wardner, T. J. Roadley, E. C. Kilbourne, and J. Thompson, and such other persons as may become shareholders in the Corporation to be by this Act created, shall be and they are hereby created and declared to be a body corporate and politic, by the name of "The Kaslo Electric Light, Power and Water Works Company (Limited)," hereinafter called "the said Company."

Incorporation.

Capital.

2. The capital of the said Company shall be one hundred and fifty thousand dollars, with power to increase the same to two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shares shall be held to be personal estate, and shall be assignable in the manner prescribed in the Table A hereinafter mentioned: Provided, however, that out of the moneys first received shall be paid the fees, expenses and disbursements incidental to the passing of the Act and the organization of the Company.

Provisional Directors.

3. The said Samuel H. Green, Benjamin H. Lee, E. E. Coy, James F. Wardner, E. C. Kilbourne, T. J. Roadley, and J. Thompson are hereby appointed Provisional Directors of the said Company (of whom three shall form a quorum). The Provisional Directors shall hold office as such until the first election of Directors under this Act, and may forthwith open books and allot shares and receive payment on account of shares allotted, and deposit in any chartered bank in British Columbia money received by them on account of shares allotted, which money shall not be withdrawn for any cause whatever except for the purpose of the said Company, or upon the dissolution thereof.

Power to acquire and sell lands, &c.

4. The said Company may from time to time, and at all times hereafter, acquire and hold as purchasers for the general purpose of the said Company any lands, tenements and hereditaments and personal property in the Province of British Columbia, and the same or any part thereof from time to time may sell or exchange, mortgage, lease, let, or otherwise dispose of, and with the proceeds arising therefrom, and from time to time acquire other lands, tenements and hereditaments, and other property, real or personal, for the use and purposes of the said Company.

Head office.

5. The head office of the said Company shall be in the Town of Kaslo, until the Company determine otherwise in general meeting, and thenceforth will be at such a place as the Company from time to time determine.

Election of Directors.

6. The Provisional Directors shall, within three months after this Act comes into operation, call a general meeting of the shareholders of the Company, at such place as the Provisional Directors may determine, giving at least two weeks' notice thereof in the British Columbia Gazette, and in one newspaper published in the District of West Kootenay, of the time, place and purpose of such meeting, at which meeting the whole of the Provisional Directors shall retire from office, and a board of seven Directors (of whom four shall form a quorum) shall be elected, and the Directors so elected, and all the Directors afterwards elected or appointed, shall hold office until the annual general meeting of the Company next after their respective election or appointment.

7. An annual general meeting of the Company for the election of Directors and other general purposes shall be held at such time and place in the Town of Kaslo as may be provided by the Company in general meeting, and if no other time or place is prescribed, the annual general meeting shall be held on the first Monday in the month of June in each year. at such time and place in the Town of Kaslo as may be determined by the Directors.

Annual general meeting.

8 The Directors may, whenever they think fit, and shall, upon requisition made in writing by the members of the Company, not less in number than one-fifth of the whole, and holding not less than one-fifth of all the share capital (such requisition expressing the object of the meeting proposed to be held), and being left at the head office of the Company, convene an extraordinary general meeting.

Extraordinary general meeting.

9. Notice of every general meeting of the Company, specifying the day, place and hour of meeting (and in case of special business, the business of such general meeting), shall be given to the members in such manner as may be prescribed by the Company in general meeting, and, unless and until it is otherwise prescribed, fourteen days' notice of every such general meeting shall be given to each member, by sending through the post office in a prepaid registered letter addressed to each member at his registered place of abode or business; but non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

Notice of meeting.

10. The Company may, at an extraordinary meeting called for the purpose, or for that purpose together with any other, remove from office all or any of the Directors and appoint others in their place, respectively.

Removal from office of Directors.

11. At all general meetings of the Company every member shall have one vote for every share held by him.

Votes.

12. The Company shall have power in general meeting to make—

Power to make by-laws.

(a.) By-laws for the regulation of its own proceedings and business:

(b.) By-laws, rules and regulations to be observed by the officers and servants of the Company, and by all other persons using the electricity, power, light or water, or any of the appliances or contrivances of the Company in connection with the same:

(c.) Rules and regulations for the maintenance and management of the Company's undertaking, and for the collection of the power, lighting and water rates or rents, and for fixing the time or times when and the places where the same shall be payable, and in case of default in payment to enforce payment by cutting off the electricity or shutting off the water, or by suit of law, or by both: Provided, always, that such by-laws are not in conflict with any of the provisions of this Act.

Failure to elect
Directors, &c.

13. The failure to elect Directors, or to hold any general meeting, shall not operate as a dissolution of the Company, but anything omitted to be done may afterwards be done at any general meeting of the Company held in conformity with the Act and the regulations of Company.

Qualification of
Director.

14. No person shall be qualified to be a Director of the Company who is not holding in his own right at least ten shares in the Company, and has paid all calls made thereon and then due; no person shall be disqualified to be a Director by reason of his receiving any salary or remuneration for attending to the affairs of the Company as Managing Director, agent, or solicitor.

Power to borrow
money and issue
bonds, &c.

15. The Directors may, when authorized by a by-law for that purpose, passed and approved by the Company in general meeting, borrow money upon the credit of the Company and issue bonds, debentures, promissory notes, bills of exchange, or other security for any sum so borrowed, at such rate of interest and generally upon such terms as are deemed necessary or expedient, and may mortgage, hypothecate and pledge the real or personal property of the Company to secure any sums so borrowed and the interest thereon, but the amount borrowed shall not at any time be greater than fifty per cent. of the actual paid up capital of the Company.

Application of Part
I. of C. A. 1888, c.
21, and the "Com-
panies Act, 1862"

16. Part I. of the "Companies Act," the Imperial Act entitled "The Companies Act, 1862," therein mentioned, and as therein altered and modified in applying it to the Province, and the provisions contained in table marked A, in the First Schedule to the said Imperial Act (except such parts thereof respectively as refer to the incorporation and registration of Companies, or are otherwise inconsistent with this Act), shall apply to the Company; but the Company in general meeting may reject any of the provisions in Table A aforesaid, and may in lieu thereof adopt any others not inconsistent with this Act.

Liability of mem-
bers.

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

Water Works.

Power to construct
works.

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

Appropriation of
waters of Kaslo
River, &c.

19. Subject to the provisions of the "Water Privileges Act, 1892," it shall be lawful for the Company to divert and appropriate so much

of the waters of the Kaslo River, its tributaries and branches, as shall be deemed necessary or desirable for the purpose of supplying the inhabitants of the Town of Kaslo and parts adjacent thereto with an abundant supply of water, and, subject to obtaining authority upon application to a Judge of the Supreme Court, as in the said Act provided, it shall be lawful for the Company to exercise all or any of the powers mentioned or referred to in section 4 of the "Water Privileges Act, 1892," and it shall be lawful for the said Company to construct, erect and maintain in and upon said lands all such reservoirs and water works and machinery requisite for the undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water works and the stream, river or body of water from which the same is procured and the Town of Kaslo aforesaid and parts adjacent thereto, 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 their servants are hereby empowered to enter and pass in, upon and over said grounds and 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, over, under and through the highways and roads in the Town of Kaslo aforesaid and parts adjacent thereto, and in, through, over and under the public ways, streets, lanes and other passages of the Town of Kaslo aforesaid, and in, upon, through, over and under the lands and premises of the Crown and of any person or persons, bodies corporate, politic, or collegiate, whatsoever, and to set out, ascertain, use and occupy such part or parts thereof as they, the said Company, shall think necessary and proper for the making and maintaining of the said works, and for the opening of new streets for the same, and for the purchasing of any lands required for the protection of the said works and preserving the purity of the water, or for taking up, removing, altering and repairing the same, and for distributing the water to the inhabitants of the Town of Kaslo aforesaid and parts adjacent thereto, and for the use of the Company or the proprietors or occupants of the land through or near which the same may pass, and for any other purposes whatsoever, and for the purposes aforesaid 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 the position as in 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 them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of dispute, as provided by the "Water Privileges Act, 1892," or as hereinafter provided; and all such water works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the Company. The lands,

rights and privileges which shall be ascertained, set out and appropriated by the said Company for the purpose thereof, as aforesaid, shall, so long as the said Company use the same for the purposes of this Act, be vested in the said Company :

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| Arbitration in case of disagreement. | (a.) In case of disagreement between the Company and the owner or owners and 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 dam or the laying of any pipe, the same shall, upon the owner serving a notice to that effect on the Company, 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. | (b.) 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 such case, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator : |
| Appointment of arbitrators in case owner infant, &c. | (c.) 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 : |
| If arbitrator die or refuse to act. | (d.) If, before the matter so referred shall be determined, any arbitrator appointed by either party die or become incapable, or shall 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 party may proceed ex parte. If any arbitrator appointed by the Court, under any of the provisions hereinbefore mentioned, should die, or become incapable, 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. 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, or refusal, as aforesaid:

- (e.) The arbitrators to be appointed as hereinbefore mentioned shall award, determine, and 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 any of the matters so referred, and the award of the majority shall be final: Arbitrators to make award.
- (f.) And 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 Kaslo 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; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace for any County or Electoral District of the Province of British Columbia (any of whom may be required to attend the said meeting for that purpose), well and truly to assess the value or damages between the parties to the best of his judgment: Place and time of arbitration.
- (g.) The arbitrators shall make their award within twenty 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 for award.
- (h.) The said arbitrators may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose: Witnesses.
- (i.) 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 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: Costs.
- (j.) 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 Taxation of costs.

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 :

- Delivery of award. (k.) The arbitrators shall 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 to 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. (l.) 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 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 of Order of the said Supreme Court of British Columbia :
- Award to be binding. (m.) The award of the majority of the said arbitrators shall be binding upon all parties concerned, subject as aforesaid :
- Payment of award. (n.) 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 may be paid into Court. (o.) If the purchase money or compensation so awarded in respect of any lands or any interest therein purchased or taken by the Company, 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 :

- (p.) The said Court may make such order as to the disposition of any moneys so paid in as shall be deemed requisite or proper : Disposition of money.
- (q.) In all other cases, upon payment or tender of the amount awarded, the said owners or occupiers shall, at the cost and expense of said Company, make, do, and execute all such acts, deeds, matters, and things as may be necessary on their part to vest a perfect title to the said lands, rights, or privileges in the said Company. Deeds to be executed.

20. If any person, being occupant, tenant, or inmate of any house, or otherwise supplied with water from the said water works by the Company, sells or disposes of the water thereof, or give it away, or permit it to be taken or carried away, or uses or applies it to the benefit of others, or to any other than his or her own use or benefit, or wrongfully neglects or improperly wastes the water, every such person shall, on information or complaint by an officer of the Company, on conviction thereof before any Justice of the Peace, be by such Justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty-five dollars, together with costs, one-half to be applied to him or her who shall lay the information, and the other moiety to form part of the assets of the Company as compensation for any damages done : and such Justice may, in default of payment, condemn such person to be confined in the common gaol of the district for a space not exceeding one calendar month, with or without hard labour. If any person or persons not being in the employment of the Company, and not being a member of any duly constituted fire brigade in the Town of Kaslo, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock chamber, or hydrant chamber, by placing on it any building material, rubbish, and otherwise, or wrongfully take or appropriate to his own use any water from any public or private tap, any such person shall, on conviction, before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding twenty-five dollars, or in default of payment be imprisoned in the common gaol of the district for a term not exceeding thirty days ; and each time the hydrants are interfered with, and each day said obstruction shall continue, shall be considered a separate offence. Penalty for person disposing of or wasting water. Tampering with hydrant, &c.

21. If any person shall bathe, or wash, or cleanse any wool, cloth, leather, skin, or animals, or place any nuisance or offensive thing within or near the source of supply for such water works, in any lake, river, pond, source, or fountain from which the water of the said water works is obtained, or shall convey or cast, cause, throw, or put any filth, dirt, dead carcasses, or other noisome or offensive thing therein, or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same, or cause any other thing to be done wherewith Penalty for polluting water.

the water therein may be in anywise tainted or fouled, every such person shall, on conviction thereof before any Justice of the Peace, be by such Justice adjudged and condemned to pay a penalty for every such offence not exceeding two hundred and fifty dollars, together with costs, one half to be paid to the Company as damages, and the other half to him or her who shall lay the information, and such Justice may, in default of payment, condemn such person to be confined in the common gaol of the district for a space not exceeding three calendar months, with or without hard labour.

Service pipes, &c.

22. In all cases where vacant space intervenes between the street and the wall of the building or other places into which the water is to be taken, the Company may, with the consent of the owner, lay the service pipe across such vacant space and charge the cost thereof to the owner of the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owner, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the Company, or persons appointed by them in that behalf. The service pipe from the main pipe to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon by the Company, or by the owner or occupant of the premises, shall be under control of the Company, and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the Company may repair the same and charge the same to the occupants or owner of the premises. The stop-cock placed by the Company inside of the building shall not be used by the water tenant except in case of accident, or for the protection of the building or the pipes, and to prevent flooding the premises.

Taps to be approved.

Company not liable
for certain damages.

23. All parties supplied with water by the Company may be required to place and use only such taps as may be approved by the Company; the said Company shall not be liable for damage caused by the breaking of any service pipes or attachment, or for any shutting off of the water for the purpose of repairing, maintaining, or cleaning the pipes.

Right to enter build-
ings.

24. It shall be lawful for the officers of the said Company, and their servants, and every person authorized by them for that purpose, to have access at all reasonable hours, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Rent for use of
water, &c.

25. The Company shall regulate the distribution and use of the water on all places and for all purposes, and shall from time to time fix the rent or price which any owner or occupant of any house or

building who shall use such water shall pay for the use thereof; but in no case shall the said Company fix a greater rent than one dollar a thousand gallons for water, or one dollar and fifty cents a month from the owner or occupant of any house or building wherein the number of persons does not exceed four, and fifty cents per month per capita for each and every additional occupant: Provided, always, the Company shall, upon the application of any person or persons, furnish a supply of water within a reasonable time from the date of such application, provided, always, that the applicant or applicants deposit with the Company a sum sufficient to pay for the actual cost of laying the necessary service pipe. If after the said service pipe is laid the applicant or applicants shall pay to the Company for water supplied through such pipe a sum amounting to double the cost of laying such pipe, then the said deposit shall be returned by the Company to the said applicant or applicants, otherwise the same shall be forfeited to the Company. The said service pipe shall, in all cases, become and be the property of the Company.

26. In order to prevent the waste of water and settle disputes arising therefrom as to the quantity consumed, the Company are empowered to place water meters upon any service pipe or connection within or without any house or building where water is used, and neither the meter nor any fitting thereunto belonging shall be subject to or liable for rent by the possessor or owner of any premises wherein the same may be. Meters.

27. The water works system hereby authorized shall be commenced within two years, and in operation within three years after the passage of this Act, and unless the said water works system is commenced and in operation within these periods, the powers conferred by this Act with reference to such water works shall cease. Commencement and completion of works.

28. In the event of the incorporation, within the meaning of the Municipal Acts for the time being in force in this Province, of the Town of Kaslo, the said Corporation so created shall at any time they may think fit have the right to purchase, and the Company shall be compelled to sell, the works and property of the Company, on the said Corporation paying to the Company the amount of capital actually invested, and a sum sufficient to make up the interest on the capital invested in cost of construction and maintenance to the amount of fifteen per cent. per annum to date of purchase, after taking into account any profit that may have been made up to that time, and a further sum equal to a bonus of twenty-five per cent. on the capital actually invested: Purchase of works, &c., by Town of Kaslo.

(a.) In arriving at the sum to be paid by such Corporation, the words "cost of construction" shall be deemed to include— "Cost of construction."

- (1.) All sums of money actually and bonâ fide spent in and about the organization of the Company, including all engineering, legal, and clerical expenses :
- (2.) All sums of money actually and bonâ fide spent in and about the construction and maintenance of said works up to date of purchase of the said works and property :
- (3.) All sums paid by the Company as and for damages, value and compensation to any person or persons or body of persons, in accordance with the provisions of the "Water Privileges Act, 1892."

Books of Company
prima facie evidence
of payments.

29. The books of the said Company, and the entries therein, shall be deemed and taken for all purposes of the preceding section of this Act to be primâ facie evidence of the payment of any and all sums of money referred to in the said section : Provided that the said books shall at all reasonable times be open to the inspection of the said municipality after it shall be incorporated : And provided, also, that the said books shall be audited annually by an auditor to be appointed by the Company, and to be approved by the Lieutenant-Governor in Council

Transfer of works,
&c.

30. Upon the payment of such amounts by such Corporation to the Company, the transfer of the said works and property to the said Corporation by the said Company shall be immediately completed, and thereupon all the rights, privileges, and powers created and granted to the said Company by sections 18 to 26, both inclusive, of this Act shall enure to the said Corporation in the same manner as if the said Corporation had been named therein in place of the said Company.

Electric System.

Power to use waters
of Kaslo River for
generating electri-
city.

31. Subject to the privileges of the "Water Privileges Act, 1892," the Company are hereby authorized and empowered to take and divert, at such point or points on the Kaslo River, its tributaries and branches, as they shall judge suitable and proper, and to appropriate and use for the purpose of generating electricity, so much of the waters of the said Kaslo River, its tributaries and branches, as to the Company may seem necessary, with power to the Company to construct and maintain all erections, wires, wheels, dams, raceways, flumes, or other works necessary for making the water power available, with the right to improve and increase the same, and, for the purposes aforesaid, to exercise all or any of the powers mentioned or referred to in section 4 of the "Water Privileges Act, 1892."

Power to erect elec-
tric works, &c.

32. 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 as are 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 operation of motors, machinery, or electric light, 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 to be used and 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 motors, dynamos, engines, machines, cuts, drains, water-courses, pipes, buildings, and other devices, 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 Company shall think fit, necessary, and proper for the purposes of carrying out the operations of the 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 and bridges within the said area, and to open and break up any sewers, drains, tunnels within and under such streets and bridges, and to erect posts, poles, pillars, lamps, globes, or other apparatus in and 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, switches, and connection branches from such electric lines, cables, and mains in, under, across, and 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 connections, branches, and other apparatus.

33. It shall be lawful for the said Company to contract with any person or Company for supplying with electricity any such person, or any streets, ways, lanes, passages, tramways, 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, pipe, switch, connection, branch, burner, lamp, meter, or other apparatus for 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 purpose may be required, and to let any such apparatus for hire for such sum as may be agreed upon.

Power to contract
for supplying elec-
tricity.

Power to enter premises to inspect lines, &c.

34. 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 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, &c., exempt from landlord's remedy for rents.

35. 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 be taken in execution under any process of a 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.

36. 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.

Powers with respect to electric system subject to following provisoes.

37. The privileges and powers of this Act granted with respect to the electric system are subject to the following provisoes:—

- (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 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 damages 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 municipality, the opening up of streets for the erection of any 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

38. The said Company shall not break up or open any part or parts of the highways within the said area, without first having obtained the consent of the Chief Commissioner of Lands and Works. Requires Chief Commissioner's consent to open highways.

39. The electric system hereby authorized shall be commenced within two years, and in operation within three years, after the passage of this Act; and unless the same is commenced and in operation within these periods, the powers conferred by this Act with reference to such electric system shall cease. Commencement and operation of electric system.

40. The said Company shall not interfere with the public right of travelling or using highways or streets within the said area, except with the consent of the Chief Commissioner of Lands and Works. Public rights not to be interfered with without consent of Chief Commissioner.

41. 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 future 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 this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in right of the Province, such rents, royalties, tolls and charges in respect of the waters, or of the lands of the Crown (if any), rights and privi- Powers and privileges subject to rights of Crown and future legislation.

leges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper; and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls and charges, or any of them, but so that no increase in the amount of any such rents, royalties, &c, fixed by any such Order in Council shall be made within the space of five years from the passage of the Order in Council fixing the same.

General and Miscellaneous Provisions.

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| Limitation of actions against Company. | 42. If any suit or action be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be continuation of damages, then within one year after the original cause of such action arising. |
| Power to acquire or dispose of lands, &c. | 43 For the purposes of this Act, the Company may purchase, lease, rent, surrender, sell, or otherwise acquire or dispose of, such lands, works, buildings and tenements as may be necessary. |
| No power to construct electric railway or tramway. | 44. Nothing in this Act shall be taken to imply the granting to this Company power to construct an electric or other railway or tramway, within the radius of which this charter is granted. |
| Protects rights of free miners to use waters. | 45. Nothing in this Act shall interfere with the rights of free miners for the use of the waters of Kaslo River or its tributaries. |
| Short title. | 46. This Act may be cited as the "Kaslo Electric Light, Power and Water Works Company's Act, 1893." |