

## CHAPTER 62.

### An Act respecting the Incorporation of the Sandon Water Works and Light Company.

[17th April, 1896.]

**W**HEREAS G. M. Sproat, John Morgan Harris, and Frederick T. *Preamble.*

Kelly, all of the Town of Sandon, in the Province of British Columbia, have by their petition prayed for an Act to incorporate "The Sandon Water-Works and Light Company," for the purpose of establishing water-works and supplying water for mining, domestic, manufacturing, fire and other purposes to the Town of Sandon and Sandon Addition No. 1, and the inhabitants therein, and to the district and mines adjacent thereto, within a radius of three miles from the present Townsite of Sandon, and to lay pipes and erect flumes for the conveyance and supply of water to the said town and within the said radius; also to generate electricity for the supply of light, power and heat to the said town, its inhabitants and the district and mines within the said radius; to erect and maintain poles and stretch wires thereon for the conveyance and supply of electricity as aforesaid, and to furnish electricity for street railways and tramways, and for powers and authorities which may be necessary and conducive for the above objects:

The water to be obtained from Tributary Creek, Saw-mill Creek, Carpenter Creek (South Fork), and from Sandon Creek, below the present concentrating works of the Slocan Star Mine; and also for power and authority to straighten and deepen, and collect in one channel through Lots 482 and 727, Group 1, Kootenay District, the waters of Carpenter Creek and Sandon Creek, its tributary:

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:—

**Incorporation.**

1. The said G. M. Sproat, John Morgan Harris, and Frederick T. Kelly, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Sandon Water Works and Light Company," hereinafter called "the Company."

**Head office.**

2. The head office of the Company shall be at the Town of Sandon, or at such other place in the Province as the Company may from time to time appoint.

**Capital stock.**

3. The capital stock of the Company shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each, which shall be applied first to the payment of all costs and expenses incurred in the passing of this Act, and the remainder for the purposes of the Company's undertaking.

**Provisional Directors.**

4. The persons named in the first section of this Act shall be and are hereby constituted Provisional Directors of the Company, of whom two shall form a quorum for the transaction of business, and they shall hold office until the first election of Directors under this Act, and shall have power to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon 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.

**Liability of members.**

(a.) 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.

**Annual general meeting.**

5. The annual general meeting of the shareholders shall be held on the first day of May in each year, at which meeting a Board of five Directors (of whom three shall be a quorum for the transaction of business) for the management of the Company's affairs shall be elected.

**Water-works.**

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

**Acquisition of lands, tenements, etc.**

7. For the purposes of this Act, the Company may purchase, lease, rent, surrender, and sell such lands, works, buildings, and tenements

as may be necessary: Provided any such sale shall be subject to the approval of the shareholders, expressed by not less than three-fourths in value of the subscribed stock of the Company present and represented by proxy at a general meeting called for that purpose.

8. It shall be lawful for the said Company, its agents, servants, and workmen, from time to time and at all such times hereafter as it shall see fit, and it is hereby authorized and empowered, to enter into and upon the lands of the Crown (subject to the consent and supervision of the Chief Commissioner of Lands and Works) or of any person or persons, bodies politic or corporate, in the Town of Sandon and Sandon Addition No. 1, and within a radius of three miles from the post office therein, 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 Tributary Creek, Saw Mill Creek, Carpenter Creek (South Fork, below the point of diversion of the water supply for the Reco mines and Noble Five mines concentrators), and from Sandon Creek (below the Slocan Star mine concentrator), as the Lieutenant-Governor in Council shall consider necessary and proper.

Entry on Crown and other lands.

Diversion of waters of Tributary Creek and other waters.

9. The Company is hereby authorized and empowered to take and divert from Tributary Creek, Saw Mill Creek, Carpenter Creek (South Fork, below the point of diversion of the water supply for the Reco mines and Noble Five mines concentrators), and from Sandon Creek (below the present concentrating works of the Slocan Star mine) 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 creeks as the Lieutenant Governor in Council may allow, 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 creeks 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 privileges 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 said creeks, and in the Town of Sandon and Sandon Addition No. 1, 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 purpose of increasing the water power to the extent aforesaid, or for the erection of power-houses and

Waters for generating electricity.

Lands.

Compensation.

generating plants : Subject, however, to making compensation therefor in 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 section shall not be exercised or proceeded with until the plans and sites of the said works have been approved by the Lieutenant-Governor in Council :

Clearing right of way.

(a.) The Company may also, by its workmen, servants or agents, enter into and upon any lands 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 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 :

Advertisement in B. C. Gazette.

(b.) Provided, however, that before the Lieutenant-Governor in Council shall authorize any diversion of water, as provided for in this and in the preceding section, the Company shall satisfy him that they have, by advertisement for not less than four weeks in the British Columbia Gazette and in the newspaper published nearest to the point affected, given notice of their intention to apply for his sanction to such diversion, and that such notice contained full particulars of the quantity of water required and the points at which it is to be diverted.

Building and maintaining of electrical works.

**10.** The Company is 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 works of this Act authorized, or to be supplied by the Company as a motive power for hauling, pumping, lighting, smelting, drilling or any other operation 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, switches, connection branches, electric meters, dynamos, engines, machines, cuts, drains, wheels, water-courses, pipes, buildings and other devises as may

Electric lines and

cables, etc.

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 Streets. purposes to open and break up the soil and pavement on the said 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 globes 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, 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.

**11.** The Company is hereby authorized and empowered to enter in Appropriation of waters of Carpenter Creek and Sandon Creek. and upon any lands in the town of Sandon and Sandon Addition No. 1, of any person or persons, bodies politic or corporate, to survey, set out, ascertain, and to use, take, expropriate, hold, and acquire such parts thereof as they may require for the purpose of collecting in one channel, through Lots 482 and 727, Group 1, Kootenay District, the waters of Carpenter Creek (South Fork) and Sandon Creek, its tributary. The said channel, through Lot 727, to be as shown upon the map or plan of the town of Sandon Addition No. 1, registered in the Land Registry Office at Victoria, and numbered 609A, and through Lot 482, to be as the Company shall see fit and deem most expedient to connect the said waters at the most convenient place and to form, as far as possible, a straight channel, of the same size as the said channel and levee, through Lot 727, with power to the Company to place cribwork to protect the whole or any part of the said lands, and to use adjacent lands temporarily during the construction of the said works for the deposit of material or in connection with the said improvements; subject, however, to making compensation therefor in 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) conferred by this section shall not be exercised or proceeded with on Lot 482 aforesaid, until the plans and sites of the said works on the said Lot 482 have been approved by the Lieutenant-Governor in Council.

**12.** It shall be lawful for the Company to contract with the owners Power to contract with owners for lands required. and 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 for the use and construction of the said works.

Arbitration in case of disagreement.

**13.** In case of disagreement between the 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 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 9 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, and the proceedings to be had thereafter shall be in accordance with the provisions of the “Arbitration Act, 1893.”

Appointment of arbitrators.

**14.** 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 the 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.

If owner under disability.

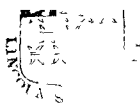
**15.** In case any such owner or occupant be an infant, insane or under any other legal disability, or be absent from this Province, one of the Judges of the Supreme Court of British Columbia, on application being made to him for that purpose by the Company, shall nominate and appoint three indifferent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

On what the arbitrators are to award.

**16.** 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.

Time and place of holding arbitration, etc.

**17.** The said arbitrators shall be and they are hereby required to attend at the said Town of Sandon, 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 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 well and truly to decide between the parties to the best of his judgment.

**18.** The said 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 in which award shall be made.

**19.** The costs of any such arbitration may, on the application of either party, be taxed by the Registrar or any Deputy Registrar of the Supreme Court, and on such taxation the said Registrar 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 matter in dispute and the length of time occupied in the said arbitration. Costs.

**20.** 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. Award in writing.

**21.** 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 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 not to be set aside for irregularity. Reference back.

**22.** 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. Tender of amount.

**23.** 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 vested in Company.

Supply of electricity.

**24.** 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 which for such purposes may be required, and to let any such apparatus for hire for such sum as may be agreed upon.

Water-works.

**25.** It shall be lawful for the said Company to construct, erect, and maintain in and upon such lands all such reservoirs and water-works and machinery requisite for the undertaking, and to convey 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 said Towns of Sandon and Sandon Addition No. 1, and parts adjacent thereto, and the aforesaid 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 their servants, are hereby empowered to enter and pass upon and over said grounds or lands intermediate as aforesaid, and the same to cut or 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 Sandon and Sandon Addition No. 1, and parts adjacent thereto, and the aforesaid radius, and in, through, over, and under the public ways, streets, lanes, or other passages of the said Town of Sandon and Sandon Addition No. 1, 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 purchasing of any lands required for the protection of the said works or preserving the purity of the water, or for taking up, removing, altering, or repairing the same, and for distributing the water to the inhabitants of the Town of Sandon and Sandon Addition No. 1, and parts adjacent thereto, 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, to be ascer-

Entry on lands therefor.



tained, in case of dispute, by arbitration as aforesaid; 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 above powers are granted subject to the consent of the Chief Commissioner of Lands and Works and of the proper authority having control of the streets, roads, and bridges.

**26.** 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 water thereof, or gives it away, or permits it to be taken or carried away, or uses it, or applies it to the benefit of others, or to any other than his own use or benefit, or wrongfully neglects or improperly wastes the water, 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 twenty-five dollars, together with costs, 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 a member of any duly constituted fire brigade in the Town of Sandon and Sandon Addition No. 1, and not 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, or 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 on default of payment be imprisoned in the common gaol of the district for a term not exceeding thirty days, and each time the said hydrants are interfered with, and each day the said obstructions shall continue, shall be considered a separate offence.

Person supplied not to sell water, etc.

Penalty.

Injuring or interfering with hydrants, etc.

Penalty.

**27.** If any person shall bathe, or wash or cleanse any wool, cloth, leather, skins, 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 in any flume, reservoir, or pipes in which it is stored or conveyed, 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 whereby 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, and such Justice may, on default of payment, condemn such

Fouling water supply.

Penalty.

person to be confined in the common gaol of the district for a space not exceeding three calendar months, with or without hard labour. The provisions of this section shall only apply to Tributary and Saw Mill Creeks.

Service pipe across  
vacant space  
between wall and  
street.

**28.** In all cases where a vacant space intervenes between the outer line of the street and the wall of the building or other place 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 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 it 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 the 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 occupant 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 cases of accident, or for the protection of the building or the pipes, and to prevent flooding the premises.

Taps, etc.

Breakage.

**29.** 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.

Company's officers  
to have access.

**30.** It shall be lawful for the officers of the said Company and its servants, and every person authorized by it 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 water sup-  
plied.

**31.** 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 forty cents 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.

**32.** In order to prevent the waste of water and settle disputes arising therefrom as to the quantity consumed, the Company is 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. Water meters.

**33.** Where any electric lines, meters, accumulators, transformers, motors, generators, distribution boards, lamps, fittings, works, water pipes and meters, 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 or water, such electric lines, meters, accumulators, transformers, motors, generators, distribution boards, lamps, fittings, works, water pipes and meters, or apparatus, shall not be subject to distress for rent for the premises where the same may be, nor be taken in execution under any process of the Courts of Law or Equity against the person in whose possession the same may be. Company's property not liable to distress on consumer's premises.

**34.** If any company or person neglect to pay the charge for electricity or water or any other sum due from them to the Company, either in respect of the supply of electricity or water to such company or person, or in respect of the rent reserved by the Company for the use of water taps, meters, or 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 water pipes, or other work through which the electricity or water may be supplied, and remove such articles and works above mentioned as were lent for hire to such company or person. Disconnection and removal of fixture on non-payment.

**35.** The Directors shall have full power to make by-laws, rules and regulations to be observed by all persons using the water, the 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 rates for water or 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 water or 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, regulations, etc.

Debentures and other negotiable instruments.

**36.** The Directors may, when authorized by a by-law for that purpose, passed and approved of by the Company in a general meeting, borrow money upon the credit of the Company, and issue bonds, debentures, promissory notes, bills of exchange, or other securities for any sums so borrowed, at such rate of interest, and generally on such terms as are deemed necessary or expedient, and may mortgage, hypothecate or 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.

Purchase by municipality if one formed.

**37.** 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 Sandon, 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 cost of construction and a sum sufficient to make up the interest on the capital invested in cost of construction and maintenance to the amount of twelve 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 not exceeding thirty per cent. on the capital actually invested :

“Cost of construction.”

(a.) In arriving at the sum to be paid by such corporation the words “cost of construction” shall be deemed to include—

- (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 the 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 sections 19 to 36, inclusive, of this Act.

Amalgamation and consolidation with other companies.

**38.** 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 within the area aforesaid.

Rights of Crown.

**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 future legislation regarding the subject-matter of this Act, or of the powers and provisions 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 privileges 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 that no increase Royalties, etc. 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.

**40.** The Company shall so far complete its works as to be able to Completion of supply water within two years, and electricity to companies and works. persons within two years, from the passage of this Act.

**41.** All actions or suits for indemnity for any damage or injury Suits for damages. sustained by reason of these works or operations of the Company shall be commenced within one year next after the time when such supposed damage is sustained, or if there is a continuance of damage, within six months next after the doing or committing of such damage ceases and not afterwards; and the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act.

**42.** The said Company shall not interfere with the public right of Public travel on travelling and using highways or streets within the said area. highways.

**43.** This Act may be cited as the "Sandon Water Works and Light Short title. Company Act, 1896."

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VICTORIA, B. C.

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