



CHAPTER 55.

An Act to incorporate the “Consumers’ Water Works Company, Limited.”

[23rd April, 1892.]

WHEREAS James Arthur Gilker, John Fred Hume, Charles H. Preamble.

Ink, William Franklin Teetzel, Michael Daniel Mahoney, and William John Wilson, all of the town of Nelson, and Frank Stillman Barnard, of the City of Victoria, have by their petition represented that they are desirous of being incorporated as a joint stock company, under the name of “The Consumers’ Water Works Company, Limited,” for the purpose of constructing, operating, and maintaining a system of water works in and about the Town of Nelson and its vicinity, and having prayed that there may be granted to them authority to take so much of the waters of the East Fork of Cottonwood-Smith Creek and of Ward Creek, and of their branches or tributaries, as may be necessary for the supply of the said system, and to construct and maintain water works, and lay one or more line or lines of pipes from the places of diversion of such waters to the Town of Nelson, and in and throughout the said town and parts adjacent thereto:

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. The said James Arthur Gilker, John Fred Hume, Charles H. Ink, William Franklin Teetzel, Michael Daniel Mahoney, William John Wilson, and Frank Stillman Barnard, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic, under the name of the “Consumers’ Water Works Company, Limited.” Incorporation.

Capital.

2. The capital of the Company shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into shares of ten dollars each, which shares shall be held to be personal estate, and shall be assignable in the manner prescribed by the Table A hereinafter mentioned.

Provisional Directors.

3. The said John Fred Hume, William Franklin Teetzel, Frank Stillman Barnard, and Charles H. Ink are hereby appointed provisional directors of the said Company, and the said provisional directors (of whom three shall form a quorum) 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 or other bank in British Columbia moneys received by them on account of shares allotted, which moneys shall not be withdrawn for any cause whatever, except for the purpose of the Company, or upon the dissolution thereof.

Head office.

4. The head office of the said Company (hereinafter called "the Company") shall be in the Town of Nelson until the Company determines otherwise in general meeting, and thenceforth will be at such place as the Company from time to time determines, but the Board of Directors may establish one or more office or offices elsewhere in British Columbia.

First general meeting.

5. The first general meeting of the Company will be held at such time (not being more than four months after the passing of this Act) and at such place as the provisional directors may determine, at which meeting the whole of the provisional directors shall retire from office; and a board of seven directors (of whom four shall be 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.

Annual general meeting.

6. 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 Nelson as may be prescribed 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 August in each year, at such time and place in the said Town of Nelson as may be determined by the directors.

Extraordinary general meeting.

7. The directors may, whenever they think fit, and shall, upon a 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.

8. Notice of every general meeting of the Company, specifying the day, place, and hour of meeting (and in case of special business, the general nature of such business), 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 so prescribed, fourteen days' notice at least 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 meetings.

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

10. At all general meetings of the Company, every member shall have one vote for every share held by him. Voting at meetings.

11. The Company shall have power in general meeting to make— By-laws.

- (a.) By-laws for the regulation of its own proceedings and business; and
- (b.) By-laws, rules, and regulations to be observed by the officers and servants of the Company, and by all other persons using the water, hydrants, taps, and appliances of the Company :
- (c.) Rules and regulations for the maintenance and management of the Company's undertaking, and for the collection of the 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 shutting off the water 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.

12. 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 this Act and the regulations of the Company. Failure to elect Directors.

13. No person shall be qualified to be a director of the Company who is not the holder in his own right of 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. Qualification of Director.

14. The directors may, when authorized by a by-law for that purpose, passed and approved of by the Company in a general meeting, Power to borrow money.

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.

Application of "The Companies' Act, 1862."

15. Part I. of the "Companies Act," the Imperial Act intituled "The Companies Act, 1862," therein mentioned, and as therein altered and modified in applying it to this 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 members limited.

16. 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.

Power to construct water works in Nelson.

17. 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 appliance therewith connected, or necessary thereto, in the Town of Nelson, and parts adjacent thereto, as hereinafter provided.

May purchase and sell lands.

18. 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.

Power to enter Crown lands subject to consent of Chief Commissioner, and to take water.

19. It shall be lawful for the said Company, their agents, servants, and workmen, from time to time, and at all such times hereafter as they shall see fit and they are 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 Nelson, and parts adjacent or lying between the place or places of diversion hereinafter mentioned and the Town of Nelson; and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said works or the construction of any dam, race-way, flume, or other appliance for the purpose of diverting or carrying water, and also to divert and appropriate so much of the waters of the East Fork of said Cottonwood-Smith Creek as they shall consider necessary and proper, and to take such water from the East Fork of the said creek at any point above the junction of the said East Fork

of the said creek with the main creek, or at such other point on said East Fork as they shall judge suitable and desirable, and also to divert and appropriate so much of the waters of the said Ward Creek as they shall consider necessary and proper, and to take such waters of the said Ward Creek at any points east of the eastern boundary of the Columbia and Kootenay Railroad Company's two-mile block adjoining the Town of Nelson on the south, and also to divert and appropriate so much of the waters of Ward Creek as they shall think necessary at a point near the intersection of Hall and Carbonate Streets, the limits of the Government Townsite of Nelson, and also divert and appropriate such of the waters of the said tributaries of Cottonwood-Smith Creek and Ward Creek as they shall consider necessary and proper, at such point or points as they shall judge suitable and desirable.

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

21. 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 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 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. Arbitration in case of dispute.

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

23. 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. Appointment in case owner infant, etc.

In case arbitrator dies, etc.

24. 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 arbitrator 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.

Award.

25. 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.

Place and time of arbitration.

26. 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 Nelson to be appointed by the Company, after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; but no formal agreement or submission in writing shall in any case be necessary; 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.

Arbitrator to be sworn.

Time within which award to be made.

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

Witnesses.

28. 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.

Costs of arbitration, etc.

29. 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.

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

31. 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. Award to be in writing, etc.

32. 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 or order of the said Supreme Court of British Columbia. Setting aside award

33. The award of the majority of the said arbitrators shall be binding upon all parties concerned, subject as aforesaid. Award to be binding.

34. 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. Payment of award.

35. 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 When amount awarded may be paid into Court.

vesting the said lands, or interest therein, or the rights or privileges sought to be acquired, in the Company, and no further conveyance or grant shall be requisite to perfect the title of the Company or its successors to the said lands, rights, or privileges.

Order of Court. **36.** The said Court may make such order as to the disposition of any moneys so paid in as shall be deemed requisite or proper :

On payment of award deedsto be executed. (a.) 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.

Land to be vested in Company. **37.** The lands, rights, and privileges which shall be ascertained, set out, or 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, 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 said Town of Nelson 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 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 Nelson and parts adjacent thereto, and in, through, over, and under the public ways, streets, lanes, or other passages of the said Town of Nelson, 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, 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 Nelson 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

Power to construct water-works, etc.,

and to ente lands, etc.

or any of the said works, as well in 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, 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.

38. 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 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 or her 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, 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 or District of Nelson, 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, 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 said obstructions shall continue, shall be considered a separate offence.

Penalty for selling
or wasting water.

Penalty for tamper-
ing with hydrant,
etc.

39. 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 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 any wise tainted or fouled, every such person shall, on conviction thereof before any Justice of

Penalty for fouling
water.

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, on 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.

Sewer pipes.

40. 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 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 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 to be approved.

Company not liable for certain damages.

41. 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 buildings.

42. 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.

Commencement and completion of works.

43. The construction of the said works shall be commenced within two years, and be completed (except as to the laying of additional pipes and mains) to the Government townsite of Nelson within four years from the passing of this Act.

Rent for use of water, etc.

44. 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 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.

45. In order to prevent the waste of water, and settle disputes Meters. 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.

46. It shall be lawful for the Company to purchase and acquire the property, rights, and privileges of any person or persons engaged in supplying the present Town of Nelson with water, or to amalgamate Power to acquire privileges or amalgamate. with any such person or persons as aforesaid, and, after such purchase or amalgamation, to maintain, operate, extend, and improve such water works and works connected therewith in the same way as if such water works had been originally constructed under the authority of this Act.

47. The Company shall, at the request of the Chief Commissioner Hydrants. of Lands and Works, place proper hydrants in the main and other pipes belonging to them, at such convenient distances (not being more than one hundred yards from each other) and at such places as may be most proper and convenient for the supply of water for extinguishing any fires which may break out in the said Town of Nelson.

48. If any suit or action be brought against any person or persons Limitation of actions. 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 a continuation of damages, then within one year after the original cause of such action arising.

Purchase of works,
etc., by Town of Nel-
son.

49. 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 Nelson, 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 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 fifty 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 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:
- (4.) All or any sum or sums reasonably and actually paid by the Company to any person or persons, or body of persons, under the provisions of section 46 of this Act.

Books of Company
prima facie evidence
of payments.

50. The books of the said Company, and the enteries 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,
etc.

51. Upon payment of the said 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 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.

52. 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 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 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.

Power and privileges
subject to rights of
Crown and future
legislation, etc.

53. This Act may be cited as the “Consumers (Nelson) Water Short title. Works Act, 1892.”

VICTORIA, B. C.:

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