



## CHAPTER 50.

An Act to Incorporate the Coquitlam Electric  
Company, Limited.

[23rd April, 1892.]

**W**HEREAS Donald McGillivray, contractor; John B. Pike, contractor; and John Milner Atkins, druggist, all of the City of Vancouver, in the Province of British Columbia, have by their petition applied to be incorporated as a Joint Stock Company, for the purpose of constructing, operating and maintaining Electrical Works, and establishing an Electrical Supply System in the vicinity of Burrard Inlet (hereafter referred to as "the said area," ) and to have conferred on them power to take and use so much of the waters of the Coquitlam and Lynn Rivers as may from time to time be necessary for the purpose of generating power and generating electricity to be used as a motive or illuminating power for any purposes for which electricity may be applied or required, with power to do all things necessary or proper for the generating or transmitting electricity :

Preamble.

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. Donald McGillivray, contractor; John B. Pike, and John Milner Atkins, and such other persons as may become shareholders in the corporation to be by this Act created, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Coquitlam Electric Company, Limited;" and the head office of the said Company shall be at the City of Vancouver, in the Province of British Columbia, or as may hereafter be determined upon by the directors of the Company.

Incorporation.

Capital stock.

2. The capital stock of the said Company shall be three hundred thousand dollars, and shall be divided into three thousand shares of one hundred dollars each, and the said capital stock may, after the whole thereof has been subscribed and at least fifty per cent. thereon paid up, be increased from time to time by resolution of the Board of Directors, by and with the consent of a majority in value of the shareholders present, in person or represented by proxy, at any annual general meeting, or at any special general meeting of the shareholders called for that purpose, to such an extent as the said shareholders may deem needful to carry on the Company's undertaking.

*Directors.*

Provisional  
Directors.

3 The persons named in the first section of this Act shall be the Provisional Directors of the Company, and shall have power and authority to open stock books and to procure subscriptions for shares in the capital stock of the Company, to make calls upon the subscribers and to cause surveys and estimates to be made.

First general  
meeting.

4. The Provisional Directors shall hold office until the first general meeting of the shareholders of the Company after the passing of this Act, which said first general meeting shall be held as soon as possible after \$50,000 at least of the capital stock shall have been subscribed for and ten per cent. thereon shall have been paid in. Notice of such first general meeting shall be given to each shareholder by mail at least ten days before such meeting, and by insertion in one or more newspapers published in the City of Vancouver for ten days next before such meeting.

Board of Directors  
and their qualifica-  
tion.

5. The business of the said Company shall be managed by a board of not less than three nor more than five directors, as may from time to time be determined by the shareholders by resolution, and each such director shall be the proprietor of at least ten shares in the capital stock of the Company, and the said board of directors shall be elected and hold office as hereinafter provided.

*Calls.*

Calls

6. The directors of the said Company for the time being may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the Company, in such places as they shall think fit, and all parties so subscribing shall pay ten per cent. on allotment; and the directors may, from time to time, make calls on such shares payable at such times, in such amounts, at such places, and in such manner as they shall from time to time determine; but no call shall exceed ten per cent., and an interval of at least thirty days shall intervene between the time fixed for the payment of any one call and that fixed for the payment of the succeeding call.

Limited.

**7.** A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed, and if a shareholder fails to pay any call due from him before or on the day appointed for the payment thereof, he shall be liable to pay interest for the same at the rate of nine per cent. per annum from the day appointed for payment to the time of actual payment thereof. Payment of calls.

**8.** All notices of calls upon the shareholders shall be given by advertisement, at least once a week, for three successive weeks, in some newspaper published in the City of Vancouver, and by mailing a notice of such call, postpaid and registered, addressed to each shareholder liable to pay the same, at his post office address, as recorded in the books of the Company, at least two weeks before the time appointed for payment thereof. Notices of calls.

**9.** If after such demand or notice as hereinbefore provided, any call made upon any share or shares be not paid within such time as may be limited in that behalf, the directors in their discretion by vote to that effect duly recorded in the minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as the by-laws of the Company may ordain; but notwithstanding such forfeiture the holder of such shares at the time of such forfeiture shall continue liable to the then creditors of the Company for the full amount unpaid on such shares at the time of forfeiture, less any sum which may have been subsequently realized by the Company in respect thereof. Forfeiture and sale of shares for unpaid calls.

**10.** The Company may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon by action in any Court of competent jurisdiction; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received against the defendant in all Courts as *prima facie* evidence to that effect. Actions for calls.

**11.** The directors may deduct from the dividends, payable to any shareholder, all such sums of money as may be due from him to the Company on account of calls or otherwise. Calls may be deducted from dividends.

#### *Meetings.*

**12.** At all meetings of the shareholders each share shall entitle the holder to one vote, which may be given in person or by proxy; but no one who is not a shareholder shall act or vote as such proxy; and no shareholder shall be entitled, either in person or by proxy, to vote at any meeting upon any share or shares in respect to which any call is in arrears. Voting at meetings.

## Annual meetings.

13. The first general meeting of the Company shall be held as hereinbefore provided, and in each year thereafter, on the same day, or on such day as the Company by any by-law may from time to time appoint, there shall be held a general meeting for the election of directors and for such other proceedings and business as it is competent for the shareholders to deal with and determine; and ten days' notice of every such meeting shall be given in one or more of the newspapers published in the City of Vancouver.

Failure to elect  
Directors.

14. If at any time an election of directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company duly called for that purpose; and the retiring directors shall continue in office until their successors are elected.

## Vacancies.

15. When a vacancy occurs by the death or resignation of a director, the vacancy shall be supplied by the remaining directors at a subsequent meeting appointing by resolution a director or directors in the place or stead of the director or directors so dying or resigning.

*By-Laws.*

## By-laws.

16. The directors may from time to time make, alter, amend or repeal such by-laws, rules or regulations as they may deem necessary and proper for the management of the affairs of the Company generally; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, duly called for that purpose, shall only have force until the next meeting of the Company, and in default of confirmation thereat shall, at and from that time only, cease to have force: Provided always, that one-fourth part in value of the shareholders of the Company shall, at all times, have a right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect, and ten days' notice of every such special meeting shall be given in one or more of the newspapers published or circulating in the place where the head office of the Company is situate.

*Assignment and Transfer of Shares.*

## Transfer of shares.

17. No assignment or transfer of any shares shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose by such officer as the directors may from time to time designate: Provided that whenever any shareholder shall transfer in manner aforesaid all his stock or shares in the said Company, such shareholder shall cease to be a member of the said corporation.

When registration of  
transfers may be re-  
fused.

18. The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the Company.

*Limited Liability.*

**19.** The liability of the shareholders shall be limited to the amount Limited liability of shareholders. unpaid on their shares, in accordance with and as if the Company had been incorporated under Part I. of the "Companies Act," and the Act of the Imperial Parliament passed in the 25th and 26th years of the reign of Her Majesty Queen Victoria, chapter 89, intituled the "Companies Act, 1862," as therein modified, and the Company shall have all the rights and privileges conferred, and, in all things not hereinbefore provided for, shall conform to and be governed by the said Part I. of the "Companies Act" and the "Companies Act, 1862," save in so far as the said Part I. of the "Companies Act" and the "Companies Act, 1862," are modified or altered by this Act.

*Powers of Company.*

**20.** The said Company are hereby authorized and empowered to Powers of Company to use water, etc. take and divert at such point or points on the Coquitlam River or on the Lynn River, or on both Coquitlam River and Lynn River, as they shall judge suitable and proper, and to appropriate and use for the purpose of generating electricity, so much of the waters of either or both of the said streams as to the Company may seem necessary, with power to the Company to construct and maintain all erections, weirs, 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:

- (a.) The Company shall not, in the exercise of the said powers, unnecessarily waste or diminish the natural flows of the said Coquitlam River or Lynn River, or either of them, and shall at all parts where the said works are erected provide all usual and proper means for returning the waters used by them to the said river or creek from which the said waters are so taken in the first instance :
- (b.) 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 for which this charter is granted.

**21.** The Company are hereby authorized and empowered to erect, Powers of Company to erect works, etc. 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 operation of motors, machinery, or electric lighting, or other works of the Company, or to be supplied by the Company to consumers for heating or as a motive power for propelling tramways, or for driving, hauling, lifting, pumping, light-

ing, crushing, smelting, drilling, and milling, or any other operations to which it may be adapted, or to be used, or supplied for, or in connection with any other purposes for which electricity or electric power may be applied or required. And for any of the above purposes the Company is hereby authorized and empowered by its servants, agents, contractors, and workmen, from time to time, to make and erect such electric works, and to sink, lay, place, fit, maintain and repair such electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connection branches, electric 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 said Company shall think fit, necessary, or proper for the purpose of carrying out the operations of the said Company in respect of and incidental to the making, generating, or supplying of electricity. And also for all such purposes to open and break up the soil and pavement of the streets or bridges within the said area, and to open and break up any sewers, drains, or tunnels within or under such streets and bridges, and to erect posts, poles, pillars, lamps, 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 :

(a.) Provided that all such powers shall, so far as regards any lands included within the area incorporated as a Municipality, be subject to such conditions as the Corporation may impose : Provided, however, that in the case of a Township or District Municipality the Company shall have a right of appeal to the Lieutenant-Governor in Council, who shall prescribe under what regulations, and on what terms, the Company shall be allowed to exercise the powers hereby conferred within the limits of such Township or District Municipality :

(b.) And provided, also, that in places other than Municipalities the powers shall be subject to such conditions as the Chief Commissioner of Lands and Works may impose.

Floating of timber  
to be assisted by  
company.

**22.** The powers granted by section 20 of this Act shall not be used in such a manner as that the said rivers or either of them shall be rendered unsuitable for the purpose of floating timber or logs thereon,

and at all points where the Company shall construct any dam, race-way or other works, the Company shall provide such slides or flumes as may be necessary to carry said logs or timber over or past such dams, raceways or works.

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

Company may contract for purchase of lands, etc.

**24.** The lands, rights, and privileges which shall be acquired by the said Company for the purpose thereof shall, so long as the said Company use the same for the purpose of this Act, be vested in the said Company.

Lands, etc., acquired to be vested in Company.

*Further Powers of the Company.*

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

Further powers of Company.

**26.** 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.

Company's servants may enter premises to inspect lines, etc.

**27.** 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 pur-

Company's motors, etc., exempt from landlord's remedy for rent.

pose 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,  
etc.

**28.** 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 of Company  
to acquire and sell  
lands, etc.

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

#### *Bonds.*

Power to borrow  
money and issue  
bonds.

**30.** The directors of the Company may, from time to time, borrow for the purposes of the Company such sum or sums of money as they may consider expedient, and may issue bonds or debentures of the Company in sums of not less than one hundred dollars each, and on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, income, and uncalled capital of the Company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided, always, that before any such bonds are issued, the consent of three-fourths in value



of the shareholders of the Company present or represented by proxy shall be first had and obtained at a special meeting to be called and held for that purpose.

*Rules and Regulations.*

**31.** The directors shall have full power to make by-laws, rules, and regulations, to be observed by the officers and servants of the Company, and by all other persons using the tramways, rails, electric lines, electricity, electrical or other appliances, or any property of the Company.

Rules and regulations for officers, etc.

**32.** Also rules and regulations for the maintenance of the Company's undertakings, and for the collection of rates for electricity supplied and rents for electric lines and appliances for hire, and for fixing the time or times when, and the places where, the same shall be payable, and, in case of default of payment, to enforce payment by cutting off the electricity, or by suit at law, or both; provided, always, that such by-laws are not in conflict with any of the provisions of this Act.

Rules and regulations for maintenance of undertaking and collection of rates, etc.

*Amalgamation with other companies.*

**33.** 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 the company is formed to carry on, and may enter into working engagements with, or may enter into a lease of, or take and hold shares in, or the right to work the line of, any other company which has been or may hereafter be empowered to generate or supply electricity in any form or for any purpose, or to construct and operate tramways within the area aforesaid, upon such terms and conditions as may be agreed upon by the Board of Directors of the respective companies.

Power to amalgamate with other companies.

*Negotiable Instruments.*

**34.** The Company may become party to promissory notes and bills of exchange for sums of not less than one hundred dollars; and every such note or bill made, drawn, accepted, or endorsed by the officer of the Company authorized by the by-laws of the Company in that behalf, and countersigned by the manager, shall be binding upon the Company; and every such promissory note or bill of exchange so made, drawn, accepted, or endorsed shall be presumed to have been made, drawn, accepted, or endorsed with proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the manager or other officer so authorized be individually responsible or liable for the same, unless such promissory note or bill of exchange has been issued without proper authority; but nothing

Negotiable instruments.

herein shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the bill or note of a bank, or to deal in exchange, or to issue commercial credits, or to carry on the business of discounting negotiable paper, or to loan money on warehouse receipts issued by other persons, firms, or corporations.

*Provisoes.*

Provisoes to which  
privileges and pow-  
ers are subject.

**35.** The privileges and powers by this Act granted are subject to the following provisos:—

- (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 damage which its agents, servants, or workmen cause to individuals or property in carrying out or maintaining any of its said works:
- (c.) Within the limits of any municipality, the opening up of streets for the erection of any poles, or for carrying the wires under ground, 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:
- (e.) The Company shall not, within the municipal limits of any city, exercise the powers of expropriation, erecting electric lines or poles, or laying cables, mains, or wires, without first obtaining

the approval of the Municipal Council of such city, such approval to be expressed in the form of a resolution or by-law of such city, or in an agreement in writing to be made between such city and the Company

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

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

*Limitation of Actions.*

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

**39.** The Company shall commence their works within two years, and shall so far complete the same as to be able to supply electricity and power to other corporations, companies, and persons within four years of the passage of this Act. Commencement and completion of works.

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

*Interpretation.*

**41.** In this Act, unless the context otherwise requires, the expression "electric line" shall mean and include, in addition to any of Meaning of "electric line."

\*the electrical appliances specifically mentioned in this Act, wire or wires, cables, conductors, or other means which are now in use or hereafter may be used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, post tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity, electric power, or electric current, or any apparatus for converting electrical into mechanical power, or for converting mechanical into electrical power.

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

**42.** 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 or 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, tolls, and charges, or any of them, 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.

Short title.

**43.** This Act may be cited as the "Coquitlam Electric Company's Incorporation Act."

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VICTORIA, B. C. :

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