



CHAPTER 87.

An Act to Incorporate the Pine Creek Flume Company, Limited.

[27th February, 1899.]

WHEREAS Honourable William Templeman (Publisher), Edward G. Tilton (Civil Engineer), and Henry Alexander Munn (Financial Agent), have by their petition prayed for an Act to incorporate a company with power to appropriate and use water from Surprise Lake, at or near the head of Pine Creek, and from Pine Creek, in the District of Cassiar, in the Province of British Columbia, and to construct, maintain and operate flumes, pipes and drains, and branches thereof on both sides of said Pine Creek, and to sell, lease and otherwise dispose of the water so appropriated to persons and corporations for mining, power, domestic and all other purposes whatsoever, and to utilize the said water for all or any of the purposes of the Company, and to acquire, hold, enjoy, operate, sell, lease and otherwise dispose of mineral claims, timber lands, and other real or personal property of any nature or kind whatsoever at or near said Pine Creek, and also to construct, maintain and operate tramways, steamers and sawmills, and to manufacture and sell lumber, and to carry on business as general traders on, at or near Surprise Lake and Pine Creek aforesaid; and also to enter upon and expropriate lands for the purposes of the Company, and to do all such other things which may be conducive to the attainment of the above objects, or any of them.

And whereas it is desirable to grant the prayer of the said petition, and also to confer upon the petitioners the powers and privileges hereinafter contained:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. That the said Honourable William Templeman, Edward G. Tilton, Henry Alexander Munn, and such other persons and corpora-

tions as shall in pursuance of this Act become shareholders, are hereby constituted a body corporate and politic, by the name of the Pine Creek Flume Company, Limited, and hereafter called "the Company."

Head office. **2.** The head office of the Company shall be at the City of Victoria or such other place in British Columbia as may be determined upon by the Directors of the Company.

Capital stock. **3.** The capital of the Company shall be \$500,000, divided into 5,000 shares of one hundred dollars each.

Calls. **4.** No calls shall be made at any one time for more than twenty per cent. of the amount subscribed by any one shareholder, nor shall a greater amount than eighty per cent. of the amount subscribed be called up in any one year. Calls shall not be made at a less interval than one month from the previous call.

Liability of shareholders. **5.** The liability of the shareholders shall be limited to the amount unpaid on their shares: Provided that all shares issued as paid up shares, under the authority of a general meeting of shareholders, are hereby declared to be fully paid up and non-assessable for any cause whatsoever, and shareholders holding the same shall be subject to no liability thereon.

First Directors. **6.** The said Honourable William Templeman, Edward G. Tilton, and Henry Alexander Munn, shall be, and are hereby constituted the first 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 undertakings and to allot stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and may enter into contracts on behalf of the Company, and cause surveys and estimates to be made.

Number of Directors. **7.** Until otherwise determined by a general meeting, the number of Directors shall be three, but the Company may increase or reduce the number of Directors, so that the number of Directors shall not be more than ten nor less than three.

Election of Directors. **8.** At the first ordinary general meeting, and at every succeeding ordinary general meeting, the whole of the Directors shall retire from office, and the Company shall, at every such meeting, fill up the vacated offices by electing a like number of duly qualified members as Directors. The retiring Directors shall be eligible for re-election.

General meetings. **9.** The first general meeting shall be held at such time (not being more than four months after the passage of this Act) and at such

place as the Directors may determine. Subsequent ordinary general meetings shall be held at such period or periods in each year as may be determined upon by order of a general meeting.

10. The business of an ordinary meeting shall be to receive and consider the profit and loss account and balance sheet, the reports of the Directors and the Auditor, to elect Directors and other officers in place of those retiring, to declare dividends, and to transact any other business which, under the "Companies Clauses Act, 1897," ought to be transacted at an ordinary meeting, and any business which is brought under consideration by the report of the Directors. Business of general meetings.

11. The Directors shall, upon a requisition made in writing by two or more shareholders holding in the aggregate one-third of the issued capital, convene an extraordinary meeting of the Company. Special general meetings.

12. In order to constitute a meeting (whether ordinary or extraordinary) there shall be present, either personally or by proxy, three or more shareholders holding in the aggregate not less than one-fourth of the subscribed capital stock of the Company. Quorum at general meetings.

13. At all general meetings of the Company every shareholder shall be entitled to have one vote for every share held by him; provided always that no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then due upon the shares held by him. Voting.

14. The Company, with the sanction of the vote of the majority in value of the issued shares obtained at any meeting specially called for that purpose, may exercise any of the following powers:— Borrowing powers, etc.

- (a.) Raise any additional sum or sums by the issue of new ordinary shares, or by the issue of new ordinary stock, or at the option of the Company by either of those modes, or by the issue of new preference shares, or by the issue of new preference stock, or at the option of the Company by either of those modes, and such preference shares or preference stock may bear interest not exceeding the rate of twelve per cent. per annum :
- (b.) Borrow from time to time on mortgage or bond such sums of money as the Company shall think fit: Provided, however, the Directors may from time to time, at their discretion, raise or borrow, without the sanction of a general meeting, any sum or sums of money for the purposes of the Company, but so that the amount at any one time owing in respect of the moneys raised or borrowed without the sanction of the general meeting, shall not exceed the sum of \$20,000. Nevertheless, no lender or other person dealing with the Company shall be concerned to see or require whether this limit is observed :

- (c.) Create and issue debenture stock, and may attach to the stock so created a fixed or perpetual preferential interest not exceeding the rate of twelve per cent. per annum, payable half yearly or otherwise, and commencing at once or in future time or times when and as the debenture is issued, or otherwise as the Company thinks fit.

Application of
"Companies Clauses
Act, 1897."

15. The provisions of the "Companies Clauses Act, 1897," shall apply to the Company and to the undertakings authorised hereby, save so far as they are expressly varied or excepted by this Act, or as any of the provisions hereof are repugnant to or inconsistent with the provisions of the said Act, in which case the provisions of this Act shall, to the extent of such repugnancy or inconsistency, govern.

Land.

16. For the purposes of this Act, the Company may purchase, hold lease, rent, surrender and sell such lands, works, buildings and tenements as may be necessary.

Water.

17. Subject to and upon obtaining authority under the "Water Clauses Consolidation Act, 1897," the Company is authorised and empowered to take and divert so much water from Surprise Lake and Pine Creek in the District of Cassiar, in the Province of British Columbia, as it may be authorised at such point or points, and to convey the water so appropriated through flumes, pipes, drains and ditches and branches thereof along either or both sides of said Pine Creek, to be used by the Company or by persons or companies contracting with the Company for the use thereof, for mining purposes and for milling, manufacturing, industrial, agricultural, domestic and mechanical purposes, and for the generation of electrical and other power; with power to the Company to construct and maintain all flumes, pipes, drains, ditches and branches thereof and all other works that may be necessary for making such water and water power available, and from time to time improve such water and water power by erecting dams, diverting the waters of the said lake and creek and other lakes and streams 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 or water power; and for the purposes aforesaid the Company, its workmen, servants and agents, are empowered and authorised to enter into and upon any lands or mineral claims of any person, or persons, bodies politic or corporate, on, over or through which the Company proposes to erect its works and lay its line or lines of fluming, pipe, drains, ditches or branches thereof, and to survey, set out, ascertain and take, appropriate, hold and acquire such parts thereof as it may require for the purpose of obtaining or making such water or water power available for distribution and use, making compensation therefor in manner hereinafter provided.

18. It shall and may be lawful for the Company to contract with any person or persons, bodies politic or corporate, for the supply of water by the Company for and to mines and for milling, manufacturing, industrial, agricultural, domestic and mechanical purposes, and for generation of electricity and other power, and to charge such rates and tolls for the use of the same as may be agreed upon.

Contracts to supply water.

19. Any person appointed by the Company may, at all reasonable times, enter any premises to which water is or has been supplied by the Company, in order to inspect the line or lines of fluming, pipes, drains or ditches, fittings, works, and apparatus belonging to the Company, and therein and for the purpose of ascertaining the quantity of water consumed or supplied, or where a supply of water is no longer required, or where the Company is authorised to take away or cut off the supply of water from any premises for the purpose of removing any fluming, pipes, drains, ditches, fittings or other apparatus belonging to the Company.

Entry to inspect flumes, etc.

20. If any person neglect to pay any charge for water, or any other sum due from him to the Company, either in respect of the supply of water to such person, or in respect of the rent reserved by the Company for the use of fluming, pipes, fittings, works or apparatus lent or supplied for hire to such persons, the Company may cut or disconnect any flume, pipe or drain, ditch or other work through which water may be supplied, and remove such articles and works above mentioned as were lent for hire to such person.

Shutting off water for non-payment of charges.

21. The objects and powers of the Company shall include the use of water, as by this Act authorised, and the acquisition under the "Water Clauses Consolidation Act, 1897," of water and water power by records of unrecorded water or the purchase of water records or water privileges for, and the application of such water and water power to all or any of the purposes, and in any of the manners and methods following:—

General powers of Company.

- (a.) For rendering water and water power available for use, application and distribution by erecting dams, increasing the head of water in any existing body of water, or extending the area thereof, diverting the waters of any stream, pond or lake into any other channel or channels, laying, erecting and maintaining any line or lines of flume, pipe, ditches, drains, or wire, constructing any raceway, reservoir, aqueduct, weir, wheel, building, or other erection of work which may be required in connection with the improvement and use of the said water and water power, or by altering, renewing, extending, improving, repairing or maintaining any such works, or any part thereof:

General powers of Company.

- (b.) The use of the water or water power for hydraulic mining purposes, and for milling, manufacturing, industrial and mechanical purposes, other than the generation of electricity :
- (c.) The use of water or water power for producing and generating electricity, for the purpose of light, heat and power, and for
- (d.) Constructing, operating and maintaining electric works, power houses, generating plant, and such other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, and for the transmitting the same to be used by the Company, or by persons or companies contracting with the Company therefor, as a motive power for the operation of motors, machinery or electric lighting or other works, or to be supplied by the Company to consumers for heating, or as a motive power for propelling tramways, or for driving, hauling, lifting, pumping, lighting, crushing, smelting, drilling and milling, or for any other operations to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which electricity or electric power may be applied or required :
- (e.) Placing, sinking, laying, fitting, maintaining and repairing electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, or other apparatus or devices, cuts, drains, water-courses, pipes, poles, buildings and other erections and works, and erecting and placing any electric line, cable, main, wire or other electric apparatus above or below ground :
- (f.) Constructing, equipping, operating and maintaining electric, cable or other tramways or street railways for the conveyance of passengers and freight :
- (g.) Supplying of compressed air, electricity and electric power to consumers for any purposes to or for which compressed air or electric power may be applied or required.

Company may be required to carry wires underground.

22. No Act of this Legislature requiring the Company, in case efficient means are devised for carrying telegraph, telephone or electric wires underground, to adopt such means, and abrogating the right given by this Act to continue carrying lines on poles, shall be deemed an infringement of the privileges granted by this Act.

Powers of entry.

23. 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 authorised 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) and to survey, set out and ascertain such parts thereof as it may require for the pur-

poses of the Company's works, or the construction of any dam, race-way, flume, or other appliances for the purpose of diverting or carrying water.

- (a.) And in municipalities the breaking up and opening of streets for the erection of poles, or for carrying the wires underground, shall be subject to the consent of the Municipal Council of such municipalities.

24. The said Company shall have no power to enter upon any Crown lands, or place any erection of any kind whatsoever upon any Crown lands without first obtaining the consent of the Chief Commissioner of Lands and Works. Consent necessary to entry upon Crown lands.

25. For the purpose of carrying out the undertakings hereinbefore authorised by this Act the Company shall (except as in this Act provided) be in the position of a company duly incorporated in compliance with Part IV. of the "Water Clauses Consolidation Act, 1897," and with the like rights, powers, privileges and priorities and subject, except as aforesaid, to the like conditions and restrictions, and all the provisions relating to a Power Company of Part IV. of the said Act (except such as relate to the incorporation of the Company, or as are herein excepted, altered or varied); and all the provisions of Part V. of the said Act shall apply to the Company.

26. If by any public Act hereafter passed any of the sections of the "Water Clauses Consolidation Act, 1897," corresponding to any of the sections or sub-sections of this Act be repealed, extended, varied or otherwise amended, the provisions of such amending Act shall thereafter apply to such sections or sub-sections as correspond to the section of the "Water Clauses Consolidation Act, 1897," amended, but such amendment shall not deprive the Company of the right to exercise, or use, or complete any power or privilege exercised or in use or commenced by the Company prior to or at the time of the passage of such amending Act. Effect of future amendments to "Water Clauses Consolidation Act, 1897."

27. The Company shall have power to engage in all kinds of mining operations, to crush, win, get, quarry, calcine, refine, dress, amalgamate, manipulate and prepare for market gold and silver ore, metal and mineral substances of all kinds, and to carry on all and any metallurgical operations, and to acquire by location or otherwise, howsoever, mining properties and claims, and work the same and to utilize the water appropriated and the electric power generated as aforesaid in so doing: Mining powers.

- (a.) To purchase, take on lease, or otherwise acquire, and to sell, dispose of and deal with gold and silver mining rights, and mines of all kinds and undertakings connected therewith and any interest therein, and to explore, work, exercise, develop and turn to account the same:

(b.) To buy, sell, refine, manufacture, and deal in minerals of all kinds and in particular gold and silver, and buy and sell plant, machinery, implements, conveniences, provisions and things capable of being used in connection with metallurgical operations, or required by the workmen employed by the Company.

Tunnels, etc.

28. The Company is hereby authorised and empowered to construct, carry out, maintain, improve, manage and work tunnels, shafts, winzes, upraises, drifts, roads, ways, bridges, reservoirs, wharves, furnaces, smelting, concentrating and crushing works, hydraulic works, factories, warehouses, tramways, steamers, ships and other works and conveniences which may seem directly or indirectly conducive to any of the above objects of the Company, and to contribute, subsidize or otherwise take part in any such operations.

Timber operations.

29. It shall and may be lawful for the Company to carry on business as timber merchants, sawmill proprietors, and timber growers, and to buy, sell, grow, prepare for market, manipulate, import, export, and deal in timber and wood of all kinds, and to manufacture and deal in articles of all kinds in the manufacture of which timber or wood is used, and to carry on business as shipowners and carriers by land, inland waters and sea, and, so far as may be deemed expedient, the business of general merchants, and to buy, lease and otherwise acquire, clear, plant and work timber lands, and to carry on any other business which may seem to the Company capable of being conveniently carried on in connection with any of the above, or calculated directly or indirectly to render profitable or enhance the value of the Company's property or rights for the time being.

Manufacturing,
trading, etc.

30. It shall and may be lawful for the Company to carry on business as manufacturers, importers and wholesale and retail dealers of and in merchandise of any nature or kind whatsoever, and to do a general trading and outfitting business.

Penalty for employ-
ing Chinese or
Japanese.

31. No Chinese or Japanese person shall be employed in the construction of the undertaking, or the working of the same, under a penalty of five dollars per day for each and every Chinese or Japanese person employed in contravention of this section, to be recovered on complaint of any person under the provisions of the "Summary Convictions Act."

Short title.

32. This Act may be cited as the "Pine Creek Flume Company Act, 1899."

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