



## CHAPTER 69.

An Act to Incorporate the Revelstoke, Trout Lake  
and Big Bend Telephone Company, Limited.

[8th May, 1897.]

**W**HEREAS William Cowan, Charles Holten, and Thomas Downs, Preamble.  
have by their petition prayed for an Act of incorporation for the purpose of constructing, equipping, operating and maintaining lines of telephone within the Towns of Revelstoke, Trout Lake City and Illecillewaet, and throughout the districts around and between the said towns which are contributory thereto, and throughout the Big Bend District to the north of Revelstoke, as may hereafter from time to time be determined upon by such corporation, with all such powers, rights and privileges as may be necessary or conducive to the attainment of the above objects or any of them :

And whereas it is expedient 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 William Cowan, Charles Holten and Thomas Downs, *Incorporation.*  
and such other persons and corporation or corporations as shall hereafter become shareholders in the said Company, are hereby constituted a body corporate and politic under the name of the “Revelstoke, Trout Lake and Big Bend Telephone Company, Limited,” hereinafter called “the Company.”

**2.** The head office of the Company shall be in the Town of Revel- *Head office.*  
stoke, until the Company determines otherwise in general meeting, and henceforth shall be at such place as the Company from time to time so determines ; but the Board of Directors may establish one or more office or offices elsewhere in British Columbia.



- Capital.                   **3.** The capital of the said Company shall be twenty-five thousand dollars, divided into one thousand shares of twenty-five dollars each; but the capital may be increased by the Directors as hereinafter provided.
- Increase of capital.   **4.** The Directors may from time to time increase the capital stock of the said Company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the Company any sum or sums of money not exceeding in the whole fifty per cent. of the subscribed capital stock, by the issue of bonds or debentures, promissory notes, bills of exchange, or other securities, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and incomes of the Company, or any part thereof (as may be expressed upon the face of any bond or debenture), for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided, always, that the consent of the holders of a majority in value of the subscribed stock of the Company, at a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained.
- Borrowing powers.   **5.** The liability of the members of the Company shall be limited to the amount (if any) unpaid on the shares respectively held by them.
- Limited liability.       **6.** The stock of the Company shall be deemed personal estate, and shall be transferable in such manner as the Directors shall by by-law direct.
- Stock personal property.       **7.** The said William Cowan, Charles Holten and Thomas Downs, are hereby constituted Provisional Directors of the Company, with power to add two others to their number, any three of whom shall be a quorum; and the said Provisional Directors shall hold office as such until the first election of Directors under this Act, and may forthwith open books, and allot shares, and receive payments 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.
- Provisional Directors.       **8.** The Company may construct, erect, operate and maintain a line or lines of telephone along the sides of, and across, or under any highway, streets, public bridges, or any such places in and throughout the Towns of Revelstoke, Trout Lake City, and Illecillewaet, or any or all of them, and in the districts surrounding the said towns and contributory thereto, and in and throughout the districts between the said towns, and in that part of West Kootenay District to the north of Revelstoke, known as the Big Bend District, as the Company from time to time determines; and the Company may, by its servants, agents, or workmen, enter upon any highway, street, public bridge, or any such place in the Towns of Revelstoke, Trout Lake City or



Illecillewaet, or such other places as aforesaid, or between them or any of them, for the purpose of erecting, operating and maintaining its line or lines of telephone along the sides of, or across, or under the same, and may construct, erect and maintain such and so many poles and other works and devices as the Company may deem necessary for making, completing, supporting, using, working, operating, and maintaining a system of communication by telephone, and may stretch wires thereon, and from time to time, as often as the Company, its agents, officers, or workmen think proper, break up and open any part or parts of the said highways or streets, subject, however, to the following provisions, that is to say:—

- (a.) The Company shall not interfere with the public right of Public travel. travelling on or using such highways or streest:
- (b.) And in municipalities the breaking up and opening of streets Municipalities. for the erection of poles or for carrying the wires underground, shall be subject to the approval of the Municipal Council of such municipalities :
- (c.) The Company shall not break up or open any part or parts of Consent of C. C. of any highway, not being in a municipality, without having first L. and W. obtained the consent of the Chief Commissioner of Lands and Works for the time being.

9. The Company may, for the purposes of this Act, purchase, acquire, or lease and hold, and may sell, dispose of, or surrender lands, buildings, or tenements within the limits aforesaid, and may purchase or lease, for any term of years, any telephone line established or to be established in British Columbia, connecting or to be connected with the lines which the Company is authorised to construct, or may purchase or lease for any term of years, the right of any company to construct and maintain any such telephone line, and may amalgamate with or lease its line or lines, or any portion or portions thereof, to any company possessing as proprietor any line of telegraphic or telephonic communication, connecting or to be connected with the Company's lines ; and the Company may enter into any arrangement with any company possessing as proprietor any line of telegraph or telephone communication, or any power or right to use such communication, upon such terms and in such manner as the Board of Directors from time to time deems expedient or advisable, or may become a shareholder in any such Company.

10. The Company, when the said line or lines shall pass through any wood, may cut down the trees or underwood for a space of 50 feet on each side of the said lines, doing as little damage as may be in the exercise of the power to them hereby granted: Provided, always, in the event of the Company exercising the right or power conferred

Power to hold and deal with real and personal property, etc., franchises, etc.  
Clearing right of way.



In case of disagree-  
ment.

by this section the Company shall make compensation whenever required so to do to the owners and proprietors of, or the persons interested in, the lands so entered upon by the Company, for all damage by them sustained from the exercise of the power granted by this section. In case of disagreement arising between the Company and any owner or occupier of the lands upon which the Company may have cut down trees, in respect to any damage done to the same, the Company and each owner or occupier shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them in writing, shall be final; and if the said owner or occupier, or the Company, neglects or refuses to choose an arbitrator within four days after notice in writing, and upon proof of the personal service of such notice, or if such two arbitrators when duly chosen, disagree in the choice of the third arbitrator, in any such case the Chief Commissioner of Lands and Works of the Province of British Columbia may nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in the manner above provided. The provisions of the "Arbitration Act, 1893" shall apply to all arbitrations under this Act except where the provisions thereof are inconsistent with this Act.

Arbitration.

Annual general  
meetings.

**11.** The annual general meeting of the shareholders shall be held on the first Thursday in May in each year, or on such day to which said meeting may be adjourned, at which meeting a Board of five Directors (of whom three shall form a quorum for the transaction of business) for the management of the affairs of the Company shall be elected. Such meeting shall be held at such place in the Town of Revelstoke as the Directors may from time to time appoint.

Extraordinary gen-  
eral meeting.

**12.** The Directors may, whenever they think fit, and shall upon a requisition made in writing by members of the Company holding not less than one-fifth in value of the capital stock of the Company, 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.

Notice of general  
meetings.

**13.** 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 by posting to each member, at least fourteen days before the meeting, a notice thereof in a prepaid letter addressed to the registered place of abode or business of such member; but non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

Votes thereat.

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



**15.** 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, and all acts of Directors, until their successors are elected, shall be valid and binding upon the Company. Failure to hold meetings.

**16.** No person shall be qualified to be a Director of the Company who is not the holder in his own right of at least five shares in the Company, and has paid up 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, or agent. Qualification for Directors.

**17.** The Provisional Directors appointed by this Act shall at their first meeting choose from amongst themselves a President, Vice-President, and Secretary-Treasurer, and the Directors elected at the first election of Directors to be held under the provisions of this Act, shall immediately appoint the like officers from amongst themselves, who shall hold office for one year or until the next election of Directors; and if any vacancy shall at any time happen by death, resignation or otherwise, in the Board of Directors, the remaining Directors shall elect some qualified person to fill such vacancy for the remainder of the year, or until the next general meeting of the shareholders, whichever shall first happen. President, Vice-President, and Secretary-Treasurer, etc.

**18.** The Company may keep open an office in the Towns of Revelstoke, Trout Lake City and Illecillewaet, for the receipt and transmission of messages, between the hours of nine in the morning and seven in the evening on every day, and may keep open an office for the like purpose at any other place or places to which its line extends. Location of offices.

**19.** The Company may by its by-laws fix, from time to time, a tariff of charges for the erection, connection and use of its wires and telephones, and the transmission of messages, not exceeding the charges set forth in the Schedule hereto, and shall have full power to collect, and sue for and recover the charges to which it becomes entitled. Charges.

**20.** The provisions of the "Companies Act, 1862" (Imperial), as amended and applied to the Province of British Columbia by Part I. of the "Companies' Act," and the provisions contained in the table marked "A" in the First Schedule to the said "Companies' Act, 1862," (except such parts thereof as refer to Incorporation and Registration of Companies, and such as are inconsistent with this Act or otherwise inapplicable) shall apply to the Company. Application of Companies Act.

**21.** In districts where there are no public roads along which the Company can construct any of the lines of telephone by this Act Entry on Crown lands.



authorised, the Company is hereby authorised and empowered to enter upon and construct its said lines over and across any unoccupied Crown lands, doing as little damage as possible: Provided, however, that the consent of the Chief Commissioner of Lands and Works, for the time being, shall be first had and obtained.

Future legislation. **22.** The powers and privileges conferred by this Act and the provisions hereof, are hereby declared to be granted 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.

Time limit for line to be in operation. **23.** The right herein given to construct telephone lines in the Towns of Revelstoke, Trout Lake City and Illecillewaet, or between any of them, is subject to the condition that the Company shall have such line in operation within five years from the passage of this Act.

Short title. **24.** This Act may be cited as the "Revelstoke, Trout Lake and Big Bend Telephone Company, Limited, Act, 1897."

Schedule.

#### SCHEDULE.

Rent of Telephone per month.....	\$ 5 00
Erection of wire and connection within one mile of a central office.....	5 00
Erection of wire and connection for every mile addi- tional to first mile.....	10 00
For every message for a person, not being a monthly tenant, and not exceeding twenty-five words.....	25
For every additional twenty-five words.....	10
All deliveries within a half mile radius of central office	25
Beyond half a mile, per mile.....	25
For all conversations not exceeding three minutes, calculated from the time the connection is completed over all trunk lines, at the rate of one cent per mile, with a minimum charge of twenty-five cents.	

VICTORIA, B. C.:

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