



CHAPTER 74.

An Act to Incorporate the “District Power and Telephone Company.”

[*May 11th, 1901.*]

WHEREAS a petition has been presented praying for the incor- Preamble.
poration of a Company for the purpose of the transmission,
supply and sale of power, light and heat within the Electoral Districts
of Esquimalt, Victoria City, North Victoria and South Victoria, and
of construction and operation of telephone lines for the transmission
of messages for hire, within the said Electoral Districts, together with
the power of expropriation and appropriation of any lands or waters
convenient therefor, and such other powers, rights and privileges as
may be necessary, incidental or conducive to the attainment of the
above objects; and whereas it is expedient to grant the prayer of the
said petition:

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

1. Albert F. Griffiths, James Mitchell, and such other persons and Incorporation.
such 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 District Power and Telephone Com-
pany,” or such other name as the Lieutenant-Governor in Council may
approve of.

2. The capital stock of the Company shall be five hundred thousand Capital stock.
dollars, divided into five thousand shares of one hundred dollars each;
and the said capital stock may be increased from time to time by the
vote of the majority in value of the stockholders present or repre-

sented by proxy at any meeting specially called for that purpose. Such shares, or any part thereof, may be granted and issued at a discount or as paid-up shares by the Company, either in money at par or at such price and upon such conditions as the Directors may fix, or as part or all of the consideration for any contract or services rendered by or on behalf of or for the benefit of the Company. The said capital stock shall be applied first to the payment of all costs and expenses incurred in the passing of this Act and the remainder for the Company's undertakings.

Head office.

3. The head office of the Company shall be at the City of Victoria, or at such other place in the Province of British Columbia as may be thereafter determined upon by the Directors of the Company.

Provisional Directors.

4. 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 secure subscriptions for shares in the capital stock of the Company, and to make calls upon the subscribers; they shall hold office until the first election of Directors under this Act.

General meeting.

5. The Provisional Directors shall, within six months after this Act comes into operation, call a general meeting of the shareholders at such time or place as they may think proper, by giving at least fourteen (14) days' notice thereof by registered letter addressed to each shareholder of the time, place and purposes of such meeting, at which meeting the whole of the Provisional Directors shall retire from office and a board of not less than three nor more than five Directors, as may be from time to time determined by the shareholders by resolution, shall be elected, and the Directors so elected shall hold office until the annual general meeting of the Company next after their respective election.

Electric works; power to erect.

6. The said Company is hereby authorised and empowered to erect, construct, operate and maintain 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 transmitting the same to any part of the said Electoral Districts of Esquimalt, Victoria City, North Victoria and South Victoria, to be used by the Company as a motive power for the operation of motors, machinery or electric lighting, 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 of any nature or kind whatever 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 authorised 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, connections, 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 districts, and to erect poles for the purposes of placing the same in such manner as the said Company shall think fit, necessary or proper for the purpose of carrying out the operation of the said Company in respect of and incidental to the making, generating or supplying of electricity.

- (a.) The Company shall not interfere with the public right of travelling on or using such highways or streets: Company may not interfere with public right of travel.
- (b.) In any municipality such powers shall be exercised only with the consent of the Council by by-law or resolution, which by-law or resolution shall contain such conditions and terms respecting the exercise of such powers as to the Council shall seem proper: In municipalities powers to be exercised on consent of Council by by-law.
- (c.) The Company shall not break up or open any part or parts of any highway, not being in a municipality, without having first obtained the consent of the Chief Commissioner of Lands and Works for the time being: Power to break up, etc., any highway granted by Chief Commissioner of Lands and Works.
- (d.) 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 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 to claim compensation for any damage thereby incurred: Wires or poles may be cut in case of fire.
- (e.) Any of the property of the said Company which is erected on any public road or street outside of a municipality shall be under the control of the Chief Commissioner of Lands and Works, and he may from time to time order the same to be altered or removed.

7. The Company may construct, erect and maintain a line or lines of telephone along the sides of and across or under any highways, streets, public bridges, or any such places within the Electoral Districts of Esquimalt, Victoria City, North Victoria and South Victoria, as the Company from time to time determines; and the Company may by its servants, workmen or agents enter upon any highway, street, public bridge, or such other places as aforesaid, for the purpose of erecting

Telephone; power to construct.

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 deems necessary for making, completing, supporting, using, working and maintaining the system of communication by telephone, and may stretch wires thereon: Provided that the powers herein contained shall be exercisable only subject to such regulations as the Chief Commissioner of Lands and Works may impose.

Sub-section (a.) The sub-sections of section 6 shall apply to this section.

Other districts.

Acquiring other lines.

8. The Company may purchase or lease for any term of years any telephone line established or to be established in British Columbia, connected 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 telephone communication connecting or to be connected with the Company's line or lines; and the Company may enter into any arrangement with any company possessing as proprietor any line of telephonic communication or any power or right to use communication by means of the telephone, upon such terms as may be deemed expedient and advisable, or may become a shareholder in any such proprietary company.

Rates and charges to be fixed by by-law.

9. 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, and shall have full power to collect, sue for and recover the charges to which it becomes entitled, but such rates and charges may be revised and altered at any time by the Lieutenant-Governor in Council.

Power to acquire and deal with land and other property.

10. The Company may purchase, acquire, or lease and hold, and may sell, dispose of, or surrender any lands, buildings or tenements, and may, for all or any of the said purposes, purchase or lease for any term of years any water rights, telephone, electric light or electric heating system established or to be established within the said electoral districts, and may enter into working arrangements with, or may enter into lease of, or acquire the right to work and operate any such systems, or to use the property and plant of such system; and may sell or lease to any company authorised to operate within the said electoral districts, 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 the shareholders repre-

senting not less than two-thirds in value of the subscribed stock of the Company present or represented by proxy at a general meeting called for that purpose; and after such agreement shall be made with any other company, the Company may acquire and hold shares, bonds or securities of such other company: Provided, always, that this section shall not, nor shall anything under this Act, be construed so as to give the Company power to expropriate lands belonging to any municipality or forming part of a street or highway without the consent of such municipality first had and obtained.

11. 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 one year next after the time when such supposed injury 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. Actions; when to be commenced.

12. The Directors of the Company may, from time to time, borrow, for the purpose 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 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 payment 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. Borrowing powers.

13. 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 acquire the right to work the line of any other company which has been or may hereafter be empowered to generate or to supply electricity for any purpose within the area aforesaid, upon such terms and conditions as may be agreed upon by the Board of Directors of the respective companies. Amalgamation with other companies.

14. The Company may purchase, take on lease or in exchange, hire, or otherwise acquire, any real and personal property, and any water Real and personal property.

rights or other privileges which the Company may think necessary or convenient for the purposes of its business, but nothing herein contained shall be held to interfere with the right of the Corporation of the City of Victoria under the "Corporation of Victoria Water Works Act, 1875," or any amendment thereto.

Right of way.

15. It shall be lawful for the Lieutenant-Governor in Council to grant to the Company, on such terms as may be deemed expedient, a right of way for that portion of the telephone lines that traverses or may hereafter, in the exercise of the Company's corporate powers, traverse lands of the Crown, and Crown lands to be granted for such right of way shall be limited to such quantity as the Lieutenant-Governor in Council shall consider reasonably necessary for the purposes of the Company.

"Companies Clauses Consolidation Act, 1897," to apply.

16. The provisions of the "Companies Clauses Consolidation 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 such provisions are repugnant to or inconsistent with the provisions of this Act, in which case the provisions of this Act shall, to the extent of such repugnancy or inconsistency, govern.

"Water Clauses Consolidation Act, 1897."

17. The Company shall, within the hereibefore described area, be in the position of a company duly incorporated in compliance with the provisions of Part IV. of the "Water Clauses Consolidation Act, 1897," and with the like rights, powers and privileges, 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 herein excepted, altered or varied, and all the provisions of Part V. of the said Act shall apply to the Company.

Security to be deposited with Minister of Finance.

18. The Company shall, within nine months after the coming into force of this Act, deposit with the Minister of Finance the sum of \$2,500, either in cash or securities approved by the said Minister, as security that the Company will expend not less than ten thousand dollars in constructing any of the works authorised by this Act, on or before the first day of December, 1903, and if such security shall not be deposited as aforesaid, this Act shall be null and void, or if, after such deposit, the said sum of ten thousand dollars shall not be expended within the period herein mentioned, the aforesaid deposit of moneys or securities, if made, shall be forfeited to and become the property of the Government: Provided always, that the Lieutenant-Governor in Council shall have power to extend the time for deposit and construction respectively as aforesaid, but such extension shall not be for a longer period than one year.

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19. No Act of this Legislature requiring the Company in case sufficient means are devised for carrying telephone, telegraph 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. Other legislation not to be deemed infringement of privileges granted by this Act.

20. This Act may be cited as the “District Power and Telephone Short title. Company’s Act, 1901.”

VICTORIA, B. C.:

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