



CHAP. 30.

An Act to amend the Act Incorporating the "New Westminster and Port Moody Telephone Company, Limited."

[6th April, 1886.]

WHEREAS the New Westminster and Port Moody Telephone Company, Limited, have represented that they are desirous of extending their lines of telephone from the City of New Westminster to the City of Vancouver, and to Hastings, English Bay, and throughout the streets thereof, and in the vicinity of the aforesaid named places, and to such other place and places, and throughout the streets thereof, on Burrard Inlet, as may hereafter be determined upon by the said Company, and along the said route and routes, and have prayed that an Act may be passed to amend the Act incorporating the said Company to enable them so to do,

Preamble

And whereas, it is desirable and 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 Company are hereby authorized and empowered to construct and maintain, and shall, subject to the provisions of the said Act of incorporation and of this Act, have the right, liberty, and privilege of constructing and maintaining a line or lines of Telephone from such point or points in the City of New Westminster, in British Columbia, by such route or routes to such point or points at Vancouver City, Hastings, English Bay, and throughout the streets thereof, and other places on Burrard Inlet, and throughout the streets thereof, and on the way thereto by way of Vancouver City or otherwise, as the said Company may from time to time determine upon.

Gives power to extend line to Vancouver, Hastings and English Bay.

2. The said Company are also authorized and empowered to construct and maintain such line or lines of Telephone from any such point or points as aforesaid, and in the vicinity of such place or places as now are or hereafter may be along any such route or routes, or in the vicinity of any such point or points as aforesaid, as the said Company may at any time or from time to time determine upon.

And generally along the line of route.

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May erect poles.

3. For the purposes hereby authorized the Company may erect poles and other necessary appliances along the proposed line or lines of Telephone, and may erect and maintain such poles in the ground and upon bridges, and through, upon, and in streets.

Increase of capital.

4. The said Company may increase their capital from time to time to any amount not exceeding one hundred thousand dollars, in shares of one hundred dollars each.

Head office.

5. At any annual general meeting of the shareholders of the Company, the place where the Company shall have their head office, and the place of holding any meeting of the shareholders or other meeting, may be fixed by them as they may determine.

Holding meetings.

Amends schedule of principal Act.

6. The Schedule of the said principal Act of incorporation is hereby amended by striking out the words "including the erection of wires" in the first line thereof.

Franchise granted for 20 years.

7. The powers and privileges granted by the said principal Act, and by this Act, shall continue for a period of twenty years from the passing of this Act.

Construction of Act.

8. This Act shall be read with and shall be construed as forming part of the said Act of incorporation, and all the enactments and provisions in the said Act of incorporation as hereby amended contained, shall apply to the line or lines of telephone works, acts, matters and things in this Act mentioned or referred to by this Act, mentioned or referred to or by this Act authorized so far as such enactments or provisions may be applicable thereto.

Name of the Company changed.

9. The name and designation of this Company shall, after the passage of this Act, be the "New Westminster and Burrard Inlet Telephone Company, Limited;" and the said principal Act of incorporation is hereby amended by striking out the words "New Westminster and Port Moody Telephone Company, Limited," wherever they occur in the said principal Act of incorporation, and substituting the words "New Westminster and Burrard Inlet Telephone Company, Limited," in lieu thereof.

Chinese not to be employed, directly or indirectly, by Company or its contractors.

10. This Act is passed upon the express understanding that no Chinese, either directly or indirectly, shall be employed in or about, or concerning any work or services authorized by this Act, or required by the Company to be done or performed. In the event of any Chinese being employed by the Company, the Company shall be liable, upon summary conviction before any two Justices of the Peace or functionary having the power of two Justices of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, to a penalty not exceeding twenty-five dollars or less than ten dollars for every

Chinese employed; and in default of immediate payment of the penalty the same may be levied by distress and sale of the goods and chattels of the Company. And in the event of any Chinese being employed by any of the Company's contractors, or sub-contractors, contrary to the provisions of this Act, then any such contractor or sub-contractor shall be liable, upon summary conviction as aforesaid, to a penalty not exceeding twenty-five dollars nor less than ten dollars for every Chinese employed; and in case of default in immediate payment of such last mentioned penalty, the same may be recovered by distress and sale of the goods and chattels of the offender; and in default of sufficient distress, the offender may be committed to any gaol or place of confinement situate within the territorial jurisdiction of the convicting Justices, and there imprisoned for any term not exceeding thirty days; and any director or officer of the Company who causes or procures any Chinese to be employed, contrary to the provisions of this Act, or permits or connives at such employment, shall be liable, upon summary conviction as aforesaid, to the like penalties as hereinbefore in this section provided, recoverable in manner secondly hereinbefore mentioned.

Penalties.

11. The offender shall be liable to separate and successive penalties for each and every day during which any Chinese shall be employed.

Successive penalties.

12. The term "Chinese" wherever used in this Act shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

Meaning of "Chinese."

13. Upon any prosecution under sections ten and eleven of this Act, evidence under oath of any witness that to the best of his knowledge and belief any person alleged to have been employed contrary to the provisions of this Act, is a Chinese, shall be prima facie evidence that such person is a Chinese within the meaning of this Act, and shall cast upon the defendant the burden of proving that such person is not a Chinese. The Justices may also decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

Evidence.

14. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding, that the same was made for an offence against some provision of this Act, and provided there is evidence to prove such an offence, and that it can be understood from such conviction, warrant or process that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. Upon any application to quash any such conviction,

Convictions, &c., not to be quashed for want of form.

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or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon habeas corpus, or by way of certiorari or otherwise, the Court or Judge to which such appeal is made, or to which such application has been made upon habeas corpus, or by way of certiorari, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defects as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

Limited liability of
shareholders.

15. The liability of a shareholder shall be limited to the amount unpaid on his shares in accordance with and as if the Company had been incorporated under the "Companies Ordinance, 1867," and an Act of the Imperial Parliament, passed in the 25th and 26th years of the reign of Her Majesty Queen Victoria, chapter 89, entitled the "Companies Act, 1862;" and the Company shall have all the rights and privileges conferred by, and in all things conform to and be governed by, the said Ordinance and "Companies Act, 1862."

Short title.

16. This Act may be cited as the "New Westminster and Burrard Inlet Telephone Company's Incorporation Act, 1886."