



### CHAPTER 23.

## An Act to carry out an Agreement respecting the Incorporation of the City of Fernie.

[8th April, 1905.]

**W**HEREAS the City of Fernie has been incorporated as a City Preamble.  
under the provisions of the "Municipalities Incorporation Act," with the consent of the Crow's Nest Pass Coal Company, Limited, and the Crow's Nest Pass Electric Light and Power Company, Limited, without which such incorporation would not have been possible, but on the condition that this Statute should be duly passed by Legislature of the Province of British Columbia to give effect to the provisions of certain agreements arrived at, and the lands so incorporated are those described as all and singular that certain parcel or tract of land commencing at a point one hundred feet (100') due east of the intersection of the centre line of the British Columbia Southern Railway and the centre of the stream bed of Coal Creek, and running thence in a northerly direction and parallel to the centre line of the said railway, and one hundred feet (100') distant therefrom, for a distance of one thousand and eighty-five feet, more or less (1,085'), to a point fifty feet from the centre line of the southern branch of the Y connecting the main line of the British Columbia Southern Railway with the Coal Creek branch of the same; thence in a direction about north thirty-three degrees and fifteen minutes east (N. 33° 15' E.) fifteen hundred feet, more or less (1,500'), to a point distant one hundred and forty feet (140') southerly, from the extension of the line of the southerly side of Cox Street, of the Fernie Townsite, and one hundred feet (100') distant in an easterly direction and at right angles from the centre line of the main line of the said British Columbia Southern Railway; thence south fifty-six

degrees and forty-five minutes east (S.  $56^{\circ} 45'$  E.) one hundred feet (100'); thence north thirty-three degrees and fifteen minutes east (N.  $33^{\circ} 15'$  E.) one thousand eight hundred and thirty-six feet (1,836'); thence curving to the right with a radius of five thousand seven hundred and thirty feet (5,730') for a distance of four hundred and seventy-three feet (473'); thence north thirty-eight degrees and fifteen minutes east (N.  $38^{\circ} 15'$  E.) seven hundred and seventy feet (770'); thence north fifty-six degrees and forty-five minutes west (N.  $56^{\circ} 45'$  W.) one hundred feet (100'); thence north thirty-eight degrees and fifteen minutes east (N.  $38^{\circ} 15'$  E.) four hundred and fifty feet, more or less (450'), to a point on the extension of the line of the northern boundary of parcel number three (3) of that certain parcel or tract of land shown on a map or plan of a subdivision of Lot four thousand five hundred and eighty-eight, Group 1 (L. 4,588, G. 1), Kootenay District, and otherwise known as the Fernie Townsite Block; thence in a westerly direction six hundred and forty feet, more or less (640'), to the north-east corner of the said parcel number three (3); thence in a westerly direction, and along the said northern boundary of the said parcel number three (3), three thousand nine hundred and sixty feet, more or less (3,960'), to the east bank of the Elk River; thence in a southerly direction and along the east bank of the Elk River to the mouth of Coal Creek; thence in an easterly direction, and following the centre of the stream bed of Coal Creek against the stream to the point of commencement; containing three hundred and thirty-one acres (331), be the same more or less. And for convenience of reference the aforesaid lands are divided into three districts, hereinafter referred to as the "Park," the "Present Fernie Townsite," and the "Annex":

And whereas the land hereinafter referred to as the "Park," is all that portion of the firstly described lands lying south of Prior Street, bounded on the west by Elk River, on the south by Coal Creek, and on the east by the west limit of the Canadian Pacific Railway; and the land hereinafter referred to as the "Present Fernie Townsite" is all that portion of the firstly described lands laid out as shown on a map or plan of subdivision of the portion of Lot 4,588 made by T. T. McVittie, Provincial Land Surveyor, and duly registered in the Registry Office at the City of Nelson as No. 734; and the land hereinafter described as the "Annex" is all that portion of the firstly described lands excepting thereout the "Park" and the "Present Fernie Townsite":

And whereas the Crow's Nest Pass Coal Company, Limited, has undertaken, with the consent of the Municipality of the City of Fernie, to at once convey to the Crow's Nest Pass Electric Light and Power Company, Limited, the lands hereinbefore referred to as the "Annex" and the "Park":

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

1. This Act may be cited as the “ Fernie Townsite Act, 1905.” Short title.
  
2. The Crow’s Nest Pass Electric Light and Power Company, Limited, shall at all times allow such portions of the “ Park ” as have not been, and are not, from time to time, built upon, leased or sold to be used by the Municipality of the City of Fernie as a public park. Use of “ Park ” by City as a public park.
  
3. So much of the “ Park ” as has not been, and is not from time to time built upon, leased or sold, shall be for all time exempt from such taxes and rates as the Municipality of the City of Fernie has or shall have power for any purpose to assess or levy; but so much of the “ Park ” as is now built upon or may hereafter be built upon, together with the lands used or appurtenant to such buildings, or leased or sold by the Crow’s Nest Pass Electric Light and Power Company, Limited, shall cease to be exempt as aforesaid. Taxation of “Park.”
  
4. The Crow’s Nest Pass Electric Light and Power Company, Limited, shall at all times and from time to time use its influence to prevent any of the houses in the old town east of the lands of the Canadian Pacific Railway from being used for hotel or other commercial purposes. Houses in old town east of C. P. R. Co.’s lands not to be used for hotel or other commercial purposes.
  
5. Such right and title as the Crow’s Nest Pass Coal Company, Limited, and the Crow’s Nest Pass Electric Light and Power Company, Limited, had on the tenth day of May, 1904, in the existing street and alleys laid out on any of the lands herein firstly set out, or in any streets or alleys which may be laid out on the said lands, are not to be deemed to have been relinquished, but are to remain in as full force and effect as if the Municipality of the City of Fernie had not been incorporated, and neither the incorporation of the City of Fernie nor this Act is in any way to derogate from or diminish the rights, privileges and powers conferred by the Act incorporating the Crow’s Nest Pass Electric Light and Power Company, Limited, being chapter 46 of the British Columbia Statutes of 1900. Streets and alleys in City of Fernie.
  
6. The Crow’s Nest Pass Electric Light and Power Company, Limited, shall have full power, right and authority as an electric light, water and telephone company, free of all charges and for all time, to lay down the necessary pipes, and do all things necessary to supply water and water power, and to put up all necessary poles and to string wires thereon, and build conduits for the conveyance of electricity for light, heat, telephones and power, as provided in its Act of incorporation, in, through, over and upon their own property and the streets, squares and other public places, now or hereafter laid out, of User of streets by Crow’s Nest Pass Electric Light and Power Co.

the said City of Fernie, and for such purposes to do such work as may be necessary on, in and under the streets, squares and other public places of the said city, and shall have full power to take up, alter and repair the said pipes, conduits, poles and wires, when and so often as the said company shall deem it necessary so to do, and in all cases doing no unnecessary damage to the premises while the works are in operation; provided, always, that the said company shall, while laying down the said pipes and conduits as aforesaid, place guards or fences, with lamps to be lighted at night, for the prevention of accidents to passengers, and shall finish the work and put the said streets, squares and public places, as nearly as possible, in as good a condition as they were before the commencement of the work, without any unnecessary delay.

Exemption from taxation for 20 years of offices of Crow's Nest Pass Coal Co.

7. The Crow's Nest Pass Coal Company, Limited, shall erect upon Block 15 of the "Present Fernie Townsite" modern general offices for their own use, and the said block of land and buildings shall be exempt from all taxes and rates which the Municipality of the City of Fernie has or shall have power to assess or levy for any purpose for a period of twenty years from the first day of January, A. D. 1905.

Taxation of "Annex."

8. Such part of the "Annex" as is the property of the Crow's Nest Pass Electric Light and Power Company, Limited, shall be exempt from all taxes and rates which the Municipality of the City of Fernie has or shall have power to assess or levy for any purpose, so long as the same remains unsold or is not leased; but upon the sale or lease of any portion thereof by the Crow's Nest Pass Electric Light and Power Company, Limited, so much of the lands sold or leased shall thereupon become liable to be assessed and cease to be exempt as aforesaid.

City of Fernie released from any obligation to purchase water supply system.

9. The Municipality of the City of Fernie is hereby released from all the provisions of the "Water Clauses Consolidation Act, 1897," if any there be, which oblige or compel the said Municipality to take over or purchase the water supply system, as laid down in the "Present Fernie Townsite," on the tenth day of May, A. D. 1904.

Rights of Crown saved.

10. Nothing in this Act contained shall be held or construed so as to affect the rights of the Crown under section 32 of the "Land Act," in respect of the lands hereinbefore referred to as the "Annex" and the "Park."

---

VICTORIA, B. C.

Printed by RICHARD WOLFENDEN, I.S.O., V.D., Printer to the King's Most Excellent Majesty.  
1905.