



CHAPTER 63.

An Act respecting the Victoria Electric Railway and Lighting Company, Limited.

[6th April, 1894.]

WHEREAS by an agreement dated 20th November, 1888, made Preamble
between the Corporation of the City of Victoria, of the first part, and James Douglas Warren, Andrew Gray, Thomas Shotbolt, Joseph Hunter, and David Williams Higgins, the said James Douglas Warren, Andrew Gray, Thomas Shotbolt, Joseph Hunter, and David Williams Higgins, in the said agreement termed the parties of the second part, were authorized to lay and operate a street railway within the limits of the City of Victoria, and to erect poles and to lay overhead wires along all or any of the streets and roads of the Municipality of the City of Victoria, for the supplying of electricity for lighting and motor purposes, and for any other electrical purpose, and were granted other franchises and powers as by reference to the said Articles of Agreement contained in Schedule "A" to this Act, will more fully appear:

And whereas the said parties of the second part afterwards became incorporated under the "Companies Act," Part II., Provincial, for the purpose, amongst other things, of laying and operating the said tramway and supplying electricity for lighting purposes, and were also incorporated by an Act of the Legislature of this Province made and passed under the name and style of the "National Electric Tramway and Lighting Company, Limited Liability:"

And whereas by virtue of another Statute of the Legislature of this Province, made and passed in the year 1890, the said Company were authorized and empowered to construct, maintain and operate a single or double line of tramway in the Districts of Victoria, North and South Saanich, Lake, Highland, Esquimalt, Sooke, and Metchosin, to connect with the said Company's street tramway in the City of Victoria, as by reference to the said Act of the Legislature of this Province will more fully appear:

And whereas the said Company by its petition has represented that it is desirous of having the Acts and franchises now in force relating to the said National Electric Tramway and Lighting Company, Limited Liability, consolidated and amended by an Act declaring, defining, and confirming the rights, powers and privileges of the said Company, including the borrowing powers and all other things necessary, incidental or conducive to the attainment of the above purposes, or any of them, and has also by its said petition prayed that its name may be changed to the "Victoria Electric Railway and Lighting Company, Limited:"

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:—

Ratifies agreement
in Schedule A.

1. The said agreement made between the Corporation of the City of Victoria of the first part, and James Douglas Warren, Andrew Gray, Thomas Shotbolt, Joseph Hunter, and David Williams Higgins, of the second part, bearing date of the twentieth day of November, A.D. 1888, as set forth in Schedule A to this Act, and designated as "the agreement," is hereby declared to be a valid and binding agreement, and the said Company and the said Corporation are hereby respectively authorized and empowered to do whatever is necessary to give effect to the substance and intention of the provisions of the agreement, and they are respectively hereby declared to have and have had power to do all acts necessary to give effect to the same, and the obligations created by said agreement, and by clause 4 of the By-law of the said Corporation, known as the "Street Railway By-law, 1888," shall be binding upon the said Company so long as they shall operate the said tramway, except when prevented by the action of the elements or other unforeseen accident, or so long as they shall exercise any of the powers or privileges of the said Company referred to in said agreement and said by-law.

Changes name of
company.

2. The name of the "National Electric Tramway and Lighting Company, Limited Liability," is hereby changed and the corporate name of the said Company is declared to be and is the "Victoria Electric Railway and Lighting Co., Limited," and all rights, powers and privileges acquired by, and all duties and obligations devolving upon James Douglas Warren, Andrew Gray, Thomas Shotbolt, Joseph Hunter, and David Williams Higgins, by virtue of the said agreement, and upon the "National Electric Tramway and Lighting Company, Limited Liability," shall be enjoyed by and devolve upon the "Victoria Electric Railway and Lighting Company, Limited," and all property and estate, real and personal, belonging to the "National Electric Tramway and Lighting Company, Limited Liability," are hereby vested in the "Victoria Electric Railway and Lighting Company, Limited."

3. The Acts mentioned in the Schedule B to this Act are hereby repealed, and in lieu of the said Acts and provisions, this Act shall apply to the "Victoria Electric Railway and Lighting Company, Limited," hereinafter called "the Company," and to the undertakings of the Company.

Repeals certain Acts in Schedule B.

4. The said repeal shall not in any way affect:—

Repeal not to affect:

(a.) The corporate existence of the Company, which, together with all such persons who have become shareholders or who hereafter shall become shareholders in the Company, shall continue to be the same body corporate; or

Corporate existence of company;

(b.) Any obligation, debt or liability of the Company now existing; or

Or its existing debts;

(c.) Any right now existing, accruing, secured or established; or

Or rights;

(d.) Any suit, action or proceeding at law or equity now pending.

Or actions.

5. The head office of the Company shall be at the City of Victoria, but the Directors may change it to any other place, if found advisable, within the Province.

Head office.

6. The several provisions of the "Companies' Act, 1890," and all present and future amendments thereto, or of any Act passed in substitution thereof, shall be incorporated into and be deemed to be part of this Act and shall apply to the said Company and their undertaking, except in so far as the same may be repugnant to or inconsistent with the express enactments hereof.

Application of "Companies' Act" and amendments.

7. The capital stock of the said Company shall be one million dollars, divided into one hundred thousand shares, of ten dollars each

Capital stock.

8. The Company in general meeting may, from time to time, increase its capital stock by the creation of new shares of such amount as may be deemed expedient.

Increase of stock.

9. The new shares shall, with the consent of a majority in value of the shareholders of the Company, be issued upon such terms and conditions and with such rights and privileges as the Directors shall determine, and in particular such shares may be issued with a preferential or qualified right to dividends and in the distribution of assets of the Company.

On what terms new shares to be issued.

10. The Directors may, from time to time, with the consent of the Company, as shown by a resolution passed by a majority in value of the shareholders, sell and dispose of fully paid up and non-assessable preference or ordinary shares of the Company, at such less sum than the face value thereof, as may appear to them desirable. And the purchaser or purchasers of such preference or ordinary shares shall not on that account be in any manner liable or charged with the payment of any debt or demand due by the Company.

Sale of paid up shares at less than face value.

Directors' powers
and functions.

11. The Directors shall exercise all the powers of the Company except as hereinafter provided, and shall have full power to pass by-laws or resolutions for the management of the Company, the acquirement, management, or disposition of its stocks, property and effects, and of its affairs and business; the entering into agreements and contracts; the declaration and payment of dividends out of the profits of the said Company; the form and issuing of share certificates and the transfer of shares; the calling of special and general meetings of the Company; the appointment and remuneration and removal of all officers, agents, clerks, workmen and servants of the Company; the rules to be observed by the officers and servants of the Company and all other persons using the railways, rails, electric lines, electricity, electrical or other lighting or other appliances or property of the Company whatever; the fares to be received for the carriage of passengers over any of its lines, or any part thereof, and the remuneration for the transfer and delivery of all or any goods, chattels, or effects, transferred and delivered through the agency of the said Company, and in general to do all things that may be necessary to carry out the objects and exercise any and all powers incident to the Company.

Construction of
street railway in
Victoria City.

12. In addition to the powers conferred by the said agreement, the said Company are hereby authorized and empowered to construct, maintain, and operate a single or double-track street railway, with all necessary switches, side-tracks, and turn-outs, and other requisite appliances in connection therewith for the passage of cars, carriages, and other vehicles adapted thereto, upon and along any of the streets within the City of Victoria, subject to the approval and supervision of the City Engineer, or other officer appointed for that purpose by the said Corporation, as to the location of all poles, tracks, and other works of the said Company, and upon the terms and conditions as fully set forth in the agreement, and upon and along the lands, highways, and bridges lying in and lying between the City of Victoria and the following points and other points in the said districts, namely:—

And to certain
points in adjoining
districts.

“The Town of Esquimalt, in Esquimalt District,” “Craigflower Bridge and the Gorge, in Victoria District,” “Cadboro Bay, Oak Bay, and Mount Douglas in Victoria District,” “Brackman and Ker’s Mill, in the District of North Saanich,” “any point or points in the District of Metchosin,” “Sooke Settlement, in the District of Sooke,” “Beechy Bay, in said Sooke District,” “Goldstream, in Highland District,” subject, in so far as the same passes over or along any highway or bridges between the said points, to the supervision of the Chief Commissioner of Lands and Works for the time being of the said Province, who shall fix the location of the said tramway on the said highways and bridges between the said points, but on the road between the City of Victoria and the Gorge, in said District of Victoria, known as the Gorge Road, the centre line of the track of such tramway

Supervision of Chief
Commissioner.

shall not be more than seventeen feet from either gazetted line of the said Gorge Road; provided that nothing herein contained shall be deemed to authorize or empower the said Company to lay any rails or construct or operate any of the works authorized by this Act within the limits of Beacon Hill Park, or on Dallas Road, south and east of Simcoe Street, in the said City of Victoria.

(a.) The style of rail to be employed by the said Company in constructing and laying down the several railway tracks may be, at the option of the Company, such as is at this date employed by the Company, or such as may be approved of by the City Engineer of the City of Victoria, and shall be laid within the limits of the City of Victoria under the supervision of the City Surveyor or other officer as the Council of the said City may appoint for that purpose; and without the limits of the City of Victoria, under the supervision of the Chief Commissioner of Lands and Works for the time being of the said Province.

Style of rail.

Supervision of City Surveyor.

(b.) Clause 27 of the agreement shall be held to be amended and modified to conform to the provisions of this sub-section. Within the corporate limits of the City of Victoria the Company shall keep the tracks and the roadway between same, and crossings between, and for eighteen (18) inches on each side of the rails, in as good condition and repair as when disturbed by the Company, for a period beginning with any construction, alteration, or repair of the tracks, and ending ninety (90) days thereafter, and if the Company fail so to do, the City Surveyor, or other proper officer, may give a notice to the Company requiring the same to be put in such condition and repair; and if the Company fail to comply with such notice, and forthwith, with reasonable dispatch, repair and amend the same as aforesaid, the City Surveyor, or other proper officer, may cause such work as may be necessary for the purpose to be done and performed, and the amount expended by the Corporation therefor may be recovered against the Company by the Corporation in any Court of competent jurisdiction.

Amends clause 27 of agreement.

Repairing roadway in city.

13. The Company shall have the power to purchase, take over, lease, or otherwise acquire, all or any part of the property, real and personal, rights, privileges, and franchises, of any other electric railway or lighting company or companies, or any company having objects altogether or in part similar to those of this Company, and shall have, when the same are acquired, all the powers, privileges, rights, and franchises of any such company or companies that may be conferred upon such company or companies under its charter or Act of Incorporation, so that the same shall be held, exercised and enjoyed by the Company as fully as if specially conferred hereby, except where the same are inconsistent with this Act.

Acquiring of rights of other companies.

14. The Company may unite, amalgamate, consolidate its stock, property, business, and franchises, may enter into working engage-

Amalgamation.

ments with, or may enter into a lease of, or take and hold shares in, or the right to operate, the works of any other electric railway or lighting company or companies, or any company having objects altogether or in part similar to those of this Company, or any company generating, using, or supplying electricity for any purpose whatsoever.

May be general dealers in electrical goods.

15. The Company shall have the right to buy, sell, lease, manufacture, and operate electric motors, electric heaters, and electrical appliances of all kind, to be general dealers in electrical supplies and apparatus of any kind whatsoever, and to generate, supply, and use electricity for any purpose whatsoever.

Operating electric lighting works.

(a.) The Company shall have the power to furnish light by electricity, and generally to operate electric lighting works within said city and districts, subject to the approval and supervision of the City Engineer or other officer appointed for that purpose by the said Corporation, as to the location of all poles, wires, and other works of the said Company in the streets of the said city, and to the like approval and supervision of the Chief Commissioner of Lands and Works in the highways in said districts.

City Engineer to approve location of poles, etc.

Empowers company to maintain necessary works, carry passengers, etc.

16. In addition to the powers conferred by the agreement, the said Company are hereby authorized and empowered to erect, construct and maintain all necessary poles, wires, buildings, works, appliances, and conveniences connected with and incidental to the construction, maintenance, and operation of the said lines of railway, and to take, transport, and carry passengers, freight, express and mail matter, upon and over the said lines of railway by electric or such other motive power as the said Company may deem expedient, subject to the approval and supervision of the City Engineer or other officer appointed for that purpose by the said Corporation, as to location of all poles, tracks, and other works of the said Company.

Supervision of City Engineer.

Power to enter and survey lands required in said districts.

17. It shall be lawful for the Company, their servants, agents and workmen, from time to time, and at all times hereafter, as they shall see fit, and they are hereby authorized and empowered so to do, to enter into and upon the land of any person or persons, bodies politic or corporate, lying between said points, namely:—The town of Esquimalt, Craigflower Bridge, the Gorge, Cadboro Bay, Oak Bay, and Mount Douglas to Brackman & Ker's Mill, North Saanich; to any point or points in the District of Metchosin; to Sooke settlement, in the District of Sooke; to Beechy Bay, in said District of Sooke; and to Goldstream, in Highland District, or to any other points in said Districts, and the City of Victoria; and to survey, set out and ascertain such parts thereof as they may require for the said works, and to contract with the owners and occupiers of, and all persons and bodies corporate having any interest in, the lands lying between the said points, for the purchase of the same or any part thereof, or of any privilege that may be required for the purpose of constructing and operating said

line of railway, or for the right to take timber, stone, gravel, sand and other materials from the aforesaid or any lands adjacent thereto, for the use and construction of the said works.

18. In any and every case of disagreement between the said Company and the owners, occupiers, or other persons or bodies corporate, as aforesaid, respecting the amount of the purchase money or value thereof, or as to the amount of damages any of the persons or bodies corporate aforesaid shall suffer through the construction of the said tramway, the matter or matters so in dispute shall be decided by three arbitrators, of whom the Company shall appoint one, the person or body corporate so damaged shall appoint another, and such two arbitrators shall, within ten days after their appointment, or that of the last of them, appoint a third arbitrator; but in the event of two such arbitrators not appointing a third arbitrator within the time aforesaid, a Judge of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. In case any owner or occupant, or other person having an interest in said lands, shall be an infant, or insane, or in case any such person shall be absent from the Province, or shall refuse to appoint an arbitrator in his behalf, or in case of a body corporate not having an agent or a representative in this Province, then a Judge of the Supreme Court of British Columbia, on application being made to him for that purpose by the said Company, shall nominate and appoint a disinterested person as such arbitrator.

Appointment of arbitrators.

19. The said arbitrators shall award, determine, adjudge, and order the respective sum or sums of money which the Company shall pay to the respective persons entitled to receive the same.

Arbitrators to award sum to be paid.

20. The said arbitrators shall be, and they are hereby required, to attend at some convenient place at or in the vicinity of the said City of Victoria, to be appointed by the Company after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace: Provided always, that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case reference may be made again to arbitration, as hereinbefore provided, and that any sums so awarded and costs shall be paid within one month from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume occupation of his property, and all his rights shall thereupon revive and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid,

Where arbitrators to meet.

Oath.

Application to Court.

21. The lands which shall be ascertained, set out or appropriated by the Company for the purposes thereof, as aforesaid, shall thereupon, and so long as the said Company comply with the provisions of this Act, be vested in the Company ; and it shall be lawful for the Company to construct, erect and maintain in and upon said lands such works as may be requisite for the undertaking and operations of the Company.

Application of
"Land Clauses Con-
solidation Act,
1845," etc.

22. The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply ; but the following sections of the "Land Clauses Consolidation Act, 1845," Imperial Statutes, shall be read with and as part of the Act, so far as the same may be applicable, and except in so far as such sections, or any of them, may be varied or modified by the provisions of this Act or are repugnant thereto ; sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, 79 ; but in section 69, in lieu of the word "Bank" and the next following words, there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia ;" and in section 70, and said subsequent sections, in lieu of the words "Court of Chancery in England," and in sections 71, 73, and 76, in lieu of the word "Bank," there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia."

Exemption from
taxation.

23. The stock of the Company and the works to be constructed as aforesaid, and the lands, buildings and other property belonging to the Company, shall be exempt from taxation for four years from the passing of this Act.

Collection of fares.

24. On any and all of the said lines of railway and on all other lines of railway of the said Company, a fare shall be due and payable by every passenger to the said Company on such passenger entering the car or other conveyance, and any such passenger refusing to pay such fare when demanded by the conductor or driver, or being guilty of disorderly conduct or using blasphemous or indecent language, and refusing to quit the car or other conveyance when requested to do so by the conductor or driver, may be ejected from the car, and shall be liable to a fine not exceeding twenty dollars, with costs, recoverable before any two Justices of the Peace, any Police Magistrate, or Stipendiary Magistrate in the said Province.

Penalty on passenger
for misconduct.

Company may erect
poles.

25. It shall be lawful for the said Company to erect and maintain poles along any street, highway or bridge in the City of Victoria and said districts, and place wires thereon for the transmission and sale of electricity for lighting, power, and other purposes, subject to the approval and supervision of the City Engineer, or other officer

appointed for that purpose by the said Corporation, as to location of all poles, tracks, and other works of the said Company.

26. The Company shall be entitled to and shall be accorded the Right of way. right of way on all roads and streets traversed by their tracks in said city and districts; except in cases of fires, when the fire department of Fires. said city shall have such right, during the continuance of said fires.

27. The Directors may from time to time raise and borrow for the Borrowing powers. purposes of the Company, such sum or sums of money upon such terms and in such manner as they may consider expedient, and may issue bonds or debentures of the Company in sums of not less than one hundred dollars each, and on such terms and credit and at such prices as they may think proper, and may pledge or mortgage all the tolls, incomes, revenues (after deducting from such tolls and revenues the working expenses), franchises, uncalled capital, and property, both real and personal (whether then acquired or that may thereafter be acquired), of the Company, or any part thereof, for the repayment of the moneys so raised or borrowed and the interest thereon; and any such mortgage deed may contain such description of the property, What mortgage may contain. tolls, incomes, franchises, uncalled capital or property, real and personal (acquired or to be acquired), mortgaged by such deed, and upon such conditions respecting the payment of the bonds or debentures secured thereby, and of the interest thereon; and the remedies which shall be enjoyed by the holder of such bonds, or by any Trustee or Trustees for them, in default of such payment, and the enforcement of such remedies; and may provide for such forfeitures and penalties in default of such payment as may be approved by the Directors; and may also contain, with the approval aforesaid, authority to the Trustee or Trustees upon such default, as one of such remedies, to take possession of the said property so mortgaged, and to hold and run the same for the benefit of the bondholders thereof, for a time to be limited by such deed; or to lease, or to sell the said property so mortgaged after such delay and upon such terms and conditions as may be stated in such deed; and in case of any such lease or sale, the lessee or purchaser shall have the right to exercise all the powers and franchises by this Act conferred upon the Company, and the said property shall continue to be held and operated under the provisions of this Act, and such lessee or purchaser shall have the same rights, powers, privileges, and franchises, and shall stand in the same position as regards the said tolls, incomes, franchises, powers, uncalled capital and property, real and personal, as the Company itself, under this Act. And such deed may contain all such other provisions as shall purport (with like approval) to grant such further and other powers and privileges to such Trustee or Trustees, and to such bondholders, as are not contrary to law or the provisions of this Act, and all the powers, rights, and

remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

In what denominations bonds, etc., to be issued.

28. The bonds and debentures authorized by this Act to be issued upon the property of the Company, may be so issued in whole or in part, in the denominations of dollars, or pounds sterling, or both of them, and the coupons may be for payment in the denominations similar to those of the bonds to which they are attached, and the whole or any of such bonds may be pledged, negotiated, or sold upon such conditions and at such price as the Board of Directors shall from time to time determine.

Persons and corporations may make grants to company and subscribe for shares, or exempt from impost or taxation.

29. It shall be lawful for any person or corporation, municipal or otherwise, within the legislative authority of the Legislative Assembly of the Province of British Columbia, to make grants of land, privileges, bonuses, guarantees of bonds or interests, loans or gifts of money, or securities for money, to the Company, and to subscribe for any number of shares in the said Company or on bonds or debentures of the Company, or exempt the Company from any tax, or impost, or municipal assessment, or to aid the Company by all or any of such means as may by them be deemed advisable.

Company may take such grants, etc.

30. The Company may receive, take and hold, enjoy, sell, lease or otherwise dispose of, either conditionally or absolutely, or for any limited estate or interest therein, and upon such terms and conditions as the Directors may deem proper, from any Government, person, corporation, municipal or otherwise, any land, bonus, donations loans, gifts of money, bonds, guarantee of bonds, or interest guarantees, exemption from taxes or other impost, or any or all of the same, and generally any benefit or advantage to the Company or in aid of the same, of any nature or kind whatsoever ; and the generality of the latter part of this clause is not to be held to be restricted by the specific mention of the foregoing ways and means.

Penalty for injuring company's property.

31. Any person who shall wilfully or maliciously injure, molest or destroy any of the lines, posts or other material or property of the Company, or shall use such posts as a medium for advertising without the consent of the Company, or in any way wilfully obstruct or interfere with the working of the said electric plant or property, shall, on conviction thereof before any two Justices of the Peace, or functionary having the power of two Justices of the Peace, be by such Justices or functionary adjudged and condemned to pay a penalty for every such offence, not exceeding one hundred dollars, together with costs ; and such Justices or functionary may, on default of payment, condemn such person to be confined in any common gaol in the Province of British Columbia for a space not exceeding one calendar month, with or without hard labour.

32 This Act may be cited as the "Victoria Electric Railway and Short title. Lighting Company, Limited, Act, 1894."

SCHEDULE A.

Schedule A.

Memorandum of Agreement made and entered into this 20th day of November, 1888, between the Corporation of the City of Victoria (hereinafter called the Corporation), of the first part; and J. Douglas Warren, Andrew Gray, Thomas Shotbolt, Joseph Hunter, and David Williams Higgins (hereinafter called the parties of the second part).

Whereas the parties of the second part are desirous of forming a Company for the purpose of constructing, completing, and maintaining a proposed line of tramways or street cars, and carrying on a general electric business in the said City of Victoria, and for making, doing and building, all the acts, deeds, works, and things necessary for the construction, completion, and maintenance of such proposed line, and for the carrying on of such general electrical business, and for that purpose have requested the Corporation to grant them certain rights, powers, and privileges, and to permit them to do, make, and perform and build certain acts, deeds, things, and works which the Corporation have agreed to do. Now these presents witness that in consideration of the premises and of the covenants hereinafter contained, the Corporation hereby covenants with the parties of the second part, and the parties of the second part hereby for themselves, jointly and severally, covenant with the Corporation, as follows:—

1. That it shall be lawful for the parties of the second part to lay a single or double line of rails in the centre of the streets mentioned in the Schedule hereto, except on such of said streets and parts thereof as may not be wide enough to allow ample carriage way on either side, in which case the said track or tracks may be laid on the side of such streets or parts thereof, for the purpose of a tramway or line of street cars, and for that purpose to enter into and upon said streets, and to do all necessary excavations and alterations upon and to grade said streets.

2. That it shall be lawful for the parties of the second part to erect poles and to lay overhead wires along all or any of the said streets and roads of the Municipality of the City of Victoria, for the supply of electricity for lighting and motor purposes, and for any other electrical purposes, and for the purpose of the erection of such poles and the laying of such wires, to enter upon any such streets and roads, and to make such excavations and to do such acts and things as may be necessary.

3. That it shall be lawful for the parties of the second part to run cars along and over any streets in the said Schedule mentioned, and along and over any street or streets in which the parties of the second part may at any time have power to lay a line of tramway, and also that it shall be lawful for the parties of the second part to propel and run such cars either by electricity, gas, compressed air, or horse power.

4. That the parties of the second part shall have power to extend the said single or double tracks, and to erect poles for lighting and motor and other electrical purposes along any of the said streets, or such other streets as may be deemed necessary from time to time, and for that purpose shall have power to make excavations upon, and have the power of grading such street and all other rights and powers necessary for such extension.

5. That the parties of the second part shall have power to lay sidings along any of the said streets, and to take up and replace the said tracks, or any part thereof, and to repair the same, and for these purposes or any of them, to enter upon the said streets and to excavate and do any other act or thing necessary.

6. That the parties of the second part shall have the right and powers necessary, and it shall be lawful for them to allow their cars and horses (if the same be used) to stand upon the said streets at certain points or places which shall be chosen by the parties of the second part as "stations," for such length of time as the parties of the second part shall deem fit.

7. That the parties of the second part shall have all other powers and rights necessary for the purpose of constructing such lines or tracks, and of repairing, altering, and maintaining same, and for the purpose of erecting the said poles and of laying the said wires, and of repairing, altering, and maintaining same, all powers and rights necessary for the erection of such buildings, and the construction, alteration, maintenance, and repair of all or any other works necessary for the purpose of such tramway, and the transaction of any electrical business, and all powers and rights necessary for the purpose of running and conducting an efficient line of street cars or tramways.

8. That the parties of the second part shall (if they intend to construct the said tramways or lines) commence the construction of the said tracks or tramway lines not later than the first day of October, 1889, and shall complete and have thoroughly equipped and in running order, for the carriage of passengers, four miles of such track or tramway lines by the first day of July, 1890.

9. That the parties of the second part shall and will at all times during the construction of such tracks or tramway lines, or the erection of such poles and the laying of such wires, and during any repairs or alteration of the same, take due and proper precautions for the safety

of foot and other passengers, and of horses and carriages passing along the said streets, or any of them, on which such construction, alteration or repair is being performed.

10. That after the construction of such tracks or tramway lines, or after the completion of any repair, addition or alteration to the same, and also after the erection of such poles and the laying of such wires, or any alteration, repair, or addition thereto, the parties of the second part shall and will repair and amend the said streets and leave them in as good condition as they shall be in at the time of the commencement of such construction, alteration, repair, or amendment, so far as the same is compatible with the construction of such tracks or tramway lines, or the erection of such poles and the laying of such wires; such work of reparation and amendment of the said streets to be done to the approval of the City Surveyor or some other competent person to be approved of by the Corporation.

11. That the parties of the second part shall not, whilst they are running any cars over the said streets under the powers hereinbefore given them, charge more than a maximum fare of five cents per head for a single trip over their said lines or any of them.

12. That the powers, permissions, authorities, rights, and privileges hereinbefore contained, are granted by the Corporation to the parties of the second part for the term of fifty years from the time of the passing of any by-law authorizing the execution of this contract, and that the obligations hereinbefore imposed upon the parties of the second part shall be binding upon them so long as they shall run the said tramways or cars under the power hereinbefore given them.

13. That if the parties of the second part shall, under the powers hereinbefore contained, commence the construction of such tracks or tramway lines, and shall not have four miles of the same thoroughly equipped and in running order for the carriage of passengers by the first day of July, 1890, it shall be lawful for the Corporation to enter into and upon and take possession of all tracks and rails laid, and all poles erected and wires laid by the parties of the second part, and thereupon the title of the parties of the second part to such tracks and rails, poles and wires, shall absolutely determine and cease, and the same shall become forfeited to the Corporation absolutely, any rule of law or equity to the contrary notwithstanding. But that upon the Corporation exercising this last power, all the liabilities of the said parties of the second part under this contract shall cease, and the contract shall thenceforth be null and void, and any by-law to be made touching this agreement may be repealed.

14. That nothing in this present contract contained shall be deemed to confer, or be construed as conferring, any exclusive privileges, rights, or powers, on or to the parties of the second part.

15. That all the works necessary for constructing and laying down the several railway tracks shall be made in a substantial manner and according to the best modern practice, and under the supervision of the City Surveyor, or such other officer as the Council shall appoint for that purpose.

16. If horses are used, the roadway between and within at least eighteen inches from and outside of each rail shall be paved or macadamized and kept constantly in repair by the said parties of the second part, who shall also be bound to construct and keep in good repair crossings of a similar nature to those at present or that may be adopted by the Corporation over the streets traversed by the said railway, at the intersection of every such railway track and crossings, whether at cross-streets or otherwise.

17. The tracks shall conform to the grade of the said streets on which they are laid down, as furnished by the City Surveyor, or other officer as aforesaid, and shall not in any way change or alter the same.

18. The location of the line of street railway in any of the streets shall not be made until the plans thereof, showing the position of the rails and other works in each street, shall have been submitted to and approved of by the City Surveyor or such other officer as aforesaid.

19. The City authorities shall have the right to take up the streets traversed by the rails, either for the purpose of altering the grades thereof, constructing or repairing drains, or for laying down, removing, or repairing water or gas pipes, or electrical conduits of any kind, and for all other purposes within the province and privileges of the Corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or to the works herein contemplated; but the said City authorities shall nevertheless replace and put in as good order and condition as before such removal and displacement any and all of the tracks, poles, wires, or works belonging to the parties of the second part which said authorities may at any time remove or displace; and if not so replaced and put in good order and condition by the said City authorities within a reasonable time, with due regard to the completion of the work that may be in hand by the Corporation, the parties of the second part may cause the same to be done at the expense of such authorities.

20. The rail to be employed by the said railway shall be the flat rail, such as is now generally used for the present system of electrical or horse-car railways.

21. Each car employed on said railway shall be numbered.

22. The cars shall run over the whole of the streets mentioned in the Schedule hereto on which the said tracks are laid, at least 15 hours in summer and 15 hours in winter, on each day, and at intervals of not more than 30 minutes.

23. The speed of the cars shall never exceed ten miles an hour.

24. The conductor or other person in charge of each car shall announce to the passengers the names of the streets as the cars reach them.

25. The cars shall be used exclusively for the carriage of passengers.

26. The parties of the second part shall be liable for all damages arising out of the construction or operation of the works herein contemplated.

27. If the said parties of the second part neglect to keep the tracks or roadway between the same, or crossings between and on each side of the rails in good condition, or to have the necessary repairs made therein as aforesaid, the City Surveyor or other proper officer shall give notice thereof requiring such repairs to be made forthwith, and if not made within a reasonable time the said City Surveyor or other officer as aforesaid may cause the same repairs to be made, and the amount as expended by the Corporation may be recoverable against the said parties of the second part in any Court of competent jurisdiction.

28. That before breaking up, opening, or interfering with any of the said streets for the purpose of constructing the said railway, the said parties of the second part will give, or cause to be given, to the said Corporation at least 30 days' notice of their intention, and that no more than 2,500 feet of the said streets shall be broken up or opened at any one time, and that when the work thereon shall have been commenced the same shall be proceeded with steadily and without intermission, and as rapidly as the same can be carried on, due regard being had to the proper and efficient construction of the same.

29. That during the construction of the said railways due and proper care shall be taken to leave sufficient space and crossings so that the traffic and travel on the said streets and other streets intersecting same shall not be unnecessarily impeded, and lights burning or watchman provided and kept by the said parties of the second part, when and where required, to prevent accidents to the public.

30. That the tracks of said street railway or railways shall not exceed five feet in width, and shall be flush with the street, so as to offer as little obstruction as possible to vehicles crossing the same, and that it shall and may be lawful to and for all and every person and persons whomsoever to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the said parties of the second part running thereon, and subject at all times to the right of the said parties of the second part (their executors, administrators, and assigns) to keep the said tracks with the said cars when meeting or overtaking any other vehicle thereon.

31. That the said parties of the second part shall and will at all times employ sober, careful, and civil agents, conductors, or drivers, to take charge of the cars upon the said railways, and that the said parties of the second part, and their agents, conductors, and drivers, shall and will from time to time, and at all times during the continuance of this franchise and the exercise of the rights and privileges hereby conferred, operate the said railways and cause the same to be worked under such regulations as the Council of the City of Victoria may deem necessary and requisite for the protection of the persons and property of the public, and provided such regulations shall not infringe on the privileges granted to the said parties of the second part hereby.

32. That wires along which the trolleys run shall be at a distance of not less than eighteen feet above the street.

33. That the parties of the second part, in addition to the powers hereinbefore expressed, may lay, construct, and operate a single line of street railway over and along any bridge in the said City, the tracks of such railway on any bridge to be flush with the flooring of the same; provided, however, that the said parties of the second part shall furnish and lay, at their own expense, a new flooring over the whole of any bridge so crossed; and provided also, that the location of any such bridge line, and the work done therein, and the material provided therefor, shall be to the satisfaction of the City Surveyor or such other officer as aforesaid.

34. That the poles used for supporting the electrical conduits shall not be inferior in appearance to those, on the day of the date hereof, used in Government Street, in the City of Victoria, by the Telephone Company.

In witness whereof the parties of the second part have hereto set their hands and seals, and the Corporation has caused the corporate seal of the City of Victoria to be hereto affixed.

Signed, sealed and delivered		}	(Signed)	
in the presence of—				
R. SINCLAIR.				J. WARREN.
R. SINCLAIR.				ANDREW GRAY.
D. W. HIGGINS.				THOMAS SHOTBOLT.
D. W. HIGGINS.				JOSEPH HUNTER.
WM. HAMMOND.				D. W. HIGGINS.

[L.S.]

SCHEDULE.

Fort Street, to city boundary line, east.
Yates Street to Fort Street boundary line, east.
Johnson Street (part).
Pandora Street (all)
Cook, North Park and Pioneer Streets.
Douglas Street to northern boundary of City limits.
Hillside Avenue.
Store, Discovery and Constance Streets.
Rock Bay Bridge to Work Street.
Bridge Street.
Government Street and James Bay Bridge.
Belleville, St. Lawrence, Menzies and Erie Streets to Outer Wharf.
Simcoe Street to Beacon Hill Park.

SCHEDULE B.

*Acts of the Legislature of the Province of British Columbia
repealed by this Act.*

TITLE.

“An Act to Incorporate the National Electric Tramway and Lighting Company, Limited.” 52 Vict., cap. 39.

An Act to authorize and empower the “National Electric Tramway and Lighting Co., Limited Liability,” to construct and operate tramways in the Districts of Victoria, North and South Saanich, Lake, Highland, Esquimalt, Sooke, and Metchosin. 53 Vic., Chap. 52.

VICTORIA, B. C. :

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