



CHAPTER 71.

An Act respecting the Sumas Development Company, Limited.

[8th April, 1905.]

WHEREAS considerable tracts of land situate in Townships Number (16), (19), (20), (22), and (23), (commonly known as Sumas Prairie), in the District of New Westminster, are now liable to periodical overflow from the Fraser River at high water, and are lying in a state of comparative unproductiveness for want of dyking against such overflow, and the productiveness and value of such land are capable of being greatly increased by such dyking : Preamble.

And whereas the reclamation of said land will be of great material benefit to the District in particular and to the Province of British Columbia in general :

And whereas no attempt has been made by the owners of the lands to be benefited to undertake the reclamation under the authority of the Inspector of Dykes pursuant to Chapter 64 of the Revised Statutes of British Columbia, 1897, being the "Drainage, Dyking and Irrigation Act," and amendments thereto :

And whereas delay in this work involves a great annual loss to the owners of the lands to be reclaimed and retards the development of the Province :

And whereas one W. H. Lewis and others propose to incorporate a Company under the "Companies Act, 1897," to be called the "Sumas Development Company, Limited," one of the objects of which will be to raise or to assist in raising the funds to construct the necessary works, and to guarantee for a period of years the interest upon the

bonds to be issued by the Commissioners hereinafter mentioned, in order to raise the moneys necessary for the construction of the said works :

And whereas petitions have been presented to the Lieutenant-Governor in Council by the owners of certain of the lands to be reclaimed, to sanction the construction of such works by Dyking Commissioners to be appointed as provided in the said "Drainage, Dyking and Irrigation Act," with the assistance of the Company hereinafter mentioned, and to grant the other relief hereinafter granted :

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:—

Appointment of
Commissioners.

1. Notwithstanding anything contained in chapter 17 of the Statutes of 1898, being the "Public Dyking Act, 1898," and the amendments thereto, Commissioners may be selected by the proprietors of the lands within the Sumas Dyking District, and the selection of the said Commissioners and their powers, rights and liabilities, when selected, shall be governed by the "Drainage, Dyking and Irrigation Act," and the amendments thereto; and the sections of the said "Public Dyking Act, 1898," and the amendments thereto providing for the appointment of the Inspector of Dykes, shall not, after the date hereof, apply to the District of Sumas.

Powers of Commis-
sioners.

2. In addition to the powers and authorities contained in the said "Drainage, Dyking and Irrigation Act," and the Acts amending the same, the Commissioners appointed under the powers hereby conferred shall have power and authority—

- (1.) To enter from time to time, and at all times hereafter, into and upon the lands of any person or persons or body corporate, in Townships numbered 16, 19, 20, 22 and 23 in the District of New Westminster, and to survey, set out and ascertain such parts thereof as they may require for the purposes of dyking or draining, or both dyking and draining the lands to be benefited by the undertaking, and exercising the powers and authorities conferred by this Act :
- (2.) To widen, straighten, deepen, divert, dam, scour or cleanse any river, stream, drain, brook, pool, lake or water-course upon or running through such lands, and to make, open and cut in or upon the same, any new water-course, side-cut, canal, ditch or drain, and at any time to repair, alter or remove any bank, sluice, flood-gate, dam, tunnel, or other part of the undertaking :
- (3.) To make, erect and construct dykes, banks, sluices, flood-gates, wharves, landing-places, piers, drains, buildings and erections,

and all other works requisite or necessary for dyking, draining and reclaiming lands within the Sumas Dyking District, and to construct and make upon any such land any embankment or dyke against any river, stream or water-course, and execute all such works as may be necessary or convenient for the purpose of dyking or draining the said lands; and to enter upon any of the said lands and dig materials, sand and stone, and cut timber, and cut drains, making compensation to all persons as hereinafter set out, for the property appropriated, and for any damage occasioned to them by the exercise of any such powers :

- (4.) To contract with the owners of the said lands, and those having any interest or right in any such river, stream, drain, brook, pool or water-course, for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of dyking, draining and reclaiming the said lands for either or any of the said purposes, and for the right to take all timber, stone, sand, gravel and materials from the same or adjacent lands for the use and construction of the said dyking, drainage and reclamation works :
- (5.) To receive, hold, take and acquire all voluntary grants and donations of land or other property made to them, and to purchase, hold, take and acquire of and from the Crown, or any corporation, person or persons, any land or other property, and to mortgage, sell, lease or otherwise alienate and dispose of such land or other property, or any part thereof.

3. The Commissioners shall, subject to the provisions hereinafter provided, have full power and authority to stop up and divert the waters known as the Vedder Creek, by changing the course of the waters of said Vedder Creek, as at present flowing, into that of the channel of the Luck-a-kuk River, emptying into the Fraser River, the said Vedder Creek and Luck-a-kuk River being in the Municipality of Chilliwack; and in the carrying out of the said power shall be entitled to make and construct all such dams, weirs, raceways, dykes, or other necessary works to fully complete the undertaking as aforesaid : Provided, that in the carrying on of the said work the course of the Luck-a-Kuk and Chilliwack Rivers, below its junction with the Luck-a-kuk River, is to be straightened, in so far as is practicable and advisable, to the full end and purpose that the waters of the said Vedder Creek be permanently turned into the channel of the said Luck-a-kuk River.

4. The Commissioners are hereby authorised and empowered to take and divert, at such point or points on the Chilliwack River or any tributary thereof as they may judge suitable and proper, and

Diversion of Vedder Creek.

Generating electricity.

to appropriate and use for the purpose of generating electricity so much of the waters of the stream as to the Commissioners may seem necessary for the purpose of the works, or for any purposes connected with the works hereby authorised, with power to the Commissioners to construct and maintain all erections, weirs, wheels, dams, raceways, flumes, transmission lines or other works necessary for making the water-power available, with the right to improve and increase the same.

Protection of owners
upon Luck-a-kuk
River.

5. The Commissioners, before turning the waters of Vedder Creek into the Luck-a-kuk River, or any other channel used by them outside the Sumas Dyking District, shall make, erect and build all such works or things as in the opinion of the Commissioners shall be necessary to secure the lands, and every portion of the lands beyond the boundaries of the Sumas Dyking District, from any damage resulting from such diversion, whether such damage shall be caused by the washing away of the banks or by overflowing the banks, or by the backing up of water on the said lands, or by any of the said causes. And the Commissioners shall complete and maintain the said works so as to protect during the erection thereof, and after the same shall have been completed as aforesaid, the said lands in this section mentioned, from such damages. And the Commissioners shall, and this Act is passed on the express understanding that the Commissioners will, indemnify the owners or occupiers of the said lands in this section mentioned for all or any damages sustained or suffered by them or any of them from any of the causes aforesaid. The true intent and meaning of this section being that the Commissioners shall build and erect and maintain, at the expense of the Commissioners, all works necessary to prevent the said Luck-a-kuk River, or any other channel used by them outside the Sumas Dyking District, from overflowing its banks or washing away, or backing up on the lands in this said section mentioned; and that in the event of the owner or occupier of the said land suffering or being occasioned any damages from any of the above causes, or from seepage, then, notwithstanding the said opinion of the Commissioners as to the sufficiency of the security of said works, the Commissioners will indemnify and make good to the owner or occupiers so damaged as aforesaid, all damages occasioned to him or them, the amount thereof in case of dispute to be determined as hereinafter set out:

- (1.) Provided that any existing bridge which may be rendered useless by reason of any increased volume of water in the Luck-a-kuk River, or any other channel used by them outside the Sumas Dyking District, caused by the waters of Vedder Creek being turned into the Luck-a-kuk River or such other channel, shall be rebuilt to suit the changed conditions, by and at the cost of the Commissioners, and the Commissioners shall

also carry out at their own cost any repairs or alterations of line or grade in any existing road which may be rendered necessary as aforesaid, by the increased volume of water in the Luck-a-kuk River or such other channel.

6. After the plans and engineer's memorandum of the proposed dyking works have been prepared, as provided in section 13 of the "Drainage, Dyking and Irrigation Act," they shall be submitted to a public meeting of the landholders of the District called in accordance with the provisions of the said "Drainage, Dyking and Irrigation Act," who may be present, and vote either in person or by proxy, and the works shall not be undertaken unless approved of by a three-fifths majority in interest and numbers of the landowners present or represented at said meeting. Meeting to consider plans.

7. Before the waters of the Vedder Creek shall be diverted from their present channel, the Commissioners shall deposit or cause to be deposited with the Minister of Finance the sum of seventy-five thousand dollars (\$75,000.00) in cash or in such Dominion or Provincial Government securities or such municipal debentures or bond of such guarantee company as the said Minister may approve, as security against any damage to the owners of lands without the Sumas Dyking District which may result from the turning of the waters of the said Vedder Creek from its present course, said deposit to be exigible in satisfaction in every case of such damage. Security to owners outside District.

8. This Act may be cited as the "Sumas Development Company, Short title. Limited, Act, 1905."

VICTORIA, B. C. :

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

1905