



CHAPTER 39.

An Act to Incorporate the National Electric Tramway and
Lighting Company, Limited.

[6th April, 1889.]

WHEREAS Joseph Hunter, Civil Engineer; David W. Higgins, Preamble.
M. P. P.; Andrew Gray, Mechanical Engineer; Maynard H. Cowan, Manufacturers' Agent; Thomas J. Jones, Dentist, and G. L. Milne, Doctor of Medicine, all of the City of Victoria, in the Province of British Columbia, have by their petition prayed for an Act of Incorporation under the name of "The National Electric Tramway and Lighting Company, Limited," for the purpose of constructing and operating a single or double street tramway in Victoria, Lake, and Esquimalt Districts, to connect with the proposed street railway system of the City of Victoria, on the following routes:—Victoria to Cadboro and Oak Bays; Victoria to the town of Esquimalt; Victoria to Royal Oak Hotel, in Lake District; Victoria to Craigflower Bridge; Victoria to the Gorge, and from thence by the Craigflower Road back to Victoria, and to such other points in the said Districts as may hereafter be deemed expedient:

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:—

1. The said Joseph Hunter, David W. Higgins, Andrew Gray, Incorporation.
Maynard H. Cowan, Thomas J. Jones, and G. L. Milne, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of "The National Electric Tramway and Lighting Company, Limited," hereinafter called the Company.

Capital stock
\$250,000.

2. The capital of the said Company shall be two hundred and fifty thousand dollars, divided into twenty-five thousand shares of ten dollars each; but the capital may be increased by the shareholders.

Limited liability
of shareholders.

3. No shareholder in the said Company shall be in any manner liable or charged with the payment of any debt or demand due by the said Company beyond the amount of his, her, or their subscribed share or shares in the capital stock of the said Company.

Provisional
Directors.

4. The said Joseph Hunter, David W. Higgins, Andrew Gray, Maynard H. Cowan, Thomas J. Jones, and G. L. Milne, shall be the Provisional Directors of the said Company, to obtain subscriptions for stock and organize the said Company, and shall hold office until the 20th day of May, 1889.

Company may pay
for work done and
property acquired,
with paid up stock.

5. The Directors of the Company may make and issue, as paid up stock, shares of the Company, and may allot such shares in payment of or for work done by engineers and contractors, and also in payment of right of way, plant, rolling stock or other purposes in connection with the interests of the Company, and such paid up stock shall be unassessable thereafter for calls.

Gives power to con-
struct tramway in
Victoria City, and to
other points in Vic-
toria District.

6. The Company are hereby authorized and empowered to construct, maintain, complete, and operate a single or double iron tramway, with the necessary side-tracks and turnouts, for the passage of cars, carriages, and other vehicles adapted to same, upon and along such lands and highways lying between the City of Victoria and the following points, namely:—The town of Esquimalt, in Esquimalt District; Craigflower Bridge and the Gorge, in Victoria District; the Royal Oak, in Lake District; and Cadboro and Oak Bays, in Victoria District, subject, in so far as the same passes over or along any highways and 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 tramway over the said highways and bridges between the said points, and to take, transport, and carry passengers and freight upon the same by electric or such other motive power as the Company may deem expedient, and to erect, maintain, and construct all necessary works, poles, wires, building appliances and conveniences connected therewith.

Supervision of Chief
Commissioner of
Lands and Works.

Land, &c., may be
entered upon and
purchased.

7. 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, to enter into and upon the land of any person or persons, bodies politic or corporate, lying between the said points, namely: the town of Esquimalt, Craigflower Bridge, the Gorge, the Royal Oak Hotel, and Cadboro and Oak Bays, 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 the lands lying between the said points and those having any interest in same, for the purchase of the same, or of any part thereof, or of any privilege that may be required for the purpose of this Act, and for the right to take timber, stone, gravel, sand, and other materials from the aforesaid land, or any lands adjacent thereto, for the use and construction of the said works; and in case of disagreement between the Company and the owners and occupiers of the said lands respecting the amount of the purchase money or value thereof, or as to the damages any appropriation shall cause to them through the construction of the said street tramway, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely, the Company shall appoint one, the owner or owners shall appoint another, and the two such arbitrators shall, within ten days after their appointment, appoint a third arbitrator, but in the event of two such arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. In case any owner or occupant shall be an infant, married woman or insane, or absent from the Province, or shall refuse to appoint an arbitrator on his behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made to him for that purpose by the Company, to nominate and appoint three disinterested persons as arbitrators.

Timber, stone, gravel, &c. may be taken.

Compensation to be paid to owners, and on disagreement the amount to be settled by arbitration.

Appointment of arbitrators.

The arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the Company shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final.

Award of the arbitrators.

And 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,

Proceedings to obtain meeting of arbitrators.

Proceedings under, or to set aside, award.

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.

Property so acquired to be vested in the Company.

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 they 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.

Application of the Land Clauses Consolidation Acts.

8. The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply; but the following section 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, and 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," there shall be read the "Supreme Court of British Columbia," 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 for five years.

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

Stock to be deemed personal estate.

10. The stock of the Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by by-law direct.

Power to acquire, &c., lands.

11. The Company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the Company under this Act.

Fares.

12. The fare shall be due and payable by every passenger on entering the car or other conveyance, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance when requested so to do by the conductor or driver, shall be liable to a fine of not more than twenty dollars, besides costs, recoverable before any two Justices of the Peace, any Police Magistrate or Stipendiary Magistrate in the said Province.

Penalty for refusing to pay fare, &c.

13. It shall be lawful for the Company to erect and maintain poles along any highway or bridge in said districts, and place wires thereon for the transmission of and sale of electricity, for lighting power, and other purposes. Power to erect poles and place wires thereon.

14. The chief office of the Company shall be at Victoria, British Columbia. Head office.

15. The said works shall be commenced within two years, and shall be completed and in running order for a distance of three miles from the post office, Victoria, within four years of the passing of this Act. Time for commencement and completion.

16. The Company shall be entitled to and shall be accorded the right of way on all roads traversed by their tracks: Provided, however, that the location of the said tracks shall be subject to the approval of the Chief Commissioner of Lands and Works for the time being. Right of way.

17. All rails laid by the Company shall be of a description to be approved by the Chief Commissioner of Lands and Works. Rails.

18. This Act may be cited as the "National Electric Tramway and Lighting Company, Limited, Act, 1889." Short title.

VICTORIA, B. C. :

Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty.