



CHAPTER 59.

An Act to amend the "Burrard Inlet Railway and Ferry Company Incorporation Act, 1891," by extending the time for the completion of the work authorized by the said Act: 1891, c. 53.

[21st February, 1895.]

WHEREAS a Petition has been presented, praying for an Act to amend the "Burrard Inlet Railway and Ferry Company Incorporation Act, 1891," by extending the time for the completion of the work authorized by the said Act:

And whereas it is expedient to grant the prayer of such 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. Section 15 of the said Act is hereby repealed, and the following substituted in lieu thereof:—

"15. The railway may be constructed in sections, and the first section, between Seymour and Capilano Creeks, shall be commenced within two years and completed within three years from the passing of this Act, otherwise the powers granted by the said Act shall cease and be null and void."

To be constructed in sections.

Commencement of construction.

2. The powers and privileges conferred by this Act and the provisions hereof are hereby declared to be granted subject to the rights of the Crown, and to the provisions of the "Water Privileges Act, 1892," and also subject to any future legislation regarding the subject-matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in right of

Rights of the Crown.

"Water Privileges Act, 1892."

the Province, such rents, royalties, tolls, and charges in respect of the waters or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper, and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, etc., fixed by any such Order in Council shall be made within the space of five years from the passage of the Order in Council fixing the same: Provided, nevertheless, that nothing in this section or in the said "Water Privileges Act, 1892," contained, shall be considered to in anyway interfere with the rights of the Company acquired by the purchase of any lands prior to the passing of the said last-mentioned Act.

Chinese and Japanese not to be employed.

3. This Act is passed upon the express understanding that no Chinese or Japanese shall be employed in or about or concerning any works or services authorized by this Act, or required by the Company to be done or performed. In the event of any Chinese or Japanese 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, nor less than ten dollars, for every Chinese or Japanese employed; and in default of the immediate payment of the penalty, the same may be levied by distress and the sale of the goods and chattels of the Company; and in the event of any Chinese or Japanese 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, on summary conviction as aforesaid, to a penalty not exceeding twenty-five dollars, nor less than ten dollars, for every Chinese or Japanese 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 or Japanese 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.

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

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

6. This Act may be cited and known as the “Burrard Inlet Railway Short title. and Ferry Company Incorporation Act Amendment Act, 1895.”

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