



CHAPTER 52.

An Act relating to certain Public Works in the Corporation of the Township of Chilliwhack.

[6th April, 1894.]

WHEREAS the Council of the Corporation of the Township of the District of Chilliwhack borrowed upon the credit of By-law No. 18, known as the "Big Prairie Drainage By-law," the sum of thirteen thousand dollars, to be repaid as provided by the provisions of said by-law :

Preamble.

And whereas the moneys so borrowed as aforesaid were expended by the said Corporation in or towards the construction of the said works :

And whereas the majority both in number and value of the owners of lands benefited by said works desired the same to be constructed and are satisfied therewith :

And whereas a few of the owners of the lands benefited by said works are dissatisfied and have refused to pay the assessments levied upon their lands, in consequence thereof :

And whereas upon trial in the County Court of the liability of such owners to pay such assessments it was declared that no liability existed :

And whereas before such trial Debentures had been issued and money borrowed and expended as aforesaid :

And whereas it is expedient to confirm the acts of the said Corporation and to validate the said By-law and Debentures, and to make provision for the principal and interest thereby to be secured :

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

Confirms By-law No. 18 of Chilliwack Municipality.

1. The by-law annexed hereto as Schedule A, known as “By-law number 18 of the Municipality of Chilliwack,” is hereby confirmed, and is now and has been since the passing thereof, and shall be a good and valid by-law, and all debentures issued thereunder are and shall be good and valid debentures according to the terms of the said by-law.

Lands assessable under such by-law, notwithstanding want of form or other defect.

2. All lands assessable under such By-law Number 18, of the Municipality of Chilliwack are, since the passing thereof, and shall be assessable according to the terms of the said by-law, notwithstanding any want of form, substance, time, delay in finally passing such by-law, or other defect whatsoever in such by-law existing or supposed to exist.

Short title.

3. This Act may be cited as the “Big Prairie Drainage By-Law No. 18, Validating Act, 1894.”

Schedule A.

SCHEDULE A.

BY-LAW NO. 18, OF THE MUNICIPALITY OF CHILLIWHACK.

A By-Law to provide for the draining of portion of Township 26, Municipality of Chilliwack, to be known as the “Big Prairie Drainage Scheme,” and for the borrowing on the credit of the said Municipality the sum of Thirteen Thousand (\$13,000) Dollars for completing the same.

PROVISIONALLY ADOPTED THE 12TH DAY OF DECEMBER, 1891.

Whereas William Newby, George R. Ashwell, J. H. McGuire, and others, being a majority in number and value of the owners, as shown by the last revised assessment roll of the property hereinafter set forth to be benefited by the construction of the drainage works hereinafter provided for, have petitioned the Council of the said Municipality praying for the drainage of the following lands in Township 26 of the said Municipality, comprised within the following boundaries, namely: Commencing at the south-east corner of section twenty-five (25), township twenty-six (26); thence following Elk Creek to the Chilliwack Central Road; thence following said road to south-east

corner of section thirty-three (33); thence north half a mile; thence due west to the south-west corner of lot 334, group 2, New Westminster District; thence in a south-westerly direction to the south-west corner of lot 341, group 2; thence south to the Chilliwack River; thence following said river to Prairie Central Road; thence east along said road to the north-east corner of lot 296, group 2; thence due south to the mountains; and thence following base of mountains to point of commencement:

And whereas, with such purposes in view, the said Council procured an examination to be made by Frederick J. L. Tytler, Civil Engineer, being a person competent for such purpose, of the said locality proposed to be drained, and has also procured plans and specifications and estimates of the work of construction to be made by the said Frederick J. L. Tytler, and an assessment to be made by him of the lands to be benefited by such drainage, stating as nearly as can be the proportion of benefit which, in his opinion, will be derived in consequence of such drainage by every section and part of section, the said assessment so made by him being the assessment hereinafter by this by-law enacted to be assessed and levied upon the sections and part of sections hereinafter in that behalf specially set forth and described, and the report of the said Frederick J. L. Tytler in respect thereof, and of the said drainage, being as follows:—

CALLIWHACK, B. C., 1st September, 1891.

To the Reeve and Council of Chilliwack:

GENTLEMEN,—Having been instructed by your honourable body to make an examination and survey of the Big Prairie for the partial draining of the same, and to form a scheme complying as far as possible with the views of the settlers as petitioned for by Messrs. Newby, Chapman, and others, I beg to report that I have made such examination and survey, and I recommend that the work be done as follows:—

1st. That the Semiault be cleared of all weeds and logs throughout the whole breadth of the present channel, and that this weeding be effectively done by grubbing out the roots.

2nd. That the two bars in the channel of the Semiault, known as its upper and lower bars, be cut, and that the channel at these places be widened to fully 20 feet, with an extra average depth of one and a half feet.

3rd. That the channel at the head of the stream be straightened by cutting across a series of bends, in all 1,540 yards in length, giving this new channel an average width of 10 feet, and an average depth of 4 feet.

4th. That the McCutcheon drain be cleared out, and that 770 yards at the upper end be lowered, according to section given, to an average depth of two and one-quarter feet, and a mean width of 12 feet.

5th. That a small catch-water drain, 4,200 yards in length, 2 feet in depth, and an average width of two and one-quarter feet, be cut. The earth from this cutting to be made into an embankment of one foot in height on the side of the ditch opposite the Chilliwhack, beginning this ditch at the centre of section 8, going north through the centres of section 17 to the south line of section 20; thence following the line of the Indian Reserve in sections 20 and 19 to the Chilliwhack River.

6th. That the McGuire drain, which runs from the foot of the hills at the south-east corner of the south-west quarter-section of section 23, along the dividing line of sections 22 and 15 to the Semiault, and including the extension to the north-east quarter-section of section 16, be cleared out and deepened three-quarters of a foot at the head and one foot at the mouth, grading evenly between.

7th. That the Bailey drain, running from the foot of the hills between sections 8 and 9 to the Semiault (with which I associate the drains to the right and left of it on the McGuire Road to the extent of a quarter-section each way, for the reason that these two ditches flow into this drain), be cleaned out, and that the above drain on the McGuire Road, and that portion of the Bailey drain from the McGuire Road to the Semiault be sunk one foot, and that from the McGuire Road south for a distance of 440 yards the Bailey drain be cut four feet in depth, and an average of four and a half in width.

8th. That the drain known as the Prairie Central, commencing at the Upper Prairie Road, and running thence between sections 23 and 26, 22 and 27, 21 and 28, 20 and 29 to the Semiault, be cut to sections chosen by the settlers on this drain and sanctioned by the Council, as follows: First mile from the Semiault, depth, 5 feet, average width, 7 feet; 2nd mile, depth, 5 feet, average width, 6 feet; 3rd mile, depth, 5 feet, average width, 5 feet.

9th. That the drain known as the Chilliwhack Central, commencing at a point close to the south-east corner of the south-east quarter-section of section 33, and running between sections 28 and 33, 29 and 32, and cutting across the north-west corner of the north-west quarter-section of section 29 to the Semiault, be cleaned out and lowered one foot.

10th. That the Lindell drain, running from the foot of the hills between sections 15 and 16 to the McGuire Road, be left as it is, as it fulfils the requirements of the present scheme.

I estimate the cost of the above as follows :—

Straightening and deepening the channel of the Semiault from the head down; average width of cutting, 10 feet; depth, 4 feet; 1,540 yards; 6,930 cubic yards @ 35 cents	\$2,425 50
Cutting the first bar on the Semiault from the head, beginning at station 22 on the Semiault, and going 330 yards up stream, 1,122 cubic yards @ 35 cents	392 70
Cutting the second bar from the head of the Semiault, beginning at station 14 on the Semiault, and going 880 yards down stream, 2,112 cubic yards @ 35 cents	739 20
Weeding and clearing Semiault from the mouth to a distance of 1,120 rods up stream, 1,120 rods @ \$2	2,240 00
Clearing and weeding McCutcheon ditch, 96 rods from mouth, 96 rods @ \$2	192 00
Clearing and excavating the McCutcheon ditch for a distance of 770 yards from the Semiault, 2,310 cubic yards @ 35 cents	808 50
Excavating catch-water drain from centre of section 8 to the Chilliwhack, 4,200 yards; 2,310 cubic yards @ 10 cents	231 00
McGuire drain, cleaning and deepening 480 rods; 480 rods @ 60 cents	288 00
Bailey drain, cleaning and deepening by one foot the sections on the McGuire road, near Semiault, 480 rods @ 50 cents	240 00
Cutting Bailey drain, 440 yards; 880 cubic yards @ 15 cents	132 00
Prairie Central drain, excavating 1,760 yards in first mile from Semiault; 1,760 yards @ 60 cents	1,056 00
1,760 yards in second mile; 1,760 yards @ 50 cents	880 00
2,640 yards in third mile and half; 2,640 yards @ 28 94 cents per yard	740 00
Chilliwhack Central drain, clearing and lowering one foot, 440 rods @ 60 cents	384 00
To which add for surveys, plans and reports	482 10
Superintending work, publishing by-laws, clerk's fees, contingencies, say	2,000 00
	\$13,000 00

This sum I assess, as in the annexed schedule, against the lands benefited and using the drains and Semiault River as outlets. The work as a whole is to be kept in repair and maintained at the expense of the lands assessed for the work herein reported, all the said lands paying in the same relative proportions as for said work.

I have the honour to be,

Gentlemen,

Your obedient servant,

FREDERICK J. L. TYTLER,

Civil Engineer in charge.

Big Prairie Drainage Scheme

Section	1/4 Section	Acres	Drain	Drain		Semihaul		Total
				Rate Per Acre	Amount	Rate Per Acre	Amount	
29	S E	80	Prairie Central	\$1 0776	\$ 86 21	\$1 3802	\$110 42	\$196 63
29	S F	80	" "	"	86 21	"	110 42	196 63
28	S W	160	" "	"	172 42	"	220 84	393 26
28	S E	160	" "	"	172 42	"	220 84	393 26
27	S W	160	" "	"	172 42	"	220 84	393 26
27	S E	160	" "	"	172 42	"	220 84	393 26
26	S W	160	" "	"	172 42	"	220 84	393 26
26	S E	100	" "	"	107 76	"	138 02	245 72
26	S E	200	" "	"	237 08	"	303 65	540 73
25	S W							
21	N W	160	" "	"	172 42	"	220 84	393 26
21	N E	160	" "	"	172 42	"	220 84	393 26
22	N E	160	" "	"	172 42	"	220 84	393 26
23	N W	160	" "	"	172 42	"	220 84	393 26
23	N E	110	" "	"	172 42	"	220 84	393 26
24	N W	160	" "	"	172 42	"	220 84	393 26
23	S E	100	" "	"	107 76	"	138 02	245 78
24	S W	30	" "	"	32 33	"	41 40	73 73
25	S W	30	" "	"	32 33	"	41 40	73 73
24	N E	50	" "	"	53 88	"	69 01	122 89
22	S W	160	McGuire Road	\$0 3148	46 56	"	220 84	267 40
22	S E	160	" "	"	46 56	"	220 84	267 40
23	S W	160	" "	"	46 56	"	220 84	267 40
14	N W	30	" "	"	8 73	"	41 40	50 13
16	N F	160	" "	"	46 56	"	220 84	267 40
15	N W	160	" "	"	46 56	"	220 84	267 40
15	N E	160	" "	"	46 56	"	220 84	267 40
16	S E	100	Landell Road	"	"	"	138 02	138 02
15	S W	40	" "	"	"	"	55 21	55 21
30	Lot 340	100					138 02	138 02
20	N W							
30	Lot 342	102					140 79	140 79
30	Lot 341	58					80 05	80 05
29	S W	160					220 84	220 84
20	N E	160					220 84	220 84
21	S W	80					110 42	110 42
21	S W	80					110 42	110 42
21	S E	160					220 84	220 84
32	S W	160	Chillwhack } Central }	"	66 88	"	292 61	359 29
32	S E	108	" "	"	34 00	"	149 07	183 07
33	S W	110	" "	"	34 63	"	151 83	186 46
33	S W	50	" "	"	15 74	"	69 01	84 75
33	S E	100	" "	"	31 48	"	138 02	169 50
29	N W	160	" "	"	50 37	"	220 84	271 21
29	N E	160	" "	"	50 37	"	220 84	271 21
28	N W	160	" "	"	50 37	"	220 84	271 21
28	N E	160	" "	"	50 37	"	220 84	271 21
8	N E	40	" "	"	16 56	"	55 21	71 77
9	N W	30	Bailey Darn	\$0 414	12 42	"	41 40	53 82
17	S E	80	" "	"	33 12	"	110 42	143 54
17	S E	80	" "	"	33 12	"	110 42	143 54
16	S W	160	" "	"	66 24	"	220 84	287 08
17	N E	80	" "	"	33 12	"	110 42	143 54
17	N E	80	" "	"	33 12	"	110 42	143 54
16	N W	80	" "	"	33 12	"	110 42	143 54
16	N W	80	" "	"	33 12	"	110 42	143 54
20	S E	160	" "	"	66 24	"	220 84	287 08

And whereas the said Council is of opinion that the drainage of the locality described is desirable :

Be it therefore enacted by the said Municipal Council of the said Municipality of Chilliwhack, pursuant to the provisions of the "Municipal Act" :

1. That the said report, plans and estimates be adopted, and the said drains, and the works connected therewith, be made out and constructed in accordance therewith.

2. It shall be lawful for the Reeve of the said Municipality to borrow, on the credit of the Corporation of the said Municipality, the sum of thirteen thousand (\$13,000.00) dollars, being the funds necessary for the works, and may issue debentures of the said Corporation to that amount in sums of not less than one hundred dollars each, payable at the end of twenty years from the date on which this by-law takes effect, and to bear interest at the rate of six per cent. per annum, payable half-yearly on the eighth day of July and the eighth day of January in each and every year during the currency of said debentures, and such debentures shall be payable at the Bank of Montreal in New Westminster, and shall have attached to them coupons for the payment of interest.

3. That in order to provide a sinking fund for the purpose of paying the sum of (\$13,000.00) thirteen thousand dollars, being the amount charged against the said lands so to be benefited as aforesaid, and to cover interest thereon for twenty years at the rate of six per centum per annum, the following special rate over and above all other rates shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned sections or parts of sections, and the amount of the said special rates, and interest assessed as aforesaid, against each section or part of section, lot or part of lot, respectively, shall be divided into twenty equal parts, and one such part shall be assessed and levied as aforesaid in each year for twenty years after the final passing of this by-law during which the said debentures have to run.

Schedule of Assessment, as amended by Court of Revision, on Lands in Township 26, Group 2, New Westminster District (Municipality of Chilliwack), for the carrying out of the Big Prairie Drainage Scheme :—

Township or Group.	Section or Lot	No. of Acres	Value of Improvements.	To cover Interest 20 years at 6 per cent.	Total Special Assessment.	Annual Assessment during each year for 20 years.
Township 36, Group 2, New Westminster District.	S. E. $\frac{1}{4}$ 29, part....	80	\$223 23	\$267 88	\$491 11	\$24 56
	S. E. $\frac{1}{4}$ 29, part....	80	223 23	267 88	461 11	24 56
	S. W. $\frac{1}{4}$ 28".....	160	446 44	535 76	982 22	49 12
	S. E. $\frac{1}{4}$ 28".....	160	446 44	535 76	982 22	49 12
	S. E. $\frac{1}{4}$ 27".....	160	446 44	535 76	982 22	49 12
	S. W. $\frac{1}{4}$ 27".....	160	446 44	535 76	982 22	49 12
	S. W. $\frac{1}{4}$ 26".....	160	446 44	535 76	982 22	49 12
	S. E. $\frac{1}{4}$ 26, part....	100	287 02	334 65	621 65	31 09
	S. W. $\frac{1}{4}$ 25".....	80	223 23	267 88	491 11	24 56
	N. W. $\frac{1}{4}$ 21".....	160	446 44	535 76	982 22	49 12
	N. E. $\frac{1}{4}$ 21".....	160	446 44	535 76	982 22	49 12
	N. E. $\frac{1}{4}$ 22".....	160	446 44	535 76	982 22	49 12
	N. W. $\frac{1}{4}$ 23".....	160	446 44	535 76	982 22	49 12
	N. E. $\frac{1}{4}$ 23".....	160	446 44	535 76	982 22	49 12
	N. W. $\frac{1}{4}$ 24, part...	100	278 85	334 65	621 65	31 09
	S. E. $\frac{1}{4}$ 23, part....	100	182 16	218 60	400 76	20 04
	S. W. $\frac{1}{4}$ 24, part...	20	55 82	66 99	122 81	6 20
	S. W. $\frac{1}{4}$ 22".....	160	291 48	349 78	641 26	32 07
	S. E. $\frac{1}{4}$ 22".....	160	291 48	349 78	641 26	32 07
	S. W. $\frac{1}{4}$ 23, part...	150	273 27	327 93	601 20	30 06
	N. W. $\frac{1}{4}$ 14, part...	30	54 68	65 59	120 24	6 02
	N. E. $\frac{1}{4}$ 16".....	160	291 48	349 78	641 26	32 07
	N. W. $\frac{1}{4}$ 15".....	160	291 48	349 78	641 26	32 07
	N. E. $\frac{1}{4}$ 15, part...	100	182 16	218 60	400 76	20 04
	S. E. $\frac{1}{4}$ 16, part....	100	150 86	181 04	331 90	16 60
	S. W. $\frac{1}{4}$ 15, part...	40	60 35	72 42	132 77	6 64
	N. W. $\frac{1}{4}$ 20, part...	80	120 70	144 84	265 54	13 28
	Lot 342.....	102	153 20	183 84	337 04	16 80
	Lot 341, part.....	58	87 52	105 05	192 57	9 63
	S. W. $\frac{1}{4}$ 29".....	160	241 38	289 66	531 04	26 56
	N. E. $\frac{1}{4}$ 20".....	160	241 38	289 66	531 04	26 56
	S. W. $\frac{1}{4}$ 21, part...	80	120 70	144 84	265 54	13 28
	S. E. $\frac{1}{4}$ 21".....	80	120 70	144 84	265 54	13 28
	S. E. $\frac{1}{4}$ 21".....	160	241 38	289 66	531 04	26 56
	S. W. $\frac{1}{4}$ 32 160 }	212	415 53	498 64	914 17	45 72
	S. E. $\frac{1}{4}$ 32 52 }					
	S. E. $\frac{1}{4}$ 32, part....	73	143 10	171 72	314 82	15 80
	S. W. $\frac{1}{4}$ 33, part...	70	137 23	164 68	301 91	15 10
	S. E. $\frac{1}{4}$ 23".....	40	78 41	94 10	172 51	8 63
	S. E. $\frac{1}{4}$ 23, part....	60	117 64	141 17	258 81	12 95
	N. W. $\frac{1}{4}$ 29".....	160	313 59	376 31	689 90	34 50
	N. E. $\frac{1}{4}$ 29".....	160	313 59	376 31	689 90	34 50
	N. W. $\frac{1}{4}$ 28, part...	120	235 28	282 34	517 62	25 90
	N. E. $\frac{1}{4}$ 28, part...	116	227 36	272 84	500 20	25 01
	N. E. $\frac{1}{4}$ 8, part....	80	153 78	164 54	318 32	15 92
	N. W. $\frac{1}{4}$ 9, part....	30	57 69	69 23	127 92	6 40
	S. E. $\frac{1}{4}$ 17, part....	80	153 78	164 54	318 32	15 92
	S. E. $\frac{1}{4}$ 17, part....	70	134 57	161 49	296 06	14 81
S. W. $\frac{1}{4}$ 16".....	160	307 56	329 08	626 64	31 34	
N. E. $\frac{1}{4}$ 17, part...	80	153 78	164 54	318 32	15 92	
N. W. $\frac{1}{4}$ 16".....	80	153 78	164 54	318 32	15 92	
N. W. $\frac{1}{4}$ 16, part...	80	153 78	164 54	318 32	15 92	
S. E. $\frac{1}{4}$ 20".....	80	153 78	164 54	318 32	15 92	
S. E. $\frac{1}{4}$ 20".....	160	253 79	304 55	558 34	27 92	

4. That this by-law shall come into operation and take effect on and after the eighth day of July, A. D. 1892.

Read a third time and passed and provisionally adopted by the Council on the 12th day of December, A. D. 1891.

Reconsidered and finally passed the Council this 4th day of June, A. D. 1892.

[L. s.]

F. J. L. TYTLER,
C. M. C.

THOS. E. KITCHEN,
Reeve.

VICTORIA, B. C. :

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