



CHAPTER 59.

An Act to authorise the B. C. Mainland and Coast Industrial Co., Limited, to construct Railways and Tramways for the Purposes of its Undertaking, lay Gas-Pipes and transmit Electricity, and conferring other Powers.

[10th March, 1910.]

WHEREAS a petition has been presented by the B. C. Mainland and Coast Industrial Co., Limited, praying for an Act authorising and empowering the said Company to construct and operate tramways or railways in Range V. of Coast District of British Columbia, District of the Skeena, at or near Prince Rupert, Port Simpson, or Port Essington, for the purpose of carrying coal and other material and requirements of the Company from a wharf or wharves, to be constructed at some convenient point or points at the adjacent seashore, to the Company's smelter or works, and to connect with some other line or lines of railway communication; and to construct and operate tramways or railways from the smelter or works of the Company, wheresoever situate in the district aforesaid, to a convenient point or points for storage, or marketing, or warehousing of coke and by-products to be manufactured by the Company; and to construct and operate tramways or railways from any coal or other mines, situate within an area of seventy-five miles of the Company's works, to the Company's said smelter or works, and to convey the goods and property of the Company, its officials and servants, to and fro along every such railway or tramway; and to construct telegraph and telephone wires in connection with the same, for the use of the Company, and to break up the soil and lay down gas-mains and branch pipes along and through highways, streets, and roads in connection with such railways or tramways,

laying of pipes and construction of telegraph and telephone systems, and other authorised operations of the Company; also to break up the soil and to lay cables and wires underground or to place poles and wires along the said railways or tramways for the operating of the same, and of the said telegraph and telephone systems, and to do and construct works accessory and necessary for the supplying of coke to customers and gas to consumers; and it is expedient to grant the prayer of such petition, except that the said railway shall extend from or near Prince Rupert to a point or site at the seashore on the southern portion of Kaien Island:

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

Short title.

1. This Act may be cited as the “B. C. Mainland and Coast Industrial Co., Limited, Aid Act, 1910.”

Power to construct railway or tramway from Company's works to wharf and to point of distribution.

2. The B. C. Mainland and Coast Industrial Co., Limited, is hereby authorised and empowered to lay out, construct, and operate a railway or railways or tramway of the gauge of four feet eight and a half inches in the District of Skeena, in Range V. of Coast District of British Columbia, from or near Prince Rupert to a point or site at the seashore on the south-west portion of Kaien Island, and at such point or points to construct a wharf or wharves, and to drive piles or to construct piers, breakwaters, or harbours below high-water mark, obtaining the necessary authorisation from the proper authority, and obtaining the approval of the Chief Commissioner of Lands or the Chief Commissioner of Works of the Province of British Columbia to the site selected; such approval (if any) to be given after hearing any municipality affected, and after such advertisement of notices of any application as he may direct; also to connect with any line or lines of railway communication, and to operate the same by and with locomotive or electric power produced from gas, or any other form of power or combination of forms however produced; and for the purposes of said railway the Company may, subject to the consent and control of the Chief Commissioner of Lands, or of the proper authority having control of the streets, roads, highways, and bridges, open and break up the soil and pavement, and lay down and place within the said limits its tracks, wires, and poles, and from time to time repair, alter, and remove the same; and for the purposes aforesaid may remove and raise all earth and materials in and under such streets, highways, and bridges, and do all other acts which the Company shall from time to time deem necessary for the purpose of running its line or lines of railway and tramways, and using electricity, and maintaining a telephone or telegraph service for its own use, doing as little

To construct wharves.

To connect with railway communication.

To construct and operate railways from works to mines.

Branches.

Power to open up highways, etc. To lay tracks, etc.

damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

3. The Company may, with the consent of the Chief Commissioners of Lands and of Works aforesaid, and with the approval and consent and under the control of any municipal or other authority, open, break up the soil and pavement, and lay down and place within the said area main and branch pipes or conduits and other requisites for the supply of gas, and from time to time repair, alter, and remove or replace the same; and for the purposes aforesaid may disturb, break up, remove, and raise all the soil and substance thereof, earth, materials, and stone in, upon, and under such highways, roads, streets, lanes, alleys, or bridges; and the Company may in any such highways, roads, streets, lanes, alleys, or bridges erect any pillars, lamps, or other erections, and do all other acts and things which the Company may find necessary for the more convenient supply of gas within the said area to the consumer, doing as little damage as may be in the execution of the powers herein granted, and making compensation for any damage which may be done in the execution thereof.

Power to lay gas-pipes and conduits.

To break up highways, etc., making compensation for damage.

4. The Company shall have the same powers with the same limitations as are in the next preceding section contained so far as the same are applicable for the conveyance from the gas or coke works of the Company of all outflow or waste liquids occurring in the operation of the works.

To break up highways, etc.

5. The Company may, with the consent of the Chief Commissioner of Lands, take from any public lands of the Province adjacent to or near the line of the said railway all stone, timber, or gravel and other material which may be necessary or useful for the construction of the railway, and also may fill in upon any such public lands.

Power to take stone, timber, etc., from public lands.

6. Before the Company may proceed under the provisions of sections 2, 3, 4, and 5 herein to open or break up any highway, street, lane, alley, or bridge, they shall give to the Chief Commissioners of Lands and of Works, or the municipal authority (if any) under whose control or management the same may be, notice in writing of their intention to open or break up the same, not less than thirty clear days before beginning such work, except in case of emergency arising from defects in any of the pipes or other works, and then as soon as possible after the beginning of the work or the necessity for the same shall have arisen. All work done by the Company in exercise of the power in said sections 2, 3, and 4 contained shall be diligently proceeded with and completed with all convenient speed and the soil and ground disturbed reinstated and

Necessitating notice before opening up street.

Reinstatement of roadway.

made good, and the roadway or pavement reinstated in as good condition as before the disturbance, and all débris caused by any work shall be removed.

Works on highways to be lighted and protected.

7. The Company shall, whilst any work upon any highway, road, street, or other thoroughfare is being done under the provisions hereof which shall cause any obstruction to the public use of the road, cause the work to be fenced and guarded and a sufficient light to warn the public to be set up and maintained at each end of the work, or above the work, every night during which such obstruction shall remain.

Power to appoint gas inspectors with right to enter on customers' premises.

8. The Company is hereby empowered under its seal to appoint an inspector or inspectors, and said inspectors, when so appointed, are hereby empowered at all reasonable times between nine a.m. and four p.m. of any week-day to enter any building or place lighted with the Company's gas, or with gas supplied by the Company, in order to inspect any meter, fittings, and works for regulating the supply of gas, and for the purpose of ascertaining quantity of gas consumed or supplied; such inspectors shall in all cases show their certificate of appointment as such. The Company shall give notice to the Chief Constable of the district of every appointment of inspector made in exercise of this power.

Right to cut off supply on failure to pay.

9. The Company is hereby empowered by its officials and workmen to enter between nine a.m. and ten p.m. of any week-day upon the premises of any person supplied with gas by the Company who shall have refused or neglected to pay for the gas supplied, and to cut off or stop up the service pipe: Provided that this power shall not be exercised until after twenty-four hours' notice to the consumer, and no entry shall be made by any one unless accompanied by an inspector (and such inspector shall then and there produce the certificate of his appointment to the person from whom such demand is made) duly appointed by the Company, and demand shall be then and there made for the amount due before said powers shall be exercised.

Necessitating offer to supply in bulk municipality before exercising powers.

10. The Company shall not exercise the powers conferred by this Act within any municipality now existing or hereafter created without having first obtained the consent by by-law of the Municipal Council, to be passed on petition and with the assent of the property owners entitled to vote on money by-laws.

Not common carriers.

Proviso.

11. Nothing herein contained shall oblige the Company to carry passengers or subject them to the obligations of common carriers: Provided, however, that it shall be lawful for the Lieutenant-Governor in Council from time to time to pass Orders in Council requiring the Company to carry passengers and freight on any of

its lines, in which case the Company shall as to such railway or railways carry passengers and freight as required by the provisions of the "British Columbia Railway Act."

12. When any line or tram or railway authorised by this Act shall pass through any wood, the Company may cut down the trees or underwood for a space of seventy-five feet on each side of the line where said line may be constructed or about to be constructed, doing as little damage as may be in the exercise of the power to them hereby granted: Provided, always, in the event of the Company exercising the right or power conferred by this section, the Company shall make compensation to the owners and proprietors of, or the persons interested in, the lands so entered upon by the Company, for all damage by them sustained from the exercise of the power granted by this section. In case of disagreement arising between the Company and any owner or occupier of the lands upon which the Company may have cut down trees, in respect to any damage done to the same, the amount shall be ascertained by arbitration under the provisions of the "Arbitration Act."

Limitation of right to bring action.

13. The provisions of the "Arbitration Act" shall apply to all arbitrations and ascertainment of compensation under this Act, except where the provisions thereof are inconsistent with this Act.

Power to clear private lands of wood adjacent to railway.

14. The clauses or sections of the "British Columbia Railway Act," and all future amendments thereto, shall apply to this Company in relation to its railway, in the same manner and to the same extent as if the same had been set forth clause by clause in this Act, save and except in case of any conflict, inconsistency, or repugnancy between the clauses of this Act and the clauses or sections of the "British Columbia Railway Act" so made a part of this Act, the clauses of this Act shall prevail over and override the clauses or sections of the "British Columbia Railway Act" so incorporated herewith to the extent of any such conflict, inconsistency, or repugnancy.

"B. C. Railway Act" to apply.

15. The Company shall, within six months after the coming into force of this Act, deposit with the Minister of Finance and Agriculture the sum of five thousand dollars, either in cash or securities approved by said Minister, as security that the Company will expend not less than ten thousand dollars in surveys or construction of the railway hereby authorised to be built, before the thirty-first day of December, 1911, and in default of such expenditure the aforesaid deposit of money or securities shall be forfeited to and become the property of the Government; and should such security not be deposited as aforesaid, or should such expenditure not be made within such time, all the railway rights and privileges conferred by this Act shall be null and void.

Deposit to secure expenditure of \$10,000 on construction before 31st December, 1911.

Future legislation
to apply.

16. Any Act hereafter passed for the purpose of controlling, regulating, or affecting companies incorporated by the Legislature of British Columbia with regard to any matter or thing dealt with by this Act shall apply to the Company from the time such Act goes into effect, and this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

VICTORIA, B. C.:

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