



CHAPTER 106.

**An Act to facilitate the Construction of Extensions of the
Lines of Railway of Pacific Great Eastern Railway
Company.***[Assented to 15th March, 1955.]*

HER 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 "Pacific Great Eastern Railway
Company Enabling Act, 1955."

Expressions defined.

2. In this Act, unless the context otherwise requires:—

"Company" means Pacific Great Eastern Railway Company, in-
corporated by chapter 36 of the Statutes of 1912:

"Court" means the Supreme Court of British Columbia:

"Land" includes any estate, easement, right, privilege, licence, or
interest in, to, upon, under, over, or in respect of land, and
includes foreshore and land covered by water:

"Minister" means the Minister of Railways:

"Owner" includes any person who is registered in the books of
any Land Registry Office as the owner of land or of any charge
on land, whether entitled thereto in his own right or in a repre-
sentative capacity or otherwise, and, subject to the payment
to the Crown of any unpaid purchase-money, includes a pur-
chaser of Crown lands and a pre-emptor of Crown lands and
any person entitled to timber or minerals upon, in, or under
land.

Authority to enter
upon and use lands.

3. (1) At any time during negotiations for land required by the
Company and in any case where, in the opinion of the Minister, a delay
in commencing or continuing the construction of any part or extension of
the railway of the Company would not be in the public interest or would

cause unnecessary inconvenience or expense to the Company, the Minister, with the approval of the Lieutenant-Governor in Council, by certificate under his hand and seal of office, may authorize the Company, on or after a date to be stated in the certificate, to enter upon, occupy, and use any land for the purpose of constructing, operating, and maintaining any such part or extension of its railway.

Certificate to be
published in Gazette.

(2) A certificate issued under subsection (1) shall be forthwith published in one issue of the Gazette, and such publication shall be deemed to be notice to all persons concerned with or affected by the issuance of the certificate.

Company to take steps
to acquire land.

(3) The Company shall, within sixty days after exercising the authority conferred by the certificate of the Minister issued under subsection (1), or within such further time as the Court or a Judge thereof allows, take steps to expropriate or otherwise acquire the land required, and shall, in the event of expropriation, comply with such provisions of the "Railway Act" in that behalf which are not inconsistent with this Act.

Payment into Court
of indemnity.

(4) Within ten days after the service of the notice of expropriation under the "Railway Act," or within such further time as the Court or Judge allows, the Company shall give security to cover the compensation which may be awarded and the costs of the arbitration by paying into Court a sum equal to double the amount offered by it in the notice of expropriation. Such sum paid into Court shall not be less than the assessed value of the said lands as certified by the municipal or Provincial assessment roll.

Deposit not to be paid
out without order.

(5) No part of such deposit or of any interest thereon shall be repaid or paid to the Company or paid to an owner or any other party without an order from the Court or a Judge thereof.

Sheriff may put
down resistance.

(6) If any resistance or forcible opposition is made by any person to the exercise by the Company of any such authorization, the Court shall, on proof of the Minister's certificate, issue a warrant to the Sheriff of the district or county or to a bailiff to put down such resistance or opposition and to put the Company in possession.

Company may enter
on lands and con-
struct tunnels.

4. The authority of the Minister under section 3, subject to compliance by the Company with the provisions thereof, shall entitle the Company, its officers, servants, or contractors, to enter upon, occupy, and use the land for the purposes aforesaid, and, without restricting the generality of the foregoing, to make or construct tunnels through or under the land, the provisions of any other Statute notwithstanding.

Nothing in Act to
restrict rights now
enjoyed by the
Company.

5. Nothing contained in this Act shall be held or construed to limit, restrict, or abrogate any of the rights and privileges that may now be held, exercised, or enjoyed by the Company under any existing contract or under any Act.

VICTORIA, B.C.

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