



### CHAPTER 63.

An Act respecting the amendment of the “Nanaimo 1885, c. 31.  
Water-works Act, 1885,” and amending Acts.

[21st February, 1895.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Section 22 of the “Nanaimo Water-works Act, 1885,” and section 2 of the “Nanaimo Water-works Amendment Act, 1886” are hereby repealed and the following section substituted in lieu thereof:—

“22. It shall be lawful for the said Company, their agents, servants, and workmen, from time to time, and at all such times hereafter as

they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of the Crown or of any person or persons, bodies politic or corporate, in the City of Nanaimo, or lying between the place or places where they shall take water from the Nanaimo River, Crystal Lake, Chase River, and the southerly watershed of Mount Benson, and all that portion of Nanaimo River commencing one mile above Stark’s Falls on said river, and all tributaries thereof, as may be necessary to further augment the water supply of the Nanaimo Water-works Company and the City of Nanaimo, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water-works, and also to divert and appropriate such of the waters of the said Nanaimo River, Crystal Lake, Chase River, and the watershed of Mount Benson, and all that portion of Nanaimo River commencing one mile above Stark’s Falls on said River, and all tributaries thereof, as may be necessary to further augment the water supply of the Nanaimo Water-works Company, as they shall consider necessary and proper, and to take such water from the said river at a point or place known as Stark’s Falls, or at such other point

Repeals 1885, c. 31,  
s. 22, and 1886, c.  
34, s. 2.

Entry on lands.

Appropriation of  
water from Nanaimo  
River, Crystal Lake,  
and Chase River.

## Arbitration.

or place on said river within one mile above and one mile below said falls, as they shall judge suitable and desirable, and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water or waters, for the purchase thereof, or any part thereof, or of any privilege that may be required for the purposes of the said Company, and for the right to take all timber, stone, gravel, sand, and other materials from the same or adjacent lands, for the use and construction of the said works; and in case of disagreement between the said Company and the owners or occupiers of the said lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase money or value thereof, or as to the damages such appropriation shall cause to them or otherwise, or as to the amount of damages arising through the construction of any dam, or the laying of any pipe, 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 such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on the application of either party, appoint such arbitrator: Provided, however, that if the said Company shall utilize the waters of Chase River, they shall place a two inch pipe as free vent, two feet below the surface of the water held in any dam that may be constructed on the said Chase River.”

## Rights of the Crown.

2. The powers and privileges conferred by this Act, and the provisions hereof, in so far as they affect the rights of the Crown, are hereby declared to be granted subject to the rights of the Crown, 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 the right of 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, &c., 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.

3. Section 2 of the "Nanaimo Water-works Act, 1885," is hereby repealed, and the following inserted in lieu thereof:— Re-enacts 1885, c. 31, s. 2.

"2. The capital of the Company shall be fifty thousand dollars, with power to increase the sum to two hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shares shall be held to be personal estate, and shall be assignable in such manner and form as may, from time to time, be prescribed by the by-laws of the Company." Capital stock of company.

4. This Act may be cited as the "Nanaimo Water-works Amend- Short title.  
ment Act, 1895."