



CHAPTER 63.

An Act to amend the "Vancouver Incorporation Act, 1886," and Amendments thereto.

U.A. 1888, No. 71,
1887, c. 37; 1889, c.
40; 1891, c. 72; 1892,
c. 62.

[12th April, 1893.]

WHEREAS a petition has been presented praying for the amendment of the "Vancouver Incorporation Act, 1886," and amendments thereto: Preamble.

And whereas it is deemed 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. Sub-section (4) of section 17 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the word "five" in the fourth line thereof, and inserting in lieu thereof the word "six." Amends U.A. 1888, No. 71, sub-s. 4 of s. 17.

2. Sub-section (6) of section 17 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the word "eight," in the eighth line thereof, and inserting in lieu thereof the word "nine." Amends sub-s. 6.

3 Sub-section (16) of section 17 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding after the word "Officer," in the seventh line thereof, the following words: "or Clerk appointed by him." Amends sub-s. 16.

4. Section 17 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding a new sub-section, to be known as sub-section (34): Adds to s. 17.

"(34). The City Clerk shall retain for two months all ballot papers received by him in pursuance of the said Act and amending Acts, and then, unless otherwise ordered by a Judge of the Supreme Court of British Columbia, or a County Court Judge

having jurisdiction in the City of Vancouver, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the Mayor and filed amongst the records of the city by the City Clerk."

Prohibits sale of liquor during election. **5.** No sale or other disposal of liquors shall take place in any hotel or saloon licensed for the sale of intoxicating liquors, on any polling day for any civic election between the hours of nine in the morning and six in the evening

Amends s. 127. **6.** Section 127 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the word "five," in the third line thereof, and inserting in lieu thereof the word "three," and by inserting the word "last" between the words "the" and "revised," in the fourth line thereof, and by striking out the words from the word "on," in the fourth line thereof, to the word "based," in the fifth line thereof, both inclusive.

Amends sub-s. 8 of s. 127. **7.** Sub-section (8) of section 127 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "a majority," in the third line thereof, and inserting in lieu thereof the words "three-fifths."

Amends 1889, c. 40, s. 15. **8.** Section 15 of the "Vancouver Incorporation Act (1886) Amendment Act, 1889," is hereby amended by inserting the word "lithographed" after the word "the" in the second line thereof.

Validates by-law set out in schedule hereto. **9.** Notwithstanding any law to the contrary, or any proceedings had or taken for the purpose of quashing or in anywise affecting the same, or any result or results of such proceedings, a by-law passed, or purporting to be passed, by the Corporation of the City of Vancouver on the 12th day of December, A. D. 1892, entitled "A By-law making provision in aid of the Burrard Inlet and Fraser Valley Railway Company," being By-law No. 166, as published in the British Columbia Gazette of the 15th December, 1892, which said By-law, as set forth in the Schedule to this Act, is hereby incorporated herewith and made a part hereof, and is hereby enacted and declared to be a good, valid, legal and subsisting By-law of said Corporation, binding on the said Corporation, and on the Companies mentioned therein, to all intents and purposes according the terms and conditions thereof, and that notwithstanding any want of power in said Corporation to pass the same, or any defect in form or substance of the said By-law, or otherwise generally howsoever; and this general provision and reference shall not be deemed to be restricted by the specific mention of the foregoing ways or means, or any of them, but shall be taken in the widest and broadest sense to legalize said By-law to and for all intents and purposes.

9a. Section 129 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "as hereinafter provided," in the sixth and seventh lines thereof, and by adding to the said section in lieu thereof the following words: "with the consent of the Lieutenant-Governor."

Amends U.A. 1888,
No. 71, s. 129.

10. Section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto a new sub section, to be known as sub-section (8a), as follows:—

Adds to s. 142.

"(8a). For preventing the employment of boys under the age of sixteen years as messengers to or from houses of ill-fame, immoral resort or disorderly houses."

11. Sub-section (27) of section 22 of the "Vancouver Incorporation Act (1886) Amendment Act, 1889," is hereby amended by adding thereto "and defining the limits within which the same may be erected, kept, or carried on."

Amends 1889, c. 40,
sub-s. 27 of s. 22.

12. Sub-section (25) of section 142 of the "Vancouver Incorporation Act (1886) Amendment Act, 1889," is hereby amended by striking out the words from the word "in," in the sixth line thereof, to the word "erected," in the seventh line thereof, and adding thereto the following words: "and for the recovery of the expense and cost thereof from the owners of the lands from off which such trees, timber, logs or brush may be cut down, burnt, or removed, in the same manner and with the same powers of recovery as in the case of overdue taxes, and making the same a charge on the said lands, and with powers to sell the said lands for the recovery of the said expenses and cost, in the same manner and under the same regulations as in the case of the sale of lands for overdue taxes."

Amends sub-s. 25 of
s. 142.

13. Section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto a new sub-section to be known as (54b):—

Adds to U.A. 1888,
No. 71, s. 142.

"(54b.) For the regulating and enforcing the owners of lands to survey lots and blocks, their property in the City, with the object of accurately locating the streets and lanes of the said City, and in default of the owners surveying the said lots and blocks in accordance with the provisions of the by-law, to provide for the City surveying the said lots and blocks, and locating the said streets, and charging the owners of the lands so surveyed with the cost and expense thereof, and for the recovery thereof from the owner or owners in the same manner and under the same regulations as in the case of overdue taxes, and making the same a charge on the said lands, and with powers to sell the said lands for the recovery of the expense

Survey of lots and
blocks.

and cost of such surveys, in the same manner and under the same regulations as in the case of sale of lands for overdue taxes."

Ditto.

14. Section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto a new sub-section to be known as sub-section (74a):—

"(74a.) For licensing insurance companies."

Amends sub-s. 118 of s. 142.

15. Sub-section (118) of section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by inserting after the word "owners," in the first line thereof, "lessees," and by inserting after the word "drain, in the second line thereof, the words "or water works system, owned or."

Adds to s. 142.

16. Section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding a sub-section thereto to be known as sub-section (129):—

Obtaining property for school purposes.

"(129.) For obtaining such real and personal property as may be required for the use of the Corporation, or for school purposes, and for the disposing of such property, and for conveying and the execution of any conveyances of the same when no longer required, on such terms as may be deemed expedient, and to accept as payment therefor either money or real property: Provided, always, that any by-law providing for the disposal of any real property shall not be passed until the assent of the electors has been obtained, in conformity with and in manner provided by the requirements of the "Vancouver Incorporation Act, 1886," and amending Acts, in respect of by-laws for contracting debts."

Adds as s. 163A.

17. The "Vancouver Incorporation Act, 1886," is hereby amended by adding a new section thereto to be known as 163a:—

City's remedy in case of action for damages.

"163a. In case an action is brought against the Corporation to recover damages sustained by reason of an obstruction, excavation, cellar, or opening under, in, or adjoining any street, lane, square, public highway, or bridge, placed, made, left, or maintained, by any person, persons, or body corporate, other than a servant or agent of the said City of Vancouver, the said City shall have a remedy over against the person, persons, or body corporate, and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the said City: Provided, nevertheless, that the said City shall only be entitled to the said remedy over against if the person, persons, or body corporate shall be made a party to the action, and if it shall be established in the action as against the person, persons, or body corporate that the damages were sustained by reason of an obstruction, excavation, cellar, or opening as aforesaid, placed, made,

left, or maintained by the person, persons, or body corporate added as a party defendant or third party for the purposes thereof, if the same is or are not already a defendant or defendants in the action jointly with the said City: and the said person, persons, or body corporate may defend the said action as well against the plaintiff's claim as against the claim of the said City to a remedy over against, and the Court or Judge may, upon the trial of such action, order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein, as in other cases."

18. Section 170 of the "Vancouver Incorporation Act, 1886," and section 22 of the "Vancouver Incorporation Act (1886) Amendment Act, 1887," are hereby repealed, and the following sections, to be known as sections 141*a*, 141*b*, 141*c*, and 141*d*, are hereby added to the said "Vancouver Incorporation Act, 1886":—

Ss. repealed.

Adds to U.A. 1888, No. 71.

"141*a*. If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the Council shall from time to time invest the same in Government securities, repurchases of city debentures, or in first mortgages on improved real estate held and used for farming purposes, and being the first lien on such real estate, or in repurchase of local improvement debentures of the City, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, and from time to time may reconvey and release mortgages and securities under the seal of the Corporation as such securities mature, and may re-invest in other like securities. No sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is invested. All securities, mortgages, and moneys now vested in or held by the trustees appointed under section 170 of the "Vancouver Incorporation Act, 1886," on behalf of the City of Vancouver, shall, by virtue of this Act, and on the passing thereof, be vested in the said City of Vancouver, without any assignment or conveyance thereof, and shall be dealt with by the Council of the said City as hereinbefore provided for the investment of any moneys to the credit of the sinking fund accounts.

Investment of produce of special rate levied.

"141*b*. The Council of the City may regulate by by-law the manner in which such investments shall be made.

"141*c*. The Council may direct by by-law that any surplus moneys in the hands of the Treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the Municipality, and the Council may invest such sinking fund account in any of the securities named in and according to the provisions of the preceding section.

"141*d*. No member of the Council shall take part in, or in any way be a party to, the investment of the sinking fund otherwise than is authorized by this Act, or by any other law in that behalf made and provided, and such member so doing shall be held personally liable for any loss sustained by the City."

Adds to 1891, c. 72, s. 32. **19.** Section 32 of the "Vancouver Incorporation Act, 1891," is hereby amended by adding thereto a sub-section, to be known as sub-section (5), as follows:—

"(5.) For providing for the payment and recovery of all assessments or special rates or frontage tax levied under the 'Vancouver Incorporation Act, 1886,' and amending Acts, and in default of payment thereof by the person, persons, or body corporate liable to pay the same, by adding the amount thereof to the taxes for the financial year in which such rate or frontage tax shall have been assessed and levied. Any special rate so assessed and levied shall be dealt with in every respect as ordinary land or real property city taxes, and may be enforced and recovered in the same way, whether by sale of the land or real property upon which the same attached, or by registration as a charge upon such land or real property or otherwise."

Amends U.A. 1888, No. 71, s. 219. **20.** Section 219 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto the following words: "and may pending the realization of debentures issued or to be issued, hypothecate, pledge, or mortgage the same for the repayment of any money so borrowed, and interest thereon."

Amends sub-s. 5 of s. 203. **21.** Sub-section (5) of section 203 of the "Vancouver Incorporation Act, 1886," is hereby amended by striking out the words "and on the security only," in the second line thereof.

Adds to said Act. **22.** The "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto a new section, to be known as section 203*a*, as follows:—

By-laws for works payable by local assessments. **"203*a*.** In the matter of by-laws passed or to be passed for work payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder and add to their commercial value the Council may by by-law declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the Corporation at large."

Ss. repealed. **23.** Sub-sections (63), (64), (65), (66), (68), (75) of section 142 of the "Vancouver Incorporation Act, 1886," and section 30 of the "Vancouver Incorporation Act (1886) Amendment Act, 1889," are hereby repealed.

24. The "Vancouver Incorporation Act, 1886," is hereby amended Adds to said Act. by adding thereto a new section, to be known as section 169a, immediately after section 169:—

"169a. The Licensing Board of the City may from time to time, by By-laws for licens resolution of a majority of their number, pass by-laws for defining the conditions and requirements to obtain hotel licenses for the retail within the city of spirituous, fermented, or other intoxicating liquors, shop licenses for the sale within the City of such liquors in shops or places of public entertainment, and also wholesale licenses for the sale by wholesale within the City of such liquors in warehouses, stores, or shops, for imposing and enforcing a penalty or penalties, and directing the mode of collecting and collecting the same; and, in default of And for imposing penalties for selling liquor without license. payment, imposing a penalty by way of fine or imprisonment against persons for selling intoxicating liquors within the City of Vancouver without first having obtained a license therefor from the proper officer or officers whose duty it may be to issue the said license or licenses, and for limiting the number of licenses for hotels, shops, and saloons to be issued in the City, and or regulating and cancelling of licenses before the expiry of the time for which such licenses were issued, and for appointing inspectors or such other officers as the Board may deem necessary for the efficient regulating of houses of entertainment or other places for the sale of liquor, and for the efficient regulating and governing of hotels, shops, saloons, and places for which licenses to sell liquor have been issued, and in which liquor is sold, and the proprietor or proprietors of the same, and regulating the sale of such liquors: Provided this section shall not be construed to empower the Board to pass any by-law to regulate the fees or duties upon any license for the sale within the City of spirituous or other intoxicating liquors to be paid to the Corporation. Any by-laws passed by the Board under this section shall have the full force and effect of City by-laws, and as if they had been passed by the Council under the powers conferred on them to pass by-laws in the said "Incorporation Act, 1886," or any amendments thereto: Provided that any by-laws passed hereunder shall not come into effect until seven days from the publication thereof in the British Columbia Gazette, a copy whereof shall be evidence in all Courts of the Province of the contents of any such by-law. In and by any such by-laws the Licensing Board may impose penalties for the infraction thereof, which shall be recoverable in the same manner as penalties for the infraction of any by-laws passed by the Council of the City."

25. This Act may be cited as the "Vancouver Incorporation Act Short title. Amendment Act, 1893."

SCHEDULE.

BY-LAW No. 166.

A By-Law making provision in aid of the Burrard Inlet and Fraser Valley Railway Company.

WHEREAS by a by-law of the Corporation of the City of Vancouver, hereinafter called "the Corporation," passed on the 26th day of September, 1892, and intituled "A By-Law in aid of the Burrard Inlet and Fraser Valley Railway Company," hereinafter called "the Company," provision was made for the granting by the Corporation to the Company of a bonus, upon certain terms and conditions therein set forth :

And whereas proceedings have been taken for the quashing of the said by-laws for illegality, and it is expedient to remove any doubt respecting the legality of the agreement in respect whereof the said bonus was intended to be given, and to make provision with reference to the said agreement :

And whereas the said by-law has not been acted upon by the Corporation or the Company, or any other party concerned therewith :

And whereas by an Act of the Legislative Assembly of the Province of British Columbia, passed in the year of our Lord one thousand eight hundred and ninety-one, and intituled "An Act to Incorporate the Burrard Inlet and Fraser Valley Railway Company," the Company was incorporated with power to survey, lay out, construct, complete, equip and operate a single or double line of railway from a point on Burrard Inlet, thence in a south-easterly direction to some point between the western extremity of the American Boundary Line at Semiahmoo Bay and the south-western corner of Township 22, in the District of New Westminster, and also a branch line from such point at the boundary to a point in the Municipality of Chilliwack :

And whereas the Company has applied to the Corporation for a bonus in aid of the construction of the line of railway so authorized to be constructed and operated by the Company as aforesaid :

And whereas the Company has agreed with the Northern Pacific Railway Company respecting the conveyance of freight and passengers :

And whereas it is desirable in the interest of the Corporation to grant the bonus hereinafter provided for :

And whereas it is necessary for the said purpose that the Corporation should issue debentures to the amount of three hundred thousand dollars (\$300,000), repayable at the end of forty years after the day

named for this by-law to take effect, and that the said debentures should bear interest in the meantime after delivery thereof to the Company, payable half-yearly, at the rate of four per centum per annum :

And whereas, to provide for the payment of the said debentures and interest, it will be necessary to raise the sum of \$12,000 in each and every year during the currency of the debentures for interest, and the sum of \$7,500 in each and every year from the day named for this by-law to take effect for the payment of the debt when due, subject to any reduction which the Corporation may at any time, or from time to time, be lawfully entitled to make :

And whereas, for the purpose of raising the said yearly sums of \$12,000 and \$7,500 respectively, an equal special rate on the dollar will be required :

And whereas the whole ratable property of the Corporation, according to last revised assessment roll, is \$16,855,000 :

And whereas the total amount of the existing debt of the Corporation is \$1,816,000 of which none of the principal or interest is in arrear :

Now, therefore, the Mayor and Council of the Corporation of the City of Vancouver enact as follows :—

1. It shall be lawful for the Mayor of the Corporation to cause to be issued debentures to the amount of \$300,000, in sums of not less than \$100 each, either in currency or sterling money of the United Kingdom of Great Britain and Ireland (at the rate of \$4.86 $\frac{2}{3}$ to the one pound sterling); and all such debentures shall be sealed with the seal of the Corporation and signed by the Mayor thereof.

2. The said debentures shall be made payable in forty years from the day hereinafter named for this by-law to take effect, at the City Treasurer's office in the City of Vancouver, or at such bank in the City of London, England, as the Council may by resolution direct, before the issue of the said debentures.

3. The said debentures shall have coupons attached to them for the payment of interest, and shall bear interest at the rate of four per centum per annum on the amount thereof, payable half-yearly, on the 30th day of June and the 31st day of December, in each and every year during the currency thereof.

4. In addition to all other sums required to be raised by the Corporation, there shall be raised annually in each and every year, during the currency of the debentures, by special rate upon all the ratable property of the Corporation, the sum of \$12,000 for the payment of interest on the said debentures; and there shall be raised annually in each and every year after the taking effect of this by-law, by special

Pacific Railroad Company, and the line of railway of which is operated by the said Northern Pacific Railroad Company, owns a line of railway extending northwardly from a connection with the Northern Pacific and Puget Sound Shore Railroad at the said City of Seattle, to the International Boundary Line between the Province of British Columbia and the State of Washington, at a point adjacent to the City of Sumas, in the said State of Washington :

And whereas the Company desires that its line of railway should be operated in connection with the said other lines of railway, to the intent that passengers and freight may be conveyed by way of the Company's line of railway from the said City of Vancouver to the said Cities of Seattle and Tacoma and other places :

And whereas the Company and the said parties of the third and fourth parts have mutually agreed that a traffic contract should be made and entered into by and between them, in the manner hereinafter mentioned :

And whereas the Corporation has passed, or is proceeding with the passing of, a by-law providing for the granting of a bonus to the Company of the sum of \$300,000, upon the terms and conditions set forth in the said by-law :

NOW THESE PRESENTS WITNESS, that in consideration of the premises the Corporation agrees with the Company, and the Company agrees with the Corporation, and the Company and the parties hereto of the third and fourth parts hereby covenant and agree, each with the others and each of the others of them respectively, as follows :—

1. (a.) The Company will construct and complete, within two years from the taking effect of the said by-law, in a good, substantial and workmanlike manner, a standard gauge line of railroad, beginning at a point on Burrard Inlet at or near the City of Vancouver, and extending in a south-easterly direction to the boundary line between the Province of British Columbia and the State of Washington, at a point adjacent to the said City of Sumas, and to construct all side-tracks, depôts, station-houses, water-tanks, turn-tables, telegraph lines, and other buildings and structures necessary for the safe and economical operation of said railroad, and to equip the said railroad with sufficient rolling stock to handle all business—freight, passenger, mail and express—tendered at some point thereon for transportation to any other point, also thereon.

(b.) It is agreed that all traffic—freight, passenger, mail and express—going from the line or lines of one to the line or lines of the other shall be interchanged at the boundary line, and shall be promptly and safely carried over the line or lines of the party receiving the same to its destination on the line or lines of the parties so receiving it. The interchange shall be made, as far as reasonably practicable, without change of cars.

(c.) The Company, so far as it can lawfully control the same, will deliver all traffic tendered at any points on its line of railway for transportation to any points reached via the line or lines of the parties of the third and fourth parts, or via any lines connecting with the lines of the parties of the third and fourth parts, to the said parties of the third and fourth parts at the said boundary line for transportation to such points.

(d.) The parties of the third and fourth parts shall, so far as they can lawfully control the same, deliver all traffic tendered at any points on the line or lines of the parties of the third and fourth parts for transportation to any points on the line of the Company to the Company at the said boundary line for transportation to such points.

(e.) The parties of the third and fourth parts shall deliver to the Company at the said boundary line the passenger trains running north from Seattle, Tacoma, and other points along the lines of the parties of the third and fourth parts to the boundary line, or sufficient thereof to transact all interchangeable passenger, mail and express business, as provided for in these presents, and also all freight cars containing freight in carload lots destined to any point on the line of the Company, and the Company will accept such passenger trains or cars and said freight cars and haul said passenger trains or cars to the City of Vancouver, and said freight cars to such destination, at its own risk, cost, charge and expense, and cause the said passenger trains or cars and freight cars to be unloaded and returned at like risk, cost, charge and expense to the parties of the third and fourth parts at the said boundary line, with reasonable dispatch.

(f.) The parties of the third and fourth parts shall deliver from time to time to the Company such additional freight cars as may be necessary to enable the Company to handle and deliver to the parties of the third and fourth parts all freight originating at Vancouver, or at any other point on the line of the Company, and destined to any point on the lines of the parties of the third and fourth parts, or to any point on any line connecting therewith.

(g.) A true and accurate account shall be kept by the Company of the number of miles run by each and every car and locomotive belonging to the parties of the third and fourth parts, and run or used over the line of the Company, or any part thereof; and the parties of the third and fourth parts shall be entitled to receive the current compensation per mile for the mileage of such car and locomotive service, which rate shall be agreed upon from time to time between the parties of the third and fourth parts and the Company, as often as once a year, and shall not exceed the rate charged by any transcontinental railroad to another transcontinental railroad.

(h.) The rates charged for transportation of all interchange traffic, that is, all traffic from the line or lines of one party to the line or lines

of the other, shall be fixed and determined from time to time by mutual agreement of the Company and the parties of the third and fourth parts: Provided, however, that the rates for the transportation of all such traffic originating at Vancouver and destined to any point reached viâ the lines of the parties of the third and fourth parts, or viâ any line of railroad connecting therewith and also reached viâ the Canadian Pacific Railway, or viâ any line of railroad connecting therewith or originating at such point and destined to Vancouver, shall not be greater than the rates charged for such transportation viâ the Canadian Pacific Railway and its connections; nor shall the rates charged for such transportation from such point to Vancouver be greater than the rates charged for similar transportations from such point to Victoria and New Westminster.

(i.) In all cases where such interchange traffic is carried over the lines of the parties of the third and fourth parts double the distance, or less than double the distance, it is carried over the line of the Company, the gross receipts from all such traffic shall be divided between them, or their respective successors and assigns, pro rata on a mileage basis, that is, in the proportion that the number of miles such interchanged traffic is carried over the lines of each party bears to the total mileage of the transportation of such traffic over the lines of both parties.

(j.) And in all cases where said interchange traffic is carried over the lines of the parties of the third and fourth parts more than double the distance it is carried over the line of the Company, the gross receipts from all such traffic shall be divided between them on the following mileage basis, that is to say, to the total of the actual mileage of the transportation of all such interchanged traffic over the lines of the parties of the third and fourth parts and over the line of the Company there shall be added the number of miles of such transportation over the line of the Company, or, in other words, in such cases an arbitrary or constructive mileage shall be established, which shall be the actual number of miles of the said transportation over the lines of the parties of the third and fourth parts and double the actual number of miles of the said transportation over the line of the Company; and the said rates and charges for all such interchange traffic shall be divided between the parties pro rata according to the said arbitrary or constructive mileage.

(k.) Monthly statements in respect of all such interchanged traffic, of both classes, shall be made, and the accounts thereof adjusted, on or before the 20th day of each month for the preceding month's business, and the balance due from either of the parties to this contract to the other parties, as shown by such statement and adjustment, shall be paid on or before the 30th day of each month.

2. The Company and the parties of the third and fourth parts will interchange all traffic and carrying business, except local, so far as they can lawfully control the same by and with the lines operated hereto so long as this contract remains in force, and will make no contract for interchange of and will not, unless constrained by law so to do, interchange traffic originating at and destined to points on the lines of the parties hereto with any other transportation line without the assent of the Company and the said other parties: Provided, however, that nothing in this contract shall prevent the Company from allowing any other railway company trackage for the through business thereof over its said line of railway.

3. The Company will exercise due diligence and care in maintaining, cleaning, lighting, heating, and otherwise caring for said passenger and freight cars and engines while in its possession as aforesaid, and further agrees to save and protect the parties of the third and fourth parts harmless from all assessments, taxes, liabilities or expenses of any kind or nature whatsoever that may be imposed by any competent authority upon any of the parties hereto on account of said passengers and freight cars and engines while in possession of the Company as aforesaid, and further agrees not to use any of the said passenger and freight cars and engines in any local or other business, so as to incur any penalty or liability in consequence of such use.

4. Any and all questions that shall arise touching the contract, or the performance thereof, shall be referred to two competent and disinterested persons as arbitrators, one to be selected by the Company and one by the parties of the third and fourth parts, and the persons so selected, if unable to agree, shall choose a third, and the award and decision in writing of any two of the said persons so selected or chosen shall be binding and conclusive.

5. This contract shall be and remain in force for the period of twenty-one years from the date of the completion of the said railroad by the Company, and all the parties agree to obtain, if possible, an extension for a further period of nineteen years.

6. The Company shall not, nor shall the parties of the third or fourth parts respectively, charge or demand any rates for delivery of goods or passengers consigned to or from Vancouver in excess of the rates charged by them for any goods, freight, or passengers consigned to or from Victoria or New Westminster over their line.

7. The Company shall not, nor shall the Northern Pacific Railroad Company, transfer to any other railway company any rights or privileges of using the line of railway, or of operating the same, or of contracting for the freight and passengers for the same, without having first obtained the permission of the Council for the time being

of the Corporation by resolution so to do, and without the terms and conditions of such grant of rights and privileges having been first consented to by such Council, excepting in so far as may be provided for by any legislation for the time being in force relating thereto.

8. The Company shall operate its line of railway from the said boundary line to the said City of Vancouver, with at least one train per day each way, and will run at least one local accommodation train for farmers each day each way, stopping at all stations and having a freight car or cars attached for the transportation of farm produce in whatsoever quantity it may be delivered to the Company.

9. If any railway company shall desire to come into the said City of Vancouver from an easterly or southerly direction, the Company shall allow such other company the right to run over the said line, upon such terms and conditions as may be approved of by resolution of the Council of the Corporation for the time being; provided that in case the Company shall not agree with such Council upon the same, then the terms and conditions upon which such other company shall be allowed to run over the said line shall be left to the arbitration of three arbitrators, one to be appointed by the Corporation, one by the Company and the said parties of the third part, and the third by the other two arbitrators: provided always that the provision made by this clause shall be subject to any legislation for the time being in force relating thereto.

10. In the event of any other railway company wishing to construct and operate a line of railway into the said City of Vancouver from the southerly or easterly boundary thereof, the Company hereby agrees with the Corporation to give the option to such other company of the right to run over the Company's line from the boundary of said city, and the right to use the terminal buildings and facilities of the Company, on such terms as may then be agreed upon; but in no case shall the Company demand as a yearly price or pay for such privilege more than an amount calculated at six per centum per annum on the total cost to the Company of its line of railway from the boundary aforesaid, including the terminus and terminal buildings, station-houses and depot: provided always that the provision made by this clause shall be subject to any legislation for the time being in force relating thereto.

11. The Company and the parties of the third part will repair and maintain all rolling stock that may be used in connection with the Company's line of railway at the said City of Vancouver, and shall keep sufficient shops there for repairing the same.

12. The Company will construct a bridge over the Fraser River, and maintain the same in good and substantial repair, and will allow any other railway company to use the same for the passage of locomotives

and cars, on such terms as may be approved of by resolution of the Council for the time being of the Corporation; provided that such other company shall pay to the Company a proportionate part of the cost of construction and maintenance, regard being had to the number of such companies using said bridge: provided always that the provision made by this clause shall be subject to any legislation for the time being in force relating thereto.

13. The Company shall construct and maintain gates to protect traffic within the limits of the Corporation at such places as may be required by resolution of the Council for the time being of the Corporation; provided that in case the Company shall not agree with such Council thereon, the same shall be left to the arbitration of three arbitrators, one to be appointed by the Corporation, one by the Company and the parties of the third part, and the third by the other two arbitrators: provided always that the provision made by this clause shall be subject to any legislation for the time being in force relating thereto.

14. The Company shall begin substantial work on the construction of its line of railway within six months from the day named for the said by-law to take effect, and shall continue the said work of construction without intermission, and shall complete said line of railway, and have the same fully equipped and in running order, to the satisfaction of the Inspector of Railways for the time being appointed by the Government of British Columbia, within two years from the day named for the said by-law to take effect: provided, however, any act of the Corporation or its servants by which the work is delayed, and all and every the dangers and accidents of the seas, rivers, and waters, and restraint of Courts, Legislature, Parliament, or other authority, civil commotions, frost, fire, strikes, political disturbances, or accidents on railways, or any other hindrances of whatsoever nature beyond the Company's or its contractors' control, always excepted: provided that in no case shall the time for the completion and equipment of the said railway be delayed for more than one year beyond the said two years

15. The Company shall erect and complete within the time before limited for the completion of the line at least five station-houses, fitted for the transaction of business and accommodation of passengers and freight along the line at suitable points between said boundary line and the said City of Vancouver, and stop at least once a day at such stations each way.

16. The Company will construct station-houses, warehouses and wharves in the said city, sufficient and adequate buildings for the headquarters of the rolling stock, and round-houses, blacksmith, machine and repair shops for all the rolling stock, and amply sufficient for the repairs of all the rolling stock used on the railway of the Company within the said period of two years, and they shall be

erected within the limits of the City of Vancouver, and shall be maintained by the said Company in good repair and condition, and shall have continuously employed therein a sufficient number of men to efficiently operate and carry on the same.

17. The Company shall not, during the construction, maintenance or operation of the said line of railway, employ, or permit or suffer to be employed, any person of the Chinese race of whatsoever kind, or on any work of whatsoever nature, in, or about, or in connection with the said railway construction, maintenance, or operation of the said railway.

18. Wherever the Company shall lay down any portion of their railway track, or repair the same across or along any of the streets of the city, or erect poles, or in anywise interfere with any of the said streets, they shall first of all submit plans and specifications of the proposed works to the Council for the time being of the Corporation, and shall not break ground or commence the construction of the said track on or across the said streets until such time as the plans and specifications shall have been approved of by the said Council, so that any construction done by the said Company shall not interfere with the grading of the said streets, and the use thereof by all ordinary traffic of whatsoever kind, and in constructing their line over and along any of the said streets the Company shall proceed with all dispatch, so that the traffic shall not be impeded or hindered more than is absolutely necessary.

The Corporation will permit the Company to construct their line of railway over and along or across such street or streets of the said city, excepting along Cordova Street, Oppenheimer and Hastings Streets west of Westminster Avenue, as may be hereafter agreed on by the Corporation and the Company, provided that no streets or lanes shall be interfered with by the Company without leave and permission so to do having been first obtained from the Council for the time being of the Corporation, and the terms as to yearly payment or otherwise on which the said streets may be used by the Company.

Provided that the Corporation may alter the grade of any street, and the Company shall not be entitled to any compensation by reason thereof: provided that in case the Council and the Company disagree as regards any such matter, every dispute shall be left to arbitration, one arbitrator being appointed by each of them and the third by the other two, and the decision of the majority shall be final: provided that this clause shall not be construed to extend to any branch line.

19. The covenants and agreements herein contained, providing for the construction of the said line of railway between the City of Vancouver and the said boundary line, and its operation by the Company, together with the said other companies, according to the true intent

and meaning of these presents, are declared to be the conditions upon which the said bonus is agreed to be given by the Corporation, and the covenants and agreements hereinbefore mutually entered into between all the said Companies as aforesaid shall enure to the benefit of the Corporation accordingly.

20. The Company shall not at any time hereafter cancel, annul, or in any way alter the terms of these presents, without first having obtained the consent of the Council for the time being of the Corporation so to do, and will at all times enforce the carrying out and enforcement of the terms of these presents.

21. The Company shall save harmless and indemnify the Corporation from all costs and charges and damages, actions and claims of whatsoever nature that may be made by anyone whomsoever against the Corporation, or incurred by the Corporation by reason of the Company constructing or repairing, or in any way interfering with any of the streets of the Corporation.

22. The passenger station of the Company shall be situated on a site north of False Creek, and within a radius of one mile from the corner of Cordova and Abbott Streets, within the Corporation. The Company shall erect, or cause to be erected, a bridge across the Fraser River at a most convenient point to the City of Vancouver, so that Vancouver will be connected with the boundary line at the point aforesaid by a continuous line of rail.

23. In consideration of the faithful performance of the conditions herein contained on the part of the Company to be performed and observed, and on the due completion of its said line of railway, and after same has been properly equipped with sufficient rolling stock to enable the Company to carry out this agreement, and upon the Corporation being satisfied that all liabilities of the Company incurred by reason of the construction of the said railway have been liquidated and satisfied, and after the execution of these presents, the Corporation hereby covenants and agrees to deliver to the Company the debentures to the amount of \$300,000, face value, provided for by a certain by-law of the Corporation passed, or now in the course of being passed, intituled "A By-Law making provision in aid of the Burrard Inlet and Fraser Valley Railway Company."

24. The Company shall not offer any of the said debentures for sale at a less price than the Corporation shall have offered for sale, or sold, the last preceding issues of Corporation debentures before such offer by the Company.

25. Provided, always, and it is hereby expressly agreed and declared, that in the event of the by-law authorizing the issue of the debentures

hereinbefore mentioned being passed by the citizens of the said Corporation, in accordance with the provisions contained in the Act incorporating the said City, and the amendments thereto, and if the Company fails to commence construction as herein is agreed by it to do, then the Company shall pay to the Corporation all costs, expenses, and charges that the Corporation have been put to by reason of placing, and incidental to the placing, said by-law before the citizens to vote, and recording their vote thereon, and this agreement, and all covenants and conditions therein contained, shall be null and void and of no effect whatever, but otherwise shall remain in full force and effect, and shall be binding on the parties hereto in the true intent and meaning thereof; and also provided that in the event of the said by-law not being passed by the citizens, then this agreement, and the covenants and conditions therein contained, shall be null and void, and not binding on the said parties hereto.

In witness whereof the parties hereto have executed these presents
this day of , 189 .

This by-law is passed upon the express condition that the failure to observe the time limit for the commencement, completion, or operation of the Company's line of railway shall render this by-law void.

This by-law shall take effect on the 31st day of December, 1892.

In case the said by-law heretofore passed shall be quashed or hereafter set aside, wholly or in part, this by-law shall not be impaired or affected thereby, but shall be valid and effectual as if such by-law had not been passed.

In case the said by-law shall not be quashed or set aside, the same, or such portions thereof as may not be quashed or set aside, shall be valid and binding in so far, but in so far only, as the same is not inconsistent with or repugnant to and does not differ from this by-law.

This by-law and a corresponding by-law of the Corporation to be voted upon at the same time, making provision to the like effect as regards the proposed agreement with the Company, are intended to provide for only one agreement with the Company, and the rights and liabilities of the Company, or of any other person, company, or party whomsoever, shall not be increased or diminished because of the passing of both the said by-laws, or the failure to pass either one of them, and the liability of the Corporation shall in no case exceed the liability which would have existed if one only of these by-laws had been made, and as if the said by-law formerly passed had not been passed.

This by-law shall, before the final passing thereof, receive the assent of the electors of the Corporation in manner prescribed by the "Vancouver Incorporation Act, 1886," and Acts amending the same.

Received the assent of the electors on the 10th day of December, 1892.

Reconsidered and finally passed on the 12th day of December, 1892.

[L.S.]

F. COPE,

Mayor.

THOS. F. MCGUIGAN,

City Clerk.

VICTORIA, B.C.

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