



CHAPTER 51.

An Act to amend the “Esquimalt Water Works U. A., 1888, No. 16.
Act, 1885.”

[23rd April, 1892.]

WHEREAS the Esquimalt Water Works Company have by their Preamble.
petition represented that they are desirous of improving their
water works system, and have prayed that for that purpose they may
be authorized to divert and appropriate water from Goldstream River
and its tributaries, and also to lay down the pipes necessary for con-
veying such water to the Town of Esquimalt and the peninsula
adjacent thereto, as defined by section 8 of the “Esquimalt Water
Works Act, 1885”:

And whereas it is expedient to grant the prayer of the said petition,
subject, however, to any rights of the City of Victoria under the
provisions of the “Corporation of Victoria Water Works Act, 1873”:

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

1. The “Esquimalt Water Works Act, 1885,” shall be so construed Gives power to take
as to give power to the Esquimalt Water Works Company to divert waters of Gold-
and appropriate so much of the waters of Goldstream River and stream.
tributaries as they may deem suitable and proper, subject, however, to
any grant of rights, privileges, or powers arising under the provisions
of the “Corporation of Victoria Water Works Act, 1873.”

2. Section 10 of the said Act is hereby amended by inserting after Amends s. 10.
the word “Highland” in the said section, the words “Goldstream,
Malahat.”

3. All the rights, powers, and privileges conferred on the said Extension of powers
Company by the “Esquimalt Water Works Act, 1885,” shall extend of Company to ap-
and apply to the appropriation and diversion of the waters of the propriate streams.

Goldstream River and its tributaries, and also to the conveying of such water from the place or places of diversion to the Town of Esquimalt and the peninsula adjacent thereto, as defined by section 8 of the said Act, in the same way and to the same extent as if such rights, powers, and privileges had been originally conferred by the said Esquimalt Water Works Act.

Power to acquire and sell, etc., lands.

4. The said Company shall have power to purchase, lease, or otherwise acquire and hold all such real estate as may from time to time be deemed requisite for the purposes of the said Company, and also to sell, lease, or otherwise dispose of, and to mortgage, pledge, or incumber such real estate, or any part or parts thereof, from time to time, in such manner, and on such terms, as they may deem fit.

May increase capital stock.

5. The said Company may, by special resolution, increase its capital by the issue of new shares to a sum not exceeding four hundred thousand dollars.

Liability of shareholder limited.

6. The liability of a shareholder shall be limited to the amount unpaid on his shares, in accordance with and as if the Company had been incorporated under, the Imperial Statute known as the "Companies Act, 1862."

Duties of Company before and after opening streets, etc., in City of Victoria.

7. Before the Company shall proceed to break up any street, bridge, sewer, drain, or tunnel within the limits of the Corporation of the City of Victoria, they shall give three days' notice to the Mayor and Council of said city of such intention; and when the Company shall have opened or broken up any road or pavement, or any street, bridge, sewer, drain, or tunnel, they shall, with all convenient speed, complete the work for which the same was opened or broken up, and shall carry away all rubbish or débris occasioned thereby, and shall at all times leave the streets in as good and passable a condition as they were before they were opened or broken up by the Company, and shall, at all times whilst any road or pavement shall be opened or broken up, cause the same to be fenced or guarded, and at night shall cause a light sufficient for the warning of passengers to be set up and maintained at or near such open road or pavement; and the laying of all pipes or other work performed by the Company which may affect the streets or other property of the City of Victoria shall be done to the satisfaction of the City Engineer of the said city.

Not to lay pipes in certain parts of District and City of Victoria.

8. The Company shall not have power to lay pipes in that part of the District and City of Victoria lying to the south or east of Victoria Harbour or Arm.

This Act not to limit certain privileges accorded to City of Victoria.

9. Nothing in this Act shall be construed as in any way limiting or derogating from any grant or privilege accorded to the Corporation of the City of Victoria, under the provisions of the "Corporation of Victoria Water Works Act, 1873."

10. The rights and privileges conferred by this Act are subject to and have been conferred only upon the following conditions :—

Rights conferred
subject to certain
conditions.

- (a.) Should the Corporation of the City of Victoria at any time so desire, the Council of the Corporation may, by resolution, notify the Esquimalt Water Works Company to furnish them with a supply of water from the works of the Esquimalt Water Works Company, and it shall thereupon be obligatory upon such Company, within fifteen months after the service of such notice on the Company, to supply and deliver, at some point west of Victoria Arm, within the limits of the City of Victoria, into the water mains of the City of Victoria, under a pressure (at sea level) of not less than one hundred and ten pounds to the square inch, such quantity of pure water up to the amount and for the period specified in such resolution, or any subsequent resolution of a similar nature, as will satisfy the needs of the Corporation of the City of Victoria, the Corporation paying the Company therefor at the rate of six cents per thousand gallons; and the Company shall supply water to the Corporation of the City of Victoria for the purpose of fire protection at the rate of four dollars per month for each fire hydrant which the Corporation may desire to connect with the Company's pipes, and shall supply water for flushing and washing gutters, or for the filling of tanks for fire protection purposes, free of charge :
- (b.) Provided, however, that the Company shall not be required to supply a quantity of water of less than five hundred thousand, nor more than five million, gallons per diem; and provided that the Company shall not be required to furnish water for any period less than five years :
- (c.) It shall not be incumbent upon the Corporation of the City of Victoria to avail itself of the right in sub-section (a) of this section declared, but in the event of the Corporation availing itself of such right, then the notice thereunder referred to in sub-section (a), in conjunction with the necessary by-law, shall operate as a covenant on the part of the Corporation to take the quantity of water mentioned in the resolution, and to pay for the same at the rate mentioned in said sub-section (a), and for the period specified in such notice.

11. This Act may be cited as the "Esquimalt Water Works Extension Act, 1892."

Short title,