



## CHAPTER 61.

### An Act to amend the “Granby Consolidated Mining, 1901, c. 75. Smelting and Power Company Act, 1901.”

[10th February, 1904.]

**W**HEREAS, a petition has been presented praying for an Act to Preamble.  
amend the “Granby Consolidated Mining, Smelting and Power  
Company Act, 1901,” so as to empower the said Company to drive or  
construct a tunnel, or one or more tunnels under, through or in the  
mountain on which the mines of the Company are situate at Phoenix,  
in the Greenwood Mining Division of Yale District; and

Whereas, it is expedient to grant the prayer of said petition·

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

**1.** That the preamble to chapter 75 of the Statutes of British Amends preamble.  
Columbia, 1901, is hereby amended by inserting after the word  
“otherwise” in the last line but one thereof the following:—“to con-  
struct a tunnel or tunnels through the mountain on which the mines  
of the Company are situate; to construct or operate a line or lines of  
tramway in said tunnel or tunnels; to enter into agreements with  
owners of mines through which the said tunnel or tunnels may be  
constructed for the transportation of ores or freight; to acquire by  
purchase, expropriation or otherwise as hereinafter provided, the land  
through which the said tunnel or tunnels may be constructed and  
adjacent to the portal or portals of said tunnel or tunnels.”

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AND POWER COMPANY.

Amends Section 37.    **2.** Section 37 of the said Act is hereby amended by inserting the following as sub-section (*aa*) after sub-section (*a*):—

Power to construct tunnel through mountain on which mines of Company situate.

“(aa.) To drive or construct a tunnel or one or more tunnels under, through or in the mountain on which the mines of the Company are situate at Phoenix, in the Greenwood Division of Yale District. The portal or portals of said tunnel or said tunnels to be at some point or points on the sides or base of said mountain, to be selected by the Company, from which point or points the said tunnel or tunnels may be driven or constructed through any Crown lands or any occupied or unoccupied lands, pre-emptions or mineral claims of any person or persons, company or companies, situate on or in said mountain, to and into the mines or mineral claims of said Company, with power to construct, equip and operate a line or lines of tramway in said tunnel or tunnels, and to transport thereover ore, minerals or other freight, with liberty to enter into agreements with the owners of mineral claims and mines through which the said tunnel or tunnels may be driven for the transportation of ores or other freight, for hire; to acquire by purchase, expropriation or otherwise, that portion of the land through which the said tunnel or tunnels shall be driven as shall be actually occupied by such tunnel or tunnels and such as may be required to protect from injury the walls, roofs and floors of such tunnel or tunnels; and further to acquire by purchase, expropriation or otherwise, such lands adjacent to or in the neighbourhood of the portal or portals of said tunnel or tunnels as the Company may deem requisite for erection, equipment and operation thereon of works for the milling, smelting, refining or otherwise reducing or treating ores or minerals, and for the purpose of providing dumping grounds for the waste rock, tailings, slags or other waste materials resulting from the Company’s operations, and also such lands or other property and rights as may be injuriously affected by the Company’s undertakings and works.”

“Lands Clauses Consolidation Act, 1897,” to apply.

**3.** All the provisions of the “Lands Clauses Consolidation Act, 1897,” for the purposes of expropriation of lands, shall apply to the Company and to the undertaking authorised thereby, save in so far as they are expressly excepted or varied, or as any of such provisions are repugnant to or inconsistent with the provisions of the “Granby Consolidated Mining, Smelting and Power Company Act, 1901,” and in case of any conflict between the provisions of the said “Lands Clauses Consolidation Act, 1897,” and the provisions of the “Granby Consolidated Mining, Smelting and Power Company Act, 1901,” the

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provisions of the "Granby Consolidated Mining, Smelting and Power Company Act, 1901," shall prevail to the extent of such difference or inconsistency.

**4.** This Act may be cited as the “Granby Consolidated Mining, Short title. Smelting and Power Company Act, 1901, Amendment Act, 1904.”

VICTORIA, B. C.:

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