



CHAPTER 47.

An Act to amend the Acts relating to the British
Columbia Southern Railway. 1888, c. 27 ; 1890, c.
63 ; 1891, c. 56.

[12th April 1893.]

WHEREAS a Petition has been presented by the British Columbia Preamble.

Southern Railway Company, praying that the several Acts relating to the said Railway, now in force, may be so amended as to authorize the said Company to construct, operate and maintain, as an alternative route to the line from Cranbrook to the Lower Kootenay River authorized to be constructed by the said Company by the Act of this Legislature passed in the fifty-first year of Her Majesty's reign, a line of railway from Cranbrook to Pilot Bay, on Kootenay Lake, or to the Lardo River by way of St. Mary's River, and to extend the time for the completion of the Company's several undertakings, and to authorize and empower the Company to undertake and carry on the business of generating and transmitting electricity within the area of the Company's operations, and to work minerals, coals and petroleum, and to erect and operate saw-mills :

And whereas it is expedient to grant the prayer of the said 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. The said Company may, in addition to the powers already conferred upon them, lay out, construct, maintain and operate as an alternative line to the line authorized to be constructed from Cran- Additional powers
given.

brook to the Lower Kootenay River (by the Act passed by the Legislature of this Province in the fifty-first year of Her Majesty's reign), a line of Railway from a point on the Upper Kootenay River, at or near Cranbrook, by way of the St. Mary's River, to Pilot Bay on the Kootenay Lake, or to Lardo River.

Divides undertaking into three sections.

2. For the purposes of construction, the undertaking of the Company shall be divided into three sections or divisions, as shown and particularized in the Schedule hereto, and such sections or divisions shall respectively be known as the Eastern, Central, and Western Sections. The Company shall construct and equip the Eastern Section on or before the 31st day of December, 1896; the Central Section on or before the 31st day of December, 1897; and the Western Section on or before the 31st day of December, 1898. Nevertheless, failure to complete any one or more of the said sections within the time so limited for the completion of the same, respectively, shall not prejudice the rights, powers, or privileges of the Company in respect of such part or parts (if any) of the section or sections as to which such failure shall be made as shall at the expiration of such limited time be made and completed, or in respect of any section or sections as to which the period so limited for the completion thereof shall not have determined.

Application of s. 10 of 1890, c. 39.

3. For the purposes of the foregoing work of construction, the provisions of section 10 of the "Railway Act," when applied to the undertaking thereby authorized, shall be read and construed distributively.

Repeals ss. 26 and 27 of 1888, c. 27.

4. Sections 26 and 27 of the "British Columbia Southern Railway Company Act, 1888," are hereby repealed, and it is hereby enacted that the provisions of the "British Columbia Railway Act" shall, so far as such provisions are applicable to the undertaking, and are not inconsistent with or contrary to the provisions of this Act and the "British Columbia Southern Railway Company Act, 1888," apply to the said railway.

Amends s. 4 of 1891, c. 56.

5. Section 4 of the "British Columbia Southern Railway Act Amendment Act, 1891," is hereby amended by striking out the word "branch," in the fourth line of the said section.

Amends s. 2 of 1888, c. 27.

6. Section 2 of the "British Columbia Southern Railway Company Act, 1888," is hereby amended by striking out the words "and Goat River," in the fifth line of the said section.

Amends s. 4 of 1890, c. 63.

7. Section 4 of the Act passed in the year 1890, in amendment of the "British Columbia Southern Railway Company Act, 1888," is hereby repealed.

8. In addition to the powers conferred on the company by the "British Columbia Railway Act," the Company shall have power and authority—

Additional powers to powers conferred by 1890, c. 39.

- (a.) To erect, operate, and maintain saw-mills, manufacture and sell lumber, and to acquire water-ways, construct ditches, flumes, roads, and tramways, and do all such other things as are conducive to carrying on the business of lumbermen, saw-mill owners, and manufacturers of lumber :
- (b.) To work mines, minerals, coals, and petroleum, and to search for, prospect, purchase, and to acquire any mines, mining rights, and to explore and develop the same, and to smelt, dress, and prepare minerals and petroleum for market, and to construct, operate, and maintain crushing, smelting, or refining works, furnaces, and other conveniences conducive to this branch of the Company's business :
- (c.) And to erect, operate, and maintain, at any point or points along the line of the said railway, electric works, power houses, generating plant, and such other appliances and conveniences as are necessary and proper for the generating and transmitting electricity, as the Company may think proper and necessary, and to carry on the business of generating and transmitting electricity; and for any of the purposes mentioned in this subsection, the Company is hereby authorized and empowered, by its agents, contractors, and workmen, from time to time to make and erect such electric works, and to sink, lay, place, fit, maintain, and repair such electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connection branches, electric meters, dynamos, engines, machines, cuts, drains, wheels, water-courses, pipes, buildings, and other services as may be deemed necessary. And (subject to the approval and inspection of the Chief Commissioner of Lands and Works) to erect and place any electric line, cable, main, wire, or other electric apparatus above or below ground, along, over, or across any road, highway, or street along the line of the said railway, and to erect poles for the purpose of placing the same in such manner as the Company shall think fit, necessary, or proper for the purpose of carrying out the operations of the said Company in respect of and incidental to the making, generating, or supplying of electricity. And, also (subject to the approval and inspection of the Chief Commissioner of Lands and Works), for all such purposes, to open and break up the soil and pavement of any such road, highway, or street, or any bridge or bridges within the said area, and to open and break up any sewers, drains, or tunnels within or under such roads, highways,

streets, and bridges, and to erect posts, poles, pillars, lamps, globes, or other apparatus in or upon the said roads, highways, streets, and bridges, or against any wall or walls erected on the same or adjoining thereto, and to dig and sink trenches and drains, and to lay electric lines, cables, and mains, and to put electric lines, wires, switches, and connection branches from such electric lines, cables, and mains, in, under, across, or along such roads, highways, streets, and bridges, and from time to time to cut, remove, alter, repair, replace, and relay such electric lines, cables, mains, wires, switches, and connection branches, or other apparatus: Provided, however, that the powers, rights, and privileges conferred upon the Company by this sub-section shall not be exercised or enjoyed within the limits of any municipality until the consent of the Council of such municipality has been obtained thereto: And provided, further, that any municipality which may hereafter be incorporated shall have the right to regulate the operation of, or to acquire by purchase, on such terms as may be agreed upon by arbitration or otherwise, any electric works established by the Company under this sub-section within the territory included in such municipality, together with such rights, privileges, or franchises in connection with such works as the Company may have acquired under the powers of this sub-section, or otherwise; and upon the completion of such purchase, the municipality shall have full power to maintain and operate the said works, and to hold, exercise, and enjoy all the rights, privileges, and franchises which the Company held, exercised, or enjoyed in connection therewith.

Short title.

9. This Act may be cited as the "British Columbia Southern Railway Act Amendment Act, 1893."

THE SCHEDULE.

(a.) The Eastern Section shall consist of that portion of the railway commencing at the junction of Summit Creek with Michel Creek; thence by way of Michel Creek, Elk River, and the Upper Kootenay River to the 49th Parallel and the Tobacco Plains.

(b.) The Central Section shall consist of that portion of the railway commencing at a point on the Elk River near the junction of the Elk River with the Kootenay River; thence in a northerly direction to a point at or near Cranbrook; thence by the Moyee Pass to the Lower

Kootenay River, or by the alternative route from Cranbrook by way of St. Mary's River to Pilot Bay on Kootenay Lake, or to the Lardo River.

(c.) The Western Section shall consist of that portion of the railway commencing from the western terminus of the Central Section to the Coast, by the most convenient route, to a favourable place for crossing the Fraser River to the City of New Westminster; thence to a suitable terminus on Burrard Inlet, and shall include the branch line to Nelson viâ Salmon River.

VICTORIA, B. C. :

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