



CHAPTER 51.

An Act to authorise the Cowichan Lumber Company, Limited, to construct a dam and works on the Cowichan River, in the Quamichan District, and also to construct a Tramway to connect the said dam and works with a point at or near the mouth of the Cowichan River.

[May 20th, 1898.]

WHEREAS a petition has been presented by the said Cowichan Lumber Company, Limited, for an Act to empower the said

petitioners to construct a dam and other works in connection with said dam, on the Cowichan River, in the Quamichan District, and also to empower the said petitioners to construct a tramway to connect the said dam and works with a point at or near the mouth of the Cowichan River, and to enable the said petitioners to carry freight over the said works and tramway, and levy tolls therefor, and for other purposes :

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. Whenever the words “the Company” or “the said Company” are used in this Act they shall be held to mean the said Cowichan Lumber Company, Limited. Meaning of “the Company.”

2. The said Company and their servants shall have full power and authority to lay out, construct and maintain a retaining dam, and such works in connection therewith as are specified in this Act, in the Cowichan River on or near Section 16, Range V., Quamichan District, upon such site and according to such plans and specifications as shall Construction of works.

have received the approval of the Lieutenant-Governor in Council. Before such plans and specifications shall be submitted for such approval, they shall be deposited in the office of the Chief Commissioner of Lands and Works, and four weeks' notice of such deposit shall be published in the British Columbia Gazette and in a newspaper circulating in the district.

Route, etc., of line
of tramway.

3. The said Company and their servants shall have full power and authority to lay out, construct, equip, maintain, and work a double or single tramway, of such gauge as they may deem advisable, with necessary side tracks and turn outs, and to build bridges and erect, acquire and maintain telegraph and telephone poles upon and along their said tramway, subject in so far as the same passes over or along any highway to the permission and under the supervision of the Chief Commissioner of Lands and Works, or the proper municipal authority; the said tramway commencing at a point on the north side of the Cowichan River on or near Section 16, Range V., Quamichan District; thence in an easterly direction following the north bank of said Cowichan River and intersecting the line of the Esquimalt and Nanaimo Railway, and at such a distance from said river as will give the most convenient or direct route to a point at or near the mouth of the said river.

Right of way, etc.

4. It shall be lawful for the said Company, their servants, agents and workmen, from time to time to enter into and upon the land of any person or persons, or bodies politic or corporate, lying in the line of the tramway intended to be built by such Company, and to survey, set out and ascertain such parts thereof as they require for the said works, and to contract with the owners and occupiers of the lands lying between the said points, and those having any interest in the same, for the purchase of the same, or any part thereof, or of any privilege that may be required for the purposes of this Act, and for the right to take timber, stone, gravel, sand and other materials from the aforesaid lands, or any lands adjacent thereto, for the use and construction of the said works; and in case the Company shall be unable to agree with the owners or occupiers of the lands required for the purposes of this Act for the purchase of such land or other rights required, then the provisions of the "British Columbia Railway Act," as to expropriation of lands, shall apply to this Act.

Tolls.

5. Tolls shall be from time to time fixed and regulated by the Company, and may be demanded and received in respect of all freight transported upon the tramway, and shall be paid to such persons and at such places as the Company may by its regulations direct. Such tolls shall be subject to the approval and revisal from time to time of the Lieutenant-Governor in Council.

6. Unless the retaining dam and tramway hereby authorised to be constructed shall be commenced within two years and completed within five years from the passing of this Act, the powers hereby granted shall cease, except in regard to so much of the work as shall have been completed.

Time for commencement and completion.

7. The construction of the dam hereby authorised shall be subject to the inspection and supervision from time to time of the Chief Commissioner of Lands and Works, or any proper persons or person appointed by him in that behalf; and the Company shall not utilise the said dam for the purposes of their undertaking until they have obtained the certificate of the said Commissioner that the works have been duly completed in accordance with the said plans and specifications; and the Company shall refund to the said Commissioner the expenses of such inspection; but such inspection, supervision or certificate shall not free the Company from any liability which they may afterwards incur.

Supervision of Chief Commissioner of Lands and Works.

8. The following clauses of the "British Columbia Railway Act," save so much thereof as relates to the carriage of passengers shall, *mutatis mutandis*, be incorporated with this Act and apply (so far as not inconsistent with the foregoing provisions of this Act) to the said tramway and the operation thereof, viz. :—

"B. C. Railway Act."

Sections 3, 6, 7, sub-sections (1) (2) (3) (4) (5) (6) (7) (9) (10) (11) (12) (13) (15) (16) (19) of section 9, sections 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.

Sub-sections (12) (13) (14) (15) of section 41.

Sections 42, 43, 47, 48, 49, 50, 51, 66, 67, 77, 78, 79, 80, 90, 91, 92, 93, 94, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 108, 109, 110, 112, 113, 114, 115, 116, 117.

Water Power.

9. In addition to the general corporate powers of the Company, and those hereinbefore conferred, the Company shall be deemed a "power company" within Part IV. of the "Water Clauses Consolidation Act, 1897," incorporated for the purposes mentioned therein, and shall have all the rights, powers and privileges granted to such power company thereunder, subject, nevertheless, to the restrictions placed on the same (where not inconsistent with this Act), but only when and so long as the Company shall exercise such powers, rights, and privileges under the said "Water Clauses Consolidation Act."

"Water Clauses Consolidation Act, 1897."

10. No Chinese or Japanese person shall be employed in the construction or operation of the undertaking hereby authorised, under a penalty of five dollars per day for each and every Chinese or Japanese

Chinese and Japanese.

person employed in contravention of this section, to be recovered on complaint of any person under the provisions of the "Summary Convictions Act."

Short title.

11. This Act may be cited as the "Cowichan Lumber Company Act, 1898."

VICTORIA, B. C. :

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