



CHAPTER 52.

An Act to authorize and empower "The National Electric Tramway and Lighting Company, Limited Liability," to construct and operate Tramways in the Districts of Victoria, North and South Saanich, Lake, Highland, Esquimalt, Sooke and Metchosin.

[26th April, 1890.]

WHEREAS the National Electric Tramway and Lighting Company, Preamble.

Limited Liability, has, by its petition, prayed for an Act to authorize and empower said Company to construct and operate a single or double line of street tramways, to connect with the said Company's street tramway system in the City of Victoria, in the Districts of Victoria, North and South Saanich, Lake, Highland, Esquimalt, Sooke and Metchosin;

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 are hereby authorized and empowered to construct, maintain and operate a single or double line of tramways, with the necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted thereto, upon and along the lands, highways, and bridges lying between the City of Victoria and the following points and other points in the said district, namely:—

Power to construct tramway between Victoria and certain points in Esquimalt and other Districts.

The Town of Esquimalt, in Esquimalt District;

Craigflower Bridge and the "Gorge," in Victoria District;

Cadboro Bay, Oak Bay, and Mount Douglas, in Victoria District;

Brackman & Ker's Mill, in the District of North Saanich;

Any point or points in the District of Metchosin;

Sooke settlement, in the District of Sooke;

Beechy Bay, in said Sooke District;

Goldstream, in Highland District;

Supervision of Chief
Commissioner of
Lands and Works.

Subject, in so far as the same passes over or along any highway or bridges between the same points, to the supervision of the Chief Commissioner of Lands and Works for the time being of the said Province, who shall fix the location of the said tramway on the said highways and bridges between the said points, but on the road between the City of Victoria and the Gorge, in said District of Victoria, known as the Gorge Road, the centre line of the track of such tramway shall not be more than seventeen feet from either gazetted line of said Gorge Road.

Power to erect poles,
&c., and to carry
passengers and
freight.

2. The said Company are hereby authorized and empowered to erect, construct and maintain all necessary poles, wires, buildings, works, appliances, and conveniences connected with and incidental to the construction, maintenance, and operation of the said lines of tramway, and to take, transport, and carry passengers and freight upon and over the said lines of tramway by electric or such other motive power as the said Company may deem expedient.

Lands, &c., may be
entered upon and
purchased.

3. It shall be lawful for the Company, their servants, agents and workmen, from time to time, and at all times hereafter, as they shall see fit, and they are hereby authorized and empowered so to do, to enter into and upon the land of any person or persons, bodies politic or corporate, lying between said points, namely :—The town of Esquimalt, Craigflower Bridge, the Gorge, Cadboro Bay, Oak Bay, and Mount Douglas to Brackman & Ker's Mill, North Saanich; to any point or points in the District of Metchosin; to Sooke settlement, in the District of Sooke; to Beechy Bay, in said District of Sooke; and to Goldstream in Highland District, or to any other points in said districts, and the City of Victoria; and to survey, set out and ascertain such parts thereof as they may require for the said works, and to contract with the owners and occupiers of, and all persons and bodies corporate having any interest in, the lands lying between the said points, for the purchase of the same or any part thereof, or of any privilege that may be required for the purpose of constructing and operating said line of tramway, or for the right to take timber, stone, gravel, sand and other materials from the aforesaid or any lands adjacent thereto, for the use and construction of the said works.

Timber, stone, &c.,
may be taken.

Arbitration in case
of disagreement re-
specting amount of
compensation.

4. In any and every case of disagreement between the said Company and the owners, occupiers or other persons or bodies corporate, as aforesaid, respecting the amount of the purchase money or value thereof, or as to the amount of damages any of the persons or bodies corporate aforesaid shall suffer through the construction of the said tramway, the matter or matters so in dispute shall be decided by three arbitrators, of whom the Company shall appoint one, the person or body corporate so damaged shall appoint another, and such two arbitrators shall, within ten days after their appointment, or that of the last of them, appoint a third arbitrator; but in the event of two such

Appointment of
arbitrators.

arbitrators not appointing a third arbitrator within the time aforesaid, a Judge of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. In case any owner or occupant, or other person having an interest in said lands, shall be an infant, or insane, or in case any such person shall be absent from the Province, or shall refuse to appoint an arbitrator in his behalf, or in case of a body corporate not having an agent or a representative in this Province, then a Judge of the Supreme Court of British Columbia, on application being made to him for that purpose by the said company, shall nominate and appoint a disinterested person as such arbitrator.

5. The said arbitrators shall award, determine, adjudge and order the respective sum or sums of money which the Company shall pay to the respective persons entitled to receive the same. Award of arbitrators.

6. The said arbitrators shall be, and they are hereby required, to attend at some convenient place at or in the vicinity of the said City of Victoria, to be appointed by the Company after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace: Provided always, that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case reference may be made again to arbitration, as hereinbefore provided, and that any sums so awarded and costs shall be paid within one month from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume occupation of his property, and all his rights shall thereupon revive and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid. Proceedings to obtain meeting of arbitrators.

Proceedings under or to set aside award.

7. The lands which shall be ascertained, set out or appropriated by the Company for the purposes thereof as aforesaid, shall thereupon, and so long as the said Company comply with the provisions of this Act, be vested in the Company; and it shall be lawful for the Company to construct, erect and maintain in and upon said lands such works as may be requisite for the undertaking and operations of the Company. Property acquired to be vested in company.

8. The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply; but the following sections of the "Land Clauses Consolidation Act, 1845," Imperial Statutes, shall be read with and as part of the Act, so far as the same may be applicable, and except in so far as such Application of Land Clauses Consolidation Acts.

sections, or any of them, may be varied or modified by the provisions of this Act or are repugnant thereto: sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, 79; but in section 69, in lieu of the word "Bank," and the next following words, there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia;" and in section 70, and said subsequent sections, in lieu of the words "Court of Chancery in England," there shall be read the "Supreme Court of British Columbia," and in sections 71, 73, and 76, in lieu of the word "Bank," there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia."

Exemption from taxation.

9. The stock of the Company and the works to be constructed as aforesaid, and the lands, buildings and other property belonging to the Company, shall be exempt from taxation for four years from the passing of this Act.

Fares.

10. On any and all of the said lines of tramway, and on all other lines of tramway of the said Company, a fare shall be due and payable by every passenger to the said Company on such passenger entering the car or other conveyance, and any such passenger refusing to pay such fare when demanded by the conductor or driver, and refusing to quit the car or other conveyance when requested to do so by the conductor or driver, shall be liable to a fine not exceeding twenty dollars, with costs, recoverable before any two Justices of the Peace, any Police Magistrate or Stipendiary Magistrate in the said Province.

Penalty for refusing to pay.

Power to erect poles and place wires thereon.

11. It shall be lawful for the said Company to erect and maintain poles along any highway or bridge in said districts, and place wires thereon for the transmission and sale of electricity for lighting, power and other purposes.

Time for commencement and completion of works.

12. The said works shall be commenced along one at least of said routes within one year, and shall be completed and in running order for a distance of at least three miles from the post office in the City of Victoria, within two years of the passing of this Act.

Right of way.

13. The Company shall be entitled to and shall be accorded the right of way on all roads traversed by their tracks in said districts: Provided always, however, that the location of the said tracks, and all rails used by the Company for such tramways, and the erection of poles, shall be subject to the approval of the Chief Commissioner of Lands and Works for the time being.

Time for commencement and completion of Saanich line.

14. The Company shall begin the construction of a line of tramway from Victoria to Brackman & Ker's Mill, North Saanich, within two years, and complete and equip the said line with the necessary rolling stock within five years from the passing of this Act, otherwise the

right of the Company to construct a line of tramway between Victoria and Brackman & Ker's Mill shall cease and determine. But nothing in this Act shall be construed as precluding the Company from owning, maintaining and operating any part or parts of the line to be constructed as aforesaid which may have been constructed prior to the expiration of the said term of five years, notwithstanding any default that may have been made by the Company.

15. Chapter 39 of the Statutes of British Columbia, passed in the year eighteen hundred and eighty-nine, is hereby repealed, saving all rights acquired thereunder. Repeals 52 Vict.,
chap. 39.

16. This Act may be cited as the "Tramway Act, 1890." Short title.