

A.D. 1881.



CHAP. 19.

An Act granting to John Adair, Junior, and Joseph Hunter, the right to erect a dam at the outlet of the Quesnelle Lake, and to mine the bed of the South Fork River and other lands.

[25th March, 1881.]

WHEREAS the said John Adair, Junior, and Joseph Hunter, Preamble. have by their petition requested to be empowered to erect a dam near the outlet of Quesnelle Lake, in Cariboo, in order to pen back the waters of the lake that thereby the mining of the bed of the South Fork of Quesnelle River may be rendered practicable :

And whereas, in and by the said petition it is represented that the erection of the dam would entail the outlay of large sums of money and would require considerable time, and the said petitioners prayed that in consideration of their undertaking to erect such dam there should be granted to them, for mining purposes, a lease for twenty years of the bed of the South Fork of the said Quesnelle River, and certain lands lying contiguous thereto, as described in the said petition and hereinafter described, and that all necessary powers should be given to them for the above objects :

And whereas it is expedient to grant the prayer of the said petition, subject to the provisions of this Act :

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

1. It shall be lawful for John Adair, Junior, and Joseph Hunter, their executors, administrators, and assigns (hereinafter referred to as the "association"), and there is hereby granted to them, for the term of twenty years, the exclusive right to make, erect, and maintain a dam for the purpose of penning back the waters of the Quesnelle Lake, commonly called the South Fork Lake, such dam to be made, erected, and maintained at or near the point or place where the waters of the said lake fall into the South Fork or branch of the Quesnelle River.

Gives power to erect dam and pen back the waters of Quesnelle Lake.

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Right of way on Crown lands.
May take timber, gravel, &c., for construction of dam.

2. For the purpose of making, erecting, and maintaining the said dam, the association may, from time to time, enter upon the waste lands of the Crown in the vicinity of the lake, and cut and remove therefrom trees and timber, and may dig and remove gravel therein and therefrom. The association may also drive piles, make embankments, and deposit earth, stone, gravel, and other materials in and about the vicinity of the outlet of the lake, and do all necessary acts to accomplish the construction and maintenance of the dam.

Amount to be expended in construction annually, &c.

3. The association shall expend for and towards the construction of the said dam not less than the sum of thirty thousand dollars before the end of the year 1883, of which sum not less than one thousand dollars shall be expended in the year 1881, and not less than ten thousand dollars in the year 1882. And the association shall in each year succeeding the year 1883 expend for the same purpose not less than fifteen thousand dollars until the dam shall be completed.

Notice to be given of the opening of the dam.

4. The dam may be opened at such times as the association may deem expedient upon their giving not less than fifteen days' notice of their intention so to do, the notice to be in writing and posted at some conspicuous place near the dam and also at the office of the nearest Government Agent; and upon sudden emergency the dam may be opened without such notice.

This Act to be deemed repealed if provisions of section 3 not carried out.

5. If the association shall fail to expend the moneys aforesaid for and towards the construction of the dam according to the tenor of section three of this Act, and if the Gold Commissioner for the time being of the district of Cariboo, upon complaint of any person, and after hearing the association, shall give a certificate of such default, then this Act shall be deemed repealed at the expiration of the sitting of the Provincial Legislature next following the issuing of such certificate, provided that the association shall have had time to give the regular notices for a Private Bill, and if they shall not have had such time, then this Act shall be deemed repealed at the expiration of the sitting of the Legislative Assembly next following the one to which after the issuing of the certificate the association might have applied but for the want of time for giving the regular notices: Provided also, that this Act shall be deemed repealed at the expiration of the year 1886, unless the dam shall have been completed by or before that time. It shall be the duty of the association, in the month of January in every year until the dam shall have been completed, to furnish to the Gold Commissioner a statement of the expenditure of the association for the then preceding year, verified by some member or principal officer of the association by declaration in manner provided in the "Oaths Ordinance, 1869."

Or if dam not completed by 1886.

Annual statement of expenditure to be furnished, and to whom.

6. There is hereby granted to the association for mining purposes, for the term of twenty years, a lease of the bed of the South Fork of the Quesnelle River, and also of the lands contiguous thereto, described as follows: All that tract of land partly covered with water, included within a boundary line commencing at a post placed by the association on the right or west bank of the Quesnelle River, about 500 feet below the forks of the same; thence running N. 55 deg. E., magnetic, 800 feet or thereabouts, across the river, to a post placed by the association in the line of Barry's bridge, bearing S. 5 deg. E., and one-eighth of a mile distant from the centre of the said South Fork River at the said bridge; thence running N. 5 deg. W. to a point distant 300 feet from the centre of the river at the said bridge; thence running up stream along the left or South bank of said South Fork River, following the windings of the stream, and at the distance of 300 feet from the centre thereof, to a point nine and a half miles or thereabouts from Barry's bridge, and nearly opposite Captain Mitchell's fish trap near the outlet of the said South Fork Lake; thence running across the said South Fork River, on a bearing of N. 20 deg. E., to a point on its right or North bank 300 feet from the centre of the stream; thence along the right or North bank, down stream, at the distance of 300 feet from the centre of the same, to a point in the line of Barry's bridge bearing N. 5 deg. W., and 300 feet from the centre of the stream at the said bridge; thence N. 5 deg. W., in line of said bridge, to a post placed by the association distant one-eighth of a mile from the centre of the river at the said bridge; thence S. 58 deg. W., 1330 feet, to a post on the left or East bank of the North Fork of the Quesnelle River; and thence on a bearing of S. 30 deg. E. to the point of commencement: Provided that in every locality where the South Fork River is 600 feet in width or over, there shall be included in the above lease a strip of ground on each side of the river, along the banks thereof, of 25 feet in width, measured from high-water mark: Provided always, that the grant by this Act made shall not include any ground which, at the time of the passing of this Act, is lawfully occupied and recorded, or otherwise legally held by persons other than the association, and shall not include any portion of the site of the town at the Forks of Quesnelle.

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Lease of the bed of the South Fork of the Quesnelle River and contiguous lands, for 20 years.

Exempts occupied and recorded lands, &c.

7. The lease so granted shall include the exclusive right to the association for the term aforesaid to search, dig for and obtain, and appropriate to their own use all gold and precious metals found in the bed of the said South Fork River, and the said lands, and all necessary and usual powers for the miner-like working of the said bed and lands, including the right to cut, dig and use timber, gravel and other materials on the demised premises, and to utilize so much of the waters of the South Fork Lake as may be necessary for the

Definition of privileges granted by the lease.

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May construct flumes,
ditches, &c.

working of the demised premises, together with all rights of way necessary for the above objects, to and over the waste lands of the Crown, and the right to erect thereon flumes, ditches, conduit pipes and other mining appliances, and to do all other things usual or necessary for the miner-like working of the bed of the said South Fork River and lands hereby demised.

Miners working adjacent
lands may deposit tail-
ings in South Fork River
on certain conditions.

8. Nothing in this Act contained shall be construed so as to prevent free miners holding and working claims adjacent to or in the vicinity of the lands of the association from depositing tailings in the said South Fork River or the bed thereof, if such deposit can be made without injuring the mining work of the association or prejudicing their interests. Provided always, that in case the association shall object in any instance to the deposit of tailings as aforesaid, the Gold Commissioner for the time being of the district may, if he shall think that such deposit would not be prejudicial to the interests of the association, make an order permitting the deposit of tailings on such terms and conditions, if any, as the Gold Commissioner may think just.

Disputes how deter-
mined.

9. All disputes arising under this Act may be determined in the Mining Court in the usual manner.

Certificate of the comple-
tion of the dam to be
given to the association.

10. It shall be lawful for the said Gold Commissioner or any officer performing the functions of the said Gold Commissioner, upon the completion of the said dam in accordance with this Act, to give a certificate of the fact to the association, and the same shall be sufficient evidence that the said association has constructed the dam in accordance with the provisions of this Act.

Certain sections of the
Mining Acts to apply.

11. Section 52 of the "Gold Mining Ordinance, 1867," and Section 13 of the "Gold Mining Amendment Act, 1873," shall be held to apply to the lands occupied by the association under this Act.

All employes must be
licensed free miners.

12. The association shall not employ any person in the mining of the lands by this Act demised unless he shall be the holder of a Free Miner's Certificate; and it shall be unlawful for the association to sell, or in any way dispose of any of their rights as acquired by this Act to Chinese. Any violation of this Act shall subject the association to the forfeiture of the lease.

Association not to sell or
dispose of their rights to
Chinese.

Annual rental \$350.

13. The association shall pay to the Government of this Province an annual rent of three hundred and fifty dollars during the time this Act is in force, such rent to be paid on or before the 31st day of December for the year 1881, and on the 1st day of January in each succeeding year.

14. For the due protection and security of the bridge with its appurtenances erected across the South Fork of the Quesnelle River in the vicinity of the town at the Forks of Quesnelle, the association shall immediately on the completion of their dam give to the Government of British Columbia such security, in a sum of \$5,000, as may be approved of by the Lieutenant-Governor in Council, and if such security be not accordingly given then this Act shall be of no effect.

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Security to be given for the bridge at the Forks of Quesnelle.

15. Plans and specifications of the dam, herein referred to, and its appurtenances, shall be submitted to the Chief Commissioner of Lands and Works for his approval, and if such approval be not obtained the charter or lease hereby granted shall be void and of no effect.

Plans, &c., to be submitted to Chief Commissioner of Lands and Works for approval.

16. Nothing in this Act shall be construed to confer upon the lessees, their executors, administrators, or assigns, any right or privilege inconsistent with any existing navigable rights or with the laws for the time being in force relating to navigation, nor shall anything in the Act interfere with the rights of way and water vested in the Province, which are hereby reserved, save so far as the same shall be necessary for the miner-like working of the premises hereby demised.

Nothing herein to interfere with navigable rights or laws of navigation.

Rights of way and water reserved.

