BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

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NO. 10.

An Ordinance conferring certain privileges on the Williams Creek Bed Rock Flume Company.

[29*th March*, 1866.

WHEREAS, the "Williams Creek Bed Rock Flume and Ditch Company, Limited," have applied for a grant of certain mining rights and privileges, in order to enable the Company to complete the Flume now in course of construction by them on Williams Creek, in the District of Cariboo East; Preamble.

AND, WHEREAS, it is deemed expedient to grant the rights and privileges sought to be obtained, and it is deemed also desirable to state and express in this Ordinance all that hath been and that is hereby granted;

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

I. From and after the passing of this Ordinance the "Williams Creek Bed Rock Flume and Ditch Company, Limited," their successors and assigns, shall have and enjoy, upon the conditions hereinafter mentioned, the following rights and privileges for and during a period of ten years: Grants the following privileges:

(*a*) The exclusive right of way through all mining ground, for the construction, maintenance, and cleansing of a Bed Rock Flume, of such size and dimensions as the Company may determine upon, from a point commencing at the upper line of the Burns' Tunnel, on Williams Creek, and running thence up stream to the upper line of the ground of the Steele Company, now known as the California Company, together with the right in claims along their line of flume legally held and worked between the points aforesaid, to use ten feet of ground on each side of the flume for constructing, maintaining, and cleansing such flume; exclusive right of way;

(*b*) The exclusive right, within the above mentioned limits, without having to record the same, to one hundred and fifty feet in breadth of all mining ground vacant or abandoned at any time on and after the 1st day of July, 1864, during the said period of ten years; such one hundred and fifty feet to be measured across or from either side of the said flume, and such ground need not be staked out except upon the Company being required so to do by the Gold Commissioner of the District; the exclusive right for 10 years to 150 feet of vacant ground measured across the flume;

(*c*) The

the rights in claims to privileges of sec. (*f*), c. 55, of "Gold Mining Ordinance, 1865;"

(*c*) The right in claims lying between the points aforesaid not "colourably" worked, and through which the bed-rock flume passes, to the benefit and privileges conferred by Section (*f*), Clause 55, of the "Gold Mining Ordinance, 1865;"

exclusive right to mine ground above the upper line of California Claim;

(*d*) The exclusive right, save as herein excepted, to hold and mine all ground on the said creek, situate above the said upper line of the California Company, and lying and being between such line and a point marked by a stake with the Company's name thereon, three miles up stream, save and except the mining ground within such limits, claimed and held on the 1st day of July, 1864, by the following Companies, that is to say: the Dutch Bill, Brouse, Wilson and Simmons, and Hoffman, and in and from the ground so lastly mentioned, the said Bed Rock Flume Company shall be entitled to the rights of way and privileges hereby granted in Section (*a*) of Clause I. of this Ordinance, and also to the benefit and advantage of Section (*f*), Clause 55, of the "Gold Mining Ordinance, 1865," and such further compensation for drainage from the said Companies as the Gold Commissioner of the District may consider just. Provided, however, and notwithstanding the grant above made, that it shall be lawful for the Gold Commissioner of the District, on and after the completion of every 100 feet of flume, to curtail and narrow the said grant to a piece of ground 150 feet in width along the line of the said flume, and order the Company to measure and define the same as hereinbefore provided;

the exclusive right to water of the Creek;

(*e*) The exclusive right to the use of the water of the creek for the purpose of working the said flume. Provided, however, that mining companies along the flume line shall be at liberty to take from the flume such water as they may absolutely require for mining purposes, but upon condition that they shall return the water so taken, with the least possible waste, to the bed of the flume at the nearest point possible. In no event, however, shall any miner or miners be permitted to obstruct, by mining dams or otherwise, the water in the flume, or the free working thereof. Provided, however, that the said Company shall in no case interfere with any duly recorded ditch rights or privileges now existing;

right of way for Company's ditch;

(*f*) The right of way for the Ditch of the Company, constructed between Jack of Clubs Creek and Williams Creek, with the like right of way for extending and continuing such Ditch, if necessary, and the exclusive right to 1,000 inches of water, to be taken from Jack of Clubs Creek, as at present through Mink Gulch, and the like right to take the said quantity of water from Ground-hog Lake, and conduct the same through the bed of Jack of Clubs Creek, and it is expressly declared that the channel of Mink Gulch and the bed of Jack of Clubs Creek as at present used shall, for the purposes mentioned, be considered and form part and parcel of the Ditch of the Company;

right to gold in the flume.

(*g*) The right to all the gold taken out of the ground so granted as aforesaid, and to all the gold in their flume.

Terms to be observed:

II. In consideration of the grant of the above rights of way, and mining and ditch privileges, the said Company, their Successors and Assigns, shall fulfil and observe the terms and conditions following, that is to say:

$25 rent a year for each half mile granted.

(*a*) They shall, on the 1st day of June, in each and every year of the said term of ten years, pay to the use of Her Majesty, Her Heirs and Successors the sum of Twenty-five Dollars for each and every half mile of right of way for the Flume hereby granted, and by them retained; and it shall be lawful for the Company to abandon any portion thereof by giving notice in writing of such their intention, to the Gold Commissioner of the District;

ditch privileges held subject to Part X. of "Gold Mining Ordinance, 1865."

(*b*) They shall hold and enjoy the Ditch privileges hereby conferred, subject to the terms and provisions of Part X. of the "Gold Mining Ordinance, 1865."

Interpretation clause.

III. And, whereas, doubts have arisen, or may arise, as to the construction of the latter part or proviso of Section (*f*), Clause 55, of

of the "Gold Mining Ordinance, 1865," herein referred to, it is hereby declared that the same shall be construed as follows, that is to say:—That where any advantage equivalent to the cost of making the cut may accrue to the individual claimholder by reason of such flume being laid through the claim, the Bed Rock Flume Company shall be entitled to the actual cost of making such cut and laying the flume, and such cost shall be a charge not only on the gold taken out of the cut but also on such individual claim.

IV. Nothing herein contained shall be construed so as to interfere with any agreements heretofore entered into by the said Company, in respect of the purchase of a portion of the said right of way or otherwise. Saves rights heretofore granted.

V. This Ordinance shall be cited as "The Williams Creek Flume Ordinance, 1866." Short Title.

Passed the Legislative Council the 16th day of March, A.D. 1866.

CHARLES GOOD, *Clerk of the Council.*

H. M. BALL, *Presiding Member.*

Assented to, in Her Majesty's name, this 29th day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.

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