



CHAPTER 26.

An Act to Establish and Protect Highways.

[8th April, 1905.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Highways Establishment and Short title. Protection Act, 1905.”

2. All existing travelled roads not established prior to the passing of this Act by notice in the British Columbia Gazette, or otherwise dedicated to the public use by a plan deposited in the Land Registry Office for the District in which the roads are situated respectively, on any portion of which public money has been expended, shall be deemed and are hereby declared to be public highways.

Roads on which public money expended declared to be public highways.

3. Any public highway established by section 2 hereof which has not a width of at least thirty-three feet on each side of the mean straight centre-line of the travelled road may be enlarged to said width when deemed necessary

Width of said highways may be enlarged.

4. (1.) It shall be unlawful for anyone to construct a dam across any water-course or ravine, or at the outlet of any lake, for the purpose of impounding water for irrigation or other purposes, without first making application in writing to the Chief Commissioner of Lands and Works and obtaining his consent thereto.

Certain dams to be constructed only upon obtaining consent of Chief Commissioner of Lands and Works.

(2.) The application shall be accompanied by plans and descriptions of the proposed site of the dam and of the proposed structure.

Documents accompanying application for consent.

(3.) The Chief Commissioner of Lands and Works may grant permission to proceed with the work proposed, provided he is satisfied, upon the report of the Public Works Engineer, that the works proposed

Conditions precedent to grant of consent.

will not in any way cause damage to any public work of or under the control of the Government of British Columbia. The works proposed shall be carried on subject to the approval and satisfaction of the said Chief Commissioner of Lands and Works.

Additional works to prevent damage.

(4.) If at any time subsequent to the construction of such dam the Chief Commissioner of Lands and Works is of the opinion that additional works and repairs are necessary for the maintenance of the dam and for the prevention of damage to public works, the owner of the dam shall immediately proceed to carry out any instructions in this respect given by the said Engineer, at the said owner's sole cost.

Irrigation works must not cause damage to public highway.

5. If any person constructs or maintains an irrigation ditch, the water from which causes damage to any public highway, he shall be guilty of an offence against this Act.

Flumes, etc., conveying water across a highway to be constructed to the satisfaction of the Chief Commissioner.

6. When the owner or occupier of any land is desirous of conveying water across or along a public highway by means of a pipe, ditch or flume such works must be constructed to the satisfaction of the Chief Commissioner of Lands and Works.

Penalties.

7 (1.) Any person who contravenes or permits the contravention of any provision of this Act shall be deemed guilty of an offence against the same, and shall, upon summary conviction before a Justice of the Peace, be punishable by fine not exceeding fifty dollars, and by imprisonment for a term not exceeding three months in default of payment.

(2.) Any person who causes damage to a public highway contrary to section 5 hereof, in addition to the fine provided by sub-section (1) hereof, shall be liable, upon summary conviction before a Justice of the Peace, to pay to the Chief Commissioner of Lands and Works such sum for said damage as may be awarded by the Justice of the Peace, and in default of such penalty and sum awarded for damage, shall be liable to imprisonment for a term not exceeding three months.

VICTORIA, B. C.:

Printed by RICHARD WOLFENDEN, I.S.O., V.D., Printer to the King's Most Excellent Majesty.
1905.