

A D. 1886.



## CHAP. 34.

An Act to amend the "Nanaimo Water Works Act, 1885."

[6th April, 1886.]

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

1. Section 11 of the "Nanaimo Water Works Act, 1885," is hereby repealed. Repeals section 11 of "Nanaimo Water-works Act, 1885."

2. Section 22 of the said Act is hereby amended by inserting, after the word "river" in the seventh line thereof, the words following:—"Crystal Lake, Chase River and the southerly water-shed of Mount Benson;" and after the word "river" in the tenth line thereof the words following:—"Crystal Lake, Chase River, and the water-shed of Mount Benson aforesaid;" and after the word "arbitration" in the last line thereof the words following:—"Provided, however, that if the said company shall utilize the waters of Chase River they shall place a two-inch pipe as free vent, two feet below the surface of the water held in any dam that may be constructed on the said Chase River." Power to take water from Crystal Lake, Chase River, and water-shed of Mount Benson.

3. This Act is passed upon the express understanding that the Company shall not, directly or indirectly, employ any Chinese in or about, or concerning any work or services authorized by this Act, or required by the Company to be done or performed. In the event of any Chinese being employed by the Company, the Company shall be liable to a penalty not exceeding twenty-five dollars nor less than ten dollars for every Chinese employed, to be recovered in a summary way before any two Justices of the Peace, who shall have full power to hear and adjudicate upon any information or complaint laid or brought before them by any person against the Company for employing Chinese; and in default of immediate payment of the penalty the same may be levied by distress and sale of the goods and chattels of the Company, and in default of sufficient distress, by sale of other the property of the Company. No Chinese to be employed. Penalty.

4. The Company shall be liable to separate and successive penalties for each and every day during which any Chinese shall be employed by the Company. Successive penalties

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Meaning of  
"Chinese."

5. The word "Chinese" in this Act shall mean and include any native of China or its dependencies, or of any Islands in the China seas, not born of British parents, or any person born of Chinese parents.

Evidence.

6. Upon any prosecution under section 3 of this Act, evidence under oath of any witness that to the best of his knowledge and belief any person alleged to have been employed by the Company, contrary to the provisions of this Act, is a Chinese, shall be prima facie evidence that such person is a Chinese within the meaning of this Act, and shall cast upon the Company the burden of proving that such person is not a Chinese. The Justices may also decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

Short title.

7. This Act may be cited as the "Nanaimo Water Works Amendment Act, 1886."