

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BY-LAW NO. 277.

BEING a By-Law to ratify and approve an agreement between the Corporation of the Township of Esquimalt and the Victoria Brass and Iron Works Limited authorizing the said Victoria Brass and Iron Works Limited, to make an opening or excavation on Pioneer Street, and to construct and maintain therein an air line or pipe for its own use.

WHEREAS the Municipal Council of the Corporation of the Township of Esquimalt contemplate entering into an agreement with the Victoria Brass and Iron Works Limited for the purpose of permitting the said Company to construct and maintain an air line or pipe through and under Pioneer Street to enable the Company to more conveniently operate its business.

AND WHEREAS the title to the soil comprising the said Pioneer Street being vested in the Crown in the name of the Minister of Public Works of the Province of British Columbia, consent has been given the Municipal Council to grant permission to the Company to enable the work to be carried out subject to proper precautions being taken to safeguard the public.

NOW THEREFORE the Municipal Council of the Township of Esquimalt in so far as it has power, pursuant to the provisions of the Municipal Act and the consent of the Department of Public Works referred to and all other powers, statutory and otherwise in that behalf enabling the Corporation, enacts as follows:

1. The right and permission is hereby granted the Victoria Brass and Iron Works Limited to make an opening in or under Pioneer Street connecting its buildings or premises situate and abutting on the said street for the purpose of constructing, maintaining and operating an air line or pipe, through and across the said street, said air line or pipe to be of wrought iron, placed not less than eighteen (18") inches below the grade of the street as established by the Municipal Engineer and shall so be laid and constructed so as to not interfere with any under-ground structures now established or which might be hereafter lawfully constructed therein; it being the intention of the Corporation not to grant any special privilege or franchise to the Company but permission only to connect its building on opposite sides of the said street with the said air line.
2. All work done or required to be done in the said street pursuant to the permission hereby granted shall be done under the supervision and subject to the approval of the Municipal Engineer of the Corp-

oration in all and every respect and the Company shall assume and pay for all expenses and costs in the construction, maintenance and operation of the said air line and the repair or replacement of the street surface whether performed by the Corporation or the Company.

3. The Company shall indemnify the Corporation in respect of all claims, expenses, damages or otherwise that might be suffered by or imposed upon the Corporation by reason of granting the permission to the Company to construct, maintain, operate or of the removal of the said air line.

4. The terms conditions and agreements contained in the agreement referred to are hereby confirmed and the parties thereto are hereby authorized and empowered to hold and exercise all the right, powers and grants mentioned and referred to in the said agreement, subject to the terms and conditions therein set out. The Reeve and Clerk of the Corporation are authorized to execute the said agreement in the name of the Corporation and to affix the corporate seal thereto.

5. This By-Law may be cited as "Victoria Brass and Iron Works Limited Air Line Pipe Installation By-Law 1936."

PASSED the Municipal Council on the 16th day of November, 1936.

RECONSIDERED, ADOPTED AND FINALLY PASSED the Municipal Council this 30th day of November, 1936.

"A. Lockley"
Reeve

"G. H. Pullen"
Clerk