

No. 16A.

PETITION.

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In the Legislative Assembly of the Province of British
Columbia, Session 1909.

“An Act to amend the ‘Corporation of Victoria Water-Works Act, 1873,’ and the
‘Victoria Water-Works Amendment Act,’ Chapter 64 of the Statutes of 1892,
and to give additional powers.”

To the Members of the Legislative Assembly of the Province of British Columbia :

The humble petition of the Esquimalt Water-Works Company showeth as follows :—

(1.) A Bill is now pending in your Honourable House, intituled “An Act to amend the
‘Corporation of Victoria Water Works Act, 1873,’ and the ‘Victoria Water Works Amend-
ment Act,’ Chapter 64 of the Statutes of 1892, and to give additional powers.” The Bill is
promoted by the Corporation of the City of Victoria.

(2.) After the passing of the “Corporation of Victoria Water Works, Act, 1873,” said
Corporation determined to and did take the waters of Elk Lake for their water works, and
they constructed and adopted that as their water-works system.

(3.) Your petitioners were authorised by their Statute, chapter 30 of 1885, to build and
construct a water works system in the Town of Esquimalt and the peninsula adjacent thereto,
bounded by the Victoria Arm and Harbour, the Straits of Fuca, and other parts in the said
Act mentioned, and for that purpose to divert and appropriate the waters of Thetis Lake
and Deadman’s River and its tributaries, and your petitioners did forthwith, after the passing
of said chapter 30, appropriate the waters of Thetis Lake, construct water works, and laid
pipes to Esquimalt and said peninsula, and spent thereon large sums of money.

(4.) Your petitioners were authorised in the year 1892, by chapter 51 of that year, being
the “Esquimalt Water Works Extension Act, 1892,” to divert and appropriate the waters of
Goldstream and its tributaries.

(5.) Upon the passing of the said Act, chap. 51 of 1892, your petitioners commenced
their works at Goldstream, and constructed, and have ever since been improving said works,
and have expended thereon a very large sum of money. Your petitioners have also, for the
purpose of their said works and the protection of their water, purchased, and they now hold
in fee simple, practically all the land constituting the water-shed of said Goldstream River
and its tributaries.

(6.) Your petitioners now are, and have been for a long time, supplying water to the
inhabitants of the aforesaid peninsula, which includes now a portion of the City of Victoria,
the limits of the city having been extended since your petitioners’ said Statute of 1885 was
passed.

(7.) Your petitioners’ said Statute, chapter 51 of 1892, imposes obligations on your
petitioners to supply water to the City of Victoria when required to do so.

(8.) The Corporation of the City of Victoria at no time manifested any intention of acquiring the waters of Goldstream or its tributaries under the said Statute of 1873, during the construction of your petitioners' said works or at the time of the said purchase by your petitioners of the said lands, and they were at all times aware of the construction by your petitioners of their said works.

(9.) Certain litigation took place between the said Corporation and your petitioners, ending in an appeal to the Judicial Committee of His Majesty's Privy Council, which was heard in July, 1907, where it was decided that the said waters of Goldstream and its tributaries were vested in your petitioners.

(10.) By the said Bill it is proposed, amongst other things, to ratify and confirm to the Corporation of the City of Victoria, as of the present time, the powers, rights and privileges granted and conferred by chapter 20 of 36 Victoria, being the Corporation of Victoria Water Works Act, 1873.

(11.) Your petitioners believe that the Corporation of the City of Victoria will, if the said Bill is passed, contend that they have power thereunder to enter upon and take the lands belonging to the watershed of your petitioners, and the waters thereof, and to vest the same in the said Corporation of the City of Victoria, and to exercise and do other powers, works and things to the injury of your petitioners' property and rights.

(12.) Your petitioners believe that the Corporation obtained the advice of an expert as to their present supply, who reported that said Elk Lake system was, if improved as he advised, sufficient for the supply of a population more than double than at present existing in the City of Victoria.

(13.) The said Bill does not contain adequate provisions for compensation for property entered upon, taken, or used by the said Corporation.

(14.) If the said Bill is passed your petitioners will be prejudicially affected in the rights and powers granted to them by their said Acts of 1885 and 1892.

Your petitioners, therefore, humbly pray that the said Bill may not be allowed to pass into law as it now stands, and that they may be heard by their counsel, agents and witnesses before the Committee of your Honourable Assembly to whom the Bill may be referred against the provisions of the said Bill, and in support of other clauses and provisions for their protection, or that such relief may be given to your petitioners in the premises as your Honourable House may deem meet.

And your petitioners will ever pray.

The Common Seal of the Esquimalt Water Works
 Company was hereunto affixed this 29th day of } [L.S.]
 January, 1909, in the presence of }

J. A. SAYWARD,

Chairman of the Esquimalt Water Works Co.

T. LUBBE,

Secretary of the Esquimalt Water Works Co.