

No. 4D.

PETITION.

To the Honourable the Speaker and Members of the Legislative Assembly of British Columbia, in Parliament assembled :

The petition of Frank Stillman Barnard, of the City of Victoria, in the Province of British Columbia, humbly sheweth :—

1. That your petitioner is a shareholder in the British Columbia Electric Railway Company, Limited, an incorporated company incorporated in England under the "Companies' Act, 1862-1893 (Imperial)," and said Company is duly licensed to carry on business in the Province of British Columbia.

2. The said Company is the successor in title of the Vancouver Street Railway Company, Limited Liability, which said Company was by an Act of the Legislature of the Province of British Columbia, 53 Victoria, chapter 51, amalgamated with the Vancouver Electric Illuminating Company, under the name of the Vancouver Electric Railway and Light Company.

3. The rights, privileges and franchises of the Vancouver Electric Railway and Light Company, were subsequently acquired by the Consolidated Railway and Light Company, and by an Act of the Legislature of the Province of British Columbia, 59 Victoria, chapter 55, the acquisition by the said Consolidated Railway and Light Company, of the said rights, privileges and franchises were confirmed, and the same were vested in the said Consolidated Railway and Light Company, and were acquired by purchase from trustees for debenture holders of the said Consolidated Railway and Light Company, by the said British Columbia Electric Railway Company, Limited, on the 15th day of April, A. D. 1897.

4. At the time the British Columbia Electric Railway Company, Limited (hereinafter called the Company), acquired the said rights, privileges and franchises, the Vancouver Incorporation Act contained the following clause which protected the said Company's rights—sub-section 6a of section 16, chapter 68 of 58 Victoria (1895) :—

"6a. In case there be any gas, electric lighting, tramway, street railway, or water company incorporated and carrying on their business within the limits of the said City, the Council shall not pass any by-law for the purpose of constructing any such works, or by virtue of which the City will become a competitor in the business carried on by such companies, or any of them, or in any other manner exercise the powers conferred by the five preceding sub-sections, until such Council has by by-law fixed the price which they will offer for the company or companies whose operations will be interfered with, nor until thirty days have elapsed after such notice of such price shall have been communicated to such company or companies."

5. That the Company is now under and by virtue of the said rights, powers, privileges and franchises so acquired by them, operating an extensive system of street railways, and carrying on the business of Electric Lighting in the City of Vancouver.

6. That the capital stock of the Company amounts to £570,000 sterling, consisting of £120,000 sterling preference shares and £200,000 sterling ordinary shares (which said shares are fully paid up), and debentures charged upon the undertaking of the Company to the extent of £250,000 sterling.

7. The Company since so acquiring the said undertaking and acting upon the faith of the rights, privileges and franchises so acquired by it, spent large sums of money, to wit, not less than \$450,000 in permanent improvements to its lighting and street railway plant in the City of Vancouver.

8. That the said capital stock is divided amongst a large number of shareholders and debenture holders, the majority of whom are resident in England.

9. That a petition of the Corporation of the City of Vancouver has been presented to your Honourable House, praying that an Act may be passed revising, consolidating and amending the Incorporation Act of the said City of Vancouver, being 49 Victoria, chapter 22 of the Statutes of British Columbia, and an Act has been brought down to your Honourable House, styled "An Act to revise and consolidate the Vancouver Incorporation Act."

10. That the said Act so brought down does not contain such a clause as that set out in paragraph 4, nor any other clause which protects the Company's rights in that respect.

11. That the said Act, as brought down and read a first time, prejudicially affects the rights, privileges and franchises of the Company.

12. The said Act, so brought down, by section 112 empowers the Corporation of the City of Vancouver, from time to time, to pass, alter and repeal by-laws for certain purposes therein enumerated, and the Company objects to the following sub-sections of said section 112:—

Sub-section 1, which authorises the acquiring, constructing, etc., of electric lights.

Sub-section 2, so far as it authorises the City to construct, operate and maintain street railways.

Sub-section 3, for constructing, operating, etc., electric railway and tramway.

The proviso in sub-section 4 and sub-section 5, which authorises the City to compel all wires to be placed under ground.

Sub-section 7, which authorises the City to compel the Electric Railway Companies to provide accommodation for passengers and for limiting the number of passengers allowed to be carried in a car.

Sub-section 8, for assessing any street railway company using the streets to pay the costs of watering the streets.

Sub-section 9, authorising the City to inspect electric light wires, etc.

Sub-section 10, so far as it authorises the City to supply light to the citizens.

Sub-section 88a, so far as it authorises the City to regulate and control Railway Companies within the City.

Sub-section 162, for aiding, by grant of money or otherwise, any tramway company to any point within the City limits. This power should be limited to the British Columbia Electric Railway Company, Limited, unless it be that they refuse under the agreement with the City to operate upon streets that the City requires to be covered.

13. That the powers hereinbefore set forth for which legislation is asked, are a direct infringement upon the statutory powers, privileges and franchises enjoyed by the Company.

14. Your petitioner respectfully prays that your Honourable House may grant leave to your petitioner to be heard by counsel and agents and witnesses in support of the objections to the provisions of the Act to which exception is taken, with the right to read documentary evidence showing the rights, powers and privileges of the Company.

Wherefore your petitioner humbly prays that your Honourable House may be pleased to give consideration to your petitioner's objections herein taken.

And, as in duty bound, your petitioner will ever pray.

Dated this 29th day of January, A. D. 1900.

F. S. BARNARD.