

No. 8A.
PETITION.

—:0:—

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

The humble petition of the Council of the Corporation of the City of Victoria sheweth as follows:—

The Corporation of the District of Oak Bay have presented a petition to your Honourable Body praying for the passage of an Act to confer upon the said Corporation certain powers in addition to those conferred by the "Municipal Clauses Act."

By section 2 the Corporation of the District of Oak Bay seek to have conferred upon the Esquimalt Water-works Company power to supply water from the Esquimalt Water-works Company's works to the District of Oak Bay. By the Esquimalt Water-works Company's Acts of 1885 and 1892, the said company are authorised to supply water in the town and peninsula of Esquimalt only, and by the Esquimalt Water-works Act of 1892 it is in the preamble of the said Act of 1892 expressly recited that it is expedient to grant the prayer of the petition of the said company, subject; however, to any rights of the City of Victoria under the "Corporation of Victoria Water-works Act, 1873," and by section 9 of said Act nothing in the said Act is to be construed as in any way limiting or derogating from any grant or privilege accorded to the Corporation of the City of Victoria under the provisions of the "Corporation of Victoria Water-works Act, 1873"; and by section 8 of the said Act it is stated as follows: "8. The Company shall not have power to lay pipes in that part of the District and City of Victoria lying to the south and east of Victoria Harbour or Arm." By section 10 (a) the City of Victoria has the right to notify the Esquimalt Water-works Company to furnish them with a supply of water from the works of the said company, same to be supplied west of Victoria Arm, within the limits of the City of Victoria, into the water-mains of the City under a pressure of not less than 110 pounds to the square inch. The quantity of water so to be supplied to be not less than 500,000 nor more than 5,000,000 gallons per diem, and for a not less period than five years. If the City notify the company to take the water the company are compelled to supply the same, the price being fixed at 6 cents per thousand gallons and \$4 a month for each fire-hydrant.

The Council of the Corporation of the City of Victoria are now engaged in investigation for the purpose of determining the course to be adopted to augment the water-supply for the benefit of the City and suburbs; and it has been one of the sources from which an augmented supply of water may be sought to take advantage of the aforesaid recited provisions of section 10 of the Esquimalt Water-works Company's Act of 1892. A decision will be reached by your petitioners, the Council of the Corporation of the City of Victoria, in the course of the next few months. The present water-supply of the Municipality of the District of Oak Bay is furnished by your petitioning City from its water-works at Elk Lake, and very considerable expense was gone to by your petitioning Corporation in recently arranging the distribution system, so as to enable Oak Bay Municipality to be supplied by mains of a proper size at three or more points. It is possible to add to the points of delivery in Oak Bay; and all such water has been and can be supplied by meter.

Your petitioners, the City of Victoria, have recently been engaged in making, repairing, and paving some of its main streets and boulevarding and making streets throughout the City, and very large sums of money have been spent, under the local improvement plan, by owners of property in order to make roadways and pave streets, and the Council of the City of Victoria have, in making streets, gone to considerable expense to lay down lateral sewer and water-pipes so as to avoid breaking up the newly made streets to the great inconvenience of the residents.

The Corporation of the District of Oak Bay asked by their said Bill for power by section 3, subsection (3), and by section 4, by their own officers to enter in and upon the lands and premises of any person or persons or bodies corporate, whatever, and in, through, and under the public ways, streets, lanes, or passages of the City of Victoria, and the same to cut and dig up if necessary, and to take up, remove, alter, or repair the said pipes or water-mains. Your petitioners represent to your Honourable Body that if, at the request of the Corporation of the District of Oak Bay, the power be given as by the last paragraph hereof set forth, the said power is in effect given to the Esquimalt Water-works Company, and is in express contradiction of section 8 of the company's said Act of 1892, and your petitioners desire to urge that until it be proved to your Honourable Body that the City of Victoria is, from its water-mains, unable to supply the requirements of the inhabitants of Oak Bay, no power to lay pipes in the City of Victoria should be granted either directly to the said Oak Bay Municipality or indirectly to the said Esquimalt Water-works Company.

Your petitioners, the City of Victoria, moreover represent that long before the time water could be obtained by the said Corporation of Oak Bay from the Esquimalt Water-works Company your petitioners will have decided upon their course of action; and your petitioners can and may resort to the provisions of section 10 of the Esquimalt Water-works Company's Act of 1892 and obtain a supply of water into the pipes of the City water-works system, and by means thereof supply, through the existing and any necessary additional pipes, the District of Oak Bay without disturbance of the City streets for the purpose.

Your petitioners desire to urge that to enable the workmen and officials of another municipality to enter within the Municipality of the City of Victoria and carry out certain public works and interfere with the streets and roads is highly objectionable; that all works upon the streets of the City of Victoria are by Statute, and ought always to remain, subject to the governing jurisdiction of the City Council, and the responsibility towards the public belongs to the Corporation of the City and should not be interfered with by giving the power sought.

The Corporation of the District of Oak Bay seek in their said Bill, by subsection (4) of section 3, the power to impose a frontage water rate. It is not clear by such subsection whether the frontage rate can be imposed upon the pipes passing through the City of Victoria. Your petitioners represent that it should be made clear throughout by defining the word "municipality" as meaning the Municipality of the District of Oak Bay; that no jurisdictional powers or extraordinary powers, such as are asked for in the Bill, are to affect any other municipality than that of Oak Bay.

Your petitioners, therefore, pray that they may be heard in opposition to urge the matters hereinbefore set forth, and other matters which may then appear, before your Honourable Body.

And your petitioners will ever pray, etc.

A. G. MORLEY, *Mayor.*

W. J. DOWLER,
Clerk, Municipal Council.

[L.S.]