

No. 4C.

PETITION.

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*To the Honourable the Speaker and Members of the Legislature of British Columbia,
in Parliament assembled:*

The petition of the British Columbia Electric Railway Company, Limited, of the City of Vancouver, in the Province of British Columbia, humbly sheweth:—

1. That your petitioner is an incorporated company, incorporated in England under the Companies Act, 1862-1893 (Imperial), and is duly licensed to carry on business in the Province of British Columbia.

2. That your petitioner is the successor in title of the Vancouver Street Railway Company, Limited Liability, which said Company was, by 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 said 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 the trustees for debenture holders of the said Consolidated Railway and Light Company by your petitioner on the 15th day of April, A.D. 1897.

4. At the time your petitioner acquired the said rights, privileges, and franchises, the Vancouver Incorporation Act contained the following clause, which protected your petitioner'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 property of 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 your petitioner 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 your petitioner 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 your petitioner to the extent of £250,000 sterling.

7. Your petitioner, since so acquiring the said undertaking, and acting upon the faith of the rights, privileges, and franchises so acquired by them, spent large sums of money, to wit, not less than \$450,000, in permanent improvements to their 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 your petitioner'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 your petitioner.

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 your petitioner 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 underground.

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.

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 your petitioner company.

14. Your petitioner company respectfully prays that your Honourable House may grant leave to your petitioner company 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 your petitioner company.

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

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

Dated this 27th day of January, A.D. 1900.

BRITISH COLUMBIA ELECTRIC RAILWAY COMPANY, LIMITED,

F. S. BARNARD,
Director.

J. BUNTZEN,
General Manager.

VICTORIA, B. C. :

Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty.

1900.