
PETITION.

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

The petition of the Corporation of the City of Nanaimo humbly sheweth:—

That frequent complaints have been made from time to time by the citizens of the City of Nanaimo against the supply of water furnished to the City of Nanaimo:

That the Corporation of the City of Nanaimo have resolved that it is necessary and advisable that the Corporation of the City of Nanaimo should construct water works, and have power to take water from Nanaimo River above the Falls:

That by the Municipal Act of 1892, and amendments thereto, the Corporation of the City of Nanaimo have power to construct and operate water works for the purpose of supplying the inhabitants of the City of Nanaimo with water:

That the Corporation of the City of Nanaimo cannot procure a sufficient quantity of water within the limits of the City of Nanaimo:

Your petitioners therefore humbly pray that your Honourable House will pass an Act—

That it may be lawful for the Corporation of the City of Nanaimo, their agents, servants and workmen, from time to time, and at all such times hereafter as they shall see fit, and that they may be authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, lying between the place or places where they shall take water from the Nanaimo River above the Falls and the City of Nanaimo, and to survey, set out, and ascertain such parts thereof as they may require, and also to divert and appropriate such of the waters of the said Nanaimo River above the Falls as they shall consider necessary, and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water for the purpose thereof, or any part thereof, or of any privilege that may be required, and in case of disagreement between the Corporation of the City of Nanaimo and the owners or occupiers of the said lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase money or value thereof, or as to the damages such appropriation shall cause to them or otherwise, or as to the amount of damage arising from the construction of any dam, the same to be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the Council of the Corporation of the City of Nanaimo shall appoint one and the owner or owners shall appoint another, and the two such arbitrators shall, within ten days after their appointment, appoint a third arbitrator, or, in the event of such arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such third arbitrator.

In case any such owner or occupier shall be an infant, or insane, or absent from the Province, or shall refuse to appoint an arbitrator on his behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made for that purpose by the Corporation of the City of Nanaimo, to nominate and appoint three indifferent persons as arbitrators.

The arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the said Corporation of the City of Nanaimo shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final.

Provided, always, that any award shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same ground as in ordinary cases of arbitration, and that any sum so awarded shall be paid within six months from the date of the award or determination to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators shall be binding upon all parties concerned, subject as aforesaid.

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

[L.S.]

S. GOUGH,
City Clerk.

E. QUENNEL,
Mayor.