

## No. 6A.

## PETITION.

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*To the Honourable the Speaker and Members of the Legislative Assembly of British Columbia:*

The petition of James Charles Shields, of the City of Kamloops, British Columbia, President of the Monarch Lumber Company, Limited, of Savona, B. C., and of the Sovereign Lumber Company, of Annis, B. C., and of Alfred Bauman, Manager of the Thompson River Lumber Company, Limited, of Kamloops, British Columbia, respectfully sheweth:—

1. That the companies represented by your petitioners are each the owners and holders of timber limits, timber lands and timber rights within the area described in the preamble to Bill No. 55, now pending before the Legislative Assembly of British Columbia, intituled "An Act to Incorporate the Shuswap & Thompson Rivers Boom Company, Limited":

2. That by the Act of the Parliament of Canada assented to the 20th July, 1908, being the Statute 7-8 Edward VII., chapter 155, intituled "An Act to incorporate the Shuswap & Thompson Rivers Boom Company," a company was incorporated under the name of "The Shuswap & Thompson Rivers Boom Company," with an undertaking declared to be filed for the general advantage of Canada, with the head office of the company at the City of Revelstoke, in the Province of British Columbia, with a capital stock of \$100,000, divided into shares of \$50 each, upon a petition signed, among others, by Thomas Kilpatrick and Otto Lachmund, both of Revelstoke, in the Province of British Columbia, who are also named in section 1 of Bill No. 55 above referred to.

3. That your petitioners have reason to believe and do verily believe that the parties who obtained the franchise created by the passing of the above-mentioned Dominion Act, 7-8, Edward VII., chapter 155, are identical with the parties in interest seeking the passing of Bill No. 55 above referred to.

4. That the incorporation of a Provincial company under the title of "The Shuswap & Thompson Rivers Boom Company, Limited," when there is already in existence under franchise granted to the same petitioners a Federal company, under the name of "The Shuswap & Thompson Rivers Boom Company," will be against the public interest, insomuch as owners of lands and properties affected by the works of either company will be unable to decide as to which company is under liability or obligation under its franchise in respect of any damage or injury caused by the works of the company.

5. That the provisions of sections 35 and 39 of the above-mentioned Bill No. 55 purport to impose duties upon the Honourable the Minister of Public Works of Canada, who is under no obligation or duty to act in the premises, notwithstanding the fact that the duties mentioned in such section, and particularly of said section 39, are necessary to be performed by some person properly authorised by the Legislature of the Province of British Columbia and by appointment or contract bound to perform such duties.

6. That the granting of the franchise asked for in said above-mentioned Bill No. 55 will be a grant that is without precedent in the history of this Province, or in any other Province of Canada, and will, it is believed, confer upon the corporation to be created by Bill No. 55 a charter wider, operative over a greater extent of territory, and having more direct effect upon the rights and properties of the residents of the Province of British Columbia than any other charter heretofore affected within the boundaries of this Province, except the charter at one time held by the Governor and Company of Adventurers of England trading into the Hudson's Bay.

7. That the territory which will be affected by the passing of the above-mentioned Bill No. 55 has an area of thirty thousand square miles, and that the passing of the said Bill No. 55 will, in conjunction with the said Act of Parliament of Canada, 7-8 Edward VII., chapter 155, place under the admonition and control of the holders for the time being of the franchises by said Act and said Bill created, the control of all waters navigable and unnavigable in the said territory with an area of thirty thousand square miles, comprising over three hundred separate creeks and rivers, and will enable holders of the said franchises to dictate terms and impose conditions upon every person and corporation desirous of engaging in logging or in the saw-milling or lumber manufacturing business, and throughout a great extent of the waterways of the territory upon all persons desirous of engaging in any business involving the carrying on of transportation by water.

8. On the waters involved there are timber lands to the extent of about three thousand square miles, of which the applicants for the said Bill No. 55 hold only a small proportion.

9. The said the Monarch Lumber Company, Limited, has had the approval of an undertaking under the Rivers and Streams Act for work on the North Thompson River above Clearwater River and upon the Blue River and the Albreda River, being the rivers within the territory affected by said Bill No. 55.

10. A corporation known as the Lamb-Watson Lumber Company, Limited, under the said Rivers and Streams Act, has an approved undertaking on Barrier River and Lewis Creek, being waters within the area affected by said Bill No. 55.

11. The Sovereign Lumber Company, Limited, has obtained from the Department of Public Works of Canada, under Statute of the Parliament of Canada, the right to instal and maintain a boom on Shuswap Lake, at the mouth of the Spallumcheen River, and the Adams River Lumber Company, Limited, the right to erect and maintain several booms and works in Little Shuswap Lake.

12. In 1905 the Kamloops Lumber Company, Limited, applied under the Rivers and Streams Act for the approval of an important undertaking on the North Thompson River, and approval was withheld by the Chief Commissioner of Lands and Works of British Columbia, on the ground that it was against the public interest to grant such rights over a waterway of the volume, importance and public value of the North Thompson River.

13. In 1907 the Monarch Lumber Company, Limited, applied for permission to instal one specific improvement in the Thompson River west of Kamloops, in connection wherewith no right to charge tolls was asked. Permission was refused by the Honourable the Chief Commissioner on the grounds that the waterway was of such a character that no private privilege whatever could be granted over it in the nature of an improvement undertaking.

14. That your petitioners have reason to believe and do verily believe that many of the parties owning timber and timber lands within the area affected by said Bill No. 55 have no knowledge of the tenor and effect of the said Bill and no means of ascertaining the extent to which their interest will be affected by the passing thereof.

15. That your petitioners allege the fact to be that, in so far as relates to all legitimate works and improvements necessary or expedient within the area affected by said Bill No. 55, the provisions of the Rivers and Streams Act afford adequate machinery and all adequate means of protecting the interests of parties affected by any proposed work, and that the passing of said Bill No. 55 will be in derogation of the provisions of the said Rivers and Streams Act, in so far as the same are necessary in the public interest and in the protection of the rights and property in the area affected.

Wherefore, your petitioners humbly pray that the franchise proposed to be created and conferred by the said Bill No. 55 be not granted, and that the prayer of the applicants therefor be not granted. And your petitioners will ever pray, etc.

Dated this 6th day of February, A. D. 1909.

JAS. C. SHIELDS,  
ALFRED BAUMAN.

VICTORIA, B. C. :

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