
PETITION.

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

The petition of the Corporation of the Township of Chilliwack humbly sheweth :—

1. That during the summer of the year 1891 last past, the owners of the land in that section of country situate in the Municipality of Chilliwack, known as the "Big Prairie," being anxious to have their lands better drained, petitioned the Council of the said Municipality to have plans prepared and an estimate made of the costs of such drainage, and assess such costs upon their said lands according to the benefit accruing to such lands respectively.

2. The owners of lands to be included in such drainage scheme numbered 53, and the total value of their assessments, according to the last revised assessment roll before the presentation of such petition, was \$115,450.00. Of these, thirty-nine signed such petition, with a total assessment of \$88,900.00, leaving a balance of fourteen men non-signers, with an assessed value of \$26,550.00 ; of whom some are non-residents of the municipality and have since expressed themselves as satisfied with the work done.

3. The By-law was duly published under section 278 of the "Municipality Act, 1892," the date of the last publication being the 21st day of January, A. D. 1892, but it was not finally passed till the 4th day of June, A. D. 1892, because of alterations made in the assessment by the Court of Revision, which rendered necessary fresh calculations and surveys by the Engineer in charge of the work.

4. On the said 4th day of June, A. D. 1892, during the deliberations of the Council but before the said By-law was finally passed, a counter petition was presented containing the names of some of the original petitioners. It was then, however, under section 276, subsection 17, of the said Act, too late for any of the said petitioners to withdraw, and was so pointed out, though even if allowed to withdraw there would still have remained names on the original petition representing a majority in number and value in favour of the said scheme, viz., 31 in favour, with an assessment of \$75,100.00, and 22, including those who had expressed no opinion against, with an assessment of \$40,350.00. And the said By-law was then finally passed.

5. After the passage of the said By-law, Debentures were issued and sold, and the money resulting therefrom devoted to the work of draining the said "Big Prairie," and the parties interested and assessed have paid their assessments, with the exception of five men.

6. On or about the 7th day of October, the Council instituted proceedings in the County Court to recover the said taxes, and thereupon the said five non-payers commenced an action in the Supreme Court to quash the said By-law, and obtained an interim injunction restraining the Council of the said Municipality from proceeding in the said cases.

7. The said injunction was shortly thereafterwards dissolved by the Judge who granted it, and upon appeal by the said non-payers the Court of Appeal refused to continue it and dismissed the appeal, with costs.

8. Upon the said County Court cases proceeding, however, the Judge of the County Court gave judgment declaring the By-law invalid; and from this decision there is no appeal, the amount involved in each suit being under the sum of fifty dollars.

9. There is no fund other than that provided by the said By-law out of which such Debentures can be paid.

Your petitioners, therefore, pray that the said By-law may be declared a good and valid By-law, and that the Debentures issued thereunder are valid, notwithstanding any defect that may exist in either, and such further and other relief as the nature of the case may require.

And your petitioners will ever pray, etc., etc., etc.

[L.S.]

S. A. CAWLEY,
Reeve.

O. C. DUSTERHOEFT,
Clerk of the Municipal Council.