

No. 1A.

PETITION.

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The Honourable the Speaker and Members of the Legislative Assembly of the Province of British Columbia :

The humble petition of the undersigned, the South-East Kootenay Railway Company, sheweth :—

That your petitioners were incorporated on the 12th day of March, 1906 ; that your petitioners duly deposited with the Government of the Province of British Columbia security that they would spend not less than \$10,000 in surveys or construction before the first day of November, A. D. 1908 ; that on or before the first day of November, 1907, the Company had expended in actual surveys of its line of railway a sum in excess of \$18,000 ; that at the Session of the Legislature holden in the year 1908, the Eastern British Columbia Railway Company obtained an Act authorising it to construct a line of railway from a point on the South Fork of Michel Creek, at or near the point known as "The Loop," on the Crow's Nest Branch of the Western Division of the Canadian Pacific Railway ; thence running in a southerly direction up the said creek to the mouth of the East Fork of said creek ; thence up said East Fork of said South Fork, in an easterly and southerly direction, to a point in the southerly boundary of Lot 6,999, Group one, Kootenay District, a distance of fourteen miles, more or less : Provided that nothing in this Act or in the Railway Act contained shall be deemed to authorise the Company to build any branch line to any point nearer the International Boundary than the southerly boundary of said Lot 6,999.

That the said line of railway described in the preceding paragraph covers, approximately, fourteen (14) miles of the line of railway which your petitioners are authorised to construct, being the most northerly fourteen (14) miles thereof.

That the Eastern British Columbia Railway Company, when obtaining the said Act of Incorporation, applied in their Bill for authority to construct a line of railway for practically the whole of the line of railway authorised by your petitioners' Act of Incorporation, but said Bill was opposed at the last Session by your petitioners and, as a consequence, a compromise was arrived at whereby the Eastern British Columbia Railway Company limited the construction of their line of railway, or any branches thereof, to no point nearer the International Boundary than the southerly boundary of the said Lot 6,999, which is approximately fourteen (14) miles from "The Loop" aforesaid.

That Daniel C. Corbin, J. K. O. Sherwood, A. T. Herrick and James A. Harvey, were the applicants for the incorporation of the Eastern British Columbia Railway Company, and that the same applicants are now this Session applying for the incorporation of a Railway Company to be known as The Flathead Valley Railway Company. The line of railway which the Bill asks to be authorised is from Corbin, being now the southern terminus of the Eastern British Columbia Railway Company, to the International Boundary Line, being identical with that portion of the line of railway which your petitioners are authorised to construct south of Corbin.

That the present application is a direct breach of the agreement or arrangement arrived at as hereinbefore recited.

That by reason of the passage of the Act incorporating the Eastern British Columbia Railway Company at the last Session, your petitioners were unable to make the necessary arrangements for the flotation of the Company. The capital had all practically been arranged for, but when it was stated that a charter had been granted for a company to construct a railway parallel with the Company's right-of-way, any further financial support for the undertaking was refused, as a consequence whereof the Company were unable to proceed with the immediate construction of its line of railway, but had to look for other financial arrangements, and your petitioners have made such financial arrangements in case the Company's application for a Private Bill at this Session is granted—which is an application for an Act extending the time for the Company to expend ten per cent. of its capital on the construction of its line of railway.

That should an Act be passed incorporating the Flathead Valley Railway Company, your petitioners will suffer great loss and damage, as it is possible that the support which has already been promised the Company may be withdrawn, when it is again reported to them that the Government has granted another charter to parallel its line.

That your petitioners have already a large sum of money invested in the said line of railway, and the passing of the "Flathead Railway Company Act" would be likely to cost your petitioners the absolute loss of their investment.

Wherefore, your petitioners humbly pray that your Honourable House may be pleased to refuse the application for the incorporation of the Flathead Valley Railway Company.

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

Dated this 2nd day of February, A. D. 1909.

SOUTH-EAST KOOTENAY RAILWAY COMPANY.

[L.S.]

THOMAS DAVIS,
President.

R. B. PUNNETT,
Secretary.

VICTORIA, B.C.

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