
PETITION.

To the Honourable Mr. Speaker and Members of the Legislative Assembly of British Columbia.

The petition of the undersigned settlers and owners of land upon the Matsqui Prairie, humbly sheweth:—

That the Legislative Assembly of British Columbia, in the Session of 1878, passed a private Act (Chap. 6, 41 Vict.) the twelfth section of which, in consideration that E. L. Derby should well and effectually dyke, agreeably to plans and specifications therein mentioned, and protect from overflow of the Fraser River the lands known as the Matsqui Prairie, he, the said E. L. Derby, should be entitled to charge the owners with the several sums of four dollars and two dollars and fifty cents per acre, payable by instalments as in the said Act more particularly mentioned, such assessments or instalments to be charges upon the land and to carry interest as therein mentioned, provided that no interest should be payable on the first January, 1879, unless the works should have been half completed.

2. The said E. L. Derby has failed to well and effectually dyke the lands, or to protect the same from the overflow of the Fraser River.

3. The said E. L. Derby has assigned all his rights under the said Act to C. B. Sword, and in the Session of 1883 the Legislature amended the principal Act by relieving the promoter from the obligation to protect the lands from the overflow of the Fraser River, except for two consecutive seasons' high water, and made provision for the appointment of arbitrators to determine when such lands should be deemed to have been dyked, and it was moreover provided that no interest should accrue upon the instalments or assessments from the first July, 1882, until the aforesaid dyke works should have been completed to the satisfaction of the arbitrators.

4. Forthwith upon the passage of the amendment the said C. B. Sword's assignees brought suit for and recovered the interest moneys up to first July, 1882, although the lands had not been dyked.

5. The lands still remain undyked, and no attempt at protecting the land from overflow has been made since the passage of the amendment of 1883.

6. A partially constructed dyke, built by Derby before the passage of the amendment, has failed to protect the lands from overflow, and was an entire failure, being built out of accord with the specifications.

7. When the original statute was passed it was understood that the work was to be completed, at the furthest, within two years from the passage of the Act.

8. Your petitioners' lands being still subject to the instalments renders them worthless as homesteads, and imposes a serious incumbrance upon your petitioners and their property.

9 Your petitioners therefore humbly pray that your House will be graciously pleased to pass an Act to repeal or amend the said Statute (41 Vict., Chap. 6), and amendments thereto, including the said amendment of 1883, Chap. 10, and for the relief of your petitioners against the provisions of the same.

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

L. J. D'HERBOMEZ, O. M. I.
C. McDONOUGH.
JOHN MACLURE.
HENRY V. EDMONDS.