A BILL

To Regulate an Act entituled "The Victoria Incorporation Act, 1862."

WHEREAS doubts have been thrown upon the validity of the By-laws, Ordinances, and Resolutions made and passed under and by virtue of the Victoria Incorporation Act, 1862: and whereas it is expedient that the inhabitants residing within the limits of the City of Victoria should be Incorporated as a Municipal Body: Preamble.

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows: Enacting Clause.

1. That the "Victoria Incorporation Act, 1862," and all By-laws thereunder passed, save and except as hereinafter excepted or enacted, is and are hereby repealed. "Victoria Incorporation Act, 1862," repealed.

2. That the Municipal Revenues, from whatsoever source arising, shall be liable for the repayment of the amounts for which Debentures were issued under and by virtue of the "Victoria Incorporation Debenture Act, 1863." Municipal Revenues liable for amount of Debentures issued under Debenture Act, 1863.

3. That all License moneys that have been paid in conformity with the provisions of the By-law passed by the Mayor and Council of the City of Victoria, on the thirteenth day of March, one thousand eight hundred and sixty-three, by any person or corporation, are hereby enacted and declared to be and to have been lawfully paid, whether such license moneys have been paid under protest or not. All License moneys paid under By-law of 13th March, 1863, legalised.

4. That so much of the Municipal By-law passed by the Mayor and Council of the City of Victoria on the twelfth day of December, one thousand eight hundred and sixty-three, as declared that there should be raised, levied and collected upon all real estate within the limits of the City of Victoria, from and after the passage of the said By-law, a tax of one half of one per cent. per annum on the market value thereof for the year ending the thirty first day of December, one thousand eight hundred and sixty-three, shall be deemed to be excepted from the repealing clause in the first section of this Act; and the said By-law is hereby enacted and confirmed, and that so much of the said By-law as provides that if the amount assessed in respect of any real estate be not paid at the City Council Chambers, to the Clerk of the Council, within seven days after the passage of the said By-law, the persons in default shall be liable to a penalty not exceeding the sum due for the said assessment, and an amount equivalent to five per centum shall be deemed to be excepted from the said repealing clause, and the said portion of the said By-law is hereby confirmed: Provided always, that no moneys or arrears of money shall be collected under this section unless the said moneys or arrears shall have arisen and shall have become due and payable in conformity with the provisions of said By-law before the thirty-first day of December, one thousand eight hundred and sixty-three, and

So much of By-law passed on 12th Dec, 1863, as levies a tax of one-half one per ct. per annum on market value of real estate to be excepted from repealing clause in first section.

Said By law confirmed.

Persons defaulting in payment of real estate tax of one half of one per cent per annum liable to pay a penalty of an additional 5 per cent if tax be not paid within seven days.

Provided always, that the penalties mentioned in the said By-law to be imposed in case of default, shall not be enforced until thirty days after the passage of this Act shall have elapsed. Penalties not to be imposed till thirty days after passage of Act.

5. That from and after the passage of this Act the tract of land specified in the first part of the first schedule hereto annexed, and the Inhabitants residing therein, shall be incorporated as a City, to be called the City of Victoria, and the Inhabitants of the same and their successors shall be and are hereby constituted a body corporate and poli- Incorporation of the City of Victoria.

Name, style and title of the Corporation.

tic by and under the name, style and title of "The Mayor, Common Councilmen, and Citizens of the City of Victoria," and under that name shall have perpetual succession, and shall be capable in law by the Council hereinafter mentioned to sue and to be sued, to implead and to be impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever, and to accept, purchase and hold goods and chattels, lands and tenements, real and personal, movable and immovable estates, and to grant, sell and alienate, assign, demise and convey the same, and to do and suffer all acts as a body corporate, under and subject to the provisions and regulations of this Act, and shall and may have a common seal; and in all cases of legal proceedings, service of notice thereof either upon the Mayor or Clerk of the Council (for the time being) or by leaving the same at the City Council Chambers, shall be deemed and taken as good and sufficient service upon the corporate body.

Powers conferred on the same.

To have a common seal.

City shall be divided into three Wards.

6. The said city shall be divided into three Wards, viz.: The Johnson Street Ward; the Yates Street Ward; the James Bay Ward.

Wards defined.

The Johnson Street Ward shall include the tract of land specified in the second part of the said first schedule.

The Yates Street Ward shall include the tract of land specified in the third part of the said first schedule.

The James Bay Ward shall include the tract of land specified in the fourth part of the said first schedule.

Government of City to be placed under control of a Council.

7. That the government of the city shall, subject to the provisions of this Act, be placed under the control of a Council.

Council how composed.

8. The Council shall consist of a Mayor and six Common Councilmen (two from each Ward), possessed of the qualifications and subject to none of the disqualifications hereinafter specified.

Qualifications.

9. The qualifications of the Mayor and Common Councilmen shall be as follows:

Being a male British born subject of full age; having resided within the Colony of Vancouver Island and its Dependencies for a space of twelve months previous to election; being at and having been for three calendar months next preceding the time of election rated on the Government Assessment Roll of the said city in respect of real estate to at least the value of five hundred dollars, or leasehold of one thousand dollars.

Disqualifications.

10. The disqualifications of the Mayor and Common Councilmen shall be as follows: Being a minister of any religious denomination; being a Sheriff or Sheriff's Officer; being a member of the Legislative Council or Assembly; being a bankrupt, insolvent debtor, felon or outlaw; having taken the oath of allegiance to or having become the subject or citizen of any foreign state or nation; unless he shall subsequently thereto have taken the oath of allegiance to Her Majesty, her heirs and successors, before the Chief Justice of Vancouver Island, six months at least before the term of election; having, directly or indirectly, any contract with the Corporation; being a naval or military officer on full pay, or the judge of any court of criminal or civil jurisdiction, or being in receipt of any allowance from the Corporation.

The Mayor—how elected.

11. There shall be a Mayor elected in the manner hereinafter mentioned.

12. The candidate for the office of Mayor (being duly qualified therefor) who shall obtain the greatest collective number of votes, shall be Mayor.

Common Councilmen—how elected.

13. There shall be two Common Councilmen elected in manner hereinafter mentioned, in each of the said Wards.

14. The candidates for the office of Common Councilmen in each Ward (duly qualified) who shall obtain the greatest number of votes in the Ward for which they may stand, shall be Common Councilmen.

15. Every person possessed of the qualifications and under none of the disqualifications hereinafter mentioned concerning electors of the said Corporation, shall have one vote only in the election of a Mayor, and in addition to his vote in the election of a Mayor, shall also have two votes in the election of Common Councilmen for each Ward in which he has qualifications; but in voting for Common Councilmen he shall only vote once in the same Ward, and may either split his vote between the candidates or vote for one only, and if he shall vote for one only his vote shall only count one.

16. The voting for Mayor and Common Councilmen shall be open, and no person shall vote by proxy.

Duration of office of Mayor and Common Councilmen.

17. The Mayor and Common Councilmen shall be elected for one year: Provided a'ways, that if the Mayor or any of the Common Councilmen, or any person on his or their behalf, or any person in partnership with him or them, shall enter in or obtain any interest, directly or indirectly, in any contract entered into by or with the Corporation, such Mayor or Common Councilman having any interest in any contract as aforesaid, shall immediately be disqualified from continuing as Mayor or Common Councilman, as the case may be: Provided always, that if any Mayor or Common Councilman shall vote at any meeting of the Council, or shall not resign his office within the space of one calendar month from the time when he shall have entered into or obtained any interest in any such contract as aforesaid, such Mayor or Common Councilman shall forfeit to the Corporation a sum of Five Hundred Pounds sterling, and all interest in the contract; and as to the said sum, the same may be recovered by action in the Supreme Court, brought in the name of the Corporation of the City of Victoria; but all votes given under such circumstances shall be valid: Provided always, that nothing herein contained in this Act shall affect the present Mayor and Common Council from holding office, subject always to the provisions of this Act, until such time as their successors shall have been sworn in as hereinafter provided.

Interest in any contract with Corporation to disqualify.

Penalty.

How recover'd

Time of election of Councilmen.

18. The nomination of candidates for the office of Mayor and Common Councilmen shall take place on the Eighth day of November in each year, and the polling (if any) on the day following: Provided, that if either of the said days shall fall on a Sunday or public holiday, the nomination or election shall take place on the following day.

Place of voting

19. The Poll shall be held in such place in each ward, not being in or in the immediate vicinity of a Fire Department establishment, or in a place licensed for the sale of liquors, as shall be in that behalf appointed by the outgoing Council, or, in default thereof, as the Sheriff shall appoint.

Seven days notice to be given

20. The Council shall give at least seven days notice of the place of nomination and poll in each ward, by advertisement thereof in one or more newspapers published in the city.

Nomination and Poll.

21. The vote for Mayor shall be given in Yates Street Ward and no other.

Appointment of Returning Officers.

22. The Council shall appoint the Returning Officers, and shall give public notice thereof previous to the election.

Candidates for Mayor and Common Councilman how to be nominated.

23. The Sheriff shall, in Yates Street Ward, on the day of nomination, at noon, nominate such persons as shall be put in nomination in that behalf by some duly qualified voter as candidate for the office of Mayor or Common Councilman, as the case may be. A show of hands shall then take place, and the Sheriff shall thereupon declare

which of the candidates has or have been elected by the show of hands.

Poll may be demanded.

Poll how to be declared.

24. Any candidate, or any voter on his behalf, may thereupon demand a poll, which shall be taken on the day of election; and the Sheriff shall within twenty-four hours after the close of the poll publicly declare the number polled for each candidate, and who has or have been elected by the greatest number of votes.

When poll demanded poll-books and list of voters to be supplied to the Returning Officers.

25. In case of a poll being demanded, the poll-books and list of voters for each ward shall be supplied at the election by the Council to the Returning Officers.

Poll—how conducted.

26. The polls shall be kept open for one day from the hour of 8 o'clock in the morning until 4 o'clock in the afternoon. At the close of the poll the Returning Officers shall immediately deliver to the Sheriff the poll-books sealed.

In case of equality of votes the Sheriff to have casting vote.

27. In the election of Mayor and Common Councilmen, if there shall be an equality of votes, the Sheriff shall have the casting vote, to be given at the time of the declaration of the poll.

Expenses of election to be borne in equal proportion, nor to exceed $100

28. All expenses attendant upon any election under this Act shall be borne by the candidates in equal proportion; such expenses in any ward shall not exceed the sum of one hundred dollars.

Qualification of voters.

29. The qualification of voters shall be as follows: Being a male British subject of full age, having resided in Vancouver Island or its Dependencies for the space of three calendar months preceeding the election at which he tenders his vote, and paying a tax towards the support of the corporation, and being registered therefor upon the last revised list of municipal voters.

Disqualification of voters.

30. The disqualification of voters shall be as follows: Being a bankrupt, insolvent debtor, felon or outlaw, having taken the oath of allegiance, or become a citizen of or subject to any foreign State or Power, unless three months previously to the election at which he tenders his vote he shall have sworn allegiance to her Majesty, her heirs and successors, before the Chief Justice of Vancouver Island.

Oaths to be taken by voters at election of Common Councilmen.

31. Every person tendering his vote at any election of Common Councilman shall, before voting, take such of the following oaths as may be required by any duly qualified voter:

1. "I, A. B., do solemnly swear that I am a British subject, born at [place of birth], and that I have never taken the oath of allegiance to, or become a citizen of any foreign Power, State or Nation."

Provided, always, that any voter called upon to take the oath hereinbefore contained, may if he so choose, in lieu thereof take the oath hereinafter contained:

2. "I, A. B., do solemnly swear that I was born at [place of birth], and that I was formerly a British subject, and that I, on the ——— day of ———, before the Chief Justice of Vancouver Island, took the oath of allegiance to her Majesty, her heirs and successors, and have not since that day taken the oath of allegiance to, or become the citizen of any foreign Power, State or Nation."

3. "I, A. B., do solemnly swear that I am the same A. B. who is mentioned in the municipal list of voters, and that I have paid my taxes due to date."

4. "I, A. B., do solemnly swear that I have not received or been promised, or to my knowledge has any other person on my behalf, or for my benefit received or been promised any money, gift, advantage, place or consideration for, or for the purpose of influencing the vote which I now tender."

Oaths of candidates.

32. At the nomination or at any time before the close of the poll, any duly qualified voter may call upon the Sheriff or Returning

Officer to require the oath of qualification next hereinafter set forth to be administered to any candidate; and in the event of any candidate being present and declining or neglecting to take such oath within reasonable time after the tender of the oath, all votes given for such candidate shall be null and void, and shall be so declared by the Sheriff or Returning Officer:

"I, A. B., do solemnly swear that I am a British-born subject, and that I am possessed of the property qualification required by the Act of Incorporation, and that the said property is situated at ———, and is of at least the value of ———, [freehold or leasehold, as the case may be]."

33. If the candidate shall not be present the Sheriff or Returning Officer shall forthwith cause a notice to be left at the usual place of abode of the candidate calling upon the said candidate to take the oath lastly hereinbefore mentioned, and if not complied with within a reasonable time after the aforesaid notice was left at such place all votes given for such candidate shall be null and void.

If candidate not present, Sheriff to cause notice to be left at his usual place of abode.

34. The Sheriff or Returning Officer shall have the power at elections to administer the oaths required by this Act.

Sheriff or Returning Officer to have power to administer oaths.

35. The Sheriff shall deliver a certified copy of the poll-books to the Clerk of the Council within forty-eight hours after the close of the poll, and shall also after the expiration of the said forty-eight hours permit any member of the Council to examine the poll-books.

Poll-books, certified copy of to be delivered to Clerk of Council within 48 hours after close of poll, &c.

36. It shall be the duty of the Clerk of the Council to permit any reasonable inspection of such certified copies of the poll-books, by any duly qualified voter.

By whom certified copies may be inspected.

37. Any person may obtain a certified copy of any of the poll-books from the Clerk of the Council aforesaid upon payment of twenty-five cents per folio of one hundred words.

Certified copy of poll-books, how to be obtained.

38. The Sheriff shall immediately after the election, or (in case of a poll) immediately after the declaration thereof, file a certificate in the Supreme Court of Civil Justice of the result of such election or poll.

Certificate of result of election to be filed in Supreme Court by the Sheriff.

39. The Sheriff, Returning Officer, and Poll Clerks shall, before entering upon their respective duties, take the oath following before some Justice of the Peace for Vancouver Island:

Oaths of officers at elections.

"I solemnly swear that I will fulfil the duties of my office without fear or favor, and that I have not received, nor will I receive any bribe to influence my conduct."

40. Every person who shall have presented himself for nomination, and who shall have been elected either as Mayor or Common Councilman must serve, or in default pay a sum of two hundred and fifty dollars towards the municipal revenue; such sum to be recoverable with costs summarily before the Stipendiary Magistrate for the time being of the City of Victoria.

Persons nominated and elected must serve.

Penalty in default and mode of recovering the same.

41. The Mayor and every Common Councilman shall, within six days after election, and before taking his seat, take the following oath before the Chief Justice of the Supreme Court of Civil Justice.

Oaths to be taken by Mayor and Councilmen.

"I am a British born subject, possessing the requisite qualification, which is (statement of qualification), and have not, nor will have any interest, directly or indirectly, in any contract connected with the Corporation. I have not, by myself, nor by any other person, knowingly employed any bribery, corruption or intimidation, to gain my election; and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters."

Certificate of Oaths having been taken to be produced.

42. Every member of the Council shall, before taking his seat at the Council, produce a certificate from the Chief Justice of the Supreme Court, stating that the necessary oaths have been taken by such member.

Vacancies. In case of the Mayoralty becoming vacant the Council to choose one of their number to preside at the meetings of the Council, who shall have the same privileges and responsibilities as if he were Mayor.

43. In case of the death, bankruptcy, insolvency, resignation or permanent absence, for the space of three consecutive calendar months, from the Colony, of the Mayor for the time being, or in case the Mayor shall decline to accept office, or neglect to take the necessary oaths, the Council shall choose one from their number to be Chairman, who shall preside at all the meetings of the Council, and shall have the same powers, duties, privileges, and be subject to the same liabilities and responsibilities which the Mayor would have had and been subject to, until the next annual election.

In case of a vacancy occurring in the Council a new Common Councilman to be elected.

44. In case of the death, bankruptcy, insolvency, resignation, or permanent absence aforesaid, of any or more of the Common Councilmen, or in case of a Common Councilman neglecting to take the necessary oath, or filling such vacancy in the office of Mayor as aforesaid, a new Common Councilman shall be elected to fill the vacant office.

The Mayor to notify Sheriff. The Sheriff, within six days from notification, to fix day of election.

45. The Mayor, or presiding Common Councilman, shall within three days from such vacancy, notify the Sheriff thereof, who shall, within six days from the receipt of such notification, fix the day for the nomination and election of such new Common Councilman, and the nomination and election shall be held in manner aforesaid.

Validity of elections.

46. The validity of all contested elections shall be tried before the Chief Justice in manner following:

Grounds of disqualification

Any voter or candidate may present a petition to the Supreme Court, praying that the election of any Mayor or Common Councilman may be voided on either of the following grounds: By reason of bribery, intimidation or undue influence; by reason of such Mayor or Common Councilman not having obtained a majority of the votes of the duly qualified electors; by reason of such Mayor or Common Councilman not possessing the necessary property qualifications; or being under some disqualification as aforesaid.

Petitioner to give security for costs.

47. The petitioner shall in each case give such security for costs as the Court shall direct.

Order of Chief Justice to be final.

48. The order of the Chief Justice on the said petition shall be final and conclusive, and may contain all necessary directions for the holding new elections or otherwise as may be requisite.

Chief Justice to make rules for trial of petitions.

49. The Chief Justice may, from time to time, make rules for regulating the trial of such petitions, and the matters and things connected therewith.

Meetings of Council to be held openly.

50. The Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct.

A Special Meeting may be open or closed, by resolution of the Council expressed in writing.

51. A Special Meeting of the Council may be open or closed, as in the opinion of the Council, expressed by resolution in writing, the public interest requires.

Council to be summoned to meet within 14 days after date of election.

52. The Clerk of the Council, or in his absence, the Sheriff, shall within seven days from the day of election, summon the Council to meet on a day not more than fourteen days after the day of election, at some place to be mentioned in such summons.

Alphabetical List of persons entitled to vote to be prepared.

53. On the first day of August in every year there shall be prepared by the Municipal Council an Alphabetical List of persons entitled to vote in the different wards at the ensuing election of Mayor and Common Councilmen; and within seven days therefrom a copy of

the said list shall be published and exhibited at the door of the Post Office at Victoria, and at the door of the Municipal Council Office; and the said list shall continue to be so exhibited until the twenty-first day of the said month. Any person whose name may be omitted from such list, and who may claim to be placed thereon, shall previous to the first day of September following present to the Clerk of the Council a statement of his claim; and any qualified voter who may object to the qualification of any person already on such list shall in like manner, previous to the first day of September, present to the Clerk of the Council a statement of his objection on that behalf. On the third day of September in each year lists of such statements shall be made out, and shall be published and exhibited in like manner as the original list of voters, for a period of not less than seven days.

Where to be exhibited.

Persons whose names have been omitted from list to send in their claims to be placed thereon before 1st Sept ensuing.

Objections—how to be made

Statements of objections to be published and exhibited.

For the first week in September in every year, a Board of Revision, consisting of three Common Councilmen, shall be appointed by the Mayor; and such Board shall hold its first meeting at the Municipal Council office, at noon, on the fourteenth day of September, when they will commence to hear and determine all claims to be placed on the list of voters, and all objections which may have been lodged against any of those already on the list; and all persons interested therein, are to attend at such time and place, to produce evidence either in support of their claim, or objection, as the case may be, or to show cause why any fresh claim to be placed on the list of voters should not be admitted.

Board of Revision.

When and where to sit.

To determine all claims and objections.

And the said Board of Revision shall have power to summon witnesses, if so required, and to administer to them the following oath:

"I, A. B., do solemnly swear to tell the truth, the whole truth, and nothing but the truth."

Any wilful violation of such oath shall be punishable as perjury.

To summon witnesses and to administer oath.

The Board of Revision shall be allowed seven days in which to complete the business of revision, and for that purpose may adjourn its meetings from time to time within that period; and when the list of voters is finally revised and completed, it shall be declared to in the following manner before the Mayor:

Seven days to be allowed to complete revision.

List of voters when revised to be declared to before the Mayor.

"We do hereby declare that, to the best of our knowledge and belief, the foregoing is a true and correct list of persons entitled to vote during the current year at the election of Mayor and Common Councilmen for the City of Victoria.

(Signed,) A. B. } Revisors.
C. D. }
E. F. }

Declared to before me, this ——— day of———.

(Signed,) S. H., Mayor.

A copy of the list so revised shall be prepared on or before the first day of October in each year, and shall be kept at the office of the Clerk of the Council, and any person may have access to the same at all reasonable times.

Revised List (Copy of.) Where to be kept.

The list of voters as aforesaid, to be prepared on the first day of August, 1864, shall consist of those persons duly qualified as aforesaid, who shall have paid taxes to the Corporation at any time during the preceding twelve months: Provided always, that they still be resident within the limits of the city, or have real estate situated within such limits; and the lists for succeeding years shall be made up from the list of previous years, with such persons added thereto as may have subsequently become tax payers, and with such persons omitted therefrom as may have ceased to be tax-payers to the Corporation, or as may be otherwise disqualified.

Of whom to consist.

Provided always, that at all elections for Common Councilmen, occurring before the completion of the revised list of voters referred to

in this section, the revised list of voters for the time being for the election of members for the House of Assembly shall be used ; and, Provided always, that at all elections held subsequent to the completion of the revised list of Municipal voters aforesaid, the last revised list of Municipal voters shall be used.

Proceedings of Council.

Questions to be decided by majority of members present, their number not being less than four.

54. All acts whatsoever authorised or required by virtue of this Act to be done by the Council and all questions of adjournment and others that may come before the Council, may, save where otherwise expressed, be done and decided by the majority of the members of the Council who shall be present at any meeting held in pursuance of this Act, the whole number of members present at such meeting not being less than four.

The Mayor or Chairman pro tem in his absence to have casting vote in case of equality of vote. Minutes of proceedings to be kept.

To be open for inspection.

At such meeting, the Mayor, if present, shall preside ; and the Mayor, or in the absence of the Mayor, such Common Councilman as the members of the Council then assembled shall choose to be Chairman of that meeting, shall have a second or casting vote in all cases of equality of votes. The Minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the Mayor or Common Councilman presiding at such meeting ; and the said minutes shall be open to the inspection of any person, who may also make copies thereof at all reasonable times on payment of a fee of twenty-five cents.

24 hours notice to be given in writing of business proposed.

55. Previous to the introduction of any business at any meeting of the Council a notice in writing of any business proposed to be brought forward by any member shall be publicly exhibited for twenty-four hours previously to such meeting in some public place to be agreed upon by the Council.

Meetings of Council, other than adjourned meetings—3 days notice to be given. Mayor may convene Council as often as he may think proper.

56. Previous to any meeting of the Council, other than adjourned meetings, a notice of the time and place of such intended meeting shall be given three clear days at least before such meeting by fixing a copy of the said notice at the Council Chambers; and such notice shall be signed by the Mayor, who shall have power to call a meeting of the Council as often as he shall think proper.

How Council may be convened otherwise than by the Mayor after requisition.

57. In case the Mayor shall refuse or neglect to call a meeting within forty-eight hours after a requisition for that purpose signed by three members of the Council at least shall have been presented to him, it shall be lawful for the said three members to call a meeting of the Council by giving such parties as is hereinafter declared in that behalf, such notice to be signed by the said members instead of the Mayor, and stating therein the business to be proposed to be transacted at such meeting, and in every case a summons to attend the Council, specifying the business proposed to be transacted at such meeting, signed by the Mayor or the members (as the case may be), shall be left at the usual place of abode or at the usual place of business of every member of the Council three clear days at least before such meeting, and no business shall be transacted at such meeting other than the business which is specified in the notice.

Council may appoint Committees out of their own body

58. The Council may, out of their own body, from time to time, appoint such and so many committees, and consisting of such members as they may think, for any purposes which in the discretion of the Council would be better regulated and managed by means of such committees, but all proceedings of such committees shall be subject to the approval of the Council.

Council to have power to pass By-laws.

59. The Council shall have power to make and pass By-laws for any of the following purposes :

1. To regulate and provide for the drainage and sewerage of the said city, and to establish a general grade in the said city.

2. To regulate the maintenance, repair and construction of the highways, footpaths, public wharves and bridges situated within the said city.

3. To accept, purchase and hold such real estate within the limits of the municipality as may be required for corporate purposes, and to erect such buildings thereon as may be requisite for corporate purposes; and to accept, purchase and hold land for public cemeteries beyond the limits of the municipality, and to lay out, improve, manage, lease or convey the same or any part of the same.

4. To regulate the public market, the sale, carriage or storage of gunpowder, and for the inspection of weights and measures used within the said city.

5. To establish a city pound, and to make regulations as to its governance.

6. To regulate all matters affecting the liability of the said city to fire, and to make regulations with regard to the preservation of the said city from fire.

7. To regulate the public lighting of the said city.

8. To regulate the sanitary condition of the said city.

9. To provide for the prevention and removal of nuisances within the said city.

10. To regulate the traffic within the said city.

11. To establish and maintain land marks in the said city.

12. To establish, lease and regulate all public ferries within the said city, and to fix the tolls for using the same.

60. Every By-law passed by the Council shall be reconsidered not less than three days after its original passage, and if confirmed in the manner hereinafter provided, shall come into effect and be binding on all persons after seven days from the publication of the same in some one or more of the public papers published in the city, unless otherwise postponed in such By-laws.

61. Every By-law shall be passed by the vote or resolution of at least four members of the Council and at a meeting where at least five members of the Council shall be present.

By-laws how to be passed.

62. A copy of every By-law, signed by the Clerk of the Council and countersigned by the Mayor or presiding Common Councilman, shall be transmitted by the Clerk of the Council to the Governor of Vancouver Island and its Dependencies, or to the person for the time being administering the government thereof, within forty-eight hours after the passage of the said By-law; and every By-law before having the force of law shall receive the assent, in writing, of the said Governor or said person so administering the government; provided, always, that the said Governor or said person so administering the government may, if he think fit, refer such By-law to the municipal vote, and the said municipal vote shall be taken in the manner hereinafter prescribed for the confirmation or disallowance of a resolution anticipating the future revenue of the said municipality.

A copy of every By-law signed by Clerk of Council, countersigned by Mayor, to be forwarded to Governor for assent.

63. The penalty by which any By-law may be sought to be enforced may be stated in the By-law; and if no penalty is therein mentioned, the breach of any By-laws shall be punished in a summary way, by a fine not exceeding the sum of two hundred and fifty dollars, or by imprisonment for any term not exceeding three months, with or without hard labor, at the discretion of the Stipendiary Magistrate for the time being of the city of Victoria.

Penalties by which By-law may be enforced. Fine not exceeding $250. imprisonment not exceeding 3 months, etc.

64. The moneys derived from the rental of all real estate belonging to the corporation, the dues, tolls or forfeitures, and all other moneys coming to the corporation in any other manner, and the interest, dividends and annual proceeds of moneys, dues, chattels, and valuable securities belonging or payable to the corporation, shall be deposited in one of the banks of the city to the credit of an account to be called the "City Fund"; and such fund shall be applied in payment of the loans lawfully effected by the said corporation, and towards defraying the ordinary expenditure of the corporation in the conduct of its

All moneys belonging to the Corporation to be placed in one of the Banks in the city to credit of City Fund Account

How they are to be applied.

general business or towards the maintenance and repair of the highways, footpaths, public wharves and bridges situated within the city; the supply of the city with gas and water; the improvement of the approaches to the city, including the bridges across Victoria Arm from Point Ellis; the maintenance of hospitals or destitute persons in hospitals; the maintenance of the fire engines and apparatus in a state of complete efficiency; and towards the better carrying out of any of the purposes for which the Council is empowered to pass By-laws. Provided, always, however, that no more than one-third portion of the annual city revenue from all sources shall be devoted in any one year towards defraying the ordinary expenditure of the corporation in the conduct of its general business.

Not more than one-third of annual city revenue to be devoted to defraying expenditure of Corporation.

As and from 1st January, 1864, an annual tax not exceeding ¼ part of tax levied under "The Real Estate Tax Amendment Act, 1862," to be levied on Real Estate within city limits. Rate of Tax to be fixed annually by Council Colonial Treasurer to collect And to pay over to credit of 'City Fund' in Bank.

65. As and from the first day of January, one thousand eight hundred and sixty-four, there shall be, and there is hereby levied and imposed, upon all persons having real estate within the limits of the City of Victoria, an annual tax not exceeding in any one year one-fourth part of the tax payable by such persons upon the Government Assessment Roll, under "The Real Estate Tax Amendment Act. 1862." The rate of tax, as last aforesaid, shall be fixed by a By-law to be annually passed by the said Council; and such rate shall not, in any case exceed in any one year, one-fourth part of the tax so fixed by the Government Assessment Roll; and after the passage of such By-law, the Treasurer of the Colony, for the time being, shall, and he hereby is empowered to collect such fourth part, or such proportion of such fourth part as may in such By-law be specified and declared, at the same time and place, and in the same manner, and with the same additional amounts, in cases of default, as the tax payable upon the Government Assessment Roll as aforesaid, and the Treasurer is hereby authorized to pay over such moneys, when so collected, as aforesaid, to the credit of the City Fund account, kept in the Bank aforesaid.

Provided that the provisions of "The Real Estate Tax Amendment Act, 1862," with regard to the levying the said one per cent. tax and with regard to the sale of real estate of defaulters. shall equally apply in the case of default being made in the payment of the said one-fourth, or the proportionable part thereof, and the additional amounts aforesaid, so fixed by the said By-law.

As and from 1st January, 1864, a tax to be levied not exceeding a tax ¼ part of am'nt payable upon the Governm't Assessment. Roll under Trades Licenses Amendment Act, 1862 by persons carrying on business within city limits.

66. As and from the first day of January, one thousand eight hundred and sixty-four, there shall be, and there hereby is levied and imposed upon the persons carrying on business within the City of Victoria and liable to pay licenses, assessments, or other taxes, under the provisions of "The Trades Licenses Amendment Act, 1862," a tax not exceeding in the aggregate in any one year one-fourth part of the amount payable upon the Government Assessment Roll for the time being under the said Act, by those carrying on business within the said city. The rate of such tax as last aforesaid, shall be fixed by a By-law passed by the said Council, and shall not exceed in any year one-fourth part of the Tax so fixed by the Government Assessment Roll for the time being, or otherwise payable under "The Trades Licenses Amendment Act, 1862," and a list of such persons shall be furnished by the Clerk of the Council to the Treasurer on the same day as the day on which such Rolls shall be published in pursuance of the said Act; and the said Treasurer is hereby authorised and required after the passage of the said By-law and the delivery, and he is hereby empowered to collect such fourth part or proportion of a fourth part, as may be specified and declared by such By-law, at the same time and place, and in the same manner and under the same penalties, as the taxes, licenses or assessments so payable upon the Government Assessment Roll as aforesaid; and the Treasurer is hereby authorised and required to pay over such moneys when so collected as aforesaid to the credit of the city fund account kept at the bank aforesaid.

Treasurer to collect.

And to pay in to Bank to credit of City Fund

Provided, always, that the provisions of "The Trades License Amendment Act, 1862," with regard to the levying of the said amount by such Act authorized to be levied, and with regard to the penalties upon all persons making default in making payment of the same, shall

equally apply in the case of default being made in the payment of the said one-fourth, or the proportionable part thereof so fixed by the said By-law.

Provided, always, that as to persons or corporations residing or doing business within the said city of Victoria, it shall be lawful, in addition to the amount of money which the said Treasurer is hereinbefore authorized in this section to pay to the credit of the said city fund, for the Council, by By-law, to raise, levy and collect a sum of money from those persons or corporations respectively whose names are stated under the Government assessment roll under the Trades License Amendment Act, 1862, published in the Government Gazette of the sixteenth day of February, one thousand eight hundred and sixty-four, not exceeding one-fourth of the sum of money which such persons or corporations were respectively declared liable to pay by such roll published as aforesaid.

Orders upon which Bank is to pay out moneys.

67. The Bank having the custody of the "City Fund" shall not pay out any moneys on account of the corporation, except upon an order of the Council in writing, signed by the Mayor and two or more members thereof, and countersigned by the Clerk of the Council.

Dog Tax.

68. The Council shall have the power by By-law to levy and enforce a tax on all dogs running at large within the city limits, and such tax shall not exceed the sum of five dollars per annum.

Real Estate assessed to be liable for amount of tax.

69. The real estate, in respect of which an assessment has been made under the authority of this Act and the said By-law of the twelfth day of December, 1863. hereinbefore mentioned, shall be liable for the amount assessed, and such liability shall be a charge on the said real estate, subject to any prior charge under the 40th section of the "Real Estate Amendment Act, 1862."

Resolution devoting any Municipal funds —how to be governed.

70. A Resolution devoting any portion of the municipal funds to any of the purposes aforesaid shall be passed by the vote of at least four members present at a meeting where at least five members shall be present; such Resolution shall be afterwards confirmed by a like vote at some meeting summoned after the lapse of seven days from and before the expiry of one calendar month at least from the original meeting, and summoned also for the specific purpose of confirming the Resolution.

71. Provided, always, that the Council, save as hereinafter mentioned, shall have no power to incur any personal liability beyond the municipal revenue for the current year.

Power to Council to borrow $10,000.

72. Provided, always, that the Council shall have power to borrow a sum not exceeding ten thousand dollars and may p'edge the city revenue or any portion thereof for the current or ensuing year for the payment of the same with interest.

City revenue may not be pledged for more than $10,000 except by special Act of Legislature.

73. Provided, always, that the city revenue cannot be pledged for a greater sum than ten thousand dollars, except by special Act of the Legislature giving the Council power to borrow, and that the interest on any loan shall not exceed twelve per cent per annum.

Council to determine by By-law what security is to be given.

74. The Council may by By-law determine the description of bond or other negotiable security to be give to secure the payment of any sums of money loaned to the city.

Council not to issue Treasury or Demand Notes, &c.

75 Provided, always, that the Council shall have no power to issue any paper in the shape of treasury or demand notes, or any paper that can become a circulating medium.

Resolutions effecting a City Loan to receiveconfirmation of Municipal electors.

76. Every Resolution having for its object the effecting of a loan to the city shall receive the confirmation of the municipal electors in the manner hereinafter provided.

77. The Council shall, by public notice, fix the day, hour and place

for taking the votes of the electors thereon at every place in the city at which the election of the members of the Council is held, and shall also name and appoint a sufficient number of returning officers to take the votes at every such place, and such day shall not be less than seven nor more than twenty-one days after the second passage by the Council of the Resolution as last aforesaid.

Every voter to have a vote for or against Resolution in each Ward where he has a vote for Common Councilman.

78. Every voter shall have a vote either confirming or negativing the said Resolution, in each Ward where he has a vote for Common Councilman.

Three days before day of voting, Resolution to be published in newspaper, and in each Ward.

79. The Council shall, for at least three days before the voting day, publish a copy of such proposed Resolution in some newspaper published within the municipality; and also post up a copy thereof in at least one public place within each ward.

Form of notice

80. Appended to each copy so published and posted shall be a notice signed by the Clerk of the Council to the effect following:

"Take notice that the above is a true copy of the Resolution upon which the vote of the municipality will be taken [place, day and hour]."

Poll to be kept open from 10 a.m. till 4 p.m. on day of voting.

81. The poll shall be taken on the question "aye," or "no," whether the Resolution shall be confirmed, and the poll shall be kept open on the day named from the hour of ten o'clock in the morning until four o'clock in the afternoon.

Returning Officer--how to act in regard to the Poll Books.

82. Every Returning Officer shall immediately after the closing of the poll return his poll-books, sealed and verified, to the Clerk of the Council, with a solemn declaration annexed that the poll-book contains a true statement of the votes.

Clerk of the Council to unseal and add up Poll Books before Council and to certify to them, the result of the voting.

83. The Clerk of the Council shall unseal the poll-books at the next sitting of the Council and in their presence add up the number of votes for and against the Resolution, and shall certify to the Council, under his hand, whether the majority have approved or disapproved of the Resolution, and shall keep the poll-books among the records of his office.

Poll Book to be open for inspection—fee 25 cents.

84. The poll-books shall be opened to inspection on payment of a fee of twenty-five cents to the Clerk of the Council.

A rejected Resolution may not be brought forward again during same Municipal year

85. In case any Resolution shall be negatived by the vote of the electors, no such Resolution having the same object in view shall be brought forward or considered during the same municipal year.

Seven-tenths of property holders may sign a requisition calling upon Council to grade any street.

The Council are empowered to make a rate upon value of property abutting on such street.

86. If the holders of seven-tenths of the lots on any street, or any portion of a street not less than one block in length, in the city of Victoria shall sign a requisition calling upon the Council to grade, macadamise, pave, drain or otherwise improve the said street or portion of such street as aforesaid, the said Council shall be empowered to make a rate upon the value of the lots abutting on such street or such portions of the street as aforesaid of a sufficient amount to carry out such improvements, and may apply the rate when collected, and also any municipal funds they may think desirable, according to the prayer of such requisition, the Council approving such requisition in such manner as they may appoint by By-law.

Accounts to be kept of revenues received and expended.

To be audited.

87. The Council shall cause clear and correct accounts to be kept of all revenues received and expended on behalf of the Corporation, and such accounts shall be annually audited by two competent persons to be annually appointed by the Council. From the accounts as aforesaid the auditors shall, after the completion of their audit, prepare a statement exhibiting, under the various general heads, the revenue received and expended during the year, and the said statement shall be declared to as follows, before the Mayor or a Justice of the Peace, and shall be published on or before the first day of November in each

year, in one or more of the newspapers published within the city of Victoria.

"We, the undersigned A. B. and C. D., do hereby certify and declare that we have examined the accounts of the Municipal Council of the City of Victoria for the year ended the ——— day of ——— 18—, and that we have found the various entries of charge and discharge to be correct, and in conformity with the authorities and vouchers in support thereof, and that the foregoing statement is a true abstract prepared by us from the said accounts. Declaration by Auditors.

"A. B.
"C. D.

"Declared to before me this ——— day of ——— 18—.
[Signed] "E. F."

88. The Mayor shall be deemed head of the Council and the head and chief executive officer of the corporation, and shall *ex officio* be a Justice of the Peace, and in conjunction with the Stipendiary Magistrate of the City of Victoria, or other person acting as such for the time being, shall have power to try all cases concerning any breach of the Municipal By-laws, but the Mayor shall not hold any separate court for the trial of such cases. How breach of Municipal By-laws is to be tried.

89. It shall be the duty of the Mayor to cause the law for the improvement of the city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the Government thereof, and as far as may be in his power to cause all negligence, carelessness, and positive violation of duty to be prosecuted and punished, and to communicate from time to time to the Council all such information, and recommend all such measures as may tend to the improvement of the finances, health, security, cleanliness, and comfort of the city. Duties of Mayor—to supervise conduct of subordinate City Officers &c.

90. The jurisdiction of the Council shall be confined to the Municipality, except where authority beyond the same is expressly given. Jurisdiction of Council.

91. The Council may make regulations not specifically provided for in this Act, and not contrary to the provisions hereof, and not contrary to law, for governing the proceedings of the Council and the conduct of its members. Council may make regulations for governing its own proceedings.

92. The Mayor and Council shall be capable of holding real estate for corporate purposes, and such real estate as may be granted to them in such manner as the law admits. The Mayor and Council may hold real estate for corporate purposes.

93. The Mayor and Common Councilmen shall not receive any fee or reward for their services. They shall not receive fee or reward.

94. The Council may appoint, from time to time, such officers, not being a magistrate or police officer, as may be absolutely required for the conduct of the corporate business, and may pay the same out of the corporate revenues set apart for the ordinary expenditure of the Corporation: Provided always that it shall be incumbent upon the Council to appoint a Clerk to the Council. Appointment of Officers.

95. All officers shall give security in such manner as the Council shall determine for the due performance of their services. Security to be determined by Council.

96. The City of Victoria shall have a Corporate Seal, and the Council shall enter into all contracts under the said seal, which shall be affixed on all contracts by virtue of an order of the Council. City to have a Corporate Seal

97. The Council may absolutely lease any of the Municipal property for any term not exceeding fourteen years, receiving therefrom the best rent that can reasonably be obtained; and without taking any fine or premium, or other money, in the nature of a fine or forfeit: Provided always, that every lease made by the Corporation shall be executed under the corporate seal, and there shall be therein Power of Lease

contained a proviso for re-entry, or non-payment of the rent, or non-observance, or non-performance, of the covenants and provisos therein contained: Provided always, that no Municipal property shall be leased, until due notice thereof shall have been given in one or more of the public papers.

92. This Act may be cited as the "Victoria Incorporation Amended Act, 1864."

SCHEDULE.

The boundaries of the City of Victoria shall be as follows:

First part.

Commencing at the southwestern corner of lot 1394, printed on the official map of 1861; thence along the southern boundary of the said lot to Simcoe street; thence through the centre of Simcoe street to Beacon Hill Park; thence southerly along the western boundary of the said Park to the Straits; thence easterly along the shore to the southeastern corner of the Park; thence northerly to the southeastern corner of lot 1694, in block 56; thence through the centre of Cook street to Beecher street; thence through the centre of Beecher street to Moss street; thence through the centre of Moss street to Fort street; thence through the centre of Fort street to the southeastern point of the School Reserve; thence along the eastern boundary of the School Reserve and section XVIII. (Victoria district map), to the centre of Johnson street; thence along the centre of Johnson street to the southeastern corner of lot 1036; thence to the southeastern corner of the five-acre lots and along the eastern boundary of the same to the southeastern corner of section III. (Victoria district map); thence along the southern boundary of the said section III. westward, including blocks D and A on Waddington's map, 1863, to the centre of the Saanich road, thence along the Saanich road to centre of Finlayson street; thence through the centre of Finlayson street to centre of Bridge street; thence northerly along the centre of Bridge street to the Victoria Arm or Inlet; thence across the Inlet to the northeastern corner of section XXXI. in Esquimalt district map; and thence southerly along the eastern boundary of that section to Victoria Harbor and across the Harbor to the point of commencement.

Second part.

Johnson Street Ward shall include all that portion of the city North of Johnson Street, and including the Indian Reserve.

Third part.

Yates Street Ward shall include all that portion of the city bounded on the north by the centre of Johnson Street; on the South by the centre of Fort Street; on the West by Victoria Harbour; and on the East by Section XVIII. in Victoria District.

Fourth part.

James Bay Ward shall include all that portion of the city south of the centre of Fort Street.