A BILL,

Intituled "An Act to repeal the 'Victoria Incorporation Act, 1862,' and to make certain provisions in lieu thereof." Long Title

WHEREAS it is expedient to repeal the "Victoria Incorporation Act, 1862," and to make provisions in lieu thereof, 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. From and after the passage of this Act, the said "Victoria Incorporation Act 1862" shall be repealed, but the By-laws duly made under the said Act, and now in force, shall continue until repealed or altered by the Council, and the validity of all such By-laws shall be determined in the same manner as if the said "Victoria Incorporation Act 1862" had not been repealed, and this Act had not been passed. Repeal of 'Victoria Incorporation Act, 1862'

2. The inhabitants of the City of Victoria within the limits more specifically described in the Schedule A to this Act annexed, shall be a body Corporate from and after the passage of this Act, under the name and style of the "Corporation of Victoria," having a perpetual succession and a Common Seal, with power to hold lands and hereditaments or any estate therein; but the said Corporation shall be liable for all the legal debts and liabilities now due by the Corporation at the time of the passage of this Act, and shall have the same remedies for the recovery of all legal liabilities and debts now due, that belonged to the Corporation under the "Victoria Incoration Act 1862." Incorporation of the City of Victoria — Rights and liabilities of old Corporation transfered to the new

3. The Government of the City shall, subject to the provisions of this Act be placed under the control of a Council. Government of City under the Council

4. The Council of the City of Victoria shall consist of the Mayor, who shall be Head thereof, and of two Councillors for each Ward, except the Number One (1) Ward, and the Number Fve (5) which shall be represented respectively by one Councillor only. Council to consist of a Mayor and 8 Councillors

5. The said City shall be divided into five Wards, namely: Division of City into Wards

Ward Number One (1,)
Ward Number Two (2,)
Ward Number Three (3,)
Ward Number Four (4,)
Ward Number Five (5.)

6. The boundaries of the said City, and the areas of the said respective Wards shall be as more particularly described in the Schedules A and B of this Act annexed. Boundaries of City and areas of Wards

7. The Qualifications of the Mayor and Councillors shall be as follows:— Qualifications of Mayor & Councillors

Being a male British subject of full age, having resided within the Colony of Vancouver Island and its Dependencies, for a space of twelve calendar months previous to election; being at, and having been for three calendar months next preceding the time of election rated on the assessment roll of the said city in respect of real estate to at least the value of $500, or leasehold of one thousand dollars. Provided always that at the first election of a Mayor and Councillors, the qualification of such Mayor and Councillors shall as to property be as follows: Possession in his own right of real property within the city to the market values respectively of five hundred dollars worth of freehold property, or of one thousand dollars worth of leasehold property.

8. The disqualifications of Mayor and Common Councillors shall be as follows: Disqualifications of Mayor and Councillors

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 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, other than a justice of the peace; or being in receipt of any allowance from the Corporation.

9. All persons over sixty years of age, all persons in the Civil Service of the Crown, all persons in priests orders, clergymen, and ministers of the gospel of every denomination, all barristers, attornies, and solicitors in actual practice, all officers of courts of justice, all members of the medical profession. whether physicians or surgeons, all professors, masters, and teachers of any university, college or school, now or hereafter to be within the city limits, and all Firemen belonging to an authorised Fire Company are exempt, from being elected or appointed Mayor or Councillors or to any other corporate office. Exemptions from serving as Mayor and Councillors

10. The qualification of Voters shall be as follows: Qualifications of Voters

Being a male British subject of full age, having resided in Vancouver Island or its dependencies for the space of three calendar months preceding the election at which he tenders his vote, and being rated for the support of the Corporation, and being registered therefor upon the last Revised List of Municipal Voters.

Provided always that at the first election of Mayor and Councillors the voters shall be persons at that time registered on the list of voters for the election of representatives of the city of Victoria, and at such election each voter on such list shall have a vote for each Councillor and one for the Mayor, such votes to be given at one time and place.

11. The disqualification of voters shall be as follows: Disqualification of Voters

Being a bankrupt, felon, or outlaw; having taken the oath of allegiance to, or

become a citizen of or subject of 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 and its Dependencies.

Election of Mayor

12. The Mayor shall be elected in the manner herein-mentioned.

Mayor must have greatest number of votes

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

Election of Councillors

14. There shall be two Councillors elected in manner mentioned in each of the said Wards, except as regards the Number One Ward and the Number Five Ward, which shall each be represented by one councillor only.

Councillor must have the greatest number of votes

15. The candidates or candidate respectively for the office of Councillors in each Ward (duly qualified) who shall obtain the greatest number of votes in the Ward for which they may stand shall be Councillors or Councillor.

Number of votes for Mayor and Councillors

16. Every person possessed of the qualifications and under none of the disqualifications herein-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 Councillors for each Ward in which he has a qualification, but in voting for Councillors 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, provided always that in an election for a Ward represented by one Councillor an elector shall have one vote only.

Voting to be open

17. The voting for Mayor and Councillors shall be open, and no person shall vote by proxy.

Duration of term of office

18. The Mayor and Councillors shall be elected for one year; Provided always that if the Mayor or any of the Councillors, or any person on his or their behalf, or any person in partnership with him or them, shall enter into or obtain any interest, directly or indirectly, in any contract entered into by or with the Corporation, such Mayor or Councillor having any interest in any contract as aforesaid shall immediately be disqualified from continuing as Mayor or Councillor as the case may be; Provided always that if any Mayor or Councillor 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 Councillor shall forfeit to the Corporation a sum of five hundred dollars 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.

Mayor or Councillor entering into contracts disqualified

Penalty for Mayor or Councillor not resigning

Day of nomination for Mayor & Councillors

19. The nomination of candidates for the office of Mayor and Councillors shall take place on the first Monday of January in each year, and the polling (if any) on the day following; Provided, that if either of the said days fall on Sunday or public holiday, the nomination or election shall take place on the following day.

Place of holding Polls

20. The Poll shall be held in such places in each ward, not being in, or in the immediate vicinity of a Fire Depatment 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.

Notice of place of nomination and poll

21. The Sheriff, or outgoing 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.

Vote for Mayor to be given in Ward No. 3

22. The vote for Mayor shall be given in Ward Number Three and no other.

Return'g Officers

23. The Council shall appoint the Returning Officers, and in default thereof the Sheriff shall make such appointments.

Nomination by Returning Officer & electors in Ward No. 3

24. The Returning Officer shall on the day of nomination in Number Three Ward, at noon, nominate such persons as shall be put in nomination in that behalf, by some qualified voter, as candidates for the office of Mayor, or Councillors, as the case may be, and a show of hands shall then take place, and the returning officer shall thereupon declare which of the candidates has or have been elected by the show of hands.

Show of hands for Candidates

Candidate or voter may demand Poll

25. Any candidate or voter, on his behalf, may thereupon, demand a poll which shall be taken on the day of election, and the returning officer 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.

Poll taken on day of Election

Declaration of Poll

Council supplies list of Voters & Poll Books to Returning Officer

26. In case of a poll being demanded, the poll books and list of voters for each Ward shall be supplied by the Council to the Returning Officer.

Poll kept open from 8 a.m. to 4 p.m.

27. The Polls shall be kept open between the hours of eight o'clock, A M. and four o'clock P. M.

Casting vote of Returning Officer

28. In the election of Councillors, if there be an equality of votes, the Returning Officer shall have a casting vote to be given at the time of the declaration of the Poll.

If votes equal Council selects Mayor

29. In case of an equality of votes, the Council shall appoint as Mayor one of the candidates between whom the equality exists.

The Mayor so elected or appointed to make the declaration

30. The person so elected or appointed shall forthwith make the declaration in manner provided for Mayor, and assume the office of Mayor accordingly.

Expenses attend-

31. 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.

ant on Elections

32. Every person tendering his vote at any election of a Mayor or Councillor, shall, before voting, take all or any of the following oaths as may be required by any duly qualified voter :—

Voters to take oaths if required.

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

British subject.

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....., 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."

Oath of Voter who has taken the oath of allegiance before Chief Justice

3. "I, A. B , do solemnly swear that I am the same A. B. who is mentioned in Municipal Assessment Roll, and that I am rated for the support of the Corporation, and that I have paid my taxes due to date."

Oath of identity

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."

Oath against bribery.

33 At the nomination, or at any time before the close of the poll, any duly qualified voter may call upon the 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 Returning Officer :

Oath to be administered to Candidates if required,

"I, A. B., do solemnly swear that I am a British 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 $500 of freehold property, or leasehold of $1000."

34. If the candidate shall not be present, the 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 the candidate does not comply within twenty-four hours after the aforesaid notice shall be left at such place, all votes given for such candidate shall be null and void.

Procedure in case of absence of candidate respecting oath

35. The Returning Officers shall have the power at elections to administer the oaths required by this Act.

Returning officers to administer oaths

36. The Returning Officers shall deliver the Poll Books, certified and sealed within twenty-four hours after the close of the Poll, to the City Clerk.

Returning Officers to deliver Poll Books to City Clerk

37. It shall be the duty of the City Clerk to permit any reasonable inspection, of such Poll Books by any qualified voter.

Inspection of Poll Books allowed

38. Any person may obtain a certified copy of any of the Poll Books from the City Clerk aforesaid upon payment of twenty-five cents per folio of one hundred words, to be appropriated as hereinafter mentioned.

Certified copies of Poll Books may be obtained

39. The City Clerk 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.

City Clerk to file a certificate of result of election

40. The Returning Officers 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 Returning Officers and Poll Clerks

"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."

41. The Mayor and every Councillor 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 Councillors

"I am a British subject, possessing the requisite qualification of $500 worth of freehold, (*or* $1000 *worth of leasehold property as the case may be,*) which is (*statement of qualification*), and have not, nor will have any interest, directly or indirectly, in any contract 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 will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters."

42. In case at any annual or other election the electors, from any cause not provided for in this Act, neglect or decline to elect the members of the Council on the day appointed, or to elect the requisite number of members, the other members of the Council, or if there are none, then the members for the preceding year, or the majority of them respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite ; and the persons so appointed shall accept office and make the necessary declarations under the same penalty in case of refusal or neglect as if elected.

If electors neglect to elect a Mayor or Council'rs, they may be appointed by Councillors of the preceding year

Mayor or Councillors appointed to make declarations under penalty

43. In case a member of Council be convicted of felony or infamous crime, or be declared a bankrupt, or be charged in execution for debt and remains in close custody for one week, or assigns his property for the benefit of his creditors, or absents himself from the meetings of the Council for three months, without being authorized by a resolution of the Council entered on its minutes, his seat in the Council shall thereby become vacant.

Seats vacated by insovency allowed

44. In any case herein provided, or in case a person elected as Mayor or Councillor neglects or refuses to accept office or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the Council caused by death, judicial decision, or otherwise, the Head of the Council for the time being, or,

New Elections provided for

in case of his absence or his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one of the Members of the Council shall forthwith, by warrant, underthe signature of such Head, Clerk, or Member, and under the Corporate seal, require the Returning Officer appointed to hold the last election for the City or Ward respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid or to fill the vacancy.

Term of office

45. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected or for which the office is to be filled.

Time for holding and notice of new election

46. The Returning Officer shall hold the new election at farthest within eight days after receiving the Warrant, and shall, at least four days before the election, post up a public notice thereof, under his hand, in at least four of the most public places in the municipality.

Non-Election of members not to prevent organization of Council

47. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the Council for the year, the Warrant for the new election shall be issued by the head or a member of the Council for the previous year, or by the Clerk in like manner as provided for ; but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority are present of the full number of the Council.

Members of Council to produce a certificate that they have taken oaths

48. Every member of the Council shall, before he acts as such member, produce a certificate from the Chief Justice of the Supreme Court, stating that the necessary oaths have been taken by such member.

Contested elections to be tried before Chief Justice.

49. The validity of all contested elections shall be tried before before the Chief Justice of Vancouver Island and its Dependencies.

Trial of contested elections

50. In case the validity of the election or appointment of a Mayor or Councillor is contested, the same may be tried in term or vacation by the Chief Justice of the Supreme Court ; and any candidate at the election, or any elector who gave or tendered his vote thereat, may be Relator for the purpose.

51. The proceedings for the trial shall be as follows :

Time for limited security and proof required

1. If within six weeks after the election or one month after acceptance of office by the person elected, the Relator shews by affidavit to the said Chief Justice reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the Relator enters into a recognizance before the said Chief Justice or the Registrar of the Supreme Court in the sum of two hundred dollars, with two sureties (to be allowed as sufficient by the said Chief Justice or Registrar upon affidavit of justification) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect or to pay the party against whom the same is brought, any costs which may be adjudged to him against the Relator, the Judge shall direct a writ of summons in the nature of *quo warranto* to be issued to try the matters contested.

When the Relator claims to be elected

2. In case the Relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity both of the election complained of and the alleged election of the Relator or other person.

When several are complained of

3. In case the grounds of objection, apply equally to two or more persons elected the Relator may proceed by one writ against such persons.

All to be tried by Chief Justice, who is to give one judgment upon each or a seperate judgment upon each

4. Where more writs than one are brought to try the validity of an election, all such writs shall be made returnable before said Chief Justice, and such Chief Justice may give one judgment upon all, or a separate judgment upon each one or more of them as he thinks fit.

Writ, who to issue, and return day thereof

5. The Writ shall be issued by the Registrar of the said Supreme Court and shall be returnable before the said Chief Justice in Chambers upon the eighth day after service, computed exelusively of the day of service, or upon any later day named in the Writ.

Returning Officers may be made parties

6. The Chief Justice may, if he thinks proper, order the issue of a Writ of Summons at any stage of the proceedings to make the Returning Officer a party thereto.

Service to be personal unless excused by the Chief Justice

7. Every Writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Chief Justice, upon being satisfied thereof by affidavit or otherwise, may make an order for such substituted service as he thinks fit.

The Council, or an elector may intervene

8. The Chief Justice may allow any person entitled to be a Relator to intervene and defend, and may grant a reasonable time for the purpose ; and any intervening party shall be liable or entitled to costs like any other party to the proceedings.

The Chief Justice shall try summarily

9. The Chief Justice shall in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, and may, by order, cause the Assesment Rolls, Collector's Rolls, Poll Books, and other records of the election to be brought before him and may inquire into the facts on affidavit or affirmation or by seal testimony, or by issues framed by him and to be tried by a jury before him, or by one or more of these means, as he deems expedient.

And remove; admit or confirm

10. In case the election complained of be adjudged invalid the Chief Justice shall forthwith, by Writ, cause the person found not to have been duly elected, to be removed; and in case Chief Justice determine that any other person was duly elected the Chief Justice shall forthwith order a Writ to issue, causing snch other person ot be admitted ; and in case the Chief Justice determines that no other person was duly elected instead of the person removed, the Chief Justice shall by the Writ cause a new election to be held.

If all the members ousted &c Writ for new election, to go to the Sheriff

11. In case the election of all the members of a Council be adjudged invalid, the Writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the Council shall be directed to the Sheriff of Vancouver Island and its Dependencies. And the Sheriff shall have all the powers for causing the election to be held which the Council has in order to supply vacancies therein.

12. Any person whose election is complained of may, within one week after service on him of the Writ, transmit to the Registrar of the Supreme Court, or may cause to be delivered to such Registrar a disclaimer signed by him to the effect following: Defendant may Disclaim

"I, A. B., upon whom a Writ of Summons in the nature of a *Quo Warranto* "has been served for the purpose of contesting my right to the office of Councillor (*or* "*as the case may be*) for the City of Victoria, do hereby disclaim the said office, and "and all defence of any right I may have to the same."

Dated the day of 18 (Signed) A. B.

13. Such disclaimer, or the envelope containing the same. shall moreover be endorsed on the outside thereof with the word "Disclaimer." Disclaimer to be endorsed

14. Every person so disclaiming shall deliver a duplicate of his disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council. Disclaimer to be delivered to the City Clerk

15. No costs shall be awarded against any person disclaiming as aforesaid, unless the Chief Justice is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Chief Justice. Costs provided for

16. In all cases not otherwise provided for, costs shall be in the discretion of the said Chief Justice. When Discretionary

17. The decision of the Chief Justice shall be final, and he shall, immediately after his judgment, or as occasion requires, enforce such judgment by a Writ of Peremptory *Mandamus* and by Writ of Execution for the costs awarded. Decision to be final and to be enforced by process

18 The Chief Justice may, by rules made at any time, settle the forms of the Writ of Summons, *Certiorari*, *Mandamus*, and Execution, and may regulate the practice respecting the suing out, service, and execution of such Writs; and the punishment for disobeying the same or any other Writ or order of the said Chief Justice, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs therein, and may, from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. The Chief Justice may make rules &c

52. The appointment of members of the Council, when required to be made under this Act, shall be deemed elections within this Act, and in such cases the Relator may be any member of the Council or any elector of the City or Ward for which the appointment was made. Appointments equivalent to elections

53. The members of the City Council shall hold their first meeting at noon on the third Monday after the annual election, or on some day thereafter, at noon or some hour thereafter, at the City Council Chambers, or if there be no City Council Chambers, at the Police Court House; and a majority of the whole number of members required by law to constitute the Council shall be a quorum for the transaction of business. First meeting of Council

Quorum for transaction of business

54. The Mayor for the time being of the city of Victoria shall be a Justice of the Peace of and for the city of Victoria, and shall continue to be such Justice of the Peace during the next succeeding year after he shall cease to be Mayor, unless disqualified as aforesaid; and such Mayor shall, during the time of his mayoralty, have precedence in all places within the City of Victoria. Mayor to be a Justice of the Peace and take precedence

55. The Mayor shall be deemed the Head of the Council, and the Head and Chief Executive Officer of the Corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government 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 duly 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, the police, health, security, cleanliness, comfort and ornament of the city. Mayor to be Head of the Council

His duties

56. The Council shall appoint a Clerk; and the Clerk shall truly record in a Book, without note or comment, all resolutions, decisions, and other proceedings of the Council, and if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the Council, and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies of all By-laws, and of all minutes of the proceedings of the Council, all which he shall so keep in his office, or in the place appointed by By-law of the Council. The City Clerk & his duties

57. Any person may inspect any of the particulars aforesaid at all reasonable times, and the Clerk shall, within a reasonable time, furnish copies thereof to any applicant, at the rate of twenty-five cents per one hundred words, or at such lower rate as the Council appoints, and shall, on payment of his fee therefor, furnish within a reasonable time, to any elector or to any other person interested in any By-law, Order, or Resolution, or to his attorney, a copy of such By-law, Order or Resolution, certified under his hand and under the Corporate seal. Minutes &c. to be open to inspection

58. The Council may appoint such officers, not being a magistrate or police officer, as may be absolutely required for the conduct of the corporate business, and may pay salaries for the same out of the corporate revenue set apart for the ordinary expenditure of the Corporation, and may from time to time remove such officers and appoint successors; and all officers shall, however, give security in such manner as the Council shall determine for the due performance of their services. Officers may be appointed

Officers to give security

59. The subsequent meetings of the Council shall be held at such place within the limits of the city as the Council, from time to time by resolution on adjourning, to be entered on the minutes or by-law, appoints. Place of meeting of Council

60. The Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct. Meetings to be open

61. In case there is no By-law of the Council fixing the place of meeting, any special meeting of the Council shall be held at the place where the then last meeting of the Council was held; and 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. Special Meeting where to be held

Special Meeting may be closed

Clerk to summon Council

62. The Clerk of the Council, or in his absence, the Sheriff shall, within seven days from the day of annual election, summon the Council to meet on a day not more than fourteen days after the day of such election at the usual place of holding their meetings.

Member of the Council may resign with assent of the majority

63. Any member of the Council may, with the consent of the majority of the members thereof, to be entered on the minutes of the Council, resign his seat in the Council, and the vacancy shall be supplied as in the case of a natural death.

Questions to be decided by majority of quorum

64. All acts whatsoever authorized 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 five.

Mayor to preside and have a casting vote

65. At such meeting the Mayor, if present, shall preside; and the Mayor, or in the absence of the Mayor, such Councillor 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 Councillor presiding at such meeting; and the said minutes shall be open to the inspection of any person, who may also make copies thereof and extracts therefrom at all reasonable times, on payment of a fee of twenty-five cents.

Minutes to be made and open to inspection

Notice of intended business to be exhibited

66. 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.

Notice of intended meetings to be fixed up to Council Chambers

67. 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.

Proceedings in case Mayor refuse to call meeting

68. 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 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.

Committee may be appointed by the Council

69. 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 fit 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.

Embezzlement by Municipal Officers

70. All Books, Papers, Accounts. Documents, Moneys, and Valuable Securities, respectively, by any person or Officer appointed or employed by or on behalf of any Council, kept or received by virtue of his Office or Employment, shall be the property of the Corporation, and in case any such person or Officer refuses or fails to deliver up or pay over the same respectively to the Corporation, or to any person authorized by the Council to demand them, he shall be deemed guilty of a misdemeanor, and may be prosecuted and punished for the same by imprisonment for a period not exceeding two years, or by fine in the discretion of the Court, or by both; but nothing herein shall effect any remedy of the Corporation or of any other person against the offender and his sureties. or any other party; nor shall the conviction of such offender be receivable in evidence in any suit at law, or in equity against him.

Jurisdiction confined to City limits

71. The jurisdiction of the Council shall be confined to the Municipal limits, except where authority beyond the same is expressly given, and the powers of the Council shall be exercised by By-law when not otherwise authorized or provided for.

Council may make By-Laws

72. The Council may, by By-laws, make regulations not specifically provided for by this Act and not contrary to law for governing the proceedings of the conduct of its Members, and the appointing or calling Special Meetings of the Council, and generally such other regulations as the good of the inhabitants of the City of Victoria requires; and may Repeal, Alter, and Amend its By-laws, save as by this Act is restricted.

By-Law to be under the Seal of the Corporation

73. Every By-law shall be under the Seal of the Corporation, and shall be signed by the Head of the Corporation, or by the person presiding at the Meeting at which the By-law has been passed, and by the Clerk of the Corporation.

Copy of By-Law to be evidence

74. A copy of any By-law written or printed without erasure or interlineation and under the Seal of the Corporation, and certified to be a true copy by the Clerk and by any Member of the Council, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of the Seal of signatures, unless it is specially pleaded or alleged that the Seal, or one, or both of the signatures, have been forged.

By-Laws, how to proceed in order to quash

75. In case a resident of the City of Victoria or any other person interested in a By-law, Order or Resolution of the Council thereof applies to the Supreme Court of Civil Justice of Vancouver Island, and produces to the Court a copy of the By-law, Order or Resolution certified under the hand of the Clerk and under the Corporate seal, and shows by affidavit that the same was received from the Clerk, and that the applicant is resident or interested as aforesaid, the Court, after atleast eight days' service on the Corporation of a rule to show cause in this behalf, may quash

the By-law, Order, or Resolution, in whole or in part for illegality, and according to the result of the application award costs for or against the Corporation.

76. In case a By-law by which a rate is imposed has been specially promulgated in the manner hereinafter specified, no application to quash the By-law shall be entertained after six calendar months have elapsed since the promulgation.

Time after which By-Laws cannot be quashed if properly promulgated

77. Every special promulgation of a By-law within the meaning of this Act, shall consist in the publication through the public press, of a true copy of the By-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by Law for applications to the Courts to quash the same or any part thereof.

What shall be a promulgation

78. In case of a By-law by which a rate is imposed the promulgation shall be either by such publication of a copy of the By-law with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of the rate, and giving the substance only of the other parts of the By-law with a similar notice of the time so limited for applications to quash as aforesaid, and the publication referred to in the preceding two sections, shall be in a public newspaper, published weekly or oftener in the Municipality; and the publication shall, for the purpose aforesaid be continued in at least seven consecutive numbers of the paper.

And if the By-Law impose a rate

79. The notice to be appended to every copy of a By-law for the purpose aforesaid shall be to the effect following:

Notice to be given

"NOTICE.—The above is a true copy of a By-law passed by the Municipal Council of the City of Victoria, Vancouver Island, on the ..... day of ....., 186..., and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to the Supreme Court within six calendar months at the farthest after the special promulgation thereof, by the publicatson of this notice in seven consecutive numbers of the following newspapers (*here give the name of the newspaper or newspapers*) or he will be too late to be heard in that behalf."

Form of such notice

"G. H., City Clerk."

The notice setting forth the amount of the rate, and giving substance only of the other parts of the By-law for the purpose aforesaid, shall be to the effect following:—

Notice setting forth the rate

"City of Victoria, Vancouver Island, to Wit: Notice is hereby given, that a By-law, intituled (set ont the title) and numbered (*give the number by which the By-la is designated*) was, on the ..... day of ....., 186..., passed by the Municipal Council of the City of Victoria, Vancouver Island, for the purpose of (*here set out in substance the object of the By-law, as*, "raising the necessary funds to meet the general public expences of the Ccity of Victoria for the year 186..." or "for the purpose of raising and contracting for a loan of ..... dollars for making and macadamizing a road or street from ..... to ....." (*or otherwise, as the case may be*) and (*where the approval of the Governor in Council, is, by By law, required to give effect to such By-law* approved by His Excellency the Governor in Council on the ..... day of....., A. D. 188... and all persons are hereby required to take notice that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to the Supreme Court of Civil Justice of Vancouver Island within six calendar months at the farthest after the special promulgation thereof by the publication of this notice in seven consecutive numbers of the following newspapers, namely (here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf.

Form of such notice

G. H.,
City Clerk.

80. In case no application to quash any By-law so specially promulgated is made within the time limited for that purpose, the By-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes, or directs anything within the proper competence of the Council to ordain, prescribe or direct, shall notwithstanding any want of substance or form, either in the By-law itself or in the time or manner of passing the same, be a valid By-law.

If not moved against within the time limited to be valid

81. In case a By-law, Order, or Resolution is illegal in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one calendar month has elapsed after the By-law, Order, or Resolution has been quashed or repealed, nor until one calendar onth's notice in writing of the intention to bring such action has been given to the Corporation, and every such action shall be brought against the Corporation alone and not against any person actiug under the By-law, Order, or Resolution.

Liability of the Council, for Acts done under a By Law after quashed

82. In case the Corporation tenders amends to the Plaintiff or his Attorney, if such tender be pleaded, and (if traversed) proved, and if no more than the amount tendered is recovered, the Plaintiff shall have no costs, but the Defendants shall have their taxed costs which shall be set off against the amount of the verdict, and the balance due to either party shall be recovered as in ordinary cases.

Tender of amends

83. If any person steals, or unlawfully or maliciously, either by violence or stealth, takes from any Returning Officer or Clerk, or from any person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, or makes, or causes to be made any erasure, addition of names, or interlineations of names, into, or upon, or aids, counsels, or assists in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names, or interlineation of names into or upon any Writ of Election, or any return to a Writ of Election, or any Indenture, Poll Book, certificate, or affidavit, or any other document or paper made, prepared, or drawn out for the purpose of meeting the requirements of this Act, or of the Law in regard to the Corporation, every such offender shall be guilty of felony, and shall be liable to imprisonment for a period not exceeding five years, and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence has been committed was or is the property of any person or that the same was or is of any value.

Stealing or destroying certain documents to be felony

Punishment

Property need not be laid

Appropriation of fines &c

84. All fines, penalties and forfeitures recoverable under this Act, or under any By-law made in pursuance thereof, shall be appropriated to the use of the Corporation.

Council may pass By-Laws

85. The Council of the City may pass By-laws for all or any of the following purposes :—

For obtaining real and personal property and making use thereof

1. For obtaining such real and personal property as may be required for the use of the Corporation, and for erecting, improving, and maintaining a Hall, or other buildings required by, and being upon the land of, the Corporation, and for disposing of such property when no longer required, and for renting any houses or buildings for the use of the Corporation;

For appointing officers

2. For appointing such officers as are necessary in the affairs of the Corporation, or for carrying into effect the provisions of any Act of the Legislature for the removal of such officers;

For regulating salaries

3. For regulating the remuneration and duties of such officers, and the securities to be given for the performance of their duties;

For making grants in favor of a Mechanics Institute

4. For granting, money or land in aid of any Incorporated Mechanics' Institute within the Municipality;

For taking a census

5. For taking a Census of the inhabitants (or of the resident male freeholders, and householders) of the City of Victoria;

For inflicting fines

6. For inflicting reasonable fines and penalties not exceeding $50 exclusive of costs

For non-observance of duties &c.

(A.) Upon any person for the non-performance of his duties, who has been elected or appointed to any office in the Corporation, and who has accepted such office and taken the oaths, and afterwards neglects the duties thereof ;

For breach of By-Laws

(B.) For breach of any of the By-laws of the Corporation ;

For regulating Victualling houses

7. For regulating victualing houses, ordinaries, and houses where fruit, oysters, clams, or victuals, are sold to be eaten therein, and all other places for the reception or entertainment of the public ;

For ascertaining boundaries of City and Wards

8, For ascertaining and establishing the boundary lines of the city of Victoria, and the respective Wards thereof according to law, in case the same has not been done ; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same;

For accepting land for Cemeteries

9. For accepting or purchasing land for public cemeteries as well within as without the limits of the city, and for laying out, improving, and managing the same ; but no land shall be accepted or purchased for such purpose, except by a By-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose ; and thereupon such land, although without the city limits, shall become part thereof, and such By-law shall not be repealed ;

For leasing &c. portions of such land

10. For selling or leasing portions of such land for the purpose of interment in family vaults or otherwise, and for declaring in the conveyance the terms on which such portions are to be held;

For preventing cruelty to animals

11. For preventing cruelty to animals;

For imposing a tax on Dogs

12. For imposing a tax on the owners, possessors, or harborers of dogs, not exceeding five dollars per annum on each dog;

For settling height, &c., of fences

13. For settling the height and description of lawful fences;

For settling, &c, division fences

14. For regulating the height, extent, and description of lawful division fences; and for determining how the costs thereof shall be apportioned ; and for directing that any amount so apportioned shall be recovered in the same manner as penalties, not otherwise provided for may be recovered under this Act ; Provided that until the By-laws are made by the Council, the statutes now in force, if any, shall continue to be applicable;

For licensing exhibitions, &c

15. For preventing, or regulating, and licensing exhibitions of wax-work, menageries, circus riding, and other such like shows usually exhibited by showmen, and for imposing fines upon persons infringing such By-laws, and for levying the same by distress, and sale of the goods and chattels of such showman, or belonging to or used in such exhibition whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month;

For preventing violation of Cemeteries

16. For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred;

For preserving trees, &c

17. For preventing the injuring or destroying of trees planted or preserved for shade or ornament;

For preventing the tearing down of sign boards &c

18. For preventing the pulling down or defacing of sign boards, and of printed or written notices;

For authorising companies to lay down gas or water pipes

19. For authorising any corporate Gas, or Water Company to lay down pipes or conduits for the conveyance of water, or gas under streets or public squares, subject to such regulations as the Council sees fit, and subject to any statute now, or hereafter to be in force;

For preventing the sale of liquors

20. For preventing the sale or gift of intoxicating drinks to a child, apprentice, or servant without the consent of a parent, master or legal protector ;

For preventing indecency

21. For preventing the posting of indecent placards, writings, or pictures, or the writing of indecent words, or the making of indecent pictures or drawings on walls or fences in streets or public places;

For preventing vice

22. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency in streets, highways, or public places;

For suppressing houses of ill-fame

23. For suppressing houses of ill-fame and dance houses;

For regulating Horse Racing

24. For preventing or regulating horse racing;

For regulating Bowline Alleys

25. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement;

For suppressing Gambling Houses

26. For suppressing gambling houses, and for seizing and destroying faro banks, rouge-et-noir, roulette tables, and other devices for gambling found therein;

27. For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street or highway, or public places ; *For punishing Vagrants &c*

28. For preventing indecent public exposure of the person and other indecent exhibitions ; *For preventing indecent exposure of the person*

29. For preventing or regulating the bathing or washing the person in any public water near a public highway ; *For regulating bathing*

30. For licensing, regulating, and governing hawkers or petty chapmen, and other persons carrying on petty trades, who have not become householders or permanent residents in the City of Victoria, or who go from place to place, or to other men's houses, on foot or with any animal bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the City of Victoria, and the time the license shall be in force under such regulations as may be prescribed in such By-law, and in addition to the provisions of any statute now or hereafter, to be in force ; but no duty shall be imposed for hawking or peddling any goods, wares, or merchandise, the growth, produce, or manufacture of this Colony; *For licensing Hawkers &c*

31. For regulating ferries between any two places in the Municipality, and establishing the rates of ferriage to be taken thereon ; but no such By-law as to ferries shall have effect until assented to by the Governor in Council ; *For regulating Ferries*

32. Until the Council of Victoria City pass a By-law regulating such ferries, the Governor, by order in Council, may from time to time regulate such ferries, respectively, and establish the rates to be taken thereon ; *Till By-Law passed to be under the control of the Governor*

33. For giving prizes for competition among the pupils of the Public Schools of the said City, as the Council deems expedient for the encouragement of learning amongst the youth thereof ; *For giving prizes to Schools*

34. For regulating or preventing the encumbering, injuring, or fouling by animals, vehicles, vessels, or other means, of any public wharf, dock, slip, drain, sewer, shore, way, harbour, river, or water ; *For preventing fouling or encumbering of Harbour, &c*

35. For directing the removal of door-steps, porches, railings, or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property, connected with which such projections are found ; *For removing obstructions into the harbour, dock, &c*

36. For making, opening, preserving, altering, improving, and maintaining public wharves, docks, slips, shores, bays, harbours or waters, and the banks thereof. *For making public wharves, &c*

37. For establishing, protecting, and regulating public wells, reservoirs, and other conveniences for the supply of water ; and for making reasonable charges for the use thereof ; and for preventing the wasting and fouling of public water ; *For establishing public wells*

38. For establishing markets; *For establishing markets*

39. For regulating all markets established, and to be established; *For regulating markets*

40. For preventing the filling up, or incumbering of the Harbour of Victoria, and for erecting and maintaining wharves, piers, and docks therein, and also floating elevators, derricks, cranes, and other machinery suitable for loading, discharging, or repairing vessels, and for imposing and collecting reasonable dues in respect of the use of the same; *For preventing the filling up of the harbour & maintaining wharves, &c*

41. For regulating or preventing the sale by retail in the public streets of any meat, vegetables, fruit, or beverages; *For regulating &c sales of meats, &c, in the sts*

42. For preventing or regulating the buying and selling of articles, animals exposed for sale, or marketed in the open air; *For regulating &c the sale of articles exposed in the open air*

43. For regulating the place and manner of selling and weighing butcher's meat, fish, hay, straw, fodder, wood and lumber; *For regulating the sale of meat, fish, &c*

44. For regulating the mode of measuring, or weighing, (*as the case may be*) of lime, shingles, laths, cordwood, coal, or other fuel; *For regulating the measuring & weighing of lime, shingles &c*

45. For imposing penalties for light weight, or short count, or short measurement in any thing marketed; *For imposing penalties for light weight*

46. For regulating all vehicles, vessels, and other things in which any thing is exposed for sale or marketed in any street or public place, and for imposing a reasonable duty thereon, and establishing the mode is which it shall be paid; *Regulating vehicles used in market vend'g*

47. For regulating the assize of bread, and preventing the use of deleterious materials in making bread, and for providing for the seizure and forfeiture of bread made contrary to the By-law; *Assize of bread*

48. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food; *Tainted provis'ns*

49 For selling, after six hours' notice, butchers' meat, distrained for rent of market stalls; *Rent of market stalls*

50. For preventing or regulating the bathing, or washing the person in any public water in or near the Municipality; *Bathing*

51. For preventing and abating public nuisances; *Abatement of nuisances*

52. For preventing or regulating the construction of privy vaults; *Privy vaults*

53. For causing vacant lots to be properly closed; *Vacant Lots*

54. For preventing or regulating the erection or continuance of slaughter-houses, gas-works, tanneries, distilleries, or other manufatories, or trades, which may prove to be nuisances; *Slaughter houses*

55. For preventing the ringing of bells, blowing of horns, shouting, and other unusual noises, in streets and public places; *Tumultuous noises*

56. For preventing or regulating the firing of guns or other fire-arms ; and the firing, or setting off of fire balls, squibs, or fire-works, and for preventing *charivaris* and other like disturbances of the peace; *Firing guns*

57. For preventing immoderate riding or driving in highways or streets ; and for preventing the leading, riding, or driving of horses or cattle upon side-walks or other places not proper therefor; *Furious driving*

Importuning travellers

58. For preventing persons in streets, or public places, for importuning others to travel in, or employ any vessel or vehicle, or go to any tavern or boarding-house, or for regulating persons so employed;

Public health

59. For providing for the health of the Municipality, and against the spreading of contagious or infectious diseases;

Interments

60. For regulating the interment of the dead, and for the preventing the same taking place within the Municipality;

Bills of mortality

61. For directing the keeping and returning bills of morrality ; and for imposing penalties on persons guilty of default in doing so;

Licensing cabs, &c.

62. For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibusses, and other vehicles used for hire ; for establishing the rates of fare to be taken by the owners or drivers; and for charging reasonable sums for such licenses, and for enforcing payment thereof ;

Gunpowder, care of

63. For regulating the keeping and transporting of gunpowder, and other combustible or dangerous materials ; for regulating, and providing for the support by fees, of magazines, for storing gunpowder belonging to private parties ; for compelling persons to store therein ; for acquiring land, as well within as without the Municipality, for the purpose of erecting Powder Magazines. and for selling and conveying such land when no longer required therefor ;

Fire companies, &c.

63. For electing and appointing Fire Wardens, Fire Engineers, and Fire men, and promoting, establishing, and regulating Fire Companies, Hook-and-Ladder Companies, and Property-saving Companies ; but the statutes now in force in that behalf shall continue until such By-laws are duly passed ;

Medals and rewards.

64. For providing medals, or rewards, for persons who distinguish themselves at Fires ; and for granting pecuniary aid, or otherwise assisting the widows and orphans of persons who are killed by accident at such fires ;

Fires in stables &c.

66. For preventing or regulating the use of fire or lights in stables, cabinet-maker shops, carpenter-shops, and combustible places ;

Dangerous manufactories.

67. For preventing or regulating the carrying on of manufactories or trades, dangerous in causing or promoting fire ;

Stoves, chimneys, &c.

68. For preventing, and for removing, or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus, or thing, which may be dangerous in causing or promoting fire ;

Stove, and clearing of chimneys.

69. For regulating the construction of chimneys, as to dimensions and otherwise ; and for enforcing the proper cleaning of the same ;

Ashes

70. For regulating the mode of removal and safe keeping of ashes ;

Party walls

71. For regulating and enforcing the erection of party walls ;

Ladders, &c., to houses

72. For compelling the owners and occupants of houses to have scuttles in the roofs thereof, and stairs or ladders, leading to the same ;

Buildings and yards, condition of

73. For causing buildings and yards, to be put in other respects in a safe condition to guard against fire or other dangerous risk or accident ;

Fire buckets

74. For requiring the inhabitants to provide so many fire-buckets in such manner and time as may be prescribed ; and for regulating the examination of them ; and the use of them at Fires ;

Inspection of premises

75. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same ;

Suppression of fires.

76. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire ;

Enforcing assistance at fires.

77. For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires ;

Wooden buildings

78. For regulating the erection of buildings, and preventing the erection of wooden buildings and wooden fences in specified parts of the City ;

Industrial farm

79 For acquiring any estate in landed property within or without the City for an Industrial Farm, or for a Public Park, garden, or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose ; and for accepting and taking charge of landed property within or without the City dedicated for a public park, garden, or walk for the use of the inhabitants of the City ;

Buildings thereon

80. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk, or place for exhibition as the Council deems necessary ;

Managing the same

81. For the management of the farm, park, garden, walk, or place for exhibitions and buildings ;

Removing snow, &c

82. For compelling persons to remove the snow, ice, and dirt from the roofs of the premises owned or occupied by them, and also to remove the same from the side-walks, street, or alley in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default ;

Numbering houses, &c

83. For numbering the houses and lots along the streets of the Municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same ;

Records of streets and numbers

84. For keeping (*and the Council is hereby required to make and keep*) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and the Council is hereby required to enter thereon a division of the streets, with boundaries and distances for the public inspection ;

Levels of cellars

85. For ascertaining and compelling owners, tenants, and occupants to furnish the Council with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the Municipality, such levels to be with reference to a line fixed by the By-laws ;

Deposit of plan of buildings

86. For compelling to be deposited with an officer, to be named in the By-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof with reference to a line fixed by the By-law ;

Cellars privies, &c

87. For regulating the construction of cellars, sinks, water closets, privies, and privy vaults, and the manner of draining the same ;

88. For compelling or regulating the filling up, draining, clearing, altering, re-

laying, and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools, and privies; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools, and privies are situate, with the cost thereof if done by the Council on their default; — Filling up certain places

89. For making sewers and drains, and making regulations for sewerage or drainage that may be necessary for sanitary purposes; — Sewerage

90. For charging all persons who own or occupy property which is drained into a common sewer, or which by any By-law of the Council is required to be drained into such sewer, with a reasonable rent for the use of the same, and for regulating the time or times and manner in which the same is to be paid; — Charging property benefited

91. For lighting the Municipality, and for this purpose performing any work and placing any fixtures that are necessary on private property; — Lighting with gas

92. For laying down gas or water pipes in any street, and opening streets for the purpose; and for taking up or repairing such pipes, subject, however, to the provisions of any statute or statutes now or hereafter to be in force in that behalf; — Laying down gas and water pipes

93. For providing for the inspection of gas-metres, and for the inspection of steam engines and boilers in use; — Inspection of gas metres &c and steam engines

94. For establishing and regulating within the City or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and for granting out-door relief to the resident poor, and also for aiding charitable institutions within the Municipal limits; — Alms houses

95. For purchasing Gas or Waterworks, subject to the consent of the electors of the Municipality; — Gas and water-works

96. For appointing inspectors to regulate weights and measures according to the lawful standard now existing or hereafter to be established; — Inspectors of weights and measures

97. For visiting all places wherein weights and measures, steelyards, or weighing machines of any description are used; — Their powers

98. For seizing and destroying such as are not according to the standard now or hereafter to be in force; — Their powers

99. For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steelyards, or other weighing machines; — Their powers

100. For regulating or preventing the incumbering, injuring, or fouling by animals, vehicles, vessels, or other means, of any road, street, square, alley, lane, bridge, or other communication; — Incumbering of streets, &c

101. For directing the removal of door steps, porches, railings, or other erections or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found; — Removal of obstructions

102. For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications; — Surveying boundaries

103. For regulating the riding and driving on public bridges; — Riding and Driving

104. For making regulations about pits, precipices, and deep waters, dangerous to travellers. — Pits, precipices, &c

86. The Council may pass By-laws for the following purposes:

1. For providing the means of ascertaining and determining what real property will be immediately benefitted by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefitted thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefitted, subject in every case to an appeal to the Chief Justice, in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision in the case of an ordinary assessment; — Ascertaining the property to be benefited by local improvement

2. For assessing and levying upon the real property, to be immediately benefitted by the making, enlarging, or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving, or planking of any street, lane or alley, public way or place, or of any sidewalk therein, on the petition of at least two-thirds in number and one-half in value of the owners of such real property a special rate, sufficient to include a sinking fund for the re-payment of debentures which such Council are hereby authorized to issue in such cases respectively, on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same; — Assessing such property for such improvement and in what manner

(1.) By an annual rate in the dollar on the real property so benefitted according to the assessed value thereof, including the improvements thereon;

(2.) Or by an annual rate in the dollar on the real property so benefitted, according to the value thereof, exclusive of the improvements thereon;

(3.) Or by an annual rate of so much per foot, equally, according to the frontage of the real property so benefitted, without reference to the comparative value of the different portions thereof;

(4.) Or by an annual rate on each portion of the real property so benefitted, in proportion, as nearly as may be, to the benefit derived by such portion;

(5.) Or partly by each of these metdods, or partly by each of any two or three of them;

(6.) For regulating the time or times, and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums; — Regulating time of payment &c

(7.) For effecting any such improvement, as aforesaid, with funds provided by parties desirous of having the same effected. — Funds furnished by parties.

87. No such local improvement as aforesaid shall be undertaken by the Council otherwise than on the petition of two-thirds in number and one-half in value of real property to be directly benefitted thereby, of the owners of such real property, the number of such owners, and the value of such real property having been first ascertained and finally determined in the manner and by the means provided by By-law in that behalf; and if the contemplated improvement be the construction of a com- — Under what conditions such improvements

As to sewers

mon sewer, having a sectional area of more than four feet, one-third of the cost thereof shall also first be provided for by the Council of the City.

Conditions requisite to the validity of by-laws

88. It shall not be essential to the validity of any By-law passed in virtue of the two last preceding sections that it be in accordance with the restrictions and provisions contained in the.....section of this Act, but no such By-law shall be valid which is not in accordance with the following restrictions and provisions :

1. The By-law shall name a day in the financial year in which the same is passed when it shall take effect ;

2. The whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such By-law takes effect ;

3. The By-law shall settle an equal special rate per annum in addition to all other rates to be levied in each year on the real property described therein, and rateable thereunder for paying the debt and interest ;

4. Such special rate shall be sufficient according to the value of such real property as ascertained and finally determined in virtue of this Act, to discharge the debt and interest when respectively payable, irrespective of any future increase in the value of such real property, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof ;

5. The By-law shall recite:

(1) The amount of the debt which such By-law is intended to create, and, in some brief and general terms the object for which it is to be created ;

(2) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the By-law ;

(3) The value of the whole of the real property rateable under the By-law as ascertained and finally determined as aforesaid ;

(4) The annual special rate in the dollar or per foot frontage or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt according to the foregoing provisions of this Act ;

(5) That the debt is created on the security of the special rate settled by the By-law and on that security only.

Debentures under sections to be specially distinguished

89. Every Debenture issued under the preceding sections of this Act shall bear on its face the words, "Local Improvement Debenture," and shall contain a reference by date and number to the By-law under which it is issued, and also a statement of its being issued in virtue of this Act.

The section of this Act not to apply

90. The section of this Act shall not apply to any By-law passed in virtue of the four last preceding sections of this Act.

Act not to apply to certain works

91. Nothing contained in the sections of this Act numbered.....shall be construed to apply to any work of ordinary repair or maintenance, and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way, and place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under the said sections of this Act, shall thereafter be kept in a good and efficient state of repair at the expense of the City generally.

92. The Council may pass By-laws for the following puposes :

Sweeping, watering &c particular streets &c

For raising upon the petition of at least two thirds of the freeholders and householders resident in any street, square, alley, or lane, representing in value one half of the rateable therein, such sums as may be necessary for sweeping, watering, or lighting the street, square, alley, or lane by means of a special rate on the rateable property therein ; but the Council may charge the general Corporate funds with the expenditure incurred in such sweeping, watering, or lighting as aforesaid.

Council not to close roads required by individuals.

93. The Council shall not close up any public road, or highway legally established, whereby any person will be excluded from ingress and egress to and from his lands, or place of residence over such road; but all such roads shall remain open for the use of the person who require the same.

Width of roads

94. The Council shall not lay out any road, or lane, more than ninety nor less than thirty feet in width as formerly.

What notice to be given of by laws intended to affect public roads

95. The Council shall not pass a By-law for establishing, opening, stopping up, altering, widening, diverting, or selling any public highway, road, street, or lane

Publication

1. Until written or printed notices of the intended By-law have been posted up one month previously in six of the most public place in the immediate neighbourhood of such original allowance for road, or highway, road, street, or lane;

The same

2. And published weekly for at least four successive weeks in some newspaper published in the Municipality;

Parties to be heard

3. Nor until the Council has heard, in person, or by counsel, or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;

Clerk to give notice

4. And the Clerk shall give such notices at the request of the applicant for the By-law, upon payment of the reasonable expenses attendant on such notices.

Power to administer oaths in respect of boundaries

96. In case of disputes in the city concerning roads, side lines, boundaries, within the cognizance of, and in the course of investigaton before the Council, the Head of the Council may administer an oath or affirmation to any party, or witness examined upon the matters in dispute.

Owners of lands taken to be compensated

97. The Council shall make to the owners of real property entered upon, taken or used by the Corporation in the exercise of its powers in respect to roads, streets, and other public communications, or to drains and common sewers, due compensation for any damage necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work ; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration as herein mentioned.

Title to lands taken

98. In the case of real property, which the Council has authority under this Act to enter upon, take, or use without the owner's consent, Corporations, Tenants, in Tail or for life, Guardians, Committees, and Trustees, shall, on behalf of themselves, their successors and Heirs respectively, and on behalf of those they represent, whether

infants, issue unborn. lunatic, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the Council any such real property, or in agreeing as to the amount of damages arising from the exercise of the Council of any power in respect to such real property ; or in case any person interested in respect to any such real property is absent from this Colony, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Chief Justice of the Supreme Court may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes.

If there be no person who can convey

99. In case any party acting as aforesaid has not the absolute estate in the property the Council shall pay to him the interest only at six *per centum per annum* on the amount, to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the Supreme Court, or other Court having equitable jurisdiction in such cases, do in the meantime direct the Council to pay the same to any person or into Court ; and the Council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court.

Where a party has a life interest only

Lands awarded, how to be applied

100. All sums agreed upon or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject.

Charges on the purchase m'y

101. Every public road, street, bridge, or other highway in the City of Victoria shall be vested in the Corporation, subject to any rights in the soil which the individuals who laid out such road, street, bridge, or highway, reserved ; Provided always that where a new road or street shall have been substituted by the Surveyor General or other the person in charge of the Land Office, for a previously declared road or street, the said road or street in respect of which a substitution has been made shall cease to exist.

Public roads to be vested in the Corporat'n subject to private rights

102. The Council shall have power to pass By-laws for the following purposes :

Power to pass By-Laws

1. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up, and pulling down drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the Council, and for entering upon, breaking up, taking, or using any land in any way necessary or convenient for the said purposes subject to the restrictions in this Act contained.

Opening roads &c

103. Every such road, street, bridge, and highway shall be kept in repair by the Corporation, and the default of the Corporation so to keep in repair shall be a misdemeanour punishable by fine in the discretion of the Court, and the Corporation shall be further civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained ; and this section shall not apply to any road, street, bridge, or highway laid out without the consent of the Corporation by By-law, until established and assumed by By-law.

To be kept in repair by the Corporation on pain of damages

104. The Council shall pass By-laws, if they think fit, for the following purposes :

1. For raising, upon the petition of at least two thirds of the freeholders and householders resident in any street, square, alley, or lane, representing in value one-half of the rateable property therein, such sums as may be necessary for sweeping, watering, or lighting the street, square, alley, or lane by means of a special rate on the rateable property therein ; but the Council may charge the general Corporate funds with the expenditure incurred in such making or repairing, or in such sweeping, watering, or lighting as aforesaid.

Watering and sweeping &c.

105. In all cases of Arbitration directed by this Act the proceedings shall be as follows :

1. Each party shall appoint one arbitrator, and give notice thereof in writing to the other party, and when the other party is a Corporation, the notice shall be given to the Head of the Corporation ;

Mode of appointing arbitrators and conducting arbitrat'ns

2. The two arbitrators appointed by or for the parties shall choose a third arbitrator ;

Third abitrator

3 In case of an arbitration between the Corporation and the owners of property to be entered upon, taken, or used in the exercise of the powers of the Corporation in regard to roads, streets, or other communications, or to drains and sewers, if after the passing of the By-law any person interested in the property appoints and gives due notice to the Head of the Council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the Head of the Council shall, within three days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intend to exercise with respect to the property (*describing it*) ;

In case of exercise of powers as to roads, drains &c

4. If within one month after service on the owner or owners of the property of a copy of any By-law, certified to be a true copy under the had of the Clerk of the Council, the owner or owners omit naming an arbitrator and giving notice thereof as aforesaid, the Council or the Head, if authorized by By-law, may name an arbitrator on behalf of the Council, and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf ;

If the owner of property fails to appoint an arbitrator

5. In either of the cases provided for by the two preceding clauses, the two arbitrators shall, within seven days, appoint a third arbitrator, and their award shall be made within one month after the appointment ;

Time for appoint third arbitrator and for award

6. If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not, within seven days from the appointment of the lastly named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrators' appointment, or if an arbitrator refuses or neglects to act, the Chief Justice of the Supreme Court, on the application of either party, shall nominate as an arbitrator a fit person, resident within the limits of the Municipality in which the property in question is situate, and

Chief Justice to appoint in certain cases

such arbitrator shall forthwith proceed to hear and determine the matters referred to him ;

Appointments how to be made

7. The appointment of all arbitrators shall be in writing under the hands of the appointors, or in case of a Corporation, under the Corporate Seal, and authenticated in like manner as a By-law ;

Head to appoint for corporation

8. The arbitrators on behalf of the Corporation shall be appointed by the Council thereof, or by the Head thereof, if authorized by a By-law of the Council ;

Where many parties are interested in the same property

9. In case there are several persons having distinct interests in property in respect of which the Corporation is desirous of exercising the powers referred to in the above third sub-section under a By-law in that behalf passed, whether such persons are all interested in the same piece of property or some or one in a part thereof, and some or one in another part thereof, in case the By-law or any subsequent By-law provides that the claims of all should, in the opinion of the Council, be disposed of by one award, such persons shall have one month instead of seven days, to agree upon and give notice of an arbitrator, jointly appointed in their behalf before the Chief Justice of the said Court shall have power to name an arbitrator for them ;

Arbitrators to be sworn

10. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (*or in case of those who, by law, affirm, make, and subscribe the following affirmation*) before any Justice of the Peace :

Form

"I, (*A. B.*) do swear (*or affirm*) that I will well, and truly try the matter referred "to me by the parties, and a true and impartial award make in the premises accord. "ing to the evidence, So help me God."

Which Oath or Affirmation shall be filed with the papers of the reference.

Award to be binding in certain cases must be adopted by By-Law within a certain time

11. In case the award relates to property to be entered upon, taken or used, as mentioned in the said sub-section, and in case the By-law did not authorize, or profess to authorize any entry, or use to be made of the property before an award had been made, except for the purpose of survey, or in case the By-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the Corporation unless it is adopted by By-law within six weeks after the making of the award ; and if the same is not so adopted, the original By-law shall be deemed to be repealed, and the property shall stand as if no such By-law had been made, and the Corporation shall pay the costs of the arbitration ;

Notes of the evidence adduced to be taken and filed in certain cases.

12. In case of any award under this Act which does not require adoption by the Council, or in case of any award to which the Corporation is a party, and which is to be made in pursuance of a submission containing an agreement that the present sub-section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award shall file with the Clerk of the Council for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence, or a copy thereof, and in case they proceed, partly on a view, or any knowledge or skill possessed by themselves, or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto ;

Award to be made by at least two arbitrators, and subject to the Supreme Court

Powers of the Court in such matters

13. Every award made under this Act shall be in writing, under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of the Supreme Court of Civil Justice of this Colony, as if made on a submission by a Bond containing an agreement for making the submission a rule or order of such Court ; and in the cases provided for by the last preceeding sub-section, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings, so filed as aforesaid, and may call for additional evidence to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the Court may appoint, as prescribed in the "Common Law Procedure Act, 1854," and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded, or otherwise modify the award as the justice of the case may seem to the Court to require.

By-Lrws

106. The Council may pass By-laws :

Pounds to be Provided

1. For providing sufficient yards and inclosures for the safe keeping of such animals as it may be the duty of the Poundkeeper to impound ;

Animals running at large

2. For restraining and regulating the running at large of any animals, and providing for impounding them ; and for causing them to be sold, in case they are not claimed within a reasonable time, or in case the damages, fines, and expenses are not paid according to law ;

Appraising damages done by

3. For appraising the damages to be paid by the owners of animals for trespassing contrary to the laws of the Municipality ;

Compensation for impounding animals

4. For determining the compensation to be allowed for services rendered in carrying out the provisions of this Act with respect to animals impounded or distrained and detained in the possession of the distrainor.

Oath may be administered concering accounts

107. The Head of every Council, or in his absence, the Chairman thereof, may administer an oath or affimation to any person concerning any accounts or other matter submitted to the Council.

Yearly rates to be levied, sufficient to pay all debts

108. The Council shall assess and levy on the whole rateable property within its jurisdiction a sufficient sum in each year to pay all valid debts of the Corporation whether of principal or interest falling due within the year.

By-Laws for creating debts

109. The Council may, under the formalities required by law, pass By-laws for borrowing money from time to time, not exceeding in the aggregate at any one time the sum of $20,000 ; and for contracting debts not exceeding at any one time the total annual revenue of the Corporation ; and for levying rates for payment of such monies and debts on the rateable property of the Municipality, for any purpose within the jurisdiction of the Council, but no such By-law shall be valid which is not in accordance with the followiug restrictions and provisions :

Tenor of

1. The By-law, if not for creating a debt for the purchase of Public Works,

shall name a day in the financial year in which the same is passed when the By-law shall take effect ; When to take effect

2. If not contracted for Gas or Waterworks, or for the purchase of Public Works, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at farthest from the day on which such By-law takes effect ; and if the debt is contracted for Gas or Waterworks, the sum shall in like manner be paid in thirty years at farthest from the day on which the By-law takes effect ; When debt to be redeemed If for Gas Works &c

3. The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest ; To provide a yearly rate

4. Such special rate shall be sufficient, according to the amount of rateable property appearing by the last Revised Assessment Rolls, to discharge the debt and interest when respectively payable ; Sufficient in amount

5. The amount of rateable property shall be ascertained, irrespective of any future increase of the rateable property of the Municipality, and of any income in the nature of tolls, interest, or dividends, from the work or from any stock, shares, or interest in the work, upon which the money to be so raised or any part thereof, is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or any part thereof ; Irrespective of future increase of rateable property

6. The By-law shall recite :

(1). The amount of the debt which such new By-law is intended to create, and, in some brief and general terms, the object for which it is to be created ; Recitals in amt and object of debt

(2). The total amount required by this Act to be raised annually by special rate for paying the new debt and interest ; The yearly rate for the debt

(3). The amount of the whole rateable property of the Municipality according to the last Revised Assessment Rolls ; and Value of the rateable property

(4). The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt according to this Act. The yearly rate for sinking fund and interest

110. Every By-law for raising upon the credit of the Corporation any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the Municipality in the manner provided for in the following sections of this Act : To be assented to by the rate-payers

111. In case a By-law requires the assent of the electors of the Municipality before the final passage thereof, or in case the majority of the Council consider that any By-law should be referred for the purpose of obtaining such assent as aforesaid, the following proceedings shall be taken, except in cases otherwise provided for : If a By-Law requires the assent of the electors

1. The Council shall by the By-law fix the day, hour, and place for taking the votes of the electors thereon at every place in the Municipality at which the elections of the Members of the Council therein are held, and shall also name a Returning Officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed By-law as herein provided for ; Time and place of voting shall be fixed by By-law

2. The Council shall, for at least one month before the final passing of the proposed By-law, publish a copy thereof in some newspaper published weekly or oftener in the Municipality, and also put up a copy of the By-law at four or more of the most public places in the Municipality ; Proposed By-law to be published

3. Appended to each copy so published and posted shall be a notice signed by the Clerk of the Council, stating that such a copy is a true copy of a proposed By-law, which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day, and place or places fixed for taking the votes of the electors ; Notice to be given

4 At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof shall be conducted in the same manner as nearly as may be as at a Municipal Election ; Poll

5. Every Returning Officer shall, on the day after the closing of the poll, return his Poll Books verified to the City Clerk ; Verefied Poll Book to be returned

6. The City Clerk shall add up the number of votes for and against the same and shall certify to the Council under his hand whether the majority have approved or disappoved of the By-law, and shall keep the same with the Poll Book among the records of his office. Clerk to sum up and declare result

112. All Debentures and other specialities duly authorized to be executed on behalf of the Corporation shall, unless otherwise specially authorized or provided, be sealed with the Seal of the Corporation, and be signed by the Head thereof, or by some other person authorized by By-law to sign the same, otherwise the same shall not be valid. Debentures, Bonds, &c How to be executed

113. Any Debenture heretofore issued under the Victoria Incorporation Debenture Act, 1863, or issued after this Act takes effect, under the formalities required by law by the Council payable to bearer, or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such Debenture in the holder, and enable him to maintain an action thereupon in his own name. Debentures transferable by delivery if payable to bearer

114. Any Debenture issued as aforesaid, and made payable to any person or order, shall, after the endorsation thereof in blank by such person, be transferrable by delivery from the time of the endorsation, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name. Or if endorsed in blank when payable to order

115. In a suit or action upon any such debenture, it shall not be necessary for the plaintiff to set forth in the declaration or other pleading or to prove the mode by which he became the holder of the debenture, or to set forth or to prove the the notices, By-laws, or other proceedings, under and by virtue of which the debenture was issued, but it shall be sufficient in such pleading to describe the plaintiff as the holder of the debentnre, (alleging the indorsation in blank if any) and shortly to state its legal effect and purport, and to make proof accordingly. In pleading sufficient to describe plaintiff as the holder

Full amount recoverable tho' negotiated at interest exceeding twelve per cent, or below par

116. Any such debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding, its negotiation by such Corporation at a rate less than par, or at a greater interest than twelve per cent per annum.

Restrictions as to Banking, issueing Bills, Bonds, &c

117. The Council shall not act as bankers, or issue any Bond, Bill, Note, Debenture or other undertaking, of any kind, or in any form in the nature of a bank bill or note, or intended to form a circulating medium, or to supply the place of specie, or to pass as money; nor, unless specially authorised so to do, shall any Council make, or give any bond, bill, note, debenture, or other undertaking, for the payment of any less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section shall be void.

To issue Bank notes &c contrary to this Act declared a misdemeanor

118. In case any person issues or makes, or assists in issuing or making, or knowingly utters, or tenders in payment or exchange any Bond, Bill Note, Debenture or undertaking, of any kind, or in any form, in the nature of a Bank Bill, or Note, intended to form a circulating medium, or to supply the place of specie, or to act as money, contrary to this Act, such person shall be guilty of a misdemeanor.

Granting monopolies prohibited

119. The Council shall not have power to give any person any exclusive right of exercising within the City limits any trade, or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same unless authorised, or required by statute so to do, but the Council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling.

Except as to any ferry

120. Nothing in this Act contained shall prevent the Council from granting exclusive privileges in any ferry for a period not exceeding one year, which may be vested in the Corporation.

Auditors

121. The Council shall, at the first or third meeting thereof in every year, after being duly organized, appoint two auditors, one of whom shall be such person as the Head of the Council nominates; but no one who at such time or during the preceding year, is or was a member, or is or was a Clerk or Treasurer of the Council, or who has, or during such preceding year had directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor.

Disqualification for office of

Duties of

122. The Auditors shall examine and report upon all accounts affecting the Corporation or relating to any matter under its control or within its jurisdiction for the year ending on the 31st day of December preceding their appointment.

To prepare abstract and detailed statement of receipts and expenditures

123. The Auditors shall prepare an abstract of the receipts, expenditures, and liabilities of the Corporation; and also a detailed statement of the said particulars in such form as the Council directs, and report in duplicate on all the accounts audited by them; and shall file the same in the office of the Clerk of the Council within one month after their appointment, and thereafter any inhabitant or rate-payer of the Municipality may inspect one of such duplicate reports at all reasonable hours; and may by himself or his agent, at his own expense, take a copy thereof or extracts thereupon.

The Council to audit finally

124. The Council shall, upon the report of the Auditors, finally audit and allow the accounts of the Treasurer, if any, the City Clerk, Collectors, and other officers, and all accounts chargeable against the Corporation, and the accounts of all persons having charge of Corporation monies, and in case of charges not regulated by law, the Council shall allow what is reasonable.

Clerk to publish abstracts and statements

125. The Clerk shall print and publish the Auditors abstract, and shall also publish the detailed statement in such form as the Council directs.

Officers to enter into bonds for their good conduct

126. Every Treasurer, City Clerk, and Collector before entering upon the duties of his office, shall enter into a bond to the Corporation of the City of Victoria for the faithful performance of his duties.

Form of Bonds

127. Such Bond shall be given by the Officer and two or more sufficient sureties, to the satisfaction of the Council in such sum as the Council requires by any By-law.

Neglect or misconduct of collector or clerk

128. If an Assessessor or City Clerk refuses or neglects to perform any duty required of him by this Act, he shall, for every such offence, upon conviction thereof before one or more Justices of the Peace having jurisdiction within the City limits, forfeit the sum of One Hundred Dollars

Fraudulent assessment or collection or making a fraudulent copy, &c punishable

129. If the City Clerk, Assessor, or Collector, acting under this Act, makes any unjust or fraudulent assessment, or collection, or copy of any Assessor's or Collector's Roll, or Voters' List, or wilfully and fraudulently inserts therein the name of any person who should not be entered, or omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall be guilty of a misdemeanor, and upon conviction thereof, before a Court of competent jurisdiction, shall be liable to a fine not exceeding five hundred dollars and to imprisonment until the fine be paid; or to imprisonment in the Common Gaol for a period not exceeding six months, or to both such fine and imprisonment in the discretion of the Court.

Punishment of Assessor for making a fraudulent assessment

130. An Assessor convicted of having made any fraudulent and unjust assessment, shall be sentenced to the greatest punishment, both of fine and imprisonment allowed by this Act.

Proceedings for compelling collectors to account or pay over monies

131. If a Collector refuses or neglects to pay to the person legally authorized to receive the same, the sums contained on his Roll, or duly to account for the same as uncollected, the City Clerk of the Council so directs, shall, within twenty days after the time when the payment ought to have been made, issue a Warrant under his hand and seal, directed to the Sheriff of Vancouver Island, commanding him to levy of the goods, chattels, lands and tenements of the Collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay the person or persons authorized to receive the same, the sum so unaccounted for, and to return the Warrant within fourteen days after the date thereof.

132. The said City Clerk, if the Council shall so direct, shall immediately deliver the Warrant to the Sheriff of Vancouver Island. City Clerk to deliver warrant to Sheriff

133. The said Sheriff to whom the Warrant is directed, shall, within fourteen days, cause the same to be executed and make return thereof to the City Clerk, and pay to him the money levied by virtue thereof, deducting for his fees the same compensation which the Collector would have been entitled to retain. Sheiff to execute such warrant

134. If any person wilfully tears down, injures, or defaces any Assessment Roll, Advertisement, Notice, or other Document, which is required by this Act, to be posted up at a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction within the City limits be liable to a fine not exceeding the sum of one hundred dollars. Tearing down or defacing Assessment Roll Notices &c

135. Any Writ of Execution against the Corporation may be endorsed with a direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following: Writs of execution against Corporation

1. The Sheriff shall deliver a copy of the Writ and indorsement to the City Clerk, or leave such copy at the office or dwelling house of that Officer, with a statement in writing, of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day, as near as is convenient to the day of the service; Sheriff shall deliverstatement to the City Clerk

2. In case the amount, with interest thereon from the day mentioned in the statement, be not paid to the Sheriff within one month after the service, the Sheriff shall examine the Assessment Rolls of the Corporation, and shall, in like manner as rates are struck for general Municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees and the Collector's per centage, up to the time when such rate will probably be available; If not paid, a rate to be struck

3. The Sheriff shall thereupon issue a precept or precepts under his hand and seal of office, directed to the Collector, or respective Collectors of the Corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the list, and that the Corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the Collector or Collectors as aforesaid to levy such rate at the time and in the manner by law required in respect of the general annexed rates; Sheriff's precept to levy

4. In case at the time for levying the annual rates next after the receipt of such precept the Collector or Collectors have a general rate roll delivered to them for such year they shall add a column thereto, headed "Exemption Rate in A. B vs. The Corporation of Victoria," and shall insert therein the amount of such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the Sheriff the precept with the amount levied thereon, after deducting their per centage; Who to collect the rate

5. The Sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the City Clerk, for the general purposes of the Corporation; Surplus

6. The City Clerk, Assessors, and Collectors of the Corporation shall, for all purposes connected with carrying into effect, or permitting, or assisting the Sheriff to carry into effect the provisions of this Act with respect to such executions, be deemed to be Officers of the Court out of which the writ was issued, and as such shall be amenable to the Court, and may be proceeded against by attachment or otherwise to compel them to perform the duties hereby imposed upon them. Clerk, Assessors, and Collectors to be officers of the Court from which writ is issues.

136. All municipal, local, or direct taxes, or rates shall, when no other express provision has been made in this respect, be levied equally upon the whole rateable property, real and personal, in the Municipality according to the assessed value of such property, and not upon one or more kinds of property in particular or in different proportions. Taxes to be levied equally on all the rateable property

137. All land and personal property in the City of Victoria shall be liable to taxation subject to the following exemptions, that is to say: Property liable to taxation

1. All property vested in or held by Her Majesty or vested in any public body, or body corporate, officer, or person in trust for Her Majesty, or for the public uses of the Colony, and also all property vested in or held by Her Majesty or any other person or body corporate in trust for, or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity; All property belonging to Her Majesty

2. When any property, mentioned in the preceeding sub-section number one, is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable; Unless occupied

3. Every place of worship, churchyard, or burying ground; Places of Worship

4. The real estate of every university, college, incorporated grammar school, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such real estate is actually used and occupied by such institution, but not if otherwise occupied or if unoccupied; School Lands

5. Every public school house, town or city hall, court house, gaol, house of correction, lock-up house, and public hospital, with the land attached thereto, and the personal property belonging to each of them; School house City Hall

6. Every public road and way or public square or street; Public Squares

7. The property belonging to the Corporation of the City of Victoria, whether occupied for the purpose thereof or unoccupied; Municipal property

8. Every industrial farm, poor-house, house of industry, and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same; Houses &c used for philanthropic purposes

9. The property of every public library, mechanics' institute, or other public literary or scientific institution, and every agricultural society; Scientific institutions

10. The personal property and official income of the Governor of the Colony; Personal property of Governor

11. The full or half-pay of any one in any of Her Majesty's naval or military

Imperial salaries pensions or gratuities, personal property of officers on full pay

services, or any pension, salary, or other gratuity or stipend derived by any person from Her Majesty's Imperial Treasury or elsewhere out of this Colony, and the personal property of any person in such naval or military services on full pay, or otherwise in actual service ;

Pensions under two hundred dollars a year

12. All pensions under two hundred dollars a year payable out of the public monies of this Colony ;

Income of farmers

13. The income of a farmer derived from his farm, and the crops the produce thereof for the current year ;

Personalproperty secured by mortgage

14. So much of the personal property of any person as is secured by a mortgage upon land, or is due to him on account of the sale of land the fee or freehold of which is vested in him ;

Stock owned out of the City

15. All property, stocks and other securities which any party may own out of this City ;

Personal property to amount of debts due

16. So much of the personal property of any person as is equal to the just debts owed by him, except such debts as are secured by mortgage upon his real estate or may be unpaid on account of the purchase money therefor ;

Personally under $100

17. The nett personal property of any person, provided the same be under one hundred dollars in value ;

Ministers salary under $2000

18. The stipend or salary of any minister of religion from whatever source derived, as long as the same does not exceed two thousand dollars ;

Household effects books, &c

19. Householder's effects, books, and wearing apparel.

Estimates to be made

138. The Council shall every year make estimates of all sums which may be required for the lawful purposes of the City for the year in which such sums are required to be levied for the Municipality, making due allowance for the cost of collection and for the abatements and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected.

By Laws for raising money by rate

139. The Council of the City of Victoria may pass one By-law or several By-laws authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed actual value of the property therein, as the Council deem sufficient to raise the sums required on such estimates, not exceeding in any one year more than one cent in the dollar of such actual value.

If the amount collected falls short

140. If the amount collected falls short of the sums so required, the Council may direct the deficiency to be made up from any unappropriated fund belonging to the Corporation.

Estimates to be reduced proportionatly

141. If there be no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them.

If sums collected exceed estimate, the balance to be part of the general fund, and to be at the disposal of the Council

142. If the sums collected exceed the estimates, the balance shall form part of the general fund of the Corporation and be at the disposal of the Council, unless otherwise specially appropriated, but if any portion of the amount has been collected on account of a special tax upon any particular locality in the Municipality, no less a sum shall be appropriated to the special local object than has been collected.

Yearly taxes to be computed from 1st of Jany, unless otherwise ordered

143. The taxes or rates levied or imposed for any year shall be considered to have been imposed for the then current year, commencing with the first day of January, unless otherwise expressly provided for by the enactment or By-law under which the same are directed to be levied.

One or more Assessors may be appointed and City divided into Districts for the purpose

144. The Council shall annually appoint such number of Assessors and Collectors for the City as they may deem necessary, and may appoint and assign to each Assessor and Collector the Assessment District or Districts therein, within which he shall act, and may prescribe regulations for governing the Assessors in the performance of their duties.

Assessment Roll to be prepared its form and contents

145. The Assessor or Assessors shall prepare an Assessment Roll, in which, after diligent enquiry, he or they shall set down according to the best information to be had :

1. The names and surnames in full, if the same can be ascertained, of all taxable persons resident in the Municipality who have taxable property therein, or in the District for which such Assessor or Assessors has or have been respectively appointed ;

2. And of all non-resident freeholders who have either in person or in writing required the Assessor to enter their names and the land owned by them in the Roll ; and

3. The description and extent or amount of property assessable against each ;

4 And such particulars in separate columns as follows :

Column 1. Name of taxable party ;

Column 2. Name of street, square, or other designation in which the real property lies ;

Column 3. Number of lot, house (*if numbered*), &c. ;

Column 4. Number of acres or other measures showing the extent of the property ;

Column 5. Actual value of each separate parcel ;

Column 6. Actual value of the real property assessed ;

Column 7. Amount of taxable income ;

Column 8. Total assessed value of personal property.

Land to be assessed in the Ward

146. Land shall be assessed in the Ward in which the same lies, and this shall include the land of Incorporated Companies as well as other land ;

Land to be assessed in owners name

147. Land occupied by the owner shall be assessed in his name.

If land not occupied by the owner but the owner is known

148. As to land not occupied by the owner, but of which the owner is known, and who, at the time of the assessment being made, resides, or has a legal domicile, or place of business in the Municipality, or who has signified personally or by writing to the Assessor that he owns the land and desires to be assessed therefor, the same shall be assessed against such owner alone if the land is unoccupied, or against the owner and occupant if such occupant be any other person than the owner.

149. If the owner of the land be not resident, or be unknown, and has not requested to be assessed therefor in the manner in the last section mentioned, then if land is occupied, it shall be assessed in the name of and against the occupant, but if the land be not occupied, then it shall be assessed as land of a non-resident.

If owner non resident and unknown

150. When the land is assessed against both the owner and occupant, the Assessor shall, on the Roll, add to the name of the owner the word "owner," and to the name of the occupant the word "occupant," and the taxes may be recovered from either or from any future owner or occupant, saving his recourse against any other person.

If land assessed against owner, and occupant taxes may be recovered from any future owner or occupant

151. When land is owned or occupied by more persons than one, and all their names are known to the Assessor, they shall be assessed therefor ; but if the names of all are not so known. those of them whose names are known, shall be assessed for the whole, saving their recourse against the others, and the names of all known owners and occupants shall be mentioned.

If land occupied by more owners than one

152. Any occupant may deduct from his Rent any taxes paid by him, if the same could also have been recovered from the owner, unless there be a special agreement between the occupant and the owner to the contrary.

When tenants may deduct taxes from rent

153. The Assessor shall write opposite the name of any non-resident Freeholder who requires his name to be entered on the Roll, the word "non-resident" and the address of such Freeholder.

Assessor to note non residents if required

154. Real property shall be estimated at its full value as it would be appraised in payment of a just debt from a solvent debtor.

Real property to be estimated at its full value

155. As regards the lands of non-residents, who have not required their names to be entered by the Assessor, the Assessors shall proceed as follows :

Lands of non-residents, how to be designated and described on the Assessment Roll

1. They shall insert such land in the Roll, separated from the other assessments, and shall head the same as "Non-residents" "Land Assessments;"

2. If the land be not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description;

3. If it be known to be subdivided into lots, or be part of a patch known to be so subdivided, the Assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts, and if they can obtain correct information of the sub-divisions, they shall put down in the Roll, and in a first column, all the unoccupied lots, by their numbers and names alone and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest, in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation ; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and if such quantity be a full lot, it shall be sufficiently designated as such by its name or number ; but if it be part of a lot, the part shall be designated by boundaries, or in some other way by which it may be known.

156. No person deriving an income exceeding two hundred dollars per annum from any trade, calling, office or profession, shall be assessed for a less sum as the amount of his nett personal property than the amount of such income during the year then last, but such last year's income shall be held to be his nett personal property, unless he has other personal property to a greater amount.

How persons deriving an income from any trade or profession shall be assessed

157. The personal property of an Incorporated Company shall not be assessed against the Corporation, but each shareholder shall be assessed for the value of stock or shares held by him, as part of his personal property, unless such stock is exempted by this Act.

How the property of the Corporation shall be assessed

158. The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

Personal property of partnerships, how and where to be assessed

159. If a partnership has more than one place of business, each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch ; and if this cannot be done the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business of the amount of personal property assessed against it elsewhere.

Ae to partnerships having more than one place of business

160. Every person having a Farm, Shop, Factory, Office, or other place of business, where he carries on a trade, profession, or calling, shall, for all personal property owed by him (*wheresoever situate*) be assessed in the Ward where he has such plate of business at the time when the assessment is made.

Where persons carrying on trade or business shall be assessed for personal property

162. If he has two or more places of business in different Wards he shall be assessed at each for that portion of his personal property connected with the business carried on thereat ; or if this cannot be done, he shall be assessed for part of his personal property at one and a part at another of his places of business, or for all his personal property at one such place at his discretion ; but he shall in all such cases produce a certificate at each place of business of the amount of personal property assessed against him elsewhere.

If the party has two or more places of business

162. If any person has no place of business he shall be assessed at his place of residence.

If the party has no place of business

163. Personal property in the sole possession or under the sole control of any person as trustee, guardian, executor or administrator, shall be assessed against such person alone.

In case of Executors &c

164. In case of personal property owned or possessed by or under the control of more than one person resident in the Municipality or Ward, each shall be assessed for his share only , or if they hold in a representative character then each shall be assessed for an equal portion only.

Seperate assessments of joint owners or poseeors

165. When a person is assessed as Trustee, Guardian, Executor or Administrator, he shall be assessed as such with the addition to his name of his representative

Parties assessed as Trustees &c to have their

representative character attached to their names

character, and such assessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name or in conjunction with others in such representative character, at the full value thereof, or for the proper proportion thereof, if others resident within the Municipality be joined with him in such representative character.

Particulars respecting property or income to be delivered to Assessors in writing by the parties to be assessed

166. It shall be the duty of every person assessable in the Municipality to give all necessary information to the Assessors, and if required by the Assessor or by one of the Assessors, if there be more than one, he shall deliver to him a statement in writing, signed by such person (*or by his Agent, if the person himself be absent*) containing all the particulars respecting the property or income assessable against such person which are required in the Assessment Roll; and if any reasonable doubt be entertained by the Assessor of the correctness of any information given by the party applied to, the Assessor shall require from him such written statement.

Statements given by parties not binding on Assessors

167. No such statement shall bind the Assessor, nor excuse him from making due enquiry to ascertain its correctness; and notwithstanding the statement, the Assessor may assess such person for such amount of property or income as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the Assessor has reason to believe that he is not entitled to be placed on the Roll or to be assessed for such property.

Penalty for not giving statement

168. In case any person fail to deliver to the Assessor the written statement mentioned in the preceding section when required so to do, such person shall forfeit to the Corporation a sum not exceeding $100 to be recovered as a debt due to such Corporation.

Penalty on parties making false statements

169. In case any person knowingly states anything falsely in the written statement required to be made as aforesaid, he may be summarily convicted thereof before any Justice of the Peace having jurisdiction within the Municipality and shall be liable to a fine of not more than $100.

Assessors to give notice to parties of the value of which their properties are assessed

170. Every Assessor, before the completion of his Roll, shall leave for every party named thereon, and resident or domiciled, or having a place of business within the Municipality, and shall transmit by post to every non-resident named thereon, a notice of the actual value at which his real property, and of the sum at which his personal property or income has been assessed.

At what time the Assessment Roll shall be completed

171. The Assessors shall make and complete their Rolls in every year between the first day of February and such day not later than the first day of May, as the Council appoints, and shall attach thereto a certificate signed by them respectively, and verified upon oath or affirmation in the form following:

Certificate to be attached to the Roll

"I do certify that I have set down in the above Assessment Roll all the real "property liable to taxation situate in the City of Victoria or the "Ward, "and the actual value thereof in each case, according to the best of my information "and judgment, and also that the said Assessment Roll contains a true statement of "the aggregate amount of the personal property of every party named in the said "Roll; and that I have estimated the same according to the best of my information "and belief; and I further certify that I have entered therein the names of all the "resident householders and freeholders, and of all other freeholders who have required "their names to be entered thereon, with the true account of property occupied or "owned by each, and that I have not entered the name of any person whom I do not "truly believe to be a householder or freeholder or the bona fide occupier or owner "of the property set down opposite his name for his own use and benefit."

Assessment Roll to be delivered to the Clerk of the City

172. Every Assessor shall deliver to the City Clerk the Assessment Roll completed and added up, with the certificates and affidavits attached, and the Clerk shall thereupon make a copy of every such Roll, arranged in the alphabetical order of the surnames, and shall cause such copy to be put up in a convenient and public place in the Municipality or Ward, and to be maintained there until after the Meeting of the Court of Revision.

Court of Revision

173. The Members of the Council shall be the Court of Revision for the Municipality.

Three to be a quorum

174. Three Members of the Court of Revision shall be a quorum, and a majority of a quorum may decide all questions before the Court.

The Clerk, who to be

175. The City Clerk shall be the Clerk of the Court.

Court may meet and adjourn from time to time

176. The Court may meet and adjourn from time to time at pleasure, or may be summoned to meet at any time by the Head of the Municipality.

Court may administer oaths

177. The Court or any Member thereof may administer an oath to any party or witness, and may issue a summons to any witness to attend such Court.

Penalty on witnesses who refuse to attend

178. If any witness so summoned fails to attend, having been tendered compensation for his time at the rate of one dollar a day, he shall incur a penalty not exceeding $50, to be recoverable with costs, by and to the use of the Coporation in any way in which penalties incurred under any By-law thereof may be recovered.

The Court to try complaint of wrongful assessment

179. At the time or times appointed the Court shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the Roll, or being assessed at too high or too low a sum.

The Court to finish its business by the first of June

180. All the duties of the Court of Revision which relate to the matters aforesaid shall be completed and the Rolls finally revised by the Court before the first day of June in every year.

Course of proceedings in the trial of complaints

181. The proceedings for the trial of complaints shall be as follows:

1. Any person complaining of an error or omission in regard to himself as having been wrongfully inserted on or omitted from the Roll, or as having been undercharged or overcharged by the Assessor in the Roll, may personally or by his agent, within fourteen days after the time fixed for the return of the Roll, give notice in writing to the Clerk of the City that he considers himself aggrieved for any or all of the causes aforesaid;

2. If a municipal elector thinks that any person has been assessed too low or too high, or has been wrongfully inserted on or omitted from the Roll, the Clerk shall, on his request in writing, give notice to such person and to the Assessor, of the time when the matter will be tried by the Court, and the matter shall be decided in the same manner as complaints by a person assessed ; *If an Elector thinks a person has been assessed at too low or too high a rate*

3. The Clerk of the Court shall post up in some convenient public place within the Municipality or Ward a list of all complainants on their own behalf against the Assessors' return, and of all complainants on account of the assessment of other persons (*stating the names of each*), with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints ; *Clerk to give notice*

4. Such list may be in the form following : *Form*

APPEALS TO BE HEARD AT THE COURT OF REVISION, to be held at on the day of 186 .

APPELLANT.	RESPECTING WHOM.	MATTER COMPLAINED OF.
A. B.	Self.	Overcharged on land
C. D.	E. F.	Name omitted
G. H.	I. K.	Not *bona fide* occupant
L. M.	N. O.	Personal property undercharged
&c.	&c.	&c.

5 The Clerk shall also advertise in some newspaper published in the City of Victoria the time at which the Court will hold its first sitting for the year ; *The Clerk to advertise*

6. The Clerk shall also cause to be left at the residence of each Assessor, a list of all the complaints respecting his Roll; *To leave a list with the Assessor*

7. The Clerk shall prepare a notice in the form following for each person with respect to whom a complaint has been made: *To prepare a notice*

Take notice that you are required to attend the Court of Revision at.....on the.....day of.....18..... in the matter of the following appeal *Form*

Appellant (*G. H.*)

Subject (*that you are not a bona fide occupant*)

To J, K. (*Signed*) X, Y.

City Clerk.

8. If the person resides or has a place of business in the Municipality, the Clerk shall cause the notice to be left at the person's residence or place of business; *Service to be at residence*

9. Or if the person be not known, or be not resident in the Municipality, then to be left with some grown person on the premises assessed, or to be addressed to such person through the Post Office; *In case of absentees how settled*

10. Every notice hereby required, whether by publication, advertisement, letter, or otherwise, shall be completed at least six days before the sitting of the Court; *Service to be six days*

11. If the party assessed complains in person, or by his agent of an overcharge on his personal property, he, or his agent, may appear before the Court, and make a declaration in the form following : *Appearance and declaration of persons deeming themselves or any for whom they act overcharged*

I A. B., do solemnly declare that the true value of all the personal property (*or income*) assessable against me (*or against me as Trustee, Guardian, Executor, &c., or against C. D., for whom I am agent,*) (*as the case may be*) after deducting the just debts due by me (*as such Trustee &c., or by C. D.*) does not, to the best of my knowledge and belief, exceed the sum of.....dollars (*and if the declaration is made by an agent add* :) and that I have the means of knowing, and do know the extent and value of the personal property assessable against C. D., and the Court shall thereupon enter the person assessed at such an amount of personal property or income as is specified in the declaration, and no more ; and if any party makes a wilfully false statement in any such declaration, he shall be guilty of a misdemeanour, and shall be punished as for perjury.

12 In other cases the Court, after hearing upon oath, the complainant and the Assessor or Assessors and any witness adduced by or on behalf of either of them, shall determine the matter and confirm or amend the Roll accordingly; *In other cases the Court to determine*

13. If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*. *When to proceed exparte*

182. The Roll as finally passed by the Court, and certified by the Clerk as so passed, shall be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such Roll, except in so far as the same may be further amended, or appeal to the Chief Justice. *The Roll as finally passed to bind all parties*

183 The Court shall also, before or after the first day of June, and with or without any notice, receive and decide upon the Petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself from sickness or extreme poverty unable to pay the taxes, or who by reason of any gross and manifest error in the Roll as finally passed by the Court, has been overcharged more than twenty-five per cent on the sum he ought to have been charged, and the Court may, subject to the provisions of any By-law in this behalf, remit or reduce the taxes due by any such person, or reject the Petition, and the Council of the Municipality may, from time to time make such By-laws and repeal or amend the same. *Further powers granted to Court of Revision*

184. If a person be dissatisfied with the decision of the Court of Revision, he may appeal therefrom, in which case : *Persons dissatisfied with decision of Court of Revision may appeal to Judge of Supreme Court in what manner & what terms*

1. He shall within three days after the decision, in person or by attorney or agent, serve upon the clerk a written notice of his intention to appeal to the Chief Justice of the Supreme Court;

2. The Clerk shall thereupon give notice to all parties appealed against, in the same manner as is provided for notice of complaints by the.....section of this Act;

3. The party appealing shall, at the same time, and in like manner, give a written notice of his appeal to the Registrar of the Supreme Court, and shall deposit with him the sum of five dollars for each party appealed against as security for the cost of appeal;

4. The Chief Justice shall appoint a day for hearing the appeal;

5. The Registrar aforesaid shall cause a conspicuous notice to be posted up at the Supreme Court House containing the names of all the appellants, and the parties appealed against with the date at which a Court will be held to hear the appeal.

6. At the Court so holden the Chief Justice shall hear the appeals, and may adjourn the hearing from to time, and defer the judgment thereon at his pleasure, so that a return can be made to the Clerk of the City before the 15th day of July.

Assessment Roll to be produced to Court of Revision

And amended according to the decision of the Judge

Amendments, how certified

185. At the Court so holden, the Clerk of the City, or other person having the charge of the Assessment Roll, shall appear and produce such Roll, and also all papers and writings in his custody, connected with the matter of appeal; and when such Roll is so produced in Court, the same shall be altered and amended according to the decision of the Chief Justice, (if then given) who shall write his initials against any part of the said list in which any mistake, error, or omission is corrected or supplied, or if the said Roll be not then produced, or the decision be not then given by the Chief Justice, or if so ordered by the Chief Justice, such decision and judgment shall be certified by the Registrar to the Clerk of the City, who shall forthwith alter and amend the Roll according to the same, and shall write his name against any such alteration or correction.

Judge to have power to examine upon oath.

186. In all proceedings before the Chief Justice, under or for the purposes of this Act, such Chief Justice shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties, whether claiming or objecting, or objected to, and all other persons whatsoever, and for the production of books, papers, rolls, and documents, and for the enforcement of his orders, decisions, and judgments, as belonging to, or might be exercised by him, either in term time or vacation, in the Supreme Court in relation to any matter or suit depending in the said Court.

Costs to be apportioned by the judge and how enforced

187. The cost of any proceeding before the Chief Justice as aforesaid, shall be paid by, or apportioned between the parties in such manner as the Chief Justice shall think fit, and costs ordered to be paid by any party claiming, or objecting, or objected to, or by Assessor, Clerk of the City, or other person, may be enforced by Executionfrom the Supreme Court, in the same manner as upon an ordinary judgment recovered in such Court.

By what scale of fees costs are to be taxed

188. The costs shall be taxed according to the Schedule of fees for the recovery of debts in the Inferior Courts.

Decision of judge to be final

189. The decision and judgment of Judge, or Acting Judge, shall be final and conclusive in every case adjudicated upon, and the Clerk of the City shall amend the Rolls accordingly.

Statute labour

Persons in military service exempt

190. No person in Her Majesty's naval or military service on full pay or on actual service shall be liable to perform statute labor or to commute therefor;

Who liable and to what amount

191. Every other male inhabitant of the City of Victoria of the age of twenty-one years and upwards and under sixty years of age (*and not otherwise exempted by law from performing statute labor*) who has not been assessed upon the Assessment Rolls of the City of Victoria, or whose taxes do nor amount to four dollars shall, instead of such labor, be taxed at four dollars yearly therefor, to be levied and collected in the same manner as other local taxes.

Where to be performed

192. No person shall be exempt from the tax in the last preceding section named by reason of his producing a certificate of his having performed statute labor or paid the said tax elsewhere, unless he was actually domiciled out of the limits of the City at the time he so performed the said statute labor or paid said tax; and no non-resident shall be liable to the tax named in the last preceding section;

Payment of tax in lieu of statute laoour may be enforced by distress or committal

193. If the Collector be not able to collect the sum of four dollars named in the section, and no sufficient distress to satisfy the sum due can be found, then the Head of the Municipality or a Justice of the Peace having jurisdiction therein, upon complaint, showing that the person appears upon the Collector's Roll to be rated for such sum, that the same has been duly demanded, and that the party has neglected to pay the same, and that no sufficient distress can be found, may issue a warrant under his hand and seal and commit the party to the Common Gaol for any time not exceeding six days, unless such sum and the costs of the warrant and the execution thereof be sooner paid.

City clerk to make out a collector's roll its form and contents

194. The Clerk of the City of Victoria shall make out a Collector's Roll for each Ward of the City, on which he shall set down the name in full of every person assessed, and the assessed value of his real and personal property as ascertained after the final revision of the Assessments, and he shall calculate, and opposite the lot or parcel of land as therein described of each respective party, he shall set down the amount with which the party is chargeable in respect of sums ordered to be levied by the Council of the City for the purposes thereof, and in other columns any special rate for collecting the interest upon Debentures issued, or any local rate or other special rate, the proceeds of which are required by law or by the By-law imposing it, to be kept distinct and accounted for separately.

How rates to be headed

195. Every last-mentioned rate shall be calculated separately, and the column therefor headed, "Special Rate," "Local Rate," as the case may be.

Duties of collectors on receiving collection roll

196. The Collector, upon receiving his Collecting Roll, shall proceed to collect the taxes therein mentioned.

He shall demand the payment of rates

197. He shall call at least once on the person taxed, or at the place of his usual residence or domicile or place of business, and shall demand payment of the taxes payable by such person, and if any person whose name appears on the Roll be not

resident within the City limits, the Collector shall transmit to him by post a statement and demand of the taxes charged against him on the Roll.

198. In case any person neglects to pay his taxes for fourteen days after such demand made as aforesaid, the Collector shall levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession wherever the same may be found within the Colony.

If payment be not made collectors to levy the tax by distress sale

199. In case of the land of non-residents, the Collector, after one month from the date of the delivery of the Roll to him, and after fourteen days from the time of such demand, may make distress of any goods and chattels which he may find upon the land, and no claim of property, lien, or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds thereof.

When collectors may distrain for rates

200 The Collector shall, by advertisement posted in at least three public places in the Ward wherein the sale of the goods and chattels distrained is to be made, give at least six days public notice of sale, and of the name of the person whose property is to be sold, or in case of a non-resident whose name is not known to the Collector, of the number and description of the lot on account of the taxes on which the distress has been made ; and at the time named in the notice, the Collector shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary.

Public notice of sale to be given and in what manner

201. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus be made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made

Surplus if unclaimed to belong to and be paid to the party in whose possession the goods were

202. If any such claim be made and admitted by the person for whose taxes the property was distrained, the surplus shall be paid to the claimant.

Or to admitted claimant

203. If the claim be contested, such surplus money shall be paid over by the Collector to the City Clerk (*subject to the order of the Council*) who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

If the right to such surplus contested

204. If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the Corporation of the City of Victoria, in which case the production of a copy of so much of the Collector's Roll as relates to the taxes payable by such person purporting to be certified as a true copy by the Clerk of the City, shall be *prima facie* evidence of the debt.

Taxes not otherwise recoverable to be recovered by action at law

205. On or before the Fourteenth day of December, in every year, or on such day in the next year not later than the first of March, as the Council may appoint, every Collector shall return his Roll to the City Clerk, and shall pay over the amount payable to such City Clerk, specifying in a separate column on his Roll how much of the whole amount paid over is on account of each respective rate.

Collector to retain his Roll and pay over the proceeds on the day to be appointed by Council

206. In case the Collector fails or omits to collect the taxes or any portion thereof by the Fourteenth day of December, or by such other day appointed by the Council, such Council may, by resolution, authorise the Collector or any other person in his stead, to continue the levy and Collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes ; but no such resolution or authority shall alter or affect the duty of the Collector to return his Roll, or shall, in any manner whatsoever invalidate or otherwise affect the liability of the Collector or his sureties.

Another person may be employed to collect taxes which the Collector does not collect by a certain day

207 If any of the taxes mentioned in the Collector's Roll remain unpaid, and the Collector be not able to collect the same, he shall deliver to the City Clerk an account of all the taxes remaining due on the Roll ; and in such account the Collector shall shew opposite to each assessment the reason why he could not collect the same, by inserting in each case the words "non-resident" or "no property to distrain" as the case may be.

Proceedings if taxes are returned as unpaid

208. Upon making oath before the Head of the Municipality that the sums mentioned in such account remain unpaid, and that he has not upon diligent enquiry been able to discover any goods or chattels belonging to or in the possession of the parties charged with or liable to pay such sums whereon he could levy the same, the Collector shall be credited with the amount thereof.

Where Collector to be credited

209. The taxes accrued or to accrue on any land shall be a special lien on such land, having preference over any claim, lien, privilege, or incumbrances of any party except the Crown and shall not require registration to preserve it.

Taxes to be a lien upon land

210. No land shall be sold for taxes unless a portion thereof has been due for two years.

When lands to be sold

211. Whenever a portion of the taxes on any land has been due for two years or for such longer period, and of such amount as a By-law of the Council prescribes, the Head of the Municipality shall issue a Warrant under his hand and seal directed to the Sheriff of Vancouver Island, commanding him to levy upon the land for the arrears due thereon with his costs.

Arrears due for two years to be levied by warrant

212. The Head of the Municipality shall, in every warrant so issued,, distinguish lands which have been granted in fee from those which are under a lease or license of occupation, and of which the fee still remains in the Crown.

Lands granted to be distinguished from lands leased by the Crown

213. Immediately upon receipt of the Warrant, the Sheriff shall prepare a list of all the lands included therein, and of the amount of arrears due on each parcel distinguishing lands granted in fee from those the fee of which is in the Crown, and shall cause such list to be published for three months in the Official Gazette, and for the like period in some other newspaper published in the City of Victoria.

Proceedings to be taken by Sheriff on receipt of warrant

214. The advertisement shall contain a notification that unless the arrears are sooner paid he shall proceed to sell the lands for the taxes on a day named in the advertisement.

Advertisement

Time of sale

215. The day of sale shall be more than three months after the first publication of the list.

Notice to be posted up

216. The Sheriff shall also post a notice, similar to such advertisement, in some convenient and public place at the Supreme Court House at least three weeks before the time of sale.

Expenses to be added to the arrears

217. The Sheriff shall in each case add to the arrears so published a proportionate share of the cost of publication according to their amounts respectively.

In case of distress being found on the lands Sheriff to levy thereon

218. If at any time after the receipt of the warrant there is, to the knowledge of the Sheriff or his Deputy, distress upon any land included therein, he shall levy the arrears of taxes and the costs by distress and sale of any goods and chattels found on the land in the same manner and subject to the same provisions as is required by the section of this Act, but no subsequent sale of the land by the Sheriff shall be invalid by reason of there having been any goods and chattels thereon before or at the time of the sale.

And sell in like manner as collectors

219. Whenever any distress of goods and chattels is made by the Sheriff under such warrant, he may sell such goods and chattels in the same manner and subject to the same provisions as are contained in the section of this Act with respect to distresses made by a Collector, and he may charge four dollars for each distress and sale.

If there be no bidders

220. If at the time appointed for the sale of the lands no bidders appear the Sheriff may adjourn the sale from time to time.

Mode in which the lands shall be sold by the Sheriff

221. If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the Sheriff may sell by public auction so much of the land as may be sufficient to discharge the taxes and all lawful charges incurred in and about the sale and the collection of the taxes, selling in preference such part as he may consider it most for the advantage of the owner to sell first.

If the Sheriff sells any lands the fee of which is in the Crown he shall only sell the interest of the Lessee

222. If the Sheriff sells any land of which the fee is in the Crown, he shall only sell the interest therein of the lessee or locatee, and it shall be so distinctly expressed in the conveyance to be made by the Sheriff, and such conveyance shall give the purchaser the same rights in respect of the land as the original lessee or locatee enjoyed, and shall be valid without requiring the assent of the Commissioner of Crown Lands.

If the purchaser fails to pay the purchase money the property to be put up again for sale

223. If the purchaser of any parcel of land fails on demand to pay the Sheriff the amount of the purchase-money the Sheriff may forthwith again put up the property for sale.

Sheriff selling to give purchaser a certificate of land sold

224. The Sheriff, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land and what interest therein have been so sold, or stating that the whole lot or estate has so been sold, and describing the same, and also stating the quantity of the land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns according to the nature of the estate or interest sold, will be executed by the Sheriff on his or their demand at any time after the expiration of one year from the date of the certificate, if the land be not previously redeemed.

Purchaser of lands sold for taxes, to be deemed owner thereof for certain purposes on receipt of Sheriff's certificate

225. The purchaser shall, on receipt of the Sheriff's Certificate of Sale, become the owner of the land so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste until the expiration of the term during which the land may be redeemed, but he shall not knowingly permit any person to cut timber growing upon the land or otherwise injure the land or the improvements thereon, nor shall he do so himself, but he may use the land without deteriorating its value.

Effect of tender of amends &c

226. From the time of a tender to the City Clerk of the full amount of redemption-money required by this Act, the said purchaser shall cease to have any further right in or to the land in question.

Sheriff's return

227. Within one month after the sale the Sheriff shall make a detailed return to the City Clerk of each separate parcel of land included in the warrant and shall pay to him the money levied by virtue thereof.

Sheriff's Commission

228. The Sheriff shall be entitled to five per cent. commission upon the sums collected by him under such warrant as aforesaid.

Fees on sales of land

229. Whenever land is sold by a Sheriff according to the provisions of the section of this Act he may receive the sum of for dollars four the sale of each separate parcel, and the Sheriff may add the commission and fees which he is hereby authorized to charge for the services above mentioned, to the amount of arrears included in the Head of the Municipality's warrant on those lands in respect of which such services have been severally performed.

Sheriff entitled to no other fees

230. Except as before provided, the Sheriff shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands.

Owners may within one year of redeem estate sold, by paying purchase and ten per cent there on

231. The owner of any land which may hereafter be sold for non-payment of taxes, or his heirs, executors, administrators or assigns, may, at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the City Clerk for the use and benefit of the purchaser or his legal representatives the sum paid by him, together with eighteen per cent. thereon, and the City Clerk shall give to the party paying such redemption-money, a receipt, stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption.

After expiration of year allowed for redemption Sheriff to deliver a conveyance to purchaser

232. If the land be not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale aforesaid, then, on the demand of the purchaser, or his assigns or other legal representative, at any time afterwards, and on payment of five dollars, the Sheriff shall execute and deliver to him a Deed of Sale or Conveyance of the land.

233. Such deed shall state the date and cause of the sale, and the price, and shall describe the land by its situation, boundaries, and quantity, and the estate and interest sold, and shall have the effect of vesting the land in the purchaser or his heirs and assigns, or other legal representatives in fee simple, or otherwise according to the nature of the estate or interest sold, and free and clear of all charges and incumbrances thereon except taxes accrued since those for the non-payment whereof it was sold. Contents of deed and effect thereof

234. The Sheriff shall enter in a book which the Council shall furnish him, a full description by metes and bounds of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto ; and such book, after such entries have been made therein, shall be returned to the City Clerk, and shall, together with all copies of Assessors' and Collectors' Rolls and other documents relating to lands, be kept by him amongst the Records of the City. Sheriff shall enter in a book a description of lands conveyed by him

235. The City Clerk shall, after the final revision and correction of the Assessment Roll forthwith make a correct alphabetical list of all persons entitled to vote at the election of a Mayor according to the provisions of this Act, together with the nature of their qualifications respectively, and he shall also make out separate lists for each Ward of all persons entitled to vote at the election of a Councillor or Councillors for the same, respectively, together with the nature of their qualifications ; and the City Clerk shall certify by Oath or Affirmation before the Chief Justice of the Supreme Court, or before any two Justices of the Peace to the correctness of the list, so by him made out, and he shall keep such certified lists among the records of the Municipality, and shall make copies thereof and affix them in a convenient place outside the place where the meetings of the Council are usually held, and keep them there affixed for a period of fourteen days ; and all such lists shall be completed on or before the first day of September in each year. City clerk to make voters lists for the City and for each Ward — Clerk to certify — To affix them in a convenient place

236. If any Elector be dissatisfied on account of his name being omitted from any of the said lists of Voters, or if any Elector consider that an unqualified Voter is placed upon any of such lists, he may appeal therefrom to the Chief Justice of the Supreme Court of Civil Justice on or before the Fourteenth Day of September in each year, and all clauses, provisions, and conditions of this Act of and concerning appeals, from the Court of Revision relative to the Assessment Roll shall, so far as the same are applicable, apply to the conduct bearing, and determination of, such appeals against the list of Voters. Right of appeal against voters lists

237. The list of Voters shall be understood to be finally revised and corrected when the said Chief Justice shall have heard such appeals, if any, and given his judgment thereon. When lists finally revised

238. It shall be the duty of the City Clerk to pay over all monies received by him on account of the Corporation within twenty-four hours at the latest after he shal receive any such monies to such one of the Incorporated or Joint Stock Banks carrying on business within the City of Victoria as the Council shall direct, and such monies shall be there kept and an account opened called the "Victoria City Account"; and any such monies may be drawn out from time to time by cheques, signed by the Mayor or Head of the Council for the time being, and two Councillors, and countersigned by the City Clerk. City Clerk to pay over all monies to the Bank forthwith

239. The Council shall appoint a Finance Committee consisting of not less than three of their number, and it shall be their duty to inspect the accounts of the City Clerk once every week or oftener if they think fit, and to report forthwith any irregularity in such accounts to the Council. Finance committee to be appointed

240. All fines, penalties, and forfeitures recoverable under any By-law duly made by the Council in pursuance of this Act, shall be recovered in a summary manner before one, or more Justices of the Peace having jurisdiction within the limits of the City. How fines, penalties &c, to be recovered

241. Any person convicted or adjudged to pay any fine, penalty, or forfeiture, exceeding the sum of $20, may appeal to the next Court of Quarter Sessions held in the City of Victoria, against such conviction, or order, and execution thereon, shall be respited in case the party appealing shall immediately enter into bonds executed by himself, and two or more sureties in a sum double the amount, in respect of which there was a conviction, or order to the satisfaction of such Justice or Justices, conditioned to prosecute the appeal to a successful conclusion at such Court, and such Court shall have power to decide such appeal, and to make such order in the matter as to them may seem just, both either as to the dismissal of such appeal, or the questioning of the conviction or order, and the payment of the costs in the matter, and their judgment therein shall be final. Appeal to quarter session

242. The wilful and corrupt making of any false statement in any declaration required or authorised by this Act, shall be a misdemeanor punishable as wilful and corrupt perjury. False statement in a declaration punishable as perjury

243. Unless otherwise declared or indicated by the context, whenever any of the following words occur in this Act, the meanings hereinafter expressed attach to the same namely : Meaning of words used

1. The words "Municipality" and "Corporation" mean "City of Victoria;" Municipality Corporation

2. The word "Council" means the City Council of Victoria ; Council

3. The words "Land," "Lands," "Real Estate," "Real Property," respectively, include lands, tenements, and hereditaments, and all rights thereto, and interests therein ; Land Lands Real Estate Real Property

4. The word "Electors" means the persons entitled for the time being to vote at Municipal Elections in the Municipality, or any Ward thereof ; Electors

5. The words "Next Day', are not to apply to or include Sunday or Statuory Holidays ; Next day

6. The terms "Land," "Real Property." and "Real Estate," respectively, include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries, and fossils in and under the same, except mines belonging to Her Majesty ; Land Real Property and Real Estate

Personal Estate

Personal Property

7. The terms "Personal Estate" and "Personal Property" include all goods, chattels, shares in incorporated companies, money, notes, accounts, and debts at their full value, and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted ;

8. The term "Property" includes both real and personal property as above defined;

9. Unoccupied land owned by a person not resident and not having a legal domicile or place of business in the Municipality, or whose residence or domicile or place of business therein cannot upon diligent inquiry by the Assessor be found, and who has not signified to the Assessor personally or in writing that he owns such land and desires to be Assessed, therefore shall be denominated "Lands of non residents."

Reclaimed lands to what Wards to belong

244. When any land shall be reclaimed or recovered by any means from the present limits of Victoria Harbour, or if any wharf, building, or improvement has been erected or shall be erected in or over Victoria Harbour that do not clearly appear by the boundaries of the respective Wards to belong to either of them, the Council may by By-law declare to what Ward such land. wharf, building, or improvement shall belong ; Provided always that nothing in this section shall extend the jurisdiction of the Council beyond the limits of Victoria City as set forth in schedule A to this Act annexed.

If a matter is to be performed on a day which happens to be a Sunday, it shall be performed on the next day

245. Whenever any matter or thing shall by this Act be directed to be performed on a certain day and that day happed to be Sunday or public holiday, the said matter or thing shall be performed on the next succeeding day.

No fee to be taken by Mayor or Councillors

246. The Mayor and Councillors shall not receive any fee or reward for their services.

Short Title

247. This Act may be cited for all purposes as "The Victoria Incorporation Act, 1864."

SCHEDULE A.

The City of Victoria shall include all the land within the following Boundaries :

Commencing at a point on Ross Bay being the South East coner of section I, thence Northerly along the eastern boundary of section I, IC, and LXX to the north east corner of said section LXX, thence Westwardly to the south east corner of said section IV for a distance of 33 chains, thence at a right angle westwardly to the south eastern corner of section V, thence west along the southern line of said section V to Victoria Harbour or Arm, thence across said Harbour to the north eastern corner of the Indian Reserve and Victoria West, thence along the Northern boundary of Victoria West, thence southerly along the Western Boundary of Victoria West to Victoria Harbour, thence across the Harbour to Shoal Point, thence along the shore line of Vancouver Island southwardly and eastwardly to the point of beginning.

SCHEDULE B.

Ward No. 1 shall include all that portion of the City of Victoria bounded as follows : Starting from a point at the south end of the bridge on McClure street where the water of James Bay intersects said street, thence southerly along the centre of said street till it intersects the boundary of Beacon Hill Park, thence westerly and southerly along said boundary to the Straits of San Juan de Fuca, thence westerly along the shore line of the said Straits to Shoal Point, thence easterly along the shore line of Victoria Harbor and James Bay to the point of beginning.

Ward No. 2 shall include all that portion of the City of Victoria bounded as follows : Starting from a point at the south end of the bridge on McClure street where the water of James Bay intersects the said street, thence westerly and northerly along the north shore of James Bay and Victoria Harbor to a point where a line drawn along and through the centre of Fort street and produced to the water's edge intersects the said Harbor, thence easterly along the said supposed line and along the centre of Fort street to a point where the said Fort street intersects the eastern boundary of the City, thence southerly along said eastern boundary of the City to Ross Bay, thence westerly along the shore line of Vancouver Island to the south west corner of Beacon Hill Park, thence northerly along the western boundary of the said Park to the north west corner thereof, thence easterly along the northern boundary of said Park to the said McClure street, thence northerly along the centre of said McClure street to the point of beginning.

Ward No. 3 shall include all that portion of the City of Victoria bounded as follows : Starting from a point on the shore line of Victoria Harbor where it would be intersected by a line drawn through and along the centre of Fort street and produced as aforesaid, thence northerly along the shore line of Victoria Harbor to the north west corner of Town Lot 182 B, thence easterly along the north boundary of Town Lot 182 D to Store street, thence across Store street to the centre of Cormorant street, thence easterly along the centre of Cormorant street to the centre of Government street, thence southerly along Government street to the northern boundary of Pandora staeet, thence easterly along the northern boundary of said Pandora street, and the extension of the last named street to where it intersects the eastern boundary of the City aforesaid, thence southerly along such eastern boundary to where it intersects the centre of Fort street, thence westerly along the centre line of Fort street to the point of beginning.

Ward No. 4. Shall include all that portion of the City of Victoria, bounded as follows : Starting at a point at the north-west corner of Town Lot 182 B, thence easterly along the Northern boundary of 182 D to Store street, thence across Store street to the centre of Cormorant street, to the corner of Government street, thence southerly, along the centre of Government street to the Northern boundary of Pandora street, thence along the said northern boundary to the eastern boundary of the said City, thence northerly along the said eastern boundary to Pembroke street, thence westerly along the centre of Pembroke street to the centre of Store street, thence along the centre of Store street to Rock Bay, and thence along the shore line of Rock Bay and Victoria Harbour, westerly and southerly, to the point of beginning.

Ward No. 5. Shall include all the land within the limits of the City of Victoria not included in Wards No. 1, 2, 3, and 4.