# AN ACT

TO DECLARE THE VALIDITY OF THE DEBENTURES ISSUED BY THE MUNICIPAL COUNCIL AND THE MODE OF ENFORCING THE PAYMENT OF THE ASSESSMENTS, LICENSES, FINES AND PENALTIES DIRECTED TO BE ASSESSED AND LEVIED BY THE BY-LAWS PASSED BY THE MUNICIPAL COUNCIL BY VIRTUE OF THE "VICTORIA INCORPORATION ACT, 1862."

WHEREAS the Municipal Council, on the day of , passed a resolution as follows :—

*Resolved*,—That this Council borrow the sum of £5,000 sterling (Five Thousand Pounds sterling), under guarantee of the Government, in accordance with the 22nd and 23rd sections of the Act of Incorporation, for the purpose of grading and macadamizing the streets of the City.

And whereas the said Resolution was afterwards duly confirmed by a second meeting of the said Council duly convened under the provisions of the said Act.

And whereas the said Resolution was duly confirmed by the Municipal Electors in manner prescribed by the said Act.

And whereas doubts have been entertained whether the said Resolution enables the said Municipal Council to bind revenues to be raised under the provisions of the said Act.

Be it therefore enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows :—

That the Mayor and Council may issue Thirty-three Debentures of Fifty Pounds (£50.) a-piece, payable with interest at the rate of per cent. per annum, on the day of ; Thirty-three Debentures of Fifty Pounds (£50.) a-piece, payable with interest at a like rate, on the day of ; and Thirty-three Debentures of Fifty Pounds (£50.) a-piece, payable with interest at a like rate on the day of .

That the Debentures shall be in the form marked A in the Schedule hereto, and shall be signed and sealed by the Mayor, and shall be numbered arithmetically from 1 to 99, and shall be a first charge upon all monies received by or on behalf of the Municipal Council on any account whatsoever during the year in which they become payable.

2 The Council shall have power to direct in each By-law passed by them in what manner the payment of the monies, assessments, licenses, fines and penalties shall be made and enforced; and that in the event of any By-law being passed without a provision for the enforcement of the same, the same shall be enforced in manner following :—

4 If the By-law be for the purpose of levying an assessment on Real Estate, the Assessment Roll finally passed in manner provided by the By-law shall bind all parties concerned, notwithstanding any defect or error committed in or with regard to such Roll.

5 The Assessment Roll as finally passed shall, within seven days from its final passage, be posted up by the Municipal Assessor in at least six conspicuous places in the City, and shall also be published in the Government "Gazette" when issued.

6 The person liable to pay the assessment shall be personally liable for the amount of the said assessment.

7 The Real Estate in respect of which an assessment has been made shall also be primarily liable for the amount of the said assessment, and such liability shall be the first charge on said Real Estate.

8 All monies due under the provisions of any such By-law shall be paid to the person nominated in that behalf by the By-law.

9 If the amount assessed in respect of any Real Estate be not paid as aforesaid within Thirty days after the date of the publication of the Roll as finally passed, an amount equivalent to Five per cent. upon the amount due shall be paid, collected and levied in addition to the amount due; and if payment be not made in Sixty days from the date of publication aforesaid, the Municipal Assessor shall levy the same by distress of the goods and chattels of the person liable to pay the same: and if such person cannot be found or is not known, or in default of a sufficient distress, by the sale of so much of the Real Estate in respect of which such assessment continues either partially or entirely unpaid as shall be approximately sufficient to pay the amount assessed, together with the five per cent. aforesaid.

10 The Assessor, in effecting such sale, shall select such part of such Real Estate as he may consider most advantageous to the owner of such Real Estate to be sold first, and the owner or his agent may advise with the Assessor on the subject.

11 The Assessor shall advertise in one of the newspapers circulating in the Colony, and shall post up in six conspicuous places in the city, a notice of the Real Estate liable to be sold, the hour and day upon which he proposes to sell the same, not being less than Twenty-one days from the date of such notice, and the place where he proposes to conduct such sale.

12 Upon the day fixed for the sale aforesaid the Assessor shall within two hours after the hour fixed put the said Real Estate up to auction and sell the same to the highest bidder.

13 If at the time appointed for the sale no bidders appear or bid a sum equivalent to the amount due in respect of the said assessment and the probable costs hereinafter mentioned, the Assessor may adjourn the sale, and so on from time to time.

14 The purchaser until the expiration of one year shall hold the Real Estate sold for a Legal Estate in fee simple subject to the right to redeem hereinafter provided.

15 The owner of any Real Estate which may hereafter be sold for non-payment of taxes, or his heirs or assigns, may at any time within one year from the day of sale redeem the estate sold by paying to the Treasurer of Vancouver Island, for the use and benefit of such purchaser or his legal representatives the sum paid by him together with Twenty per cent. thereon, and the said Treasurer's receipt shall be evidence of redemption.

16 The certificate of the Assessor as to the amount payable for the redemption of the Real Estate so sold as aforesaid shall be produced and delivered to the Treasurer as his authority to receive the said money.

17 From and after payment to the Treasurer 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 Real Estate in question.

18 The amount so paid by the person redeeming shall be paid over by the Treasurer on application to the purchaser or his representatives.

19 Purchasers shall not during the said year commit or allow waste upon the Real Estate purchased.

20 The Assessor shall, at the expiration of the said year, if no redemption has taken place, convey such Real Estate to the purchaser, whose title shall be an absolute and indefeasible estate in fee simple notwithstanding any irregularity or informality in such sale or the proceedings prior thereto or subsequent thereon.

21 The Assessor shall defray the expenses prior to and of such sale and attendant thereon out of the purchase money, and next the amount due in respect of said assessment, and shall pay the residue thereof into the Treasury in trust for the person or persons to whom, as Real Estate, it shall belong.

22 If the By-law be for the purpose of levying or raising licenses, any defaulter in payment, for thirty days after the time fixed for payment by the By-law in question, shall be liable to a fine not exceeding twice the amount due from him in respect of such license, in addition to the amount of the license, and such fine and the amount of license may be recovered before any Justice of the Peace having jurisdiction in the city of Victoria, in a summary manner, and in default of payment the Assessor is hereby empowered, upon obtaining an order in that behalf from any such Justice as aforesaid, to levy the same upon the goods and chattels of the defaulter.

This Act shall be read with and deemed explanatory of the "Victoria Incorporation Act, 1862."

This Act may be cited as the "Victoria Incorporation Amendment Act, 1863."

## SCHEDULE.

*Form A.*

CITY OF VICTORIA.

## MUNICIPAL DEBENTURE.

"*The Victoria Incorporation Act*, 1862," and the "*Victoria Incorporation Amendment Act*, 1863."

No. £50. 0s. 0d

For Fifty Pounds advanced to the Municipal Council of the City of Victoria, the holder of this Debenture is entitled to receive interest at the rate of per centum per annum in yearly payments, payable at , on the in each year, till the principal is paid off. The said sum of Fifty Pounds sterling, with the interest thereon, is charged upon and made payable out of the Revenue of the said city, as a first charge thereon, under the terms of the said Acts; and the principal will be repaid at on the day of

Signed and sealed on behalf of the Municipal Council, and in accordance with the provisions of the Acts above mentioned.

Mayor.

Registered in the books of the Corporation of the City of Victoria, on the day of 1863, by me,

Town Clerk.