BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 16.

An Ordinance to provide for the maintenance, improvement, and construction of Roads in British Columbia.

[*9th March*, 1869.]

WHEREAS it is expedient to make better provision for the maintenance, improvement, and construction of Roads in the Colony of British Columbia; Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. From and after the passing of this Ordinance, the "Road Act, 1860," and the "District Road Amendment Act, 1866," of that part of the Colony formerly known as the Colony of Vancouver Island and its Dependencies, shall be and are hereby repealed; save and except as to any Taxes accrued, due thereunder, or to any pains, penalties, or forfeitures incurred, or liable to be incurred, under the said Acts. Repeals former Acts.

II. For the purposes of this Ordinance, the following Road Districts shall be created and established, namely:— Road Districts.

1. Esquimalt Town Road District;
2. Esquimalt and Metchosin Road District;
3. Victoria Road District;
4. Lake and Saanich Road District;
5. Nanaimo Road District;
6. Cowichan Road District;
7. Salt Spring Island Road District;
8. Comox Road District;

and all such Road Districts as shall hereafter be created under the provisions of this Ordinance.

III. The boundaries of the Esquimalt Town Road District shall include that portion of Land bounded by Esquimalt Harbour to the north, Royal Bay to the south, Section XI. on the Official Map of the District to the south-east, Sections X. and XXVI. on the said Map to the north-east. Boundaries of Esquimalt Town Road District.

IV. The boundaries of the Esquimalt and Metchosin Road District shall be those laid down on the Official Map as the boundaries of Esquimalt District, Metchosin District, and Sooke District respectively. Esquimalt and Metchosin.

V. The boundaries of the Victoria Road District shall be those laid down on the Official Map as the boundaries of the District of Victoria, excluding such portion of that District as is included within the limits of the Municipality of the City of Victoria. Victoria.

VI. The

Lake and Saanich.

VI. The boundaries of the Lake and Saanich Road Districts shall be those laid down on the Official Map as the boundaries of the Lake District, and North and South Saanich Districts, and Highland District.

Nanaimo.

VII. The boundaries of the Nanaimo Road District shall be those laid down on the Official Map as the boundaries of Nanaimo District, and shall include the Districts of Mountain, Cranberry, Cedar, and Douglas, according to the boundaries so laid down as the boundaries of such Districts respectively.

Cowichan.

VIII. The boundaries of the Cowichan Road District shall be those laid down on the Official Map as the boundaries of the Cowichan District, and shall include the Districts of Shawnigan, Quamichan, Somenos, Chemanus, and Comiaken, according to the boundaries so laid down as the boundaries of such Districts respectively.

Salt Spring Island.

IX. The boundaries of the Salt Spring Island Road District shall include the whole of the said Island.

Comox.

X. The boundaries of the Comox Road District shall be the boundaries of the Comox District as laid down on the Official Map of the said District.

City of Victoria to be a Road District.

XI. The City of Victoria shall also be a Road District, and the annual tax payable within that District, under this Ordinance, shall be assessed, levied, and collected by the Municipal Council of the said City, in the manner by this Ordinance provided, and shall be expended by such Council in the maintenance, construction, and improvements of the streets, side-walks, thoroughfares, bridges, and approaches thereto, and for the purposes of drainage, within the said City Road District, and for no other purposes whatsoever.

Governor upon Petition, may create Road Districts,

XII. The Governor may, upon Petition from two-thirds at least of the residents of any portion of British Columbia, create, by Proclamation published in the *Government Gazette*, such portion into a Road District, with such boundaries as upon such Petition shall seem to him meet; provided, always, that prior to so creating a new Road District upon Petition as aforesaid, the Governor shall cause notice of the receipt and purport of such Petition to be published for one month in the *Government Gazette*.

And may vary and alter Boundaries.

XIII. The Governor may, upon Petition from the residents and Land Owners or any portion thereof in any Road District, either now created or hereafter created under the provisions of this Ordinance, from time to time, by Proclamation published in the *Government Gazette*, vary and alter the boundaries of any such District, or subdivide such District into two or more Road Districts, in such manner as upon such Petition shall seem to him meet; provided, always, that notice of the receipt and purport of any such Petition shall be published for one month in the *Government Gazette*, prior to final action being taken therein by the Governor.

Who to be assessed, and amount.

XIV. Every male person above eighteen years of age resident at the period of assessment as hereinafter described, in any Road District created or which may be created under the provisions of this Ordinance, and every person not resident but possessed of any interest in any Real Estate in any of the said Road Districts, shall pay an Annual Tax of the sum of Two Dollars, and if any person, whether resident or non-resident, shall be possessed of any greater interest in any Real Estate in any of the said Road Districts than of the extent of Ten Acres, then every such person shall pay for every additional Acre, or portion of an Acre, above Ten Acres, a further Annual Tax of Four Cents for each Acre or portion of an Acre.

Compounding by prepayment of five years tax.

XV. It shall be lawful for any person liable to assessment for Road purposes under this Ordinance, from time to time or at any time, to compound for the Road Tax which such person shall be required to pay for not exceeding five years from the date of such composition,

composition, by prepayment of the amount of Road Tax which may be accruing due during the period of such composition, or any portion thereof, and the Collector shall be and is hereby empowered to receive, and account and give proper acknowledgments, for the same, in account with such persons for their Road Tax; but such composition shall not extend to the Road Tax for which any person so compounding may become liable in respect of land acquired subsequently to the date of such composition.

Appointment of Collectors.

XVI. The Governor shall from time to time appoint one or more persons to act, during pleasure, as Collector or Collectors in each Road District created under the provisions of this Ordinance, and may require from such person or persons such security as he may think fit; provided, always, that in the City of Victoria Road District, the Municipal Council of the City of Victoria, by any Officer appointed by them in that behalf, shall be the Collectors.

Their duties.

XVII. It shall be the duty of the Collector on or before the first day of May, 1869, and afterwards between the first day of January, and the first day of February in each year, to make out a list of all persons who may be liable to pay Road Tax for the year, within the District or portion of the District for which he acts, including in such list the names of Land Owners, as well as the names of persons not Land Owners, but resident within the District or portion of the District as aforesaid, at the time of the Collector making his assessment, together with the amount of Tax for which each person is liable under the provisions of this Ordinance; and the Collector shall give notice by writing, exhibited and posted up in two or more conspicuous places within his District, and by advertisement in the *Government Gazette*, of some place within his District or the portion of the District for which he acts, where such list is deposited and can be inspected, and such notice by way of advertisement shall be good and sufficient notice to all persons interested therein, and such list shall be open to inspection by all persons from time to time and at all reasonable hours, free of charge.

Times for Collection.

XIX. On and after the first day of June in the current year, and afterwards on and after the first day of April in each year, the Collector shall collect the Road Tax from each person liable to pay the same within his District, or portion of the District for which he acts, and the Collector shall as soon afterwards as may be, pay over the amount to the Treasurer of the Colony, or to such other person as the Governor may direct, or in the case of the Victoria City Road District, to the Municipal Council of such City.

Salary by Corporation to Collector for Victoria City District.

XX. The Governor, and in the case of the Victoria City Road District, the Municipal Council thereof, may allow the Collector such percentage upon the amount of his collection as may seem reasonable and just, not however in any case exceeding Ten per cent. upon the gross amount collected in any one year, and the Governor, or Municipal Council respectively, may further allow such additional sum, by way of expenses, as may be necessary and reasonable for the purpose of carrying out the provisions of this Ordinance.

Taxes expended where collected.

XXI. The net amount of Road Tax collected in each District, shall be expended from time to time, in such manner as the Governor, or in the Victoria City Road District, as the Municipal Council thereof may direct, within the District in which it has been

collected,

collected, in the maintenance, improvement, and construction of highways within such District; provided, always, that in the case of the Victoria City Road District, the Road Tax shall be expended as hereinbefore provided.

Taxes how recovered.

XXII. Any Tax due under the provisions of this Ordinance, which shall not be paid within thirty days of the period when it becomes due, may be recovered with costs, at the suit or instance of the Collector, in a summary manner, before any Stipendiary Magistrate, or two Justices of the Peace, such amount to be levied by distress upon the goods and chattels, wherever they may be found, of the person liable to pay the said Tax, and for the purposes of this Ordinance all trees and timber, whether severed or unsevered, shall be deemed to be goods and chattels.

Arrears to bear Interest, and be Registered.

XXIII. In case of insufficiency of any such distress, the Magistrate or Justices aforesaid, may make an order to cause the amount so adjudged due or then remaining due, together with the costs of proceeding, to be paid within seven days, and thereupon and thenceforth the same shall carry interest at the rate of eighteen per cent. per annum, until paid and satisfied. All orders so made as aforesaid, shall be transmitted to and filed of record with the Land Registry Office.

Short Title.

XXIV. This Ordinance may be cited for all purposes as the "Road Ordinance, 1869."

Passed the Legislative Council the 2nd day of March, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 9th day of March, 1869.

FREDERICK SEYMOUR, *Governor.*