THE ACT
OF
INCORPORATION
OF THE CITY OF
VANCOUVER

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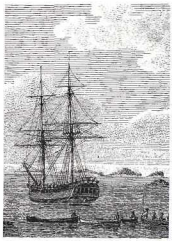

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The Act of Incorporation of City of Vancouver

Printed By Order of the City Council of Vancouver of 1900.

TRYTHALL & SON, CITY PRINTING WORKS, VANCOUVER, B. C.

Bought in Victoria, B.C.
July 29, 1981

City of Vancouver

1902

Mayor

T. F NEELANDS

Aldermen:

WARD I.

A. BETHUNE — W. BLACKMORE

WARD II.

J. McQUEEN — E. COOK

WARD III.

C. H. WILSON — W. J. McGUIGAN

WARD IV.

WM. BROWN — C. F. FOREMAN

WARD V.

P. WYLIE — W. H. WOOD, JR.

Officials:

CITY CLERK - - - - THOS. F. McGUIGAN
CITY TREASURER - - - GEO. F. BALDWIN
CITY ACCOUNTANT - - - WM. COWDEROY
CITY SOLICITOR - - - - A. ST. G. HAMERSLEY
CITY ENGINEER- - - - THOS. H. TRACY

MAYORS OF VANCOUVER

From the Incorporation of the City in 1886 to 1902

M. A. MACLEAN	1886 and 1887
D. OPPENHEIMER	1888 to 1891
F. COPE	1892 and 1893
R. A. ANDERSON	1894
H. COLLINS	1895 and 1896
W. TEMPLETON	1897
J. F. GARDEN	1898, 1899 and 1900
T. O. TOWNLEY	1901
T. F. NEELANDS	1902

City of Vancouver

1900

Mayor:

JAMES F. GARDEN

Aldermen:

WARD I.

ROBERT GRANT — H. P. SHAW

WARD II.

JAMES McQUEEN — THOS. F. NEELANDS

WARD III.

W. J. McGUIGAN — D. McPHAIDEN

WARD IV.

WILLIAM BARKER — C. F. FOREMAN

WARD V.

W. H. WOOD — T. S. BAXTER

Officials:

CITY CLERK - - - - THOS. F. McGUIGAN
CITY TREASURER - - - GEO. F. BALDWIN
CITY ACCOUNTANT - - - WM. COWDEROY
CITY SOLICITOR - - - - A. ST. G. HAMERSLEY
CITY ENGINEER- - - - THOS. H. TRACY

CHAPTER 54.

An Act to Revise and Consolidate the Vancouver Incorporation Act.

[*31st August, 1900.*]

Preamble. WHEREAS a petition has been presented by the Corporation of the City of Vancouver praying that the Incorporation Act of the said City, Chapter 22, 49 Victoria, and amendments thereto, should be revised, consolidated and amended:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, declares and enacts as follows:—

Incorporation of the City of Vancouver. **1.** From and after the passing of this Act the inhabitants of the tract of land as hereinafter described in the second section hereof, and their successors, shall be, and are hereby declared to be, a body politic and corporate in fact and in law, by the name of "The City of Vancouver," and the said Corporation by the same name shall have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law or in equity whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure, and shall be in law capable of receiving by donation, acquiring, holding and disposing of and conveying any property, real or movable, for the uses of the said Corporation, and in the management of the affairs and for the purposes of said Corporation, of becoming parties to any contracts or agreements, of giving or accepting any notes, bills of exchange, bonds, obligations, or other instruments or securities for payment of, or securing the payment of, any sum of moneys borrowed or loaned, or executing or

guaranteeing the execution of any duty, right or thing whatsoever, and for the payment, or securing the payment, of any money borrowed, or of paying loans made, or debts owing to the said City of Vancouver, or of taking up bonds that may become due, or of making a loan or loans, and for any other legitimate and sufficient purpose whatsoever in connection with the affairs of said Corporation; and for any of the purposes aforesaid the said Corporation may grant or issue bonds for the sum or sums of money therein to be specified under the provisions hereinafter set forth, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the Dominion of Canada, in the United States of America, in any part of Great Britain or elsewhere, and either in currency of the Dominion of Canada, or of sterling money of Great Britain, or the currency of the country where the same may respectively be made payable, as to the said Corporation may be thought advantageous or expedient: Provided always, that the said Corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less sum than one hundred dollars ($100), and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void: Provided always, that nothing herein contained shall be construed to authorise the said Corporation to issue notes or bills of exchange payable to bearer, or to issue notes to circulate as those of a bank.

City boundaries.

2. The said City of Vancouver shall be bounded as follows:—Commencing at low water mark on the south shore of Burrard Inlet at a point where the easterly boundary of lot 184, in New Westminster District, produced northerly would intersect said low water mark; then southerly along said produced boundary and along said easterly boundary of said lot, and also along the easterly boundary of lot 264A, in said New Westminster District, to a point where it would be intersected by the southerly boundary of said lot 264A produced easterly; thence westerly along said produced line and along said southerly boundary of said lot 264A to the south-westerly corner of said lot; thence westerly along the middle of the street between blocks numbers 97 and 98 on the one side, and blocks numbers 95 and 96 on the other, as shown in a registered plan of sub-division of lot number 301, in said District of New Westminster; thence still westerly along the middle of the streets between blocks numbers 54, 55 and 56 on one side and blocks numbers 57, 58 and 59 on the other side, according to a registered plan of a sub-division of the southerly half of lot number 302, in said New Westminster District; thence continuing due west to Campbell Street, the westerly boundary of the Government town plot on English Bay; thence northerly along the middle line of Campbell Street to the low water mark of said English Bay; thence along the line of said low water mark to False Creek; thence across the mouth of

—"and along the production thereof Southerly"

False Creek and along the line of low water mark in front of lot 185, in New Westminster District, and the Government Military Reserve, to the first Narrows, and thence easterly in a straight line to the point of commencement. also amendment 26th February 1913 amendment 1911.

Wards.

Wards.

3. The Council of the City may, by by-law, divide the same into two or more wards, and may from time to time alter such sub-divisions and increase or reduce the number of wards so as to allow the different wards to be equally represented in the Council on the basis of the assessed values shown on the last revised assessment roll, and on the basis of population: Provided, that the Council may, by by-law, at any time in its discretion declare that the City shall be one ward, but before such by-law shall be finally passed the Council shall submit the same to the vote of the electors entitled to vote for Mayor, in the same manner as to giving notice thereof and taking the vote as provided for the submission of money by-laws in section 103 of this Act, and upon the receipt of the returns of the votes cast the City Clerk shall add up the votes, and if it appears from such returns that the votes cast for such by-law be three-fifths of the votes polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost. In the event of such by-law being carried, the Council shall finally pass such by-law. In the event of such by-law being rejected the Council shall not submit a similar by-law to the electors for one year after such rejection.

Constitution of Council.

Constitution of Council.

4. There shall be elected annually a fit and proper person who shall be called Mayor of the City of Vancouver, and in the event of the whole City being declared by by-law to be one ward ten fit and proper persons who shall be and be called Aldermen of the City; and in the event of the City being by by-law divided into two or more wards, one or more fit and proper persons to represent each such ward, and the Council shall, from time to time, by by-law, fix the number of Aldermen to represent each such ward.

Disqualification of Mayor and Aldermen.

(1.) Any person being in holy orders, or the minister of any religious denomination whatever, or any Judge of any Court of Record of this Province, Sheriff's or officers of the said Courts, or officers of Her Majesty's army or navy on full pay, or provincial, county or city licence commissioners, or inspectors, or the holders of hotel, saloon or shop licences within the City, or salaried officers of the City, or any person having any unsettled, disputed account against or due by the City, or any person accountable for the revenues of the City, or any officer or person presiding at the election of Mayor or Aldermen while so employed, or any person who shall have been convicted of treason or felony

in any Court of Law within Her Majesty's dominion or elsewhere, or any person having by himself or through his partner, or as a director in or agent for any incorporated company, any contract whatever, or interest in any contract with or for the City, either directly or indirectly, shall not be capable of being elected or serving as Mayor or Alderman; but no person shall be held to be disqualified from being elected Mayor or Alderman of the City by reason of his being a shareholder in any incorporated company having dealings or contracts with the City Council of the City, but no shareholder shall vote in the Council on any question affecting such company:

Shareholder in company contracting with City not disqualified.

Qualification of Mayor and Aldermen.

(2.) No person shall be qualified to be elected Mayor or Alderman unless such person resides within the City, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has been for one month next preceding the day of nomination the registered owner in fee simple in the Land Registry Office of real property within the City limits of the assessed value over and above all charges, liens and encumbrances affecting the same, in the case of Mayor of one thousand dollars ($1,000.00), and in the case of an Alderman to the value of five hundred dollars ($500.00), all of which shall, in the case of an Alderman, be in the ward for which he is nominated, or the registered owner for three months preceding the day of nomination of leasehold property for a term of three years to the assessed value of three thousand dollars, the whole of which must be situate in the ward for which such Alderman is a candidate, and which lease must extend over the whole term of his office, and being otherwise qualified as a voter. In the case where two or more persons are registered owners as joint tenants or tenants in common of real property the value of the share or interest in the case of Mayor must be over and above all encumbrances one thousand dollars, and in the case of Alderman five hundred dollars.

Where joint owners or tenants in common.

Electors.

Electors.

5. The persons qualified to vote at elections for Mayor and Aldermen shall be as follows:—

Persons qualified to vote.

Every male and femme sole of the full age of twenty-one years shall be entitled, if not disqualified under this Act, to vote at any municipal election for said City if such person—

Owner.

(1.) Is entered on the voters' list as the owner of real property held in his or her own right, ~~or, in the case of a married man, held by his wife,~~ within the limits of the City:

Tenant.

(2.) Is entered on the voters' list as tenant of any real property within the City of the assessed value of three hundred dollars,

and who was such tenant at the time of the final revision of said voters' list used at the election, and on the day of the election: Provided, that a change of tenancy between the final revision of said voters' list and the day of the election shall not deprive the tenant of the right to vote, if such change is without any intermission of time, and the several tenancies are such as would entitle the tenant to vote had such tenant been in possession under either of them as such tenant between the times aforesaid: Provided, that the words "tenant of real property" shall not include lodgers, boarders, or temporary occupants of rooms in any building: Provided, also, that notwithstanding anything herein contained, no married man shall be entitled to a vote as tenant by reason of his being a tenant or occupier of real property owned by his wife:

Boarders, lodgers and temporary occupants may not vote.

Married man who is lessee of his wife may not vote.

(3.) No person shall be entitled to vote at any election unless he or she is one of the persons named or intended to be named in the proper list of voters, and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his or her vote is the person intended to be designated in the list of voters:

Who entitled to vote.

(4.) Nothing in this clause shall be held to entitle any person to be entered twice on the voters' list in any one ward, or to have more than one vote for Aldermen, or for any money by-law in any such ward:

Only one vote in each ward.

(5.) No person shall be entitled to vote more than once for Mayor.

Licensing Board, Park Commissioners and School Trustees

6. Where real property is leased, rented or occupied ~~jointly~~ by two or more persons, and is assessed at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be entitled to be entered on the voters' list and vote in respect of such qualification, otherwise no one shall be entitled to vote in respect of such property.

Where joint ownership, etc., each person may qualify.

Hindu

7. No Chinaman, Japanese or Indian shall be entitled to vote at any municipal election for the election of Mayor or Aldermen.

No Chinese, Japanese or Indian to vote.

Elections.

8. A meeting of the electors of the City shall take place for the nomination of candidates for the office of Mayor of the City on the first Thursday of the month of January, annually, at eleven o'clock in the forenoon, in the City Hall, or such other place as the Council shall by by-law appoint, and for nomination for the candidates for office of Aldermen for each ward, on the same day and at the same place, at the hour of twelve noon. The Clerk of the said City shall be Returning Officer of the City, to preside at such meeting, and in case of his absence or inability to attend, the Council shall appoint a person as Returning

Electors.

Nomination for election.

Clerk to preside.

Officer in his place; and if the Clerk or person so appointed does not attend at the hour for holding such meeting, the electors present shall appoint a Returning Officer from among themselves.

Close of nomination for Mayor and Aldermen.

(1.) No nomination for Mayor shall be received after the hour of twelve o'clock, noon, of the said day; and no nomination for Alderman shall be received after one o'clock on the afternoon of the said day.

Notice of nomination meeting.

(2.) The City Clerk shall give notice of such meeting to the electors for the nomination of candidates for Mayor or Aldermen by advertisement, for at least two weeks, in a newspaper published or circulating in the City, and at least six posters posted in each ward in said City.

Nomination and proceedings incident thereto.

9. The nomination of each candidate shall be in writing, and be signed by the proposer and seconder, who shall be, in case of Aldermen, duly qualified electors of and resident in the ward of the City for which the candidate is nominated, and, in case of Mayor, duly qualified electors of and resident in any ward of the City; and such nomination shall contain a statement, signed by the person nominated, that he consents to such nomination. If no more than the required number for any particular office be nominated, the Returning Officer shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate or candidates duly elected for such office or offices. Should more than the requisite number be nominated for any particular office, the Returning Officer shall adjourn the proceedings for filling such offices until the second Thursday in January, when the poll or polls shall be opened in each ward, or polling sub-divisions, at such place or places respectively as may be fixed by the by-law of the Council for the election, at nine o'clock in the forenoon of the same day, and shall continue open until seven o'clock in the afternoon of the same day and no longer.

Candidate to deliver certificate to Returning Officer at time of nomination.

10. A candidate for Mayor or Alderman shall, at the time of his nomination, deliver to the Returning Officer a certificate signed by the District Registrar of Titles that he is the registered owner or registered leaseholder of land in the City of Vancouver, and such certificate shall set out the description of the land and the registered encumbrances and charges against the same, and shall also deliver to the Returning Officer a certificate signed by the Treasurer of the City setting out the assessed value on the last revised assessment roll of the City of the land described in the Registrar's certificate aforesaid.

as amended 1915

Returning Officer.

11. The City Clerk or such other person as the Council may appoint shall be the Returning Officer.

By-law for an election.

12. The Council shall from time to time by by-law appoint the place or places for taking the vote of the electors in each ward of the City, and appoint the Deputy Returning Officers to take the said votes

in such wards, and in the event of no such Deputy Returning Officers being appointed, the Clerk of the City shall appoint Deputy Returning Officers for holding the election in conformity with this Act.

The absence of the Deputy Returning Officer provided for.

(1.) In case at the time appointed for holding an election the person appointed to be Deputy Returning Officer has died, or does not attend to hold the election within one hour after the time appointed, or in case no Deputy Returning Officer has been appointed, the electors present at the place for holding the election may choose for themselves a Deputy Returning Officer, who shall forthwith proceed to hold the election and perform all the other duties of a Deputy Returning Officer, and in all cases the Returning Officer shall administer the necessary oath of office to the Deputy Returning Officers, which shall be in the following form:—"I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of Deputy Returning Officer, to which I have been appointed in this City of Vancouver, and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation."

Returning Officer and Deputy Returning Officers to be conservators of the Peace.

Their powers.

(2.) The Returning Officer and Deputy Returning Officers, however appointed as aforesaid, shall, during the election, act as conservators of the peace for the City, and they or any Justice of the Peace having jurisdiction in the City, may cause to be arrested, and may summarily try and punish, by fine or imprisonment, or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests, or threatens any voter coming to, remaining at, or going from the election, and, when thereto required, all constables and persons at the election shall assist the Returning Officer, Deputy Returning Officers, or Justice of the Peace, under penalty of fifty dollars in case of refusal, or in default of payment to be imprisoned for a period not exceeding thirty days.

Special constables may be sworn in.

(3.) Every Returning Officer, Deputy Returning Officer, or Justice of the Peace, may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election; and any person liable to serve as constable, and required to be sworn in as special constable by the Returning Officer, Deputy Returning Officer, or Justice of the Peace shall, if he refuses to be sworn or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor.

Proceedings at elections.

13. The proceedings at elections shall be as follows:—

Returning Officer to provide ballot boxes, list of candidates and voters' lists for Deputy Returning Officers.

(1.) The Returning Officer shall, before the poll is opened, deliver to the Deputy Returning Officer for each ward or polling subdivision, a ballot box, and a copy answering to the form in the Schedule of this Act, certified to be a correct copy of the voters' list of the ward, and also a list of the candidates for the office of Mayor, and of the candidates for the office of Aldermen for such ward, together with a sufficient number of ballots for Alderman and for Mayor, or either as required:

Voters' list to be verified on oath.

(2.) The Returning Officer shall deliver with such voters' list his solemn declaration, under oath, that the said voters' list is a true copy and correct list, containing the names of all persons entitled to vote at said election in respect to being duly qualified by appearing on the last revised voters' list of the said City or ward:

Clerks for Deputy Returning Officers.

(3.) Every Deputy Returning Officer shall nominate and appoint, in writing, one or more clerks, to act for him in the election, to whom he shall administer the oath of office:

Hours of polling.

(4.) Every Deputy Returning Officer, except in cases provided for in sub-section (1) of section 12 of this Act, shall commence every election at nine o'clock in the forenoon, and close the same at the hour of seven o'clock in the afternoon of the same day:

Administration of oaths.

(5.) Every Returning or Deputy Returning Officer shall administer all oaths and affirmations necessary at an election:

Election not commenced, or interrupted by riot, etc., to be resumed.

(6.) In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the Returning Officer shall hold or resume the election on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day, if necessary, until the poll has been opened without interruption and with free access to voters for ten hours in all, in order that all the electors so inclined may have an opportunity to vote:

Challenging voter.

(7.) At an election of Mayor and Aldermen a voter before marking his ballot paper, if so required by any candidate or his agent, or any elector, shall state his or her occupation and residence to the Deputy Returning Officer, *or*, if so required, shall take the following oath (*or* affirmation):—

Form of oath.

"I, *A. B.*, do swear (*or* affirm) that I am of the full age of twenty-one years, that I am the person whose name is on the voters' lists now shown to me; that I have not voted before at this election in this ward or for a candidate for Mayor (if the voter proposes to vote for a candidate for the mayoralty); that I have not received anything, directly or indirectly, nor have I

accepted any promise made to me directly or indirectly, either to induce me to vote at this election or to indemnify me for loss of time, travelling expenses, hire of vehicle, or any other service connected with this election; that I have not been guilty of any act of bribery or undue influence as defined by this Act, or any act of corruption, disqualifying me from voting at this election, and that I am properly qualified to vote at this election. So help me God."

Construction of ballot boxes to be used at elections.

(8.) The Council of the City shall provide a ballot-box for each polling sub-division, which shall be provided with a lock and key and have an opening through the lid of sufficient size to admit a single folded ballot and no more, and the said boxes shall be kept by the City Clerk for the uses of the said City only, and shall be given out by him to the several Deputy Returning Officers for use in electoral purposes, and it shall be the duty of the Deputy Returning Officer for each polling sub-division forthwith after any election to return the same to the City Clerk or other Returning Officer:

Deputy Returning Officers to show box empty and lock it.

(9.) The Deputy Returning Officer for each polling sub-division shall upon the opening of the poll, open the ballot-box in presence of the candidates (if present) and their agents, or other persons present, and shall turn it upside down so as to show it is empty, and then lock the box, and the key thereof shall be kept by him, and the said box shall not be re-opened until the close of the poll, for the purpose of counting the ballots therein:

Votes to be by ballot.

(10.) Every elector shall vote by ballot:

Form of ballot paper for Aldermen.

(11.) It shall be the duty of the Returning Officer, forthwith after the nominations are held for the offices of Aldermen in the various wards in the City, to cause to be printed ballots for each separate ward in which there shall be an election for Aldermen, which ballots shall have printed upon them in large letters at the top the number of the ward and thereafter the names of the candidates for the office of Alderman for that ward, and their occupation and calling, which names shall be in alphabetical order, and deliver sufficient of the same to each Deputy Returning Officer for each polling sub-division:

Form of ballot paper for Mayor.

(12.) In case an election for Mayor is required, the Clerk, or other Returning Officer, shall cause ballots to be printed which shall have printed upon them at the top "City of Vancouver," and thereafter printed in large letters the names of the candidates for the office of Mayor, which names shall be in alphabetical order, and deliver sufficient of the same to the Deputy Returning Officers for each polling sub-division:

Colour of paper.

(13.) The ballot papers for Mayor shall be printed on pink or red paper, and those for Aldermen on white paper, and there shall

be a margin on the right-hand side of each ballot, after the name, sufficient for the mark of the voter, and the names shall be printed closely to the left-hand margin:

Voting stalls.

(14.) The Deputy Returning Officer shall provide a private room or stall, with desk and pencil, where a voter shall retire to mark his ballot:

Deputy Returning Officer to put his initials on ballot paper.

(15.) The Deputy Returning Officer, or Clerk to be appointed by him, shall put his initials on the back of each ballot when one is asked for by a voter, and shall mark on the voters' list a mark to indicate that a ballot has been given out. No voter shall be given more than one ballot paper for Mayor and one for Aldermen:

Voting, marking ballot paper.

(16.) The voter shall at once, upon receiving his ballot paper or papers, retire to the room or stall provided for the purpose and mark his ballot or ballots by putting a cross on the right-hand side of the name of the candidate for whom he wishes to vote, and shall at once fold the same so as to conceal the name or names of the candidate or candidates for whom he has marked his ballot, and return the same to the Deputy Returning Officer, or Clerk appointed by him, in the presence of the scrutineer or scrutineers, agent or agents of the candidates, who shall, without opening the said paper or papers, or permitting the same to be opened or examined, deposit the same in the ballot-box, and the Deputy Returning Officer's Clerk shall thereupon write down the name of the person whose ballot paper has been deposited in the said ballot-box in a separate list provided for that purpose, and the said Clerk shall sign and subscribe his name to each list and return the same to the Deputy Returning Officer at the close of the poll:

Deliver a ballot paper to voter.

(17.) The Deputy Returning Officer, when any ballot paper or papers are required, shall pronounce, in an audible voice, the name of the person requiring a ballot or ballots, and if the name of such person is found on the voters' list of the said ward used at such election, the said Returning Officer, if the said voter is not required to take the oath or to state his or her residence or occupation, or if required to take the oath or make such statement, duly takes or states the same as required, shall deliver a ballot or ballots for the office of Mayor or Alderman, or either, as the case may be:

Proceedings in case ballot paper cannot be used.

(18.) A voter who has inadvertently dealt with the ballot paper or papers given to him, in such a manner that either or both cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another or others in the place of that or those so delivered up:

(19.) Immediately after the close of the poll the Deputy Returning Officer shall, in the presence of the Clerk and the candidates or their agents, and if the candidates and their agents are absent, then in the presence of at least three electors, open the ballot-box and proceed to count the number of votes given for each candidate. In so doing he shall reject all ballot papers which are not similar to those supplied by the Returning Officer; all those by which the votes have been given for more candidates than are to be elected; and finally, all those upon which there is any writing or mark by which the voter could be identified: Counting the votes. Rejected ballots.

(20.) The other ballot papers being counted and a list kept of the number of votes given for each candidate, and of the number of rejected ballot papers, all the accepted ballot papers shall be put into a separate envelope or parcel, and those rejected shall also be put into a different envelope or parcel, and all these parcels being endorsed so as to indicate their contents, shall be put back into the ballot-box: Disposal of ballot papers after count.

(21.) The Deputy Returning Officer shall take a note of any objections made by any candidate, his agent, or any elector present, to any ballot paper found in the ballot-box, and shall decide any question arising out of the objection, and the decision of such Deputy Returning Officer shall be final, subject only to reversal on petition questioning the election or return. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper and initialed by the Deputy Returning Officer: Deputy Returning Officer to note objections taken to ballot papers at the counting of same, and number both.

(22.) The Deputy Returning Officer shall make out a statement of the accepted ballot papers; of the number of votes given to each condidate; of the rejected ballot papers; of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statements, and enclose in the ballot-box the original statements, together with the voters' list and a certified statement, at the foot of each list, of the total number of electors who voted on each such list, and such other lists and documents as may have been used at such election. The ballot-box shall be locked and sealed, and shall be delivered to the Returning Officer: Statement.

(23.) Upon receiving the ballot boxes from the several Deputy Returning Officers, the Returning Officer shall add together the number of votes cast for the various candidates for Mayor, and shall forthwith declare the candidate having the highest number of votes to be Mayor of said City, and shall also forthwith declare the candidates from each ward, who shall appear by such returns to have the highest number of votes, elected Returning Officer to add up votes and declare who is elected.

If a tie vote for Mayor, Returning Officer to have casting vote.

for such wards respectively; and in case two or more candidates for the office of Mayor have received an equal number of votes, then the Returning Officer shall vote for one thereof, and forthwith declare such one elected:

If a tie vote for Alderman, Returning Officer to have casting vote.

(24.) In case two or more candidates for Alderman have an equal number of votes, the Returning Officer, whether otherwise qualified or not, shall give a vote for one or more of such candidates so as to decide the election:

Proceedings in case of a ward not electing.

(25.) In case no returns be made for one or more wards, in consequence of non-election owing to interruption by riot or other cause, the members of the Council duly elected being at least a majority of the whole number of the Council when full, shall elect one of the Aldermen to be presiding officer, who shall act as Mayor, and who shall take necessary declarations and possess all the powers of Mayor until a poll for each ward or wards has been held:

When ballot papers may be inspected.

(26.) No person shall be allowed to inspect any rejected ballot papers in the custody of the Returning Officer, except under the order of a Judge of the Supreme Court of British Columbia, such order to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of such ballot papers may be made, subject to such conditions as to persons, time, place, and mode of inspection and production as the Court or Judge making the same may think expedient, and shall be obeyed by the Returning Officer:

Recount may be ordered by a Judge of Supreme Court.

(27.) Upon an affidavit being filed and petition presented by an elector, any Judge of the Supreme Court of British Columbia shall have power to and shall direct a recount of the ballots for Mayor or Alderman, and shall direct the City Clerk to produce all the ballot papers before him, and he shall recount the same and decide as to the proper number of ballots cast for each candidate, and declare the result of such count; and his declaration as to such recount shall be final, subject to the election being contested as hereafter provided. Such recount must be made within ten days after the declaration of the City Clerk or other Returning Officer. A fee of twenty dollars shall be paid by the applicant to the District Registrar of the Supreme Court at Vancouver upon filing the affidavit and petition asking for the recount:

Proceedings in case of incapacity to mark paper.

(28.) The Deputy Returning Officer on the application of any voter who is unable to read, or incapacitated by blindness or other

physical cause from voting in the manner prescribed by this Act, shall assist such voter, by marking his ballot paper in the manner directed by such voter, in the presence of the agents of the candidates, and of no other person, and by placing such ballot paper in the ballot-box; and the Deputy Returning Officer shall cause a list to be kept of the names of the voters whose ballot papers have been so marked, in pursuance of this section, with the reason why each ballot paper was so marked. And whenever the Deputy Returning Officer shall not understand the language spoken by an elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote:

Money penalty for offences.

(29.) Every Returning Officer, Deputy Returning Officer or Clerk who is guilty of any wilful malfeasance, or any wilful act or omission in contravention of the election clause of this Act, shall forfeit to any person aggrieved by such malfeasance, act or omission, a penal sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person:

Who may be present at polling place.

(30.) In addition to the Deputy Returning Officer and the Poll Clerk, the candidates or their agents (not exceeding two in number for each candidate for Mayor, and one for each candidate for Alderman), and in the absence of agents, two electors to represent each candidate for Mayor, and one elector to represent each candidate for Alderman, by the request of such electors or elector, and no other shall be permitted to remain in the room where the votes are given during the whole of the time the poll remains open:

Loitering near polling station.

(31.) No person shall loiter or remain in the vicinity of the room or place where the votes are taken, or within fifty paces thereof, and in the event of any person so remaining after having been requested by a police constable to move away shall be liable to a penalty not exceeding twenty dollars, or in default of payment imprisonment for a term not exceeding ten days, on conviction before any Justice of the Peace.

Agent of candidates.

(32.) Any person producing to the Returning Officer or Deputy Returning Officer at any time a written authority from a candidate to represent him at the election, or any proceedings of the election, shall be deemed an agent of such candidate within the meaning of this Act:

Oath of agent or representative.

(33.) The agents of each candidate, and in the absence of any agent of any candidate, the electors or elector, representing such candidate, if there be such elector or electors, on being admitted to the polling station, shall take the following oath (*or* affirma-

tion): "I do solemnly swear (*or* affirm) that I will keep secret the name, or names of the candidate, or candidates, for which any of the voters may have marked his ballot paper in my presence at this election. So help me God."

Clerk to retain ballot papers for two months,

and shall then destroy them.

(34.) The City Clerk shall retain for two months all ballot papers received by him in pursuance of the said Act and amending Acts, and then, unless otherwise ordered by a Judge of the Supreme Court of British Columbia, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the Mayor and filed amongst the records of the City by the City Clerk:

Deputy Returning Officer to include Returning Officer.

(35.) Wherever the words "Deputy Returning Officer" occur in this section they shall be deemed to include the Returning Officer.

First meeting of Council.

14. The members of the Council shall hold their first meeting at 12 o'clock noon of the first Monday after the second Thursday in January on which they are elected.

Declarations of office of Mayor and Aldermen.

15. The Mayor elect shall make and subscribe the necessary declarations of office and qualifications on or before the day appointed for the first meeting of the Council before the Police Magistrate, City Clerk, or a Justice of the Peace having jurisdiction in said City, and shall afterwards administer the necessary declarations to the other members of the Council; but in case of the absence of the Mayor the declarations of office of the Aldermen may be taken before the Clerk of the City or Police Magistrate, or before any such Justice of the Peace, and the Mayor may afterwards make his declaration of office and qualification.

No business to be transacted until declarations filed.

(1.) No other business shall be proceeded with at the said meeting until the said declarations shall have been made and filed by the members present:

Form of declaration by Mayor and Aldermen.

(2.) The declaration of office made by said Mayor and Aldermen shall be substantially as follows:—

"I, *A. B.*, Mayor, *or* Alderman elect for Ward——, do declare that I am a British subject, possessing the qualifications by law required, and that I am not in any way disqualified from holding the office of Mayor or Alderman for the City of Vancouver, and I have not nor will I have while holding office, any interest, directly or indirectly, in any contract or services connected with the said Corporation except as provided in this Act. I have not by myself or any other person knowingly employed any bribery, corruption, or intimidation to gain my election, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters. So help me God."

(3.) Such declarations shall be in writing, and shall be filed in the office of the City Clerk and be by him retained. Declaration to be filed with City Clerk.

16. If any person who is disqualified in or who shall be declared incapable of being elected a member of the Council, is nevertheless elected and returned as a member, his election and return shall be null and void; and if any person acts, sits, or votes as Mayor or Alderman, who is disqualified, or who after his election becomes so disqualified, he shall incur a penalty of fifty dollars for each time he shall so act, sit or vote; and the party so disqualified shall, in the discretion of the Court, be liable to pay the costs of any suit or action brought for the recovery of the same in any of Her Majesty's Courts in the Province having competent jurisdiction. Election of disqualified person null and void. Penalty for disqualified person voting, etc., as Mayor or Alderman.

17. If the Mayor or any of the Aldermen, 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 Alderman having any interest in any contract, or having become disqualified as aforesaid, shall immediately be disqualified from continuing to be Mayor or Alderman, as the case may be, and the contract in question shall be null and void. Mayor or Aldermen having contracts with City, disqualified from continuing to sit. Such contracts null and void.

18. If any Mayor or Alderman who is disqualified for the reason mentioned in the preceding section of this Act, shall vote at any meeting of the Council, such Mayor or Alderman shall forfeit to the City a sum of two thousand five hundred dollars; and the said sum may be recovered by action, to be brought in any Court of competent jurisdiction, in the name of the Corporation or of any ratepayer, and the City shall pay the costs of suit of any ratepayer recovering such penalty. Penalty for Mayor or Alderman disqualified under section 17, voting. Who may sue.

19. In case a member of the Council during his term of office ceases to be the owner of the freehold or leasehold property qualification as provided by sub-section (2) of section 4 of this Act, or be convicted of felony, or any infamous crime, or be declared a bankrupt, or be charged in execution for debt and remains in close custody or upon gaol limits for one month, or applies for relief as an insolvent debtor, or assigns his property for the benefit of creditors, or becomes disqualified from continuing to be Mayor or Alderman from any cause whatsoever, or in case any member of the Council absents himself from the meetings of the Council for one month, or from the meetings of any committee of which he may be a member for four consecutive regular meetings, without having been previously excused from such attendance by a resolution of the Council, entered in its minutes, his seat in the Council shall thereupon become vacant and such member shall be disqualified from sitting at and voting at the Council, and the Council shall forthwith declare the seat vacant and order a new election. Seats to become vacant by losing property qualification, by crime, insolvency, absence, etc.

Mayor or Alderman forfeiting seat or becoming disqualified, to resign.

20. In the event of a Mayor or Alderman forfeiting his seat at the Council or his right thereto or becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith resign his seat, and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat such members as provided by section 22 and its sub-sections, and the said sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy, and the procedure prescribed by the said sections shall be adapted to such cases.

New elections provided for, and mode of conducting same.

21. In any case provided for by the next preceding section of this Act, or in case a person elected to the Council neglects or refuses to accept the office within four weeks after the time he should assume office, or to make the necessary declaration of office, or in case a vacancy occur in the Council caused by death, judicial decision or otherwise, the head of the Council for the time being, or in case of his absence or his office being vacant, the Clerk, or in the case of the like absence or vacancy in the office of Clerk, the acting Mayor or head of the Council or acting Clerk shall forthwith, by warrant under the signature of such head of Council, Clerk, acting Mayor, head of the Council, or acting Clerk, and under the corporate seal, require the Returning Officer appointed to hold the last election for the City, or any other person duly appointed to that office, or in case of the death or absence of such person, then any Deputy Returning Officer at the last election, 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 of person thereupon elected.

(1.) Every Mayor or Alderman so elected to replace another shall remain in office for the remainder of the time for which his predecessor had been elected, and no longer:

Time of new election.

(2.) The Returning Officers and Deputy Returning Officers shall hold the new election at furthest twenty-five days after receiving the warrant, and the Clerk shall appoint a day and place for the nomination of candidates, and the election shall in respect to notices and other matters be conducted in the same manner as the annual election.

Controverted Elections and Disqualifications.

Jurisdiction in cases of contested elections.

22. If the election of the Mayor, or of one or more of the Aldermen, or the qualification of any Mayor or Alderman, or his right to sit and vote be contested, such contestation shall be decided by any Judge of the Supreme Court of British Columbia, sitting in Vancouver, and the decision of said Judge shall be final.

Who may contest election.

(1.) Every such election, or right to retain the seat, may be contested by any unsuccessful candidate, or by any five electors qualified to vote at such election:

(2.) The said contestation shall be brought before the Judge, by petition, signed by the petitioner or petitioners, setting forth in clear manner the grounds of such contestation: Petition to be presented.

(3.) If a Judge is of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, or to disqualify the person from sitting and voting in the Council, he shall order proof to be adduced and the parties interested to be heard on the nearest day which he deems expedient, and shall proceed in a summary manner to hear and try the said contestation. The evidence shall be given in the same manner as evidence in any ordinary civil cause, and if the trial of such contestation is not concluded at the close of the sitting at which it began, the Judge may continue the same from day to day until he has pronounced his final judgment upon the merits of the same; and every such judgment pronounced, and all proceedings had in any such case, shall have the same effect as if the same had been pronounced or had in open Court: Evidence in support of petition may be ordered.

(4.) A true copy of the petition, with a notice stating the day on which the petition will be presented to the Judge, shall be first duly served upon the Mayor or Alderman whose election or seat is contested, at least eight days before the day on which the petition is presented to said Judge, and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service; but no petition contesting an election shall be received after one month after the election thereby contested (except in cases where the right to sit is contested by reason of the Mayor or Alderman having become disqualified during their terms of office); nor shall any such petition be received unless security for costs, to be approved by said Judge, shall be given by said petitioner or petitioners: Petition and notice to be served on person whose election is objected to.

(5.) The Judge may on such contestation confirm the election or declare the same to be null and void, or declare another person to have been duly elected, or declare the seat to be vacant, and may in any such cases award costs to or against any party, which costs shall be taxed and allowed in the Supreme Court of the Province, and shall be recoverable by execution issued out of the said Court by order of said Judge: Powers of Judge at trial. Costs.

(6.) If any defect or irregularities in the formalities prescribed for the election are set forth in such petition as a ground of contestation the Judge may admit or reject the objections according as such defect or irregularity may or may not have materially affected the election: Immaterial irregularities, etc.

(7.) In case the election complained of be adjudged invalid, or the person disqualified, the Judge shall forthwith by writ cause the Proceedings to carry judgment into effect by new election or otherwise.

person found not to be elected, or found to have become disqualified, to be removed, and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted to such office; and in case the Judge determines that no other person was duly elected instead of the person removed the Judge shall, by a writ addressed to the City Clerk, cause a new election to be held and the same formalities shall be observed at such election as are required to be observed at every general election under this Act:

Powers of Clerk on receipt of writ to remove persons illegally elected and for new election.

(8.) In case the election of all or any of the members of the 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, shall be directed to the City Clerk, who shall have all the powers for causing an election to be held which the Council has in order to supply vacancies therein.

Vote of person guilty of corrupt practices, to be struck off at trial.

23. Upon the trial of any petition against the election of a Mayor or Alderman, or against any by-law voted upon by the ratepayers under this Act, there shall be struck off from the number of votes given for any candidate, or for or against such by-law, one vote for each person who shall have been proved to have voted after having been guilty of a corrupt practice at the instigation of the candidate or one of his agents, or any person acting in the name of or in the interest of such candidate, or acting for or against such by-law, as the case may be.

On quo warranto affidavit evidence not to be used to prove corrupt practices.

24. Where in an application in the nature of a quo warranto, or upon any such petition, or upon application to quash any by-law, any question is raised as to whether the candidate, or any voter or other person has been guilty of any violation of section 28 of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by viva voce evidence taken before any Judge of the Supreme Court, or by an examination upon an appointment granted by such Judge as in cases pending in any such Court.

Evidence to be viva voce.

Judge to report person convicted under section 28.

25. It shall be the duty of the Judge who finds any candidate guilty of a contravention of section 28, or who condemns any person to pay any sum within the section, to report the case forthwith to the City Clerk. The City Clerk shall duly enter in a book to be kept for the purpose, the names of all persons who shall have been adjudged guilty of any offence as aforesaid, and of which he shall be notified by the Judge as aforesaid.

City Clerk to enter names of persons adjudged guilty of offence.

Enforcing attendance of witnesses.

26. Any witness shall be bound to attend before any Judge upon being served with the order of such Judge, or a subpœna issued by

the Court, directing his attendance, and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of subpœna in an ordinary cause to attend, and he may be punished for contempt, and shall be liable to all the penalties for non-attendance as if he had been served with a subpœna in an ordinary cause to attend.

No person excused from giving evidence tending to incriminate such person.

27. No person shall be excused from answering any question put to him in any action, suit or other proceeding, or before any Judge, touching or concerning any election or the voting upon any by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act against any such person, if the Judge gives to such witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer to the satisfaction of the Judge.

Corrupt Practices.

Certain persons to be deemed guilty of corrupt practices.

28. The following persons shall be deemed guilty of corrupt practices, and shall be liable to be punished as hereafter provided:—

Giving money to voters, etc.

(1.) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any elector to vote or refrain from voting at a municipal election or upon any by-law for raising any money or creating a debt upon the City for any purposes whatsoever, or who corruptly does any act as aforesaid on account of such voter having voted or refrained from voting at any such municipal election or upon any such by-law:

Procuring office for voters, etc.

Influencing voters.

(2.) Every person who directly by himself or by any other person on his behalf, makes any gift, loan or offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in any Municipal Council, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election for or against such by-law:

Corruptly influencing voters.

(3.) Every person who by reason of any such gift, loan, offer, promise or agreement, procures or engages, promises or endeavours to

procure the return of any person in any municipal election, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election for or against such by-law:

Advancing, etc., money for bribery, etc.

(4.) Every person who advances or pays, or causes to be paid any money to or for the use of any other person, with the intention that such money or any part thereof shall be expended in bribery at any municipal election as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law:

Voter receiving money, etc., for vote, or agreeing for money to vote, etc.

(5.) Every voter who, before or during any municipal election, or the voting on any such by-law, directly or indirectly, by himself or any other person, on his behalf receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment for himself or any person, for voting or agreeing to vote, or refraining, or agreeing to refrain, from any voting at any such election or upon any such by-law:

Receiving money, etc., after the election, for voting, etc.

(6.) Every person who after any such election, or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting at any such election or upon any such by-law:

Persons using violence or intimidation to be guilty of undue influence.

(7.) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of any force, violence, or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting at a municipal election or at the voting upon any by-law, or on account of such person having voted or refrained from voting thereat, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned:

Persons corruptly providing refreshments to be deemed guilty of treating.

(8.) Every person who corruptly, by himself, or by or with any person, or by any other ways or means on his behalf, at any time either before or during any election or the voting upon any by-law, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment, or provisions, to or for any person, in order to be elected, or for being elected, or procuring the election of any person, or the passage of any such by-law or for the

purpose of corruptly influencing such person or any other person to give, or refrain from giving, his vote at such election or upon such by-law, shall be deemed guilty of treating:

False personation.

(9.) Every person who, during the voting at an election or upon any by-law, knowingly personates and falsely assumes to vote in the name of another person whose name appears on the voters' list, whether such person be then living or dead, or if the name of such other person be that of a fictitious person; every person who, having already voted at an election, or upon a by-law, presents himself again to vote at the same election, or upon the same by-law; and every person who aids, incites, counsels, or facilitates the commission, by any person whomsoever, of any of the foregoing acts in this sub-section mentioned.

Voting more than once, etc.

Punishment of person found guilty under section 28.

29. Any person who is adjudged guilty of any of the offences within the meaning of the last preceding section shall, in addition to any other penalty or punishment to which he may by any law or statute be made subject, be liable, on summary conviction therefor before any two Justices of the Peace having jurisdiction, or the Police Magistrate of the City, to a penalty not exceeding two hundred and fifty dollars for each offence, exclusive of costs, and in default of payment forthwith it shall be lawful for the Justices of the Peace or Police Magistrate convicting to commit the offender or offenders to the common gaol of the City for a period not exceeding three months, with or without hard labour, for each offence, unless the said penalty and costs be sooner paid, and shall be disqualified from voting at any municipal election, or upon any by-law, for the next succeeding two years, or from being a candidate at any municipal election during the said two years.

How penalty may be recovered.

30. The penalties imposed by the last preceding section shall or may be recoverable with full costs of suit by any ratepayer of the City who may sue for the same by action of debt in any Court having jurisdiction where the offence was committed, and any person against whom judgment was rendered shall be ineligible either as a candidate or municipal voter until the amount he has been ordered or adjudged to pay is fully paid and satisfied.

Penalty on candidate guilty of corrupt practices, etc.

31. Any candidate elected at any municipal election which is contested, being found guilty by the Judge of any corrupt practice, undue influence, or treating as aforesaid, shall, in addition to the penalties hereinbefore provided, forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter.

Returning Officer suspecting person of personation to require such person to sign name.

32. The Returning Officer or Deputy Returning Officer shall, if he has reason to suspect that any person is personating or attempting to personate any elector or deceased elector, or if called upon so to do by any candidate or agent of candidate, require such person to sign his or

Penalty for refusing to sign.

her name. Any person who, upon being so required, declines or refuses to sign his or her name shall on summary conviction be liable to the penalties hereinbefore provided in cases of persons guilty of corrupt practices.

Expenses of candidates.

33. The actual personal expenses of any candidate, his expenses for actual professional services performed, and bonâ fide payments for the fair costs of printing and advertising, shall be held to be expenses lawfully incurred, and a payment in respect thereof shall not be a contravention of this Act.

Assessments.

Commissioner and assessors to be appointed

34. The Council shall appoint an Assessment Commissioner, and when necessary one or more assistants, all of whom shall be called Assessors, and they shall constitute a Board; and the salaries to be paid to the said assistants shall be fixed by the Council for each of them, during the time they are employed, as the Council may think right; and the salary to be paid and duties to be performed by the said Assessment Commissioner, who shall be a permanent officer of the City, shall also be fixed by the Council, and the Assessment Commissioner and Board shall be subject to the directions of the Council in the matter of assessments and the mode of assessing land as distinct from improvement thereon.

Assessor to be under the control, etc., of Commissioner.

35. The assistant or assistants of the Assessment Commissioner, after his or their appointment by the Council, shall be under the control and supervision of the Assessment Commissioner, who shall have the right, irrespective of the Council, to suspend any assistant disobeying orders or otherwise, in his opinion, violating the duties of his office, pending the action of the Council, and during which period his salary and wages shall cease; and the said Assessment Commissioner may also, during such suspension of any assistant pending the action of Council, employ another to fill his place.

Council to provide him with assessment roll.

36. The Council shall, on or before the first day of October in each year, furnish the Assessor or Assessors appointed with a printed or ruled form of an assessment roll, in conformity with Schedule A of this Act, or in such other form as the Council shall direct, in which, after enquiry, he or they shall set down all the information therein required to be contained, and also with a sufficient number of blank forms to proceed with and conclude the assessment.

All ratable property to be valued.

37. It shall be the duty of the Assessor or Assessors annually to make a valuation of all the ratable property in the City, and to report the same with such particulars as the Council may require.

Ratable property to be valued at cost value.

38. All ratable property shall be estimated at its actual cash value as it would be appraised in payment of a just debt from a solvent

debtor, the value of the improvements, if any, being estimated separately from the value of the land on which they are situate.

Revision of the valuations.

39. It shall be the duty of the said Assessor or Assessors to revise the valuations made by each Assessor, if more than one Assessor be appointed, and to see that all ratable property in the City is assessed, and to make out an assessment roll in such form as the Council may direct; and when such assessment roll is completed it shall be the duty of the Assessment Commissioners to deliver, or cause to be delivered, at least fifteen days before the first sitting of the Court of Revision, to each person so assessed who resides within the City, either personally or by leaving the same at their residence or place of business, or by ~~posting~~ same addressed to such person at Vancouver City, excepting where the party assessed has filed with the Commissioner at the City Hall his address, when in such case the notice hereby required shall be mailed addressed to such address so filed, a notice containing a copy of so much of the assessment roll as refers to the property of such person.

Assessment roll to be made out, and notice to be delivered to persons assessed.

When assessment roll to be completed.

(1.) It shall be the duty of such Assessor or Assessors, if more than one be appointed, to begin to make the assessment not later than the first day of November in each year for the year following, and to return to the City Clerk the assessment roll not later than the thirty-first day of December in each year, and he or they shall attach thereto a certificate signed by him or each of them (if more than one Assessor), and verified upon oath or affirmation before the Mayor or Police Magistrate of the City, or before any Justice of the Peace having jurisdiction in the City, and such oath or affirmation shall be in the form following, or to the like effect:

Certificate attached to roll.

"I (*or* we) do solemnly certify (each for himself and for each other), as far as my (*or* our) knowledge extends, that I (*or* we) have set down in the above assessment roll all the real property liable to taxation situated within the ward of the City of Vancouver, and the true and lawful value thereof, according to the best of my (*or* our) information and judgment, and I (*or* we) certify that I (*or* we) have entered thereon the names of all the resident householders, tenants and freeholders and of all other persons entitled to be assessed, who have required their names to be entered thereon, with the true amount of property occupied or owned by each, and that I (*or* we) further certify and swear (*or* affirm as the case may be) that I (*or* we) have not entered the name of any person whom I (*or* we) do not truly believe to be a householder, tenant or freeholder, or the bonâ fide occupant or owner of the property, ~~and that the date of delivery or transmitting the notice required herein is in every case truly and correctly stated in said roll~~; and I (*or* we) further certify and swear (*or* affirm as the case

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may be) that I (*or* we) have not entered the name of any person in order to give such person a vote, or at too low a rate in order to deprive such a person of a vote, or for any other reason whatsoever, ~~and that the amount for which each person is assessed upon the said roll, truly and correctly appears in said notice, delivered and transmitted to him as aforesaid.~~ So help me God:"

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Assessor to gather all necessary information.

(2.) It shall be the duty of such Assessor or Assessors, in addition to other duties imposed upon them, to collect such other information as is required by any Act of the Legislature of this Province, or by any Order in Council passed thereunder:

Real estate of companies.

(3.) The real estate of all companies shall be considered as land of residents, although the company has not an office in the City:

Inspection of assessment roll.

(4.) It shall be the duty of the City Clerk, on the return of the assessment roll, to give notice when and where the same may be inspected, said notice to be given at least thirty days before the Court of Revision, which notice shall be published in a newspaper in the City, and shall also state the time and place at which said Court of Revision shall hold its first meeting.

Particulars respecting real property to be delivered to assessor in writing by the parties to be assessed.

40. It shall be the duty of every person, and the secretary of every company owning or occupying ratable property in the City, to give all necessary information to the Assessor or Assessors, and if required by one or more of the Assessors, he shall deliver to him or them a statement in writing, signed by such person or his agent if the person himself be absent, containing all the particulars respecting the property assessable against such person or company which are required in the assessment roll. It shall be the duty of the Deputy Registrar of the Land Registry Office of the City of Vancouver, when so required by Assessors, to allow him or them access, free of charge, at all reasonable times, to the books containing the records of City property, for the purpose of perfecting such assessment:

Penalty for not giving statement.

41. In case any person fails to deliver to the Assessor or Assessors the written statement mentioned in the preceding section, when required so to do, such person shall, upon conviction before the Mayor or Police Magistrate, or any Justice of the Peace having jurisdiction in the City, forfeit to the Corporation a sum not exceeding fifty dollars and costs, to be recovered by distress and sale of goods and chattels of the offender, in like manner as if convicted of the breach of any by-law of the City.

Statements given by parties not binding on assessors.

42. No Assessor or Assessors shall be bound by any such statement if he or they has or have any reason to doubt its accuracy, nor shall he or they be excused on account thereof from making inquiry to ascertain its correctness, and he or they shall discriminate as to property

Judge Ader information
to be given

45 (a) In the event of any land being sold at a tax sale and not having been redeemed, the taxes accrued due during the period allowed for redemption shall, if unpaid at the time of the delivery of the deed to the purchaser, be paid by said purchaser:

(b) When any owner of a lot, block or other subdivision of land assessed files and registers a plan thereof in the Land Registry Office, he shall immediately thereafter furnish to the Assessor a copy, tracing or blue print thereof, for the information and guidance of the assessor:

(c) The taxes assessed, levied and collected under this act shall be deemed to be due and payable on the second day of January in each year.

43a (1915) Where the Assessor or Assessors after the passing of the Vancouver Incorporation Act 1900, Amendment Act, 1915, shall enter the name of any person upon the Assessment Roll as "owner" by reason of such person being the holder of an agreement to purchase lands, or the assignee of such agreement as provided in Section 229a being, such Assessor or Assessors shall designate such person on such roll as "owner by agreement"

mentioned therein which is legally assessable or otherwise, and may assess such person or company for such property as he or they believes or believe to be just and correct, and may omit his or its name or any property which he or it claims to own or occupy if the Assessor or Assessors has or have reason to believe that he or it is not entitled to be placed on the roll or to be assessed for such property.

Unoccupied lands to be called "lands of non-residents," except, etc.

43. Unoccupied lands shall be denominated "Lands of Non-Residents" unless the owner thereof gives notice in writing setting forth his full name, place of residence and post office address to the Clerk of the City on or before the thirtieth day of October in each year, that he owns such land, describing it, and requires his name to be entered on the Assessment Roll therefor, and the City Clerk shall on or before the first day of November in each year, make up and deliver to the Assessor or Assessors, a list of the persons requiring their names to be entered on the roll and the lands owned by them.

When owner unknown.

(1.) All property, the name of the owners of which shall not be ascertained by the Assessor or Assessors, shall be entered on the assessment roll as "Non-Resident Property:"

When land to be assessed in owner's name.

(2.) Lands occupied by the owner shall be assessed in his or her name:

When land not occupied by the owner, but owner is known.

(3.) As to lands 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 City, or who has signified by writing to the City Clerk, as herein provided, that he owns the land and requires to be assessed therefor, the same shall be assessed against such owner alone if the land is unoccupied, or against such owner and occupant when occupied.

Assessment not invalid for defect in form, omission or non-return.

44. No assessment shall be invalid by reason of omission of assessable property therefrom, or of any defect in form, or because of the non-return of the roll at the time specified.

Power of Council to exempt from taxation.

45. The Council may by by-law exempt from taxation, wholly or in part, any improvements, erections and buildings erected on any land within the City, notwithstanding that they may be part of the real estate.

Exemptions.

What property liable to taxation.

46. All land, real property, improvements thereon, machinery and plant being fixtures therein and thereon in the City shall be liable to taxation subject to the following exemptions, that is to say:—

Exemptions.

All property belonging to Her Majesty.

(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 use of the Province, and also all property vested in or held by Her Majesty or any other person or

Indian lands unoccupied, or occupied officially.

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:

But if occupied not officially.

(2.) When any property mentioned in the preceding clause is occupied by any person otherwise than in any official capacity, the occupant shall be assessed in respect thereof, but the property other than the improvements placed or affixed thereon by the occupant itself shall not be liable:

Universities, agricultural societies, and incorporated charitable institutions, etc.

(3.) The buildings and grounds of and attached to and belonging to every university, college, high school, public free library, mechanics' institute, the lands of any agricultural or horticultural society, or any incorporated seminary of learning, public hospital, or any incorporated charitable institution, whether vested in trustees or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise used or occupied; provided, that such grounds shall not exceed in extent the amount actually necessary for the requirements of the institution. The question as to what amount of land is necessary shall be decided by the Court of Revision, whose decision shall be final:

Limit of exemption.

Court of Revision to finally decide what amount of land is necessary.

Property belonging to City.

(4.) The property belonging to the City, whether occupied for the purposes thereof or unoccupied, but not when occupied by any person as a tenant or lessee or otherwise than as a servant or officer of the City for the purposes of said City:

Public poor-house, alms-house, etc.

(5.) Every public poor-house, alms-house, orphans asylum, house of industry and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real property belonging to or connected with the same, and used in connection therewith.

Court of Revision.

Assessment roll to be revised annually.

47. The assessment roll of the City shall be annually revised, equalized and corrected by the Council sitting as a Court of Revision, who may hold or adjourn the sittings of the Court of Revision as a majority of the members present may determine.

Council to appoint by resolution time and place for sitting of Court of Revision.

48. The Council shall, within two months after the time fixed for the Assessor to return the roll to the City Clerk, appoint, by resolution, a time and place for the sitting of the Court of Revision for hearing all complaints against the assessment as made by the Assessor, and shall, after hearing the same (if any), as well as the Assessor, and such evidence as may be adduced, alter, or amend, or confirm the roll accordingly.

Complaint.

49. 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 in the roll, may, personally, or by means of a written communication over his signature, or by an attorney, or by any other person authorised by him in writing to appear on his behalf, come before the Court of Revision and state his ground of complaint, and the Court may confirm or correct the assessment. Notice of complaint.

(*a.*) If he shall first have given notice in writing to the City Clerk of the ground of his complaint at least ten clear days before the date appointed for the sitting of the Court of Revision: Notice to be given ten clear days before sitting.

(*b.*) If a ratepayer thinks that any person has been assessed too low or too high, or has been wrongfully inserted on or omitted from the roll, he may, within the time limited by the preceding sub-section, give notice in writing to the City Clerk, who shall forward by post a notice to such person of the time when the matter will be tried by the Court of Revision, and the matter shall be decided in the same manner as complaints by a person assessed. Ratepayer who thinks any person assessed too high or too low, may give notice, etc.

50. At the times or time appointed, the Court, of which five members of the Council shall form a quorum, shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll, or assessed at too high or too low a sum. Hearing.

51. The Court, or some member thereof, may administer an oath to any party or witness before his evidence is taken, and may issue a summons to any person to attend such Court as a witness. Administration of oaths and attendance of witnesses.

52. If the person summoned to attend the Court of Revision as a witness fails, without good and sufficient reason, to attend (having been tendered compensation for his time at the rate of two dollars a day), he shall incur a penalty of twenty dollars, to be recoverable with costs by and to the use of any person suing for the same. Penalty for witness failing to attend.

53. If any person complaining fails to appear when required by the Court of Revision, either in person, or by an attorney or an agent, the Court may proceed ex parte. Proceeding when complainant fails to appear.

Le amendment 1915 (52)

Equalization of the Assessed Value of Land.

54. The members of the Municipal Council constituting the Court of Revision for the Assessment Roll are hereby also constituted and empowered, under the following conditions only, to act as a Board for the equalization of the assessed value of land and improvements: Members of Court of Revision to constitute Board for equalization of assessed value of land and improvements.

(*a.*) In the event of the Assessor's valuation of land and improvements, as shown by Assessment Roll, being in the opinion of a majority of all the members of the Court of Revision, as expressed by a resolution, in excess of the actual cash value as defined by section 38 of this Act, the Board may then direct If assessor's valuation in excess of cash value, Board may direct Clerk to reduce value, etc.

the City Clerk to reduce the value of all the land and improvements upon the Assessment Roll by a definite and fixed per centum, and the Assessor shall so reduce it; or,

Court of Revision having decided value put upon lot, etc., is in excess of cash value, may, acting as Board of equalization, direct assessor to reduce value.

(*b.*) In the event of a complaint, made in accordance with section 49 of this Act, from the Assessor's valuation having been heard, and the Court of Revision having decided that the value put upon the lot or parcel of land or improvements by the Assessor in respect of which the complaint is made is in excess of its actual cash value as defined by section 38 of this Act, the Court of Revision, acting as a Board of Equalization, may direct the Assessor to reduce the assessed value of any land or improvements of the same class, on the same street, or in the same same vicinity, in order to make the assessed value of the land or improvements equal in the locality, whether a complaint against the Assessor's valuation upon the particular lot or lots or parcels of land or improvements so reduced and equalized has been made or not by or on behalf of the person assessed, and the Assessor shall make the reduction as so directed.

The Revised Assessment Roll.

Revised assessment roll, etc., to bind all parties, etc.

55. The Assessment Roll, as revised or confirmed, and passed by the Court of Revision, shall, except in so far as the same may be further amended on an appeal to a Judge of the Supreme Court, be valid and bind all parties concerned, notwithstanding any defect, error or misstatement in the notice required, or the omission to deliver or transmit such notice; and the roll shall, for all purposes, be taken and held to be the Assessment Roll of the City (subject, however, to such alterations, if any, as are made on appeal to the Supreme Court) until a new roll shall have been revised, confirmed, or passed by the Court of Revision.

Appeal from Court of Revision.

56. If a person be dissatisfied with the decision of the Court of Revision he may appeal therefrom, in which case—

Written notice of intention to appeal to be given.

(1.) He shall within one week after the decision, in person or by attorney, serve upon the Clerk of the City and the District Registrar of the Supreme Court at Vancouver a written notice of his intention to appeal to a Judge of the Supreme Court,

Grounds of appeal to be set out.

and setting out in such notice his grounds of appeal, and shall prosecute such appeal by obtaining a hearing of the Judge within fourteen days or within such further time as the Judge may allow:

Judge to appoint day for hearing.

(2.) The Judge shall appoint a day for hearing the appeal; said day shall be within ten days from the date the Registrar received the notice of appeal, notice of which shall be given by the Clerk:

(3.) The Judge shall hear the appeal and evidence adduced upon oath at the time and place appointed, in a summary manner, and may adjourn the hearing from time to time and defer judgment thereon at pleasure, but so that judgment shall be delivered within one month from the final revision of the assessment roll; and if the appeal shall not be decided within the time herein limited the decision of the Court of Revision shall stand: Provided, however, that the appeal from the decision of the Court of Revision shall be limited to the question whether the assessment in respect of which the appeal is taken is or is not equal and ratable with the assessment of other similar property in the City having equal advantage of situation against the assessment of which no appeal has been taken: Duties and powers of Judge.

(4.) The City Clerk shall on any appeal from the decision of the Court of Revision produce before the Judge, at the time and place appointed for hearing the appeal, the Assessment Roll and all papers and documents in his possession in any way affecting the matter: Clerk to produce assessment roll, etc., on hearing of appeal.

(5.) The cost of such appeal shall be in the discretion of the presiding Judge, who shall fix the amount thereof and order by whom and to whom the same shall be paid, and the payment thereof may be enforced by execution issued out of the said Court upon an order of said Judge. Costs of appeal in discretion of Judge.

Levying Rates.

57. The Council of the City shall, in each and every year after the final revision of the assessment roll, pass a by-law for levying a rate or rates on all the ratable property on the said roll, to provide for all the necessary expenses of the City, as well as the payment of every such sum or sums as the City shall have undertaken to be liable for during the current year, in respect of any debenture or other debt or obligation, and also such other sum or sums of money as may be found expedient: Provided always, that the rate to be levied in any year, in addition to what is required for payment of interest on outstanding debentures, and the amount required for a sinking fund therefor, and for school purposes (if any), shall not exceed the sum of one and one-third cents on the dollar. Yearly rate to be levied by by-law. Limitation of rate.

Collection of Rates.

58. Upon and forthwith after the said final revision of the assessment roll, and the passage of such by-law, the Clerk of the City shall make out a tax roll or rolls, in the form in the Schedule A to this Act, sign and deliver the same to the Collector; the said roll shall then remain in the hands of the Collector for collection of taxes. Clerk to make out tax rolls. Form of tax rolls.

Proceedings when taxes are unpaid and cannot be collected.

64. If any of the taxes mentioned in the tax roll remain unpaid and the Collector is not able to collect the same, he shall show on said roll when returned, opposite to each assessment or by a statement appended to said roll, the reason why the same could not be collected.

Current year's taxes not receivable until arrears paid.

65. The Collector shall not receive at any one time less than one year's taxes, and in case the whole arrears are not paid at one time, he shall credit the payment made (being a sum not less than one year's taxes) to the first and following years overdue, as shown on the tax roll, unless satisfactory proof is produced of the previous payment, or erroneous charge in respect of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of taxes chargeable upon any of the sub-divisions, and leave the other sub-divisions chargeable with the remainder: Provided always, that no discount shall be allowed on any payments unless the whole arrears are paid up.

If demanded, Collector to give a written statement of arrears.

Fee therefor.

66. The Collector, on demand, during the time in which he shall have the tax roll in his possession, shall furnish to any person requiring the same, a written statement of the arrears of taxes at that date in respect of any specified land; and he may charge a fee of twenty-five cents for furnishing such statement if it does not contain more than five lots or parcels, and a further fee of ten cents for every additional ten lots or parcels, but he shall not make any charge for search or statement to any person who pays the taxes, provided that no more than two dollars shall be charged for any statement.

Taxes to be a lien upon land, etc.

67. The taxes accrued on any land shall be a special lien on such land, having preference to any claim, lien, privilege or incumbrance of any party except the Crown, and whether the same are registered or not, and shall not require registration to preserve it.

Taxes may be registered as a charge.

68. The Corporation may register with the Registrar of Titles, all taxes which may be due on the land at the expiration of the fiscal year, and a fee of twenty-five cents shall be paid for each tax so registered, and the same fee for a discharge of each such tax.

Overdue taxes to bear interest.

69. All overdue taxes shall bear interest at the rate of six per cent. per annum calculated from the first day of January following the date on which the said taxes were levied.

Council to provide by by-law for sale of land for taxes.

70. The Council may, by by-law, provide for, make regulations and authorise the sale at public auction of any land, or improvements, or real property upon which there shall be at the time of passing of such by-law unpaid taxes in arrears for the period of two years prior to the passing of such by-law.

Treasurer selling to give purchaser a certificate of land sold.

(*a.*) The Treasurer shall, subject to the provisions and regulations and conditions of sale of any by-law passed under authority of this section, after selling any real property, give a certificate

under his hand to the purchaser, stating distinctly what part or proportion have been so sold, or stating that the whole lot, section, or estate has been so sold and describing the same, and also stating the quantity of real property, the sum for which it has been sold, and the expenses of the 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 on his or their demand, at any time after the expiration of one year from the day on which an order may be made by a Judge of the Supreme Court confirming the sale, if the real property be not previously redeemed, upon payment of a fee hereinafter provided; and such order shall be made on petition of the Treasurer, on proof being made to the satisfaction of the Judge that notice of sale having been made, and of the consequences thereof, in writing or partly in print and partly in writing, signed by the Treasurer, has been served on the person, or if more than one, then on each of the persons who at the time of the service thereof appeared on the register in the Land Registry Office of the District in which the real property is situated, as owner or the holder of a registered charge on the real property, or that substituted service has been effected in such manner as any such Judge may have directed. The purchaser shall, on the receipt of the Treasurer's certificate of sale, become the owner of the real property so far as to have all necessary rights of action or powers for protecting the same from spoliation and waste, until the expiration of the term during which the property may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land:

Owner of real property sold for taxes may redeem within one year by paying purchase money.

(*b.*) The owner of any real property which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns, or any other person in his or their behalf, may at any time within one year from the day on which the order referred to in the preceding sub-section of this Act confirming the sale is made, exclusive of that day, or before the delivery of the conveyance to the purchaser at the tax sale, redeem the estate sold by paying or tendering to the Treasurer for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with interest thereon at the rate of six per cent. per annum, and the Treasurer shall give the party paying such redemption money a receipt stating the sum paid and the object of such payment, and such receipt shall be evidence of the redemption. From the time of a tender 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 property in question:

70 (f) All that part of ~~sub-section (2) of~~ Section 31 of the Land Registry Act Amendment Act, 1901, after the word "Conducted," in the ninth line thereof, and ~~sub-~~ section (32) (4) shall not apply to any tax sale to be held or that has heretofore been held of lands for overdue taxes in the City of Vancouver".

(*c.*) If the real property be not redeemed within the period so allowed, then on demand of the purchaser or his assigns or other legal representatives, at any time afterwards, and on payment of one dollar, the Clerk shall prepare and execute with the Mayor, and deliver to such purchaser or his assigns or legal representatives, a deed of the said real property: Deed of sale, if not redeemed.

(*d.*) The deed to the purchaser of any real property sold under the provisions of any by-law passed under the authority of this Act, shall have the effect of vesting such real property in the purchaser, his heirs and assigns, in fee simple or otherwise, according to the nature of the estate or interest sold; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or on account of the property having been assessed as land. And the Registrar of Titles, upon production of the deed and application in the usual form, and upon payment of the usual fees, shall register or record the same in the usual manner: Effect of such deed.

(*e.*) All actions to set aside, vary, or in anywise affect any deed of conveyance of land sold for taxes, delivered to the purchaser under sub-section (*c*) hereof, shall be commenced within one year from the date of the said deed being so delivered; and in default of any action being commenced within the said period, such deed of conveyance shall not be set aside, varied, cancelled or otherwise affected, but shall be and be deemed to be a valid and effectual deed for the purpose of vesting the title, and shall vest the title to the land so conveyed in the purchaser thereof, notwithstanding any default, irregularity, defect or invalidity there may have been in carrying out the provisions of this Act, or any by-law passed thereunder, or any of the proceedings relating to the assessment, notices of assessment, or the sale of the land for overdue taxes. Action to set aside conveyance of land sold for taxes to be commenced within one year from delivery of deed.

see addition opposite

71. Where the title to any land sold for arrears of taxes is vested in the Crown, the deed therefor, in whatever form given, shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognise or admit that any person or persons possesses or possess under any colour of right whatever. When Treasurer sells land, the fee of which is in Crown, he shall only sell the interest the Crown has parted with.

72. The City, in case of any sale for taxes being declared invalid, shall be liable only for the purchase money actually paid therefor to the Treasurer, and legal interest thereon, as for damages or otherwise. In case of invalid sale, City only liable for purchase money, etc.

Voters' List.

73. The Clerk of the City shall, ~~within sixty days~~ after the final revision and correction of the assessment roll on or before the 1st day of August in every year, make a correct alphabetical list of all persons being of the full age of twenty-one years, and appearing by the assessment roll to be entitled to vote Clerk to make list of voters.

in the City at municipal elections, either in his own right or in the right of his wife, prefixing to the name of each person his or her number upon the roll, giving the names of the voters in each ward or polling sub-division in the City separately, and shall, opposite the name of the person, insert in the the proper column of the voters' list the number of the lot or other proper description of the property in respect of which such person is qualified.

Meaning of "owner" and "tenant."

74. The words owner (O) and tenant (T) appearing on the assessment roll pursuant to the provisions of this Act shall, for the purposes of the provisions of this Act relating to the voters' list, also be held to mean respectively owner (O) or tenant (T), and shall be so entered in the voters' list by the Clerk.

Forms of voters' list.

75. In carrying into effect the voters' list provisions of this Act, the forms given in Schedule A of this Act may be used, and the same, or forms to the like effect, shall respectively be deemed sufficient for the purposes mentioned in this Act.

Notice to be published when voters' list completed.

76. Immediately after the Clerk has made the said alphabetical voters' list, he shall give public notice, by printed posters on the City Hall and Provincial Court House, and by advertisement once a week for four weeks in not less than one newspaper published in the City, that the said list has been completed, and that the same shall be kept in his office until the first of ~~September~~ following, for examination by all concerned; and any person who shall claim to be added to the said voters' list, or any elector who shall desire to have any name erased therefrom, shall prefer his or her request in writing, signed with his or her name, stating the ward to which he or she belongs, and shall deliver, or cause the same to be delivered, to the City Clerk.

Revision of list.

77. The said list shall be finally revised and corrected by such person as the Council may appoint, who shall be designated the Revising Judge, on or before the first day of November in each year. The decision of the Revising Judge in regard to the right of any person to be placed on or removed from the list shall be final as regards such person.

Proceedings on person complaining of errors in the list.

78. Any person claiming to be added to the said list, and any voter complaining of any error or omission in the said list, shall, before the said first day of ~~September~~, give to the Clerk or leave at his office a notice in writing of his or her complaint and intention to appeal to the Revising Judge in respect thereof at the time appointed for the revision thereof. If the office of Clerk is vacant for any reason whatsoever, such notice may be given in like manner to the head of the Council of the City.

Day for hearing.

79. The Revising Judge shall appoint a day for the revision of the said list at the City Hall, notice of which shall be given by the Clerk

(81) Provided that the Revising Judge may accept as conclusive evidence the affidavits of any applicant to be placed on the list made on or after the ~~within one week previous to the first sitting~~ 2nd day of August of the Court of Revision before the Mayor City Clerk or Commissioner for taking affidavits, as to his qualification or non-qualification as a voter.

by advertisement in one of the daily papers published in the City, and also by posting notices at the City Hall and Provincial Court House at least fourteen days before the day so fixed.

80. The City Clerk shall upon the day appointed for the revision produce to the Revising Judge the Assessment Roll, Voters' List, and all notices, papers and documents in his possession affecting the matter.

Assessment roll, etc., to be produced to Court.

81. The Revising Judge shall on the day appointed for the revision as aforesaid hear the appeals or complaints, notice of which shall have been given as hereinbefore provided, and any evidence adduced upon oath, in a summary manner, and may adjourn the hearing from time to time and defer judgment thereon at pleasure. for addition see opposite

Hearing of appeal.

82. In case no complaint respecting such list is received by the Clerk before the first day of ~~September~~ October, the Revising Judge shall, after he has satisfied himself of the correctness of the list, forthwith certify the list so having been posted up as aforesaid as being the revised list of voters for the City, and the certificate of the Revising Judge shall be according to the form given in Schedule "A" of this Act.

Judge to certify list if no complaint.

83. If on a complaint to add any person to the list or to strike out thereof the name of any person entered thereon, or if at the instance or suggestion of the City Clerk the Revising Judge from the evidence produced is of the opinion that the person claiming to be added is entitled to be added on the list, or entered thereon in respect of qualifications other than that in which he is already entered in the list, or that any person's name should be erased from the list, he shall make such corrections in or additions to the list as may be just.

Judge to correct list.

84. In case complaints have been made as aforesaid then immediately after the list has been revised by the Revising Judge and corrected he shall certify to such corrected list and sign a statement setting forth the changes (if any) which he has made in the list; such statement and certificate may be in the form given in Schedule "A" of this Act.

After final revision, Judge to make statement of alterations, and certify copy of list.

85. It shall be lawful for the Revising Judge where real property has been sold since the last revision of the assessment or where some person other than the person entered on the last revised assessment roll would be entitled to be entered upon the said roll, to substitute on the voters' list the name of the new owner or such other person as aforesaid for that of the person appearing on the said last revised assessment roll, and the person so substituted shall be entitled to vote in respect of such qualification in the stead of the person whose name so appears on the said last revised assessment roll.

Where real property sold, etc., power of Revising Judge to substitute name.

see amendment 1915 (85a)

Powers of Revising Judge.

86. In all proceedings before the Revising Judge he shall have, with reference to the matters herein contained, all the powers which belong to or might be exercised by a Judge of the County Court.

Copies of list to be printed.

87. Immediately after the final revision and correction of the voters' lists, the Clerk shall cause at least one hundred copies of each list to be printed (in pamphlet form), and forthwith shall cause one of such printed copies to be posted up, and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post or by parcel or book post, two copies to each of the following persons:—

Copies to be posted in Clerk's office, and copies to be sent to certain persons.

(1.) The Revising Judge who certified said lists:

(2.) Every member of the City Council:

(3.) To any other party requiring the same, on payment of twenty-five cents therefor.

Remuneration to Judge.

88. The Revising Judge shall be paid the sum that may from time to time be fixed by resolution of the Council, not exceeding twenty dollars per diem; and such payment and all other charges (not otherwise hereinafter provided for) necessary to be incurred in connection with the holding and proper conduct of the business of the Court shall be paid by the Treasurer of the City, upon the certificate or voucher of the Revising Judge as to the service performed, and in cases other than as to his own fees, as to the nature or the necessity for the service performed.

Powers of the Judge of the Court of Revision.

89. In all disputed cases coming before said Revising Judge in connection with the revision and correction of the said lists, and in all cases where an application is dismissed as being unwarranted, or where the Revising Judge shall consider that the ground of application was known, and that the purpose of such application might have been accomplished otherwise than by appealing, and notwithstanding anything in this Act appearing to the contrary the said Revising Judge may order the applicant or other person in the position of the Respondent, and being a party interested in the application to pay a hearing fee of five dollars and such reasonable costs, not exceeding County Court scale, if any, as the Revising Judge may determine.

Report by Judge as to fraud, etc.

90. If the Revising Judge believes, or has good reason to believe, that any person or persons has or have contravened this Act, or that frauds in respect to the assessment or voters' lists have prevailed extensively in the City, it shall be his duty to report the same to the Council, with such particulars as to names and facts as he may think proper.

Amendment.

91. The Revising Judge shall have power to amend any notice or other proceeding upon such terms as he may think proper.

Appellant.

92. If any appellant or complainant entitled to appeal, dies or abandons his appeal or complaint, or having been on the alphabetical

list made and posted by the Clerk as aforesaid, is afterwards found not to be entitled to be an appellant the Judge may, if he thinks proper, allow any other person who might have been an appellant or applicant to intervene and prosecute such appeal or complaint, upon such terms as the Judge may think just.

Except as otherwise in this Act provided

93. No costs shall be allowed on any proceeding under this Act, other or higher than would be allowed in the County Court in the scale of costs in actions therein. Scale of costs.

94. The payment of any costs ordered to be paid by the Revising Judge may be enforced by an execution against goods and chattels, to be issued from the County Court having jurisdiction in the City of Vancouver, upon filing therein the order of the Revising Judge and an affidavit showing the amount at which such costs were taxed and the non-payment thereof. The writ of execution may be according to the form given in Schedule "A" of this Act. Costs, payment of, how enforced.

95. If any person not assessed is found entitled to vote, the Corporation shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the Revising Judge; and the Judge shall make an order setting forth the names of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists; and such order shall be transmitted to the Clerk of the City, and shall have the same effect as if the said particulars had been inserted in the assessment roll; and the said order for the assessment of persons omitted from the assessment roll may be according to the form given in Schedule "A" of this Act. Persons whose names omitted from roll and inserted on revision liable to pay taxes. Judge's order.

96. The times appointed for the performance by the Clerk of the City of the duties required by him by this Act, relating to the voters' lists, shall be directory only to the said Clerk; and the non-performance by him of any of the said duties within the times appointed shall not render null, void, or inoperative any of the voters' lists in this Act mentioned. Failure of Clerk to perform duties not to vitiate list.

97. In case the Clerk of the City fails to perform any of the duties aforesaid, any voter, or any person entitled to be on the voters' list, may forthwith apply summarily to a Judge of the Supreme Court to enforce the performance of the same. The application to a Judge against a delinquent Clerk may be according to the form given in Schedule "A" of this Act. Provision in case Clerk of the City fails to perform duties.

98. The Judge shall, on such application, by summons given under his hand, which may be according to the form given in Schedule "A" of this Act, require the Clerk of the City, and any other person he sees fit, to appear before him and produce the assessment roll and any Judge may require Clerk or other person to appear and submit to examination.

documents relating thereto or to the list in respect of which the application is made, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purpose aforesaid.

Penalty on Clerk for neglect, etc.

99. If the Clerk of the City omits, neglects, or refuses to complete the voters' lists, or to perform any of the duties hereinbefore required of him by the voters' lists clauses of this Act, such Clerk, for each omission, neglect, or refusal, shall incur a penalty not exceeding two hundred dollars.

Clerk, etc., wilfully falsifying lists to incur a penalty.

100. If the Clerk of the City, or any other person, wilfully makes any alteration, omission or insertion, or in any way wilfully falsifies any such certified list or copy, or permits the same to be done, every such person shall incur and be liable to a penalty not exceeding two thousand dollars, or to be imprisoned in the common gaol of the district in which the City is situated for a period not exceeding six months, in the discretion of the Court.

Colourable transfer of property in order to confer vote.

101. No person shall wilfully or improperly make, execute, accept, or become a party to any lease, deed, or other instrument, or become a party to any verbal agreement, whereby a colourable interest in any house, land or tenement is conferred in order to qualify any person to vote at an election; and any person wilfully or improperly violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall, on summary conviction by the Police Magistrate or a Justice of the Peace having jurisdiction, be liable to a penalty of one hundred dollars, or in default of payment forthwith six months imprisonment, with or without hard labour, in the common gaol in the City, unless the said penalty be sooner paid; and any person who induces, or attempts to induce, another to commit an offence under this section, shall incur a like penalty.

Recovery of penalties.

102 The penalties mentioned in the three last preceding sections may be recoverable, with costs of suit, by any person suing for the same in any Court of competent jurisdiction in the Province.

See Amendment 1915 (102a)

By-Laws requiring the Assent of the Electors.

Who may vote on by-laws requiring assent of electors.

103. The right of voting on by-laws requiring the assent of electors shall belong to the following persons, being males or femme soles of the full age of twenty-one years, being rated to the amount of three hundred dollars as owners of real property on the last revised assessment roll, held in their own right, ~~or in case of males in the right of their wives~~; and each person so qualified shall be entitled to one vote only: Married women

See amendment 1915 clause (3)

Clerk to prepare list of voters after second reading.

(1.) After a by-law requiring the assent of the electors has passed its second reading, and before the date of the submission of the

same to the electors, the City Clerk shall prepare a list of the persons who are entitled to vote on the proposed by-law in accordance with the preceding section:

If by-law requires assent of electors, mode of obtaining same.

(2.) In case a by-law requires the assent of the electors of the City before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

Time and place of voting to be fixed by by-law.

(3.) The Council shall by a by-law fix the day, hour and places for taking the votes of the electors on the by-law to be submitted, and shall also name Returning Officers to take the votes at such places, and such day shall not be less than three nor more than five weeks after the first publication of the proposed by-law, as herein provided for:

Publication of proposed by-law.

(4.) The Council shall, at least once a week for a month before the final passing of the proposed by-law, publish a copy thereof in some newspaper or newspapers published in the City:

Notice of by-law, polling, etc.

(5.) Appended to each copy so published shall be a notice, signed by the Clerk of the Council, stating that such a copy is a true copy of the 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 in the newspaper, and naming the hour, day and place, or places, fixed for taking the votes of the electors:

Poll, proceedings at.

(6.) At such day and hour a poll shall be taken, and the proceedings thereat, for the purposes thereof, including a recount, be conducted in the same manner, as nearly as may be, as at an election for Mayor and Aldermen:

Returning Officer may require elector to state occupation, etc.

Oath.

(7.) At any polling on any by-law, a voter before marking his ballot paper, if so required by the Returning Officer on any election, shall state his or her occupation and residence to such officer, and shall, if required, take the following oath (*or* affirmation):—"I, *A. B.*, do swear (*or* affirm) that I am twenty-one years of age; that I am the person whose name is on the list of electors now shown to me; that I have not voted before at this election; that I have not received anything nor have I accepted any promise made to me, directly or indirectly, either to induce me to vote at this election or to indemnify me for loss of time, travelling expenses, or other services connected with this election; that I have not been guilty of any bribery or undue influence as defined by this Act, or any act of corruption, disqualifying me from voting at this election, and that I am properly qualified to vote at this election. So help me God."

Form of ballot papers.

(8.) The ballot papers that shall be cast shall be printed "for the by-law" or "against the by-law," and shall be marked by the

voter voting by a cross on the right-hand side thereof opposite the words "for the by-law" or "against the by-law," as he may desire to vote. Each Deputy Returning Officer for the various wards shall count the ballots and shall add up and verify the same, and make the return to the City Clerk as in the case of an ordinary election for Mayor and Aldermen:

Three-fifths majority required.

Clerk to declare by-law carried or lost.

(9.) Upon receiving the returns the City Clerk shall add up the votes, and if it shall appear from such returns that the votes cast for any such by-law be three-fifths of the votes polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost.

If by-law rejected similar by-law not to be submitted for six months.

104. If any by-law which requires the assent of the electors is rejected by them, no other by-law for the same purpose shall be submitted to the electors for the space of six months from the date of such rejection.

By-laws for contracting debts.

105. The Council may, under the formalities required by this Act, pass by-laws for contracting debts by borrowing money, or otherwise, and for levying rates for payment of such debts on the ratable property of the City for any purpose within the jurisdiction of the Council: Provided, the aggregate of such debt shall not exceed twenty per cent. of the assessed value of the real estate of the said City computed on an average taken from the assessment roll for the two years antecedent to the creation of the debt; but no such by-law shall be valid which is not in accordance with the following restrictions and provisions:—

Terms of.

When to take effect.

(1.) The by-law shall name a day in the financial year in which the same is passed when the by-law shall take effect; and the whole of the debts and the obligations to be issued therefor shall be made payable in fifty years at furthest from the day on which such by-law takes effect:

To provide a special yearly rate for interest and sinking fund.

(2.) The by-law shall provide that an annual sum shall be raised and levied in each year by a special rate on all the ratable property in the City sufficient to pay interest on the debt during the currency of the debentures, and also a sum to be raised annually for the payment of the debt when due:

Recitals in by-laws.

(3.) 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; (2.) The amount of the whole ratable property of the City, according to the last revised assessment roll; (3.) The total amount of the existing debenture debt of the City, and how much, if any, of the principal or interest is in arrears.

By-laws for raising money not for ordinary expenses must receive assent of the electors.

106. Every by-law for raising upon the credit of the City any money not required for its ordinary expenditure, and not payable

1st amendment Sec 31 Chap 66

? 2nd amendment Sec 5 Chap 62 1903/4 acts

within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the City in the manner provided for in this Act; and when such assent is received, no such by-law shall be altered, amended or repealed by the Council except with the consent of the Lieutenant-Governor in Council, and every such by-law and the debentures issued thereunder shall be absolutely valid and binding upon the Corporation, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless upon application to some Court of competent jurisdiction made within one month after the passing of the third reading thereof.

When assent received, by-law cannot be altered, etc., and by-law binding on Corporation.

107. All debentures and other securities duly authorised to be executed on behalf of the Corporation shall, unless otherwise specially authorised or provided, be sealed with the seal of the Corporation, and signed by the Mayor and countersigned by the Treasurer, or signed or countersigned respectively by some other person or persons authorised by by-law to sign or countersign the same, otherwise the same shall not be valid; the lithographed initials of the Mayor and Treasurer, or of some other person or persons authorised by by-law to initial the same shall be affixed to all coupons attached to such debentures.

Debentures, etc., how to be executed.

108. Any debentures issued under the formalities required by law of the Corporation, 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.

Transfer of debentures.

109. 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.

Full amount recoverable, though negotiated below par.

110. In any case of passing a by-law for contracting a debt by borrowing money for any purpose, or otherwise as provided by this Act, such by-law may make the principal of such debt payable by annual instalments during the currency of the period (not exceeding fifty years) within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable, of principal and interest, in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the Corporation for the amounts and payable at the times corresponding with such instalments, together with interest annually or semi-annually, as may be set forth and provided in such by-law. Such by-law shall specify the amount to be raised in each year during the period of the currency of the debt, which shall be sufficient to discharge the several instalments of principal and interest accruing due on said debt, as the said instalments and interest become respectively payable according to the

Council may make principal repayable by equal annual instalments.

Requirements of by-law.

terms of said by-law, and in cases within this section it shall not be necessary that any provision be made for the creation of a sinking fund.

When the rate imposed by by-law may be reduced by by-law.

111. In case in any particular year one or more of the following sources of revenue, namely: (1) The sum raised by the special rate imposed for the payment of a debt and collected for any particular year; and (2) the sum on hand from previous years; and (3) any sum derived from such particular year from the surplus income of any work, or for any share or interest therein applicable to the sinking fund of the debt; and (4) any sum derived from the temporary investment of the sinking fund of the City, or any part of it, and carried to the credit of the special rate and sinking fund accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest and the instalment of the debt for the particular year and leave a surplus to the credit of such accounts or either of them, then the Council may pass a by-law reducing the total amount to be levied under the original by-law for the following year, to a sum not less than the difference between such last-mentioned surplus and the annual sum which the original by-law named and required to be raised by special rate

Recitals requisite in such by-law.

112. Such a by-law shall not be valid unless it recites: (1) The amount required by the original by-law to be raised annually; (2) the balance of such amount for the particular year or on hand from former years; (3) the surplus income of the work, share or interest therein received for such year; and (4) the amount derived for such year from any temporary investment of the sinking fund; nor unless the by-law names the reduced amount to be levied under the original by-law in such following year.

Reduced rate to be named.

Anticipatory appropriation may be made.

113. In case the Council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the Council may do so by by-law, in the manner and subject to the provisions and restrictions following:—

What funds may be so appropriated.

(1.) The Council may carry on the credit of the sinking fund account of the debt as much as may be necessary for the purposes aforesaid: (*a*) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made; (*b*) and of any money raised for the purpose aforesaid, by additional rate or otherwise; (*c*) and of any money derived from any temporary investment of the sinking fund; (*d*) and of any surplus money derived from any corporation work, or any share or interest therein; (*e*) and of any unappropriated money in the treasury; such moneys respectively not having been otherwise appropriated:

(2.) The by-law making the appropriations shall distinguish the several sources of the amount and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year: The sources and application to be stated.

(3.) In case the moneys so retained at the credit of the special rate account and appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the Council may then pass a by-law directing that the original amount for such next ensuing year be not levied. When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

114. Such by-law shall not be valid unless it recites:— By-law must recite—

(1.) The original amount of the debt, and in brief and general terms the object for which the debt was created: The original debt and object;

(2.) The amount (if any) already paid off the debt: The amount paid;

(3.) The annual amount of the sinking fund appropriation required in respect of such debt: The annual amount for sinking fund:

(4.) The total amount then on hand of the sinking fund appropriation in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested: The amount for sinking fund in hand:

(5.) The amount required to meet the interest of the debt for the next year after the making of such anticipatory appropriations: The amount required for interest:

(6.) That the Council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the Council has carried to the credit of the sinking fund account a sufficient sum to meet the sinking fund appropriation (naming the amount of it) for such year. And that it is reserved, etc.

115. The Council shall keep in its books two separate accounts, one for the special rate and one for the sinking fund, or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts with any others that are necessary, so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for payment thereof. Two special accounts to be kept:
(1) Of the special rates.
(2) For the sinking fund or instalments of principal.

116. If after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of the principal of such debt. When surplus may be applied to next year's interest, and to sinking fund.

Application of moneys with consent of Lieut.-Governor in Council.

117. The Lieutenant-Governor in Council may, upon proper cause being shown, order and direct that such part of the proceeds of the special rate levied and at the credit of the sinking fund account, or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same shall accrue, be applied to the payment or redemption, at such value as the Council can agree upon, of any part of such debt, or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order; and the Council shall thereupon apply, and continue to apply, such part of the proceeds of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order.

Council may apply other funds towards such debts.

118. The Council may appropriate to the payment of any debt the surplus income derived from any public or Corporation works, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by an additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalments accruing due.

Produce of special rate in respect of any debt may be invested.

119. If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the Finance Committee of the Council shall from time to time invest the same in Government securities, repurchases of City debentures, or in first mortgages, on improved real estate held and used for farming purposes, and being the first lien on such real estate, or in repurchase of local improvement debentures of the City, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, and from time to time may re-convey and release mortgages and securities under the seal of the Corporation as such securities mature, and may re-invest in other like securities. No sum so invested in mortgages shall exceed one-half of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is invested. All securities, mortgages and moneys now vested in or held by the trustees appointed under section 170 of the "Vancouver Incorporation Act, 1886," on behalf of the City of Vancouver, are hereby declared to be vested in the said City of Vancouver, without any assignment or conveyance thereof, and shall be dealt with by the Finance Committee of the Council of the said City as hereinbefore provided for the investment of any moneys to the credit of the sinking fund accounts.

Securities in names of trustees to be vested in City.

Regulation of such investments.

120. The Finance Committee of the Council of the City may regulate the manner in which such investments shall be made.

for additions to sec 124 see ammendment
Passed Mch 9/1910

for further additions to sec 124 see amendment
passed Mch 6 1915

Surplus moneys in hands of Treasurer, Council may deal with.

121. The Council may direct by by-law that any surplus moneys in the hands of the Treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the City, and the Council may invest such sinking fund account in any of the securities named in and according to the provisions in that behalf.

Member of Council shall not be party to investment of sinking fund otherwise than authorised by Act.

122. No member of the Council shall take part in, or in any way be a party to, the investment of the sinking fund otherwise than is authorised by this Act, or by any other law in that behalf made and provided, and such member so doing shall be held personally liable for any loss sustained by the City.

Power of Council to convey mortgaged property.

123. In the event of any real estate mortgaged to the City under the provisions of this section becoming vested in the City by virtue of a suit of foreclosure, or by conveyance or sale, or in the event of the Finance Committee of the Council of the City deeming it advisable to exercise the power of sale in any such mortgage, it shall be lawful for the Council to convey, under the seal of the Corporation, and to vest any such real estate in a purchaser thereof, without passing a by-law authorising such sale or submitting the same for the assent of the electors.

Power of Council to issue new debentures, etc.

124. Notwithstanding anything now contained in the by-laws passed in pursuance of the powers contained in the preceding sections, it shall be lawful for the Council, by resolution at any time or from time to time, to provide for the issue of new debentures for the purchase of the whole or any portion of the debentures issued under any by-law as aforesaid, at such rate or rates of interest respectively, not greater than five per cent., as they may think fit, and to make the same and interest thereon payable at such place or places respectively as they may think fit, and to make and enter into any agreement or agreements with the purchaser or purchasers of the said debentures, or any of them, for the re-purchase or redemption of them, or any of them, in such manner and upon such terms and conditions as may be agreed upon with any such purchaser or purchasers.

Powers of Council to pass By-laws.

Council may make by-laws.

125. The Council may from time to time pass, alter and repeal by-laws:—

For purchasing, etc., water-works, gas works and electric light works, and regulating conditions of supplying, etc.

(1.) For purchasing, acquiring, constructing and operating and maintaining any water works, gas works and electric light works, whether the source of supply or the power required be situate within or without the limits of the City, and regulating the conditions and terms under which the same may be supplied or used, and any materials, plant and building in connection with the same or appurtenant thereto, and for leasing and extending the same:

For acquiring, etc., street railway, tramway, ferries, etc.

(2.) For acquiring, by purchase or otherwise, any street railway, electric railway, tramway, ferries, and material, buildings, plant used in connection therewith or appurtenant thereto, and for operating, constructing and maintaining and leasing the same:

For constructing, etc., street railway, electric railway, tramway, ferries, etc.

(3.) For constructing, operating, maintaining, leasing a street railway, electric railway, tramway and ferries, and all buildings, material and plant used in connection therewith or appurtenant thereto, and extending and leasing the same:

For supplying water and light, etc.

(4.) For supplying water and light to the citizens, and for the recovery of moneys due for water rates, or for the supply of water to consumers; for rates and for supply of light to consumers, and the enforcing of the payment of such moneys or rates by making the same a charge on the lands of the owners or tenants using the water or light, and enabling the same to be recovered in the same manner as overdue taxes: Provided that nothing in this sub-section shall be held to impair or prejudice the rights now vested in the British Columbia Electric Railway Company, Limited, or the New Westminster and Burrard Inlet Telephone Company, or the Vancouver Gas Company, by any Statute in force or requirements under any agreement or agreements with the City:

B. C. Electric Ry. Co., Ltd., N. W. and Burrard Inlet Tel. Co., Vancouver Gas Company.

Council not to pass by-law to purchase, etc., works similar to B. C. Electric Ry. Co., Ltd., or Vancouver Gas Co., etc., until price fixed by by-law and submitted to company.

(5.) Provided that the Council shall not, with the exception hereinafter stated as to tramways upon unoccupied streets of the City, pass any by-law for the purpose of purchasing, acquiring, constructing, operating or maintaining any works similar to those now carried on by the British Columbia Electric Railway Company, Limited, or the Vancouver Gas Company, or by virtue of which the City will become a competitor in the business carried on by such companies, or either of them, until the Council has, by by-law, fixed the price which they will offer for the property of the company or companies whose operations will be thereby interfered with, nor until thirty days have elapsed after such notice of such price shall have been communicated to such company or companies:

Companies may refuse or accept price, or give notice of arbitration.

(6.) Upon such by-law being passed and notice thereof given to the said company or companies, they may either accept or refuse the same, or give notice to the Council that they will require the purchase price of their property to be submitted to arbitration:

If notice given, price to be referred to three arbitrators.

(7.) In case the notice referred to in the preceding sub-section be given by such company or companies, the price to be paid for such property shall be referred to the award of three arbitrators, one to be appointed by the parties giving the notice, one by the Council, and the third to be either agreed upon between the arbitrators appointed by the parties or to be

Appointment of such arbitrators.

(sub sec 2) (a) By adding to sub-section (2) thereof the following: "and for acquiring by purchase any extension of the British Columbia Electric Railway Company's street railway system to the Mountain View Cemetery and to the East Park, known as Hastings Park, or for constructing an extension of the said British Columbia Electric Railway Company's street railway system to the Mountain View Cemetery and Hastings Park and leasing of the same to the said Company.

"persons and corporations whether resident or not within the City of Vancouver and to any municipality adjacent to the City of Vancouver"

named by a Judge of the Supreme Court of British Columbia, and thereupon the arbitrators shall proceed, and the provisions of the "Arbitration Act" shall apply to such arbitration in all matters not herein specifically provided for:

If company accept price, Council shall pay same before further proceedings.

(8.) In the event of the company or companies to whom such notice is given accepting the price fixed by the said by-law or in the event of an award being made under the arbitration hereinbefore referred to, such price shall be paid or secured before any further proceedings are taken by the Council under the powers contained in the preceding seven sub-sections of this Act:

If company refuse price, etc., Council may proceed to exercise powers, etc.

(9.) If such company or companies refuse the price offered by the City, or if, at the expiration of thirty days from the time that notification of the price offered has been delivered, they fail to accept such price, or within the period aforesaid fail to give the notice requiring an arbitration as aforesaid, then the Council may proceed forthwith to exercise the powers conferred upon them by the first four of the preceding sub-sections to this section of this Act:

Provisions as to purchase not to affect Vancouver Gas Co. if company charge, etc.

(10.) The provisions as to purchase contained in the preceding sub-sections of this Act shall have no force or effect whatsoever in favour of the Vancouver Gas Company if the said company shall charge more than two dollars and fifty cents per thousand cubic feet for gas supplied by them, nor in favour of that part of the undertaking of the British Columbia Electric Railway Company, Limited, which pertains to the business of electric lighting, if the said company shall charge any citizen more than one cent per hour for sixteen-candle power lamp for electricity supplied by the said company for lighting purposes; and in the event of such companies, or either of them, making charges in excess to the above rate the Corporation shall have the right to construct, purchase, maintain and operate gas or electric light works, or both, and supply the inhabitants of the City therewith, without first offering a price for the works of any company charging such excessive rate as aforesaid:

Power of Council to enter into lighting of streets, etc., upon first acquiring, etc.

(11.) Provided, however, that the Council may enter into the lighting of the public streets, highways, public places and buildings with electric light at any time upon their first acquiring any boilers, engines, dynamos, poles, wires and all other arc lighting plant then being utilised in the lighting of the streets of the City by the said the British Columbia Electric Railway Company, Limited, the price to be paid for such plant, and the preliminary steps to be taken for the acquiring of the same, are to be the same as hereinbefore provided with reference to the compulsory purchase of the other portions of the undertaking company:

If City desirous of constructing street railways on streets, etc., or lighting any portion of City not occupied, or lighted by B. C. Electric Ry. Co., Ltd., Council shall give company option, etc.

(12.) Provided, also, that in case the City should at any time hereafter be desirous of constructing street railways or tramways on any one or more of the streets of the City not occupied by the tramways or street railways, or lighting any portion of the City not lighted by the works of the British Columbia Electric Railway Company, Limited, the Council shall, before taking any other step in that direction, give to the said company the option of constructing such proposed street railway or tramway upon such street or streets, or lighting such portion of the City, upon terms and conditions similar to those provided by the terms of section 25 of the agreement dated the 11th day of February, 1889, and made between the City and the Vancouver Street Railway Companies, Limited, which option shall be open to acceptance by the company for a period of thirty days after it has been communicated by the Council to the company, and if accepted by the company then such company shall proceed with the construction and operation of the said street railway or tramway on the said street or streets or the construction of the lighting works within a reasonable time.

If Company declines option, Council may pass by-law, etc., authorising construction.

(13.) If the company declines to accept said option referred to in the next preceding sub-section, or if, after acceptance, the company fails to construct the said railway or lighting works within a reasonable time, then the Council may pass a by-law authorising the City to construct, equip, operate and maintain the said railway or tramway or lighting works on and over such street or streets; but no such by-law shall be acted upon by the Council until it shall have been submitted to and have been ratified by a similar vote of the ratepayers as is hereinbefore provided with respect to by-laws requiring the assent of the electors:

If Company refuse to construct any portion of lines, City to have right to use portion of railway track.

(14.) In the event of the company refusing to construct any portion or portions of the lines hereinbefore specified, or such other street railway as provided for herein, the City then in that case shall have the right to use a portion of the railway track of the British Columbia Electric Railway Company, Limited, not to exceed two blocks, and shall pay therefor such annual sum or such proportion of cost of maintenance of such track as may be agreed upon by the City and the company; and in case they cannot agree, it may be awarded by arbitration as aforesaid. And in case the City shall refuse or fail to pay such annual sum, or such proportion of the cost of maintenance so awarded, as and when the same shall become due, then and in such case the City shall not have the right to use the track of the company while such sum shall remain unpaid:

For authorising gas, etc., company to lay down pipes, etc.

(15.) For authorising any gas, water, telephone, electric light, district messenger, power, heating, tramway, street railway company,

18. To regulate and inspect and authorize the regulation and inspection of electric and other wires, and electric lights and apparatus in the City of Vancouver other than the electric and other wires and electric lights and apparatus of companies now operating under special acts of the Legislature, excepting only wiring for motors located in or on the premises of a customer of such company, and to levy charges for such inspection and regulation.

to lay down pipes, erect poles, string wires under or over the public streets, lanes or squares, and to operate the business connected therewith for a period of years, subject to such regulations and such terms of payment for the privilege as the Council sees fit: Provided that no gas, water, telephone, electric light, district messenger, power, heating, tramway, street railway company shall have any powers or right to lay down pipes, erect poles, string wires or in anyway interfere with the streets, lanes and squares of the City, or operate any business in the City connected therewith, unless a by-law has been passed under the provisions hereof granting permission to do so and containing the terms and regulations under which the same may be done and terms of payment to the City therefor:

For contracting for supply of gas, etc.

(16.) For the contracting for the supply of gas or electric lighting for street and public purposes of whatever kind for a term of years not in the first instance exceeding ten years, and for renewing such contract from time to time for such period not exceeding ten years, as the Council may desire:

For compelling electric railway company to provide sufficient, etc., car accommodation.

(17.) For compelling every electric railway company operating its railway in the City to provide proper and sufficient car accommodation for passengers and the public using the railway, and for limiting the number of passengers allowed to be carried in any one car at any one time:

For authorising the inspection of electric light wires.

(18.) For authorising the inspection of electric light wires and lights, and to levy a charge to defray the cost thereof:

Sunday Observance.

Prevention of sales on Sundays.

(19.) For the prevention of sales, or exposing for sale, or offering for sale, or the purchase, of any goods, chattels or other personal property whatsoever, excepting the selling of milk, drugs or medicine on Sundays, and for the closing of saloons, hotels and stores and places of business during such hours, and on Sunday, as may be thought expedient:

Closing saloons, etc.

Closing barber shops.

(20.) For prohibiting the keeping open of barber shops and laundries on Sunday, and during such hours of each night as may be thought expedient:

Public Morals.

Sale of liquor, etc., to children, etc.

(21.) For preventing the sale or gift of intoxicating drinks, cigarettes or cigars to a child, or apprentice, or servant, without the consent of the parent, master, or legal protector:

Posting of indecent placards.

(22.) 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 within the limits of the City:

Preventing employment of boys as messengers to houses of ill-fame.

(23.) For preventing the employment of boys under the age of eighteen years as messengers to or from houses of ill fame, immoral resort or disorderly houses:

When children may be on streets, etc.

(24.) For regulating the hours during which children under (to be fixed by the by-law) years may be on the streets without their parents or guardians:

Public morals.

(25.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous, or grossly insulting language, and other immorality and indecency:

Disorderly houses.

(26.) For suppressing disorderly houses and houses of ill-fame:

Horse racing.

(27.) For preventing or regulating horse-racing and gambling:

Gambling houses.

(28.) For prohibiting and suppressing gambling houses, and for seizing and destroying faro banks, rouge et noir, roulette tables, cards, dice and other devices for gambling found therein, and for defining in such by-law what shall be meant by the terms gambling and gambling houses, and the procedure to be adopted for the purpose of suppressing and prohibiting the same:

Exhibitions, bowling alleys, etc.

(29.) For preventing or regulating exhibitions, bowling alleys, and other places of amusement:

Vagrants and beggars.

(30.) For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place within the limits of the City:

Indecent exposure and exhibitions.

(31.) For preventing indecent exposure of the person, or other indecent exhibitions:

Bathing.

(32.) For preventing or regulating the bathing or washing the person, and the dress to be worn by bathers in any public water in or near the City:

Bathing-houses. Boat-houses.

(33.) For the inspection of public bathing-houses and boat-houses, or premises wholly or partly used for bathing or boat-house purposes:

Public Health.

Spread of diseases.

(34.) For providing for the health of the City, and against the spread of contagious or infectious diseases, and for regulating, with a view of preventing the spread of infectious diseases, the

Regulating arrival and departure of boats, etc.

entry or departure of boats or vessels at the port of Vancouver, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving of passengers or cargoes on board of the same:

Duties of health officers and scavengers.

(35.) For prescribing the duties of the health officers and scavengers, and for defining the limits within which each scavenger shall perform his duties:

Dwelling houses, lodging houses, etc.

(36.) For regulating the construction of dwelling houses and lodging houses, and for fixing, and from time to time varying, the

(34a.) For preventing the landing of any diseased fruit, meat, fish or other deleterious matter from boats or vessels and from railroad carriages or cars, and for the infliction of penalties on any person, firm or corporation landing or assisting in the landing of such diseased fruit, meat, fish or other deleterious matter.

(35a.) For the inauguration, equipment, construction, superintendence, maintenance and regulation of a scavenging system for the City, including a crematory, and for defraying the cost of the maintenance thereof out of the general revenue of the City, or by a direct charge for scavenging and cremating work performed and for the fixing of such charges.

(42a) For erecting, constructing, building, establishing, protecting, regulating and cleansing public closets, urinals and sanitary conveniences either underground or elsewhere within the City

number of persons who may occupy or be received in such dwelling houses or lodging houses: How many persons may occupy.

(37.) For promoting cleanliness and ventilation in such houses: Cleanliness and ventilation.

(38.) For the well-ordering of such houses, and for prescribing generally the sanitary conditions and requirements which shall be observed and complied with by persons letting or occupying dwelling or lodging houses: Sanitation.

(39.) For regulating the size of dwelling rooms, and the number of persons who may dwell therein: Dwelling rooms.

(40.) For prohibiting or regulating the construction or use of buildings for laundries, and for ordering the removal of laundries from any particular locality when, in the opinion of the Council, such laundries are a nuisance or eyesore to such locality, and for limiting the localities in the City where ~~such~~ laundries may be carried on, and for regulating and preventing the washing, drying and airing of clothes, linen, or other materials of the like nature, in the open air in any part of the City, within sixty feet of any street or highway, and for compelling the removal of all wooden and other structures now erected, and for regulating and preventing the erection or construction of all wooden and other structures or erections on the outside of any building, or on any lot or piece of ground in any part of the City within sixty feet of any street or highway, for the purpose of, or that may be used for the washing, drying or airing in the open air of any clothes, linen, or other materials of the like nature: Laundries.

(41.) For regulating or preventing the encumbering, injuring or fouling by animals, vehicles, vessels, or other means, of any public wharf, sewer, shore, river, or water, or any road, street, square, alley, lane, bridge, or other communication: Fouling of wharves, sewers, rivers, etc.

(42.) For establishing, protecting, regulating and cleansing public and private wells, reservoirs, and other public and private conveniences for the supply of water, and for closing public and private wells, and preventing the fouling of same. Wells and reservoirs.

(43.) For the construction, superintendence, maintenance and regulation of drainage and sewerage works, and all connections therewith, and for arranging and settling with any owner or owners of real property the terms and conditions under which the sewer, and all connections therewith, may be constructed or laid through his or their land; and to construct and lay under such land as the Council may deem necessary drains or sewers, and all connections therewith: Provided always, that the power to lay and construct in this sub-section is only conferred, and can only be exercised by the Council, in the event of there not Drainage and sewerage works.

being a street or road allowance in the vicinity which the Council can use for the purpose of constructing or laying such drain or sewer:

Charging persons owning or occupying property, whether vacant or otherwise, with rent for sewer.

(44.) For the charging all persons who own or occupy property, or any lots, whether vacant or otherwise, which is capable of being drained (whether the same is drained into a sewer or not) into a common sewer or drain, or which by any by-law of the Council is required to be drained into such sewer or drain, with a reasonable rent for ~~the use of~~ such sewer or drain, and for regulating the time or times and manner in which the same is to be paid, and for providing for the recovery thereof from the owner or occupier in the same manner and under the same regulations as in the case of overdue taxes:

Charging persons owning or occupying property, whether vacant or otherwise, with rent for water mains, etc.

(45.) For the charging of all persons who own or occupy property, whether vacant or otherwise, with a reasonable rent for the use of any water main, drains, sewers or pipes, and for assessing the property adjacent to any water main, drains, sewers or pipes with a reasonable proportion of the cost ~~thereof~~, calculated on the basis of the frontage of the property, whether the water from such main or pipes is used on the property or not; and for assessing the owners of property fronting on any road, street or lane with the cost of watering the said road, street or lane, and for making such assessment a charge on the property so fronting: for addition see opposite

Cows, goats, etc.

(46.) For preventing or regulating the keeping of cows, goats, pigs, and other animals, and defining limits within which the same may be kept: see amendment 1910 (46a)

Horses.

(47.) For regulating the keeping of horses, and defining the structure, materials and class of buildings in which horses may be kept: see amendment 1910 (47a)

Nuisances.

(48.) The Council may, by resolution or by by-law, declare any building, structure, or erection of any kind whatsoever, or any drain, ditch, water-course, pond, surface water, or any other matter or thing in or upon any private lands, street or road, or in or about any building or structure, a nuisance and dangerous to the public safety or health, and may, by such by-law or resolution, as may be directed therein, order that the same shall be removed, pulled down, filled up, or otherwise dealt with by the owner, agent, lessee or occupier thereof, as the Council may determine, and publication of such ~~notice~~ for a period of five days in any daily newspaper published in the City shall be good and sufficient service of such notice upon such owner, agent, lessee, or occupant; and in case of default by the owner, agent, lessee or occupier to comply with such order within such period

"of the whole water works system of the City and on the Sewerage system of the city of the supplying of Water or Sewers to or for the use of the inhabitants"

(45a.) For the installation of connections from the main sewers to the street lines, and for the charging of all persons owning or occupying property to be benefited thereby with the cost thereof on connection being made with said sewers, and for regulating the time and times and manner in which the same is to be paid, and for providing for the recovery thereof from the owner or occupier in the same manner and under the same regulations as in the case of overdue taxes.

45b For amendment see 1915 amendment

of five days, to order that such removal, pulling down, filling up, or other dealing with the same shall be done by any officer of the Corporation at the cost of such owner, and payment of such cost, and all expenses incidental thereto, may be enforced against the owner thereof by such officer in an action in any Court of competent jurisdiction:

Power to destroy buildings, etc., to prevent spread of disease.

(49.) When in the opinion of the Council it is necessary for the prevention of the spread of any contagious or infectious disease, the Council may by by-law or resolution direct that any buildings, tenements, clothing or personal chattels shall be immediately destroyed by the owner thereof, and in case of default of such owner to comply with such order the said buildings, tenements, clothing or personal chattels shall be destroyed by an officer appointed by the Council of the Corporation for that purpose:

Compelling owners, etc., to close wells, etc.

(50.) For compelling the owner, lessees and occupants of real property within any defined area to fill up or close any wells, cellar excavations, water closets, privies, privy vaults or cesspools, the continuation of which may, in the judgment of the Health Officer, be dangerous to health:

Cleaning of sewers, etc.

(51.) To regulate, clean, repair, amend, alter, widen, deepen, contract, straighten, divert or discontinue the drains and sewers and all natural water-courses in the said City; and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury; and also to determine the course of all water-courses passing through private property in the said City, and to regulate all matters concerning the same, whether the said water-course be covered or not:

Opening, making, etc., of drains, sewers, roads, alleys, etc.

(52.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and putting down drains, sewers, water-courses, roads, streets, squares, alleys, lanes 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, and for conducting the drains and sewers beyond the limits of said City for fertilizing purposes; or into the waters of English Bay or Burrard Inlet, as is found practicable, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purpose, and repairing and maintaining all bridges:

Compelling connections with public sewer, water main, etc.

(53.) For compelling owners and lessees of property to connect the same with any public sewer or drain or water-works system owned or constructed by the City, and for compelling or regulating the filling up, draining, clearing, altering, relaying 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 costs thereof if done by the Council in their default; and for removing and depositing the refuse, manure, rubbish and other matter to such place or places as the Council may determine, which may be taken from any of the places aforesaid:

Further powers for regulating sewerage, etc.

(54.) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes, including the closing and preventing the further use of cesspools on or near all streets where sewers are built:

Inspectors and inspection of meat, milk, bread, etc.

(55.) For the appointing of inspectors and for the providing for the inspection of meat, milk, bread, poultry, game, fruit, fish and other natural products offered for sale for human food or drink, whether on the streets, public places or shops:

Bread.

(56.) For regulating the weight 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:

Tainted poultry, fish, etc.

(57.) For seizing and destroying all tainted and unwholesome meat, poultry, fish, fruit or other articles of food:

Inspection and prevention of sale of all cattle, animals, etc.

(58.) For providing for the inspection of and preventing the sale of all cattle, animals, meat, poultry, fish and vegetables offered or exposed for sale:

Milk.

(59.) For preventing the sale of adulterated milk, cream, butter and other articles of food, and for inspecting all milk, cream, butter and other articles of food offered or exposed for sale:

Burial of dead.

(60.) For regulating the interment of the dead:

Cemetery.

(61.) For providing for the appointment or election of three Commissioners to manage and control the cemetery or burial grounds of the City:

Hospital.

(62.) For providing for the appointment or election of Commissioners, not exceeding fifteen in number, for the control and management of the City Hospital, and for defining the duties of such Commissioners:

Markets.

Market.

(63.) For establishing markets and stock-yards, and for regulating the same:

Buying and selling.

(64.) For preventing and regulating the buying and selling of all articles or animals exposed for sale on the public market or in the open air:

Selling articles distrained for rent.

(65.) For selling, after six hours' notice, butchers' meat, fruit, fish or other perishable articles, distrained for rent of market stalls:

or other disposal thereof at the cost and charges of the owner or party in possession of the same; said costs and charges to be fixed by the City.

and for the seizure and forfeiture thereof,

(59a) For regulating and governing the keeping and sale of and for inspecting food stuffs and articles of food of all kinds and milk and cream and the places wherein any such food stuffs and articles of food and milk and cream are kept or sold

compel the vendors of all goods sold by the load within a quarter of a mile of any City weigh scales, to have the same weighed thereon".

70a For regulating and compelling the weighing of Coal and the measuring of wood or other fuel sold and delivered in the City

(66.) For preventing or regulating criers and vendors of any meat, vegetables, grain, hay, fruit, beverages, fish, poultry, eggs, butter, cheese, straw, cordwood, shingles, timber, coal, flour, lumber, milk, and small ware from practising their calling in any of the public markets, public sheds and vacant lots, and the streets and lanes in the City adjacent to the market: Peddling in market, etc.

(67.) For granting annually, or oftener, licences for the sale of fresh meat in quantities less than by the quarter carcass, and for regulating such sale, and fixing and regulating the places where such places shall be allowed, and for imposing a licence, not exceeding fifty dollars, to be paid for such licence, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than the quarter carcass, unless by a person holding a valid licence, and in a place authorised by the Council: Licences to sell meat.

(68.) For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables and provisions of all kinds: Forestalling, regrating, monopoly of grains, etc.

(69.) For preventing and regulating the purchase of such things by hucksters and runners within the City: Hucksters or runners.

(70.) For establishing and regulating a public weighing scale or scales and for imposing a reasonable fee therefor: and to Weighing machine.

(71.) For changing the site of any market place within the City, or to abolish any market or markets now in existence, or hereafter to be in existence in the City, and to appropriate the site or sites thereof, or any part or parts thereof, for any public purpose whatsoever, and to establish new markets: Market and market places.

(72.) For determining and regulating the powers and duties of the market clerks, and all other persons employed by the City in and about the said markets: Market clerks.

(73.) For imposing, regulating and fixing the rates to be paid by any person or persons selling or retailing any article of food in or at any of the markets in the City, and for regulating the conduct of all persons buying or selling in or at any of the said markets: Rents for stalls.

(74.) For regulating all vehicles of any kind in which any articles shall be exposed for sale in any public market, or in any street, or public place, or square within the City: Vehicles in markets.

(75.) For designating or specifying such place or places within the City for, or for preventing and prohibiting within the City limits, the slaughter of cattle, sheep, lambs, hogs and other animals usually used for food: Abattoirs.

(76.) For imposing penalties for light weight or short count or short measurement in anything vended, and for providing for the Light weight, etc.

seizure and forfeiture of articles sold of light weight, short count or short measurement:

Removal of snow, ice and dirt.

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

Streets, Highways and Bridges.

Assessment for watering and sweeping streets.

(78.) For assessing land fronting on or the citizens residing in any particular street, lane, square or section of the City, in any sum or sums necessary to meet the expense of sweeping and watering the said street, lane, square, or section of the City: Provided, that no less than two-thirds of said citizens residing as aforesaid in said street, lane, square, or section, shall have first prayed or demanded to have the same swept or watered: as added 9 March

Numbering houses and lots, etc.

(79.) For numbering the houses and lots along the streets of the City, and affixing the numbers to the houses, buildings, or other erections along the said streets, and for charging the owners of each house or lot with the expenses incident to the numbering of the same:

Recording streets, houses, etc.

(80.) For keeping a record of the streets and numbers of the houses and lots numbered thereon, respectively, and entering thereon a division of the streets with boundaries and distances for public inspection:

Surveying street and boundary lines.

(81.) For surveying, settling and marking the boundary line of all streets, roads and other public communications, and for giving names thereto, and affixing such names at the corners thereof on either public or private property; and no by-law for altering the name of any street, square, road, lane, or other public communication shall have force or effect unless and until the by-law has been registered in the Land Registry Office in the City of Vancouver:

Width of new streets, etc.

(82.) To regulate the width of new streets and roads, and for preventing the laying out or construction of streets and lanes, unless in conformity with existing streets, roads, or lanes, without the consent of the Council first obtained:

Plans, level, width, etc., of pavement, etc.

(83.) For regulating the plans, level, width, surface, inclination, and the material of the pavement, roadway and sidewalk of streets and roads:

Grade.

(84.) For establishing a general grade for the streets, lanes and roads in the City:

Land and bench marks.

(85.) For establishing and maintaining land and bench-marks in the City:

(78a) In assessing and charging the owners or occupiers of land fronting on any street, lane, square, or other public place with the payment of any and all sum or sums necessary to meet any sickness incurred by the City in Keeping the boulevards in front of said land in good order, repair and condition

89a For charging an annual fee for the erection and continuance of signs, sign boards or other projections over public highways, lanes or other property, and to regulate the same and to prohibit the erection or continuance of any sign, sign board or other projection over such property contrary to any regulations passed by the City, and to order the destruction of such signs as do not conform to the said regulations or to which the annual fee has not been paid.

(86.) For regulating the conveyance of traffic in the public streets, and the width of all tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic and the driving of cattle, sheep, pigs and other animals on and along certain public streets and places, and during the hours named in the by-law: Traffic. Width of tires.

(87.) For preventing immoderate and reckless driving in highways or streets, for preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor, or for preventing horses or mules in harness, during the winter season, being driven without bells, and for preventing horses or other animals being left at large or standing on any of the streets of the City without being sufficiently secured to prevent them running away: Reckless driving, etc. Sleigh bells.

(88.) For regulating roads and streets, public bridges, and driving and riding thereon: Roads, streets and bridges.

(89.) For preventing or regulating the erection of and directing and requiring at any time the removal of any doorsteps, porches, railings, sign-boards, or projections into or obstructions in any public street or public highway in the City, at the expense of the proprietor or proprietors; and to regulate and control railway companies within the said City, and to enforce the construction and management of gates, culverts and cattle-guards on the line of the said railways at the crossing of any street or streets in the said City, and to enforce the opening and continuation of any street or streets across the line of any railway track: for addition see opposite Doorsteps, porches, etc.

(90.) For preventing the injury or destroying of trees planted or preserved for shade or ornament, or boulevards, constructed with the authority of the Council, and for encouraging the planting and construction of the same: Shade trees.

(91.) For preventing the pulling down or defacing of sign-boards and posters, and of printed or written notices lawfully affixed: Sign-boards, posters, etc.

(92.) For compelling the removal of all existing verandahs erected on or projecting over any sidewalk within the City, and for prohibiting and preventing the erection of any verandah: Verandahs.

(93.) For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish on any road, lane, street or highway in the City; or on the foreshore of its harbours Throwing dirt, etc., on the streets.

(94.) For the removal of any obstruction of whatsoever nature or kind in any of the public squares, streets or places within the said City, and at the cost of the City or of the parties causing the obstruction: Obstruction on streets.

Bicycle paths.

(95.) For setting apart so much of any highway, road or street as the Council deems necessary for the purposes of a bicycle path, and for inflicting penalties upon any person who rides or drives a horse or other beast of burden, or drives cattle or other animals, or a waggon, cart or carriage over or along such bicycle path:

Sale or peddlery of fruits, nuts, etc.

(96.) For regulating or prohibiting the sale or peddlery of fruits, nuts, cakes, refreshments, bread, jewellery and merchandise of all kinds in and upon or along the streets, sidewalks, alleys, lanes and public squares of the City:

Areas, cellars or openings.

(97.) For permitting and regulating areas, cellars or openings constructed, or to be constructed, in or under sidewalks and streets, and for making an annual charge for such privilege, and for the use of such areas, cellars or openings, and for enforcing the payment of such sums in like manner as municipal taxes; for providing an indemnity to the City against any claim, loss or damage which may be occasioned by reason of the construction, existence or use of any such area, cellar or opening, and for making the amount of any loss or damage occasioned to the City thereby a first lien or charge on the lands abutting such area, cellar or opening.

REGULATION OF TRADE LICENCES.

Auctioneers.

Auctioneers.

(98.) For licensing, regulating and governing auctioneers and other persons selling, or putting up for sale, goods, wares, merchandise, effects, or real estate, by public auction, and for prohibiting the granting of such licence to any applicant who is not of good character, or whose premises are not suitable for the business, or upon the residential or other streets in which, in the opinion of the Council, it is not desirable that the business of auctioneer should be carried on, such disqualifications to be determined by such means as the by-law provides, and for determining the time such licence shall be in force: for additional see opposite

Bagatelle and Billiard Tables.

Billiard and bagatelle tables.

(99.) For licensing, regulating and governing all persons who for hire or gain, directly or indirectly, keep or have in their possession or on their premises any billiard, pool, or bagatelle table, or who keep or have a pool, billiard, or bagatelle table in a house or place of public entertainment or resort, whether such pool, billiard, or bagatelle table is used or not:

Bankers.

Bankers.

(100.) For licensing any person carrying on, on his own account, the business of a banker at one place of business:

95a For licensing, regulating and governing any person, firm or corporation carrying on the business of a real estate dealer.

Bicycles.

(101.) For imposing an annual tax, not exceeding two dollars, on all bicycles in the City, such tax to be applied in the construction and maintenance of bicycle paths within the City: Bicycles.

Bill Posters.

(102.) For prohibiting or licensing, regulating and governing and defining bill posters and bill posting, and for determining the time during which such licences shall be in force: Bill posters.

Chimney Sweeps.

(103.) For regulating and licensing chimney sweeps: Chimney sweeps.

Exhibitions, Places of Amusement, Etc.

(104.) For preventing or regulating and licensing exhibitions of common showmen, wax works, menageries, circus, hippodromes, boxing, sparring, theatrical exhibitions, the exhibitions of any natural or artificial curiosities, and shows of every kind, and for regulating and licensing buildings used as theatres and for exhibitions of any kind, skating rinks and other places of like amusement; for the purpose of this section anyone who appears, acts or behaves as master or mistress or as the person having the care, government or management of any such show, exhibition or performance, shall be deemed the owner thereof and liable hereunder: Exhibitions, places of amusement.

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(105.) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, rifle galleries and other places of amusement, and for revoking or cancelling the said licences at any time during the currency thereof in case of non-compliance with the conditions on which they were issued: Bowling alleys, rifle galleries, etc.

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Dogs.

(106.) For imposing a tax on the owners, possessors or harbourers of dogs, and regulating the keeping of dogs: Dogs.

Express, Gas, Electric Light, Railway, Investment and Loan Companies.

(107.) For licensing every express company, gas company, telephone company, electric light company, street railway or tramway company, investment and loan societies, not exceeding one hundred dollars per annum: Licensing express, gas, telephone and other companies.

Ferries.

(108.) For licensing and regulating ferries, and establishing the rate of ferriage to be taken thereon: Ferries.

Gunpowder.

Gunpowder. (109.) For prohibiting or regulating and granting licences for carrying on the business of storing of gunpowder or other explosive substances in quantities more than twenty-five pounds:

Hawkers.

Hawkers. (110.) For licensing, regulating and governing hawkers, pedlars, or petty chapmen, and other persons carrying on petty trades, 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 licence for exercising such calling within the City, and the time for which the licence shall be in force; the word "hawkers" in this section shall include all persons who, being agents for persons not resident within the City, sell or offer for sale tea, dry goods, clothing, watches, plated, silver or other ware, furniture, carpets upholstery, millinery, or jewellery, or carry and expose samples or patterns of any such goods to be afterwards delivered within the City to any person not being a wholesale or retail dealer in such goods, wares or merchandise; or carry and expose samples or patterns, or quote prices for the purpose of selling any goods to be afterwards delivered within the City to any person:

Transient traders. (111.) For licensing, regulating and governing transient traders and their agents who occupy premises or trade in the City for temporary periods, and whose names have not been duly entered on the assessment roll for property of the assessed value of two thousand dollars for the then current year:

Insurance Companies.

Insurance companies. (112.) For licensing and regulating insurance companies:

Trading stamp companies. (113.) For licensing trading stamp companies, bonus and discount companies, and for taxing persons, corporations and firms using such trading stamps:

Intelligence Offices.

Intelligence offices. (114.) For licensing suitable persons to keep intelligence offices for registering the names and residences of, and giving information to, or procuring labourers, workmen, clerks or other employees for employers in want of the same, and for registering the names and residences of, and giving information to, or procuring employment for, domestic servants and other labourers, and any other class of servant, workman, clerk or person desiring

121 See amendment 1911

employment, and for fixing the fees to be received by the keepers of such offices:

(115.) For the regulating of such intelligence offices: Regulating of.

(116.) For limiting the duration of or revoking any such licence: Licence.

(117.) For prohibiting the opening or keeping of any such intelligence office within the City without licence: Licence necessary.

Junk Shops.

(118.) For licensing and regulating second-hand stores, junk stores or shops, and fixing the sum to be paid for such licence, and for determining the duration of or revoking any such licence, and for prohibiting the granting of such licence to any applicant who is not, in the opinion of the Council, a fit and proper person to receive such licence: Junk shops.

Liquor Licences.

(119.) For determining a fee or duty upon every licence for the sale, within the City of Vancouver, of spirituous, fermented, or other intoxicating liquors, to be paid to the Corporation for purposes of municipal revenue: Liquor licences.

Lodging Houses.

(120.) For licensing and regulating lodging houses, and the keepers of such houses, but so that no such by-law shall permit to be let or occupied as a dwelling any room unless the following requirements shall be complied with, that is to say: (1.) Unless such room contains, at all times, at least three hundred and eighty-four cubic feet of space for each person occupying the same; (2.) Unless such room has a window made to open at least two feet square: Lodging houses.

Milk and Milk Dealers.

(121.) For licensing and regulating milk vendors: Milk and milk dealers.

Opium.

(122.) For prohibiting, licensing, and regulating the sale of opium, except where same is sold in the preparation of prescriptions of duly qualified medical practitioners, by chemists and druggists: Opium.

Pawnbrokers.

(123.) For licensing, regulating and governing pawnbrokers or dealers in second-hand goods, wares and merchandise in the City: Pawnbrokers.

Plumbers.

(124.) For licensing and regulating plumbers, and for providing for a Board of Examiners of and the granting of certificates of Plumbers.

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efficiency to plumbers, and to prohibit plumbing by persons not possessing such certificates, or carrying on their business contrary to the by-law:

Runners.

Runners.

(125.) For preventing persons in streets or public places from importuning others to travel in or employ any vehicle, or go to any tavern, hotel, or boarding-house, or for regulating persons so employed: 125a For licensing and regulating restaurants

Scavengers. and eating houses.

Scavengers.

(126.) For regulating and licensing scavengers:

Stevedores.

Stevedores.

(127.) For licensing every person who carries on the occupation of a stevedore, or who takes contracts to load and unload ships within the City: see additions & separate

Traders (Wholesale and Retail).

Traders.

(128.) For regulating and licensing any person carrying on a business of a wholesale, or of a retail, or wholesale and retail merchant and trader:

Vehicles and Livery Stables.

Vehicles and livery stables.

(129.) For regulating and licensing teamsters, carters and draymen, and regulating the charges for the conveyance of goods or for other services:

Owners and drivers of stage coaches, livery, etc.

(130.) For regulating and licensing the owners and drivers of stage coaches, livery, feed and sale stables, and of horses, drays, express waggons, carts, cabs, carriages, omnibuses, automobiles and other vehicles used for hire; for establishing the rates of fare to be taken, and for enforcing the payment thereof; and for authorising and assigning stands for vehicles kept for hire on the public streets and places; and for authorising the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or both: Amendment see 1915 (130a)(130b)

Fee for such licence, and revocation of licence.

(131.) For fixing the fee to be paid for every licence required under by-laws passed under this section; for revoking any licence so granted whenever the Council, ~~or Finance Committee~~, deems such revocation desirable, without stating any reason therefor; but in case of the revocation of a licence under any such by-law, the Treasurer of the City shall refund to the licensee such

see Amendment 1910

(sub sec 127) (127a) "For licensing laundries"

(127b) "For licensing the sellers of tobacco, cigars and cigarettes".

(135a) For regulating in so far as the Legislative Assembly of the Province of British Columbia has jurisdiction to confer the power, the erection of wharves and of additions and alterations thereto.

proportionate part of the licence fee as will represent the unexpired portion of the term for which the licence was granted, unless such revocation is occasioned by a breach of the law having been made by the licensee: see amendment 1910

(132.) The granting or refusing a licence to any person to carry on a particular trade, calling, business or occupation under any of the powers herein contained shall be deemed to be in the discretion of the Council ~~or Finance Committee thereof~~, and the Council, ~~or Finance Committee~~, shall not be bound to state any reason for the granting or refusing any such licence: Granting of licence in discretion of Council.

(133.) For the appointment of a Licensing Inspector and defining his powers and duties: see amendment 1915 (133a) Licensing Inspector.

Lands, Erection of Buildings and Prevention of Fires.

(134.) For the appointment of a Building Inspector and defining his powers and duties: see amendment 1913 (134b) Building Inspector.

(135.) For regulating the erection of buildings and of any addition or alteration thereto, and the distance of such buildings ~~the same~~ from the centre of the street; probibiting the erection of wooden buildings and wooden fences, ~~bill boards or board~~-ings in specified parts of the City; and also for prohibiting the erection or placing of buildings, other than with main or partition walls of brick, or iron, or stone, and roofing of incombustible materials, within specified parts of the City, and for prohibiting and regulating the erection of buildings within such specified areas having partitions, internal arrangements, construction or material other than specified in the by-laws for regulating the repairing of or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fireproof; for authorising the pulling down or removal, at the expense of the owner or owners thereof, of any building or erection which may be constructed, repaired, or placed in contravention of any by-law, or which may, in the opinion of the Council, be dangerous: Buildings. see amendment 1913

see amendment 1911

(136.) For prohibiting the building or erection of more than a certain number, to be stated in the by-law, of buildings on one lot or block: Number of buildings on one lot.

(137.) For prohibiting the erection or keeping of more than a certain number, to be stated in the by-law, of tenements or dwelling places, though under one roof, on one lot or block: Number of tenements on one lot.

(138.) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground plan or block plan, elevation and specifications for the internal and external construction of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-law: Ground plan or block plan.

Brick walls, beams, etc.

(139.) For regulating the size and strength of brick walls, beams, joists, rafters, roofs and their supports, of all buildings to be erected or repaired within the City and for enforcing observance of such regulations, and prohibiting the erection or repair of any buildings being or proposed to be erected or repaired in contravention of such regulations: See amendment 1910 139a)

Repair of wooden building.

(140.) For prohibiting the repair of any wooden building within the area specified by the City, the cost of which shall be more than one-fifth of the value, in the opinion of the Council, of the building intended to be repaired:

Manufactures or trades.

(141.) For preventing or regulating the carrying on of manufactures or trades that may be dangerous, or that may cause or promote fires:

Fire or light in stables, etc.

(142.) For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and in places where combustible materials are kept:

Chimneys, flues, etc.

(143.) For preventing and for removing, pulling down or regulating the construction and cleaning of any chimney, flue or fire-place, stove, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire or otherwise:

Ashes.

(144.) For regulating the mode of removal and safe-keeping of ashes,

Gunpowder, coal oil, etc.

and for prohibiting or regulating the keeping and transporting of gunpowder, coal oil, and other combustible or dangerous materials:

Scuttles.

(145.) For compelling the owners of houses to have scuttles in the roof thereof, with approaches, or stairs, or ladders leading to the roof:

Fire escapes.

(146.) For requiring the owners of buildings to provide fire-escapes in such manner and time as may be prescribed in such by-law; and for the regulating the examination of them, and the use of them at fires; for regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and number of doors, halls, stairs, and other means of egress from all hospitals, schools, colleges, public buildings, and other buildings of a like nature, and also the structure of stairs and stair railings in all such buildings; and the strength of the walls, beams, and joists and their supports, and for compelling the production of the plans of all such buildings for inspection, and for enforcing observance of such:

Party walls.

(147.) For regulating and enforcing the erection of party walls:

Yards, buildings, etc.

(148.) For causing all lands, buildings and yards to be put into a safe condition in every respect, to guard against fire or other dangerous risk or accident:

(158a) For establishing, regulating and maintaining a fire alarm system and a police patrol signal system in the City.

(149.) For regulating and enforcing the cutting down of trees that, in the opinion of the Council, might be dangerous to life or property, ~~the clearing and burning, or removing of trees,~~ timber, logs or brush from lots or blocks, and for charging the owner or owners of the properties on which such trees, timber, logs or brush may be situated, with the expense and cost of cutting down, burning or removing thereof, and for the recovery of the expense and cost thereof from the owners of the lands from off which trees, timber, logs or brush may be cut down, burnt or removed, in the same manner and with the same powers of recovery as in the case of overdue taxes, and making the same a charge on the said lands, with power to sell the said lands for the recovery of the said expenses and cost, in the same manner and under the same regulations as in the case of ~~the sale of lands for~~ overdue taxes: Trees.

(150.) For regulating the times during which stumps, wood, logs, trees, brush, straw, shavings or refuse may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times: Bon fires.

(151.) For causing vacant lots to be properly fenced and enclosed: Vacant lots.

(152.) 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: Suppressing fires.

(153.) For regulating the conduct and enforcing the assistance of the inhabitants present at fires, and the preservation of property at fires: Conduct and assistance at fires.

(154.) For authorising 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 enfore or carry into effect the same: Authorising entry of premises.

(155.) For the regulating and enforcing the owners of lands to survey lots and blocks, their property in the City, with the object of accurately locating the streets and lanes of the said City, and in default of the owners surveying the said lots and blocks in accordance with the provisions of the by-law, to provide for the City surveying the said lots and blocks and locating the said streets, and charging the owners of the land so surveyed with the cost and the expense thereof, and for the recovery thereof from the owner or owners, in the same manner and under the same regulations as in the case of overdue taxes, and making the same a charge on the said lands, and with power to sell the said lands for the recovery of the expense and cost of such surveys, in the same manner and under the same regulations in the case of sale of lands for overdue taxes: Survey of lots and blocks.

Sub-division of City lots.

(156.) For regulating the sub-division of City lots and blocks, and prohibiting the sub-division thereof in contravention of the by-law:

Fire engines.

(157.) For purchasing and maintaining engines and appliances for suppressing and fighting fires and the protection of life and property:

Appointment of fire wardens, etc.

Regulating fire companies.

(158.) For appointing fire wardens, fire engineers and firemen, and promoting, establishing and regulating fire companies, hook and ladder companies, and property-saving companies:

City Insurance Fund.

(159.) For the setting apart each year a special fund, and for the investment thereof, to be called the "City Insurance Fund," in order to provide against any loss that may be incurred by fire destroying any of the City buildings or portions thereof, or any of the personal property of the City:

Medals.

(160.) For providing medals or rewards for persons who distinguish themselves at fires, and for granting gratuities to the members of the fire brigade who may have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, and for granting pecuniary aid or otherwise assisting the widows and orphans of persons who are killed by accident at such fires: amended 1973 (160a)

By-law for purchase of fire engine.

(161.) Upon a petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of the City representing in value more than one-half of the assessed real property within such portion or area, the Council may pass a by-law or by-laws for the purchase of a fire engine and other appliances for the purposes of fire protection; and they may by the same or any subsequent by-law define, by metes and bounds, or otherwise, what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof; and may also by such by-law or any subsequent by-law make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire engine and appliances:

Levy for cost of fire engine.

(162.) The Council may levy in any one year upon the real property to be benefited the cost of such engine and appliances or may issue debentures therefor, payable in annual proportions during a period not exceeding ten years, with interest as to the said Council may seem meet and proper, and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid:

By-law does not need assent of people.

(163.) It shall not be necessary to submit any of the said by-laws to a vote of the electors, nor to comply with the formalities required only for the purposes of such submission:

(1704.) For exempting from taxation any building set apart and used exclusively for Divine worship.

Aids to Charities and Bounties.

(164.) For establishing and aiding charitable institutions and hospitals within the City: Charitable institutions.

(165.) For granting money in aid of agricultural or horticultural, dog or poultry societies, which hold their exhibitions either within or without the City limits, and for acquiring by purchase or otherwise real property for the purpose of holding such exhibitions: Aid to agricultural and other societies.

(166.) For granting aid to charitable institutions and for the relief of the poor; and for erecting, leasing, or establishing and maintaining a poor-house, or house for the aged and infirm, either within or without the City limits, for disabled or decrepit persons: See addition 1910 (166a) & (166b) Aid to charitable institutions and poor. Poor-house.

(167.) For granting money in aid of celebrating the birthday of the reigning Sovereign, the Confederation of the Dominion of Canada, and in support of or as a contribution to any exhibition, celebration or gathering to be held for the purposes of public sports or amusements, or which in the opinion of the Council may be for the benefit of the City, either within or without the City: Aid to celebrations.

(168.) For aiding in the establishment or maintenance of a band of music: Band.

(169.) For offering and paying a reward for the discovery, apprehension, or conviction of a criminal or any person suspected of being a criminal, or any person or persons guilty of personation or corrupt practices: Rewards.

(170.) For aiding in the establishment or maintenance of institutions for the support of persons afflicted with contagious or infectious diseases: for addition see Appendix Contagious or infectious diseases.

Bonuses, Subsidies and Loans.

(171.) For granting aid by way of bonus for the promotion of manufactures or other industries established within the municipal limits by exemption for a period not exceeding ten years from municipal taxation or water or electric light rate, or any of them, or in addition by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the Council may determine upon, and to pay such money either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the Council may deem expedient, and may take security therefor. The City granting such aid may take and receive of and from such person or body corporate receiving any such aid security for the compliance with the terms and conditions upon which such aid is given. But no Bonuses, subsidies and loans.

by-law shall be passed providing exemption from water or electric light rate unless such by-law provides a limit to the quantity of water or electric light which is to be exempt. Nothing herein contained shall authorise the granting of any bonus or exemption from taxes and water or electric light rates in favour of any manufactory, industry, undertaking or enterprise that is intended to compete with any manufactory, industry, undertaking or enterprise already established and carrying on its operations within the municipal limits unless such last-mentioned industry or industries has previously received any aid from the City: for addition see opposite

Aid to railways, etc.

(172.) For aiding by the grant of money, or land, or by exemption for a period not exceeding ten years from all or any part or portion of municipal taxation, the bringing or extending any line of railway, or proposed line of railway, tramway, dyke, ditch, or canal to some point within the limits of the City, or for aiding in manner aforesaid any such railway, tramway, dyke, ditch, or canal which may be constructed, or be proposed to be constructed, either wholly within the limits, or partly within the limits and partly without:

Subscribing for shares of railway or bridge company.

Exemption from taxation.

(173.) For subscribing for a number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any incorporated railway or bridge company, or interest thereon, and for exempting the buildings, wharves and lands on which terminal buildings may be erected, yards and works of any incorporated railway or bridge company from taxation for any period not exceeding ten years:

Endorsing or guaranteeing debentures.

(174.) For endorsing or guaranteeing the payment of any debentures to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the City a sum sufficient to discharge the debt or engagement so contracted:

Issuing debentures.

(175.) For the issue for the like purpose of debentures payable at such times, and for such sums, respectively, not less than twenty dollars, and bearing, or not bearing, interest, as the Council may think meet; and for handing such debentures, by way of bonus or otherwise, to any such company, or to trustees, on any conditions provided in the by-law:

Bonuses to railways, etc.

Debentures to raise money.

(176.) For granting bonuses to any railway, bridge, or water-power company, and for issuing debentures in the same manner as in the preceding sub-section provided for raising money to meet such bonuses:

Aid to steamships.

(177.) For subscribing for a number of shares in the capital stock of or subsidising by way of bonus, or by guaranteeing the payment of bonds or of the interest on bonds of such line or lines

171b For granting, as an aid to industrial development, an exemption from water rates and municipal taxation for a period not exceeding ten years to any industry to be established in the City of Vancouver.

(179a) Provided that the Council may by by-laws guarantee the debentures of the Vancouver General Hospital to be issued in pursuance of the powers granted by the Vancouver General Hospital Act 1902, Amendment Act 1906, to the extent of sixty thousand dollars, without submitting such by-laws or by-laws to the electors of the municipality, and may by by-law or by-laws submitted to the electors in the manner hereinbefore provided for money by-laws, guarantee such further debentures as may be issued by the said the Vancouver General Hospital in pursuance of the powers granted by the said act, or grant the said Hospital such further aid as may be necessary for the construction and maintenance of the said Hospital."

of steamships or steamboats as shall establish, within or without the limits of the City, a port of call or the terminus of such line or lines:

Aid to smelters, dry docks or marine railways.

(178.) For aiding by the grant of money or land, or by exemption for a period not exceeding ten years, smelters, dry docks or marine railways, within a limit of five miles beyond the boundaries of the City:

(171 to 178) inclusive

By-law necessary before aid granted.

(179.) The provisions or powers of the preceding sub-sections shall not be exercised by the Council until a by-law shall have been first submitted to and have received the assent of the electors, as is provided for in case of by-laws requiring the assent of the electors: in addition see ostrosels

Council may appoint Mayor or Alderman director of such company.

(180.) In case the City takes shares in or guarantees payment of any money for, or grant a bonus to any company in pursuance of sub-sections (171) to (178) inclusive of this section, the Council shall be entitled to appoint the Mayor or an Alderman a director of such company, and such company shall accept such person as a director, and he shall be entitled to all the rights and privileges of the other directors of such company:

Exemption of lands of Canadian Pacific Railway.

(181.) For exempting the yards, wharves, works, buildings and lands on which terminal buildings of the Canadian Pacific Railway Company may be erected from City taxation for a period not exceeding eighteen years from the 20th day of May, A.D. 1898:

If bonus granted to a railway other than C. P. R., lands of C. P. R. to be exempt from additional taxation.

(182.) For providing that in the event of the City of Vancouver granting to any other railroad company (than the Canadian Pacific Railway Company) coming into the City a bonus, subsidy or grant, or subscribing to the shares of such company within a period of eight years from the 20th day of May, A.D. 1898, then that all the real property of the Canadian Pacific Railway Company in the said City shall be exempted from any additional taxation imposed, on property in the City, by reason of such bonus, subsidy, grant or subscription to shares being made, for a period of eight years from the 20th day of May, A.D. 1898:

Assent of electors necessary to by-law.

(183.) Provided, that before any by-law passed by the Council under this sub-section shall come into force and effect, it shall first of all have received the assent of the statutory majority of the electors of the City entitled to vote on money by-laws, or by-laws requiring the assent of the electors in manner provided for by the said "Vancouver Act of Incorporation, 1886," and Acts amending the same:

the next preceding sub-section hereof

If City grants aid, may take mortgage as security.

(184.) In the event of the City granting aid or assistance in any way or giving a guarantee of bonds or interest on bonds to any person or persons or body corporate, it may take security by mortgage or otherwise for the repayment of the same, and may pass all

necessary by-laws to carry the provisions of this section into full force and effect, and any security taken may be registered in the name of the City in any Land Registry Office:

Nuisances.

Nuisances. (185.) For preventing and abating public nuisances:

Cows, goats and pigs. (186.) For preventing or regulating the keeping of cows, goats, pigs, and other animals, and defining limits within which the same may be kept:

Bells, whistles and noises. (187.) For preventing the ringing of bells, blowing of horns or steam whistles, shouting and other unusual noises in streets and public places:

Letting off guns and fire-works. (188.) For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire-balls, squibs, crackers, or fireworks, and for preventing charivaries and other like disturbances of the peace:

Blasting. (189.) For the prevention or regulating of blasting within the limits of the City:

Defining areas of tanneries, soap-boiling works, and rag, bone, or junk shops. (190.) For defining the areas within which tanneries, soap-boiling works, rag, bone or junk shops or other industries of a noxious or unhealthy character may not be carried on within the City:

Prohibiting or regulating slaughter-houses, distilleries, etc., gas works, soap-boiling works, canneries, crematories, etc. (191.) For prohibiting or regulating the erection or continuance or the use of buildings for slaughter houses, gas works, soap-boiling works, canneries, crematories and distilleries, and for ordering the destruction of the same, or the removal of the same from any particular locality when in the opinion of the Council such building or business is a nuisance to such locality; for establishing public slaughter houses, and for preventing, regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food in existing or other slaughter houses, or except in slaughter houses designated in the by-law:

Chimneys of slaughter-houses, etc. (192.) For compelling manufacturers, keepers of slaughter houses, shoddy mills, crematories, tanneries, rag or bone works, laundries, electric light works, carpet cleaners and others to have such chimneys or other apparatus as shall consume the smoke, dust or effluvia, or prevent the same from fouling the atmosphere, or being carried by the wind or otherwise to other shops, houses or premises, to the inconvenience or injury of the neighbouring premises or residents therein:

Begging. (193.) For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed or malformed, or diseased, or injured persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity:

1879 For regulating or preventing the use of sirens, horns, bells, gongs and whistles on automobiles, bicycles or vehicles drawn by horses or propelled by any other motive power

(194.) For preventing the growth of weeds and compelling the destruction thereof, and for enforcing the observance of any Provincial law respecting the destruction of noxious weeds: Weeds.

(195.) For the good rule and government of the City, and for the suppression and prevention of nuisances: Good rule of City.

Wharves and Streams.

(196.) For purchasing, making, altering, improving and maintaining public wharves, docks and slips: Wharves, docks and slips.

(197.) For regulating the use of such public wharves, docks or slips, and charging and collecting reasonable wharfage and docking dues in respect thereof: Wharfage and docking dues.

(198.) For regulating or preventing the incumbering, injuring or fouling by any animals, vehicles, vessels or other means, of any public wharf, dock or slip: Incumbering wharves, etc.

(199.) For regulating and compelling the removal from any public wharf, dock or slip of all sunken, grounded or wrecked vessels, barges, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same: Wrecked vessels, etc.

(200.) For preventing persons from obstructing any drain or watercourse: Obstructing drain, etc.

(201.) For preventing the obstruction of streams, creeks, watercourses and surface drains by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise: Obstructing streams, etc.

Impounding of Dogs and other Animals.

(202.) For restraining and regulating the running at large or trespassing of dogs, cattle and animals of every description, and for seizing and impounding the same, and for causing them to be sold or destroyed in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to the by-law: Impounding and sale of animals.

(203.) For killing dogs running at large, or trespassing, or unlicensed, contrary to the by-law: Killing dogs.

(204.) For appraising the damages to be paid by the owners of animals impounded for trespassing, or running at large contrary to the by-laws of the City or the laws of the Province: Penalty.

(205.) For determining the compensation to be allowed for services rendered in carrying out the provisions of the by-laws, or of any Act with respect to animals impounded or distrained and detained in the possession of the distrainor: Remuneration to distrainor.

Pounds. (206.) For the establishment of pounds and providing suitable yards and enclosures for the keeping of such animals as it may be the duty of the pound-keeper to impound:

Pound-keepers. (207.) For the appointment of pound-keepers, and for regulating and determining the fines and fees to be levied and collected by such pound-keepers:

Cruelty to animals. (208.) For preventing cruelty to animals and the destruction of birds:

Vicious dogs and wild animals. (209.) For preventing the keeping of vicious dogs or wild animals within the said City, except under certain restrictions, and for the destruction of such dogs or wild animals kept in contravention of the by-law.

Cemeteries.

Cemeteries. (210.) For accepting or purchasing land for public cemeteries, as well within as without 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:

Expropriating lands. (211.) For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burial ground:

Burial of dead. (212.) For regulating the interment of the dead, and for prohibiting the burial of human bodies, except in such places and under such conditions as the by-laws may authorise:

Violation of cemeteries. (213.) For preventing the violation of cemeteries, graves, tombs, tombstones or vaults where the dead are interred:

Purchase and sale of burial plots. (214.) The Council shall have power and authority to sell and execute deeds for the purchase and sale of burial plots in said cemeteries, and generally to exercise full powers and control over said cemeteries, and to spend money in the construction of roads or streets to the same if necessary, either within or without the City limits:

Municipal Lands and Properties.

Obtaining property for use of Corporation and disposal of same. (215.) For obtaining such real property (within or without the City) and personal property as may be required for the use of the Corporation for parks, squares, marine parades, school purposes, roads, streets, or any other purpose, and for the disposing of such property and for conveying and the execution of any conveyances of or leasing the same when no longer required, on such terms as may be deemed expedient, and to accept as payment therefor either money or real property: Provided always, that any by-law providing for the disposal of any real property, or for leasing the same, where the lease shall extend over a

PR 215 "Provided that the Council may lease, on such terms and conditions as it may deem expedient and without the assent of the electors, the ends of streets abutting on the foreshore, for a period not exceeding ten years, and lanes or portions of lanes, including air spaces above or subways thereunder, for a period not exceeding twenty-five years."

term of five years, or for disposing of personal property where the value of the same is over two thousand five hundred dollars, shall not be passed until the assent of the electors has been obtained in conformity with and in manner provided by the requirements of this Act in respect of by-laws for contracting debts: Excepting in the case of Suburban Lot 90, Hastings Townsite, known as Hastings Park, situate at Hastings, which may be leased by the Council of the said City for a term of years: bn ad deleun see opposite

(216.) For purchasing, acquiring, holding, managing and maintaining real property for the purpose of a site for a free public library or a partially free library in the City, and any branches thereof: Public library.

(217.) For erecting, maintaining and improving a hall or any other houses and buildings required by and being upon the land of the Corporation: Hall.

(218.) For accepting or purchasing, holding and using any real property within or without the City limits for the purpose of erecting, establishing and maintaining, and to erect, establish, and maintain either an hospital or a quarantine station, or a place where persons suspected of conveying infectious, contagious or malignant diseases can be isolated, or for a crematory, or for a home for the aged or infirm: Hospital or quarantine station.

(219.) For establishing, maintaining and regulating industrial schools and gaols, lock-up houses, reformatories and houses of correction for the detention and imprisonment of persons sentenced to imprisonment or confinement, and of persons detained for examination or transmission to any gaol, either for trial or in the execution of any sentence, and for regulating and providing for the care, charge and safe custody, government of persons imprisoned or detained therein: added 1910 (219a) Industrial schools and gaols, etc.

Miscellaneous.

(220.) For inflicting reasonable fines and penalties not exceeding one hundred dollars and costs: Fines.

(*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 afterwards neglects the duties thereof; and Official neglecting to perform his duties.

(*b.*) For breach of any of the By-laws of the Corporation: Breach of by-law.

(221.) For collecting such penalties by distress and sale of the goods and chattels of the offender: Collection of penalties.

(222.) For inflicting reasonable punishment, by imprisonment, with or without hard labour, either in the lock-up house in the City, Punishments.

or in a gaol, for any period not exceeding two months, for breach of any of the by-laws of the Council, or for non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied, or imprisonment without option of fine:

Offices. (223.) For the creation of all offices and appointments thereto that are necessary in the affairs of the Corporation, and for regulating the remuneration, fees, charges, and duties of all officers appointed to such offices, and the securities to be given for the performance of such duties:

Remuneration.

Allowance to Aldermen. (224.) For paying to the Aldermen during their term of office, out of the annual revenue, a sum of money not exceeding four hundred dollars per annum each:

Revision and consolidation of by-laws. (225.) For revising and consolidating the by-laws of the City:

Contracts. (226.) For authorising the entering into contracts by the City with any person, persons, or corporations for periods exceeding one year, but not exceeding ten years. But this sub-section shall not be taken to limit the powers conferred on the Council by sub-section (15) of this section:

What Council may direct in by-law. (227.) Whenever the Council has authority to direct by by-law or otherwise that any matter or thing should be done by any person or corporation, the Council may also, by the same, or by any other by-law, or by resolution, direct that in default of its being done by the person or corporation so directed, such matter or thing shall be done at the expense of the person or corporation in default, and may recover the expense thereof with interest at the rate of six per cent. per annum, and costs, by action or distress, and in case of non-payment thereof the same shall be recovered in like manner as municipal taxes:

Rebate of taxes. (228.) For allowing a rebate or rebates on all taxes or rates if paid before a certain time or times to be named in the by-law:

Service of notice. **126.** Whenever in any by-law passed hereunder by the City it is provided that notice shall be served on any owner or owners of land or property, in the event of such owner or owners being non-resident in the City, service of such notice upon his or her or their agent or agents, or by posting the same on some conspicuous part of the property affected, shall be deemed good and valid service of such notice and as effectual as if the same had been personally served on such owner or owners.

Quashing By-Laws.

Quashing by-laws. **127.** In case a ratepayer or any person interested in a by-law, order or resolution of the Council, applies to any Judge of the Supreme Court and produces a copy of the by-law, order or resolution to said Judge, certified under the hand of the Clerk (who shall furnish the

or other body having power to pass by-laws, orders or regulations under this charter.

same on two days' application, and on payment of a fee of one dollar), and under the corporate seal, and shows by affidavit that the same was received from the Clerk and that the applicant is a ratepayer and interested as aforesaid, the Judge, after at least ten 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. In the case of any application under this section, the Judge shall have power, if in his discretion he sees fit, to order the applicant to give security for the costs of and incidental to the application for and all proceedings under the said rule.

Time within which application must be made.

128. No application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any Judge unless such application be made to such Judge within one month from the passing of any by-law, order or resolution. In case no application is made to quash such by-law, order or resolution within the time limited in that behalf, such by-law, order, or resolution shall be valid and binding on all parties concerned.

Quashing by-laws obtained by bribery, etc.

129. Any by-law, the passing of which has been carried through or by means of any violation of the provisions of section 28 of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained.

Procedure in such case.

Inquiry by Judge.

130. Before determining any application for the quashing of a by-law upon the ground that any of the provisions of section 28 of this Act have been contravened in procuring the passing of the same, if it be made to appear to a Judge of the Supreme Court that probable grounds exist for a motion to quash such by-law, the Judge may make an order for an enquiry to be held, upon such notice to the parties affected as the Judge may direct, concerning the said grounds before him, and require that upon such enquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said Judge.

Judgment.

Costs.

131. The said Judge shall thereupon, if the grounds therefor appear to be satisfactorily established, make an order for quashing the said by-law, and he may order the costs attending said proceedings to be paid by the parties, or any of them, who have supported the said by-law; and if it appears that the application to quash said by-law ought to be dismissed, the said Judge may so order, and, in his discretion, award costs to be paid by any person or persons applying to quash said by-law. After an order has been made by the said Judge directing an enquiry, and after a copy of such order has been left with the Clerk of the City, all future proceedings upon or under the by-law shall be stayed until after the disposal of the application in respect of

Stay of proceedings.

which the enquiry is directed; but if the matter is not prosecuted to the satisfaction of the Judge, he may remove the stay of proceedings.

Appeal.

132. Any decision or order of a Judge upon any such application shall be subject to appeal to the Full Court of the Supreme Court of British Columbia, provided the appellant gives security to the Registrar of the Supreme Court for the costs of such appeal in the event of the appeal being dismissed.

Expropriations.

Power to open, extend and widen streets, etc., and construct buildings and wharves.

133. The Council of the City of Vancouver shall have full power and authority to provide by resolution, entered on the minutes, or by by-law, for the acquiring, taking, using, so much real property within the limits of the City as may be required for the opening, extending or widening of streets, lanes, public places, parks, squares, highways, cemeteries, sites for public libraries and schools, or the construction of a public wharf or wharves, reservoir or reservoirs, and such public buildings, drains or water-courses, or sewers, or sites for septic tanks or other appliances connected with the purification of sewage, and to direct at the same time that such improvements should be made out of the City funds, or that the cost thereof shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in or benefited by said improvements, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said City, either by private agreement, amicable arrangement between the Council of the said City and Corporation or other persons interested, or by complying with all the formalities hereinafter prescribed for opening streets, squares, markets, parks or other public places, or for continuing, enlarging or improving the same, or a portion of the same, or as site for any public wharf or wharves, or public buildings to be erected by the said Council:

Trustees and others acting in a representative capacity may sell and convey to the City land selected for any of the purposes aforesaid.

(1.) All corporations or bodies, and all persons, guardians, executors, administrators or trustees who are or shall be seized or possessed of or interested in any piece or pieces, lot or lots, of ground or real property within the said City, selected by the said Council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of the person whom they represent, or for whom, or in trust for whom, they are or shall be seized or possessed, or interested, whether minors, lunatics, idiots, femme covert, or other persons, contract for, sell and convey such piece or pieces, lot or lots, of ground or real property to the said Corporation; and such contracts, sales and conveyances shall be valid and effectual law for conveying the estate or interest therein to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding, and the Corporation of the City of Vancouver shall not in any case be responsible

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All debentures sealed with the seal of the Corporation of the City of Vancouver and signed and countersigned as required by this Act, and purporting to be issued in pursuance of any by-law or by-laws heretofore or hereafter passed by the Council shall, in case no proceedings have been taken within the time limited by this Act to quash the said by-law or by-laws or in the event of the said by-law or by-laws not having been quashed within three months from the final passing thereof, after the expiration of three months from the date of the authorization of the issue thereof by the City Council be valid and binding on the Corporation and shall not be quashed or set aside or any way impeached whatsoever. The certificate of the City Clerk under the seal of the Corporation that the issue of said debentures has been authorized and showing the date of such authorization shall be final and conclusive evidence of such authorization and the date of same, and it shall not be incumbent on the purchaser or purchasers of said debentures, or his or their assigns, to examine into the validity or otherwise of the proceedings leading to the issue of said debentures.

"beyond any advantage which the claimant may derive from the works carried out by the corporation"

for the application of the purchase money; and all corporations and persons whatsoever so contracting, selling, or conveying as aforesaid are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of or in pursuance of this Act, without however diminishing in any manner the responsibility of such corporation or persons toward those whom they represent as regards the purchase money or compensation of such sale or conveyance:

Power of corporations, guardians or executors to arbitrate or contract.

(2.) 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, lunatics, 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 by the Council of any power in respect thereof:

Judge may appoint person to act in place of corporation, etc.

(3.) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge 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 person has not fee in property, Council to hold money, etc.

(4.) In case any person 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 person entitled to it whenever he claims the same and executes a valid acquittance therefor, unless a Judge of the Supreme Court in the meantime directs 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:

Compensation.

(5.) The Council shall make to the owners or occupiers of or other persons interested in real property, entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of any of its powers, due compensation for any damages (including the cost of fencing when required) necessarily resulting from the exercise of such powers, and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under the following sub-sections:

Arbitrators.

(6.) The appointment of all arbitrators shall be in writing under the hand of the appointers and under the corporate seal of the Corporation:

Either party to appoint arbitrators.

(7.) Either party may appoint an arbitrator and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given; the notice to be given to the Council shall be given to the City Clerk:

Appointment of third arbitrator.

(8.) The two arbitrators appointed by or for the parties shall, within seven days from the appointment of the lastly named of the two arbitrators, appoint in writing a third arbitrator:

If no arbitrator appointed, Judge may appoint.

(9.) If for twenty days after having received a notice to appoint an arbitrator the party notified omits to appoint an arbitrator, or if for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, a Judge of the Supreme Court may appoint an arbitrator for the party in default, or a third arbitrator as the case may require:

Award.

(10.) The arbitrators shall make their award in writing within one month after the appointment of the third arbitrator, or within such further time as a Judge of the Supreme Court on cause shown may decide:

No officer of City to be appointed arbitrator.

(11.) No officer or person in the employment of the City, nor any person interested, shall be appointed or act as arbitrator under this Act:

Meeting of arbitrators.

(12.) The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing: for addition see otherwise

Witnesses and administering oaths.

(13.) The arbitrators shall have power, by writing, signed by any one of them, to summon before them any witness or witnesses which either party to the said reference may desire to call, and to examine the said witnesses upon oath or solemn affirmation to be administered by any of the said arbitrators, and to order the production before them of any books, documents, accounts, vouchers, papers and memoranda of any description which they may deem necessary for the purposes of the said reference:

Costs.

(14.) In the event of the amount awarded by the arbitrators in their award not exceeding the amount, if any, offered by the Council under sub-section five hereof, the arbitrators shall have power to award that all costs of the arbitration shall be paid by the owner or owners of the land or interest expropriated, and that such costs shall be based on either the scale of the County Court or Supreme Court of British Columbia as the arbitrators

(123) the arbitrators in deciding on such value or compensation may set off the increased value that will attach to the said lands which have been taken, used or injuriously affected, against the inconvenience, loss or damage that might be suffered or sustained by reason of the Corporation having taken possession of the said lands or constructed or carried out any works in the neighbourhood thereof

and shall be taxed by the Registrar of the Court

shall decide. In the event of the amount awarded exceeding the amount so offered then the arbitrators shall have power to order that the Corporation pay the costs of the arbitration, to be taxed as aforesaid:

(15.) In case of a difference between the arbitrators the decision of the majority of them shall be conclusive: added 1910 (15d) (15e) see added 1915 (15c) (15d) (15e) (15f) (15g) (15h) (15i) — Decision of majority of arbitrators to be conclusive.

(16.) Upon payment or legal tender of the amount so awarded or agreed upon to the person entitled to receive the same, or upon payment into the Supreme Court of British Columbia of the amount of such compensation the award or agreement shall vest in the Corporation power forthwith to take possession of the lands, the subject of the award or agreement, and if any resistance or forcible opposition is made by any person to its so doing, a Judge of the Supreme Court of British Columbia may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district to cut down such resistance and to put the Corporation in possession: — Award or agreement shall vest property in City after payment of amount awarded.

(17.) If the Council has reason to fear any claims or incumbrances, or if any person to whom the compensation is payable refuses to execute the proper conveyance, or if the person entitled to claim the same cannot be found, or if for any other reason the Council deem it advisable, the Council may pay such compensation in to the Registrar of the Supreme Court of British Columbia, and may deliver to such Registrar an authentic copy of the conveyance, or award, or agreement, and such conveyance, or award, or agreement, shall thereafter be deemed to be the title of the Corporation to the land therein mentioned: — Council may pay compensation into Court.

(18.) Special assessments under authority of this section shall be made in the same manner, and subject to the same appeals, and governed by the same decisions, and shall be collected by the same process as is provided by this Act in the case of ordinary assessments or under the local improvement clauses of this Act, as the Council may determine. — Special assessments.

Local Improvements and Special Assessments therefor.

134. The Council may pass, repeal, alter and amend by-laws:

(1.) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment of the cost thereof is to be made on the various portions of real estate so benefited. There shall be the same right of appeal from any such assessment or proposed scale of assessment, from the Court of — For determining what property will be benefited by proposed improvements.

Repealed Section 15 (1) under amendment act 1907

Revision to the Judge, as is provided for by this Act in the case of ordinary assessments:

For assessing and levying on same, by special rate, the costs.

(2.) For assessing and levying, by means of a special rate, the cost of deepening any stream, creek or water-course, and draining any locality, and making, enlarging or prolonging any common sewer, or of opening, widening, prolonging, altering, macadamizing, grading, concreting or making foundations to pavements, levelling, paving or planking any street, lane, alley, public way or place, or of constructing any sidewalk, bridge, culvert or embankment forming part of a highway therein, or curbing, sodding or planking any street, lane, alley, square or other public place; for providing for the cost of the extension of branch mains and pipes, and all other work necessary for connecting the property of the property owners with the water-works system of the City, in order to permit such property owners to receive the benefit of such water-works, and for providing for the cost of the extension of the poles, wires and pipes, and all other work necessary for lighting and watering any street, square or other public place whereon the land to be exempted thereby fronts or abuts, or re-constructing as well as constructing any work hereby provided for: And the cost of purchasing, expropriating and obtaining any land or rights necessary to be purchased, expropriated or obtained, in order to carry out any of the above objects: for addition all appurts

Corporation to keep works in repair.

(3.) Nothing contained in the preceding sub-sections shall be construed to apply to any work or ordinary repairs or maintenance, but all works constructed under the said preceding sub-sections shall thereafter be kept in a good and sufficient state of repair at the expense of the Corporation:

Regulating time and manner of assessment.

(4.) 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:

Special rate to be annual rate.

(5.) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon the street or place whereon or wherein such improvements or work is proposed to be done or made, and subject to the provisions following, namely:—

That no more than two-thirds of the total cost (less the cost of improvements to any intersection of streets and opposite property exempted from taxation) of such improvements be assessed and levied on the real property, other than streets and property exempt from taxation so fronting, and the remainder of the cost thereof be borne and paid by the City:

(2a) For assessing or levying by means of a special rate the whole cost of expropriating any lands for streets or lanes including the cost of and incidental to any arbitration proceedings that may be necessary to ascertain the amounts to be paid to any owners of lands fronting on the lands so expropriated; in such case the provisions of sub-section (5) hereof after the word "made" in the fifth line thereof, shall not apply.

(6.) For providing for the payment and recovery of all assessments or special rates or frontage tax levied under this Act, and in default of payment thereof by the person, persons, or body corporate liable to pay the same, by adding the amount thereof to the taxes for the financial year in which such rate or frontage tax shall have been assessed and levied. Any special rate so assessed and levied shall be dealt with in every respect as ordinary City taxes, and may be enforced and recovered in the same way, whether by sale of the land or real property upon which the same attached, or by registration as a charge upon such land or real property or otherwise: Payment and recovery of all assessments.

(7.) For effecting any such improvement as aforesaid, with funds provided by the parties desirous of having the same effected: When funds provided by parties desiring improvement.

(8.) If in any case the first assessment for any local improvement proves insufficient, the Council shall make a second in the same manner, and so on until sufficient moneys have been realised to pay for such improvements or works. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid: Council may make second assessment.

(9.) Every by-law for borrowing money for improvements, as in the preceding sub-sections provided, shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such by-law within the probable life of the work or improvements for which such debt has been incurred, as certified by the engineer or other proper officer, to be appointed by the Council for that purpose: By-law for borrowing money must provide for re-payment.

(10.) No by-law passed by the Council under the provisions of this Act shall be required to be advertised or published by the said Council in any newspaper, but a written or printed, or partly written or partly printed, notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners, lessees and occupants or the agents of the owners, lessees and occupants of each parcel of real estate affected by such by-law: By-law need not be published.

(11.) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, the time and manner in which the same is payable, and shall be signed by the Clerk or the Assessment Commissioner or other officer to be appointed by the Council for that purpose, and be mailed to the address of the person entitled to notice, at least fifteen days before the day appointed for the sittings of the Court of Revision of such assessments, and ten What notice must contain.

Repealed June 15. 1907

days' notice shall also be given by publication in some newspaper, having a general circulation, of the time and place of the meeting of the said Court, which notice shall specify generally what such assessment is to be for, and the total amount to be assessed:

Requisites of a by-law providing for a frontage rate.

(12.) Where a by-law passed under the provisions of this Act provides, or is intended to provide, that the special rate assessed thereunder shall be a frontage rate, it shall not be necessary to comply with the provisions of sections 103 to 106 inclusive, of this Act, or to advertise or publish the by-law, but it shall be sufficient if the by-law describe the street or place or part thereof whereon or wherein the local improvement is to be made, by general description thereof, stating the points between which it is to be made; and it shall not be necessary for such by-law to state the value of the real property ratable thereunder, or to impose a rate upon such real property by any description other than that hereinbefore mentioned:

Council to procure measurement of frontage.

(13.) In cases to which the next preceding sub-section applies, the Council shall procure a measurement of frontage liable to the rate mentioned therein, and of the frontages exempt from taxation, and of the frontages of the several lots or parcels of land liable to such rate, and shall keep a statement of the same open for inspection in the office of the City Clerk for at least ten days before the final passing of the by-law, and the Council shall also cause to be inserted in a public newspaper published within the City once a week for two successive weeks, a notice in the form following or to the like effect:—

Form of notice.

"Take notice that a By-law is intended to be passed by the City Council for levying a frontage rate to pay for the [*describing work*] constructed (*or* made) or to be constructed (*or* made, as the case may be) on street between [*describing the points between which the work has been or is to be made or constructed*] and that a statement showing the lands liable to pay the said rate and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the City Clerk, and is open for inspection during office hours. The estimated cost of the work is $, of which $ is to be provided out of the general funds of the City. A Court of Revision will be held on , at , for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurement or any other complaint which persons interested may desire to make, and which is by law cognizable by the Court."

City Clerk.

Dated

Repealed June 15/07

(14.) The Council may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works on the credit of the City, and it shall not be necessary to obtain the assent of the electors of the City to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding: Provided always, that nothing in this section contained shall be construed as authorising an extension of the general debt of the City beyond the limits thereof fixed by any Act limiting the same: By-laws for raising money.

(15.) It is hereby declared that the debentures issued under the Local Improvement By-Laws on the security of special assessments therefor shall form no part of the general debt of the City within the meaning of the sections 105 and 106 of this Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the City as aforesaid, but it shall be sufficient to state in any such by-law that the amount of the general debt of the City as therein set forth is exclusive of local improvement debts secured by special Acts, rates or assessments. Local improvement debentures.

135. When any assessment is made upon land or real property for the purpose of carrying on any work of local improvement under the authority of this Act there shall be the same right of appeal from the Court of Revision to a Judge of the Supreme Court of British Columbia as is provided for in the case of the annual assessment for the purpose of a general taxation. Appeal from assessment.

136. In cases where the Council decides to contribute to at least one-third of the cost of such improvement, it shall be lawful for said Council to assess and levy in manner provided in the preceding sections from the owners of real property to be directly benefited thereby the remaining portion of such cost without petition therefor, unless the majority of such owners, representing at least one-half in value of such property, petition the Council against such assessment within ~~one month~~ ten days after the publication of a notice of such proposed assessment in at least two newspapers published in the City. When Council decide to contribute one-third of the cost, they may assess and levy the remainder without petition therefor, unless petition against.

137. Any leaseholder, the term of whose lease, including any renewals thereof provided for, is not less than twenty-one years, shall be deemed an owner within the meaning of this section if the lessee has therein covenanted to pay all City taxes on the demised property during the term of said lease. Leaseholder deemed owner for purpoes of this section, when.

138. The number of the owners petitioning against the assessment and the value of the real property which they represent may be Number of persons petitioning against assessment.

ascertained and finally determined in such manner and by such means as may be provided for by the Council by by-law.

Such by-laws do not require ratepayers' assent.

139. No by-law passed in pursuance of section 134 shall require the assent of the ratepayers of the City, but every by-law passed under the preceding sections hereof shall recite:—

By-law to recite.

Amount of debt to be created.

(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:

Amount of annual rate.

(2.) The total amount required to be raised annually by special rate for paying the debt and interest under the by-law:

Value of property ratable.

(3.) The value of the whole real property ratable under the by-law as ascertained and finally determined as aforesaid:

The annual rate for payment of interest and sinking fund.

(4.) The annual special rate on the dollar, or per foot frontage, or otherwise, as the case may be, for paying interest and creating a yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal according to the provisions of this Act, or in case the debt is payable under the provisions of this Act by instalments, for paying the instalments of principal and interest as they respectively become payable:

Security to be the special rate only.

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

Repealed June 15/07

Council may by by-law declare debt guaranteed by City.

140. In the matter of by-laws passed or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder and add to their commercial value, the Council may by by-law declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the Corporation at large.

Nothing in Act relating to local improvements shall apply to works of repair.

141. Nothing contained in the sections of this Act relating to local improvements shall be construed to apply to any work of ordinary repair and maintenance, and every ordinary sewer made, enlarged or prolonged, and every street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, gravelled or planked, under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the City: Provided that if, in the opinion of the Council, it would be more desirable in the interests of the City that any work constructed and done under the provisions hereof should be replaced by other work of equally substantial nature, in lieu of keeping the work already done in repair, then it shall be lawful for the Council to carry out such other work, and shall then be relieved from the obligation of keeping the work originally done in repair.

Repealed June 15/07

Repealed as to June 15, 1907

Council may pass by-law for dividing City into areas, etc.

142. The Council may pass a by-law or by-laws dividing the City into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted, and the grass therein cut and trees therein trimmed, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services.

Council may pass by-law requiring land on which place of worship erected to be assessed, when.

143. With respect to land on which a place of worship is erected, and land used in connection therewith, the Council may, by the by-law to be passed in that behalf, require the corporation, trustees and other persons in whom is vested any such property, and the said property, to be assessed for any local improvement, in the same manner and to the same extent as the other owners and land benefited by the improvement, in the following cases, namely:—

By-law passed.

(1.) In case a by-law is passed under the preceding section:

If two-thirds of owners, etc., excluding corporation, trustees or other persons, petition.

(2.) Or in case no such by-law is passed, but two-thirds of the owners of the real property to be benefited by the proposed improvement (excluding such corporation, trustees or other persons aforesaid), representing at least one-half in value of the remaining property, petition the Council to undertake the said improvement:

If two-thirds of owners including corporation, trustees or other persons, petition.

(3.) Or in case no such by-law is passed as aforesaid, but the said corporation, trustees or other persons, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the said corporation, trustees, or other persons), representing at least one-half in value of the property, including the said property so vested in the corporation, trustees, or other persons aforesaid, petition the Council for the said improvement.

Repealed as to June 15, 1907

Provision for constructing part of local improvement opposite non-taxable land, or public land.

144. In case of a special assessment on property benefited by local improvement, the Council of the City (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the City, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place or square, or as would otherwise fall on property exempt from assessment, and the Council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said Council may seem best, and subject to such by-laws as the Council may pass in that behalf.

Actions and Judgments against the City.

Actions to be commenced within six months.

145. All actions or suits for indemnity for any damages or injuries sustained by reason of any neglect of duty by the City shall be commenced within six months after the cause of such action shall have arisen, but not afterwards; in case there shall be a continuation of damages, then within one year after the original cause of action first arose.

Actions against person for anything done in pursuance of this Act.

146. Any action against any person for anything done in pursuance of this Act shall be brought within three months next after the act committed; or in case there shall be a continuation of damages then within six months after the original cause of action first arose.

Tender or payment into Court.

147. The Council, upon any claim being made or action brought for damages for alleged negligence on the part of the City, may tender or pay into Court (as the case may be) such amount as they may consider proper compensation for the damage sustained, and in the event of the non-acceptance by the claimant of such tender, or of the amount paid into Court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into Court, the costs of suit shall be awarded to the defendants, and set off against any amount recovered against them.

Enforcing judgments against City.

148. In the event of a final judgment or judgments obtained against the Council in any Court of Law having jurisdiction in this Province, in respect of any debt due by said Council to any person or persons, company or corporate body, residing or being in the said Province, or elsewhere, and the said Council being unable, or from any cause unwilling, or refusing to pay the same, the Sheriff of the district in which said City is situated shall issue a warrant under his hand and seal, directed to the Assessor or Assessors of the City for the time being, whose duty it shall then be, with all due diligence, to proceed and make a special assessment of all real and personal property within the limits of said City of Vancouver liable to taxation in the same manner in which the annual assessment is made, and to return the assessment rolls to the said Sheriff, who shall cause a Collector's roll to be made out from said assessment roll, and shall levy an equal special rate on all property so assessed, such rate to be sufficient when collected (and allowing a reasonable allowance for uncollectible taxes) to pay the said judgment or judgments, together with legal costs and expenses; and the said Sheriff shall place the said rolls in the hands of the Collector for the City for the time being, whose duty it shall be to proceed with all due diligence to collect the said special rate in the same manner as herein provided for the collection of taxes levied by the said Council, and to make a return thereof to the said Sheriff in the same manner as herein provided for the return to the Treasurer of the ordinary taxes levied by said Council, and the Sheriff shall forth-

Special assessment to be made and rate levied.

with pay the amount of the said judgment or judgments out of such special rate so levied and collected, and shall pay the said Assessor or Assessors and Collector for their services, as herein provided, a reasonable sum, based upon the actual time occupied in making such assessment and collection:

Sheriff to pay overplus, if any, to Treasurer.

(1.) Any amount remaining in the possession of said Sheriff of the said special rate (levied and collected as herein before provided), after payment of the said judgment or judgments, and all legal costs connected therewith, shall be forthwith paid by him to the Treasurer of the City for the general purposes of the said City, and he shall also make a return of the said Assessor's and Collector's rolls, an account in detail of all expenses and disbursements and costs and all proceedings connected therewith, to the City Clerk, who shall lay the same before the Council at the next meeting thereafter:

Sheriff's costs, etc., to be taxed.

(2.) The said Council shall, if it see fit to do so, submit the account of the said Sheriff, of the expenses, disbursements and costs arising out of or connected with the said special assessment, to one of the Judges of the Surpeme Court, who shall, on notice to said Sheriff, tax the same and allow such items as to him shall seem just and right: Provided that no execution shall issue in any suit against the City until the expiration of twenty days after the entry of final judgment therein.

Remedy Over, in Case of Action.

Remedy over in case of action against Corporation, etc.

149. In case an action is brought against the Corporation to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street or bridge, placed, made, left or maintained by any person, persons or body corporate other than a servant or agent of the Corporation, or to recover damages sustained by reason of any negligent or wrongful act or omission of or failure to comply with the provisions of any by-law of the City by any person, persons or body corporate, other than a servant or agent of the Corporation, the Corporation shall have a remedy over against such person, persons or body corporate, and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the Corporation.

Corporation to have such remedy over in same action.

150. The Corporation shall be entitled to such remedy over in the same action, if the other person, persons or body corporate is made a party to the action, and if it is established in the action as against such other person, persons or body corporate that the damages were sustained by reason of an obstruction, excavation or opening in or near to a public highway, street or bridge, placed, made, left or maintained by such person, persons or body corporate, or by reason of any negligent or wrongful act or omission of any person, persons or body corporate

Adding as party defendant.

other than a servant of the Corporation; and the Corporation may in such action have the other person, persons or body corporate added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the Corporation); and the other person, persons or body corporate may defend such action as well against the plaintiff's claim as against the claim of the Corporation to a remedy over, and the Court or Judge, upon the trial of the action, may order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein as in other cases.

In any case, Corporation to have remedy over.

151. If such other person, persons or body corporate be not a party defendant to such action, or be not added as a party defendant or third party, or if the Corporation has paid the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the Corporation therein, the Corporation shall have a remedy over by action against such other person, persons or body corporate for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained by such other person, persons or body corporate.

Validity of judgment admitted, when.

152. Such other person, persons or body corporate shall be deemed to admit the validity of the judgment, if any, obtained against the Corporation in cases only where a notice has been served on such other person, persons or body corporate pursuant to the provisions of the Rules of Court made under the Supreme Court Act, or where such other person, persons or body corporate has admitted or is estopped from denying the validity of such judgment.

Proceedings when no notice has been served, etc.

153. Where no such notice has been served, and there has been no such admission or estoppel, and the other person, persons or body corporate has not been made a party defendant or third party to the action against the Corporation, or where such damages have been paid without action, or without recovery of judgment against the Corporation, the liability of the Corporation for such damages, and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person, persons or body corporate must be established in the action against such other person, persons or body corporate to entitle the Corporation to recover in such action.

Solicitor or counsel.

Right of Corporation to costs.

154. Where a solicitor or counsel is employed by the Council, whose remuneration is wholly or partly by salary, annual or otherwise, the Corporation shall, notwithstanding, have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary.

Printing, Stationery and Supplies.

Tenders for printing to be called for annually.

155. It shall be the duty of the City Clerk, on or before the first day of January in each and every year, to advertise for tenders for all printing and blank work of any kind and description; and such tenders when received shall be opened by the City Clerk, subject to such restrictions as the Council shall determine, and the Council may enter into such contract as may seem desirable in the interests of the City.

Purchase of stationery, etc., and requisitions for.

156. The City Clerk, or Purchasing Agent if appointed, and no other officer or person on behalf of the City shall order and purchase all supplies so far as the same relate to paper, envelopes, stationery and sundries, and he shall issue the same upon the written requisition of the several boards and heads of the City Government. He shall keep a record of all such purchases and requisitions in a book provided for that purpose, and shall make therefrom a semi-annual report, in detail, to the Council. A transcript of all bills for printing, stationery, and blank work of every description used in the several departments shall be filed with the City Clerk, who shall enter the same upon the record, and include the same in his report as herein provided.

Purchasing agent.

157 It shall be lawful for the Council to appoint, by by-law, a Purchasing Agent, who shall be empowered to purchase goods, stores and supplies for the City, subject to such regulations and restrictions as may be contained in the said by-law.

Bills for printing and supplies otherwise ordered not to be paid.

158. No bills for printing and supplies, as are contemplated by this Act, shall be allowed unless they are contracted for under the provisions of this Act.

All bills to be certified by Clerk.

159. All bills contracted for under the provisions of this Act, before they are paid, shall have the endorsement of the City Clerk or Purchasing Agent, if appointed, and the heads of the department to which the said goods were supplied.

Stipulations in contract as to minimum wage.

160. It shall be lawful for the Council in awarding any contract for work or supplies to stipulate a minimum wage to be paid to all persons engaged upon or working upon or in connection with such contract, or in the discretion of the Council to stipulate that all materials supplied under any contracts shall have affixed thereto or impressed thereon what is commonly known as the Union Label.

Licensing (Liquor).

Licences to be granted by Licensing Board.

161. All licences for the sale of intoxicating liquors shall be granted and issued by a Licensing Board, which will consist of five members, of whom the Mayor or Acting Mayor shall be one, two persons who shall be elected annually by the voters in accordance with the provisions contained at the time and in the manner directed for the

election of Mayor, and two persons who shall be appointed by the Lieutenant-Governor in Council, on or before the first day of February in each year, any three of whom shall form a quorum, which Board shall also have the power to transfer or revoke any liquor licence.

Licensing Board may pass by-laws, etc.

162. The Licensing Board of the City may from time to time, by resolution of a majority of their number, pass by-laws for defining the conditions and requirements to obtain hotel and saloon licences for the retail within the City of spirituous, fermented, or other intoxicating liquors, shop licences for the sale within the City of such liquors in

Wholesale licences.

shops or places of public entertainment, and also wholesale licences for the sale by wholesale within the City of such liquors in warehouses,

Penalty.

stores or shops; for imposing and enforcing a penalty or penalties, and directing the mode of collecting and collecting the same, and in default of payment imposing a penalty by way of fine or imprisonment against persons for selling intoxicating liquors within the City of Vancouver without first having obtained a licence therefor from the proper officer or officers whose duty it may be to issue the said licence or licences, and for limiting the number of licences for hotels, shops and saloons

Cancelling licences.

to be issued in the City, and for regulating and cancelling of licences before the expiry of the time for which such licences were issued, and for appointing inspectors or such other officers as the Board may deem necessary for the efficient regulating of houses of entertainment or other places for the sale of liquor, and for the efficient regulating and governing of hotels, shops, saloons, and places for which licences to sell liquor have been issued, and in which liquor is sold, and the proprietor or proprietors of the same, and regulating the sale of such

Board has no power to pass by-law to regulate fees.

liquors: Provided this section shall not be construed to empower the Board to pass any by-law to regulate the fees or duties upon any licence for the sale within the City of spirituous or other intoxicating

Effect of such by-laws.

liquors. Any by-laws passed by the Board under this section shall have the full force and effect of City by-laws, and as if they had been passed by the Council under the powers conferred on them to pass by-laws by this Act: ~~Provided that any by-laws passed hereunder shall not come into effect until seven days from the publication thereof in the British Columbia Gazette, a copy whereof shall be evidence in all Courts of the Province of the contents of any such by-law.~~ In and by any such by-laws the Licensing Board may impose penalties for the infraction thereof, which shall be recoverable in the same manner as penalties for the infraction of any by-laws passed by the Council of

Convicted three times.

the City. In the event of any person holding a licence under the provisions hereof or of any by-law passed thereunder being convicted in any Court of the Province three times for any offence against the provisions hereof, or of any by-law passed thereunder, whether such convictions were made during any one or more years but while such person holds a licence, his licence shall thereupon become ipso facto

void and forfeited, and such person shall not be capable of holding or being interested in, directly or indirectly, any licence issued under the provisions hereof for a period of three years from the date of the last of such convictions.

Saloons to be closed on polling day.

163. No sale or other disposal of liquors shall take place in any hotel or saloon licensed for the sale of intoxicating liquors on any polling day for any civic election between the hours of nine in the morning and seven in the evening.

Mayor, etc., may summon hotel-keeper, etc., of riotous or disorderly conduct in hotel.

164. The Mayor, with any one Justice of the Peace or Police Magistrate alone, upon complaint made on oath to them, or any of them, of riotous or disorderly conduct in any hotel, inn or tavern, ale or beer-house situate in the City, may summon the keeper of an hotel, saloon, inn, tavern, ale or beer-house, to answer the complaint, and may investigate the same or hear the same summarily, and either dismiss the complaint or convict the keeper of having a riotous and disorderly house, and annul his licence or suspend the same for not more than one hundred days, with or without costs, as in their discretion may seem just.

Police Magistrate.

Appointment of Police Magistrate.

165. Every Police Magistrate in and for the said City shall be appointed by the Lieutenant-Governor in Council, and shall hold office during pleasure, and any such appointments may be cancelled by the order of the Lieutenant-Governor in Council. The Lieutenant-Governor in Council shall, by an Order in Council, fix, and may from time to time vary, the salary to be paid to such Magistrate, and said salary shall be paid by the Municipality.

Salary.

Every Police Magistrate is, ex-officio, a Justice of the Peace.

166. Every Police Magistrate appointed under this Act by the Lieutenant-Governor in Council shall, ex-officio, be a Justice of the Peace for the Electoral District for which, or for part of which, he has been so appointed.

Police Magistrate to be Stipendiary Magistrate within certain jurisdiction.

167. The Police Magistrate, by virtue of his appointment as Police Magistrate, shall be a Stipendiary Magistrate for the jurisdiction in which he exercises the office of Police Magistrate, and shall have and exercise, within the City, all the lawful powers and authorities which are by law had and exercised by any Stipendiary Magistrate of this Province, and shall have full power to do alone whatever is authorised by any Statute in force in this Province to be done by two or more Justices of the Peace; and every Police Magistrate shall have such power while acting anywhere within the Electoral District for which he is, ex-officio, a Justice of the Peace.

If Police Magistrate ill or absent, two Justices may act.

168. In case of the illness or absence, or at the request of the Police Magistrate, any two or more Justices of the Peace may act in his place

in any matter within the jurisdiction of the Police Magistrate, and such Justices of the Peace, or a majority of them, shall in such case have all the powers which by any Statute are given to Police Magistrates in the Province; but this section shall not be construed to prevent one Justice of the Peace from acting for a Police Magistrate wherever, by law, one Justice of the Peace has jurisdiction in that behalf.

Oath to be taken by Magistrate.

169. The following oath, and also the oath of allegiance, as set forth in Form B of the "Magistrates' Act," shall be taken by the Police Magistrate, and the same may be taken before any Justice of the Peace, who is hereby authorised to administer the same:—

"I, , swear that, as Police Magistrate for the Corporation of the City of Vancouver, in the Province of British Columbia, in all articles in the Queen's Commission to me directed, I will do equal right to the poor and to the rich, after my cunning, wit and power, and after the laws and customs of the realm and Statutes thereof made, and that I will take nothing for my office of Police Magistrate to be done but of the Queen, and fees accustomed, and costs limited by Statute. So help me God.

(Signature of Police Magistrate.)

"Sworn and subscribed by the said before me, at , this day of , 19 ."

Oath to be sent to Provincial Secretary.

170. Every oath of office or allegiance taken by a Police Magistrate shall forthwith, after the same is taken, be transmitted or delivered by the Police Magistrate to the Provincial Secretary, who shall file the same among the records of his office.

Police Magistrate not to act as solicitor, etc., in any criminal matter.

171. Neither the Police Magistrate, nor partner, nor clerk of his, shall act as solicitor, agent or counsel in any cause, matter, prosecution or proceeding of a criminal nature; nor shall such Police Magistrate, partner or clerk act as aforesaid in any case which by law may be investigated or tried before a Magistrate or Justice of the Peace.

Police office.

172. The Council of the City shall establish therein a police office, and the Police Magistrate shall attend at such police office daily, or at such times and for such period as may be fixed by the Council, for the disposal of the business brought before him as a Justice of the Peace.

Justice of Peace shall only act if Police Magistrate ill or absent.

173. No Justice of the Peace shall admit to bail or discharge a prisoner, or adjudicate upon or otherwise act in any case for the City, except in the case of the illness or absence or at the request of the Police Magistrate.

Police Court Clerk.
Salary.

174. The Council may appoint a Police Court Clerk and define his duties and salary.

for additions here see Sec 11 Chap 62 1903-4
subsects (1) (2) (3) (4) (5) (6) (7) (8)
amended 1911 as 173A-173B-173C

Mayor to be ex-officio Justice of the Peace.

175. The Mayor shall be ex-officio Justice of the Peace in and for the City during his term of office; the Mayor and Police Magistrate shall have jurisdiction to try and determine all prosecutions for offences committed against the by-laws of the City, for refusing to accept office therein or to make the declaration of qualification of office respectively, or in addition thereto the same rights and jurisdiction as other Justices of the Peace.

Jurisdiction of Mayor and Police Magistrate.

May convict on oath of credible witness.

176. The Mayor or Police Magistrate before whom a prosecution is had for any offence, may convict the offender on the oath or affirmation of any credible witness, and shall award the penalty or punishment imposed by law with the costs of prosecution; and may by warrant under the hand and seal of the Justice, or other authority, or in case two or more Justices act together therein, then under the hands and seals of said Justices, cause any pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender.

Justice may commit offender to gaol if no distress.

177. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the district gaol, house of correction or nearest lock-up house, for the time specified in the by-law, and with or without hard labour.

Penalties to go to City.

178. All pecuniary penalties levied under this Act shall go to the Corporation of the City.

Gaoler to receive all persons committed to his charge.

179. The gaoler of the district shall be bound, and he is hereby authorised and required, to receive and safely keep until duly discharged, all persons committed to his charge by the Mayor, Police Magistrate or any Justice of the Peace having jurisdiction in the said City, and the City shall pay to the Province or other duly constituted authority having jurisdiction, such compensation therefor and for the care and maintenance of persons as may be mutually agreed on, or be fixed by the Lieutenant-Governor in Council in case of disagreement.

All fines to be paid into City exchequer.

180. All fines and penalties imposed under this said Act, or for enforcing any law of this Province made in relation to any matter coming within any of the classes enumerated in section 92 of the "British North America Act, 1867," imposed within the said City, and to which the City may be entitled, and all fines and penalties for offences against the by-laws of the City shall be paid into the City exchequer.

Form of conviction.

181. It shall not be necessary in any conviction made under any by-law of the Corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made; but all such convictions may be in the form following:—

PROVINCE OF BRITISH COLUMBIA,
CITY OF VANCOUVER.
TO WIT:

BE IT REMEMBERED,

that on the day of , A.D., , at in the County of , *A. B.* is convicted before the undersigned, , in and for the said City, for that the said *A. B.* [*stating the offence and time and place, and when and where committed*] contrary to a certain by-law of the City of Vancouver, passed on the day of , A.D. , and intituled [*reciting the title of by-law*]; and I adjudge the said *A. B.*, for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to *C. D.*, the complainant, the sum of for costs in this behalf. And if the several sums are not paid forthwith (*or on or before the* day of as the case may be), I order that the same be levied by distress and sale of the goods and chattels of the said *A. B.*; and in default of sufficient distress, I adjudge the said *A. B.* to be imprisoned in the common gaol of the said City of Vancouver for the space of unless the said several sums and the costs of the said distress and of the committal and conveyance of the said *A. B.* to such gaol are sooner paid.

Given under my hand and seal, the day and year first above written, at the said City of Vancouver.

All by-laws authorising, in default of payment, imprisonment, declared to be good and valid.

182. All by-laws authorised under the provisions of this Act, which have been or which may hereafter be enacted, and which have imposed or may impose fines and penalties and the recovery thereof with costs by summary conviction, and which authorise, in default of payment, the commitment of the offender to the common gaol, house of correction or lock-up house of the county or municipality unless such fine and costs, including the costs of the committal and conveyance to the common gaol, house of correction or lock-up house are sooner paid, are hereby declared to be good and valid, notwithstanding that such by-law, amongst other things, authorises the imprisonment of the accused during the period for which by-law he might be imprisoned unless such costs of committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid; and no conviction shall by reason only that it includes the cost of such conveyance and committal, be impeached, quashed or set aside.

Park Commissioners.

Park Board.

183. A Board of Commissioners, to be known as the Park Board, shall be elected as follows, and shall have the custody, care and management of the Public Parks and places of the City, and which are maintained by public money.

184 "(a) The property qualification for a member of the Park Board shall be in all respects the same as for an Alderman of the City, and no person shall be qualified to be or sit on the Park Board unless he is the owner of property as provided for in the case of Aldermen in sub-section (2) of Section 4 of this Act."

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and the word 'regulation' shall be construed to include the regulation and the speed of vehicles within the parks, on the approaches thereto, and the streets connecting the same, and the prohibition of all such vehicles and traffic as said Park Board may, by resolution, decide to be undesirable in the park or parks: Provided that such prohibition, so far as vehicles for the carriage of passengers are concerned, shall only extend to the time between the hours of two P.M. and five P.M.

Constitution of Park Board.

184. The Park Board shall consist of three members, or such other number as the Council may by by-law provide, to be nominated and elected at the same time and in the same manner as the Mayor of the City, and for such a period of time as the by-law may provide

Power to pass by-laws.

185. The Park Board may from time to time pass by-laws for the use, regulation, protection, and government of the park or parks, the approaches thereto and streets connecting the same, not inconsistent with the provisions of this Act or any law of the Province.

Penalties.

(1.) The said Board shall have power to inflict penalties for the infraction of any by-law, and the same shall be enforced by the Police Magistrate of the City, or by any Justice of the Peace of the Province in the manner and to the extent that any by-law passed by the Council may be enforced:

Special meeting.

(2.) The Chairman, or any two members, may summon a special meeting of the Board, by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called, at which meeting two shall form a quorum:

When office of any member shall be declared vacant.

(3.) The office of any member of the said Board who shall be absent from the meetings of the Board for three successive months without leave of absence from the Board, or without reasons satisfactory to the Board, shall be declared vacant by the Board, and notice thereof shall be given to the Council at the next meeting of the Council:

Estimate of sums required during ensuing year.

(4.) The said Board shall in the month of January in every year make up, or cause to be made up, an estimate of the sums required during the ensuing financial year for—

Interest.

(*a*.) The interest of any money borrowed as herein mentioned:

Sinking fund.

(*b*.) The amount of the sinking fund; and

Expenses.

(*c*.) The expense of maintaining, improving and managing the parks, boulevards, avenues and streets under their control.

By-laws to punish.

186. The Board may at any time pass, alter and repeal by-laws for the punishment of the following offences, that is to say:—

If any person does or commits any of the following acts:

Hindering, etc., the Board, etc.

(1.) Wilfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted, the said Board or their engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorised and contained; or

Letting off, etc., water.

(2.) Wilfully and maliciously lets off or discharges any water so that the same runs waste and useless from or out of any reservoir, pond or lake connected with any such park; or

Swimming dog in water or throwing injurious matter into water.

(3.) Causes any dog or other animal to swim in the water, or throws or deposits any injurious nuisance or offensive matter into the

water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way fouls the water, or commits any unlawful damage or injury to the works, pipes, or water, or encourages the same to be done; or

Defacing trees, shrubs, etc.

(4.) Wilfully or maliciously injures, hurts, defaces, tears, or destroys any forest, ornamental or shade tree or shrub, or other plant, or any statue, fountain, vase or fixture or ornament, or utility, in any street, avenue, drive, park, or other public place under the control of any such Board, or wilfully, negligently or carelessly suffers or permits any horse or other animal driven by or for him, or any animal belonging to him, or in his custody, possession or control, and lawfully on the street or other public place, to break down, destroy or injure any tree standing for use or ornament in any such public park or place; or

Injuring animals, etc.

(5.) Wilfully or maliciously injures, hurts, or otherwise molests or disturbs any animals, birds or fish kept in any such park, or in the lakes or ponds therewith connected:

Posts advertisements, etc.

(6.) Or posts, paints or affixes any advertisements or bills of any kind whatsoever in any such public park or place:

Penalty.

(7.) Any person who is adjudged guilty of any offence within the meaning of the foregoing sub-sections shall be liable to a penalty of not more than fifty dollars, or in default of payment thereof not more than two months' imprisonment, with or without hard labour.

Upon request of Park Board, Mayor to detail members of Police force.

187. It shall be the duty of the Mayor or Police Committee, upon the request of the Park Board, to detail for service in any of the public grounds under the care of the Park Board, so many of the police force as the Mayor or Police Committee may deem necessary to maintain order and protect property therein; and any policeman on duty in the grounds may remove therefrom any person guilty of a violation of any of the provisions of this Act, or of any of the rules and regulations established by the Board.

Protection of Park Board and their officers.

188. The Park Board and the officers thereof shall have the like protection in the exercise of their offices and the execution of their duties as Justices of the Peace have under the laws of this Province; and the watchmen and other officers of said Board, when in the discharge of their duties, shall be ex-officio possessed of all powers and authorities of constables.

Meetings of and Proceedings at Council.

First meeting.

189. The Council shall meet at noon on the first Monday subsequent to the annual election in each year, or in case such Monday

190a No official shall be paid a greater annual salary than $5,000. Provided always that any increase of salary made hereafter by the City of Vancouver shall not be made except on a two-thirds vote of the Council, or in case a Board of Control is constituted, then except the said Board first recommend such increase.

shall be a statutory holiday, then such meeting shall be held on the next day thereafter at noon:

Declaration of office.

(1.) The Mayor and members of the Council, and the subordinate officers of the City, may make declaration of office and qualification before any Justice of the Peace having jurisdiction in the City of Vancouver, or before the Clerk of the Council:

No previous resolution to be rescinded.

(2.) No previous resolution of the Council passed in the then current year on any matter shall be rescinded unless by a two-third vote of the members of the Council then present, and no decision or ruling of the Mayor or presiding officer, while in the chair, shall be overruled except by a vote of two-thirds of the members of the Council present:

No member of Council to be eligible for office under City.

(3.) No member of the Council shall, during the term for which he is elected, be eligible or appointed to any office under the City:

Council may pass by-laws for its own procedure, etc.

(4.) The Council may by by-law make any regulations for the procedure and conduct of the business, the appointment of committees for the carrying on of the business of the City which they may think desirable.

Officers of the Corporation.

Appointment of officers.

190. The Council shall by by-law provide for the appointment and the method of appointment of officers of the Corporation to fill or occupy positions as may from time to time be vacant, as it may deem necessary or expedient to carry on the good government of the City and the provisions of this Act. *In addition see Appeals*

Office to be held during good behavior and subject to one month's notice.

191. Any person holding any office to which he has been properly appointed by the Council shall hold the same during good behaviour and efficiency, and, notwithstanding any contract or agreement to the contrary, the Council or the employee may terminate any engagement by giving to the other one month's notice in writing.

Duties to be defined by by law.

192. All officers in the employ of the Council shall do, execute and perform such services as the Council may from time to time by resolution or by-law define; provided, however, that no resolution or by-law shall alter any of the duties imposed by this Act.

Office hours.

193. All City offices shall be kept open from nine o'clock, A. M., to five o'clock, P. M., except on Saturdays, when the offices shall be closed at twelve o'clock, noon.

Security to be given by officers.

194. All officers shall give satisfactory bonds for the due and proper performance of their duties, if required by the Council, before entering on their duties, and shall subscribe a proper oath of office.

All moneys received by City officials to be paid to Treasurer each day.

195. All moneys belonging to the City received by any officer or agent thereof, either from collections, loans, fees, fines and penalties, or otherwise, shall be deposited in the City Treasury once a day, and in

case the provisions of this section are not complied with, it shall be the Treasurer's duty to report any delinquencies to the Mayor. The Treasurer shall make receipts in all cases for the party paying, which shall set out the amounts, and on what account paid, and to what account credited. All payments on account of pay-rolls shall be made by the Treasurer, after the same have been audited by the Accountant and placed in his hands therefor. All payments of salaries or wages shall be paid by the Treasurer, who shall pay each person, or his legal representative, and take a proper receipt therefor.

Receipts for moneys received or paid.

Mayor.

Duties of Mayor.

196. The Mayor shall be 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. He shall have unrestricted authority and power to inspect and order the conduct of all officers and employees of the Corporation, and to direct the method of management of the Corporation business and affairs, and to suspend the officers and employees of the Corporation, and, as far as may be in his power, to cause all negligence, carelessness and violation of duty on the part of the officers and employees to be prosecuted and punished; but every such case of suspension shall be reported to the Council at its next sitting, and if the Council decide by resolution to reinstate any officer who has been so suspended they may do so, or the Council may decide to make such suspension absolute; to recommend such measures within the powers of the Council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the City; and the Council may by by-law fix a sum not exceeding ~~two~~ thousand dollars to be paid to the Mayor annually.

Witnesses.

197. The Council, or any committee thereof, shall have power, under the hand and seal of the Mayor, to summon witnesses for examination on oath in any and all matters connected with or relating to the administration of the City business, and the Mayor, or Acting Mayor, shall have the same power to enforce the attendance of such witnesses, and compel them to give evidence, as is vested in any Court of Law in civil cases. The Mayor, or Acting Mayor, shall administer the oath to any witness, and such witness shall be examined, cross-examined, and re-examined according to the rules and practice of the Supreme Court of British Columbia in civil cases.

Treasurer.

198. The Council shall appoint a Treasurer.

Duty of Treasurer to receive and disburse all moneys.

(1.) It shall be the duty of the Treasurer to receive all moneys paid into the City Treasury from whatever source, and to pay out the same only when ordered by the City Council, on warrant signed by the Mayor and City Clerk:

(1979.) The Council may by resolution in the absence from the City of the Mayor appoint from its number an acting Mayor, and wherever the word "Mayor" is used in this Act there shall be read after it the words "or acting Mayor"

(2.) The Treasurer shall keep a complete and accurate account of all moneys by him received, showing the amount thereof, the time when, and from whom and on what account received, and also of all disbursements by him made, showing the amount thereof, the time when, and to whom paid: To keep an account of all moneys paid out and received.

(3.) The Treasurer shall daily (Sundays excepted) deposit, or cause to be deposited, all moneys belonging to the City in some bank to be designated by the Council: To deposit all moneys in bank daily.

(4.) The books, accounts and vouchers of the Treasurer, and all moneys remaining in the City Treasury, shall at all times be subject to the inspection and examination of the auditors, the Finance Committee and any member of the Council: Books and accounts to be open to inspection.

(5.) The Treasurer shall, during the week succeeding the 31st day of December in each year, make a full statement to the Finance Committee of the amount of all his accounts for the year ending the 31st day of December, and shall through said committee report to the Council an abstract of all his receipts and disbursements to and from each fund of the City: Financial statement at close of year.

(6.) The Treasurer on going out of office shall deliver to his successor all public moneys, books, accounts, papers and documents in his possession; and in case of his death the Finance Committee shall take possession of and keep the same until a successor is appointed: On leaving office, to hand over all books, papers, etc.

(7.) The Treasurer shall report to the first regular meeting of the Council in each month, the amount of money at the credit of the City, specifying the fund to which it belongs: Report to the first regular meeting.

(8.) On presentation of certificates of indebtedness issued by the City Clerk to the said Treasurer, and countersigned or certified by the Mayor, or acting Mayor, the Treasurer shall pay the same from any unexpended balance to the credit of the fund properly chargeable therewith. All payments made on account of pay rolls shall be made by the Treasurer after the same have been audited by the Accountant or Comptroller and placed in his hands therefor: Disbursement of municipal funds.

(9.) The Treasurer shall take an oath of office and give bonds to the satisfaction of the Council in the sum of fifteen thousand dollars, or such other sum as the Council may by resolution enter on the minutes or by by-law appoint, conditioned for the faithful performance of his duties, and shall further perform such other duties as the Council may require: Treasurer's oath and security.

(10.) The Treasurer shall, on or before the second Tuesday in May in each year, submit to the Council a report of the estimates necessary as near as may be to defray the expenses of the City government and for the payment of maintenance of schools, Estimates of expenditure for the current year.

and the interest and sinking fund on the debenture debt during the current fiscal year. He shall, in such report, class the different objects of the said City expenditures, giving as nearly as may be the amount required. He shall make a statement of all contracts made or directed by the Council and not performed or completed, and upon which any money remains unpaid, with the amount so unpaid on each, and for this purpose he shall require the City Engineer and other officers and heads of departments to furnish such information as he needs to enable him to fulfil the duties imposed on him by this section; he shall also in such report show the aggregate income of the preceding fiscal year from all sources, the amount of all liabilities outstanding, and of all bonds, interest, and other kinds of City debts, payable during the year, and when due, so that the Council may fully understand the money exigencies and demands of the City for the ensuing year.

Statement of all contracts made.

Liabilities.

City Clerk.

Clerk and his duties.

199. 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 of which he shall so keep in his office or in the place appointed by by-law of the Council.

If Clerk ill or absent Council may appoint substitute.

200. The Council may by resolution provide that, in case the Clerk is absent or incapable through illness of performing the duties of Clerk, some other person to be named in the resolution, shall act in his stead; and the person so appointed shall, while he so acts, have all the powers of the Clerk.

Any person may inspect assessment rolls, etc.

201. Any person may, at all reasonable times, inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll-books, and other documents in the possession of or under the control of the Clerk, and the Clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rate as the Council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the City, or to any other person interested in any by-law, order or resolution, or to his solicitor, a copy of such by-law, order or resolution, certified under his hand, and under the corporate seal.

202. A copy of any document in the possession of or under the control of the Clerk of the City, certified under his hand and under the corporate seal of the City, may, after the original thereof has been produced from the proper custody, be filed in any Court in lieu of such original, and shall be received in evidence without proof of the seal of the Corporation, or of the signature or official character of the person appearing to have signed the same, and without further proof thereof, unless the Court or Judge otherwise directs.

Copy of document certified by Clerk to be received in evidence, etc.

203. If the Clerk refuses or neglects to perform the duty required of him by the preceding section, he shall, upon conviction thereof before any Court of competent jurisdiction, forfeit to Her Majesty such sum as the Court may order and adjudge, not exceeding one hundred dollars.

Penalty for Clerk refusing or neglecting his duty.

Accountant.

204. The Council shall appoint an officer, to be known as the Accountant or Comptroller of the City, who shall perform such duties as Accountant or Comptroller thereof as may be prescribed ~~in the Procedure~~ by By-law of the City, and the Council may, in fixing the duties to be so performed by said Accountant or Comptroller, direct that he shall perform such and so many of the duties of the Treasurer and City Clerk, respectively, as shall be defined in said by-law, anything contained in this Act. or in any other by-law to the contrary notwithstanding

Accountant and his duties.

Auditor.

205. The Council shall appoint one or more Auditors; but no one who, at such time, or during the year preceding such appointment, is or was a member, of the Council or is or was ~~a~~ the Clerk or Treasurer of the City, 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, Comptroller shall be appointed an Auditor.

Auditor.

206. The Auditor or Auditors appointed under the next preceding section shall, every month, commencing in January of each year, and so on to the end of each year, examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction.

Duties of Auditors.

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

Auditors shall examine and report.

Appropriations and Payments.

208. No liability shall be incurred or appropriation be made from or on account of any revenue fund in excess of the amount standing

No appropriation beyond cash in hand.

to the credit of such fund and remaining unappropriated, nor shall it be made for purposes to which the money therein is not applicable by law.

Warrants for payment of City funds.

209. No money shall be paid out of the Treasury except on the warrant of the City Clerk, countersigned by the Mayor, or Acting Mayor, and no warrants shall be issued on any appropriation unless there is an unexpended balance to the credit thereof, sufficient to cover such warrant, and money in the Treasury to pay it.

Unadjusted and audited accounts.

210. All unadjusted accounts before they are audited must be certified by the officer having knowledge of the facts, and audited accounts shall be registered in the Clerk's office, and filed and preserved as vouchers in such office.

Power to Borrow Pending Collection of Taxes or Realization of Debentures.

Council may borrow pending collection of taxes.

211. The Council shall be at liberty and are hereby empowered to borrow from any chartered bank or other monetary institution, either by promissory note or overdraft, any sum of money required for ordinary expenditure in or for the maintenance of the City, pending the collection of taxes or the realization of debentures issued or to be issued, and may, pending the realization of debentures issued or to be issued, hypothecate, pledge or mortgage the same for the repayment of any money so borrowed and interest thereon.

Council may by by-law borrow, pending collection of overdue taxes.

212. The Council may, by by-law, pending the collecting of any overdue taxes, borrow for the purposes of ordinary expenditure from any chartered bank, person or corporation, a sum of money not exceeding fifty per cent. of the aggregate amount of such overdue taxes, subject to the condition that the said taxes, as collected, shall be paid into the said bank, or to the said person or corporation, to a special fund or account to repay the sum so borrowed when due, and shall not be used for any other purpose: Provided, that it shall not be necessary for such by-law to receive the assent of the electors, notwithstanding the amount borrowed is not repayable within the same municipal year. The obligation to be given to the lender as security shall be defined in said by-law.

Council may borrow 75% of amount of taxes collected during previous year; being levied by general or special rates.

213. For authorising, under the following conditions, the borrowing from any person of such sum of money not exceeding, however, an amount equal to seventy-five per cent. of the amount of taxes collected during the previous year of the sum that was levied that year by general and special rates upon land, improvements, or real property in the City, and bearing such rate of interest as may be requisite to meet the current legal expenditure and liabilities of the Corporation which become payable out of the annual revenue before the revenue for the year becomes payable by the taxpayers:

(*a.*) That the money so borrowed shall be repayable and repaid on or before the 31st of December in the calendar year in which it is so borrowed: Money to be repayable by 31st December.

(*b.*) That it shall be a liability payable out of the City revenue for the current year: Liability payable out of City revenue.

(*c.*) That the obligation given to the lender shall be in writing, signed by the Mayor and City Clerk, and shall bear the corporate seal: Obligation shall be in writing.

(*d.*) That the Council shall in the by-law have named the amount to be borrowed and the rate of interest not exceedable, the date on or before which the principal and interest shall be payable, and the form of the obligation to be given as an acknowledgment of the liability. By-law shall name amount to be borrowed.

Investigations and Commissions of Inquiry.

214. In case the City Council at any time passes a resolution requesting any Judge of the Supreme Court to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust, or other misconduct on the part of any member of the Council or officer of the Corporation, or any person having a contract therewith, in relation to the duties or obligations of the members to the Corporation, or in case the Council sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the City or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the said Judge to make the inquiry, the Judge shall inquire nto the same, and shall for that purpose have full power to summon witnesses before him to compel them to give evidence upon oath, either orally or in writing or on solemn affirmation, and to produce and bring with them such books, documents and things as he may think requisite for the complete and full investigation of such matter as aforesaid, and the Judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any Court of Law in civil cases; and the Judge shall, with all convenient speed, report to the Council the result of the inquiry, and the evidence taken thereon. Investigation of malfeasance or breach of trust, etc.

215. In case at least four members of the Council or two hundred and fifty duly qualified electors of the City petition for a Commission to issue under the great seal of the Province, to inquire into the financial affairs of the Corporation and things connected therewith, and if sufficient cause be shown, the Lieutenant-Governor in Council may issue a Commission accordingly, subject to such terms or conditions as to costs or otherwise as the Lieutenant-Governor in Council may impose; and the Commissioner or Commissioners, or such one or When Lieutenant-Governor in Council may issue Commission.

more of them as the Commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and give evidence, as any Court has in civil cases.

Miscellaneous.

Council to always continue and exist.

216. The Council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same; and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a Council, every Council may take up and carry on to completion all by-laws, reports and proceedings which had been begun or had been under consideration by the Council either in the then next preceding year or subsequent or prior thereto; and it shall not be necessary to begin de novo with any by-law, proceeding, report, matter or thing entertained by the Council in such preceding year, or subsequent or prior thereto as aforesaid.

When money borrowed for special purpose on hand, Council may submit by-law to expend same otherwise.

217. When the City shall have a sum of money on hand which has been borrowed for a special purpose by the authority of a loan by-law, and when the Council deems it undesirable to expend for such purpose the money borrowed, it shall be lawful for the Council to place before the ratepayers a by-law providing for the appropriation and expenditure of such sum of money for some other purpose; and such by-law shall be subject to the provisions of this Act as to the passage of by-laws for creating debts, and provided, always, that the consent of the Lieutenant-Governor in Council shall be obtained to such by-law before the same shall come into effect.

Public streets, etc., to be vested in City.

218. Every public street, road, square, lane, bridge or other highway in the City shall be vested in the City (subject to any right in the soil which the individuals who laid out such road, street, bridge or highway may have reserved), and such public street, road, square, lane or highway shall not be interfered with in any way or manner whatsoever, by excavation or otherwise, by any street railway, gas or water-works company, or any companies or by any company or companies that may hereafter be incorporated, or any other person or persons whomsoever, except having first made application and received the permission of the City Engineer in writing.

Corporation to repair.

219. Every such public street, road, square, lane, bridge and highway shall be kept in repair by the Corporation.

Lands outside City, conveyed to City, to vest in City forever.

220. All lands conveyed to the Corporation outside the limits of the City, as defined by this Act, are hereby vested in the said Corporation, their successors or assigns, forever.

No member or officer of Council, etc., to wilfully or corruptly vote, etc.

221. No member or officer of the Council, and no member of the Board organized under or in connection with the City government,

— "and every other governing body appointed or to be appointed under this Act"

— or governing body as the case may be
— or other governing body
— or other governing body
— or other governing body

(21 continued) Provided, however that the Corporation shall in no case be liable for any damages occasioned by reason of the neglect of the said Corporation to repair any such road, square, lane bridge or highway, unless notice in writing, setting forth the time, place and manner in which such damage has be sustained shall be left and filed with the City Clerk within two calendar months after the date on which such damage was sustained; Provided, that in case of the death of a person injured the want of notice shall be no bar to the maintenance of the action. The want or insufficiency of the notice required by this section shall not be a bar to the maintenance of an action if the Court or Judge before whom such action is tried, or in case of appeal, if the Court hearing the appeal is of opinion that there was reasonable excuse for the want or insufficiency, and that the defendant has not been thereby prejudiced in his defence.

pursuant to any law or by-law, shall in his official capacity, or under colour of his office, knowingly or wilfully, or corruptly vote for, assent to, or report in favour of or allow, or certify for allowance, any claim or demand against the City, or any department thereof, or against any such Board as above mentioned, which claim or demand shall be on account or under colour of any contract or agreement not authorised by or in pursuance of the provisions of this Act, or any claim or demand against the City, or any department thereof, or any such Board as aforesaid, which claim or demand, or any part thereof, shall be for work not in fact performed for and by authority of said City or Board, or for supplies or materials not actually furnished thereto, pursuant to law or by-law; and no such member or officer as aforesaid shall knowingly vote for, assent to, assist, or otherwise permit or aid in the disbursement or disposition of any money or property belonging to the City, or any department thereof, or held by or in charge of any such Board as aforesaid, to any other than the specific use or purpose for which such money or property shall be, or shall have been, received or appropriated, or collected, or authorised by law to be collected; and any such member or officer as aforesaid who shall violate any of the foregoing provisions of this section shall, upon conviction thereof, be punished by imprisonment for not more than one year, or by fine of not less than five nor more than two thousand dollars.

Execution of contracts, etc.

222. All contracts, notes, bills, and other securities duly authorised to be executed on behalf of the Corporation, shall, unless otherwise specially authorised or provided, be sealed with the seal of the Corporation and signed by the Mayor and City Clerk, otherwise the same shall not be valid, and all cheques shall be signed by the Treasurer and Mayor and countersigned by the City Clerk.

"Municipal Clauses Act" not to apply to City.

223. Notwithstanding anything contained to the contrary in the "Municipal Clauses Act," or amending Acts, or any other general Act relating to municipalities, the provisions of that Act or any such other Act as aforesaid shall not apply to the City of Vancouver.

Nothing in Act to apply to Vancouver Gas Company.

224. Nothing in this Act contained shall apply to or affect, conflict or interfere with the Vancouver Gas Company, Limited Liability, or to the rights, powers and privileges to be conferred upon the said Company by their Act of Incorporation.

Penalty for violation of provisions of this Act.

225. Any person who shall violate any of the provisions of this Act or any of the provisions of any by-law passed in pursuance of this Act, for the violation of which no punishment has been provided therein, shall be liable to punishment in a summary way by fine not exceeding one hundred dollars, or by imprisonment (with or without hard labour, in the discretion of the convicting Magistrate) not exceeding two months.

By-laws to be under Seal of Corporation.

226. All by-laws of the Corporation shall be under the seal of the Corporation, and shall be signed by the head of the Council, or by the person presiding at the meeting at which the by-law was finally passed and by the City Clerk, and shall come into effect seven days from the publication thereof in the British Columbia Gazette, a copy whereof shall be evidence in all Courts of the Province of the contents of any such by-law.

Printed copies of by-laws to be admitted as primâ facie evidence.

227. The printed copies of all by-laws passed by the Council and purporting to be printed by authority thereof, shall be admitted as primâ facie evidence thereof in all Courts in this Province, and on all occasions whatsoever.

No ratepayer to be incompetent as witness where City party to action.

228. On any prosecution, action or proceeding in any civil matter to which the Corporation is a party, no ratepayer member, officer or servant of the Corporation shall, on account of his being such, be incompetent as a witness.

Interpretation Clause.

Interpretation.

229. Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act the meaning hereinafter expressed shall attach to the same, namely:

"Council." (1.) The word "Council" means the Mayor and Council of the City of Vancouver:

"Land," "real property," "real estate." (2.) "Land," "real property," and "real estate," respectively, shall include all buildings and other things erected upon or affixed to the land, and all machinery and other things so fixed to any building as to form in law a part of the realty:

Improvements. (3.) Improvements shall extend to and mean all buildings and structures erected upon or affixed to the land and all machinery and other things so fixed to any building as to form in law a part of the realty:

"Highway," "road," "bridge." (4.) The words "highway," "road," bridge," mean respectively public highway, road or bridge:

"Sewer." (5.) The word "sewer" shall include common sewers, mains, branch and all drains and connections therewith:

"Electors." (6.) The word "electors" means the persons entitled for the time being to vote at elections in the said City:

"City." (7.) The word "City" means the Corporation of the City of Vancouver:

"Corporation." (8.) The word "Corporation" means the Corporation of the City of Vancouver.

Saving clause.

230. The following Acts are hereby repealed:—The "Vancouver Incorporation Act, 1886"; the "Vancouver Incorporation Act, 1886, Amendment Act, 1887"; the "Vancouver Incorporation Amendment

— or other Local authority body appointed or to be appointed under this Act,

— as shall also a copy of any by-law certified to under the hand of the City Clerk and the seal of the Corporation as a true copy".

Act, 1889"; the "Vancouver Incorporation Act (1886) Amendment Act, 1890"; "An Act to amend 'Vancouver Incorporation Act, 1886,' and amendments thereto, being Chapter 72 of the Statutes of 1891"; the "Vancouver Incorporation Act Amendment Act, 1892"; the "Vancouver Incorporation Act Amendment Act, 1893"; the "Vancouver Incorporation Act Amendment Act, 1895"; and the "Vancouver Incorporation Act Amendment Act, 1898": Provided that the repeal of such Acts shall not be held or taken to in any way affect the rights obtained, or liabilities incurred, by any person or persons or corporations by virtue of the said Acts, prior to the passing of this Act. And provided further, that nothing in this Act shall be in any way held to affect or prejudice the rights and powers acquired by any person or persons under any agreement or agreements entered into between them and the City or under any previous Act of the Legislature: Provided, also, that whenever the words of the foregoing proviso are repugnant in any respect to this Act, the proviso shall stand as to all and any of the powers intended to be thereby preserved in the aforesaid proviso.

Provisions in municipal contracts.

231. All municipal contracts shall contain provisions whereby the workmen, mechanics, artizans and labourers employed on municipal works shall be entitled to not less than such wages and remuneration as are generally accepted as current in each trade for competent workmen in the City of Vancouver, and whereby all contractors and sub-contractors shall be bound to pay such wages.

Short title.

232. This Act may be cited as the "Vancouver Incorporation Act, 1900."

Added apl 20/07 See 233-234 and 235. Board of Control Local Improvements
See 11 to 33 in amended act apl 20/07

SCHEDULE A.

FORM I.

I.—List of persons entitled to vote at Municipal Elections.

No. on Roll.	Names.	Property.		Title.	Remarks.
		Lot.	Street or Block.		
6	James Brown	E. ½ 8.....	Maria St	Owner.....	See Ward No. 3.
25	John Smith	W. ½ 9	Block C	Tenant	

FORM II.

ASSESSMENT ROLL, WARD No. ..... CITY OF VANCOUVER, 1900.

District Lot.	Block.	Lot.	Size.	Rate per ft.	Name.	Address.	Owner or Tenant.	Number of household.	Annual Value of Buildings and Improvements.	Value of Buildings and Improvements for Taxation.	Land Value.	Total Assessed Value.	Revised Value.	Remarks

☞TAKE NOTICE that you are assessed as above specified for the year ..... under the Statutes. If you deem yourself overcharged or otherwise improperly assessed, you or your agent may notify the City Clerk in writing of any such overcharge or improper assessment at least SEVEN DAYS previous to the first meeting of the Court of Revision, and your complaint shall be tried, in conformity with the provisions of the Statute, by the Court of Revision of the City of Vancouver.

Vancouver, B.C., ... *31st,* .....

....
Assessment Commissioner.

To the City Clerk, Vancouver: SIR,—Take notice that I intend to appeal against the above assessment for the following reasons:—

Respectfully,

.....

FORM III.

To all whom these presents shall concern:

We,

of the

Esquire, Mayor, and

of of

Esquire, Treasurer,

of the City of Vancouver, in the Province of British Columbia,

SEND GREETING:

WHEREAS, by virtue of a warrant under the hand of the Mayor and seal of the said City, bearing the date the day of in the year of our Lord one thousand eight hundred and commanding the Treasurer of the said City to levy upon the lands hereinafter mentioned for the arrears of taxes due thereon to the City of Vancouver, with costs, the Treasurer of the said City did, on the day of in the year of our Lord one thousand eight hundred and sell by public auction to of the of in the County of that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of of lawful money of Canada, on account of the arrears of taxes alleged to be due up to the day of in the year of our Lord one thousand eight hundred and together with costs.

NOW KNOW YE that we, the said and as Mayor and Treasurer of the City of Vancouver, in pursuance of such sale and for the consideration aforesaid, do hereby grant, bargain, and sell unto the said his heirs and assigns, all that certain parcel or tract of land and premises containing more or less, being composed of [*here describe the land, so that the same may be easily identified*].

IN WITNESS WHEREOF, WE, the said Mayor and Treasurer of the said City of Vancouver, have hereunto set our hands and affixed the seal of the City this day of in the year of our Lord one thousand eight hundred and .

[Corporate Seal.]

Countersigned,
E. S.,
City Clerk.

A. B., Mayor,
C. D., Treasurer.

FORM IV.

To the Clerk of the City of Vancouver:

I, *Peter Grant*, a voter (*or* "person entitled to be a voter") in that said city, complain that the name of John Jack is wrongly entered in the voters' list for the said city, he being a person disqualified under the section of

And take notice that I intend to apply to the Judge in respect thereof, in pursuance of the statute in that behalf.

Dated this day of , 19 .

PETER GRANT.

(*Residence*)

FORM V.

To the Clerk of the City of Vancouver:

I, *James Smith*, voter (*or* "a person entitled to be a voter") in the said city, complain [*state the name of the person in respect of whom complaint is made and the grounds of complaint touching each person respectively*—or, *set forth in lists as follows, varying according to circumstances*], that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said municipality, as shown in said list, but are wrongfully omitted from the voters' list. That the several persons whose names are mentioned in the first column of the subjoined list No. 2, are wrongfully stated in said voters' list as shown in No. 2. That the several persons whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in said voters' list, as shown in said list No. 3. And that there are errors in the description of the property in respect to which the names respectively are entered on the voters' list (or, *stating other errors*) as shown in the subjoined list No. 4. And take notice that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

appoint the of 19

JAMES SMITH.

(*Residence*)

LIST OF COMPLAINANTS MENTIONED IN THE ABOVE NOTICE OF COMPLAINANTS.

LIST NO. 1. *(Showing votes wrongfully omitted from the Voters' List.)*

Names of Persons.	Grounds on which they are entitled to be on the Voters' List.
James Tupper.....	Tenant of John Fraser, of Lot 1, Block 10, Street.
Simon Beauclerk.....	Owner in fee of Lot 4, Block 2, Street.
Angus Blain.....	Assessed too low—property worth $.

LIST No. 2. *(Showing voters wrongly named in Voters' List.)*

Names of Persons.	Ward.	The errors in statement upon Voters' List.
Joshua Townsend	2	Should be *Joseph* Townsend.
John McBean	4	Should be John McBean, *the younger.*
S. Connell.	3	Should be Simon O'Connell.
		&c., &c.

LIST No. 3. *(Showing person wrongly inserted in Voters' List.)*

Names of Persons.	Ward.	Statement why wrongly inserted in Voters' List.
Peter White.	4	Died before final revision of roll.
John May.	3	Tenancy expired—left the country.
David Walters	2	Assessed too high—property worth under $

LIST No. 4. *(Showing voters whose property is erroneously described in Voters' List, &c.)*

Names of Persons.	Ward.	Errors in respect of property or otherwise stated.
Stephen Washburn	3	Name should not be in Ward No. 2.
Thomas Gordon.	2	Property should be, &c.
Roland Blue.	4	Should be described as owner, not tenant.

FORM VI.

To the Hon. Judge of, &c.

The Clerk of the City of Vancouver states and reports that the several persons mentioned in column 1 of the Schedule below, and no others, have each given to him (*or*, "left for him at his residence or place of abode," as the fact may be,) written notice complaining of errors or omissions in the voters' lists for the said city for 19 , on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at the date set down in column 3 of the said Schedule.

Dated the day of , 19

A. B.,
Clerk of the City of Vancouver.

SCHEDULE.

1. Name of Complainant.	2. Errors or omissions complained of.	3. State when notice of complaint received by Clerk.

FORM VII.

To the Clerk of the City of Vancouver:

I, *Luke Doran*, a person entitled to be a voter in the said city, complain that the name of *Peter Short* is wrongfully inserted in the voters' list of the said city, he having, before the final revision and correction of the Assessment Roll, transferred to me the property in respect to which his name is entered on the said list (*or*, "parted with the property in respect to which his name is entered on the voters' list, and that I am in possession of the same"); and take notice that I intend to apply to the Judge to have my name entered on the said list, instead of the said *Peter Short*, pursuant to the provisions of the statute in that behalf.

Dated the day of , 19

LUKE DORAN.

FORM VIII.

To , *Clerk of the City of Vancouver.*

Upon reading your report and notification respecting the Voters' List for the said City of Vancouver for 19 , pursuant to the statute in that behalf, I appoint the of , 19 , in the said city, for holding a Court to hear and determine the several complaints of errors and omissions in the said Voters' List, of which due notice has been given.

You are constituted Clerk of the Court.

You will advertise the holding of such Court, and post up in your office a list of all complaints of errors and omissions in the said Voters' List; and you will notify all parties concerned, according to law.

Let the Assessment Commissioner for the city attend the sittings of the said Court, and let the original Assessment Roll of the city for 19 , and the Minutes of the Court of Revision for the city for 19 , be produced before me or the acting Judge on the day and at the place above mentioned.

Dated the day of 19 .

Judge.

FORM IX.

Notice is hereby given that a Court will be held pursuant to the voters' list clauses of at on the day of 19 , at o'clock , for the purpose of hearing all complaints made against the Voters' List of the City of Vancouver for 19 , particulars of which complaints are shown in the subjoined Schedule.

All persons having business at the Court are hereby required to attend at the said time and place.

Dated the day of 19 .

A. B.,

Clerk of the City of Vancouver.

SCHEDULE.

Name of party complaining.	Name of person in respect to whom appeal was made.	Grounds of complaint alleged.

FORM X.

Notice is hereby given that a Court will be held, pursuant to the voters' list clauses of by the Hon. , Judge of the Court at on the day of , 19 , at o'clock, to hear and determine the several complaints of errors and omissions in the voters' list of the City of Vancouver for 19 .

All persons having business at the Court are required to attend at the same time and place.

Dated the day of , 19 .

A. B.,
Clerk of the City of Vancouver.

FORM XI.

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the revision of the voters' list, 19 , of the City of Vancouver, will be held by the Judge at , on the day of , 19 , at o'clock, at which Court all complaints duly lodged of any error or omission in the said list will be heard and determined. A list of said complaints is posted up in , and you are hereby required to be and appear at such Court; and take notice that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of the Honourable , Judge of the Court.

Dated the day of , 19 .

To

A person complaining of error in the said voters' list.

A. B.,
Clerk of the City of Vancouver, and constituted Clerk of said Court.

FORM XII.

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the revision of the voters' list, 19 , for the City of Vancouver, will be held by the Judge at on the day of , 19 , at o'clock, noon, and you are required to appear to the said Court, for that has complained that your name is wrongly inserted in the said voters' list ("because," *etc.; state matter of complaint concisely*). A list of all complaints lodged is posted up in ; and take notice that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of the Honourable , Judge of the said Court.

To

Entered on the voters' list.

A. B.,
Clerk of the City of Vancouver and constituted Clerk of said Court.

FORM XIII.

[SEAL.]

BRITISH COLUMBIA,
DISTRICT OF NEW WESTMINSTER,
TO WIT:

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To Greeting:

We command you that, all excuses being laid aside, you be and appear in your proper person before Our Judge of Our Court, at , on the day of , 19 , at o'clock in the noon, at the Court appointed, and there and then to be held, for hearing complaints of errors in the voters' list for 19 , of the City of Vancouver, and for revision of said voters' list,

, then and there to testify to all and singular those things which you know in a certain matter (*or* matters) of complaint made and now pending before the Judge, under the voters' list clauses of , wherein one is complainant, and which complaint is to be tried at the said Court. Herein fail not.

Witness the Honourable , Judge of the said Court at , the day of , 19 .

A. B.,
Clerk.

FORM XIV.

A. B., Clerk of the City of Vancouver, having testified under his hand that no complaint respecting the list of voters for the said City for the year 19 , has been received by him within thirty days after the first posting up of the same, and on application of the said Clerk,

I, , Judge of the in pursuance of the provisions of the voters' list clauses of certify that the annexed printed list of voters, being one of the copies received by me from the said Clerk, under the provisions of the Act, is the revised list of voters for the year 19 .

Given under my hand and seal at , this day of , 19 .

Judge.

FORM XV.

Be it remembered that, upon a final revision and correction of the list of voters for the City of Vancouver for the year 19 , pursuant to the provisions of the voters' list clauses of the following changes were duly made by me in the copies of the said City, viz.:—

1. The following persons are added to the list:—

Name.	Ward.	Property.

2. The following persons are struck off the said list:—

Name.	Ward.	Property.

3. The following changes are made in the property described opposite to the names of voters otherwise correctly inserted:—

Name.	Ward.	Property as originally described on List.	Property as altered.

4. The following changes are made in the names of voters incorrectly named:—

Name originally on List.	Ward.	Name as altered.	Property.

FORM XVI.

I, Judge of the Court of , pursuant to the section of the voters' list clauses of , do hereby certify that the above (*or, as the case may be*) is a correct copy of the list of voters for the year 19 , received by me from the Clerk of the City of Vancouver, according to my revision and corrections thereof, pursuant to the provisions of the said Act.

Dated at , this day of , 19 .

Judge.

FORM XVII.

In the matter of the voters' list for the City of Vancouver for 19 , and of the complaint and appeal to the Judge of the Court by *A. B.*, complaining of the name of *C. D.* being wrongly inserted in the said list [*or, as the case may be, stating in brief the nature of the complaint*].

On proceedings taken before me, pursuant to the said Act, I find and adjudge that the name of *C. D.* was rightly inserted in the said list (*or*, "was wrongly inserted in the said list"), and order that the said *A. B.* do pay the said *C. D.* his costs occasioned by the said complaint [(*or*, "and order that the said *C. D.* shall pay the said *A. B.* his costs incident to the said complaint,"—*or*, "and order that *E. F.*, one of the Assessors of the said City, being blameable for such wrong insertion, do pay the said *A. B.* his costs incident to such complaint,"—(*or, as the case may be, stating it in brief*)]—said costs to be taxed pursuant to the said Act.

Judge.

FORM XVIII.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To the Sheriff of Greeting:

We command you that of goods and chattels in your bailiwick of *C. D.*, you cause to be made dollars for certain costs which lately by an order of the Honourable , Judge of the Court of , dated the day of 19 , were ordered to be paid by the said *C. D.* to *A. B.*, as and for his costs sustained by him on the trial of a complaint against the voters' list of the City of Vancouver for 19 , made and prosecuted under the provisions of the voters' list clauses of the ; which said costs have been taxed and allowed at the said sum as appear on record, and have that money before Our Judge of Our said Court at Vancouver aforesaid, immediately

after the execution thereof, and in what manner you shall have executed this Our writ make appear to Our Judge aforesaid, at Vancouver aforesaid, immediately after the execution thereof, and have you there then this writ.

Witness the Honourable , Judge of Our said Court, at , the day of , in the year of Our Lord 19 .

SCHEDULE I.

Column 1.	Column 2.	Column 3.
Names of persons liable to have been assessed on the Assessment Roll for the City of Vancouver for the year 19 , but not assessed.	Amount for which the party should have been assessed.	Property in respect to which the liability to assessment exists.

SCHEDULE II.

Column 1.	Column 2.	Column 3.
Names of persons not sufficiently assessed on the Assessment Roll for the City of Vancouver for the year 19 .	Amount for which the parties should be assessed in addition to the amount already on the Assessment Roll.	Property in respect to which the liability to assessment exists.

FORM XIX.

In the matter of Assessment for the year 19 , in the City of Vancouver.

The persons mentioned in the first column of the Schedule following not being assessed (*or*, not being sufficiently assessed), on the Assessment Roll of the City of Vancouver for the year 19 , and having been found entitled to vote, on proceedings taken before me, Judge

Court of the under the voters' list clauses of , in pursuance of section of the said Act, it is adjudged that the said parties mentioned in the first column of the following Schedule, respectively, should have been assessed for the sum mentioned in the second column, respectively, opposite their respective names in respect to the land or other property or qualification mentioned in the third column of said Schedule, respectively, opposite the respective names of said parties; and it is ordered that the said parties shall be assessed accordingly.

Dated at , this day of , 19.

Judge.

FORM XX.

Pursuant to section of the voters' list clauses of the
I, , the
("a person entitled to be named as an elector on the Voters' List for the City of Vancouver"), hereby inform His Lordship the Judge of
that *C. D.*, Clerk of the said City of Vancouver, has failed to perform the duties required of him as such Clerk by the said Act, in this that he, the said *C. D.*, has not made out the alphabetical list of voters for 19 for the said city within thirty days after the final revision and correction of the Assessment Roll thereof (*or, as the case may be, stating in brief the duty not performed*), according to the requirements of the said Act, and I apply to the said Judge to enforce the performance of the duties aforesaid, and to take such other proceedings as may be necessary.

Dated at this day of 19 .

A. B.

FORM XXI.

In the matter of the Voters' List for the City of Vancouver in
. Whereas it appears by the application of *A. B.*, (*or*, "a person entitled to be named as an elector on the said list") made to me in pursuance of the said Act, in this that you, *C. D.*, Clerk of the said City, have failed to perform certain duties required of you by the said Act, in this that you have not made out the alphabetical list of voters for 19 for the said City, within thirty days after the final revision and correction of the Assessment Roll thereof (*or, as the case may be, following the application*); and whereas the said *A. B.* has applied to me to enforce the performance of the duties aforesaid:

You, the said *C. D.*, are therefore hereby required to be and appear before me, at my Chambers in on the day of , 19 , at the hour of , and then and there have with you and produce before me the Assessment Roll for 19 , for the said City, and any documents in your custody, power or control relating to the Assessment Roll or to the Voters' List aforesaid; and then and there submit yourself for the examination on oath, as may be required of you. Herein fail not at your peril.

Dated this day of , 19 .

To *C. D.*,

Clerk of the City of Vancouver.

Judge.

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