



CHAPTER 55.

An Act to revise and consolidate the “Vancouver Incorporation Act.”

[Assented to 3rd December, 1921.]

WHEREAS a petition has been presented by the City of Vancouver, Preamble.
ver, praying that the Incorporation Act of the said city,
chapter 54, 64 Victoria, and amendments thereto, should be revised,
consolidated, and amended:

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

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

1. This Act may be cited as the “Vancouver Incorporation Act, Short title
1921.”

2. Whenever the words following occur in this Act or in any Interpretation.
by-law passed pursuant to this Act, they shall be construed in the
manner hereinafter mentioned, unless a contrary intention appears or
the interpretation which this provision would give to any word,
expression, or clause is inconsistent with the context as it appears in
this Act or in any by-law, as the case may be, passed pursuant to this
Act, that is to say:—

- (1.) The expressions “Chief Constable” and “Chief of Police”
shall mean and include the Chief of Police and Chief Con-
stable of the City of Vancouver for the time being:
- (2.) The word “city” shall mean the City of Vancouver:
- (3.) The word “Council” shall mean the Mayor and Aldermen
of the city:
- (4.) The words “company,” “incorporated company,” “corpora-
tion,” or “joint-stock company” shall include any company

incorporated, licensed, or registered under the "Companies Act" of British Columbia or of the Dominion of Canada, or carrying on any part of its business in British Columbia; or any association or society or company incorporated under the "Societies Act" or any other general or special Act of the Province or the Dominion of Canada:

- (5.) The words "County Court," whenever used in this Act, shall mean and include the County Court of Vancouver, holden at Vancouver:
- (6.) The words "elector" and "electors" shall mean and include the persons entitled for the time being to vote at municipal elections in the city:
- (7.) "Established grade, level, or line," or "establishing any grade," or "establishment of any grade," whenever used or referred to in this Act, shall mean and include the fixed grade permanently established by the Council either by resolution or by by-law:
- (8.) "Factory," when used in this Act shall have the same meaning as defined by the "Factories Act":
- (9.) "Improvements" shall extend to and mean all buildings and structures erected upon or affixed to the land, and all machinery and things so fixed to any building as to form in law a part of the realty:
- (10.) The words "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:
- (11.) The word "lot" shall mean any one of the portions or subdivisions into which a block of land has been or shall be divided:
- (12.) The word "Mayor" shall include the person acting as Mayor, or the person for the time being having the powers of or performing the duties of the Mayor of the city:
- (13.) The word "month" shall mean calendar month, and the word "year" shall mean calendar year:
- (14.) "Municipal election" shall mean and include any civic or city election for or in respect of the office of Mayor, Alderman, School Trustee, Park Commissioner, or of any other elective office, or of any other civic governing or administrative body or board of or in the city:
- (15.) "Municipal year" shall mean and include the period of time for which the Council or other governing or administrative board or body or other elective official, as the case may be, is elected:
- (16.) The word "night" shall mean the time intervening between sunset and the following sunrise:

- (17.) The word "notice" shall mean notice in writing. Whenever in this Act or in any by-law passed pursuant to the provisions of this Act, or of any Act repealed by this Act, it is provided that notice shall be served, personally or otherwise, on any owner or owners of land or property in the city, in the event of such owner or owners being non-resident in the city, or in the event of the address of any person resident or non-resident being unknown to the City Clerk, service of such notice upon his, or her, or their agent or agents, or by posting same upon some conspicuous part of the property affected, and by mailing by registered letter addressed to such person's last-known place of address or to the general post-office of the city, shall be deemed good, valid, and sufficient service of such notice and as effectual as if the same had been personally served on such owner or owners:
- (18.) "Overdue taxes" shall mean taxes which are delinquent under this Act:
- (19.) The word "owner," when used with reference to any deed or prohibition imposed upon any person, shall, in addition to any other meaning, be deemed to extend to and include any person in occupation or possession of, or entitled to, or having any interest in the land, premises, or property referred to under an agreement of sale:
- (20.) The word "person" shall include any body corporate or politic, or party, and the heirs, executors, administrators, successors, assigns, or other legal representatives of such person to whom the context can apply according to law:
- (21.) The words "police officer," "police constable," or "constable" shall mean any member of the police force of the City of Vancouver for the time being:
- (22.) The word "Province" shall mean the Province of British Columbia:
- (23.) The word "sewer" shall include common sewers, mains, branches, basement drains, and all drains in connection therewith:
- (24.) The word "shall" shall be construed as imperative, and the word "may" as permissive:
- (25.) The word "street" and "public place" shall include highways, roads, lanes, alleys, avenues, thoroughfares, drives, bridges, viaducts, squares, triangles, courts, courtyards, boulevards, sidewalks, rights-of-way, mews, and all other places open to the use of the public for the purpose of traffic, except private rights-of-way on private property, and the space above and the soil beneath the surface of the same respectively:
- (26.) "Supreme Court" shall mean the Supreme Court of British Columbia; and wherever the phrase "a Judge of the



Supreme Court" is used or employed, it shall mean a Judge of said Court, sitting as *persona designata*:

- (27.) "Supreme Court or Judge," or "Supreme Court or a Judge thereof," or "Court or Judge" shall mean the Supreme Court of British Columbia:
- (28.) The word "vehicle" shall mean and include wagons, carts, carriages, cabs, sleighs, sleds, omnibuses, trams, cars, street-cars, trucks, automobiles, motor-cars, motor-cycles, auto-cycles, bicycles, tricycles, and all other conveyances for the carriage of goods, persons, or passengers, whether drawn by animals, or propelled by steam, electricity, gas, gasoline, petroleum, alcohol, air, spirits, foot-power, or any mechanical or motive power whatsoever:
- (29.) The words "writing," "written," or any terms of like import shall include words printed, painted, engraved, lithographed, typewritten, mimeographed, photographed, or any other mode of representing or reproducing words in a visible form:
- (30.) Words importing the singular number, or the masculine gender only, shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse:
- (31.) This Act is to be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to this Act and every part thereof according to its spirit, true intent, and meaning:
- (32.) Words directing or empowering any officer, official, or employee of the city to do any act or thing, or otherwise applying to him by his name of office, shall include an officer, official, or employee acting for or (if the office is vacant) in the place of such officer, official, or employee, under authority of any by-law or resolution of the Council; and also his successors in such office and his or their lawful assistant or assistants; and words directing or empowering any other officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office, and his or their lawful deputy, assistant, or assistants.

Incorporation of the
City of Vancouver.

3. The inhabitants of the area hereinafter described in the fourth 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 such name shall have perpetual succession, and shall have power to sue and 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 common seal, with power to alter and modify

the same at its 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; and for the uses of the said city, and in the management of the affairs and for the purposes of the said city of becoming parties to any contracts or agreements, or 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 money borrowed; or of paying loans made or debts owing to the said city; 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 the said city; and to retain solicitors and counsel, and to engage such experts, advisers, and officials as may be deemed expedient, from time to time; and to grant or disburse moneys from time to time as grants or expenditures for purposes for which the Council may by resolution or by-law deem expedient; and for any of the purposes aforesaid the said city 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 Council may be deemed advantageous or expedient: Provided always that the said city shall not make or give any bond, bill, note, debenture, or other undertaking for the payment of a less sum than one hundred dollars, 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 authorize the said city to issue notes or bills of exchange payable to bearer, or to issue notes to circulate as those of a bank.

City Limits.

4. The area comprised within the limits of the city shall be bounded as follows: Commencing at a point on low-water mark on the south shore of the First Narrows, which point is due north of Prospect Point Lighthouse; thence south-easterly in a straight line to the point where the prolongation northerly of the westerly limit of Nanaimo Street would intersect with the low-water mark on the south shore of Burrard Inlet; thence northerly along the prolongation of the said westerly limit of Nanaimo Street to the point where the same would be intersected by a line drawn astronomically west from the point of intersection of low-water mark on the south shore of Burrard Inlet and the prolongation northerly of the easterly boundary of the Town of Hastings; thence astronomically east to the aforementioned point of intersection; thence southerly along the said prolongation of the easterly boundary of the Town

City boundaries.

of Hastings and along the easterly boundary of the Town of Hastings to the south-east corner of said Town of Hastings; thence westerly along the southerly boundary of the Town of Hastings (being the dividing line between the Town of Hastings and District Lots Thirty-six (36), Fifty-one (51), Fifty-two (52), and Three hundred and ninety-three (393), Group One (1), New Westminster District) to the south-west corner of said Town of Hastings (being on the westerly limit of Nanaimo Street); thence northerly along the westerly limit of Nanaimo Street to the intersection of the same with the south-easterly boundary of District Lot One hundred and ninety-five (195), Group One (1), New Westminster District; thence north $22^{\circ} 35'$ east along the said south-easterly boundary of District Lot One hundred and ninety-five (195) a distance of 22.5 chains, more or less, to the north-easterly corner of said District Lot One hundred and ninety-five (195); thence north $67^{\circ} 19'$ west along the north-easterly boundary of said District Lot One hundred and ninety-five (195) a distance of 8.04 chains, more or less, to the intersection of same with the westerly limit of Nanaimo Street; thence southerly along the westerly limit of Nanaimo Street (being the prolongation southerly of the easterly boundary of District Lot 264A, Group One (1), New Westminster District) to the point where it would be intersected by the prolongation easterly of the southerly boundary of said District Lot 264A, which point is marked by an iron post set in 1905 by Messrs. Hermon & Burwell, and shown on Plan No. 1771 in the Vancouver Land Registry Office; thence westerly along the aforementioned prolongation of the southerly boundary of District Lot 264A, and along the southerly boundary of District Lot 264A, to the north-easterly corner of District Lot 301, Group One (1), New Westminster District; thence southerly along the easterly boundary of said District Lot 301 to the south-easterly corner of said District Lot 301; thence westerly along the southerly boundary of District Lot 301 (being the dividing line between District Lot 301 and District Lots 392, 391, and 631, Group One (1), New Westminster District) to the south-westerly corner of said District Lot 301; thence northerly along the westerly boundary of said District Lot 301 (being the dividing line between District Lot 301 and District Lots 630, 629, 628, and 302, Group One (1), New Westminster District) to the intersection of the same with the centre line of a street lying between Blocks Fifty-four (54), Fifty-five (55), Fifty-six (56), on the north, and Blocks Fifty-seven (57), Fifty-eight (58), and Fifty-nine (59) on the south, all in District Lot 302, Group (1), New Westminster District, as shown on Registered Plan No. 198, Vancouver Land Registry Office, said street being Sixteenth Avenue, and hereinafter so called; thence westerly along the said centre line of Sixteenth Avenue to the westerly boundary of said District Lot Three hundred and two (302); thence continuing westerly along the centre line of Sixteenth Avenue to the centre line of South Cambie Street; thence continuing

westerly along the centre line of Sixteenth Avenue to easterly boundary of District Lot Four hundred and seventy-two (472); thence continuing westerly along centre line of Sixteenth Avenue to the westerly boundary of District Lot Four hundred and seventy-two (472) (centre line of Oak Street); thence southerly along the westerly boundary of District Lot Four hundred and seventy-two (472) to the point of intersection of said boundary with the prolongation easterly of the centre line of Sixteenth Avenue immediately to the west; thence westerly along the centre line of Sixteenth Avenue and the continuation thereof and along the southerly boundary of Block Four hundred and seventy-two (472), District Lot Five hundred and twenty-six (526), and the continuation thereof to the centre line of Granville Street; thence southerly along the centre line of Granville Street to the point of intersection of the same with the prolongation easterly of the centre line of Sixteenth Avenue immediately to the west; thence westerly along the centre line of Sixteenth Avenue to intersection of the same with the easterly boundary of District Lot One hundred and thirty-nine (139); thence northerly along the said easterly boundary to intersection of the same with the prolongation easterly of the centre line of Sixteenth Avenue immediately to the west; thence westerly along the centre line of Sixteenth Avenue and the continuation thereof to the point of intersection of the same with the centre line of Alma Road (formerly Campbell Street); thence northerly along the centre line of Alma Road and the prolongation northerly of the same to the point where it would intersect with the low-water mark on the south shore of English Bay; thence easterly along the said low-water mark on the south shore of English Bay in front of District Lots Five hundred and forty (540), One hundred and ninety-two (192), and Five hundred and twenty-six (526), Group One (1), New Westminster District, to the mouth of False Creek (which may be defined as the straight line joining the most northerly point of Block One hundred and thirty-five (135), District Lot Five hundred and twenty-six (526), Group One (1), New Westminster District, as shown on Registered Plan No. 2301, Vancouver Land Registry Office, and the point where the centre line of the street through Blocks Fifty-five (55), Fifty-six (56), Fifty-seven (57), Fifty-eight (58), Fifty-nine (59), Sixty (60), Sixty-one (61), Sixty-two (62), and Sixty-three (63), District Lot One hundred and eighty-five (185), Group One (1), New Westminster District, as shown on Registered Plan No. Ninety-two (92), Vancouver Land Registry Office (which street is now known as Bidwell Street), would, if produced, intersect with low-water mark on the north shore of English Bay; thence north-easterly across the mouth of False Creek to low-water mark on the north shore of English Bay; thence north-westerly, northerly, and north-easterly along the line of low-water mark in front of District Lot One hundred and eighty-five (185), Group One (1), New Westminster District,

and Stanley Park, being the Dominion Government Military Reserve, to the point of commencement.

Extension of City Limits.

Extension of city
limits, general.

5. The Council may, at any time, by an affirmative vote of at least two-thirds of all the members thereof, pass a resolution affirming the expediency of extending the limits of the city:

- (1.) The additional area comprehended in such resolution and to be included in such extension shall not exceed a greater distance at any one point than five miles beyond the boundaries of the city existing at the time of the passing of such resolution by the Council:
- (2.) No such resolution shall take effect unless and until a by-law to extend the limits of the city, pursuant to such resolution, shall have been introduced and shall have passed its second reading by the Council of the city, and shall have been submitted to the electors of the city entitled to vote for Mayor, in the same manner as to giving notice thereof and taking the vote as is provided for the submission of by-laws requiring the assent of the electors in section 133 of this Act; nor unless and until a by-law accepting and agreeing to the extension of the limits of the city and to incorporation therein, pursuant to such resolution, shall have been introduced and shall have passed its second reading by the Council or Councils of the municipality or respective municipalities concerned, and shall have been submitted to the electors of the said respective municipalities concerned entitled to vote for Reeve, in the same manner as to giving notice thereof and taking the vote as is provided for the submission of money by-laws in the "Municipal Act":
- (3.) Upon receipt of the returns of the votes cast on the foregoing by-laws, the City Clerk and the Municipal Clerk or Clerks, as the case may be, shall add up such votes, and if it appears from such returns that the votes cast for such by-laws be not less than three-fifths of the vote polled, then and in such event such by-laws shall be deemed to have been duly carried, and shall thereafter be of full force and effect as soon as the respective Councils of the city and of the said municipality or municipalities shall have finally passed such by-laws respectively; and such by-laws shall be finally passed by the respective Councils of the city and of the said municipality or municipalities within sixty days thereafter.

Wards.

Wards.

6. The Council may, by by-law, divide the city into two or more wards or districts, and may from time to time alter such wards or districts and increase or reduce the number of the same so as to

allow the different wards or districts to be equally represented in the Council on the basis, so far as practicable, of the assessed values as 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 in the submission of by-laws requiring the assent of the electors in section 133 of this Act; and upon 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 not less than 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; but if such by-law is rejected, the Council shall not submit a similar by-law to the electors for one year after such rejection.

Constitution of Council.

7. (1.) The powers of the city under this Act shall be exercised by the Council thereof; which Council shall be elected annually, except as hereinafter otherwise provided, and shall consist of a fit and proper person, who shall be called the Mayor of the city; and also of a number of fit and proper persons, being in no event not less than eight nor more than twelve, who shall be called Aldermen, and the Council shall from time to time by by-law fix the number of such Aldermen to be so elected:

Constitution of
Council.

(a.) In the event of the city being declared by by-law to be one ward, as provided by the next preceding section, there shall be annually elected to represent such ward such number of Aldermen as the Council may by by-law fix and determine: Provided that in no event shall the total number of Aldermen elected be less than eight nor more than twelve:

(b.) In the event of the city being divided into two or more wards or districts, as the Council may by by-law determine from time to time, there shall be annually elected to represent each such ward or district such number of Aldermen as the Council may by by-law fix and determine: Provided that in no event shall the total number of Aldermen elected be less than eight nor more than twelve.

(2.) Notwithstanding anything in the next preceding subsection contained, such term of office for such Mayor and Aldermen shall be for a period of two (2) years: Provided that a by-law authorizing such term of office shall have been first submitted to the electors qualified to vote for Mayor, in the same manner as to giving notice thereof and taking the vote as provided for in the submission of by-laws requiring the assent of the electors in Section 133 of this Act, and shall be assented to by not less than three-fifths of such electors

so voting, and shall have been finally passed by the Council; in which event the provisions of this Act providing for the nomination and election of Mayor and Aldermen annually shall, *mutatis mutandis*, apply to the nomination and election of Mayor and Aldermen biennially, subject to the provisions of such by-law, and such by-law may, *inter alia*, contain any of the following provisions:—

- (a.) That the Council shall be nominated and elected from the city at large, and hold office for two years from the date of such election, and from that time onward until their successors shall have been elected:
- (b.) That the Council, exclusive of the Mayor, shall be nominated and elected from different wards or districts of the city as fixed by by-law, and hold office for two years from the date of such election, and from that time onward until their successors shall have been elected:
- (c.) That the Council, when nominated and elected from the city at large, shall consist of an even number of Aldermen, exclusive of the Mayor of the city, and when nominated and elected from the different wards or districts in the city (if more than one Alderman is elected from each ward), then the number of Aldermen to be elected from each ward or district shall be of an even and equal number.

(3.) In the event of such by-law containing any of the provisions set out in the next preceding subsection receiving the assent of the electors as hereinbefore provided, and being finally passed by the Council as therein provided, then half the number of the Aldermen elected and receiving the highest number of votes in the city at large, or in their respective wards or districts, at the first election shall continue in office for two years from the date of such election, and from that time onward until their successors shall have been elected, and the remainder shall continue in office for one year from the date of their election, and from that time onward until their successors shall have been elected. In each year succeeding the first such election of such last-mentioned Aldermen there shall be elected as many Aldermen as shall be necessary to fill the places of the Aldermen whose term of office then expires, so as to complete the full complement of Aldermen required by this section; and such Aldermen as are elected in each succeeding year after the first election shall hold office for two years from the date of their election, and from that time onward until their successors shall have been elected. In the event of any such by-law being assented to by the electors qualified as hereinbefore provided, the provisions applying to the nomination and election of Mayor and Aldermen annually shall, *mutatis mutandis*, apply to the nomination and election of Mayor and Aldermen in the manner hereinbefore provided.

(4.) Persons eligible for election as Mayor and Aldermen shall be natural-born or naturalized subjects of His Majesty, being males

or females of the age of twenty-one years, able to read and write, and not subject to any disqualification under this Act; and shall be resident within the city or within three miles thereof, and shall have been for six months next preceding the day of nomination the registered owner in fee-simple in their own right in the Land Registry Office of the Vancouver Land Registration District 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; and in the case of Alderman, of five hundred dollars; or shall have been the registered owner or holder for six months next preceding the date of nomination of leasehold property for a term of three years of the assessed value of three thousand dollars over and above all charges, liens, and encumbrances affecting the same, which registered leasehold must extend over the whole term of their office, and must otherwise be qualified as a voter. In the case where two or more persons are the registered owners or tenants in common of real property, the value of the share of each must be in the case of Mayor, over and above all charges, liens, and encumbrances, one thousand dollars; and in the case of Alderman, five hundred dollars.

(5.) No Judge of any Court of Record of this Province, Sheriff or official of any such Court; nor officer of His Majesty's Army or Navy on full pay; nor Provincial, county, or city licence commissioner or inspector; nor salaried officer of the city; nor any person having any unsettled, disputed account against or due by the city; nor any person whose taxes due to the city are delinquent; nor any person accountable for the revenues of the city; nor any officer or person presiding at an election of Mayor or Aldermen while so employed; nor any person who shall have been convicted of treason or an indictable offence in any Court of law within His Majesty's dominions or elsewhere; nor any person having by himself or through his partner, or as agent for any incorporated company, any contract whatever or interest in any contract with or for the city, either directly or indirectly, shall 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 with the Council of the city, but no such shareholder shall vote in the Council on any questions affecting such company.

(6.) The Council shall at all times be deemed to exist and to possess and enjoy continuous jurisdiction; and each respective Council shall, irrespective of the duration of the term for which the same may have been elected, continue to have, possess, and enjoy and may continue to exercise at all times the powers in this Act conferred on the Council up to the hour of the day upon which its successors in office, duly elected and sworn in, shall hold their first meeting as provided by section 15 of this Act.

ELECTORS.

Electors.

8. (1.) In any election held pursuant to the provisions of this Act, the following persons, that is to say:—

Corporations.

(a.) Every person, male or female, of the full age of twenty-one years and a British subject:

(b.) Every corporation whose name is on the assessment roll, and who shall vote only through its duly authorized agent, whose written authorization shall be filed with the City Clerk before the fifteenth day of September, such agent being a resident of the Province of British Columbia and a British subject of the full age of twenty-one years,—

shall be entitled to vote, if not disqualified under this Act, if such person:—

Owners under agreement.

(c.) Is entered on the voters' list as the owner, or owner under agreement, of real property held in his or her own right within the limits of the city:

Tenants

(d.) 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 election shall not deprive said tenant of the right to vote where such tenant is otherwise qualified.

No lodger, boarder, or temporary occupant to be deemed to be tenant

(2.) No person who is merely a lodger, boarder, or temporary occupant of rooms in any building shall be deemed to be a tenant of real property within the meaning of this Act.

No married man entitled to vote as tenant of property owned by his wife.

(3.) No married man shall be entitled to vote as tenant by reason merely of his being a tenant or occupier of real property owned by his wife.

No person entitled to vote unless named in voters' list.

(4.) 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.

In the event of city being divided into two or more wards, no person to be entered twice on voters' list.

(5.) In the event of the city being subdivided into two or more wards or districts, no person shall be entitled to be entered twice on the voters' list, nor to vote more than once for Alderman in any one ward or district, or to have more than one vote for Mayor, Park Commissioners, or School Trustees, or any other elective officials of any governing or administrative body or board of the city.

In the event of the city being declared to be one ward, no person to have more than one vote.

(6.) In the event of the city being declared to be one ward pursuant to section 6 hereof, no person shall be entitled to more than one vote for Mayor, Aldermen, Park Commissioners, or School Trustees, or any other elective officials of any governing or administrative body or board of the city:

(7.) Where real property is leased, rented, or occupied 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.

(8.) No Chinaman, Hindu, Japanese, or Indian shall be entitled to vote at any municipal election for Mayor, Aldermen, Park Commissioners, School Trustees, or any other elective official of any governing or administrative body or board of the city, or to vote on by-laws requiring the assent of the electors.

No Chinese, Hindu, Japanese, or Indian to vote.

(9.) In the case of a corporation voting through its authorized agent as hereinbefore provided, such agent shall be entitled to vote on behalf of such corporation from year to year, until his authorization shall be cancelled and notice of such cancellation filed with the City Clerk.

Corporation voting through authorized agent.

Elections.

9. A meeting of the electors of the city shall take place at the City Hall, or such other place as the Council shall by by-law appoint, for the nomination of candidates for the office of Mayor of the city on the first Wednesday of the month of December, annually, at eleven o'clock in the forenoon; and for nomination of candidates for the office of Aldermen, on the same day and at the same place; at the hour of twelve o'clock noon. The City Clerk shall be the 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 Officer in his place; and if the City 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:

Electors: Nomination for election.

- (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:

Close of nomination for Mayor and Aldermen.

- (2.) The City Clerk shall give notice to the electors of such meeting 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 or district in said city.

Notice of nomination meeting.

10. 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 or district of the city for which the candidate is nominated; or in case of the city being declared one ward either under this Act or any other Act, the proposer and seconder shall be duly qualified electors of and resident in the city; and, in the case of Mayor, duly qualified electors

Nomination and proceedings incident thereto.

of and resident in any ward or district 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 Wednesday in December, when the poll or polls shall be opened in each ward or district or polling subdivision, 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
certificates to
Returning Officer at
time of nomination.

11. A candidate for Mayor or Alderman shall, at the time of his nomination, deliver to the Returning Officer a certificate signed by the Registrar of the Vancouver Land Registration District:—

- (a.) Certifying that the candidate is, and has been continuously for six months next preceding, the registered owner in fee-simple of real property in the City of Vancouver, as set out in subsection (4) of section 7, and setting out the description of the same, and all encumbrances and charges registered against the same at any time during such period of six months; or
- (b.) Certifying that the candidate is, and has been continuously for six months next preceding, the registered leaseholder of land in the City of Vancouver, as set out in subsection (4) of section 7, and setting out the description of the land and all encumbrances and charges registered against the leasehold property at any time during such period of six months, and also setting out the term over which the lease extends and the date of the commencement;

and the candidate 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 real property or leasehold property described in the Registrar's certificate aforesaid, and a further certificate from the City Treasurer that there are no delinquent taxes due to the city by said candidate.

Returning Officer.

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

By-law for an
election.

13. (1.) 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 or district of the city in which the Council deems it advisable the electors respectively shall vote, which districts shall be defined or prescribed by by-law; and the Council shall by such by-law appoint

the Deputy Returning Officers to take the said votes in such wards or districts; and in the event of no such Deputy Returning Officers being appointed, the City Clerk shall appoint Deputy Returning Officers for holding the election in conformity with this Act.

(2.) 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, or, in his absence, a Justice of the Peace or Notary Public or Commissioner for taking Affidavits, shall administer the necessary oath of office to the Deputy Returning Officers, which shall be in the following form:—

The absence of the Deputy Returning Officer provided for.

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 duties of 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 city.

(3.) The Returning Officer and Deputy Returning Officers 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 polls, and, when thereto required, all constables and persons during 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.

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

(4.) 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 polls; 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 recoverable to the use of any one who will sue therefor.

Special constables may be sworn in.

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

(1.) The Returning Officer shall, before the poll is opened, deliver to the Deputy Returning Officer for each ward or

Proceedings at elections.

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

polling place or subdivision a ballot-box, and a copy answering to the form in the Schedule of this Act, certified by the City Clerk to be a correct copy of the voters' list of the ward or district, and also a list of the candidates for the office of Mayor, and of the candidates for the office of Aldermen for such ward, and for all other elective offices, together with a sufficient number of ballots for Aldermen and for Mayor, or either, and for all other elective offices, and for by-laws or plebiscites, 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, ward, or district:

Clerks for Deputy Returning Officers.

(3.) Every Deputy Returning Officer shall nominate and appoint, in writing, one or more Poll 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 subsection (2) of section 13 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 Officer 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 or Aldermen or other elective office, 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 and a British subject; that I am the person whose name is on the voters' list now shown to me; that I have not voted before at this election in this ward or district, 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

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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 in violation of 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.

- (8.) The Council of the city shall provide a ballot-box for each polling place or subdivision, 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 city only, and shall be given out by him to the several Deputy Returning Officers for electoral purposes, and it shall be the duty of the Deputy Returning Officer for each polling place or subdivision forthwith after any election to return the same to the City Clerk or other Returning Officer:
- (9.) The Deputy Returning Officer for each polling place or subdivision shall, upon the opening of the poll, open the ballot-box in the 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 reopened until the close of the poll, for the purpose of counting the ballots therein:
- (10.) Every elector shall vote by ballot:
- (11.) It shall be the duty of the Returning Officer, forthwith after the nominations are received for the offices of Aldermen in the various wards or districts 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 on them the number of the ward or district, and thereafter the names of the candidates for the office of Alderman for that ward or district, which names shall be in alphabetical order, and their occupation and calling, and the number to be elected, and deliver sufficient of the same to each Deputy Returning Officer for each polling subdivision:
- (12.) In the event of the city being declared one ward, the ballot-papers provided for in the next preceding subsection hereof shall have printed on them the names of the candidates for the office of Aldermen, which names shall be in alphabetical order, and their occupation and calling, and the number to be elected:
- (13.) In case an election for Mayor is required, the City Clerk, or other Returning Officer, shall cause ballots to be printed which shall have printed upon them the names of the candidates for the office of Mayor, which names shall be in

Construction of
ballot-boxes to be
used at elections.

Deputy Returning
Officer to show box
empty and lock it.

Votes to be by
ballot.
Form of ballot-
paper for Aldermen

Form of ballot in
election at large.

Form of ballot-
paper for Mayor.

alphabetical order, and their occupation and calling, and shall deliver sufficient of the same to the Deputy Returning Officers for each polling subdivision:

- Colour of paper. (14.) 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. (15.) 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. (16.) 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-papers. (17.) 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 or candidates 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 shall forthwith himself, after exhibiting the same to the Deputy Returning Officer so that he may be enabled to see his initials thereon, 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. (18.) 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 or district used at such election, the said Deputy 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 to such person a ballot or ballots for the office of Mayor or Aldermen, or either, or other elective office, as the case may be:
- Proceedings in case ballot-paper cannot be used. (19.) A voter who has inadvertently dealt with the ballot paper or papers given to him, in such manner that the same can-

not 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:

- (20.) 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: Proceedings in case of incapacity to mark paper.
- (21.) 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 of the electors, open the ballot-boxes 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.
- (22.) 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 said parcels being endorsed so as to indicate their contents, shall be put back into the ballot-box: Disposal of ballot papers after count.
- (23.) 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 initialled by the Deputy Returning Officer: Deputy Returning Officer to note objections taken to ballot papers at the counting of same.
- And number both.

Statement.

(24.) The Deputy Returning Officer shall make out a statement of the accepted ballot-papers; of the number of votes given to each candidate; of the rejected ballot-papers; of the spoilt 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 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:

Returning Officer to add up votes and declare who is elected.

(25.) 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 the city, and shall also forthwith declare the candidates from each ward or district, who shall appear by such returns to have the highest number of votes, elected for such wards or districts respectively, and in the event of the city being declared one ward, the Returning Officer shall add together the number of votes cast for the various candidates for Aldermen, and shall forthwith declare the candidates who shall appear by such returns to have the highest number of votes elected as Aldermen accordingly:

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

(26.) 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 vote for Alderman, Returning Officer to have casting-vote.

(27.) In case two or more candidates for Aldermen 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.

(28.) 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 the necessary declarations and possess all the powers of Mayor until a poll for such ward or wards has been held:

When ballot papers may be inspected.

(29.) 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, such order to be granted by such 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 Judge making the same may deem expedient, and shall be obeyed by the Returning Officer:

- (30.) Upon an affidavit being filed and a petition presented by an elector, any Judge of the Supreme Court shall have power to and shall direct a recount of the ballots for Mayor or Aldermen or other elective office, 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 hereinafter 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: Recount may be ordered by a Judge of Supreme Court
- (31.) 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 clauses of this Act shall forfeit to any person aggrieved by such malfeasance, act, or omission a penal sum not exceeding five hundred dollars, recoverable in any Court of competent jurisdiction, in addition to the amount of all actual damages thereby occasioned to such person: Money penalty for offences
- (32.) In addition to the Deputy Returning Officer and the Poll Clerk, the candidates and 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 elector or electors, and no other, shall be permitted to remain in the room where the votes are polled during the whole of the time the poll remains open: Who may be present at polling place
- (33.) No person shall loiter or remain in the vicinity of the room or place where the votes are taken, or within fifty feet thereof, and in the event of any person so remaining after having been requested by a police constable to move away, such person 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: Loitering near polling station

- Agent of candidates. (34.) 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 at any proceedings of the election, shall be deemed an agent of such candidate within the meaning of this Act:
- Oath of agent or representative. (35.) The agents of each candidate, and in the absence of any agent of any candidate, the elector or electors representing such candidate, if there be such elector or electors, on being admitted to the polling place or subdivision, shall take the following oath (or affirmation) :—
 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. (36.) The City Clerk shall retain for two months all ballot-papers received by him in pursuance of this Act, and then, unless otherwise ordered by a Judge of the Supreme Court, 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 :
- And shall then destroy them.
- Deputy Returning Officer to include Returning Officer. (37.) Wherever the words " Deputy Returning Officer " occur in this section they shall be deemed to include the Returning Officer.

First Meeting of Council.

- First meeting of Council. **15.** The members of the Council shall hold their first meeting at twelve o'clock noon of the first Wednesday in January after they are elected, or in case such Wednesday shall be a statutory holiday, then such meeting shall be held on the next day thereafter at noon.
- Declaration of office of Mayor and Aldermen. **16. (1.)** The Mayor-elect shall make and subscribe the necessary declaration of office and qualification 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 the city, and shall afterwards administer the necessary declaration 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 City Clerk or Police Magistrate, or before any Justice of the Peace, and the Mayor may afterwards make his declaration of office and qualification.
- No business transacted until declaration filed. (2.) No other business shall be proceeded with at said meeting unless and until the said declarations shall have been made and filed by members present.
- Form of declaration by Mayor and Aldermen. (3.) The declaration of office made by the Mayor and Aldermen shall be substantially as follows :—

I, A. B., Mayor [or Alderman] elect for the City of Vancouver, 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 city 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.

(4.) Such declaration 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.

17. If any person who is disqualified 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 person 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 His 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.

18. 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 city, such Mayor or Alderman having any such interest in any contract 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 Alderman having contracts with city disqualified from continuing to sit.

Such contracts null and void.

19. 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 city 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 s. 18 voting.

20. In case a member of the Council during his term of office ceases to be the owner of freehold or leasehold property to the value or amount of the necessary statutory qualification as provided in this Act, or if he be convicted of any offence against the Criminal Code of Canada, 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

Seats to become vacant by losing property qualification, by crime, insolvency, absence, etc.

Council for one month, or from the meetings of any committee thereof, of which he may be a member, for four consecutive 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.

Mayor or Alderman
forfeiting seat or
becoming disqualified
to resign.

21. 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 if his seat becomes 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 member as provided by section 23 of this Act and subsections thereof, and the said section shall for the purpose of such proceedings apply to any such forfeiture, disqualification, or vacancy, and the procedure prescribed by the said section shall be adapted to such cases.

New election pro-
vided for, and mode
of conducting same

22. (1.) 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 occurs 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 City Clerk, or in case of the like absence or vacancy in the office of City Clerk, the Acting-Mayor or head of the Council or Acting City Clerk, shall forthwith, by warrant under the signature of such head of Council, City Clerk, Acting-Mayor, head of the Council, or Acting City 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.

(2.) 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.

(3.) The Returning Officer and Deputy Returning Officer shall hold the new election at furthest twenty-five days after receiving the warrant, and the City 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.

23. (1.) 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, sitting in Vancouver, and the decision of the said Judge shall be final.

Jurisdiction in cases of contested elections.

(2.) 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.

Who may contest election.

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

Petition to be presented.

(4.) If such 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.

(5.) A true copy of the petition, with a notice stating the day on which the petition will be presented to such 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 by such Judge 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 by such Judge 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.

(6.) 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 case award costs to or against any party, which costs shall be taxed on the Supreme Court scale of costs, and be entered as a judgment of the Supreme Court, and shall be recoverable by execution out of the said Court by order of said Judge.

Powers of Judge at trial.

Costs.

(7.) If any defect or irregularities in the formalities prescribed for the election are set forth in such petition as a ground of contest-

Immaterial irregularities, etc.

tation, such Judge may admit or reject the objections according as such defect or irregularity may or may not have materially affected the election.

Proceedings to carry judgment into effect by new election or otherwise.

(8.) In case the election complained of be adjudged invalid or the person disqualified, such Judge shall forthwith by writ cause the person found not to be elected, or found to have become disqualified, to be removed; and in case such Judge determines that any other person was duly elected, said Judge shall forthwith order a writ to issue causing such other person to be admitted to such office; and in case said Judge determines that no other person was duly elected instead of the person removed, such 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.

(9.) 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.

24. 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 practice

25. Where in an application in the nature of 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 29 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 any examination upon an appointment granted by such Judge as in cases pending in any such Court.

Evidence to be viva voce.

Judge to report persons convicted under s. 29.

26. It shall be the duty of such Judge who finds any candidate guilty of a contravention of section 29 hereof, or who condemns any person to pay any sum within the said 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.

27. Any witness shall be bound to attend before any such Judge upon being served with the order of such Judge, or a subpoena issued by the Supreme 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 subpoena 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 subpoena in an ordinary cause to attend.

Enforcing attendance of witnesses.

28. No person shall be excused from answering any question put to him in any action, suit, or other proceeding, or before any such 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 incriminate such person; but no such answers given by any 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 such 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 said Judge.

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

Corrupt Practices.

29. (1.) The following persons shall be deemed guilty of corrupt practices, and shall be liable to be punished as hereinafter provided:—

Certain persons to be deemed guilty of corrupt practices.

- (a.) 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 or for any purpose 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:

Giving money to voters, etc.

Procuring office for voters, etc.

- (b.) 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 the 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 or for or against such by-law:

Influencing votes.

Corruptly
influencing voters

(c.) 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 or for or against such by-law:

Advancing, etc.,
money for bribery,
etc.

(d.) 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.

(e.) 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.

(f.) 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:

False personation.

(g.) 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 subsection mentioned.

Voting more than
once, etc.

Persons using
violence or intima-
dation to be guilty of
undue influence.

(2.) 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 to inflict, 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.

(3.) 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, and shall be subject to the penalty hereinafter mentioned.

Persons corruptly providing refreshments to be deemed guilty of treating.

30. Any person who is adjudged guilty 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 or Province 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 such person 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.

Punishment of person found guilty under s. 29.

31. 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 has been rendered shall be ineligible either as a candidate or municipal voter in any municipal election until the amount he has been ordered or adjudged to pay is fully paid and satisfied.

How penalty may be recoverable.

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

Penalty of candidate guilty of corrupt practices, etc.

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

33. 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 any candidate, require such person to sign his or her name. Any person who, upon being 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.

Penalty for refusing
to sign.

Expenses of
candidates.

34. The actual personal expenses of any candidate, his expenses for actual professional services performed, and bona-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.

35. The Council shall appoint an Assessment Commissioner, and when necessary one or more assistants, which assistant or assistants shall be called advisory valuers; 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 fit; and the salary to be paid and duties to be performed by the said Assessment Commissioner, who shall also be called the Assessor, and who shall be a permanent officer of the city, shall also be fixed by the Council; and the Assessment Commissioner and assistants shall be subject to the directions of the Council in the matter of policy and the mode of assessing land as distinct from improvements thereon.

Assessors to be
under control, etc.,
of Commissioner.

36. 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 for disobeying orders, or who, in his opinion, otherwise violates 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 the Council, employ another to fill his place.

All rateable property
to be valued.

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

Assessment Commis-
sioner shall not
allow himself to be
influenced.

38. The Assessment Commissioner, in respect to the valuation of all rateable property in the city as provided for in the next preceding section, shall, subject to the provisions of sections 35 and 39 hereof, be guided solely by his own bona-fide judgment, and shall not allow or permit himself to be influenced in any manner whatever in respect thereof, except in so far as he may accept the advice and counsel of his advisory valuers or assistants.

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39. All rateable property, or any interest therein, 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. Rateable property to be valued at cost.

40. (1.) The Assessor shall once in every year prepare an assessment roll, in which he shall set down with respect to each and every rateable parcel of land within the city:—

- (a.) A short description thereof by which the same can be identified on the books of the Land Registry Office for the Vancouver Land Registration District:
- (b.) The value thereof:
- (c.) The value of all improvements thereon:
- (d.) The name or names of the registered owner thereof:
- (e.) The addresses of all such owners as provided in subsection (2) hereof:
- (f.) The name of any person claiming notice of assessment and taxes under subsection (4) hereof:
- (g.) The address of each person claiming notice as aforesaid:
- (h.) The name of any person having an assessable interest in any land, the fee-simple of which is held in the name of His Majesty in the right of the Province of British Columbia, and the value of his interest:
- (i.) The names of all persons being tenants occupying any property in the City of Vancouver:
- (j.) The name of any person being the holder of a registered agreement to purchase land, or the assignee of such registered agreement, and the Assessor shall designate such person on such roll as "owner under agreement."

(2.) The Assessor shall exercise reasonable care in obtaining and setting down the address of the owner or owners, and shall more particularly adopt the following alternatives in the order named:— Addresses

- (a.) The address as known to the Assessor or as obtained by him in the course of his assessment:
- (b.) The address as appearing in the application for registration or otherwise in the Land Registry Office:
- (c.) In the event of the address of the owner not being known to the Assessor, and not being obtainable by the Assessor as aforesaid, and not being recorded in the Land Registry Office, the Assessor shall enter on the roll in red ink, as the address, the main post-office of the City of Vancouver.

(3.) The description of the various parcels of land and the names of the registered owners shall be such as are shown upon the records of the Land Registry Office on the twentieth day of December in each year.

Holder of charge
entitled to notice.

(4.) Any person, being the holder of a registered charge or interest in any parcel of land, may at any time give notice in writing to the Assessor of his said charge or interest, and claim to receive notice of assessment and all tax notices therefor issued during the duration of his said charge or interest as stated in the said notice. Such notice shall state the nature and extent of such charge or interest and the duration, and shall give an address to which such notice may thereafter be sent.

Certifying
assessment roll.

(5.) It shall be the duty of such Assessor 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 shall attach thereto a certificate signed by him, and verified under 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:—

I do solemnly certify, as far as my knowledge extends, that I 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 information and judgment; and I certify that I have entered therein the names of all registered owners and tenants and of all other persons entitled to be assessed, who have required their names to be entered thereon, with their addresses and with the true description and value of the property occupied or owned by each assessed owner; and that I further certify and swear [*or affirm*] that I have not entered the name of any person whom I do not truly believe to be a registered owner or tenant or the bona-fide occupant or registered owner of the property; and I 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 person of a vote, or for any other reason whatsoever. So help me God.

Notice to person
assessed.

(6.) When the roll as herein provided has been completed, it shall be the duty of the Assessment Commissioner to deliver, or cause to be delivered, at least fifteen days before the first sitting of the Court of Revision, to each person assessed thereon, who appears by said roll to reside within the city, either personally or by leaving the same at his residence or place of business, or by mailing the same to such person at the main post-office in the City of Vancouver to the address shown on the roll (excepting where the party addressed has filed with the Assessment Commissioner at the City Hall a different address for this purpose, when in such case the notice hereby required shall be 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.

(7.) It shall be the duty of the Assessor, in addition to other duties imposed upon him, to collect such other information as may

be required by any Act of the Legislature of the Province, or by any Order in Council passed thereunder.

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

(9.) 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.

41. It shall be the duty of every person and the secretary of every company owning or occupying rateable property in the city to give all necessary information to the Assessor, and if required by him, he shall deliver to him 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 for the assessment roll. It shall be the duty of the Registrar of the Vancouver Land Registration District, when so required by the Assessor, to allow him or his authorized agent access, free of charge, at all reasonable times, to the books containing the records of all property in the city for the purpose of effecting such assessment.

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

42. In case any person fails to deliver to the Assessor the written statement mentioned in section 41, 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 city a sum not exceeding one hundred 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.

Penalty for not giving statement.

43. The Assessor shall not be bound by any such statement if he has any reason to doubt the accuracy thereof, nor shall he or his assistants be excused on account thereof from making inquiry to ascertain its correctness, and he shall discriminate as to property mentioned therein which is legally assessable or otherwise, and may assess such person or company for such property as he believes 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 has reason to believe that he or it is not entitled to be placed on the roll or to be assessed for such property.

Statement given by parties not binding on Assessor.

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.

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

45. The Council may by by-law exempt from taxation, wholly or in part, any improvements, erections, and buildings erected on any

Power of Council to exempt from taxation.

land within the city, notwithstanding that they may be part of the real estate.

Exemptions.

What property liable to taxation.

46. Except as otherwise in this Act provided, 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 His Majesty.

Indian lands, unoccupied or occupied officially.

But if occupied not officially.

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

Limit of exemption.

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

Property belonging to city.

Public poorhouse, almshouse, etc.

- (1.) All property vested in or held by His Majesty or for the public use of the Province, and also all property vested in or held by His Majesty or any other person or body corporate in trust for or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity :
- (2.) When any property mentioned in the preceding clause is occupied by any person other than in an official capacity, the occupant shall be assessed in respect of his interest therein, and shall be personally liable to taxation in respect thereof, but the land itself, other than the improvements placed or affixed thereon, shall not be liable to tax sale, nor shall such taxes become a lien or charge on said land :
- (3.) When any right or interest, whether legal or equitable, in any property mentioned in subsection (1) of this section is held, possessed, or enjoyed by any person other than in an official capacity, the owner of any such right or interest therein shall be assessed in respect of such right or interest, and shall be personally liable to taxation in respect thereof :
- (4.) The buildings and grounds of and attached to and belonging to every university, college, high school or public 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 :
- (5.) 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 :
- (6.) Every public poorhouse, almshouse, 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.

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.

Assessment roll to be revised annually.

48. The Council shall, within two months of 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.

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

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 authorized 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:—

Complaint.

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 seven clear days before the date appointed for the sitting of the Court of Revision, but not otherwise; and provided that on the hearing of such complaint by the Court of Revision the complainant shall be limited to the grounds or reasons set out in said notice:

Notice to be given ten clear days before sitting.

(b.) If a ratepayer thinks that any person has been assessed too high or too low, or has been wrongfully inserted on or omitted from the roll, he may, within the time limited by the preceding subsection, 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.

50. At the time or times 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 an amount.

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.

Penalty for witnesses failing to attend.

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 the person suing for the same by action in any Court of competent jurisdiction in the Province.

Proceeding when complainant fails to appear.

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*.

Equalization of the Assessed Value of Land.

Members of Court of Revision to constitute Board for equalization of assessed value of land and improvements.

54. The members of the 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:—

If Assessor's value in excess of cash value, Board may direct Clerk to reduce value.

(a.) In the event of the Assessor's valuation of land and improvements, as shown by the 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 39 of this Act, the Board may then direct 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 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 39 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 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 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, final, and binding on all parties concerned, notwithstanding

any defect, error, or misstatement in the notice required, or the omission to deliver or transmit any notice required by this Act; and the roll shall, for all purposes, be conclusively taken and held to be the assessment roll of the city (subject, however, to such alterations, if any, as are made on appeal to a Judge of the Supreme Court) until a new roll shall have been revised, confirmed, or passed by the Court of Revision.

Appeals from Court of Revision.

56. (1.) If a person be dissatisfied with the decision of the Court of Revision, he may appeal therefrom to a Judge of the Supreme Court, provided that he shall within one week after the decision, in person or by attorney, serve upon the City Clerk 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, and setting out in such notice his grounds of appeal, and shall prosecute such appeal by obtaining a hearing before such Judge within fourteen days or within such further time as such Judge may allow.

Appeal from Court of Revision.

Written notice of intention to appeal to be given.

Grounds for appeal to be set out.

(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 appellant to the City Clerk.

Judge to appoint day for hearing

(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 the 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 rateable with the assessment of other similar property in the city having equal advantage of situation.

Duties and powers of Judge.

(4.) The City Clerk shall, on any appeal from the decision of the Court of Revision, produce before such 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 costs of such appeal shall follow the event, and shall be taxed by the District Registrar of the Supreme Court according to the scale obtaining in the Supreme Court; and the payment of the amount thereof may be enforced in the same manner as a judgment or order of the Supreme Court to the same effect, upon leave of the Supreme Court or a Judge being granted on application made by notice of motion to such Court or a Judge for an order to enforce the same, whereupon such Court or a Judge may order execution thereon to issue accordingly.

Costs

Levying Rates.

Yearly rate to be
levied by by-law.

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 rateable 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.

Limitation of rate

Rate to be levied for
ordinary purposes.

58. Notwithstanding any of the provisions of this Act, it shall be lawful for the Council of the city to levy a rate 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), not to exceed the sum of one and one-half cents on the dollar; but it shall be a condition precedent to the right of the Council to levy the said increased rate that improvements, machinery, and plant, being fixtures on any land, shall not be taxed in such year in excess of fifty per cent. of their assessed value.

Collection of Rates.

Clerk to make out
tax rolls.

59. (1.) Upon and forthwith after the final revision of the assessment roll as aforesaid, the City Clerk shall deliver the same to the City Treasurer, who shall be the Collector of Taxes for the city, or to some other person appointed by resolution of the Council to act as such Collector, and forthwith after the passage of the by-law provided for in section 57 of this Act the Collector shall make out a tax roll or rolls, which may be an extension of the assessment roll, and in which shall be set down with respect to each parcel of land upon which taxes have been imposed the following information as it appears upon the assessment roll:—

- (a.) A short description of the land:
- (b.) The name and address of the assessed owner or owners:
- (c.) The value at which the land and improvements (exclusive of exemptions) are assessed:
- (d.) The total amount of taxes imposed for the current year:
- (e.) The total amount of local improvement and special assessments for the current year:
- (f.) The total amount of delinquent taxes:
- (g.) The total amount of local improvement and special assessments delinquent or in arrears:
- (h.) The total amount of all other sums legally due on or in respect of such land.

(2.) The said roll shall be prima facie evidence of the correctness of its contents and shall be received in evidence in any Court of law.

60. (1.) The Collector, upon the completion of the Collector's roll, shall forthwith proceed to collect the taxes thereon set out, and shall, with respect to each parcel of land, transmit by post to the owner, or his duly authorized agent, or to the person or persons entered on the roll under subsection (4) of section 40 hereof, a statement or notice showing what taxes are due upon such parcel of land, which statement shall contain the following information:—

*Taxes delinquent
for one year.*

- (a.) A short description of the land:
- (b.) The name and address of the assessed owner or owners:
- (c.) The value at which the land and improvements (exclusive of exemptions) are assessed:
- (d.) The total amount of taxes imposed for the current year:
- (e.) The total amount of local improvement and special assessments for the current year:
- (f.) The total amount of delinquent taxes:
- (g.) The total amount of local improvement and special assessments delinquent or in arrears:
- (h.) The total amount of all other sums legally due on or in respect of such land:
- (i.) The date or dates fixed by by-law up to which rebates or discounts will be allowed.

(2.) If any unpaid taxes are shown upon such statement which have been delinquent for a period of one full year prior to the date of the transmission of the statement, then such statement shall have printed or stamped upon the face thereof, in ink of a different colour, the words: "Taxes delinquent. This property will be sold for taxes between the fifteenth day of September and the thirty-first day of December in the year following this notice unless all taxes now delinquent for a period of one full year are sooner paid."

*Tax notices to be
posted.*

(3.) If any unpaid taxes are shown upon such statement which have been delinquent for a period of two full years prior to the date of the transmission of the statement, then such statement shall have printed or stamped upon the face thereof, in ink of a different colour, the words: "Taxes delinquent. This property will be sold for taxes between the fifteenth day of September and the thirty-first day of December in this year unless all taxes now delinquent for a period of two full years are sooner paid."

*Taxes delinquent
for two years.*

(4.) Such statement shall also show the rate imposed under the by-law provided for under section 57 of this Act.

(5.) The statement provided for in this section shall be transmitted by mail to the address as shown on the Collector's roll, excepting where the party addressed has filed with the Assessment Commissioner at the City Hall a different address for this purpose, when in such case the statement hereby required shall be mailed addressed to such address so filed.

(6.) The Collector shall transmit by registered post a true copy of the statement referred to in this section to every person from whom he shall receive during the current year a request in writing for such copy; provided that such request shall contain a description of the land in respect of which such copy may be required and shall be accompanied by a fee of twenty-five cents.

(7.) The statement or notice provided for in this section shall be transmitted as speedily as possible; and the Collector shall enter the date of mailing such statement in said tax roll opposite the name of the person taxed, and such entry shall be prima facie evidence of the mailing of same.

Taxes imposed considered due from the first January in the then current year.

61. Taxes or rates imposed or levied for any one year shall be considered to have been imposed and be due on or from the first day of January in the then current year, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied, and all taxes on real property remaining unpaid on the thirty-first day of December in the year which they have been imposed or levied shall be deemed to be delinquent on the said thirty-first day of December of the said year.

When roll shall be returned.

62. The Collector, if some person other than the City Treasurer, shall return the roll to the Treasurer not later than the thirty-first day of December in each year, or at such other time as the Council may appoint, and shall pay over the amounts each day, as collected, to the Treasurer.

Money collected to be paid to Treasurer.

Rates to be a charge against tenant or occupant as well as owner.

63. All rates, taxes, or assessments under this Act shall be due and payable not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the property, and by the tenant or lessee of such property, to the extent to which the possessor, occupant, tenant, or lessee is indebted to such owner, and the payment by any such person shall be a discharge of the property for the amount so paid, and shall also be a discharge to the possessor, occupant, tenant, or lessee of so much of his indebtedness to the owner as he shall have so paid.

Taxes receivable in instalments.

64. The Collector shall receive taxes either in amounts equal to one year's taxes on any one lot or in such instalments of same as the Council may by by-law determine; provided that no such by-law shall authorize more than three instalments for any one year's taxes on any one lot, and that no part of any such instalments shall be credited to general taxes unless and until all local improvements or special taxes or assessments shall have been paid; and in case the whole arrears are not paid at one time, he shall credit the payment made (being a sum of not less than one year's taxes or one instalment of same as by by-law provided) to the first and following years overdue, as shown on the tax roll, unless satisfactory proof is produced of the previous payment, or erroneous charges in respect of any portion

Local improvement tax first to be paid.

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 subdivisions and leave the other subdivisions chargeable with the remainder: Provided always that no discount shall be allowed on any payments unless the whole arrears are paid up.

65. Notwithstanding anything in this Act contained, the Council may by by-law provide for the acceptance by the Collector of moneys to be applied at a future date in payment of taxes, and may in such by-law provide terms and conditions upon which such moneys shall be accepted and held, and may allow interest thereon at a rate not exceeding six per cent. per annum.

Acceptance of payment for future taxes.

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 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.

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

Fee therefor

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

Taxes to be a lien upon land, etc.

68. All delinquent 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.

Overdue taxes to bear interest.

Sale of Land for Taxes.

69. The Council shall in each and every year, not earlier than the first day of October and not later than the first day of November, pass a by-law to provide for the sale by public auction of each and every parcel of land and improvements thereon upon which taxes or local improvement or special assessments or other charges appearing on the roll at the time of passing the by-law have been delinquent for a period of two years prior to the passing of such by-law, and such by-law shall provide that such sale shall be held not later than forty days after the passing of the said by-law, and the Collector shall in the Council Chamber of the City Hall (or at such other place as the Council may by resolution decide), at the hour of ten o'clock in the forenoon of the day specified in such by-law, proceed to offer each and every such parcel of land and improvements for sale by public auction; and the Collector is hereby authorized and

Council to pass by-law during months of October providing for tax sale.

empowered to act as an auctioneer, or, if the Council so direct, to employ an auctioneer, and sell such parcels of land and improvements thereon, and to adjourn the sale until the same hour of the following day, and so on from day to day until every such parcel of land is disposed of.

Sale to be advertised in papers.

70. Notice of such sale shall be advertised in detail as to each parcel of land in a daily newspaper published in the City of Vancouver for such period as the Council shall think proper, also a general notice that the sale is to be held shall be published in the British Columbia Gazette for one month: Provided that any omission from such notice or incorrect description in such notice of any parcel or parcels of land shall not invalidate the sale of any such parcel or parcels of land sold under the provisions of such by-law, if the owner of such parcel or parcels of land has been served with the notice as provided for in section 76 of this Act.

- (1.) Provided that if the owner or any person holding any interest in such parcel of land, before such parcel of land is sold, shall pay to the city:—

(a.) The total amount of delinquent taxes and local improvement assessments appearing on the roll in respect of which such property is subject to sale, with interest thereon to date of such payment:

(b.) An amount to cover the cost of advertising said property and expenses (if any) in respect of the intended sale thereof, such amount to be not less than one dollar and fifty cents for each lot or parcel of land so advertised,—

then such parcel of land shall thereupon be exempt from such sale.

Amount to be received by Collector.

71. (1.) From the proceeds of such sale the Collector shall receive for and to the use of the city the sum of the following amounts:—

(a.) The total amount of delinquent taxes and local improvement assessments and special assessments and all other charges appearing on the roll in respect to which such property is subject to sale under the provisions of this Act:

(b.) The total amount of interest on same due to date:

(c.) An amount equal to three per cent. of the total of the foregoing, or if such amount should be less than three dollars, then a minimum of three dollars:

(d.) The amount of five dollars to cover the charges of the Land Registry Office:

Provided, however, that the Council may also by by-law authorize the Collector to include in the said sum all taxes and local improvement or special assessments or other charges which have become delinquent subsequent to the date of delinquency of the taxes in

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respect of which such property is subject to sale for taxes as aforesaid, which said sum shall be the upset price, and shall be the lowest amount for which the land may be sold.

(2.) The highest bidder shall be the purchaser; and in the event of there being no bids over the upset price, the person bidding the upset price shall be declared the purchaser; and in the event of there being no bids equal to the upset price, or no bids, the city shall be declared to be the purchaser, and all the provisions of this Act relating to the sale of land for taxes shall apply to the sale of such property so sold to the city, in every respect the same as if the said property had been sold to any other purchaser.

(3.) The Collector may at any time or times before the close of the sale again offer for sale on the same conditions as before any land of which the city has been declared to be the purchaser.

(4.) The purchaser shall at the time of the sale pay to the Collector the upset price, and the balance of purchase-money (if any) shall be payable at the expiration of one year from the date of sale unless the land be previously redeemed.

(5.) If the purchaser of any land fails to pay immediately to the Collector the said amount of the upset price, the Collector shall forthwith again put up the property for sale.

72. Every purchaser at a tax sale at the time of the sale, and before he is given the certificate of sale, shall, by himself or by his agent, sign a statement setting out his full name, occupation, and post-office address, and authorizing the Collector to apply on his behalf at the proper time for registration; and such statement shall be preserved with all books, documents, and papers connected with such sale.

73. The Collector forthwith after selling any land at public auction as aforesaid to any person other than the city shall give a certificate under his hand to the purchaser, describing the land sold, stating the sum for which it was sold, and further stating that a certificate of indefeasible title will issue to the purchaser at the expiration of one year from the date of sale on payment of the balance of the purchase-money (if any) as aforesaid, and on payment of all delinquent taxes, local improvement, and special assessments and other charges to that date unless the land is previously redeemed. Such payments shall be made by the purchaser within thirty days from the date of the mailing of a demand for same, as provided by section 82 of this Act, and no purchase shall be deemed to have been completed unless such payments shall have been made within said period of thirty days.

74. When the Collector sells land for taxes, he shall forthwith file with the Registrar of the Vancouver Land Registration District a separate notice in writing as to each parcel of land sold, notifying

him that such land has been sold for taxes, giving the date of such sale, the amount of purchase-money, the balance owing (if any), and the name of the assessed owner, and shall with such notice forward to the Registrar the sum of seventy-five cents to cover the cost of filing the notices and making the proper references.

Council may by resolution after six months sell land for amount not less than upset price.

75. Notwithstanding anything in this Act contained, in the case of any land which has been purchased by the city as provided in section 71 of this Act, and which has not been subsequently sold as therein provided, the Council may, by resolution, at any time within six months after the date of purchase, sell such land to any person or persons for any amount not less than the upset price, together with interest accrued in the meantime at the rate set out in the by-law authorizing the sale as the rate of interest payable in case of redemption; but such sale shall not in any way affect the period allowed for redemption or the right of the owner to redeem as provided in this Act. Upon the sale of any land as aforesaid, the Council shall direct the Collector to give to the purchaser a certificate as provided for in section 73 hereof, with such modification as to time for redemption as circumstances require.

Collector to give notice pursuant to subsec (4) of s. 39 of land sold

76. The Collector, within six months after the date of sale, shall give to every person who at the time of sale appeared on the records of the Land Registry Office of the Vancouver Land Registration District as owner of, or as holder of a registered charge on, or as owning an interest in the land, and to any person who has served a notice pursuant to subsection (4) of section 40 of this Act, a notice in writing, or partly in writing and partly in print, of the sale of the land, and the amount for which the land was sold, and of the upset price, and of the day upon which the period allowed for redemption will expire; and such notice shall have printed thereon the provisions of sections 79 and 88 of this Act, and shall specify the name of the assessed owner of such land, and such notice shall be sent by registered mail to such person or persons at the address as hereinafter provided, that is to say:—

- (a.) In the event of an address appearing upon the assessment roll as provided in subsection (2) of section 40, notice shall be sent to such address:
- (b.) In the event of no such address appearing upon the assessment roll, the notice shall be sent to the address of the registered owner or holder of a registered charge at any address appearing on his application to be registered as such, or to the solicitor or agent of such owner or holder as shown by such application at the address given in such application:
- (c.) In the event of no address being available to the Collector as set out in subsections (a) and (b) hereof, the Collector shall send the notice herein provided for to the main post-

office of the city, and no further liability or responsibility shall rest with the Collector or with the city with respect to such notice.

77. During the period allowed for redemption the land shall continue to be assessed and taxed in the name of the person who at the time when the land was offered for sale appeared upon the assessment roll as the owner thereof, and he shall be liable for the taxes accruing, and the same shall form a charge upon the land; and if the land is redeemed after the passing of a by-law authorizing a subsequent sale of land for taxes, the taxes which are then delinquent for more than two years must be paid along with and at the same time as the amount required for redemption: Provided, however, that if the Council shall have by by-law included in the original sale all subsequent taxes as set out in section 71 hereof, then and in such case the taxes which have become delinquent during the period of redemption shall be paid at the same time as the amount required for redemption as herein provided.

During redemption period land to remain in name of person who appeared as owner at tax sale.

78. The purchaser of any property at a tax sale shall have the right to appeal from the assessment of the property purchased by him, and to appear before the Court of Revision in support thereof, as if he were the owner of the property as recorded on the assessment roll.

Purchaser at tax sale given right to appeal from assessment.

79. The owner of any parcel of land which shall be sold for unpaid taxes, his heirs, executors, administrators, or assigns, or any other person on his or their behalf, or on behalf of his or their interest in the said parcel of land, or any mortgagee or holder of any registered charge, may at any time within one year from the date of sale, but not afterwards, redeem the land sold by paying or tendering to the Collector for the use and benefit of the purchaser or his legal representatives the sums paid by him, together with interest at a rate not exceeding ten per cent. per annum (such rate to be specified in the by-law authorizing the sale); and in addition thereto for the use and benefit of the city, if the land is redeemed after the passing of a by-law authorizing a subsequent sale of land for taxes, the taxes which are then delinquent for more than two years; and the Collector shall give to the person paying such redemption-money a receipt stating the sum paid and the object of the payment, and such receipt shall be evidence of redemption.

One year allowed for redemption of land.

80. If any land sold for taxes be redeemed within the time limited for redemption, the Collector shall forthwith file with the Registrar of the Vancouver Land Registration District a separate return as to each parcel of land redeemed, certified under his hand, showing the land which has been redeemed, and shall forward along with such return the amount of seventy-five cents, which shall be the fee for filing the same and making the necessary entries.

Collector to file with Registrar return as to each parcel of land redeemed.

Ss. 36 to 40, inclusive, not to apply to 1919 or subsequent thereto.

81. Sections 36 to 40, inclusive, of the "Land Registry Act," being chapter 127 of the "Revised Statutes of British Columbia, 1911," and amending Acts, shall not apply to any sale of land for taxes under this Act held in the year 1919 or any subsequent year.

Collector to forward to purchaser at tax sale a demand for amount owing if land not redeemed.

82. If any land sold for taxes be not redeemed as provided in this Act, the Collector shall, upon the expiration of the period allowed for redemption, forward to the purchaser, by registered mail to the address given by him under section 72 hereof, a demand for the amount owing under section 73 hereof, and upon payment of such amount the Collector shall forward to the Registrar of the Vancouver Land Registration District a notice of the completion of the purchase, which notice shall also show the full name, occupation, and address of the purchaser, and shall be accompanied by a fee of five dollars and an application on behalf of the purchaser for registration, and the Registrar shall thereupon register the purchaser as owner, and shall issue to him a certificate of indefeasible title without requiring the production of any prior certificate of title.

Where purchase not completed, Council may resell by auction.

83. If any land sold for taxes be not redeemed as provided in this Act, and if the purchaser shall fail to complete the purchase in accordance with the preceding section hereof within thirty days from the date of mailing such demand, the Collector shall notify the Registrar of the Vancouver Registration District of such default, and all the provisions herein relating to the sale of land for taxes shall again apply, and the Council may by by-law at any time within six months after the date of such mailing authorize the Collector to sell such land by public auction; and all moneys paid by such purchaser so in default shall be forfeited and belong to the city.

A sale by Council on resolution.

84. Notwithstanding anything contained in this Act, any parcel of land for which a certificate of indefeasible title shall have been issued in the name of the city as purchaser may be sold by the Council on resolution passed by a three-fourths majority of all the members of the Council, and without submission to the electors.

After sale made rights of owners determine.

85. When a sale of land is made by the Collector or other officer of the city purporting to be a sale of land for taxes pursuant to the provisions of this Act, all rights or property therein held by the person who at the time of sale was the registered owner of the land, and all rights or property therein held by his heirs, executors, administrators, and assigns, shall immediately cease and determine, except in so far as is herein provided:—

(a.) The land shall be subject to redemption as provided in this Act:

(b.) The person who at the time of the sale was the owner of the land, or his heirs, executors, administrators, and assigns, shall have the right to possession of the land

Owner to have possession during redemption period.

during the period allowed by this Act for redemption, subject to impeachment for waste:

- (c.) During the period allowed for redemption, action may be brought by the person who at the time of sale was the owner of the land, or by his heirs, executors, administrators, and assigns, or by any person who is the holder of a registered interest in or a registered charge upon the land, to have set aside and declared invalid the sale of the land in question upon any of the following grounds, namely:—

Action to set aside sale.

(1.) That the land was not liable to taxation during the year or years in which the taxes for which the land was sold were imposed:

Grounds for setting aside sale.

(2.) That the taxes for which the land was sold were fully paid:

(3.) That irregularities existed in connection with the imposition of the taxes for which the land was sold; provided no such irregularities shall be considered in any action instituted to set aside and declare invalid the sale of any land as aforesaid unless the person making such claim shall have, before instituting such action, furnished the city with a statement of such irregularities:

(4.) That the sale was not fairly and openly conducted.

86. (1.) The Court may, in giving judgment, provide that if the said sale be set aside or declared invalid for any of the reasons given in subsections (3) and (4) of section 85 hereof, then in such case the amount for which such lands were taxed on the Collector's roll at the date of sale, together with interest from the date of sale, shall be, and continue to be, a lien upon the lands as if the tax sale had not taken place, and shall thereafter be deemed to be delinquent taxes, or may provide for the immediate payment of such taxes or may otherwise deal with the said taxes according to the exigencies thereof.

If sale set aside, amount for which lands taxed may continue to be lien upon land.

(2.) If during the period allowed for the redemption of any land sold the Council shall be of the opinion that any errors exist in the sale thereof, or in the proceedings prior thereto, the Council may, by resolution, order that the purchase price be returned to the purchaser, with interest at the rate specified in the by-law authorizing the sale as the rate of interest payable in case of redemption, and that the taxes properly due upon the lands prior to such sale be placed upon the Collector's roll, and thereafter the same shall be deemed to be delinquent taxes.

If error exist, purchase price may be returned to purchaser.

87. Notwithstanding anything contained in this Act, in the event of a dispute arising or conflicting claims being asserted between any purchaser at a tax sale and the owner of any property or of any interest in any property sold for taxes in respect to the title thereto,

Conflicting claims relating to right to redem.

or in respect of any claims or right to such title arising out of said tax sale, or in any way relating to the time or fact or right of redemption or the amount required to redeem in respect of the said property so sold at such tax sale, the city may interplead as between the said parties or claimants, and may join either or both or all of said parties in an action as defendants therein, and refer the said dispute, contest, or issue of such conflicting claims to the Supreme Court; and thereupon and thereafter the city shall be relieved of all further obligation or liability in respect of the same, and shall abide the event of the said action, and either accept the redemption-money required to redeem the said property with interest, or refuse the same, and grant a certificate in respect of the said sale pursuant to the provisions of this Act, according to and in pursuance of the tenor of the judgment of said Supreme Court, as the case may be.

After expiration of time allowed for redemption no action to be brought.

88. (1.) After the expiration of the time allowed as provided by section 79 of this Act for redemption, no action shall be brought to recover the land sold or to set aside the sale of the land, nor shall any action be brought against the Registrar of the Vancouver Land Registration District under the "Land Registry Act" nor against the Collector of Taxes in respect of the sale of such land or the issuance of a certificate of title thereto as provided in this Act; nor, except as hereinafter provided, shall any action be brought against the city in respect of any loss or damage sustained by reason of the fact that the land has been sold.

Conditions under which person who was holder of land at time of tax sale shall be indemnified.

(2.) The person who at the time of sale was the owner of the land sold, or his heirs, executors, administrators, and assigns, or any person who at the time of sale was the holder of any registered interest in or charge upon such land, shall be indemnified by the city for any loss or damage sustained by him on account of the sale of such land under the following conditions only, namely:—

- (a.) If the land was not liable to taxation during the year or years in which the taxes for which the land was sold were imposed:
- (b.) If the taxes for which the land was sold had previously been paid:
- (c.) If the land had, during the period allowed as provided by section 79 of this Act for redemption, been redeemed.

(3.) Provided, however, that there shall be no right to indemnity or compensation under this section in any case where it shall be shown that the person claiming such indemnity or compensation was aware at the time of sale that the land was offered for sale, or was aware during the period allowed for redemption that the land had been sold.

(4.) Provided further that no action shall lie or be maintainable against the city on any ground or reason whatsoever, save and except only upon and for the grounds or reasons set out in paragraphs

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(a), (b), and (c) of subsection (2) of this section, and no other; and no Court shall have jurisdiction to entertain any action on any other ground whatsoever.

(5.) Provided further that no action shall be brought to recover indemnity, compensation, or damages under this section after the expiration of twelve months from the expiration of the time allowed by section 79 of this Act for redemption of the land.

Limitation of time for action.

89. The registration of any person pursuant to section 82 hereof as the owner of the land, and the issue to him of a certificate of indefeasible title, shall:—

Registration and issuance of certificate of indefeasible title.

(a.) Cancel and annul any certificate of title at any time theretofore issued:

(b.) Purge and disencumber the lands of and from all the right, title, and interest of any previous owner of said land, or of his heirs, executors, administrators, or assigns, and of and from all claims, demands, payments, charges, liens, mortgages, or encumbrances of any nature and kind whatsoever, excepting only such as such previous owner, or any person claiming by, through, or under him, was not competent to convey.

Consolidation of Arrears of Taxes.

90. For the purpose of the next succeeding sections, the words "capital sum" shall have the following meaning, unless the context shall require a different meaning; that is to say, the words "capital sum" shall mean the aggregate amount of taxes and local improvement taxes accrued payable to the city in respect of any parcel of land prior to the first day of January, 1917, and remaining unpaid on the first day of April, 1919, together with interest thereon to the thirty-first day of December, 1918.

Definition of capital sum.

91. Notwithstanding anything in this Act contained, if the owner of any parcel of land aforesaid shall have, not later than the fifteenth day of September, 1919, paid to the city one-fifth of the capital sum relating to such parcel, together with interest on the whole capital sum, computed at the rate of eight per centum per annum, from the thirty-first day of December, 1918, to the fifteenth day of September, 1919, such parcel of land shall not be liable to be sold at the sale of land for taxes in the year 1919 required to be held under the provisions of this Act: Provided that it shall not be competent for any owner to pay the whole of the capital sum relating to such parcel of land before the fifteenth day of September, 1919, unless he pays interest on same at the rate of eight per centum per annum from the thirty-first day of December, 1918, to the fifteenth day of September, 1919.

Payment of one-fifth of capital sum.

92. (1.) Notwithstanding anything in this Act contained, if the payment required by section 91 of this Act shall be made, such parcel

If payment required by s 91 made, land shall not be sold in years 1920, 1921, 1922, and 1923, etc.

of land shall not be liable to be sold at any sale of land for taxes held in any of the years 1920, 1921, 1922, and 1923: Provided that the owner thereof shall, not later than the fifteenth of September in each of the said years:—

- (a.) Pay to the city one-fifth of the capital sum relating to such parcel:
- (b.) Pay to the city one year's interest on the balance of such capital sum outstanding immediately before the date of such payment, such interest to be computed at the rate of eight per centum per annum from the last preceding fifteenth day of September:
- (c.) Pay to the city all general taxes and local improvement taxes, with interest thereon, other than the said capital sum, in respect of which such parcel of land shall at that time be subject to sale for taxes under the provisions of this Act.

(2.) The acceptance by the Collector, during such time as any instalment or instalments of the capital sum remains unpaid, of taxes levied subsequent to the delinquent taxes included in the said capital sum shall not be deemed a contravention of the provisions of this Act as to the priority in which he shall receive taxes, and the Collector is authorized to receive such taxes subsequently levied, in the order in which they become due, notwithstanding that any instalment or instalments of the capital sum remains unpaid.

Annual instalments
of capital sum may
be paid in advance.

93. It shall be competent for any owner to pay in advance in any year one or more of the annual instalments of capital sum specified by clause (a) of the next preceding section; but he shall nevertheless be required, on or before the fifteenth day of September in each year, to pay interest at the rate of eight per centum per annum on the balance of the capital sum remaining unpaid and mentioned in clause (b) of the next preceding section, and failure to pay duly such interest shall constitute a default within the meaning of section 95 of this Act.

Owner to receive
rebate of interest at
4 per cent if instal-
ments paid in
advance.

94. Provided that if any owner of any parcel of land as aforesaid shall at any time after the fifteenth day of September, 1919 (the first instalment having been paid), pay the next annual instalment or any one or more instalments in advance, as specified in section 94 hereof, at least thirty days prior to the fifteenth day of September on which such next instalment is required to be paid, together with one year's interest thereon at the rate of eight per centum per annum, either with or without one year's interest on the unpaid balance of the capital sum, then and in such case he shall receive from the city a rebate of interest at the rate of four per centum per annum for the amount so paid from the date of such payment to the said fifteenth day of September; but he shall nevertheless be required, on or before the fifteenth day of September in each year, to pay interest, if not

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already paid as aforesaid, at the rate of eight per centum per annum on the balance of the capital sum remaining unpaid and mentioned in clause (b) of section 92 hereof, and failure to duly pay such interest shall constitute a default within the meaning of section 95 of this Act.

95. (1.) If default be made in due and full payment in or for any year of any of the amounts required to be paid as provided by sections 91, 92, and 93 hereof, the parcel of land in respect of which default shall have been made shall be put up for sale and sold at the next following sale of land for taxes for such of the annual instalments of capital and interest as are required to be paid by the five next preceding sections, and which remain unpaid on the fifteenth day of September in each year, together with interest thereon at the rate of eight per centum per annum, together with all general taxes other than the capital sum in respect of which such parcel of land shall at that time be subject to sale for taxes under this Act.

If the owner wishes to redeem property at a later date than the 15th September next ensuing.

(2.) Provided, however, that if the person so in default shall, before such parcel is sold, pay to the city the following amounts:—

- (a.) The full amount of the instalments of capital sum and interest in default on the fifteenth day of September in each year, together with interest on same at the rate of eight per centum per annum to the date of payment; provided that if such payment be made within thirty days of the said fifteenth day of September a minimum charge of one month's interest shall be due and payable:
- (b.) All general taxes and local improvement taxes other than the capital sum in respect of which such parcel of land is then subject to sale, with interest thereon as provided by this Act:
- (c.) All costs, charges, and expenses (if any) chargeable in respect of the intended sale of such parcel.—

then such parcel shall thereupon be exempt from such sale, unless and until another or further default be made in respect thereof, in which event the provisions of this section shall again be applicable from time to time so often as any such default shall occur.

96. In the event of any parcel of land as aforesaid being sold as hereinbefore provided, if the owner shall wish to redeem such property at a date later than the fifteenth day of September next ensuing, he shall be required, before so redeeming, to pay to the city the annual instalment or instalments (if any) and interest which have accrued payable since the date of such sale, together with interest thereon at the rate of eight per centum per annum from the due date to the date of payment; provided that if such payment be made within thirty days after the due date a minimum charge of one month's interest shall be due and payable, and he shall,

If default be made in payment, land may be put up for sale at the following tax sale

in addition, make all other payments required by this Act for redemption.

Tax-sale Surplus.

Treasurer to keep separate accounts of certain sums to be called "Tax Sales Fund."

Yearly statement of Council

Certain sums to be transferred to general funds of the city.

Procedure for obtaining balances in Tax Sales Fund.

97. The Treasurer shall keep a separate account of all sums paid to him as a balance of purchase-money on lands sold for more than the amount of the upset price, and shall enter in a book the amount received over the arrears of taxes and costs, a description of the land sold, and the dates of sale and receipt of said balance; and the aggregate amount of such balances so received shall form a distinct fund, to be called "Tax Sales Fund," and the Treasurer shall, in the month of January in each year or at any other time, if required by resolution of the Council, furnish a statement to the Council, giving the amount of and other particulars respecting such fund; and whenever any portion of said fund, or any surplus funds received from any such source or from any other source whatsoever prior to or after the passing of this Act, shall have remained in the hands of the Treasurer for six years, without any notice of claim being made in respect thereof, or without any order of payment having been served on him as hereinafter provided, said portion or sum so remaining unclaimed shall, subject as hereinafter provided, become forfeited to the city, and shall forthwith thereafter be transferred to the general funds of the city and form part thereof:

Provided, however, that when any such money becomes forfeited under this section, any person or persons claiming the whole or any part of such moneys shall satisfactorily prove to the City Treasurer that he or they are legally entitled thereto, said Treasurer shall authorize the payment thereof, without interest, to such person or persons so claiming the same, and the burden of proof in all cases shall be upon the claimant.

98. (1.) Any person claiming to be entitled to any such surplus or any part thereof in the Tax Sales Fund, whether the sale for taxes took place under this Act or any former Act of this Province, may in person or by attorney lodge with the District Registrar of the Supreme Court a petition in writing, describing the land sold and setting forth the particulars of the sale and the right or title by reason of which said surplus is claimed, and said petition shall be verified by affidavit and supported by such evidence as the said District Registrar may require; and the said District Registrar may, in his discretion, require the claimant to serve upon any person or corporation he may deem proper, either personally or substitutionally, as and in such manner as he may direct, notice of his said application, and the said District Registrar may upon application order the surplus money applied for to be paid to the claimant or such other person as may be found entitled, and the order shall declare that it has been proved to the satisfaction of the said District Registrar making such order that the person to whom the money is

ordered to be paid is entitled thereto, and shall further state under what right or title he has been found so entitled; or the said District Registrar may, in his discretion, in any case in which he shall consider it proper so to do, order the money to be paid to the credit of the said Supreme Court; and in such case his order shall state the reason why the order was so made, and a copy of the order shall be filed in said Court, and the money so paid into such Court shall then be dealt with upon an application by summons in such manner as a Judge thereof in Chambers may order.

(2.) In all cases where the amount of such surplus is less than one hundred dollars, any person claiming to be entitled to the same or any part thereof may file with the City Clerk a statutory declaration verifying said claim, and produce a certificate of encumbrance showing the registered interest of such claimant in such property, and thereupon the city may pay over to the person proving such claim in the aforesaid manner the amount of such surplus, and thereupon the city shall be relieved of all liability in respect of any such sum or sums so paid, and no person shall have any claim against the city in respect thereof.

Tax-sale surplus
under \$100.

99. In case it should be found that some person other than the petitioner is entitled to some portion of the money standing to the credit of any lot or lots of land, the said District Registrar shall have power to apportion the share or shares to which each person may be entitled in such manner as to him may seem just.

In case other than
petitioner entitled
to some portion.

100. It is hereby declared that the person who shall be considered to be entitled to apply to the said District Registrar under the last preceding section for any money standing in the Tax Sales Fund to the credit of any parcel of land shall be the person who was, at the expiration of the time for redeeming said land from said tax sale, the owner of the land, or who held any encumbrance, security, or lien under judgment or otherwise thereon, or who is the assignee or legal representative of such person.

Persons entitled to
apply for any money
in Tax Sales Fund.

101. No action, suit, or proceeding shall lie against the city for the recovery of any such surplus or any portion thereof after the same has been paid by the city in pursuance of such order by the said District Registrar.

City paying balance
pursuant to order
protected.

102. The same fees shall be paid upon any application made to the said District Registrar as are payable in respect of applications in Chambers for a Judge's order in any suit or proceedings in the Supreme Court, and if the said District Registrar shall think it advisable to order the money to be paid into the said Supreme Court, or otherwise than into the hands of any claimant or his attorney, he may in his discretion order such fees or the proper costs of the claimant or of the city or any part thereof to be taken from and

Fees to be paid
upon application to
District Registrar.

paid out of the money which formed the subject of the claim; and in all cases where a claimant shall fail to obtain an order upon the city for payment the said District Registrar may order him to pay the costs of the proceedings, and such order may be made a judgment of the Supreme Court, and enforceable as such, by filing the same in such Court.

Voters' List.

Clerk to make list of voters.

103. The City Clerk shall, after the revision of the assessment roll and before the first day of August in every year, make a correct alphabetical list or lists of all persons being of the full age of twenty-one years appearing by the assessment roll to be entitled to vote in the city at municipal elections, giving the names of the voters in each ward, polling division, or districts in the city separately as the Council may deem advisable, and shall opposite the name of each person insert in the proper column of the voters' list the number of the lot or other description of the property in respect to which such person is qualified to vote; and for the purpose of this section the Council may authorize the City Clerk to specify the districts in which any elector shall vote.

Meaning of "owner," "tenant," and "owner under agreement."

104. The words "owner" (O.) and "tenant" (T.) and "owner under agreement" (O.A.) appearing on the assessment roll pursuant to the provisions of this Act shall, for the purposes of this Act relating to the voters' list, also be held to mean respectively "owner" (O.) or "tenant" (T.) or "owner under agreement" (O.A.), and shall be so entered in the voters' list by the City Clerk: Provided that when such owner under agreement is the registered holder of the last agreement to purchase the land or real property in respect of which his or her name is to be entered as a voter, or is the last registered assignee of said agreement, such owner under agreement shall be entered by the City Clerk upon said list as a voter instead of the registered owner in fee-simple of such real property.

Forms of voters' list.

105. In carrying into effect the voters' list provisions of this Act, the forms given in the Schedule 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.

106. Immediately after the City Clerk has made the said alphabetical voters' list or lists, he shall give public notice by printed posters in the City Hall and Provincial Court-house, and by advertisement once a week for four weeks in at least one newspaper published in the city, that the said list has been completed, and that the same shall kept in his office until the fifteenth day 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

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prefer his or her request in writing, verified by affidavit, signed with his or her name, stating the ward or district to which he or she belongs, and shall deliver, or cause the same to be delivered, to the City Clerk.

Revision of Voters' List.

107. 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 fifteenth day of October 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. Revision of list

108. 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 fifteenth day of September, give to the City 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 City Clerk is vacant for any reason whatsoever, such notice may be given in like manner to the Mayor. Proceedings on person complaining of errors in the list

109. 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 City Clerk by advertisement in one of the daily newspapers published in the city, and also by posting notices at the City Hall and Provincial Court-house at least seven days before the day so fixed. Day of hearing.

110. 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 for Court

111. The Revising Judge shall, on the day appointed for the revision as aforesaid, hear the appeals or complaints, notice of which have been given as hereinbefore provided, and any evidence adduced upon oath, in summary manner, and may adjourn the hearing from time to time and defer judgment thereon at pleasure: Provided that the Revising Judge may accept as conclusive evidence the affidavit or statutory declaration of any applicant to be placed on the list made on or after the first day of August before the Mayor, or City Clerk, or a Commissioner for taking Affidavits, or a Notary Public, or a Justice of the Peace, as to his qualification or non-qualification as a voter. Hearing of appeal.

112. In case no complaint respecting such list is received by the City Clerk before the fifteenth day of September, the Revising Judge shall, after he has satisfied himself of the correctness of the list, Judge to certify list if no complaint.

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 the Schedule of this Act, or to like effect.

Judge to correct list.

113. 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 adduced 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 on the list, or that any person's name should be erased from the list, he shall make such correction in or additions to the list as may seem to him to be just.

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

114. 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 the Schedule of this Act, or to like effect.

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

115. It shall be lawful for the Revising Judge, where real property has been sold since the last revision of the assessment roll, 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 registered owner or such other person as aforesaid for that of the person appearing on the 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.

Proof of owner of agreement

116. Notwithstanding anything hereinbefore contained, the Revising Judge shall not place or enter upon the list any holder of an agreement to purchase any land or real property or assignee thereof, unless such holder shall have filed with such Revising Judge or the City Clerk a statutory declaration, or affidavit, made before the Mayor, City Clerk, or a Commissioner for taking Affidavits, or adduced evidence under oath, proving that he or she is the registered holder of the last agreement to purchase such land or real property or the last assignee thereof, by the terms of which such holder or assignee is liable to pay the taxes.

Powers of Revising Judge.

117. 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, sitting in Court, in so far as relates to the hearing and receiving evidence and summoning of witnesses.

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

Copies of list to be printed.

- (1.) The Revising Judge who certified said lists:
- (2.) Every member of or candidate for the City Council:
- (3.) To any other party requiring the same, on payment of a sum not exceeding five dollars therefor.

119. 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 herein otherwise 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.

Remuneration of Judge.

120. 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.

Powers of the Judge of the Court of Revision.

121. 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 roll or voters' lists have prevailed 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.

Report by Judge as to fraud, etc.

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

Amendment.

123. 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 City 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.

appellant or applicant to intervene and prosecute such appeal or complaint, upon such terms as the Judge may think just.

Failure of Clerk to perform duties not to vitiate list.

124. The times appointed for the performance by the City Clerk of the duties required of him by this Act relating to the voters' lists shall be directory only to the said City 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.

Provision in case Clerk of the city fails to perform duties.

125. In case the City Clerk 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 the Supreme Court or a Judge thereof to enforce the performance of the same. The application to the Court or Judge shall be by way of mandamus, pursuant to the rules of the Supreme Court in that behalf.

Judge to require Clerk or other person to appear and submit to examination.

126. The Court or Judge shall, on such application, require the City Clerk, and any other person he sees fit, to appear before him and produce the assessment roll and any 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 Court or Judge shall thereupon make such orders and give such directions as may be deemed necessary or proper for the purpose aforesaid.

Penalty of Clerk for neglect, etc

127. If the City Clerk omits, neglects, or refuses to complete the voters' lists, or to perform any of the duties hereinbefore required by the provisions of this Act, such City 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.

128. If the City Clerk, 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.

129. 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.

130. 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.

Recovery of penalties.

131. (1.) Notwithstanding anything in this Act contained, in case any person who appears by the assessment roll to be entitled to be entered upon the voters' list as a voter, but who has been inadvertently left off the voters' list by the City Clerk when making up the voters' list, and who shall on any election-day prove under oath to the satisfaction of the City Clerk that he or she is upon the assessment roll and was entitled to be entered upon such voters' list by the City Clerk as a voter, and that he or she is still entitled to be entered upon such voters' list as a voter, then the City Clerk may give a certificate under his hand to any Deputy Returning Officer, such certificate to state that the person therein named is entitled to vote and to be entered upon the voters' list as a voter in respect of property to be named in such certificate, and upon presentation of such certificate to the Deputy Returning Officer of the ward in which such property is situate, such voter shall be entitled to vote at such election in like manner as if he or she had been originally entered upon the voters' list by the City Clerk.

Voters inadvertently left off list.

Certificate of Clerk.

(2.) The provisions of this section shall also apply to the list of persons entitled to vote on by-laws requiring the assent of the electors.

By-laws requiring the Assent of the Electors.

132. (1.) The right to vote on by-laws requiring the assent of the electors shall belong to the following persons, being males or females (of the full age of twenty-one years), or any corporation, 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 the right of the corporation, and each such person so qualified shall be entitled to one vote.

Corporation on assessment roll vote on money by-laws.

(2.) Such corporation shall vote only by a duly authorized agent, being a British subject, whose authority shall be filed with the City Clerk before the City Clerk shall have completed and closed the list of voters entitled to vote on such by-laws; and such agent shall be entitled to vote for such corporation from year to year until the appointment of such agent is cancelled and until the City Clerk has notice of such cancellation.

Corporations to vote by agent.

(3.) When any owner is the registered holder of the last agreement to purchase such real property or the last registered assignee of said agreement, said owner shall have the right of voting on any

Holder of agreement of sale to vote on money by-laws.

such by-law instead of the registered owner in fee-simple of such real property.

Holder of agreement
to purchase

(4.) Any registered owner or registered holder of the last agreement to purchase shall have the right to vote instead of the assessed owner or assessed holder of agreement to purchase; provided such person shall have filed with the City Clerk, at least five days before the day of voting, a statutory declaration proving that he or she is the registered owner or the registered holder of the last agreement to purchase, by the terms of which such registered holder is liable to pay the taxes.

Voters' list.

(5.) 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 provisions of this Act.

Procedure for Submission of By-laws.

Submission of
by-laws.

133. 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 for taking
vote Poll, pro-
ceedings at.

(1.) The Council shall by by-law fix the day, hours, 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.

(2.) 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.

(3.) Appended to each copy so published shall be a notice, signed by the City Clerk, stating that such 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 day, hours, and place, or places, fixed for taking the votes of the electors:

Poll. proceedings at.

(4.) At such day and hours a poll shall be taken, and the proceedings thereat, for the purposes thereof, including a recount, shall 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.

(5.) At any polling on any by-law, a voter before marking his ballot-paper, if so required by the Returning Officer, 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 shown to me, and that I have not voted before at this election, and 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 in violation of this Act, or any other 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.

- (6.) The ballot-papers cast shall contain a brief statement of the objects or purposes of the by-law, and shall have printed thereon the words “for the by-law” and the words “against the by-law,” and shall be marked by the voter voting by a cross on the right-hand side 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 or districts 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 election for Mayor or Aldermen:
- (7.) Upon receiving the returns the City Clerk shall add up the votes, and if it appears from such returns that the votes cast for any such by-law be not less than three-fifths of the votes polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost.

Form of ballot-paper.

Three-fifths majority required.

Clerk to declare by-law carried or lost.

134. 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.

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

By-laws for contracting Debts.

135. (1.) 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 rateable 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, exclusive of such sum or sums as may be required to purchase or otherwise acquire the assets (or any part thereof), pursuant to the provisions of this Act, of any company operating a public utility in the City of Vancouver or vicinity under special Act of the Legislature of the Province of British Columbia or of the Dominion of Canada.

By-laws for contracting debt.

(2.) No such by-law shall be valid which is not in accordance with the following restrictions and provisions:—

Terms of.

- When to take effect. (a.) The by-law shall name a day in the fiscal year in which the same is passed when the by-law shall take effect; and the whole of the debts and 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 of interest and sinking fund. (b.) The by-law shall provide that an annual sum shall be raised and levied in each year by a special rate on all the rateable 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:
- Recital in by-law. (c.) 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 created; (2) the amount of the whole rateable 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.

136. Every by-law for raising upon the credit of the city any money not required for its ordinary expenditures, and not payable within the same fiscal 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 city, 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 binding on Corporation.

Debentures.

Debentures, etc., how to be executed.

137. All debentures and other securities duly authorized to be executed on behalf of the city shall, unless otherwise specially authorized or provided, be sealed with the seal of the city, and signed by the Mayor and countersigned by the Treasurer, or signed or countersigned respectively by some other person or persons authorized 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 some other person or persons authorized by by-law to initial the same, shall be affixed to all coupons attached to such debentures.

Transfer of debentures.

138. Any debentures issued under the formalities required by the provisions of this Act, 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.

139. Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by the city at a rate of less than par. Full amount recoverable.

140. Debentures issued by the city may contain a provision in the following words: "This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of the city, be transferable except by entry by the Treasurer or his deputy in the debenture registry-book of the said city" (or to like effect). Debentures.

141. The Treasurer, on the issue of any debentures containing the provision in the last preceding section, shall open and keep a debenture registry-book, in which he shall enter a copy of all certificates of ownership of debentures which he may give, and also every subsequent transfer of such debentures; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or his executors or administrators, or his or their lawful attorney, which authority shall be retained and duly filed by the Treasurer. Debenture registry-book.

142. After the certificate of ownership has been endorsed as aforesaid, the debentures shall only be transferable by entry by the Treasurer or his deputy in such debenture registry-book from time to time as transfers of such debentures are authorized by the then owner thereof, or his lawful attorney.

143. All debentures sealed with the seal of the city 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 Council, be valid and binding on the city and shall not be quashed or set aside on any ground whatsoever. The certificate of the City Clerk under the seal of the city 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 purchasers of the said debentures, or his or their assigns, to examine into the validity or otherwise of the proceedings leading to the issue of said debentures. Validity of debentures.

144. 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 Council may make principal repayable by equal annual instalments.

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 provide for the issue of debentures of the city 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 such debt as the said instalments and interest become respectively payable according to the 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.

Special Books of Account.

Two special accounts to be kept.
(1.) For the special rates.
(2.) For the sinking fund of instalments of principal.

145. 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.

When surplus may be applied to next year's interest and to sinking fund.

146. 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.

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

147. 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 may 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.

148. The Council may appropriate to the payment of any debt the surplus income derived from any public or city 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 instalment accruing due.

Council may apply other funds towards such debt.

Investment of Sinking Fund.

149. If any part of the proceeds 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 Council shall have power from time to time to invest the same in Dominion or Provincial Government securities, repurchases of city debentures, 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 reconvey and release securities already taken under the seal of the city and may reinvest the proceeds thereof.

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

(2.) 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, are hereby declared to be vested in the said city, without any assignment or conveyance thereof, and shall be dealt with by the Council 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.

150. The Council shall regulate the manner in which such investment shall be made.

Regulation of such investment.

151. 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.

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

152. 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 authorized by this Act, and any such member so doing shall be held personally liable for any loss sustained by the city.

Members of Council shall not be party to investment of sinking fund otherwise than authorized by the Act.

153. In the event of any real estate mortgaged to the city or heretofore mortgaged to the city under the provisions of any Act becoming vested in the city by virtue of a suit of foreclosure or by conveyance or sale, or in the event of the Council deeming it advisable to exercise the power of sale in any such mortgage, it shall be

Power of Council to convey mortgaged property.

lawful for the Council to convey, under the seal of the city, and to vest any such real property in a purchaser thereof, without passing a by-law authorizing such sale or submitting the same for the assent of the electors.

Council may redeem debentures or stock by issue of new debentures.

154. Notwithstanding anything contained in any by-law passed in pursuance of the powers contained in this Act or any other Act, 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 or stock for the purchase of the whole or any portion of the debentures or stock issued under any by-laws as aforesaid, at such rate or rates of interest respectively, not greater than five per centum, as they think fit, and to make the same and the interest thereon payable at such place or places as they may think fit, and to make and enter into any agreement or agreements with the purchaser or purchasers of such debentures or any of them, or of any such stock, for the repurchase or redemption of them or of any of them, or of any such stock, in such manner and upon such terms and conditions as may be agreed with any such purchaser or purchasers.

Conversion of Debentures.

Issue of inscribed or registered stock.

155. Wherever, under the provisions of this Act, power is given to the Council to borrow or raise by the issue and sale of debentures or otherwise any sum or sums of money, it shall be lawful for the Council to raise the whole or any portion of such sum or sums of money in the form of inscribed or registered stock (hereinafter termed "stock"), which shall be a valid and binding charge upon the city.

Under by-law approved by majority of whole Council.

156. The authority given by the foregoing section shall be exercised by virtue and under the authority of a by-law which shall be approved of by the affirmative vote of at least an absolute majority of all members of the Council, and such by-law shall specify:—

Contents of by-law.

- (a.) The purpose for which the loan is to be made:
- (b.) The term for which it is to be made:
- (c.) The rate of interest thereon, which shall not exceed five per centum per annum:
- (d.) The arrangements for the provision for a sinking fund:
- (e.) The amount imposed for the purpose of paying interest and a sufficient sinking fund or annuity, as the case may be, to repay the capital at maturity:
- (f.) The particulars of the place or places of issue, of registration, of inscription, of transfer, and of the redemption of the capital at maturity:
- (g.) The form of security to be used, whether bonds or debentures or registered stock or inscribed stock, in sterling, in currency, or otherwise:

- (h.) All such stock shall be styled "City of Vancouver Consolidated Stock." Style of stock.

157. The Council shall have and may exercise the following powers, or any of them:—

- (1.) The Council may from time to time declare all or any of the debentures or other public securities issued or authorized to be issued by the City of Vancouver to be convertible into stock: Other securities convertible into stock.
- (2.) The Council may authorize the issue of an equivalent amount of such stock in exchange for such debentures or other securities, and for debentures or other securities authorized but not sold or disposed of: Issue of stock to exchange for debentures.
- (3.) The Council may, on such conditions as it may determine, authorize the creation and issue of any stock for the purpose of redeeming any outstanding debentures or other securities, and of paying the expenses in connection with such redemption or the carrying-out of the provisions of this Act: To redeem outstanding debentures.
- (4.) Any such conversion of debentures or other securities into stock may be effected either by arrangement with the holders of such debentures or other securities or by the purchase thereof out of the moneys received by the sale of new stock, or partly in one way and partly in another.

158. This Act shall not operate to authorize an increase in the authorized amount of any loan except in the case where stock is issued in exchange for debentures or other securities bearing a higher rate of interest than such stock; an additional amount of stock may be issued to make up the difference in the current saleable value between such debentures and stock. Amounts for which stock may be issued.

159. The Council may enter into an agreement with any bank, person, firm, or corporation to provide for all or any of the following matters:— Agreements with outside banks as to all matters connected with stock.

- (a.) For the issue and inscription and registration of stock on register to be kept at any bank or with such person, firm, or corporation:
- (b.) For effecting the conversion of debentures or other securities into stock and regulating the transfer of stock:
- (c.) For the issue of stock certificates and the signature of the same:
- (d.) For paying interest on stock or the capital sums represented thereby:
- (e.) For issuing stock certificates to bearer and as often as occasion shall arise reregistering or reinscribing the stock represented by such certificates:

- (f.) For receiving from time to time all moneys raised under this Act and for paying such moneys from time to time into the city's account with any bank duly appointed by the city in that behalf:
- (g.) For the issuing of allotment letters and provisional scrip certificates to represent money paid up on account of any stock, pending the issue of the final stock certificates:
- (h.) For the transfer of stock from one place of registry to another:
- (i.) Generally for conducting all business connected with the issue and service of the stock and the inscription, registration, and transfer thereof.

Stock binding on city notwithstanding any formalities.

160. Stock issued pursuant to the powers contained in this Act shall be valid and binding in the hands of a bona-fide purchaser, notwithstanding that any of the necessary formalities in connection with the issue thereof have not been complied with.

Issue of series, etc.

161. Notwithstanding anything contained in this Act, whenever the city or the Council thereof has power to issue and sell bonds, debentures, or stock, and to borrow or raise money thereon or thereby, such bonds, debentures, or stock may be redeemable when and mature and become payable in such length of time as the Council may determine, and may be issued and sold in series of such length of time and nature and extending over such number of years as the Council may determine, so that all debentures, bonds, or stock of any one series shall mature and become payable at the same time, but so that the whole or any part thereof shall be redeemable at any time prior thereto or at any time or times prior thereto as the Council may determine.

Powers Exercisable by Council.

162. The powers of the Council under this Act shall be exercised by the Council.

Council may make by-laws.

163. The Council may from time to time pass, alter, and repeal by-laws for the following purposes:—

Public Utilities.

For purchasing, etc., waterworks, gasworks, and electric-light works, and regulating conditions of supplying, etc.

- (1.) For investigating, purchasing, developing, constructing, operating, and maintaining any water-powers, waterworks, gasworks, and electric-light works or electrical power, whether the source of supply or the power required be situate within or without the limits of the city, and for regulating and controlling the conditions and terms under which the same may be supplied or used, and any materials, plant, and buildings in connection with the same or appurtenant thereto, and for leasing and extending the same:

- (2.) For acquiring, by purchase or otherwise, any street-railway, electric railway, tramway, or ferries, and material, buildings, and plant used in connection therewith or appurtenant thereto, and for operating, constructing, maintaining, and leasing the same: For acquiring, etc., street-railways, tramways, ferries, etc.
- (3.) For constructing, operating, maintaining, or leasing street-railways, electric railways, tramways, and ferries, and all buildings, material, and plant used in connection therewith or appurtenant thereto, and extending and leasing the same: For constructing, etc., street-railway, electric railway, tramway, ferries, etc.
- (4.) For acquiring, constructing, operating, and maintaining a municipal telephone system, and all land, buildings, materials, and plant used in connection therewith or appurtenant thereto, and extending the same: For constructing telephone system
- (5.) For supplying water, light, gas, and power to citizens, persons, and corporations, whether resident or not within the city, and to municipalities adjacent to the city, and for the recovery of moneys due for such water, light, gas, and power, or for the supplying of water, light, gas, and power to consumers, and for the enforcement of the payment of such moneys or rates by making the same a charge on the lands or premises in respect of which such services are supplied or furnished to the occupants thereof using the water, light, gas, or power; and for enabling the city to recover the same in either the same manner as overdue taxes or by action instituted in any Court of competent jurisdiction: Provided that nothing in this subsection shall be held to impair or prejudice the rights (save and except in respect of the acquiring, developing, manufacturing, or sale of electric light and power) now vested in the British Columbia Electric Railway Company, Limited, or the Vancouver Gas Company, by virtue of any requirements under any agreement or agreements with the city: For supplying water, light, etc
- (6.) The Council shall not, with the exceptions 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 (save and except in respect of the acquiring, developing, manufacturing, and sale of electric light and power), or by virtue of which the city shall 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.

If notice given, price to be referred to three arbitrators. Payment of such arbitrators.

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

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

Provisions as to purchase not to affect Vancouver Gas Company, if company charges, etc.

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

- (7.) 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:
- (8.) In case the notice referred to in the next preceding subsection 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 named by a Judge of the Supreme Court, 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:
- (9.) 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 subsections of this section: —
- (10.) 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 notice requiring an arbitration as aforesaid, then the Council may proceed forthwith to exercise the powers conferred upon them by the preceding subsections of this section:
- (11.) The provisions as to purchase contained in the preceding subsections of this section 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, and in the event of such company making charges in excess of the above rate, the city shall have the right to construct, purchase, maintain, and operate gasworks, 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:
- (12.) 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 utilized in the lighting of the streets of the city by the said 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 such company:

- (13.) (a.) 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 tramway or street-railways, or of 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 steps 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 as provided in the agreement between the company and the city bearing date the fourteenth day of October, A.D. 1901, 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 said street-railway or tramway on the said street or streets or the construction of the lighting-works within a reasonable time:

If city desirous of constructing street-railways on streets, etc., or lighting any portion of the city not occupied or lighted by the B.C. Electric Railway Company, Ltd., Council shall give company option. etc.

(b.) If the company declines to accept said option referred to in the next preceding subsection, or if, after acceptance, the company fails to construct the said railway or lighting-works within a reasonable time, then the Council shall have the full power to acquire, construct, establish, develop, maintain, equip, and operate the same, as it may deem expedient, together with all plant and works incidental thereto or necessary in connection therewith to the construction, establishment, maintenance, or operation of such street-railway, tramway, or electric-lighting system: Provided, however, that no contractual rights enjoyed by the British Columbia Electric Railway Company, Limited, under agreement between said company and the city of date fourteenth October, A.D. 1901, shall be thereby prejudiced or affected; and the Council may pass any necessary by-law or by-laws authorizing the city to so construct, establish, equip, operate, and maintain such railway, tramway, or electric-lighting works on and over such street or streets or public places; 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 herein-

If company declines to accept option, city may construct works, etc.

before provided with respect to by-laws requiring the assent of the electors:

If company refuses 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:

City may establish plants or works to furnish, etc., water-power or electric light and power.

- (15.) Notwithstanding anything in this section contained, but subject always to the provisions of the "Water Act, 1914," and amending Acts, the city shall have the right to investigate, develop, acquire, establish, construct, equip, operate, maintain, distribute, transmit, and sell any water power or powers inside or outside the city for any desired purpose; nor shall anything hereinbefore or hereinafter in this Act contained, or in any other Statute, public or private, save the "Water Act, 1914," and amending Acts, contained, be considered in any way to restrict, limit, or prejudice the right of the city to investigate, develop, acquire, establish, construct, equip, operate, maintain, manufacture, distribute, transmit, and sell electric light and power, and all plant and works in connection therewith; nor shall the provisions of any of the preceding subsections hereof, (5) to (14), both inclusive, be deemed or construed to be in any way applicable to the city in respect to electric light and power, and all plant and works in connection therewith, in the event of the city proceeding to exercise any of the foregoing rights or powers in respect of electric light and power:

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

- (16.) For authorizing any gas, water, telephone, electric, electric light, district messenger, power, heating, tramway, or street-railway company to lay down pipes, erect poles, string wires, put down rails, 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,

or street-railway company shall have any powers or right to lay down pipes, erect poles, string wires, put down rails, or in any way interfere with the streets, lanes, public places 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:

- (17.) For authorizing the city to acquire, undertake, establish, lease, construct, develop, maintain, equip, and operate a system of wireless telephones (including all necessary plant and works in connection therewith), and to lease, sell, or dispose of the same: Wireless telephones.
- (18.) No by-law for any of the purposes in any of the preceding subsections set forth shall hereafter be finally passed agreeing to, granting, or bestowing or permitting any right, privilege, franchise, permission, or consent, whether of a donative nature or not, or any material alteration or variation thereof, or in respect of any existing agreement, franchise, privilege, or permission, or any material alteration or variation thereof, or extending the time for which any such right or agreement, privilege, franchise, consent, or permission has heretofore been entered into, granted, bestowed, or assented to, unless and until such by-law has first been submitted to and received the assent of the electors of the city entitled to vote on by-laws requiring the assent of the electors in manner provided by and under and in accordance with the provisions of this Act: Provided, however, that the provisions of this subsection shall not apply to any agreement heretofore made which did not require to be submitted to and receive the assent of the electors of the city entitled to vote on by-laws requiring the assent of the electors:
- (19.) For contracting for the supply of gas or electric lighting for streets 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 contracting for supply of gas, etc.

Public Morals.

- (20.) For prescribing and regulating the time after which children shall not be on the streets after nightfall without proper guardianship, and specifying the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed; and for prohibiting such children from being on the streets contrary to the by-law; and for providing that any child

When children may be on streets.

found on the streets as aforesaid after the time appointed shall be liable to be warned to go home by any constable or police officer, or any other official or officer duly authorized by the Council, and if after such warning any child is found loitering on the streets, such child may be taken by such constable to his or her own home; and for providing that any parent or guardian may be summoned for permitting, suffering, or not effectively preventing his or her child from breaking any by-law passed pursuant to this subsection after such parent or guardian has been warned in writing by any constable, police officer, or other official or officer duly authorized by the Council; and for any infraction of any by-law passed pursuant to this subsection the parent or guardian shall be held responsible therefor, and shall be subject to the penalties thereby imposed:

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| Wagers. | (21.) For prohibiting or regulating wagers and gambling: |
| Exhibitions, etc. | (22.) For prohibiting or regulating and licensing exhibitions and places of amusement: |
| Bathing. | (23.) For regulating the bathing or washing of the person, and for regulating and controlling the dress to be worn by bathers on or around any of the public beaches or in any public water within the limits of or under the control or jurisdiction of the city: |
| Bathing-houses,
boat-houses. | (24.) For the inspection and regulation of public bathing-houses and boat-houses, or premises wholly or partly used for bathing or boat-house purposes: |

Public Health.

- | | |
|---|---|
| Spread of disease,
regulating. | (25.) For providing for the health of the city and against the spread of contagious or infectious diseases, and for controlling, restricting, prohibiting, or regulating persons, premises, or conditions in the city, with a view of preventing the spread of infectious diseases: |
| No diseased fruit,
etc., to be landed. | (26.) For prohibiting or preventing the landing of any diseased fruit, meat, fish, or other deleterious matter from boats or vessels and from railroad carriages, cars, or other conveyances: |
| Duties of Health
Officers. | (27.) For appointing and prescribing the duties of a Health Officer or Officers and other health officials and assistants: |
| Scavenging system. | (28.) (a.) For the inauguration, equipment, establishment, construction, superintendence, maintenance, control, and regulation of a scavenging system for the city, or for entering into any contract or contracts in respect to or for undertaking the same; and for compelling, regulating, enforcing, controlling, or prohibiting the collection, removal, disposition, or burning of garbage, refuse, rubbish, ashes, litter, animal carcasses, swill, vegetable or animal matter |

from or in all parts of the city; and for granting contracts for the handling, collection, removal, or disposition of the same, as the Council may in its discretion deem expedient: Provided that said contract or contracts shall not be exclusive in its terms:

(b.) And for providing, acquiring, or leasing all necessary plant and equipment in respect of the same, including any necessary crematories or incinerators or sites for yards or dumps, and for selling or leasing the same from time to time:

Leasing, etc., plant and equipment.

(c.) And for defraying the cost of the maintenance thereof out of the general revenue of the city, or by a direct charge for scavenging, incinerating, and cremating work performed; and for the fixing of such charges; and for providing for the collection of such charges, and for enforcing the payment thereof:

Cost, enforcing payment.

- (29.) For the 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:
- (30.) For establishing, protecting, regulating, and cleaning 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 the same:
- (31.) For erecting, constructing, building, establishing, maintaining, protecting, regulating, and cleansing public closets, urinals, septic tanks, and sanitary conveniences, either underground or elsewhere within the city:

Encumbering, etc., of public places.

Wells and reservoirs.

For establishing public conveniences.

Sewers and Drains.

- (32.) For the construction, superintendence, maintenance, and regulation of drainage and sewerage works and water-mains and waterworks, 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 or water mains or works, 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, water mains or works, and all connections therewith:
- (33.) For charging all persons who own or occupy property, or any lot, 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 such sewer or drain, and for regulating the time or times and manner in

Drainage and sewerage works.

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

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
owing or occupying
property, whether
vacant or otherwise,
with rent for water-
mains, etc.

- (34.) 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 the cost thereof, or with a reasonable proportion of the cost of the whole waterworks system of the city and of the sewerage system of the city for the supplying of water or sewerage service to or for the use of the inhabitants, calculated on the basis of the frontage of the property, whether the water from such main or pipes or the sewerage service is used on the property or not:

Watering streets.

- (35.) For assessing the owners or property fronting on any road, street, or lane with the cost of watering or oiling the said road, street, or lane, and for making such assessment a charge on the property so fronting:

Installing connec-
tions from main
sewers to street-line.

- (36.) For the installation of connections from the main sewers or water-mains 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 or water-mains; and for regulating the time and manner in which the same is to be paid, and for providing for the recovery thereof from the owner or occupier, either by action in any Court of competent jurisdiction or in the same manner and under the same regulations as in the case of overdue taxes:

Rent or charge for
sewer service.

- (37.) For the charging of all persons who own or occupy property connected with any sewer or drain or water-main a reasonable rent or charge for the sewer or drain or water-main service given to such person or property by any or all sewers, drains, or water-mains of the city, and for providing for charging of any rent or charge upon such property, and for the recovery of same from such persons, either by action in any Court of competent jurisdiction or by sale of such property in the same manner and under the same regulations as in the case of overdue taxes: Provided that the basis, manner, and method of determining what is a reasonable rent or charge as aforesaid shall be in the discretion of the Council: Provided further that the powers in this subsection mentioned may be exercised by the Council either in addition to or in substitution for any powers of a like nature hereinbefore in this section set out:

Rent or charge to
become charge on
the property.

- (38.) For installing, establishing, maintaining, and operating a Waterworks system. waterworks system, and all plant and connections incidental thereto, within or without the city, for the supply of water to the inhabitants of the city, and for charging rates therefor, and for enforcing payment and collection of the same from the owners of property situate within the city so supplied and furnished; and for making the amount of the said rate a charge against the said lots or lands owned by the persons so supplied; and for recovering same, either by action in any Court of competent jurisdiction or in the same manner as provided in this Act for the recovery of overdue taxes; and for entering into agreements with other municipalities for the supply of such water:
- (39.) To regulate, clean, repair, amend, alter, widen, deepen, Cleaning of drains, sewers, etc. contract, straighten, divert, close up, or discontinue the drains and sewers and water-mains and all natural watercourses in the 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 watercourses passing through private property in the city, and to regulate all matters concerning the same, whether the said watercourse be covered or not:
- (40.) For opening, making, preserving, improving, repairing, Opening, making of drains, sewers, roads, alleys, etc. widening, altering, diverting, stopping up, and putting down drains, sewers, watercourses, roads, streets, bridges, 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 the city, 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:
- (41.) For compelling owners, lessees, or occupiers of property to Compelling connections with public sewers, water-mains, etc. connect the same with any public sewer or drain or waterworks system owned or constructed by the city, and for prohibiting or compelling or regulating the installing or the filling-up, draining, clearing, altering, relaying, and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools, septic tanks, and privies as the Medical Health Officer of the city may deem expedient or necessary; and for providing that in case of default by such owners or lessees in not complying with any orders or directions of the Council made pursuant hereto, the Council may execute and carry out such work, and may assess the

owners or lessees or occupiers of such grounds or yards, or of the real property on which the cellars, private drains, sinks, cesspools, septic tanks, or privies are situate, with the cost thereof if done by the Council in their default; and for removing and depositing 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.

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

Gas Fixtures.

Regulation of
gas fixtures.

- (43.) For regulating the installation and ventilation of gas fixtures, gas cook-ranges, heaters, grates, and other appliances:

Inspection of Foods.

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

- (44.) For the appointment of inspectors and for providing for the inspection of milk, meat, bread, poultry, cake, ice-cream, candy, fruit, eggs, fish, and other natural products and all foodstuffs offered for sale in the city; and for regulating, restricting, and controlling the places or premises wherein any such foodstuffs and articles of food are kept, placed, stored, sold, or offered for sale:

Bread.

- (45.) For prescribing and regulating the weight of bread, and for regulating and prescribing the assize of bread; and for providing for the seizure and forfeiture of bread made contrary to such by-law, and generally for regulating the sale of bread:

Markets.

Market.

- (46.) For the establishing or for prohibiting, controlling, or regulating the establishment of markets and stockyards, and for prescribing the limits or areas within which the same may or may not be situated or maintained:

Buying and selling.

- (47.) For preventing, controlling, and regulating the buying and selling of all commodities or articles or animals exposed for sale in or on any public market or in the open air:

Selling articles
distrained for rent.

- (48.) For selling, after six hours' notice, butchers' meat, fruit, fish, or other perishable articles distrained for rent of market stalls, and to distrain for such rent:

Peddling in market.

- (49.) For prohibiting 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, ice-cream, peanuts, candy, and small wares practising their calling in any of the public markets,

- public sheds, and vacant lots, and the streets, lanes, and public places in the city adjacent to any hospitals or markets in the city:
- (50.) For regulating the vending of anything by hucksters and runners within the city: Hucksters and runners.
- (51.) For changing the site of any market-place owned by the city, or to abolish any such market or markets now in existence in the city or hereafter to be in existence in the city, and to appropriate the site or sites thereof for any public purpose whatsoever, and to establish new markets, and to acquire by purchase or otherwise new sites for the same: Market and market-places
- (52.) For determining and regulating the powers and duties of market clerks and all other persons employed by the city in and about the said markets: Market clerks.
- (53.) For imposing, regulating, and fixing the rates to be paid by any person or persons selling or retailing any article or 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.
- (54.) For regulating all vehicles of any kind in which any article shall be exposed for sale in any public market or in any street or public place or square within the city: Vehicles in market.
- (55.) For designating or specifying such place or places within the city for, or for regulating, preventing, or prohibiting or controlling within the city limits, the slaughter of cattle, sheep, lambs, hogs, and other animals usually used for food: Abattoirs.

Short Weights and Measures.

- (56.) For establishing and maintaining public weighing-scales and for imposing reasonable fees in respect thereof, and to compel the vendors of all goods, merchandise, or commodities sold or delivered by the load in the city to have the same weighed thereon; and for the appointment of a weigh-master and assistant or assistants: Weighing-machine.
- (57.) For regulating and compelling the weighing of coal and the measuring of wood or other fuel sold and delivered in the city, and for imposing a penalty for short or light weight or quantity or short measurement in respect of the same; and in addition to such penalty to provide for the seizure and forfeiture of any load of coal, wood, or other fuel for being of short or light weight or quantity or short measurement: Imposing penalties for short or light weight.
- (58.) For imposing penalties for light weight or short count or short measurement in anything vended in the city, and for providing for the seizure and forfeiture of articles sold of light weight, short count, or short measurement: Light weights.

Regulating short
weights, etc.

(59.) For regulating, controlling, investigating, and checking the subject-matter of quantities and short or light weights and short measures of or for any goods or commodities sold or delivered in the city, and for imposing a penalty in respect of such short or light weights or quantity and short measurement; and for compelling the full weight, quantity, or measurement to be given of all goods, wares, merchandise, or commodities sold or delivered in the city; and for the appointment of any necessary inspector or inspectors:

For seizing and forfeiting any goods of light weight.

(60.) For seizing and forfeiting any goods, commodities, articles, or things of light weight or short measurement or quantity when sold or attempted to be sold within the city:

Streets, Highways, and Bridges.

Removal of snow,
ice, and dirt.

(61.) For compelling any person 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, streets, alleys in front of or adjacent to such premises, and for removing the same at the expense of the owner or occupant in case of his default; and for recovering the cost or expense thereof from any such owner or occupier in default, by action in any Court of competent jurisdiction, or in the manner provided herein for the recovery of overdue taxes:

(a.) For regulating, controlling, or prohibiting persons from depositing in or on any street, road, lane, thoroughfare, or public place store sweepings, rubbish, or refuse or dirt of any kind; and for compelling persons to provide receptacles or containers, of the size and kind specified in the by-law, in which all such store sweepings, rubbish, refuse, or dirt shall be placed or deposited:

Assessment for
watering and
sweeping streets.

(62.) For assessing land fronting on any particular street, lane, public place, or square, or for assessing the citizens residing in any particular street, lane, or square or section of the city, in any sum or sums necessary to meet the expense of sweeping and watering or oiling the said street, lane, square, or section of the city:

Grass-plots and
boulevards.

(63.) For setting apart such portion of any street, lane, square, or other public place, as the Council may from time to time by resolution determine, as or for boulevards or grass-plots; and for constructing, maintaining, sodding, planting (either with grass, trees, shrubs, or plants), caring for, and keeping in good order, repair, and condition by the city or the Park Board such boulevards or grass-plots as and when the Council shall by resolution direct; and for assessing and charging, by resolution of the Council, the land fronting on any such street, lane, square, or public place, and the owners or occupiers of such land, with the payment of

any and all sums necessary to meet the cost and expenses of the maintaining, sodding, planting, caring for, and keeping in good order, repair, and condition such boulevards or grass-plots in front of such land (but not to any greater extent than twenty-five cents a year for each front foot of such land) in like manner and with the same powers of recovery and of sale of land as in case of overdue taxes upon land: Provided that none of the provisions of this Act relating to local improvements shall apply to the afore-said works of maintenance, sodding, planting, caring for, **and keeping in good order, repair, and condition grass-plots and boulevards**, which work shall be performed and carried out by the city or the Park Board:

- (64.) 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 of the Vancouver Land Registration District: Surveying streets and boundary-lines.
- (65.) For surveying, settling, and marking a building-line so that buildings shall not be constructed at a lesser distance from any street than that set out in any by-law, and for prohibiting the erection of any buildings not in conformity with such by-law: Establishing a building-line
- (66.) For regulating the width of new streets and roads, and for prohibiting the laying-out or construction of streets and lanes except in conformity with existing streets, roads, or lanes, and unless the consent of the Council has first been obtained: Width of new streets.
- (67.) For regulating the plans, level, width, surface, inclination, and the material of the pavement, roadway, and sidewalk of streets and roads: Plans, level, width, etc., of pavement, etc.
- (68.) For establishing a general or permanent grade for the streets, lanes, roads, bridges, and viaducts in the city: Provided that no claim for compensation nor action for damages shall lie or be maintainable against the city for alleged compensation or damages to or for any real property that may be or may have been injuriously affected by the establishment of any grade by the city, unless such person, before purchasing the said real property, or before building or causing to be erected any structure thereon, shall first have obtained the established grade of such street, lane, road, bridge, or viaduct, as the case may be, from the City Engineer: Grade.

Land and bench
marks.

(69.) For establishing and maintaining land-marks and bench-marks in the city:

Door-steps,
porches, etc.

(70.) For prohibiting, controlling, or regulating the erection of and ordering and requiring at any time the removal of any door-steps, porches, railings, signboards, or projections into or obstruction in any public street or public highway in the city at the expense of the owner, and for charging the owner with the cost of removal of same, with power to recover the same by action in any Court of competent jurisdiction:

Regulation of signs
and signboards.

(71.) For charging an annual rental fee for the maintenance of signs, signboards, or other projections over public streets, lanes, or public places, and to regulate the same; and to prohibit the erection or maintenance of any sign, signboard, 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 in respect of which the annual fee has not been paid:

Shade-trees.

(72.) For prohibiting 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 growth of the same:

Signboards,
posters, etc.

(73.) For prohibiting the pulling-down or defacing of signboards and posters, and of printed or written notices lawfully affixed:

Verandahs.

(74.) For compelling the removal of all existing verandahs erected on or projecting over any sidewalk within the city, and for prohibiting and controlling the erection of any verandah:

Throwing dirt, etc.,
on the streets.

(75.) For prohibiting persons from depositing or throwing dirt, ashes, filth, garbage, refuse, carcasses of animals, sweepings from stores, litter, or rubbish on any road, lane, street, or highway in the city or on the foreshore of its harbours:

Obstructions
on streets.

(76.) For the removal of any obstruction of whatsoever nature or kind in any of the public squares, streets, or places within the city, and at the cost of the city or of the parties causing the obstruction:

Bicycle-paths

(77.) 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 wagon, cart, or carriage over or along such bicycle-path:

Areas, cellars, or
openings.

(78.) For prohibiting or permitting, controlling and regulating areas, cellars, or openings or overhead coverings constructed or to be constructed in, under, or over sidewalks, streets, and lanes, and for making an annual charge or rent for

such privilege, and for the use of such areas, cellars, or openings or coverings, and for enforcing the payment of such sums, either by action in any Court of competent jurisdiction or as provided for the recovery of overdue taxes; and for providing for indemnity from any person to the city against any claim, loss, or damage which may be occasioned by reason of the construction, existence, maintenance, or use of any such area, cellar, or opening or overhead covering, or the property to which it is appurtenant, 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 or overhead covering:

Trade Licences.

Auctioneers.

- (79.) For licensing, regulating, and controlling auctioneers, and Auctioneers.
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, in the opinion of the Council, is not of good character or whose premises are not suitable for the business, or upon residential or other streets in which, in the discretion of the Council, it is not desirable that the business of auctioneer should be carried on:

(a.) For authorizing, controlling, compelling, regulating, or providing that it shall be necessary for any person licensed as an auctioneer, in addition to any other licence held by or issued to such person, to take out and obtain a special permit from the Council to hold or conduct, or before holding or conducting, any auction sale, special or general, of jewellery, fancy goods, or small wares; and for prohibiting all such sales by auction unless such special permit to hold and conduct the same shall have been first applied for and granted as aforesaid; and for providing that the Council may grant such permit by resolution in that behalf: Special permit.

(b.) For authorizing and providing that the Council may refuse to grant a licence to any person to carry on the business of an auctioneer who has not been a bona-fide resident of the city for a period of at least six months prior to the date of his application for such licence: Licences granted to only bona-fide residents.

Real-estate Dealers.

- (80.) For licensing any person or firm carrying on the business of a real-estate dealer: Licensing real-estate dealer.

*Billiard or Pool Tables.*Billiard and
pool tables.

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

*Barbers and Hairdressers.*Barbers and
hairdressers.

- (82.) For licensing and regulating all persons carrying on business of barbers or hairdressers; and for varying, discriminating, and differentiating in the amount of the licence fees to be imposed thereon in respect of the number of chairs contained in such barber-shop or hairdressing parlour, and for fixing the same accordingly:

Bill-posters.

Bill-posters.

- (83.) For prohibiting, licensing, regulating, controlling, and defining bill-posters and bill-posting:

*Breweries and Bottling-works.*Breweries and
bottling-works.
Soda-water works.

- (84.) For licensing every person carrying on any of the following businesses: Breweries, bottling-works, or aerated waters, or any person who sells by wholesale any beverages made from malt or hops or containing alcohol:

Chimney-sweeps.

Chimney-sweeps.

- (85.) For prohibiting, regulating, controlling, and licensing chimney-sweeps:

*Exhibitions and Places of Amusement.*Exhibitions,
shows, etc.

- (86.) For prohibiting, regulating, controlling, licensing, limiting, and restricting exhibitions, shows, businesses, and other occupations of any kind or classes hereinafter mentioned, held, kept, used, or carried on for hire or for profit; and persons, firms, and corporations owning, leasing, keeping, maintaining, managing, or carrying on the same, and buildings or places used for same or in which same are carried on:—

(a.) Common showmen, waxworks, menageries, circuses and side-shows, hippodromes, wild-west shows, dog-shows; boxing, sparring, jiu jitsu, and wrestling bouts, and all athletic contests of every kind and nature whatsoever: shows or exhibitions of natural or artificial curiosities, theatres and theatrical or operatic shows, concerts, performances, vaudeville, or exhibitions; nicelodeum theatres and exhibits, moving-picture theatres, exhibitions or

exhibits or side-shows or amusements of or by means of mechanical devices, or for picture purposes or otherwise; dancing and dance-halls, skating-rinks, bowling-alleys, rifle-galleries, shooting-galleries, doll-racks, knife-racks, ring-throwing games, ball-throwing games, merry-go-rounds, ferris wheels, swings, roller coasters, scenic railways, aerial railways, hammer-striking machines, and any and all shows or exhibitions; fortune-tellers and palmists; sleight-of-hand performances, cabarets, amusements or variety performances employing persons as performers or entertainers, or any kind of show, exhibition, concert, performance, or entertainment of or by personal performers, or of or by any kind of mechanical device whatsoever:

- (b.) For the purpose of this subsection, any one who appears, acts, or behaves as owner or proprietor of or as the person having the care, control, or management of any such exhibitions, shows, businesses, or occupations shall be deemed to be the owner thereof and liable hereunder: Liability of owner.
- (87.) For prohibiting or regulating, controlling, licensing, taxing, or restricting amusements and entertainments commonly known as cabarets, and for defining, prescribing, or declaring what shall constitute a cabaret, and for limiting or prohibiting all or any amusements or entertainments carried on in such cabarets: Power to limit and prohibit cabarets
- (88.) For prohibiting, licensing, and regulating slot-machines and devices operated by the insertion of slugs or coins, and machines and devices operated mechanically for the purpose of selling or disposing of any goods, wares, merchandise, or articles, and the persons, firms, or corporations owning, keeping, or maintaining the same: Slot-machines
- (89.) For extending, purchasing, holding, improving, maintaining, and managing real property for the purpose of recreation-grounds, playgrounds, municipal golf-links, and games and sports, or any of such purposes, situate within or without the city limits; and for constructing, erecting, maintaining, and managing buildings thereon, and for making rules and regulations concerning the use and maintenance and disposition of the same; and for leasing the same from time to time; and for charging entrance fees thereto and fees for the use of the same, or for playing any games thereon; and for levying rates and taxes for the maintenance of any or all such real property or buildings, or for joining with other municipalities in joint adventure for any or all of such purposes; and to expend money in construction and maintenance and repair of roads and bridges to or from the same, either within or without the city: Recreation-grounds, etc.

Natatoriums. (90.) For establishing, acquiring, constructing, improving, altering or repairing, and maintaining natatoriums or swimming-baths:

Dogs.

Dogs. (91.) For imposing a tax on the owners, possessors, or harbourers of dogs, and prohibiting or controlling, regulating, and licensing the keeping of dogs:

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

Express, gas, electric light, railway, loan, and other companies. (92.) For imposing a licence fee on every express company, gas company, telephone or telegraph company, electric light or power company, street-railway or tramway company, railway or steamship company, or any company for the conveyance or transfer of passengers or goods, and all public utility companies of every kind and nature whatsoever, or guarantee companies or bonding companies, investment and loan societies, for carrying on business in whole or in part in the city, not exceeding one hundred dollars per annum:

(93.) For imposing taxes on any corporation carrying on any business within the city (other than the business of a banker), incorporated outside the Province of British Columbia, and which are not licensed under any Act of the Legislature of the Province to carry on such business within the Province, not to exceed the amount of one hundred dollars per annum:

Bankers.

Banks and bankers. (94.) For imposing taxes on any person or corporation carrying on the business of a banker, at the following rates: For any person carrying on such business other than a chartered bank, at a rate not exceeding seven hundred and fifty dollars for each branch thereof for every year; and in the case of chartered banks or banks carrying on business under the "Bank Act" of Canada, at a rate not exceeding the sum of one thousand five hundred dollars for the principal branch of such bank for every year; and for each and every branch of the same bank, at a rate not exceeding five hundred dollars for each and every branch thereof for every year:

Differentiating in tax.

(a.) Provided that the Council may differentiate, define, and classify the various branches of any chartered bank or banks carrying on business under said "Bank Act," according to the location, or place of business, or volume of business done or carried on by any such branch, and may discriminate and differentiate in the amount of the tax that may be imposed on any such branch accordingly:

Ferries.

- (95.) For establishing, constructing, maintaining, operating, leasing, or acquiring ferries and ferry-boats, and for repairing or remodelling the same, and for selling, leasing, or disposing of the same:
- (96.) For exempting from taxation any land or improvements thereon leased or owned by any person or corporation carrying on a ferrying business either wholly or in part, provided such lands or improvements thereon are used by such person or corporation for the purpose of such ferry:
- Property of ferry company may be exempt.

Gunpowder.

- (97.) For prohibiting or regulating and granting licences for carrying on the business of storing of gunpowder or other explosive substances:
- Gunpowder.

Hawkers and Peddlers.

- (98.) For licensing, regulating, and controlling hawkers, peddlers, or hucksters carrying on petty trades, or who go from place to place or house to house selling or offering for sale, or who sell or offer for sale or vend on any street, lane, or public place in the city, goods, wares, or merchandise or foodstuffs: Provided that, without restricting the generality of any of the foregoing words or terms, the words "hawkers, peddlers, or hucksters" in this section shall include all persons who, being agents for persons not resident within the city, sell or offer for sale goods, wares, or merchandise or foodstuffs, or carry or expose samples or patterns of any such goods, wares, or merchandise to be afterwards delivered within the city to any person not being a wholesale or retail dealer in such goods, wares, or merchandise or foodstuffs, or carry and expose samples or patterns or quote prices for the purpose of selling any goods, wares, merchandise or foodstuffs to be afterwards delivered within the city to any person:
- Hawkers.
- (99.) For licensing, regulating, and controlling every person who within the limits of the city sells goods, wares, merchandise, or any other effects whatsoever, or who offers the same for sale by sample, card, specimen, or otherwise for or on account of any merchant, manufacturer, or other person selling direct to the consumer not having his principal place of business in the city, and any commercial traveller or canvasser, whether acting by himself or as an agent for any firm or corporation, who takes orders for any goods or for any finished article whatsoever to be delivered direct to the consumer, and which are or is to be manufac-
- Selling by sample or specimen.

tured, made, or completed in some place outside of the Province by any merchant or manufacturer or other person or corporation not having his or its principal place of business in the city: Provided, however, that the provisions of the foregoing subsection shall not apply to bona-fide commercial travellers in the ordinary course of business selling or taking orders from bona-fide merchants carrying on trade or business, either wholesale or retail, within the city:

Transient Traders.

Licence fee. (100.) For licensing, regulating, controlling, limiting, and defining transient traders or other persons or their agents who occupy premises or trade in the city for temporary periods or for temporary purposes or objects, and who offer for sale goods or merchandise of any description by auction or in any other manner whatsoever, and whether conducted by himself or by a licensed auctioneer, or otherwise howsoever:

Licence fee (a.) The Council may impose as a licence fee under this subsection, in addition to any other licence fee which may be imposed under any other provisions of this Act, a sum not exceeding five hundred dollars a year or any part thereof:

Definition of. (b.) "Transient trader" shall include any trader who, when beginning business in the city, and when requested to do so by the city, refuses to give to the city security for the amount of such licence fee imposed under this subsection that he will carry on business as a trader in the city for not less than one year from the date of the issuance of such licence to him:

(c.) The placing of goods or merchandise on a wharf or in any warehouse or in the custody of any person shall be deemed an occupation of premises within the meaning of the foregoing subsection:

Owner of property
in city not transient
trader.

(d.) Provided, however, any person whose name shall have been duly entered on the assessment roll as owner of property of the assessed value of two thousand dollars (for the then current year) shall not be deemed to be a transient trader:

Money-lenders.

Bonus and discount
companies. (101.) For licensing and regulating bonus and discount companies and money lenders, and persons, corporations, and firms carrying on such businesses:

Baths.

Licensing baths. (102.) For the prohibiting or licensing and regulating or controlling of bath and massage parlours and establishments, and

persons, firms, and corporations owning, maintaining conducting, or carrying on same:

Junk-shops.

- (103.) For licensing and regulating or controlling any person carrying on business of junk-stores or junk-shops: Junk-shops.

Lodging-houses.

- (104.) For regulating, controlling, limiting, restricting, or prohibiting persons maintaining, operating, leasing, owning, managing, or using, occupying, or renting lodging-houses, flats, hotels, apartment-houses, tenement-houses, rooming-houses, or multiple dwelling-houses, or buildings adapted or converted to or for use for such purposes, and for licensing the owners, operators, and keepers of the same, and for defining the same, and declaring what shall constitute any such building or premises as aforesaid: Lodging-houses.

(a.) And for providing and prescribing that:—

(1.) Each and every room used or inhabited as a dwelling, dormitory, or for living or sleeping accommodation shall at all times contain a minimum cubic feet of space for each person occupying the same, and a minimum area of floor-space, as specified in said by-law or by-laws: Minimum cubic space.

(2.) Each such room therein shall have a sufficient number and size of windows or window-space accommodation or provision in respect of natural air and natural or unobstructed light and ventilation as specified and provided in said by-law or by-laws: Light and ventilation.

(b.) And for regulating, prescribing, controlling, or compelling persons owning, keeping, managing, leasing, operating, or maintaining such lodging-houses, apartment-houses, hotels, rooming-houses, flats, tenement-houses, buildings adapted and converted to or for use for such purposes, or multiple dwelling-houses to provide and furnish:— Persons keeping lodging-houses.

(1.) Necessary and adequate bathing and toilet accommodations for all roomers, tenants, or inmates thereof, to the satisfaction of the Medical Health Officer of the city: Bathing and toilet accommodation.

(2.) Necessary and adequate ventilation thereof, and where gas fixtures are installed therein, and gas is used, supplied, or furnished therein, to provide such extra means or system of ventilation as may be deemed essential or necessary in the opinion of the Medical Health Officer of the city: Extra ventilation necessary where gas used.

(3.) Necessary and adequate heating thereof, to the satisfaction of said Medical Health Officer, and to require and compel that a minimum temperature in respect to heat- Adequate heating.

ing shall be maintained at all times and seasons as specified in said by-law :

Provided that the next preceding subsection (3) hereof shall not apply to cases where heating accommodation is not supplied or furnished as a term or condition of the tenancy :

(c.) And for providing for the inspection of all such premises by the Medical Health Officer of the city ; and for permitting the entry in, on, and into all such premises, places, and buildings of the said Medical Health Officer or his assistants between the hours of ten o'clock in the forenoon and four o'clock in the afternoon for the purpose of inspecting the same, and if such entrance is refused or denied, for forcibly compelling the same by such means and employment of such force as may be necessary under the circumstances to secure entrance in, on, or into any such premises, places, or buildings to inspect the same as aforesaid :

(d.) And for prohibiting any such lodging-house, apartment-house, hotel, rooming-house, tenement-house, flat, building adapted or converted to or for use for such purposes, or multiple dwelling-house from being used, operated, inhabited, tenanted, or occupied which does not comply with the regulations, stipulations, or provisions of any of the by-laws of the city in that behalf :

(105.) For prescribing, restricting, regulating, limiting, defining, controlling, or prohibiting or providing conditions, restrictions, and regulations governing and pertaining to better housing ; and for prohibiting, preventing, and controlling overcrowding or undue congestion of population in any part or parts of the city ; and for preventing, controlling, or prohibiting tenement areas or slums ; and generally for providing or regulating, controlling or prohibiting conditions from time to time arising which cause or may tend to cause overcrowding of the population or slums districts, or which affect or may tend to affect the general health, sanitation, or welfare of the inhabitants of the city or of any particular locality or neighbourhood of the city :

(106.) (a.) For regulating, controlling, compelling, restricting, limiting, or prohibiting the occupation or habitation as a dwelling or place for living or sleeping accommodation by any person or persons of any rooming-house, lodging-house, tenement-house, flat, boarding-house, or building adapted or converted to or for use for such purposes, apartment or multiple dwelling-house or place, where, in the opinion of the Medical Health Officer of the city, any room or rooms therein are of insufficient size, area, and space to

Inspection by
Medical Health
Officer.

Right of entry.

Prohibiting use as
lodging-house where
regulations not
complied with.

Prohibiting undue
congestion of
population.

reasonably or properly accommodate the number of persons using such room or rooms; or where, in the opinion of the said Medical Health Officer, the ventilation or natural light or air supplied or furnished is inadequate and insufficient or injurious to the health of the inmates thereof or inimical to the proper sanitation of the said premises:

(b.) For defining, prescribing, and declaring what shall constitute a multiple dwelling, and for prescribing the size, area, and space of all rooms therein; and for allotting for what purpose the said rooms may or shall be used, and for restricting and limiting the number of persons that may or shall occupy any given room or set or suite of rooms, according to the size, area, space, ventilation, or amount of natural light and air afforded or provided: Multiple dwelling.

(c.) And for prescribing and compelling the adoption and use of an adequate and proper system of ventilation in such premises, and for compelling that a proper and adequate number and size of windows shall be provided therein for the purpose of supplying or providing what, in the opinion of the Medical Health Officer, shall be considered an adequate or reasonable amount of unobstructed or natural light and natural air:

(d.) And for regulating and controlling generally all such premises for the purpose of protecting and safeguarding the health of the occupants thereof, and to enforce, compel, and secure proper and adequate sanitation of all such premises and the strict observance of all sanitary regulations and conditions provided in any by-law or by-laws of the city: Sanitation.

(e.) For compelling the installation and provision of sufficient and adequate bathing and toilet facilities in all such premises, according to the number of persons occupying or inhabiting the said premises; and for prescribing and ordering what bathing and toilet accommodation shall be supplied, furnished, or provided for any given number of persons occupying or inhabiting any of such premises:

(f.) And for inspecting all such premises, and for compelling forcible entry in, on, or into the same for the purpose of inspecting the same where necessary by the said Medical Health Officer or his assistants:

- (107.) Provided that the Council, in the exercise of any of the powers herein contained in respect of imposing any licence fee on any lodging-house, flat, hotel, apartment-house, tenement-house, rooming-house, or multiple dwelling-house, or any building adapted or converted to or for use for such purposes, may classify the same, and may vary and discriminate and differentiate in the amount of such licence Differentiating in licence fee according to number of rooms.

fee according to the number of rooms or suites for rent contained in the same, and may fix the amount of said licence fee accordingly:

Hotels.

- (108.) For licensing, regulating, limiting, defining, controlling, or prohibiting any person, or person owning, managing, leasing, operating, or maintaining one or more hotels in the city for the accommodation of the travelling public and other guests:

(a.) The Council may by resolution define the conditions, stipulations, location, accommodation, and qualifications, requisite for obtaining such licence, and provide for the regulating and controlling of such hotels so licensed:

(b.) The Council may at any time cancel any such licence for such reason as the Council may, in its discretion, deem sufficient or expedient:

Homes for Infants.

Regulating any person undertaking for hire to keep infants.

- (109.) For licensing, regulating, and controlling all persons who undertake for hire or reward to nurse and maintain an infant or infants under the age of seven years, apart from the parents, or an orphan or orphans under said age; and to provide for the proper inspection of all places where such infants or orphans are so nursed and maintained:

Milk and Foodstuff Dealers.

Milk and foodstuff dealers.

- (110.) For licensing, regulating, and controlling or prohibiting all persons selling or dealing in fish, fruit, milk, or cream by retail, and for inspecting the premises in which the same are offered for sale and the said articles or produce so offered for sale:

Places where food offered for sale may be kept.

- (111.) For regulating, controlling, inspecting, and prescribing or prohibiting the places or premises in which foodstuffs and articles of food are, or may, or may not be stored and kept for sale or offered for sale:

Pawnbrokers and Second-hand Dealers.

Pawnbrokers and second-hand dealers.

- (112.) For licensing, regulating, defining, and controlling pawnbrokers and dealers in second-hand goods, wares, and merchandise in the city; and for providing as a condition of any such licence the days and hours during which they may or may not remain open for the purpose of doing business:

Plumbers.

Plumbers.

- (113.) For licensing, registering, regulating, classifying, and defining plumbers; and for limiting the duration of or for revoking any such licence, and to fix the annual fee to be paid for such licence:

- (114.) For providing for a Board of Examiners for examining plumbers as to efficiency and competency, and for granting or refusing certificates by such Board of Examiners; and for prohibiting master plumbers or journeymen plumbers from carrying on business or operating unless they shall have been granted such certificates of registration by such Board; and for providing that all master plumbers carrying on business for six months prior to the passing of such by-law shall be granted certificates without examination:

Certificates for plumbers.

Runners.

- (115.) For prohibiting persons in public streets or public places from importuning others to travel in or employ any vehicle to go to any tavern, hotel, or boarding-house, or for regulating persons so engaged:

Runners.

Restaurants.

- (116.) For licensing and regulating restaurants and eating-houses, and persons keeping or managing the same; and for compelling or providing for proper sanitary arrangements therein, and prohibiting the preparation or keeping of food in unsanitary parts or places of any restaurant or eating-house; and for providing for the inspection of same:

Licensing and regulating restaurants.

Scavengers.

- (117.) For licensing and regulating persons carrying on the business of scavengers:

Scavengers.

Stevedores.

- (118.) For licensing and regulating persons carrying on the business or occupation of stevedores, or who make contracts for the loading or unloading of ships within the city:

Stevedores.

Laundries.

- (119.) For regulating laundries, and for licensing or regulating persons carrying on the business or occupation of laundering:

Laundries.

Tobacco.

- (120.) For licensing persons carrying on the business of selling or vending tobacco, cigars, and cigarettes, and for imposing a separate and distinct licence fee for selling or vending each of the foregoing commodities:

Tobacco.

Department Stores.

- (121.) For licensing persons carrying on the business of department stores and defining department stores, and for prescribing what shall be deemed to constitute department

Department stores.

stores; and for imposing a separate and distinct licence fee for each separate department therein selling different commodities or classes of commodities, or for each separate store, branch, or business of the same person, firm, or company selling the same or different commodities or classes of commodities:

Professions.

Licensing professions.

- (122.) For taxing every person who follows or carries on the profession, calling, or business of barrister or solicitor; notary public; physician or surgeon; osteopath; chiropractor; chiropodist; dentist; orthodontist; engineer; mechanical engineer; civil engineer; mining engineer; hydrostatic and electrical engineer, or all or any classes of technical engineering; surveyor; college professor; teacher, chartered accountant; and any other business, calling, or profession not hereinbefore enumerated:

Licensing professions, trades, and businesses.

- (123.) For licensing or taxing and regulating every person in the city following or carrying on any profession, trade, business, occupation, or calling not hereinbefore enumerated, or who performs any work or furnishes any material for any purpose:

Liability to taxation of each member of firm or company.

(a.) Provided that the Council, in the exercise of any of the powers conferred in this Act in respect to imposing a licence fee or tax on any person, firm, or partnership carrying on any business, trade, calling, profession, or occupation in the city, may provide that such licence fee or tax shall be applicable to and payable by each and every individual member of any such firm, partnership, or business:

(b.) Provided further that where a business is carried on as an incorporated company of limited liability or otherwise, each and every member or shareholder thereof who is engaged in or participates in any position of active management, control, or direction of such business shall be deemed to be individually liable to pay the licence fee or tax which may be imposed under this Act:

(c.) Provided further that the amount of the licence fee or tax imposed under this and the next preceding subsection of this section shall not exceed the amount of one hundred dollars per annum:

Wholesale and Retail Traders.

Traders, wholesale and retail.

- (124.) For licensing any person carrying on a business of a wholesale or wholesale and retail merchant and trader, and for imposing a licence fee in respect thereof, not to exceed the amount of one hundred dollars per annum:

- (125.) For licensing persons, or defining, classifying, or differentiating between persons carrying on the business of a wholesale or wholesale and retail trader or merchant, or wholesale broker, factor, manufacturers' agent, or commission merchant, or a person carrying on partly a wholesale or wholesale and retail business or trade, and partly the business of a wholesale broker, manufacturers' agent, or commission merchant or agent; and for providing and authorizing that the Council may differentiate and discriminate, according to such classification as designated in said by-law, between such persons and businesses so carried on in respect of the amount of said licence fee which may be imposed thereon :
- (126.) For licensing any person carrying on the business of a Retail trader retail merchant or trader, and for imposing a licence fee in respect thereof, not to exceed the amount of one hundred dollars per annum; and for providing and authorizing that a separate licence fee may be imposed for or in respect of each separate and distinct line or kind of business or trade carried on by such person, and for providing and authorizing that a separate licence fee may be imposed for or in respect of each separate and distinct store, branch, premises, or place of business carried on by such person :

Export Liquor Dealers.

- (127.) For licensing or taxing persons carrying on business in the Export liquor dealer city of wholesale or wholesale and retail liquor dealers or wine merchants engaged in the export business of exporting intoxicating liquors or wines, and for imposing a licence fee or tax on such persons not to exceed one thousand dollars per year :

Clubs.

- (128.) For licensing, taxing, and regulating all clubs, associations, Clubs. societies, or corporate bodies incorporated under any Act, general, special, or private, carrying on business or operations as a social or fraternal club within the city; and for controlling and compelling all such clubs, associations, societies, and bodies corporate to take out and obtain a club licence from the city before operating or carrying on business or enjoying any of its privileges or powers granted or permitted under its charter of incorporation, or under any charter of incorporation :
- (a.) And for providing that all such clubs, associations, societies, and bodies corporate shall be amenable and subject to all regulations and provisions of any by-laws of the

city, and shall be and the same are subject to the control and regulation of all by-laws of the city at all times, and liable to the penalties thereby imposed:

(b.) And for regulating and controlling or prohibiting any such club, association, society, or body corporate from existing and carrying on any of its powers, privileges, or business as such club, society, association, or body corporate without first obtaining a club licence therefor from the city, in addition to any charter or corporate powers or privileges in respect thereto which such society, club, association, or body corporate may otherwise possess or enjoy:

(c.) And for defining, limiting, and prescribing what shall constitute a bona-fide club, society, association, or body corporate carrying on business or operating within the city as a club for social or fraternal purposes:

(d.) And for providing that any or all of the foregoing powers shall be and shall become conditions of any licence or licences issued in pursuance thereof or in pursuance of any by-law or by-laws of the city in that behalf:

Vehicles and Livery-stables.

Vehicles and
livery-stables.

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

Licensing persons
using carts, etc.

(130.) For licensing all persons or corporations using any carts, wagons, trucks, or automobiles, or other conveyances, for the purpose of their business, and for classifying such carts, wagons, trucks, or automobiles; for controlling and restricting the weight and width of all loads, and for differentiating in the fees to be imposed on such classes of carts, wagons, trucks, or automobiles:

Owners and drivers
of stage-coaches.

(131.) For regulating and licensing the owners of livery, feed, and sale stables, and the owners and drivers of horses, drays, express wagons, carts, cabs, carriages, omnibuses, automobiles, and other conveyances or vehicles used for hire; for establishing the rates or fares to be taken, and for prohibiting overcharging in excess of said rates or fares so established; and for authorizing and assigning stands for conveyances or vehicles kept for hire on the public streets and places, and for providing the kind or class of vehicle which may stand in any particular place so assigned, and for prohibiting any other class or kind of vehicle from occupying any such particular place or stand:

Regulation of Traffic.

Traffic, width
of tires.

(132.) For prohibiting, controlling, and regulating traffic (both pedestrian and vehicular) 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 and regulating heavy traffic on any specified streets, and the riding, leading, or driving of horses, cattle, sheep, pigs, and other animals on and along all public streets and places:

- (133.) For prohibiting immoderate and reckless driving in high-ways and streets; or for prohibiting horses or mules or other animals in harness, during the winter season, being driven without bells; and for prohibiting horses or other animals being left at large or standing on any of the streets of the city without being sufficiently secured or attended to prevent them running away: Reckless driving, etc
- (134.) For regulating, controlling, or prohibiting driving and riding and all traffic on all roads, streets, lanes, or public places and public bridges: Roads, streets, and bridges

Motor-vehicles.

- (135.) For inspecting, prohibiting, controlling, licensing, limiting, and regulating, subject to the provisions of the "Motor-vehicle Act":— Motor-vehicles

(a.) Motor-vehicles and the driving and operation thereof; and

(b.) Drivers and chauffeurs thereof; and

(c.) The streets and routes upon which motor-vehicles may be driven or operated; and

(d.) The capacity of motor-vehicles, and the number of persons and the quantity, weight, and amount of freight and other things, and width of load, which may be carried in or upon motor-vehicles; and

(e.) The places in or upon motor-vehicles in which persons, freight, and things may be carried; and

(f.) The number of motor-vehicles which may be driven or operated on any street or route; and

(g.) The number of hours and time in any day during which motor-vehicles may be operated on or driven by any one person; and

(h.) The fitness of drivers and chauffeurs to drive and operate motor-vehicles, with power to the Council, or any committee, person, or persons whom the Council may for that purpose nominate, to examine any driver or chauffeur of any motor-vehicle as to such fitness, and for such purpose to impose and apply any test which the Council or such committee, person, or persons may designate; and for compelling any owner, driver, or chauffeur of any motor-vehicle to furnish a bond or security to the satisfaction of the Council (and in such amount and in such guarantee com-

pany or companies as the Council may designate) for and against any and all damages or compensation which such owner, driver, or chauffeur may be liable to pay to any person carried in or upon such motor-vehicle, or to any person who may be injured by reason of such motor-vehicle or the operation or driving thereof, or the owner of any other vehicle which may be injured by reason of such motor-vehicle or the operation or driving thereof: Provided that such bond or security shall be made and executed to the city as obligee and conditioned as aforesaid, and that, notwithstanding any law or Statute to the contrary, any such person to whom such owner, driver, or chauffeur shall so become liable shall have a right of action upon such bond or security against the surety or sureties in said bond or security for such damages or compensation; and for prohibiting the operation and driving of any motor-vehicle by any such owner, driver, or chauffeur who shall fail to furnish such bond or security:

(i.) In and for the purpose of this subsection, the words "motor-vehicles" mean and shall include automobiles operated or driven either wholly within the limits of the city or from or to any point beyond the limits of the city, either for hire, gain, or profit, directly or indirectly, or for the purpose of the conveyance, taking on, discharge, or transference of passengers to and from any point within the limits of the city from or to any other point beyond the limits of the city, or for the conveyance of any person in such automobile for which any sum of money, reward, gift, or voluntary contribution is taken, accepted, or solicited from or on behalf of any passenger or occupant thereof; and all other vehicles propelled otherwise than by muscular power which are operated or driven as aforesaid, excepting the cars of electric and steam railways and other motor-vehicles running only upon rails or tracks; and

(j.) Provided further that the city may, if it should deem it advisable to do so, arrange all motor-vehicles in classes and differentiate in the conditions contained in licences granted and the licence fees imposed on the owners of motor-vehicles coming within different classes, or prohibit the operation on any or all its streets of all motor-vehicles coming within any of such classes:

- (136.) For prohibiting or regulating and controlling the location, erection, maintenance, operation, and use within any defined area or areas, or on land abutting on or adjacent to defined highways or parts of defined highways, of offices, stands, depots, or terminal facilities used by the owners or drivers of motor-vehicles:

Controlling location,
etc., of office stands,
depots, or terminal
facilities used by
motor-vehicles.

(137.) For defining, restricting, controlling, limiting, prohibiting, Safety-zones.
 regulating, and allotting areas and portions of streets and
 public places and the use thereof as and for safety-zones,
 and for providing that the same shall be reserved for use
 of pedestrians exclusively, or for such other purposes as in
 said by-law provided; and notwithstanding anything con-
 tained in any general or special Act to the contrary, for
 controlling, regulating, and permitting all vehicular and
 motor-vehicle traffic between said safety-zones and the curb
 of any street or streets, and the speed at which said
 vehicular and motor-vehicle traffic may or shall proceed
 in such places, and for relieving congestion of traffic at
 such places, and for controlling and regulating the speed
 at which motor-vehicle traffic shall proceed in approaching
 or traversing street intersections or crossings in such
 districts of the city as the Council, in view of the usual
 congestion of traffic therein, may designate as congested
 districts:

(138.) For prohibiting, controlling, limiting, restricting, defining, Parking
 and allotting areas, parts or spaces of streets, lanes, or
 public places for parking all varieties of vehicles; for
 prohibiting parking of vehicles except in such places so
 designated, and classifying the same, and for designating
 what classes of vehicles may or may not use such areas,
 parts, or spaces for parking purposes, and for prohibiting
 all other vehicles using such areas, parts, or spaces so desig-
 nated in such by-law other than such classes as permitted
 in such by-law:

(139.) For acquiring, by purchase, lease, or otherwise, lands, Municipal parking
areas.
 premises, and sites for purposes of parking vehicles, the
 same to be reserved as specified in the by-law; and for
 providing that the Council may sublet or assign the same
 to any person or persons as it may deem expedient, or may
 rent, lease, or allot all or any portion of such lands,
 premises, or areas for parking purposes to any person or
 persons, and charge and collect a fee or rent-charge therefor
 for the use or occupation of the same; and for providing,
 limiting, controlling, and allotting such areas, parts, or
 spaces of any public places or property of the city for such
 parking purposes, for such rents or charges and on such
 terms or conditions as the Council in its discretion may
 deem expedient:

Messenger Service.

(140.) For regulating and licensing messengers and messenger Messengers.
 services operating or carrying on business for hire, gain,

or profit, and persons, firms, and corporations owning, keeping, and maintaining or operating or carrying on same:

Fixing Licence Fees.

Fixing fee.

- (141.) For fixing or specifying the amount of the licence fee or fees, or tax or taxes, or charge to be paid for every licence required under any by-law passed under this section where not otherwise specially provided for:

Revocation and Suspension of Licences.

Revocation of licence.

- (142.) For revoking for cause by by-law or resolution any licence granted whenever the Council deems such revocation desirable, without stating any reason therefor; but in the case of the revocation of a licence under any by-law or resolution the Treasurer of the City shall refund to the licensee such 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 the licensee violating the provisions of any Statute or by-law of the city:

(a.) All licences shall be granted for a period not exceeding one year and shall terminate on the thirty-first day of December in each and every year, and no proportionate reduction shall be made on account of any person commencing business after the beginning of the year:

Council to have power to close licensed premises at such hours as they deem advisable

- (143.) For providing that as a condition to any licence granted under any of the provisions of this section to any person to carry on any of the businesses herein mentioned, that the said premises in respect to which such licence has been granted shall be closed at such hours and on such conditions as the Council may deem advisable, and that no business shall be carried on therein during such hours as the Council may prohibit:

- (144.) Provided that the granting or refusing a licence to any person, or the cancellation, revocation, or suspension of any licence granted 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, and the Council shall not be bound to state any reason for the granting or refusing, cancellation, revocation, or suspension of any such licence, and the granting or refusing, cancellation, revocation, or suspension of any such licence may be done and exercised by resolution or by-law of the Council:

Transfer of licence.

- (145.) For granting or refusing the transfer to any person of any licence granted under any of the provisions of this section, and for charging a fee for any such transfer:

- (146.) For the appointment of a Licence Inspector: Licence Inspector.
- (147.) For providing that in the event of any person being convicted of the violation of any Statute of the Dominion of Canada or of the Province of British Columbia, or of any by-law of the city, that the said Licence Inspector or the Chief Constable of the city appointed pursuant to the provisions of this Act may either suspend or cancel the licence of such licensee pending action by the Council at its regular meeting held after such suspension or cancellation: Suspension of licence.
- (148.) For providing that the Licence Inspector or the Chief Constable of the city may at any time cancel, suspend, or revoke any licence for cause: Provided that the licensee shall have a right of appeal to the Council to be reinstated; and such appeal may be heard at the next regular meeting of the Council to be held after such cancellation, suspension, or revocation, as the case may be, and the Council may make such order, in the premises, amending, varying, reversing, or confirming such cancellation, suspension, or revocation, as the case may be, as it may deem expedient:

Buildings and Structures.

- (149.) For appointing a Building Inspector and defining his powers and duties: Appointment of Inspector of Buildings.
- (150.) For prohibiting, regulating, and controlling the erection of buildings or any addition, alteration, or repair thereto, and the distance of any building from the centre of the street: Buildings
- (151.) For prohibiting and regulating signs, billboards, and hoardings of any kind and the erection and construction thereof: Signs and billboards.
- (152.) For prohibiting and regulating scaffolding and the erection and construction thereof: Scaffolding.
- (153.) 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 or areas of the city, and for prohibiting and regulating the erection of buildings within such specified parts or areas with or having partitions, internal arrangements, construction, or material other than specified in the by-laws: Partitions, etc
- (154.) For prohibiting or regulating the repairing of or alteration of roofs or external walls of existing buildings within specified areas, so that the said buildings may be made fire-proof: Alterations.
- (155.) For authorizing the pulling-down or removal, at the expense of the owner or owners thereof, of any buildings or erections which may, in the opinion of the Council, be dangerous to life or property, or a menace to health, or Destruction of buildings.

placed or erected in contravention of any by-law of the city:

Height of buildings. (156.) For regulating, limiting, or prohibiting the height of all buildings, and for varying such height for different classes and styles of buildings for any reason whatsoever, in the discretion of the Council; and for said purposes to classify buildings and to vary regulations according to material to be used and the character and method of construction: Provided that no building shall exceed one hundred and twenty feet in height, or exceed ten stories in height, not excluding the basement:

Superstructures. (a.) Provided, however, that in the case of buildings containing the base area of seven thousand square feet or more, the main portion of such building may be surmounted by a superstructure, the area of the base of which shall not exceed thirty-three per centum of the area of the base of the main portion:

(b.) Provided further that such superstructure shall not exceed two hundred feet in height measured from the sidewalk to the roof of such superstructure, and that such superstructure shall not contain more than eight stories:

Verandahs. (157.) For regulating, limiting, or prohibiting the erection and construction of verandahs, cornices, gratings, signs, and all other structures external to the buildings:

Wooden buildings. (158.) For prohibiting and regulating the erection of wooden buildings, structures partly of wood, partly of canvas, felt, or any light materials, tents, or other similar structures, or additions thereto or alterations thereof, and of wooden fences in specified parts of the city, and defining and limiting such areas so specified:

Brick veneer, etc. (159.) For providing that within those parts or limits of the city within which wooden buildings are prohibited, buildings not exceeding a certain prescribed height and size may be erected with external walls of brick veneer or wood, with a prescribed exterior cover of metal or plaster; such buildings to be placed upon a prescribed foundation:

Number of buildings on one lot. (160.) For prohibiting the building or erection of more than a specified number, to be stated in the by-law, of buildings on any one lot or block:

Number of tenements on one lot. (161.) For prohibiting the erection of or keeping of more than a specified number, to be stated in the by-law, of tenements or dwelling-places, though under one roof, on any one lot or block:

Ground plan or block plan. (162.) For compelling to be deposited with the Building Inspector, before commencing the erection of any building, plans, sections, and ground plan or block plan, elevations, and specifications necessary to show 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:

- (163.) For prohibiting the construction or erection, alteration, or repair of buildings and structures in respect of which the plans thereof have not been approved by the Building Inspector; and for regulating or refusing approval of plans for the construction, erection, alteration, or repair of any building or structure: Plans to be approved by Building Inspector
- (161.) 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: Brick walls, beams, etc.
- (165.) For regulating and prohibiting additions to and the repairing of existing buildings within such specified parts of the city, and any alteration of the walls, roofs, partitions, and floors thereof, with a view to safety from fire, and for providing that, if the repairs necessary to any building on account of dilapidation, injury by fire, or other cause shall equal a certain specified proportion or percentage of such amount as may be, in the opinion of the Building Inspector, the actual value of the existing building, such repair shall be considered a re-erection thereof, and may be altogether prohibited and prevented by the Building Inspector: Provided, however, that any person interested or affected by such order or decision of the Building Inspector may appeal to the Council from such order or decision, and the Council may vary, alter, reverse, or confirm the same, as it may deem expedient: Addition and repair to old buildings within fire limit
- (166.) For providing that no building, wall, or other structure which, by reason of accident, damage by fire, or other cause, is in danger of falling or being set on fire, or which endangers the surrounding property or the lives of citizens, shall be maintained, occupied, or allowed to exist within the city; and that if, in the opinion of the Building Inspector, any such building, wall, or other structure is so maintained, occupied, or allowed to exist, such Inspector may give notice as prescribed by by-law to the owner, occupier, agent, or person in charge of any such building requiring him to at once put the same in a safe condition to guard against fire or dangerous accident, or to pull down and demolish the same, and that, in the event of any such owner, occupant, agent, or person in charge neglecting or refusing to comply with the said notice, according to the terms thereof, such Inspector may cause any such building Unsafe buildings.

to be put in a safe condition to guard against fire or dangerous accident, or to be pulled down or demolished, as may by him be deemed expedient or necessary; and that the cost of putting any such building or other structure in a safe condition or pulling down or demolishing the same may be recoverable by the city by summary process at law in any Court of competent jurisdiction; and shall also be a lien upon such building and the materials thereof and upon the lot or parcel of land upon which the same is or was erected; and the said cost, when certified by such Inspector, if not before collected, shall be entered by the City Tax-collector in the Collector's roll next prepared after the receipt of such certificate, and collected in the same manner as the ordinary municipal rates of the city:

Permits for erection or repair of buildings.

(167.) For requiring and compelling that a permit to erect, alter, or repair (as the case may be) any building within the city shall be obtained from the Building Inspector before proceeding with the work of erection, alteration, or repair; and for providing that with the application of such permit there shall be submitted or filed a copy of the plans and specifications of such building or of such proposed alterations or repairs, sufficiently indicating the character of the work proposed, such plans and specifications to include provisions for compliance with this Act and with the by-laws of the city in regard to sanitary and other matters; the foregoing clause shall extend to the alteration or repair of existing buildings as well as to the alteration or repair of buildings hereafter erected; and for prohibiting the erection, alteration, or repair of any building without such permit:

Inspection of buildings during erection.

(168.) For providing for the inspection by the Building Inspector or assistants of all buildings during the progress of erection, alteration, or repair:

(169.) For authorizing the Building Inspector and assistants to enter at all times upon any property or premises, subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same:

Preventing occupation of certain buildings.

(170.) For prohibiting the occupation of any building which, in the opinion of the Building Inspector, has been erected, repaired, or altered in contravention of the regulations and provisions prescribed by this or any other Act or by any by-law of the city:

Pulling down buildings when by-law violated.

(171.) For authorizing the complete or partial demolition or pulling-down or removal, at the expense of the owner thereof, of any building or erection or such part thereof as may, in the opinion of the Building Inspector, be con-

- structed, repaired, or placed in contravention of any by-law, and providing that the cost of same may be recovered by summary action in any Court of competent jurisdiction, or may be certified by said Inspector to the Tax-collector and be added to the taxes on the land occupied by such building, and collected as overdue taxes, and shall be a charge or lien on the property accordingly:
- (172.) For controlling or regulating the character and position (with regard to walls, roof, and floors) of furnaces, engines, and stoves, flues, pipes, and chimneys for heating, steam, power, or other purposes: Making regulations as to furnaces, engines, etc.
- (173.) For authorizing the Building Inspector and assistants to enter upon and inspect all premises whereon there are any vacant or unoccupied buildings in an unsanitary or unsafe condition, or a menace to health, or which are likely to be a cause of fire, and report the matter to the Council, who, after notice to the owner or his agent, may direct such Inspector to place the same in a sanitary or safe condition, so as to prevent their becoming a menace to the surrounding property, either by fire or otherwise, and the expense of so doing may be collected by summary action in any Court of competent jurisdiction, or may be collected in the manner herein provided for the collection of overdue taxes, and shall be a charge or lien on such property whereon such vacant or unoccupied buildings are situate: Vacant buildings.
- (174.) For defining, regulating, governing, and prohibiting or controlling all matters connected with the air-space, the ventilation, the fire-proof character, the sanitation, the size of the rooms, the position and dimension of public corridors, the position, number, and character of all urinals, lavatories, or water-closets of or in any office building, hotel, apartment or public building, lodging or tenement house; the portion of any lot to be occupied by such apartment or tenement house; and to do all things and prescribe all rules and regulations necessary from time to time respecting the health and welfare of persons occupying any hotel, apartment or lodging house, or tenement-house: Safety and sanitation.
- (175.) For controlling, restricting, and regulating within any specified area the distance from the street-line of any lot or property in front of which a building or structure shall or shall not be placed: Building line.
- (176.) For regulating (where not in conflict with the provisions of the "Fire Marshal Act") the size, structure, and number of doors in churches, theatres, and halls, apartment-houses, factories, hotels, 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 structure Doors, stairways, walls, fire appliances, etc., in public buildings.

of stairs and the stair-railings in all such buildings, and the strength of beams and joists and other supports; the gradient of floors and aisles in, the stairways of and to, such buildings, the walls separating lobbies and stairways from the auditorium, and separating the auditorium from the stage; and providing for automatic roof ventilators and for fixed stand-pipes, fire-hose, fire-extinguishers, fire alarms or gongs, red lights, and other fire appliances in such buildings; and no permission heretofore given for the erection, construction, repair, or alteration of any building shall estop the Building Inspector from objecting to said building or any part thereof as not complying with any Statute or by-law of the city at any time enacted before or after the passing of this Act, or before or after the erection, alteration, or repair of such building; or prevent such Building Inspector from prosecuting any person, firm, or corporation for any breach of said by-laws or of any Statute occurring or continuing after the passing of this Act:

Egress from
public buildings.

(177.) For prohibiting the obstruction of the halls, aisles, passageways, alleys, or approaches in any building or leading thereto during the occupation of the same by a public assemblage:

Size and strength
of walls, beams,
joists, etc.

(178.) For regulating the size and strength of walls, beams, joists, rafters, and roofs and their supports, in all buildings to be erected or repaired or added to within the city, and for compelling the production of the plans of buildings for inspection, and for enforcing observance of such regulations:

Fire-escapes, etc.,
for all buildings
three or more stories
high.

(179.) For requiring and compelling (where not in conflict with the provisions of the "Fire Marshal Act") the construction and maintenance upon all buildings, other than factories, of three or more stories in height, already or hereafter to be erected, of proper ladders, fire exits, fire balconies or platforms, fire-escape stairways and stand-pipes, fire-hose, fire-sprinklers, fire-extinguishers, fire alarms or gongs, fire signals, red lights, or other fire-protective apparatus; for prescribing the specifications, character, size of materials, method of construction, and all other details in connection therewith for the more effectual protection against fires, for the better means of suppressing same, and for the safety of persons occupying or being in any such building; and for requiring that in all buildings wherein labour is employed there shall be provided sufficient doorways and stairways or other means of egress in case of fire for the protection of persons so employed in any such building, and for requiring that in all buildings of four stories or more in height, whether already or hereafter to be erected,

the outer doors shall be constructed to open freely outwards:

- (180.) For compelling (where not in conflict with the provisions of the "Fire Marshal Act") owners or lessees of hotels, apartment-houses, theatres, clubs with dormitories, lodging-houses, tenement-houses, rooming-houses, office buildings, warehouses, and all buildings of a public or semi-public character, or in respect to which the public have access, to install, provide, and maintain proper and efficient fire gongs, alarms, or bells, either electrically operated or otherwise, as the Council may deem expedient and proper, and sufficient lights indicating the location of fire-escapes in all such premises or buildings: Fire-gongs, etc.
- (181.) For regulating, controlling, prohibiting, and inspecting, and to authorize the regulation and inspection of, freight-elevators and gasoline plants, and the installation for lighting, otherwise than by electricity, of the interiors of buildings, and to levy and collect charges for such inspection and regulation: Elevators and lighting plants
- (182.) For prohibiting, regulating, prescribing, controlling, limiting, and restricting the erection on land abutting or fronting on or adjacent to specified streets, or in specified areas to be designated in the by-law, of buildings, not being dwellings, by the City Council in its discretion, or for providing for the same on receipt of a petition signed by not less than three-fifths of the property-owners on any street or streets, or within any such prescribed area to be so defined or restricted, or for providing that the same may be defined and prescribed on recommendation of the City Engineer: Residential streets or areas.
- (a.) The City Council may regulate and prescribe the location and position of all buildings within the prescribed area relative to the property lines or boundaries of any street, lot, or area within such prescribed area:
- (b.) For the purposes of this section, a dwelling shall mean a building, either detached or in a block, used solely as a residence and occupied by not more than two families:
- (c.) All provisions of this section shall apply to erections for the building of which permits have already been applied for or granted, but the erection of or work on which has not yet commenced:
- (183.) 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

Regulation of buildings.

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 the provisions of any such by-law:

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|---------------------------------------|---|
| Yards, buildings,
etc. | (184.) 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: |
| Party walls. | (185.) For regulating and controlling the erection of party walls: |
| Vacant lots. | (186.) For compelling owners or occupiers of vacant lots to properly fence and enclose the said lots, and causing vacant lots to be properly fenced and enclosed: |
| Numbering houses
and lots. | (187.) For numbering the houses and lots along the streets of the city, and affixing numbers to the houses, buildings, or other erections along the said streets, and for charging the owners of such house or lot with the expense incident to the numbering of the same: |
| Recording of streets,
houses, etc. | (188.) For keeping a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering therein a division of the streets with boundaries and distances for public inspection: |
| Numbering of
buildings. | (189.) For authorizing the Building Inspector to number, renumber, or alter the numbering of all buildings of any kind, including those already numbered, as in his discretion he may deem expedient, and for compelling the owners of all such buildings to affix such numbers or to permit said Inspector to affix such numbers as he shall designate to or on such buildings, and for charging such owners for the cost of such numbering thereof: |
| | (190.) For compelling owners to keep in repair down-pipes and gutters on all buildings, houses, and other erections, and to connect the same to drains or sewers: |
| Certificate of
occupancy. | (191.) For providing that no building or other structure shall be occupied after or during the period of construction or completion until a certificate has been issued by the Building Inspector permitting such occupation, and showing that all by-laws of the city have been complied with in connection with or relative to the construction of said building or other structure: |
| | (192.) For providing that in the exercise of any powers of regulating, controlling, prohibiting, or limiting the erection, alteration, or repair of buildings or any matters incidental thereto in this Act conferred, the Council may delegate to the Building Inspector the duty and power of inspecting, compelling, and requiring that all such regulations as pre- |

scribed in the by-law shall be carried out to the satisfaction of said Building Inspector:

- (193.) For restricting, limiting, and defining specified areas or districts within the city to be known as fire limits, and for numbering and classifying said fire limits in the discretion of the Council; and for prohibiting, classifying, or regulating the erection, construction, alteration, repair, or maintenance of any building or buildings situate or about to be erected within any of such specified areas or districts as the Council may, in its discretion, deem expedient: Fire limits.
- (194.) For regulating the construction of and defining dwelling-houses and lodging-houses, and prescribing what shall be deemed to be a lodging-house; and for fixing, and from time to time varying, the number of persons who may occupy or be received in such dwelling-houses or lodging-houses: Dwelling-houses and lodging-houses.
- (195.) For promoting cleanliness and ventilation in such houses: Sanitary conditions.
- (196.) 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: Cleanliness and ventilation of same.
- (197.) Upon report of the Building Inspector or the Medical Health Officer recommending same, the Council shall have power to direct and order plumbing, including water-closets and basins, or other sanitary improvements, to be made, installed, or repaired in any building situated on land fronting or abutting upon a street or other place where there are sewers and water-mains, and the city may, with or without the consent of the owner, occupant, or tenant thereof, enter, make, or construct and install such plumbing or other sanitary improvements, or cause the same to be done; and after such plumbing or other sanitary improvements have been completed, the Building Inspector shall make a certificate as to such plumbing or other sanitary improvements, stating therein the number and description of the lot or parcel of land whereon such sanitary improvements are made, and the actual cost of the work, and shall file such certificate with the Collector of Taxes, and the amount of such costs, as so certified, shall be added to the taxes on such lot or parcel of land in the Collector's roll for such year, and the said cost shall be collected in the same manner and shall be treated in all respects as ordinary taxes due upon the said land: Plumbing.
- (198.) For regulating the size of dwelling-rooms, and defining for the purposes of the regulations what a dwelling-room shall consist of, and the number of persons who may dwell therein:

- (199.) For regulating, prohibiting, limiting, restricting, controlling, and defining the erection and construction of garages, stables, sheds, chicken-houses, and any or other outbuildings or structures on any lot or lots in the city, and for designating and approving the location on such lot or lots where the same may or may not be placed, erected, or constructed:

Electricity.

Inspection of electric lights and wiring.

- (200.) To regulate and inspect, and authorize the regulation and inspection of, electric and other wires and electric-light apparatus and appliances in the city, 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:

Electrical Inspector.

- (201.) For the appointment of an Electrical Inspector or City Electrician and assistants, and defining the duties thereof:

- (202.) For compelling, regulating, inspecting, and controlling or prohibiting the installation, repair, alteration, and maintenance of all electrical wiring within the city for lighting, power, telephone, fire-alarm, police patrol, or messenger service or other purposes:

Regulation of electrical generators, etc., and all materials and appliances in connection with electrical works.

- (203.) For the inspecting and regulating of electrical generators and motors and of all overhead, underground, and interior wires and apparatus for conducting electric current for heat, light, power, or other purposes; and for prescribing the appliances, devices, and conditions deemed necessary for the safety of operatives and of the public and for the prevention of fires; and for regulating the sale of appliances, apparatus, and materials for use on electric currents, and for forbidding the sale or use of those that are deemed unsafe and defective or dangerous to life or property; and for forbidding the use of materials or methods of installation and conduction injurious to safety; and for prescribing methods and appliances for installing and insulating wires and conductors and cutting off electrical currents and such regulations and conditions generally respecting electricity, electric wiring, and electrical appliances as shall be deemed necessary for the safety of life and property, and for enforcing any and all such regulations; and for prohibiting the construction, erection, alteration, or repair of all or any poles or wiring, overhead, interior, or underground, not in conformity with any such by-law or by-laws pertaining to the same; and for providing that the Electrical Inspector or his assistants shall have the right to enter upon the premises of persons, firms, or corporations, at all reasonable

times, for the purpose of inspecting and for causing the removal of unsafe or dangerous electrical appliances or wiring from any premises; and for prescribing the fee to be charged for the inspection aforesaid:

- (204.) For licensing, regulating, or prohibiting the erection of poles or maintaining or using poles on the streets, lanes, and public places of the city by or for any company for the purposes of carrying overhead wires: Provided, however, that any by-law passed under the foregoing provisions shall not affect, impair, or retract any right or rights which any company or corporation now has or is entitled to by virtue of any by-law, Statute, or any contract or agreement with the city: Poles on streets and lanes.
- (205.) For regulating the position of wires used for conveying electricity within the city, and for making provisions for the protection of life and property in the use thereof: Electric wires.
- (206.) For condemning defective electrical wiring which may not be satisfactory to the Electrical Inspector, and for compelling the removal of all such defective wiring as shall be condemned by the Electrical Inspector as not in compliance with the provisions of any by-law of the city: Defective wiring.

The exercise of the powers contained in this and the next preceding four clauses, and every by-law made thereunder, shall be subject to all orders made under the "Electrical Energy Inspection Act":

Poles and Wires.

- (207.) For regulating, controlling, or prohibiting the erection and maintenance within the city of telegraph or telephone poles and wires, and electric light and power poles and wires, including the height and materials of such poles and the sizes and character of the cross-arms and other fittings thereon, the location of such poles, and the wires that may be strung upon such poles, and for the removal of any poles or wires erected or maintained contrary to any such by-law or by-laws at the expense of the persons or corporations erecting, maintaining or operating the same; and for ordering and compelling such poles to be removed and such wires to be placed underground or otherwise; and also, after giving one year's notice to such effect, for ordering or compelling any person or corporation, in the enjoyment of any licence, permit, or privilege for the erection of telegraph, telephone, or electric light and power poles and wires thereon, to remove such poles and place all wires underground or otherwise, and, in default of compliance with such order, any licence, permit, or privilege granted to any such person or corporation shall be forfeited and cancelled and the officers of the city may cut down and remove such poles and wires: Regulation of telegraph and telephone wire, poles, etc.

Borrowing money
for construction of
conduits and laying
of wires under-
ground.

- (208.) To incur and create a debt from time to time for the issuance and sale of debentures for the purpose of construction of a conduit or conduits, or the enlargement or extension of the same, on such streets and lanes or public places as the city may deem advisable for the purpose of placing telegraph, telephone, electric light, and electric power wires or cables underground, and for compelling the owners or lessees or operators of any telegraph, telephone, or electric light and electric power wires to use such conduits, at a rental to be agreed upon, and in case the city and any such owners, lessees, or operators cannot agree, the said rental shall be determined by arbitration. The arbitrators shall be appointed and shall proceed in the manner provided by the arbitration clauses of this Act, and shall determine the fair rental value of the space in such conduits occupied or required by the wires or cables of any such owners, lessees, or operators. The debentures hereinbefore referred to shall bear such rate of interest, payable at such times and places as the Council shall direct, and the principal of the same shall be payable at the time fixed by the Council, not more than fifty years from the date of the issue of the debentures; but such by-law or by-laws, before being finally passed, shall be submitted to and passed by the electors as provided for in this Act:

Provided, however, that any by-law passed under this and the next preceding eight subsections shall not be applicable to any companies heretofore incorporated under any Act of the Legislature or Parliament:

Gas.

Gas.

- (209.) For controlling, regulating, or prohibiting excavation for or installation, alteration, repairing, or maintenance of gas connections, gas leads, or pipes or piping, and all appliances used in connection with or for the purpose of lighting, heating, or power by means of gas, and for prescribing the method and manner, conditions and devices in respect of the installation, maintenance, and use of the same, and of all appliances and connections or devices used or employed in the installation, use, or maintenance of the same:

Heating.

Heating.

- (210.) For regulating, controlling, prescribing, limiting, and defining the temperature at which the heating in all hotels, apartment-houses, office buildings, factories, schools, and public buildings, lodging-houses, and multiple dwelling-houses shall be maintained and kept, and for prescribing a minimum temperature in respect thereof; and for compel-

ling owners, lessors, or any other person controlling the operation of all such buildings to provide adequate heating systems for such buildings, and to keep such buildings adequately heated up to such temperature or temperatures and for such times and seasons as specified in such by-law :

Provided, however, that nothing in this subsection contained shall prejudice the right of any tenant to contract with any landlord on a rental basis, exclusive of any provision respecting heating :

Central Heating Plant.

- (211.) For acquiring, establishing, constructing, inaugurating, equipping, maintaining, and operating a city central heating plant, and all necessary plant, machinery, and equipment to be used in connection therewith or incidental thereto; and for acquiring, by purchase, lease, or otherwise, any necessary site or sites therefor, including all necessary land or easements for right-of-way purposes for pipes or pipe-lines; and to sell, lease, or dispose of such plant, equipment, site, and premises on such terms as the Council may deem expedient; and for supplying heat to any person, firm, or corporation, under contract or otherwise; and for charging reasonable rates or charges therefor, and for collecting the same; and for enforcing the collection thereof by action in any Court of competent jurisdiction in respect thereof; and for granting to any person, firm, or corporation any franchise, right, privilege, concession, or permission to establish, equip, construct, inaugurate, maintain, and operate a central heating plant, including all necessary plant, machinery, and equipment necessary to be used in connection therewith or incidental thereto, for supplying heat to any person or persons, firms or corporations:

Survey of Lots.

- (212.) For regulating and compelling the owners of unsubdivided lands to survey 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 property in accordance with the provisions of the by-law, to enforce the survey thereof, and to provide for the city surveying the said property and locating the said streets, and charging the owners of the land so surveyed with the cost and expense thereof; and for enforcing the recovery thereof from the owner or owners by action in any Court of competent jurisdiction, 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

Survey of lots and blocks

same manner and under the same regulations as in the case of overdue taxes :

- Subdivision of city lots (213.) For regulating or controlling the subdivision of city lots and blocks, and for prohibiting the subdivision thereof in contravention of the by-law :

Fire-prevention.

- Suppressing fires. (214.) For making regulations for preventing or suppressing fires, and for pulling down or demolishing adjacent buildings, houses, or other erections when necessary to forestall or prevent the spreading of fire :
- Conduct and assistance at fires (215.) For regulating the conduct and enforcing the assistance of the inhabitants present at fires and the preservation of property at fires :
- Fire-alarm and police patrol system. (216.) For establishing, regulating, and maintaining a fire-alarm system and a police-patrol signal system in the city :
- Authorization of entry of premises. (217.) For authorizing the appointed officers to enter at all reasonable times upon any property, subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry the same into effect :
- Manufactures and trades. (218.) For prohibiting or regulating the carrying-on of manufactures or trades that may be dangerous or that may cause or promote fires :
- (219.) For regulating, compelling, controlling, or enforcing the erection, construction, alteration, or repair of any building or structure in the city, so that the same shall be put into a safe condition to guard against fire or the spread of fire ; or for preventing or prohibiting the erection, construction, alteration, or repair of any such building or structure which may, in the discretion of the Chief of the Fire Department, be or become a fire-trap or a menace to adjoining property as a fire risk or hazard, or which may cause or tend to cause the spread of fire ; and for compelling and enforcing the alteration and repair of all buildings or structures in the city to prevent and safeguard the spread, or against the danger of spreading, of fire : Provided, however, that any person interested or affected by such order or decision of said Chief of the Fire Department may appeal to the Council from such order or decision, and the Council may alter, vary, reverse, or confirm the same, as it may deem expedient :
- Fire-engines. (220.) For purchasing and maintaining engines and appliances for suppressing and fighting fires and the protection of life and property :
- Appointment of fire wardens, etc. (221.) For appointing a fire chief and officials, fire wardens, fire engineers, and firemen, and promoting, establishing, and regulating a fire department and halls, and acquiring,

establishing, and maintaining all necessary sites, buildings, and equipment in respect thereof:

- (222.) For setting apart each year a special fund, and for the investment thereof, to be called the "City Insurance Fund," 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:
- (223.) For providing medals or rewards for persons who distinguish themselves at fires, and for granting gratuities to the members of the fire department who may have become incapacitated from 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: Medals.
- (224.) For receiving, taking over, adding to, augmenting, granting money to, expending, and administering, either by the Council of the city or any committee (composed wholly or in part of members of the said Council) approved by the said Council, all moneys and funds (hereinafter called the "fund") of the Firemen's Benefit Association of Vancouver, British Columbia, and for enforcing, carrying out, repealing, amending, and altering the objects, purposes, by-laws, rules, and regulations of such Association; and for regulating the fund and the administration thereof, and for making such matters as contribution to the fund and obedience to and compliance with such objects, purposes, by-laws, rules, and regulations to be compulsory terms of the employment of any and all officers, members, and employees of the fire department of the city. Such fund may be held by the city and administered for the benefit of members and employees, and widows and children of deceased members and employees, of the fire department of the city: Firemen's Benefit Association Fund.

Removal of Trees and Clearing of Lots.

- (225.) For regulating and enforcing the clearing of, cutting down, Trees.
removing, burning, and destroying of trees, timber, logs, brush, and debris upon and from lots or blocks or parcels of land, and for charging the owner or owners of lots, blocks, or parcels of land upon which such trees, timber, logs, brush, or debris may be situated with the costs and expense of such clearing, cutting down, removing, burning, and destroying, and for the recovery of such costs and expense from such owner or owners so charged in the same manner and with the same powers of recovery as in the case of overdue taxes, and making such costs and expense a charge on the said lots, blocks, or parcels of land, with

power to sell the said lots, blocks, or parcels of land for the recovery of such costs and expense in the same manner and under the same regulations as in the case of the sale of land for overdue taxes :

Bonfires.

- Bonfires. (226.) 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 prohibiting such fires to be kindled at other times :

Aids to Charities and Bounties.

- Charitable institutions. (227.) For establishing and aiding charitable institutions and hospitals within the city :
- Aid to agricultural and other societies. (228.) For granting money in aid of agricultural, horticultural, dog, or poultry societies which hold their exhibitions either within or without the city limits :
- Aid to charitable institutions and poor. (229.) For granting aid to charitable institutions and for the relief of the poor, and for erecting, leasing, or establishing and maintaining a poorhouse, or house for the aged and infirm, either within or without the city limits, for disabled or decrepit persons :
- (230.) For aiding and assisting by annual money grant or otherwise, as the Council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of members or employees of the police force and department, and fire brigades and department, and their families respectively ; and for providing pensions, gratuities, or retiring allowances to any such members or employees, and for that purpose, if the Council deems fit, to deduct from the salaries of such members or employees such amounts as the Council may deem necessary or expedient :
- (231.) For aiding and assisting by annual money grant or otherwise, as the Council may deem expedient, the establishment and maintenance of superannuation or official benefit funds for employees of the Corporation (other than employees on the police force or fire brigades) ; and for providing pensions, gratuities, or retiring allowances to any such members or employees, and for that purpose, if the Council deems fit, to deduct from the salaries of such members or employees such amounts as the Council may deem necessary or expedient :
- Insurance for city officials. (232.) For contributing or paying the full amount or any portion of any premium or premiums in respect of any benefit, accident, or sickness or life insurance policy or policies or scheme of group insurance, for the purpose of insuring all

or any employees of the city against sickness, accident, or death, as the case may be:

- (233.) For expending moneys from time to time in the entertainment of guests or persons of importance whom the Council deems it to be of advantage to the city to so entertain on behalf of the citizens: Entertaining persons of importance.
- (234.) For expending moneys or reimbursing members of the Council or civic officials for expenses incurred incidental to attending, within or without the city, on instructions from the Council, any convention or association or on any business or engagement on behalf of the city: Expense money for attendance at conventions, etc., pursuant to instructions of Council.
- (235.) For granting money in aid of celebrating the birthday of the reigning Sovereign or the anniversary of the Confederation of the Dominion of Canada; and for granting money in support of or as a contribution to any exhibition, celebration, or gathering to be held for the purpose of public sports or amusements, either within or without the city, which, in the opinion or discretion of the Council, may be for the benefit of the city: Aid to celebrations.
- (236.) For granting money in aid of any convention or conventions or meetings of any associations or societies to be held either within or without the city, which, in the opinion and discretion of the Council, may tend to the advantage of the city: Grants for conventions, etc.
- (237.) For aiding in the establishment or maintenance of bands of music or orchestras: Bands.
- (238.) For offering and paying a reward for the discovery, apprehension, or conviction of any criminal or any person suspected of being a criminal, or any person or persons guilty of personation or corrupt practices in any election: Rewards for apprehending criminals, etc.
- (239.) For aiding in the establishment or maintenance of institutions for the support of persons afflicted with contagious or infectious diseases: Contagious or infectious diseases.
- (240.) For exempting from taxation any lands or buildings set apart and used exclusively for Divine worship: Divine worship.

Publicity Department.

- (241.) For establishing and maintaining a Department of Industries and for appointing a Commissioner of Industries to bring to the notice of manufacturers and others the advantage of the city as a location for industrial concerns, as a summer resort, and for residential, educational, and other purposes, and for expending moneys generally advertising the city for the above-mentioned or any purposes: Establishing publicity department and appointing an industrial Commissioner.

Bonuses, Subsidies, and Loans.

- (242.) For granting aid by way of bonus for the promotion of manufactures or other industries established within the Bonuses, subsidies, and loans.

city limits by exemption for a period not exceeding ten years from city taxation or water or electric light or power rate, or any of them, or in addition by granting such sum or sums of money to any person or body corporate in respect of such branch or industry as the Council may determine, 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 to 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 by-law shall be passed providing exemption from water or electric light or power rate unless such by-law provides a limit to the quantity of water or electric light or power which is to be exempt. Nothing herein contained shall authorize the granting of any bonus or exemption from taxes and water and electric light or power rates in favour of any manufactory, 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 or have received aid from the city:

Power to exempt industries from water rates and municipal taxation.

- (243.) For granting as 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:

Aid to railways, etc.

- (244.) For aiding by the grant of land or money, 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 of the city, or partly within said limits and partly without:

Subscribing for shares of railway or bridge company.

- (245.) For subscribing for any 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, and 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:

Exempt from taxation.

- (246.) For endorsing or guaranteeing the payment of any debentures to be issued by any such company mentioned in the preceding subsection for the money by them borrowed, and for assessing and levying from time to time upon the whole rateable property of the city a sum sufficient to discharge the debt or engagement so contracted: Endorsing or guaranteeing debentures.
- (247.) 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 delivering such debentures, by way of bonus or otherwise, to any such company, or to trustees, on any conditions provided in the by-law: Issuing debentures.
- (248.) For granting bonuses to any railway, bridge, or water-power company, and for issuing debentures in the same manner as in the preceding subsection provided for raising money to meet such bonuses: Bonuses to railways, etc.
Debentures to raise money.
- (249.) For subscribing for a number of shares in the capital stock of, or subsidizing by way of bonus, or by guaranteeing the payment of bonds or of the interest on bonds of such line or lines 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 steamboats.
- (250.) For aiding by the grant of money or land, or by exemption from city taxation or water or electric light or power rates 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: Aid to smelters, dry-docks, or marine railways.
- (251.) The provisions or powers of the preceding subsections (242) to (250), inclusive, 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 under this Act: By-law necessary before aid granted.

Provided that the Council may by by-law guarantee the debentures of the Vancouver General Hospital, to be issued in pursuance of the powers granted by the "Vancouver General Hospital Act, 1902," and amending Acts, to the extent of sixty thousand dollars, or any debentures issued to renew, retire, or extinguish same, without submitting such by-law or by-laws to the electors of the city; and may, by by-law or by-laws submitted to the electors in the manner hereinbefore provided for money by-laws, in addition thereto, guarantee such further debentures as may be issued by the said Vancouver General Hospital in pursuance of the powers granted by the said Act; and the Council may from time to time grant the said Hospital, out of current revenue, such further aid as may be deemed necessary for

Vancouver General Hospital.

additions, general purposes, construction, and maintenance of the said Hospital; and for making advances from time to time out of revenue, by way of loan or otherwise, to any hospital in the city for hospital purposes; and to take security for such advances as the Council may deem expedient:

Council may appoint Mayor or Alderman director to such company

(252.) In case the city takes shares in or guarantees payment of any money for or grants a bonus to any company in pursuance of any of subsections (242) to (250), 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 such appointee shall be entitled to all the rights and privileges of the other directors of such company until his successor shall have been appointed by the Council:

If the city grants aid, may take mortgages as security.

(253.) In the event of the city granting aid or assistance in any way or giving a guarantee of 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.

(254.) For prohibiting and abating public nuisances and for the suppression and prevention of nuisances:

Cows, goats, and pigs.

(255.) For prohibiting or controlling, regulating and licensing the keeping of cows, goats, pigs, dogs, and other animals, and defining areas and limits within which the same may be kept:

Poultry.

(256.) For prohibiting, regulating, and controlling the keeping of live poultry, geese, ducks, or pigeons in the city, and defining the limits and areas within which and the places where the same may or may not be kept:

Horses.

(257.) For regulating and controlling the keeping of horses and prohibiting or regulating, controlling, limiting, and defining the areas and the structures, materials, and class of buildings in which horses may or may not be kept:

Livery-stables.

(258.) For prohibiting and defining or limiting and controlling areas, districts, or localities within the limits of which no livery-stable, sale or boarding stable or stables in which horses are to be kept for hire or for delivery or express purposes shall be established or maintained:

Bells, whistles, and noises.

(259.) For prohibiting the ringing of bells, blowing of horns or steam-whistles, shouting, and any or all objectionable noises in streets and public places:

- (260.) For regulating or prohibiting the use of sirens, horns, bells, gongs, and whistles on bicycles or vehicles drawn by horses: Horns, sirens, and whistles, etc.
- (261.) For prohibiting or regulating the firing of guns or other firearms, and the firing or setting-off of fire-balls, squibs, crackers, or fireworks, and for prohibiting disturbances of the peace: Letting off guns and firearms
- (262.) For regulating parades, marches, or processions of any kind or nature, or public meetings or assemblies or other demonstrations of any kind or nature, through or on the public streets, squares, or places of the city: Parades, marches, and processions.
- (263.) For the prohibiting or regulating of blasting within the limits of the city: Blasting.
- (264.) For prohibiting or defining, restricting, and limiting the areas within which tanneries, soap-boiling works, fertilizing-works, gasworks, compressed-gas works, slaughter-houses, abattoirs, dog hospitals, rag, bone, or junk shops, or any business or industries of a noxious or unhealthy or objectionable character may or may not be carried on within the city: Defining areas of tanneries, soap-boiling works, and rag, bone, and junk shops.
- (265.) For prohibiting or regulating the construction or use of buildings for laundries, and for ordering the closing or the removal of laundries from any particular locality when, in the discretion of the Council, such laundries are a nuisance or otherwise objectionable to such localities; and for defining, controlling, prohibiting, restricting, and limiting areas in the city where the business of laundrying may or may not be carried on: Prohibiting and regulating the areas for laundries.
- (266.) For prohibiting or regulating the erection or continuance or the use of buildings for slaughter-houses, gasworks, 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 discretion of the Council, such buildings or business carried on therein are a nuisance to such locality: Prohibiting and regulating buildings.
- (267.) For establishing public 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: Prohibiting or regulating slaughter-houses.
- (268.) For compelling manufacturers, keepers or owners of slaughter-houses, shoddy-mills, incinerators, crematories, tanneries, rag or bone works, laundries, electric-light works, hotels, carpet-cleaners, factories, mills of all kinds, apartment-houses, sugar-refineries, and industrial establishments of every kind and nature to have such chimneys or other apparatus as shall consume the dust, smoke, or effluvia, or prevent the same from fouling the atmosphere, or being carried by the wind or otherwise to other shops, houses, or

premises, or residents therein; and for prohibiting such persons from permitting the same to foul the atmosphere to the annoyance, inconvenience, or injury of neighbouring premises or residents therein or thereabouts; and for prohibiting nuisances or annoyances caused by smoke, however the same may be created:

Smoke nuisance.

(269.) For regulating, prohibiting, or controlling, limiting, and restricting the production or emission of smoke and solid matter from any chimney, smoke-stack, building, or other source of smoke production or emission within the limits of the city; and for providing for the appointment of an officer or inspector to enforce the provisions of any by-law passed by the Council in that behalf; and for delegating to such officer or inspector such duties as may be necessary for the effective enforcement of any such by-law passed by the Council; and for regulating, limiting, and controlling and restricting the density or shade of any smoke produced or emitted from any such chimney, smoke-stack, building, or factory, or other source of production thereof; and for regulating the construction, installation, reconstruction, alteration, or repair of any chimney, smoke-stack, furnace, boiler-furnace, or other apparatus or source of smoke production connected with or incidental to any stack or flue in any building in the city; and for providing that no such furnace, boiler-furnace, smoke-stack, chimney, flue, or other apparatus shall be constructed, altered, or repaired unless and until the officer or inspector appointed pursuant to any such by-law shall have first given his permission therefor; and for compelling the construction, alteration, or repair of any such furnace, boiler-furnace, smoke-stack, flue, chimney, or other apparatus according to such design or plan as shall be to the satisfaction of the said officer or inspector; and for prohibiting or condemning the operation of any such furnace, boiler-furnace, stack, chimney, flue, or other apparatus, any source or means of smoke production or from which smoke is emitted, unless and until the same has been approved by the said inspector and permission of said inspector granted to operate the same:

Weeds.

(270.) For preventing or prohibiting the growth of weeds and compelling the destruction thereof, and for enforcing the observance of any by-laws of the city respecting the destruction of noxious weeds:

(271.) The Council may, by resolution or by by-law, declare any building, structure, or erection of any kind whatsoever, or any drain, ditch, watercourse, pond, surface water, or any other matter or thing in or upon any private lands, streets, or roads, or in or about any building or structure, a

nuisance and dangerous or a menace to the public convenience, comfort, 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 by such by-law or resolution determine; and in case of default by the owner, lessee, or occupier to comply with such order within the period of five days, such removal, pulling down, filling up, or other dealing with the same shall or may, without further notice or hearing, be done by any officer of the city at the cost of such owner, lessee, or occupier, and payment of such cost and all expenses incidental thereto may be enforced against the owner, lessee, or occupier thereof by the city in an action in any Court of competent jurisdiction:

(a.) 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 city for that purpose:

- (272.) For compelling the owner, lessee, or occupants of real property within any defined area to fill up or close any wells, cellars, excavations, water-closets, privies, privy-vaults, septic tanks, or cesspools, the continuation of which may, in the opinion or discretion of the Health Officer, be dangerous to health: Closing of wells, etc., dangerous to health.

Wharves and Streams.

- (273.) For purchasing, constructing, making, altering, improving, and maintaining public wharves, docks, and slips for the use of the city: Wharves, docks, and slips.
- (274.) For regulating the use of such public wharves, docks, or slips, and leasing or charging and collecting reasonable wharfage and docking dues or rent in respect thereof: Wharfage and dockage dues.
- (275.) For prohibiting any person from encumbering, injuring, or fouling, in any way or manner whatsoever, any wharf, dock, or slip belonging to the city or in which the city is interested: Encumbering docks, etc.
- (276.) For compelling the removal from any public wharf, dock, or slip belonging to the city of all sunken, grounded, or wrecked vessels, barges, cribs, rafts, logs, or other obstructions or encumbrances by the owner, charterer, or person in charge or any other person who ought to remove the same: Wrecked vessels

Obstructing
streams, etc.

- (277.) For prohibiting the obstruction by any person of streams, creeks, watercourses, and surface drains or sewers by trees, brushwood, timber, refuse, or other materials, and for clearing away and removing such obstructions at the expense of such person :

Impounding Dogs and other Animals.

Impounding and
sale of animals.

- (278.) For prohibiting or restraining persons from allowing or permitting dogs, cattle, and animals of every description from running at large or trespassing, and for seizing and impounding any dogs, cattle, or animals so found running at large or trespassing; and for causing them to be sold or killed in case they are not claimed within a reasonable time, or in case the damages, fines, and expenses are not paid within a reasonable time, or in case the damages, fines, and expenses are not paid according to the by-law :

Killing dogs.

- (279.) For providing for the killing of dogs found running at large and unlicensed contrary to the by-law :

Penalty.

- (280.) 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 :

Remuneration to
distrainor.

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

Pounds.

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

Pound-keepers.

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

Vicious dogs and
wild animals.

- (284.) For prohibiting, restricting, or regulating the keeping of vicious dogs or wild animals within the city, and for the destruction of such dogs or wild animals kept in contravention of the by-law :

Cemeteries.

Cemeteries.

- (285.) For accepting, acquiring, or purchasing land for public cemeteries or burial-grounds, or for crematories, as well within as without the city, and for laying out, improving, maintaining, and managing the same :

Expropriation of
lands.

- (286.) For the acquiring by purchase or by expropriation and compulsory taking of lands to be used for enlarging any existing public cemetery or burial-ground or crematory, either within or without the city :

Burial of dead.

- (287.) For regulating the interment, exhumation, embalming, and cremating of the dead, and for prohibiting any such inter-

ment, exhumation, embalming, and cremating, except in such places and under such conditions as the by-law or by-laws may authorize:

- (288.) For prohibiting the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred, either within or without the city: Violation of cemeteries
- (289.) For authorizing the Council to sell, lease, and execute deeds of burial-plots in said cemeteries or burial-grounds, 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: Purchase and sale of burial-plots.

Acquiring Lands and Property.

- (290.) For obtaining such real property (within or without the city) and personal property as may be required for the use of the city for parks, squares, marine parades, school purposes, roads, streets, or any other purpose, and for the disposing of such property, and for conveying the same, and for executing 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: Municipal lands and properties.
Obtaining property for use of city and disposal of same.

(a.) 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 term exceeding forty-two years, or for disposing of personal property where the value of the same is over twenty-five thousand 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 requiring the assent of the electors; except 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 city for a term of years exceeding five years:

(b.) Provided further that the Council may by by-law grant leases of any real property possessed by the city for a period not exceeding forty-two years, and may by by-law lease or dispose of personal property where the value of the same does not exceed twenty-five thousand dollars; and it shall not be necessary for any such by-law to receive the assent of the electors in conformity with and in manner provided by the principal Act in respect of by-laws requiring the assent of the electors:

(c.) 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 the streets abutting on the foreshore for a period not exceeding ten years, and lanes

and portions of lanes, including air-spaces above or subways thereunder, for a period not exceeding twenty-five years:

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| Public library. | (291.) For purchasing, acquiring, holding, managing, and maintaining real property and buildings for the purpose of a free public library or a partial free library in the city, and any branches thereof, and for the maintenance and upkeep of any such library or libraries; and for appointing a Library Board for the management and control of such library or libraries: |
| Library Board . | |
| Museum or art gallery. | (292.) For purchasing, acquiring, holding, establishing, and maintaining real property and buildings for the purposes of a museum or art gallery, and for maintaining or contributing towards the maintenance and upkeep of the same: |
| Hall. | (293.) For erecting, maintaining, and improving a City Hall, or a public auditorium or assembly-hall, or city office building or buildings, or any other building for the use of the city or benefit of the public; and for acquiring, purchasing, or for expropriating any land for such purposes to be exercised when necessary pursuant to the powers of expropriation in this Act contained: |
| Hospital or quarantine-station. | (294.) 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, hospitals or quarantine-stations or places where persons suspected of conveying infectious, contagious, or malignant diseases can be isolated, or homes for the aged or infirm: |
| Industrial schools and gaols, etc. | (295.) For establishing and maintaining 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: |
| Juvenile Court-house. | (296.) For acquiring land and for erecting, keeping, and carrying out the provisions of the "Juvenile Delinquents Act," being chapter 40 of the Statutes of Canada, 1908, and of the "Juvenile Court Act," being chapter 20 of the Statutes of British Columbia, 1918; and for providing for the expenses attendant upon the proper carrying-out of such Acts: |

Daylight Saving.

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| Daylight saving. | (297.) For prescribing a period in each year for which the time for general purposes in the city shall be seven hours behind Greenwich time; and for making regulations varying the reckoning of Standard time as defined by clause 43 of section 26 of the "Interpretation Act"; and for prescribing the period in each year in which the regulations so made |
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shall be in force, subject to the provisions of the "Daylight Saving Act," being chapter 17 of the Statutes of British Columbia, 1919:

Fines and Penalties.

- (298.) 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 city, 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 city: Breach of by-law.
- (299.) For collecting such penalties by distress and sale of the goods and chattels of the offender: Collection of penalties.
- (300.) For inflicting reasonable punishment, by imprisonment, with or without hard labour, either in the lock-up house in the city or in a gaol, for any period not exceeding two months, for breach of any of the by-laws of the city, or for non-payment of the fine inflicted for any such breach, and there being no distress, or no sufficient distress found, out of which such fine can be levied, or by imprisonment without option of fine: Punishments.

Creation of Offices.

- (301.) For the creation of all offices and making all appointments thereto that are necessary, or by the Council deemed expedient, in the affairs of the city, 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: Offices.

Payment of Aldermen.

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

Miscellaneous.

- (303.) For revising and consolidating the by-laws of the city: Revision and consolidation of by-laws.
- (304.) For the good rule and government of the city: Good rule of city.
- (305.) For authorizing the entering into contracts by the city with any person or corporation for periods not exceeding ten years. But this subsection shall not be taken to limit the powers conferred on the Council by subsection (18) of this section, and the matters, objects, and purposes within the scope thereof and referred to therein, and in the preceding subsections thereto: Contracts.

- Rebate of taxes. (306.) For allowing a rebate or rebates on all taxes or rates or charges if paid before a certain time or times to be named in the by-law :
- Submitting plebiscite or referendum. (307.) For submitting a plebiscite or referendum on any question to the ratepayers: Provided that if the subject-matter of such plebiscite or referendum involves the expenditure of any money, the right to vote on the same shall be restricted to such persons as have a right to vote on by-laws requiring the assent of the electors under this Act:
- Clubs to appoint managers. (308.) For compelling all partnerships or incorporated or unincorporated clubs and companies carrying on the business of a club to appoint a manager, and for the licensing of such manager:
- City enabled to purchase coal, wood, oil, and other fuel, etc. (309.) For enabling the city to purchase coal, wood, oil, and other fuel, milk, fish, and meats, and to produce and purchase vegetables, poultry, and other food, and for selling the same at such prices as it may deem advisable:
- Civic holiday. (310.) For enabling the Council from time to time to declare and proclaim by resolution that any given day specifically named in said resolution shall be a public civic holiday, and shall be observed as such:
- Duties of Council. (311.) For authorizing the Council generally to do, perform, or execute and carry out any matters, things, or objects, or enter into any agreements or contracts, in respect of any matters or things necessarily incidental or conducive to the attainment or carrying-out of any of the purposes, powers, rights, or objects hereinbefore specified in this section and various subsections thereof.

Council may exercise powers by resolution or by law.

164. (1.) Whenever the Council may desire to exercise any of the powers conferred in the preceding section and subsections thereof, or any other sections of this Act, the Council may exercise any of the said powers therein contained by resolution or by by-law, as the Council may in its discretion deem expedient, except only in such specific instances wherein it is expressly provided that the exercise of any particular powers shall be by by-law.

(2.) 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 in any Court of competent jurisdiction or by distress; and in case of non-payment thereof the same may be recovered in like manner as overdue taxes.

Service of Notices.

165. Wherever in this Act or in any resolution or by-law passed pursuant to any of the provisions of this Act it is provided that notice shall be served, either personally or otherwise, on any person or persons or owner or owners being resident or non-resident in the city, service of such notice upon his, or her, or their agent or agents, or on the husband or wife of such person or owner, or by posting the same on some conspicuous part of the property affected, and by registered mail directed to such person's or owner's last-known place of address, or in the event of such person's address being unknown to the City Clerk, then by posting by registered mail to such person addressed to the general post-office of the city, 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 or such person or persons.

Service of notice.

Quashing By-laws.

166. In case a ratepayer or any person interested in a by-law, order, or resolution of the Council or other body having power to pass by-laws or regulations under this Act applies to any Judge of the Supreme Court and produces a copy of the by-law or resolution to said Judge, certified under the hand of the City Clerk (who shall furnish the same on two days' application and on payment of a fee of one dollar) and under the corporate seal, and discloses by affidavit that the same was received from the City Clerk, and that the applicant is a ratepayer and interested as aforesaid, the Judge, after at least ten days' service on the city 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 city. In the case of any application under this section, the Judge shall order the applicant to give security for the costs of and incidental to the application for and in respect of all proceedings under the said rule, in such amount as to the Judge may seem reasonable and just.

Quashing by-laws.

167. 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 such 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.

Time within which application must be made

168. Any by-law, the passing of which has been carried through or by means of any violation of the provision of section 29 of this Act, relative to corrupt practices, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained.

Quashing by-laws obtained by bribery, etc.

Procedure in such case

169. Before determining any application for the quashing of a by-law upon the ground that any of the provisions of said section 29 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, such Judge may make an order for an inquiry to be held, upon such notice to the parties affected as such Judge may direct, concerning the said grounds before him, and require that upon such inquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said Judge.

Judgment.

170. The said Judge shall thereupon, if the grounds thereof 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 to such Judge that the application to quash said by-law ought to be dismissed, the said Judge may so order, and may 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 inquiry, and after a copy of such order has been left with the City Clerk, and all future proceedings upon or under the by-law shall be stayed until after the disposal of the application in respect of which the inquiry is directed; but if the matter is not prosecuted to the satisfaction of said Judge he may remove the stay of proceedings.

Appeal

171. Any decision or order of such Judge upon any such application shall be subject to appeal to the Court of Appeal of British Columbia, provided the appellant gives security of the amount of two hundred dollars to the Registrar of the Supreme Court for the costs of such appeal in the event of the appeal being dismissed.

Expropriation.

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

172. The Council of the city shall have full power and authority to provide by resolution, entered on the minutes, or by by-law, for the acquiring, taking, entering upon, or 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 any public buildings or works or erections or structures, or the construction of public wharves, bridges, viaducts, subways, reservoirs, water-mains, and waterworks system, or electric light or power works or system, or gas plant or works, or street-railway, motor-bus, or transportation system or works, or telephone plant or works, and such public buildings, drains, or watercourses, or sewers, or sites for septic tanks, or other appliances connected with the purification of sewage, or for or in respect of any public works of the city, and to direct at

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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 between the Council of the city or other persons interested, or by complying with all the formalities hereinafter prescribed for opening streets, squares, markets, parks, or other public places or works, or for continuing, enlarging, altering, repairing, or improving the same, or as the site for any of the public works or purposes in this section specified:

- (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 city, selected by the 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 city; and such contracts, sales, and conveyances shall be valid and effectual at law or in equity for conveying the estate or interest therein to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding, and the city shall not in any case be responsible 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 they or any of them 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 towards those whom they represent as regards the purchase-money or compensation of such sale or conveyance:
- (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 city any such real property, or in agreeing as

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

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

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 the Province or is unknown, or in case his residence cannot be found, a Judge of the Supreme Court may, on the application of the city, appoint a person to act in respect to the same for all or any of the said purposes:

Person having interest only in property.

(4.) In case any person acting as aforesaid has not the absolute estate in the property, the city 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 city to pay the same to any person or into Court; and the city 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 city shall make or offer to the owners or occupiers of or other persons interested in real property, either before or after the same has been entered upon, taken, or used by the city in the exercise of any of its powers pursuant to this Act, or injuriously affected by the exercise of any of its powers pursuant to this Act, due compensation for any damages necessarily resulting from the exercise of such powers pursuant to this Act beyond any advantage which the claimant may derive from the works carried out by the city, and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under the following subsections hereof:

Arbitrators

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

Either party to appoint arbitrator

(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 last-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:

- (10.) The arbitrators shall make their award in writing not later Award
than 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:
- (11.) No officer or person in the employment of the city, nor any No officer of city to
be appointed
arbitrator.
person interested, shall be appointed or act as arbitrator
under this Act:
- (12.) The arbitrators shall, within twenty days after the appoint- Meeting of
arbitrators
ment 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:
- (13.) The arbitrators in deciding on such value or compensation Determination of
compensation
may set off the increased value that will attach to the said
lands which have been taken, used, or injuriously affected
against the loss or damage suffered or sustained by reason
of the city having taken possession of the said lands or
constructed or carried out any works in the neighbourhood
thereof:
- (14.) No person who erects any building or structure whatever No claim entertained
unless claimant
ascertained estab-
lished grade before
constructing on or
buying property
upon or contiguous to land fronting or abutting on or
contiguous to or in proximity to any established or con-
templated street, lane, square, public place, bridge, or
viaduct, or who purchases any such land or real property
before or without having previously obtained in writing
from the City Engineer the established grade, level, or line
of such street, lane, square, public place, bridge, or viaduct,
shall have any claim whatever for compensation or damages
by reason of such land, real property, building, or structure
being injuriously affected if or when such level, grade, or
line shall be settled, determined, fixed, or established, or
changed by the city: Provided further that no claim for
compensation nor action for damages shall lie or be main-
tainable against the city for alleged compensation or dam-
ages to or for any such land, real property, building, or
structure that may be or may have been injuriously affected
by the establishment of any grade, level, or line by the city,
unless such person, before purchasing the said real property
or before building or causing to be erected any building or
structure thereon, shall have first obtained the established
grade, level, or line of such street, lane, road, square, public
place, bridge, or viaduct, as the case may be, from the City
Engineer as aforesaid: Provided further that the provisions

of this subsection shall not affect any action, suit, or proceeding pending at the date of the passing hereof:

Witnesses and
administering oaths.

(15.) 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 declaration to be administered by any of the said arbitrators, and to order the production before them of any books, documents, accounts, vouchers, papers, or memoranda of any description which they may deem necessary for the purposes of the said arbitration:

Costs.

(16.) In the event of the amount awarded by the arbitrators in their award not exceeding the amount (if any) offered by the city under subsection (5) hereof, the arbitrators shall award that all costs of the arbitration shall be paid by the owner or owners of the land or interest expropriated or injuriously affected, and that such costs shall be based on either the scale of the County Court or the Supreme Court, as the arbitrators shall decide, and shall be taxed by the Registrar of such Court accordingly. In the event of the amount awarded exceeding the amount so offered, then the arbitrators shall order that the city shall pay the costs of the arbitration, to be taxed as aforesaid:

Decision of majority
of arbitrators to be
conclusive.

(17.) In case of a difference between the arbitrators the decision of the majority of them shall be conclusive:

Time limit for
making award.

(18.) The Board of Arbitrators shall be and shall become functus officio if their said award shall not be made within the time limited by subsection (10) of this section, or if an application for enlargement of said time be not made before the expiry of said one month, and an order made accordingly by a Judge of the Supreme Court enlarging the said time thereof:

One arbitrator or
Judge may be
appointed.

(19.) The parties to the reference may agree to submit the matter to one arbitrator, whose award shall be as binding and conclusive as the award of two or three arbitrators; or, with the consent of the parties, it may be referred to any Judge of the Supreme Court, whose decision in the matter in dispute shall be as binding as the award of an arbitrator or arbitrators:

Limitation of claims
for compensation.

(20.) Every claim at present existing or which may hereafter arise under this section, except in the case of infants, lunatics, and persons of unsound mind, shall be made within one year from the date when the real property was so entered upon, taken, affected, or used, or when the alleged damages were first sustained:

Time limit for
action for damages.

(a.) Provided that, notwithstanding anything in this section contained, in no event shall any claim be made or

- lie against the city for compensation or damages after one year from the time the cause of action arose, or from the time the damages or injury in respect of which such claim has arisen first occurred, whichever time shall be the latest, but all such claims thereafter shall be absolutely barred :
- (21.) The person making any claim shall deliver full particulars of the damages for which such claim is made, and the arbitrator or arbitrators, upon the hearing of the claim, shall have the same power as to amendment generally, or to amend such claim or particulars, or any proceedings had or taken upon the hearing thereof, as a Judge would have in an action; and the arbitrator or arbitrators may, in his or their discretion, refuse at any time to hear, upon any matter or question, further evidence of a cumulative character:
- (22.) 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 the amount of such compensation, the award or agreement shall vest in the city 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 may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district to put down such resistance and to put the city in possession:
- (23.) In the event of any arbitration proceedings instituted against the city by any person under the foregoing provisions, claiming compensation in respect of any lands taken or claimed to be injuriously affected, failing for or on any ground or reason whatsoever, or should any such proceedings become abortive, or in case any such person fails in any subsequent proceedings to enforce any award rendered, the city shall be entitled to its costs and expenses of all proceedings in such arbitration, to be taxed on the scale obtaining in the Supreme Court or County Court, as the case may be, according to the amount involved, and the District Registrar of said Court shall tax the same, and issue an allocatur for the said amount so taxed, and the said allocatur shall be of the same force and effect as a judgment of said Supreme Court or County Court, as the case may be, and shall be enforceable in like manner accordingly:
- (24.) If the Council has reason to fear any claims or encumbrances, 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
- Arbitrator to have power to amend.
- Award or agreement shall vest property in city after payment of amount awarded.
- City to have costs on proceedings becoming abortive.
- Council may pay compensation into Court.

for any other reason the Council deem it advisable, it may pay such compensation to the Registrar of the Supreme Court, 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 city to the land therein mentioned:

Special assessments.

(25.) 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 for in this Act in the case of ordinary assessments or under the local improvement clauses of this Act, as the Council may determine:

Council to have power by resolution or by-law for acquiring land injuriously affected.

(26.) The Council shall have power and authority, in the event of it desiring to widen or enlarge any street, lane, public place, park, or square, or to raise or lower any grade, or to do any work on any street which may injuriously affect any lot or lots abutting thereon, to provide by resolution or by by-law for acquiring, taking, or using the whole of any lot or any part of any lot or lots adjoining or adjacent to said street, lane, public place, park, or square, the part or whole of which may be necessary for the widening or enlarging of any such street, lane, public place, park, or square, or which may be injuriously affected by the raising or lowering of any grade or the carrying out of any work on the same, and also any land within the block within which the work lies; and may, by resolution, passed by two-thirds of the Council present and voting, provide, notwithstanding anything contained in this Act, for the sale of such portion of the lot or lots as may not be actually required for the enlarging or widening of the street, lane, public place, park, or square, or which may be injuriously affected as aforesaid, and may by resolution authorize the Mayor and City Clerk of the city to execute and give a good and sufficient deed of such lot or lots or such portion of such lot or lots to any person purchasing the same at such price as the Council may deem advisable.

Local improvement injuriously affecting property.

173. In the event of the city constructing or carrying out any local improvement, and such improvement necessitating the entering, taking, or using of any real property, or the injuriously affecting of the same, and in the event of the owner of such property being awarded any compensation in respect of such entering, taking, or using of such property, or the injuriously affecting of the same, such owner shall not be entitled to be paid any portion of such compensation until he shall have first paid to the city all arrears of taxes which may have accrued against such land so entered, taken, used.

or injuriously affected; and shall also pay and commute all assessments which have been or which may be imposed against such land for the cost of such local improvement, and until he shall have done so he shall not be entitled to be paid any compensation in respect of such land.

Local Improvements and Special Assessments.

174. 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 city at large.

Council may by by-law declare debt guaranteed by the city.

175. The Council may from time to time pass by-laws for the purpose of effecting and carrying out local improvements and works, and for specially assessing the cost thereof, in whole or in any part, and charging same against the real property adjacent thereto, or which may be specially benefited or affected thereby; and for contributing out of the general revenue of the city so much of the cost thereof as the Council may deem advisable, except in such specific instances or cases where the proportion or proportions are otherwise expressly fixed and established by any of the provisions of this Act.

176. The Council, for the purpose of effecting local improvements and works, the whole or a part of the cost of which it proposes to assess upon the real property specially benefited thereby, may, subject as hereinafter provided, pass by-laws for the following purposes:

Local improvement by-law.

- (1.) For (a) opening, widening, extending, prolonging, altering the grade of, or diverting any public street, lane, alley, or place, or opening up or establishing new streets or lanes in the city; or (b) constructing or reconstructing any bridges, culverts, subway, or embankment as part of any public street, lane, alley, or place, or constructing or reconstructing any roadway or pavement thereon; or (c) constructing or reconstructing, enlarging or prolonging and extending any common sewer or drain into or through the lands of any owner other than the city, and making all proper and necessary connections therewith; (d) for constructing sewers on the combined system:
- (2.) For (u) constructing, reconstructing, enlarging or prolonging and extending any common sewer or drain, and making of proper connections between the same and the property-line of the streets or lanes along which said sewers are constructed, and constructing and making all proper and necessary private drains, connections therewith in and along any public street, lane, alley, or place or any part

thereof; or (b) for constructing roadways or macadamizing, planking, paving, or curbing any public street, lane, alley, or place; or (c) for resurfacing with wood-block pavement, asphalt, or other suitable materials a pavement having a concrete foundation which, in the opinion of the City Engineer, is sufficient therefor; or (d) for constructing sidewalks or footways in, upon, and along any public street, lane, alley, or place, and for reconstructing any such roadway, curbing, or sidewalk or footway when the term of the special assessment therefor shall have expired or the work or improvement shall be worn out; or (e) for setting apart a portion or portions of any public street or place for the purpose of a boulevard or boulevards thereon and therein, and for constructing and maintaining such boulevard or boulevards; or (f) for sodding any portion of and planting, maintaining, and caring for trees, shrubs, and plants upon and in any public street, square, or other public place:

- (3.) For constructing, extending, and maintaining all such mains, conduits, and pipes, and for constructing all such branch mains, conduits, and pipes, making connections with all buildings and premises, and constructing all such other works and doing all such other things as may be necessary for the supplying of water for public as well as for private use:
- (4.) For providing the means of ascertaining and determining the probable cost of every such work, improvement, or service above mentioned:
- (5.) Subject as hereinafter provided, for providing the means of ascertaining and determining what real property will be benefited by the construction and carrying-out of any of the above-mentioned works, improvements, or services; what portion thereof is liable for special assessments therefor, and what portion thereof (if any) is exempt from such special assessment; what proportion or amount of the cost of any such proposed improvement, work, or service is to be assumed and borne by the city as its share or part thereof, and what proportion or amount thereof is to be charged against and specially assessed upon the assessable real property benefited thereby; the proportion in which the assessment of that part of the said cost which is chargeable against the real property benefited is to be made upon the various portions of real property benefited thereby; the time to be allowed for the payment of any debt which may be created for the purposes of any such improvement, work, or service; and the number of annual special assessments which will be imposed to pay the interest upon the

said debt and create a sinking fund sufficient to extinguish the debt at maturity, or to pay the annual instalments covering interest and part of the principal of the debt, as the case may be:

- (6.) Subject also as herein provided, for assessing the cost of any such improvement, work, or service or such portion of the cost thereof as may be permitted by this Act upon the real property to be benefited thereby, and for levying and collecting such cost or such portion thereof by an annual special rate upon the said real property according to the frontage thereof:
- (7.) For regulating the time or times and the manner in which the special assessments to be levied and collected under this section are to be paid, and for arranging the terms upon which the owners and other persons liable to pay the same may commute by the cash payment of their proportionate shares of the cost of any such work, improvement, or service in principal sums:
- (8.) For effecting any of the improvements, works, or services mentioned above with funds provided by persons desirous of having the same effected.

177. If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the Council. The Council shall also provide, in connection with all sewers and roadways, the cost of all culverts and other works necessary for street-surface drainage, and may also, in the case of roadways and sidewalks, provide the cost of that part of every work, improvement, or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment: Provided that none of the provisions of this section shall apply when the contemplated work or improvement is the construction of a sewer on the combined system.

Common sewers,
how cost to be
borne.

- (1.) The special rate to be so assessed and levied shall be an annual rate, according to the frontage thereof, upon the real property immediately benefited by the work or improvement, subject to the provisions of section 200 and section 209 hereof:
- (2.) If in any case the first assessment for any such work or improvement proves insufficient, the Council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys have been realized to pay for such improvement or work; and if too large a sum has at any time been raised, the excess shall be refunded rateably to those by whom it was paid.

Repairs to be at
expense of city.

178. Nothing contained in the three next preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the city generally.

179. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 176 of this Act if the Council shall have passed or shall pass a general by-law or general by-laws, 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 upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various proportions of real estate so benefited, and it shall not be deemed to have been or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned.

Mode of initiating Local Improvement Works.

(1.) By Petition.

Local improvement
works initiated by
petition.

180. Upon the receipt of a petition praying for any of the works and improvements mentioned in section 176 of this Act, signed by at least three-fourths in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the city, such owners representing at least two-thirds in value of such real property—the number of such owners and the value of such real property as appears by the last revised assessment roll as afore-said having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf—the Council may, in its discretion, take all proper and necessary proceedings for the execution and completion of the work or improvement with as little delay as possible.

(2.) On Sanitary Grounds.

On sanitary
grounds.

181. If the Council affirm by vote of two-thirds of all its members at any regular meeting thereof that it is desirable and necessary in the public interest to construct, make, enlarge, or prolong a drain, sewer, or sewers, for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement, it shall not be necessary for the Council to give notice of the proposed assessment for such local improvement, except the notice required by section 186 of this Act, of the sitting of the Court of Revision for the purpose of hearing complaints against such proposed assessment.

(3.) On the Initiative Method.

On initiative
method

182. If the Council affirms by vote of two-thirds of all the members of the Council at any regular meeting thereof that it is desirable and

necessary in the public interest to carry out any work or works which may be effected as local improvement under this Act, other than the works mentioned in section 181 of this Act, then in such case any work or improvement mentioned in section 176 of this Act may be undertaken and the assessment of the cost thereof may be made upon the properties benefited thereby, unless one-third of the owners of such real property, representing at least one-third in value thereof, petition the Council against the same within one month after the last publication of a notice of the intention of the Council to undertake the said work, such notice to be inserted once in each week for two weeks in at least one newspaper published in the City of Vancouver, and any number of different works or improvements may be included in one such notice, and shall stand good for any one or more that may not be petitioned against that the Council may determine to proceed with:

- (1.) In addition to being given publication as provided in the next preceding paragraph, the notice of the intention of the Council to undertake any work as a local improvement shall be served by mailing the same to the present or last-known place of abode of the owners of the properties benefited thereby, as shown on the last revised assessment roll, and a declaration of the officer or person charged with the duty of giving any such notice that the same was mailed as stated in the declaration shall be accepted as conclusive evidence of the proper service thereof: Service of notice of intention to undertake local improvement.
- (2.) It shall be sufficient if the notice of the proposed work or improvement, by a general description, describes the street, lane, alley, or place or the portion thereof whereon or wherein and the points between which the same is to be made or done, and the street, lane, alley, or place or portions thereof upon which the real property benefited and proposed to be specially assessed fronts or abuts, and the number of such annual assessments. It shall not be necessary in such cases to state the value of the real property rateable for the work or improvement or to impose a rate upon such real property by any description other than that hereinbefore mentioned:
- (3.) In the event of any sufficiently signed petition as aforesaid against the proposed work or improvement being presented to the Council, no second notice for the same shall be given by the Council within two years thereafter: Provided, however, that a notice may be given within such two years if such notice is for a different kind of pavement, or for a less expensive pavement though of the same kind, than the one included in the notice previously given: If work petitioned against, no notice to be given for two years.
- (4.) The number of the owners petitioning against the proposed improvement or work and the value of the real property

which they represent may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf:

- (5.) When notice of a proposed improvement, work, or service to be paid for by special assessment as a local improvement has been given by the Council pursuant to the provisions of this Act, and no petition sufficiently signed as aforesaid has, within the time limited in that behalf by this Act, been presented to the Council against such proposed improvement, work, or service and assessment, it shall be lawful for the Council, in the same or any succeeding year, to carry on the proposed work, improvement, or service to completion before making the assessment therefor:
- (6.) A notice so given shall stand good as the authority for undertaking any such work, improvement, or service, and for making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the Council giving such notice or by any succeeding Council:
- (7.) Any owner of real property to be benefited by the construction of any work or improvement, the cost of which is payable by local special assessment under sections 176 to 211 of this Act, may, notwithstanding that his name does not appear on the last revised assessment roll, petition for or against such local improvement upon satisfying the City Clerk, by statutory declaration or otherwise, that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll.

183. For the purpose of ascertaining as to whether any petition for or against any local improvement by-law has been sufficiently signed as required by the provisions of this Act, or any by-law passed thereunder, the Council in determining the value of the real property represented by such petition shall not take into consideration any property which is exempted, either wholly or in part, from taxation by any by-law to the extent of such exemption.

Short Form of Local Improvement By-laws.

Form of local
improvement
by-law.

184. (1.) Where a by-law made according to the form set forth in the Schedule annexed to this Act, or any other by-law expressed to be made in pursuance of this section or referring thereto, passed by the Council for borrowing money by the issue of debentures secured by local special rates on the property benefited thereby, contains any of the forms of words contained in column one of the Schedule hereto annexed and distinguished by a number therein, such by-law shall be taken to have the same effect and shall be construed as if it contained the form of words contained in column two of said Schedule and

distinguished by the same number, but it shall not be necessary in any such by-law to insert any such number.

(2.) Any by-law which fails to take effect by virtue of this section shall, nevertheless, be effectual and binding on the city and all persons affected thereby.

Notice to be given in lieu of advertising By-law.

185. No by-law passed under the provisions of section 176 of this Act shall require to be advertised in any newspaper, but a written or printed, or partly written and 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 and lessees having the right to petition, or to the agents of such owners and lessees.

Notice to be given
in lieu of advertis-
ing by-law

Contents of Notice and how served.

186. Every such notice shall contain a general description of the property in respect of which the same is given, and the nature of the improvement, work, or service, the estimate or actual cost thereof, the amount of the frontage of the particular piece of property, and the time and manner in which the special assessment is to be payable, and shall be signed by the Assessment Commissioner or other officer appointed by the Council for the purpose, and shall, at least fifteen days before the time appointed for the sittings of the Court, be mailed to the address of the person entitled to receive the notice, as shown on the last revised assessment roll. Ten days' notice of the time and place of meeting of the said Court shall also be given by publication in some newspaper having a general circulation in the city, which notice shall specify generally what such assessment is for and the total amount to be assessed:

Contents of notice
and how served.

(1.) The said notice may be in the form or to the effect following:—

Take notice that the Council of the City of Vancouver intends to construct [or has constructed, as the case may be] [*describing the work or improvement on (or in) Street, between (describe the points between which the work or improvement is to be made or done)*], and intends to assess that portion of the final cost thereof upon the real property to be immediately benefited thereby fronting or abutting upon [*give the name or names of the street, lane, alley, or place, or streets, lanes, alleys, or places, and the points between which the real property fronts or abuts, upon which the proposed special assessment is to be made, and the annual rate per foot on the frontage upon each street and the number of such annual assessments*]; and that a statement showing the lands liable to and proposed to be specially assessed for the said improvement [or work], and the names of the owners thereof, so far as the same can be ascertained from the last revised assessment roll and otherwise, is now filed in the office of the Assessment Commissioner, and is open for inspection during office hours. The cost [or estimated cost, as the case may be] of the improvement [or work] is \$, of which \$ is to be provided out of general funds of the city.

A Court of Revision will be held on the day of ,
 19 , at the hour of , at the [insert the place of meeting] for
 the purpose of hearing complaints against the proposed assessment
 or the accuracy of frontage measurements, or any other complaint
 which the persons interested may desire to make and which is by
 law cognizable by the Court.

Dated .

.....
Assessment Commissioner.

Measurements to be
 completed ten days
 before the hearing
 of appeal against
 assessment.

187. (1.) The Council shall, for the purpose of making the special assessment for the cost of any work, improvement, or service, procure a measurement to be made of the frontages liable to assessment for such cost and of the frontages exempt from taxation, and shall for at least ten days before the time fixed for hearing appeals from such assessment keep a statement of the same open for inspection in the office of the Assessment Commissioner.

(2.) Provided that the provisions of the foregoing subsection shall not apply to works carried out pursuant to section 209.

Appeals to Court of Revision.

Appeals to Court
 of Revision.

188. From any such assessment or proposed assessment there shall be the right of appeal to the City Council sitting as a Court of Revision, and from the Court of Revision to a Judge of the Supreme Court. The Court of Revision and the Judge shall have the power to correct any errors in the names of the owners or in the frontage measurements of the properties assessed or caused by the omission of property which should be assessed, and to determine the proportion of assessment of corner lots or triangular or other irregular pieces of land, and the proportion of the cost to be borne by the city where the cost exceeds the estimates by ten per cent.; and also whether or not the property is or will be benefited by the work or improvement, and the proceedings shall be the same as in the case of appeals from general assessments as provided in this Act so far as the same are applicable.

Judge, when
 appealed to may add
 other lands affected
 to those from
 whose assessment
 appeal was made.

189. Wherever an appeal lies from the Court of Revision to a Judge of the Supreme Court under sections 176 to 211, inclusive, of this Act, the said Judge, in addition to his other powers under this Act, may inquire and determine what lands (if any) other than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement, and may add such lands to the lands to be assessed, notwithstanding that such lands may not have been specified in any notice of appeal to the said Judge; and the said Judge shall cause all persons who may be affected by the addition of their lands to the lands so to be assessed to be notified of the time and place when the said appeal and matter will be considered, and may, for that purpose, from time to time adjourn the hearing of the said appeal.

When Assessment becomes final.

190. The assessment referred to in the two preceding sections, with such alterations or variations (if any) as may be made by the Court of Revision or a Judge of the Supreme Court upon appeal, shall be final and conclusive as to all matters therein contained.

When assessment becomes final

191. Where the proposed assessment has been regularly brought before a Court of Revision and a Judge of the Supreme Court (in case there has been an appeal to such Judge), it shall not be necessary to submit to another Court of Revision the by-law for the actual cost of the work or improvement when such actual cost does not exceed by more than ten per centum the estimated cost thereof as submitted to the Court of Revision.

Power to incur Debts for the Cost of Local Improvements.

192. The Council may make agreements with any bank or with any person or body corporate for temporary advances and loans for meeting the cost of the work or improvement until the completion thereof, and may in their option make the special assessment for the cost thereof after the work or improvement has been completed, and may then pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

Power to incur debts for the cost of local improvements.

193. Every by law passed under the preceding section for borrowing money by the issue of debentures as aforesaid shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the City Engineer or other proper officer to be appointed by the Council for that purpose.

194. If a debt has been incurred by the city for any work done or improvement constructed under the provisions of this Act, and if after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefore is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in making such assessment or passing such by-law, it shall be lawful for the Council, and they are hereby authorized, to cause a new assessment or assessments to be made and to pass a new by-law so often as may be necessary to provide funds for the payment of the debts so incurred for such work or improvement.

By law to provide for repayment of loan

195. Nothing herein contained shall be construed as authorizing any assessment to be made or any work or improvement to be undertaken, except as provided by sections 212 and 213 of this Act, unless the same has been initiated in some one of the three methods by law provided, namely:—

- (1.) Either on the report of the City Engineer adopted by the Council recommending the proposed work or improvement for sanitary or drainage purposes; or
- (2.) On a sufficiently signed petition of the owners of the real property to be benefited; or
- (3.) After due notice, as hereinbefore provided, of the proposed assessment and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited being presented to the Council against the proposed assessment within the time limited therefor.

196. The Council shall have power to pass a by-law to agree and settle as upon a quantum meruit with any contractor or contractors for any work which has been done or shall be done as a local improvement, where it shall consider the work to have been performed sufficiently for the purposes of such local improvement although not in strict accordance with the contract, and the amount as agreed upon and fixed shall be the amount or part of the amount, as the case may be, for which an assessment may be made upon the properties benefited by such local improvement: Provided that nothing herein shall be construed to enlarge or extend the rights (if any) of any contractor as against the city, unless the Council thereof shall see fit to pass a by-law hereunder and then only subject to the terms of such by-law.

Special Provisions as to Assessments for Local Improvements.

As to Sewers.

Sewers

197. In ascertaining and determining the cost of draining any locality or of making and laying or prolonging any common sewer, the Council may estimate the cost of the construction of branch drains from the drains or sewer to the line of street, and may, in making assessment for such drains or sewers, include the cost of such branch drains as part of the cost of the local improvement, or may assess and levy the cost thereof by a special rate upon the lands benefited thereby instead of by a frontage rate. The provisions of this section shall apply to sewers heretofore constructed as well as to those hereafter constructed.

198. Where, in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer is proposed to be or is constructed, such sewer is proposed to be or has been constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, the Council may impose a special assessment upon any other real property benefited by the construction of such sewer in the manner provided by sections 204 and 210 of this Act.

As to Pavements.

199. In case the Council is about to construct, renew, or alter the character of a pavement on any street, highway, or public place, or portion thereof, as a local improvement, the Council may, before putting down such pavement, put in all necessary private drain connections from any existing drain or sewer upon such street or portion thereof to the street-line on each side of the drain or sewer, and also all necessary water-mains, and may assess and levy the cost thereof, and of any alterations of service-pipes and stop-cocks thereby necessitated, against the properties benefited thereby as part of the cost of the said local improvement pursuant to the provisions of section 176 of this Act.

As to Corner and Irregular Lots.

200. The Council may, by by-law, provide an equitable mode of assessing for local improvements, works, and services, corner lots, triangular or other irregular-shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value, and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works, and services, and may charge the amount of any allowance made on any such lot or piece of land on the other real property fronting on the improvements, or may assume the same as a portion of the city share of the works or improvements. Any such assessment shall be subject to appeal to the Court of Revision, and from the Court of Revision to a Judge of the Supreme Court as this Act provides.

Lands on same street unequally benefited.

201. Where the land on either side of a street, lane, or alley in the city is, in the opinion of the Council, unfit from any cause for building purposes, and the Council deems it inequitable to assess the same for local improvements at so high a rate as the building lots fronting on said street, lane, or alley, the Council shall in all such cases determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley respectively.

Lands fronting on Parks, Boulevards, etc.

202. Real property adjoining and fronting on any park, square, public drive, or boulevard shall be specially assessable for and in respect of the improvements, works, and services made, done, or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street, but where a public park, square, drive, or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be assessable only in respect of such improvements, works, and services to the extent to which such lands are specially benefited by such

improvements, works, and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation, at least one-half of the cost of improvements, works, and services shall be borne by the city generally.

203. No petition shall avail to prevent the carrying-out of any local improvement, work, or service in any such park, square, drive, or boulevard, and the making of special assessments therefor as aforesaid.

Bridges, Street Extensions, Sidewalks, etc.

Property not fronting or abutting may be assessed.

Bridges, culverts,
etc.

204. Where, in the opinion of the Council, it is expedient and necessary to construct or repair bridges or culverts on any street, lane, or alley, or to open up, widen, prolong, or extend any street, lane, or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the Council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvements on the lands fronting thereon, the Council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion (if any) of the cost of the improvement which shall be assumed by the city as its share thereof.

205. The share or proportion of the cost of such improvement assumed by the city may be provided for by the issue of debentures upon the credit of the city at large, in like manner as in the case of the share of the city of other local improvements.

206. All assessments made under the above provisions shall be subject to an appeal to the Court of Revision, and from the Court of Revision to a Judge of the Supreme Court, in like manner as in the case of other special assessments for local improvements under the provisions of this Act.

207. In case of the construction or repair of a bridge or culvert, or the opening-up, widening, prolonging, or extension of any street, lane, or alley—if the Council determines that any real property other than that fronting or abutting on the street, lane, or alley, or the portion thereof whereon or wherein the improvements are made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and determines the proportion in which the cost of the improvements shall be assessed against the land so benefited—the Council shall assess and levy the proportion of the cost chargeable against the lands benefited by but not fronting or abutting upon such street, lane, or alley by a frontage rate, in like

manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, or alley, or the portion thereof whereon or wherein the improvement is made or to be made.

208. Or the Council may, by by-law, provide that the costs of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as herein-before provided.

209. Notwithstanding anything in this Act contained, the Council, in the case of the opening-up, widening, prolonging, or extending of any street, lane, alley, or highway, may by by-law provide that the proportion of the cost of such work chargeable against the property benefited thereby shall be assessed and levied by special rate on such property according to the assessed value thereof: Provided, however, that this section shall not prejudice or affect the rights and powers of the Council under section 200 of this Act.

When City may contribute Part of the Cost of Bridges, Pavements, etc.

210. In any case where a Council affirms by a two-thirds vote thereof that the construction, erection, or making of any bridges, culverts, or embankment benefits the city at large, and that it would be inequitable to raise the whole cost of such improvements or works by local special assessments, the Council may pass a by-law for borrowing money by the issue of debentures upon the credit of the city at large to provide as the city's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof.

When city may contribute part of the cost of bridges, etc.

Sidewalks constructed by Private Owners.

211. The Council may permit the owner or owners of lands to build or improve the sidewalk in front of his or their lands under the direction of the Council or an officer thereof appointed for that purpose, and according to such plans and regulations as the Council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as they keep the same in repair to the satisfaction of the Council.

Sidewalks constructed by private owners.

Sidewalks of certain Materials may be laid without Petition or Notice.

212. Notwithstanding anything contained in this Act or in any by-law of the city, the Council may construct and lay down a sidewalk of any material or materials which it deems expedient upon and along any street, lane, alley, or other thoroughfare or park, or any part or portion thereof, in the city as a local improvement, and the cost thereof may be assessed against the properties fronting or

Sidewalks of certain materials may be laid without petition or notice.

abutting thereon, if such sidewalk is, in the opinion of two-thirds of the Council, desirable in the public interest.

Pavements.

Council may construct on its own Initiative.

Council may construct on its own initiative.

213. Notwithstanding anything in this Act contained, or in any by-law passed in pursuance thereof, the Council may, on the recommendation of the City Engineer and the City Comptroller and without adopting the formalities required by any such Act or by-law, construct or carry out on its own initiative any pavement necessary for the completion or linking-up of any pavement already constructed, or for the linking-up of any street-widening already carried out, and may also acquire any land which may be necessary for the laying or construction of any such pavement or for the carrying-out of any such street-widening, and may assess the cost of such construction or the acquisition of any such land against the properties fronting or abutting thereon or benefited thereby as a local improvement: Provided that a resolution shall have first been passed by two-thirds of the members of the Council present at any regular meeting, and voting, stating that such work is desirable in the public interest: And provided further that in the event of the Council exercising the powers hereinbefore contained relating to the linking-up of any pavement, or for the linking-up of street-widening, or for the acquisition of any land in connection therewith, the city shall assume a proportion of not less than one-third nor more than two-thirds of the total cost of such local improvement, and may by such resolution provide for the payment of such proportion out of funds raised by general debentures or out of the general revenue of the city: Provided further, however, that the proportion of cost of such local improvement chargeable against any parcel of land shall not exceed an amount equal to twenty-five per centum of the assessed value of such land, exclusive of improvements, appearing on the last revised assessment roll of the city, and if such cost would otherwise exceed an amount as aforesaid, then the city shall assume the amount of such excess irrespective of whether it has already assumed two-thirds of the cost of such improvement under this section or not.

Cost of Local Improvements opposite Street Intersections or Exempt Properties.

Cost of local improvement opposite street intersections or exempt properties

214. In case of a special assessment being made on property benefited by any local improvement, the Council (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 which is intersected by any other 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 thereof 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 of any special Act, as to the Council may seem best, and subject to such by-laws as the Council may pass in that behalf.

215. The by-law authorizing the issue of the debentures need not be submitted for the assent of the electors of the city; and the debentures issued to pay for that part of the work payable by local assessment may, if the Council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the City, or all the debentures required for the work may be issued in one series, as "local improvement debentures."

Exemption of Locally Assessed Properties from General Rates for Like Purposes.

216. Any real property specially assessed by the Council for any local improvement or work under this Act shall be exempted by the Council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of the works opposite real property which is exempt from such special assessment, and such exemption shall be upon the value of the lands only and not on the improvements thereon.

Exemption of locally assessed properties from general rates for like purposes.

217. Where a local improvement or service is petitioned for and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the Council, or if, either with or without naming any period for such exemption, the petitioners request an arbitration, the Council may accede to the proposal for an arbitration.

218. In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by a Judge of the Supreme Court, unless some person or persons is or are agreed to in that behalf by the petitioners and the Council.

219. Where by reason of a special assessment the owners are exempted from a general rate for the like purpose as aforesaid, the Council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the city, and shall state the same in such manner as may give effect to this section.

220. Until a by-law is passed containing such statement as referred to in the preceding section hereof, none of the money raised by general rate on real property specially assessed or rated for any

work or service hereafter executed shall be applied to any work or service of the same character in any part of the city.

Debentures issued under local improvement by-law not part of debt.

221. It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of the city, within the meaning of this Act, and it shall not be necessary to recite the amount of the local improvement debt so assured by special rates or assessments in any by-law for borrowing money on the credit of the city at large as aforesaid, but it shall be sufficient to state in any such by-law that the amount of the general debt as therein set forth is exclusive of local improvement debts, secured by special rates or assessments.

Council may provide for the payment of annual interest and sinking fund.

222. Notwithstanding anything contained in this Act or any local improvement by-law passed by the Council in pursuance of its powers under this Act since the first day of January, 1909, the Council may by resolution in each and any year during the currency of said by-law, or any of them, provide for the payment of the annual interest and sinking funds required by the provisions of such by-laws for such year out of the general funds of the city up to and not exceeding fifty per centum of the amount so required; and the proportion of what shall be paid as aforesaid in respect to any such by-laws shall be determined and based upon, and shall not exceed the amount which is included in the first resolution passed in respect to any such by-laws. The annual assessments in each year imposed against any property mentioned in such by-laws shall be reduced to the extent of such proportion so provided out of the general funds as aforesaid; and in the event of the Council passing such resolution the City Treasurer shall enter on the tax rolls against any property affected the amount of the reduced assessments in lieu of those imposed by such by-laws:

Provided further, however, that in cases where the total cost of any local improvement assessed against any lot exceeded the assessed value of such lot as it appeared on the assessment roll at the time of the passing of any such by-law as aforesaid, and the Council deems such property especially inequitably and unjustly affected by the imposition of such assessment, the Council may by two-thirds of the votes of the members present, either by resolution or by by-law, further reduce the annual assessment against any such property, and may by such resolution direct the City Treasurer to enter on the tax rolls against any property so assessed the amount of the reduced assessment in lieu of the original assessment, and the amount of such difference shall be provided out of the general funds of the city.

Extension of Local Improvement System.

Sweeping, Lighting, and Watering Streets.

Council may pass by-laws for sweeping, watering, or lighting streets.

223. The Council may pass by-laws for raising, upon the petition of at least two-thirds of the persons owning property in any street,

square, alley, or lane, whose names appear upon the last revised assessment roll as freeholders of the assessed real property therein representing in value one-half of the said assessed real property, such sum as may be necessary for sweeping, watering, or lighting the street, square, alley, or lane, including furnishing, installing, providing, constructing, and erecting ornamental street standards for electric or other lighting upon or along same, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof, when only such latter system of assessment shall have been adopted by a three-fourths vote of the full Council; but the Council may charge the general corporate funds with the expenditures incurred in such sweeping, watering, or lighting, or furnishing, installing, providing, constructing, or erecting ornamental street standards for electric or other lighting, as aforesaid.

224. The Council may also, by by-law, designate certain streets or parts of streets or define certain areas or special sections within the city in which the streets should be watered, swept, and lighted, or upon or along which ornamental street standards for electric or other lighting should be furnished, installed, provided, constructed, and erected; and may impose a special rate upon the assessed real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full Council, in order to pay any expenses incurred in watering, sweeping, or lighting such streets, or furnishing, installing, providing, constructing, or erecting ornamental street standards for electric or other lighting upon or along the same.

225. The City Engineer shall not sign any plan of any subdivision of any piece or parcel of land against which any local improvement assessments have been imposed by any by-law of the city unless and until the person presenting such plan shall have filed with him a certificate of the City Treasurer showing that all assessments for which such piece or parcel of land may have been liable have been paid and commuted in full:

Provided, however, that this provision shall not apply to Block 131, District Lot 264A, in the City of Vancouver, and the Council may authorize the City Engineer to sign a plan of the subdivision of the said block of land without commutation of local improvement taxes as hereinbefore required, but such plan of subdivision of said Block 131, District Lot 264A, must first be submitted to and approved by the Council, and the Council, when approving such plan, may by resolution provide that the local improvement assessments levied against such block by any local improvement by-law of the city shall be distributed over and limited to the lots shown on such subdivision fronting on the street affected by such local improvement,

according to the frontage thereof, and the Collector shall enter such local improvement taxes on the roll against such lots in accordance with such resolution, in lieu of the said assessments imposed against such block.

Actions and Judgments against the City.

Action to be commenced within six months.

226. All actions or suits against the city for indemnity for any damages, whether continuous or not, or for any statutory compensation, or upon any ground, or for any cause or reason whatsoever, shall be commenced within twelve months after the cause of such action shall have arisen, but not afterwards, and thereafter the same shall be absolutely barred.

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

227. Any action against any person for anything done in pursuance of this Act shall be brought within six months next after the act committed, and not afterwards.

Tender or payment into Court

228. 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 it may consider proper compensation for the damage sustained; and in the event of the non-acceptance by the claimant of such tender or 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 defendant, and set off against any amount recovered against it.

Remedy over in case of action against city, etc.

229. In case an action is brought against the city to recover damages sustained by reason of any obstruction, excavation, or opening, or covering, or overhead structure, in or near to or over a public highway, street, lane, or bridge placed, made, left, or maintained by any person, persons, or body corporate, other than a servant or agent of the city, 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 Statute or by-law of the city, or any contract, covenant, or agreement by any person, persons, or body corporate, other than a servant or agent of the city, the City 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 city.

City to have such remedy over in same action.

230. The city shall be entitled to such remedy over in the same action if the other person, persons, or body corporate is or are 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

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person, persons, or body corporate, other than a servant of the city; and the city 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 city); 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 city 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 claims set up therein, as in other cases.

231. 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 city 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 city therein, the city 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.

In any case city to have remedy over.

232. Such other person, persons, or body corporate shall be deemed to admit the validity of the judgment (if any) obtained against the city 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 in that behalf, or where such other person, persons, or body corporate has or have admitted or is are estopped from denying the validity of such judgment.

Validity of judgment admitted when.

233. 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 or have not been made a party defendant or third party to the action against the city, or where such damages have been paid without action or without recovery of judgment against the city, the liability of the city 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 city to recover in such action.

Proceedings when no notice has been served.

234. The Council may retain and employ solicitors and counsel, and when a solicitor or counsel is employed or retained by the Council, whose remuneration is wholly or partly by retainer or salary, annual or otherwise, the city shall, notwithstanding, have the right to recover and collect lawful costs in all actions, suits, and proceedings, by arbitration or otherwise, in the same manner as if the solicitor or counsel was not receiving such retainer or salary,

Solicitor or counsel.

Right of

when the costs are, by the terms of his employment or retainer, payable to the solicitor or counsel as part of his remuneration in addition to his salary or retainer.

Supplies.

Tenders for supplies to be called for annually.

235. It shall be the duty of the City Clerk in each and every year to advertise for tenders, if so directed by the Council, for all supplies 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 contracts as may be deemed desirable in the interests of the city.

Purchasing agent.

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

Purchase of stationery, etc., and requisitions.

237. The Purchasing Agent, or other officer or person appointed by the Council, shall order and purchase all goods, stores, materials, supplies, and sundries, and he shall issue the same upon the written requisitions of the several heads of the city departments or of the governing bodies of the city; he shall keep a record of all such purchases and requisitions and shall make reports from time to time to Council as required.

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

238. No bills for goods, stores, materials, or supplies, or any liability or obligations under any contracts or engagements, written or verbal, as are contemplated by this Act, shall be allowed nor shall any liability attach to the city in respect thereto unless they are contracted for under and in compliance with the provisions of this Act.

All bills to be certified by the Comptroller.

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

Stipulations in contract as to minimum wage.

240. 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 contract shall have affixed thereto or impressed thereon what is commonly known as the "union label."

Police Magistrate.

Appointment of Police Magistrate.

241. 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 city.

242. The Lieutenant-Governor in Council may appoint a person to be a Deputy Police Magistrate in and for the said city, who shall hold office during pleasure, and shall receive from the city such salary as may be fixed from time to time by the Lieutenant-Governor in Council.

Deputy Police Magistrate.

243. It shall be the duty of the Police Magistrate to arrange and provide, subject to the provisions of this Act, for the sittings of the Police Court, and to assign to the Deputy Police Magistrate such duties as may in his opinion be necessary and proper, and generally to control and direct the business of the Police Court, and it shall be the duty of the Deputy Police Magistrate to perform such duties and to carry out such directions.

Police Magistrate to assign duties to Deputy Police Magistrate.

244. Subject to the next preceding section, all the provisions of this Act relating to the Police Magistrate shall, mutatis mutandis, apply to the Deputy Police Magistrate.

Provisions of Act to apply to Deputy Police Magistrate.

245. 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.

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

246. Every Police Magistrate or Deputy Police Magistrate appointed under this Act by the Lieutenant-Governor in Council shall ex officio be a Justice of the Peace in and for the City of Vancouver.

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

247. The Police Magistrate or Deputy Police Magistrate, by virtue of his appointment as such, shall be a Stipendiary Magistrate for the jurisdiction in which he exercises such office, 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 authorized by any Statute in force in this Province to be done by two or more Justices of the Peace; and every Police Magistrate or Deputy Police Magistrate shall have such power while acting anywhere within the City of Vancouver, for which he is ex officio a Justice of the Peace.

Police Magistrate to be Stipendiary Magistrate within certain jurisdiction.

248. In case of the illness or absence or at the request of the Police Magistrate or Deputy 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 or Deputy 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

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

Magistrates in the Province; but this section shall not be construed to prevent one Justice of the Peace acting for a Police Magistrate wherever by law one Justice of the Peace has jurisdiction in that behalf.

Oath to be taken by
Magistrate.

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

I, _____, swear that, as Police Magistrate for the City of Vancouver, in the Province of British Columbia, in all articles in the King'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 King, 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.

250. Every oath of office or allegiance taken by a Police Magistrate or Deputy Police Magistrate shall forthwith, after the same is taken, be transmitted or delivered by the Police Magistrate or Deputy 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.

251. Neither the Police Magistrate nor Deputy 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.

252. The Council of the city shall establish therein a Police Office and Police Court, and the Police Magistrate shall attend at such Police Court daily for the disposal of the business brought before him as such Magistrate or as a Justice of the Peace.

Police Commissioners.

Board of Commis-
sioners of Police.

253. Notwithstanding anything contained in this Act, there shall be constituted for the City of Vancouver a Board of Commissioners of Police. Such Board shall consist of the Mayor for the time being of the City and two persons appointed annually by the Lieutenant-Governor in Council, one of whom must be a member of the Council of the said city. The term of office of such Commissioners so appointed shall expire at the same time as that of the Aldermen for such city. In case of the absence or inability to act of the Mayor or Acting-Mayor, the Council may appoint an Alderman to act in

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his place as such Commissioner during such absence or inability. The Mayor shall be ex officio chairman of the Board, and any two members of the Board shall constitute a quorum for the transaction of business:

- (1.) The Commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties, and they 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. A notice to attend before the Board shall be sufficient, if signed by the chairman of the Board or any one of the Commissioners: Examination of witnesses by Board
- (2.) All meetings of the Board of Police Commissioners shall be open to the press and public, unless otherwise decided by the Board: Meetings to be open unless otherwise decided
- (3.) The police force of the City of Vancouver shall consist of a Chief Constable or Chief of Police and as many constables and other officers and assistants as the Council may from time to time think necessary, such number not being less than that which the Board of Commissioners of Police may report to be absolutely required, and all members of such police force shall be appointed by and hold their office at the pleasure of the Board: Police force
- (4.) The Board shall from time to time make such regulations as they may deem expedient for the government of the force, and for preventing of neglect or abuse, and for rendering the force efficient in the discharge of its duties: Regulations for government of police force
- (5.) The Chief of Police and all constables shall obey the lawful directions and be subject to the government of the Board, and shall be charged with the special duties of preventing infractions of all by-laws of the city, preserving the peace, preventing crime, and apprehending offenders, and shall have, generally, all the powers and privileges and be liable to all the duties and responsibilities which belong by law to constables: Police force to be governed by Board.
- (6.) The Board shall fix the remuneration of the police, and the Council shall, subject to an appeal to the Lieutenant-Governor in Council, pay such remuneration, and provide all such clothing, accoutrements, and other necessities as may from time to time be deemed requisite by said Board for the accommodation and use of the force: Provided that the Board shall, on or before the first day of February in each year, prepare and lay before the Council a detailed estimate of the sums required by the Board for the purpose of such payment of such remuneration, and provision of such clothing, accoutrements, and necessities for the accommodation and use of the force for the current year: Remuneration of police force

Gaols and lock-ups.

(7.) The city shall provide and maintain a gaol or gaols and lock-up or lock-ups for the care and custody of prisoners:

Gaols, etc.

(8.) All gaols, industrial schools, lock-up houses, reformatories, and houses of correction established in the city for the detention and imprisonment of persons sentenced to imprisonment or confinement or detained for examination (except those established pursuant to the "Juvenile Delinquents Act") shall be under the care, control, and supervision of the Police Commissioners:

Board to take census of manufacturing plants.

(9.) The Board on request of the city shall, on or before the thirty-first day of December in each year, take a census of all industries and manufacturing plants and persons employed therein in the city, and shall, before the first of February, submit the results of such census to the Council.

Police Court Clerk and Prosecutor.

254. The Council may appoint a Police Court Clerk and a City Prosecutor and any necessary assistant or assistants, and define their duties and salary or salaries.

Mayor to be ex officio Justice of the Peace.

Jursidiction of Mayor and Police Magistrate.

255. 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 and Deputy Police Magistrate shall have jurisdiction to try and determine all prosecutions for offences committed against the by-laws of the City or for refusing to accept office therein or to make the declaration of qualification of office respectively, and in addition thereto the same rights and jurisdiction as other Justices of the Peace.

May convict on oath of credible witness.

256. The Mayor or Police Magistrate or Deputy 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.

May commit offender to gaol if no distress.

257. In case of there being no distress, or no sufficient 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.

258. All pecuniary penalties levied under this Act shall go and belong to the city.

Gaoler to receive all persons committed to his charge.

259. The city gaoler or gaolers shall be bound, and he and each of them is hereby authorized and required to receive and safely

keep until duly discharged all persons committed to his charge by the Mayor, Police Magistrate, Deputy Police Magistrate, or any Justice of the Peace having jurisdiction in the city.

260. All fines, fees, penalties, and forfeitures imposed under this Act, or for the breach of 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 is entitled, and all fines, fees, penalties, and forfeitures for offences against the by-laws of the city, shall be paid into the city exchequer and shall belong to the city.

All fines to be paid into city exchequer

261. It shall not be necessary in any conviction made under any by-law of the city 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:—

Form of conviction.

PROVINCE OF BRITISH COLUMBIA: }
CITY OF VANCOUVER, }
To Wit: }

BE IT REMEMBERED that on 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 [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 or for 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.

262. The Board of Police Commissioners may effect and carry out a plan of insurance of all members of the police force against sickness or accident or death, and to contract for any policy or policies as in their discretion they may deem fit, and to pay the premiums, or any portion of same, in respect thereof.

Insurance of members of police force.

263. All by-laws authorized 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

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

by summary conviction, and which authorize, in default of payment, the commitment of the offender to the common gaol, house of correction, or lock-up house of the city or of the Province 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 any such by-law, amongst other things, authorizes the imprisonment of the accused during the period for which as specified in such 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.

264. A Board of Commissioners, to be known as the Board of Park Commissioners or the Park Board, shall be elected as herein-after provided, and shall have the custody, care, and management of the public parks, beaches (not under the control of the Vancouver Harbour Commissioners), and other public places of the city which are maintained by public money.

Constitution of Park Board.

265. 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.

Qualification for member of Park Board.

266. The property qualifications 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 Alderman in section 7 of this Act.

Power to pass by-laws.

267. The Park Board may from time to time pass by-laws for the use, regulation, protection, and government of the parks and beaches, and the approaches or causeways thereto, not inconsistent with the provisions of this Act or any by-law of the city or any law of the Province; and the word "regulation" shall be construed to include the regulation and speed of vehicles within the parks and on the approaches or causeways thereto; and the prohibition of all such vehicles and traffic as said Park Board may by resolution decide to be undesirable in the parks.

Penalties.

268. The said Board shall have power by by-law to inflict or impose 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.

269. 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 three members shall form a quorum. Special meeting.

270. 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 the Board shall forthwith order a new election, and notice thereof shall be given to the Council at its next meeting. When office of any member shall be declared vacant.

(1.) All the provisions of this Act pertaining to the election of Park Commissioners at the annual election of said Board shall apply to such election:

(2.) Every member so elected shall hold office for the remainder of the time for which his predecessor was elected, and no longer.

271. 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 current financial year for the expense of maintaining, improving, and managing the parks, beaches, boulevards, avenues, and streets under their control. Estimate of sums required during ensuing year.
Expenses.

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

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

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

(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 Letting off, etc., 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 on the beaches, 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 Swimming dogs in water or throwing injurious matter into water.

(4.) Posts, paints, or affixes any advertisements or bills of any kind whatsoever in any such public park or place. Posts advertisements, etc.

273. The Park Board may at any time pass, alter, amend, or repeal by-laws for the maintenance, user, and management of swimming- Park Board to control natatoriums.

baths or natatoriums, and for regulating the location and user of such baths or natatoriums situate within the city, upon or connected with any public place under the jurisdiction of the Board; and for taxing and regulating the fees or charges to be made or collected from any person using such natatorium, swimming-pool, or bath-house, and for leasing the same, and for charging the owner, occupier, or lessee thereof such charges, fees, or rents as may be deemed expedient, and for providing for the entering into agreements with such owner, occupier, or lessee for any of such purposes.

Board may pass by-laws for leasing of piers for periods not exceeding five years.

274. The Board may at any time pass, alter, amend, or repeal by-laws for authorizing the leasing or subleasing of any property of the city, piers, or buildings situate thereon, consisting of any part or parts of any public beaches, parks, or places under the jurisdiction of the Board, for such time, not to exceed twenty-one years, and on such terms as may be deemed expedient, and subject to approval by the Council.

275. The Park Board may exercise any of the powers in this Act conferred on it, either by resolution or by by-law, as it may deem expedient.

276. The provisions contained in subsections (298), (299), and (300) of section 163 and subsection (2) of section 164 of this Act shall be deemed to apply, mutatis mutandis, to any by-laws passed by the Board.

Upon request of the Park Board, Mayor to detail members of the police force.

277. It shall be the duty of the Mayor or Police Commissioners, upon the request of the Park Board, to detail for service in any of the public grounds under the care of the Park Board as many of the police force as the Mayor or Police Commissioners may deem necessary to maintain order and protect property therein; and any constable 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 by-laws or rules and regulations passed or established by the Board.

Protection of Park Board and their officers.

278. The Park Board and the officials 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 officials of said Board, when in the discharge of their duties, shall be ex officio possessed of all powers and authorities of constables.

Meetings and Proceedings of Council.

First meeting.

279. The Council shall meet at noon on the first Wednesday in January subsequent to the annual election in each year, or in case such Wednesday shall be a statutory holiday, then such meeting shall be held on the next day thereafter at noon:

- (1.) The Mayor and members of the Council shall make the declaration of office and qualification as prescribed by section 16 of this Act: Declaration of office.
- (2.) No previous resolution of the Council passed in the then current year on any matter shall be rescinded unless by a two-thirds 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 previous resolution to be rescinded
- (3.) No member of the Council shall, during the term for which he is elected, be eligible for appointment to any office under the city: No member of Council to be eligible for office under city.
- (4.) The Council may, by by-law, make any regulations for the procedure and conduct of the business and the appointment of committees for the carrying-on of the business of the city which it may think desirable. Council may pass by-laws for its own procedure, etc.

Officers of the City.

280. The Council shall, by by-law or resolution, provide for the establishment and creation of such departments and offices as the Council may from time to time deem expedient for the efficient government and administration of the city; and for the appointment and method of appointment of all officers or officials of the city to fill or occupy such positions or offices as the Council may in its discretion deem necessary or expedient to carry on the efficient government and administration of the city, and the provisions of this Act, as the same may from time to time be created or become vacant. Appointment of officers.

281. The Council may, by by-law or resolution, from time to time, subject to the provisions of this Act, assign such duties, instructions, and responsibilities to any department or departments, or officers or officials, or to any committee or committees of the Council in the government or management or administration of the city as it may deem necessary or expedient, and to alter or vary the same in its discretion. Assigning duties to officers

282. 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. Office to be during good behaviour and subject to one month's notice

283. All officers in the employ of the city 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. Duties to be defined by by-law.

Office hours.

284. 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.

285. 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.

All moneys received by city officials to be paid to Treasurer each day.

286. 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 and Comptroller. 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 Comptroller 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 proper receipt therefor.

Mayor.

Duties of Mayor

287. The Mayor shall be chief executive officer of the city, 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 city, and to direct the method of management of the city business and affairs, and to suspend the officers and employees of the city, 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; and it shall be his further duty 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 five thousand dollars to be paid to the Mayor annually.

Witnesses

288. 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 in civil cases.

289. The Council may by resolution, in the absence of the Mayor Acting-Mayor. from the city, or if from any reason he is unable to act, appoint from its members an Acting-Mayor, and whenever the word "Mayor" is used in this Act there shall be read after it the words "or Acting-Mayor."

Treasurer.

290. The Council shall appoint a Treasurer. Treasurer.

291. (1.) It shall be the duty of the Treasurer to receive all Duty of Treasurer to receive and disburse all moneys. 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 Comptroller and countersigned by the Mayor and City Clerk.

(2.) The Treasurer shall keep a complete and accurate account To keep an account of all moneys paid out and received. 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.

(3.) The Treasurer shall every week-day 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 Comptroller and Auditor, appointed pursuant to this Act, or by any member of the Council. Books and accounts to be open to inspection.

(5.) The Treasurer shall, during the week succeeding the thirty-first day of December in each year, make a full statement to the Comptroller of the amount of all his accounts for the year ending the thirty-first day of December, and shall render 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 city moneys, books, accounts, papers, and documents in his possession; and in case of his death the Comptroller 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 Comptroller before 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 first regular meeting.

(8.) On presentation of certificates of indebtedness issued by the City Comptroller to the said Treasurer, and countersigned or certified by the Mayor or Acting-Mayor and City Clerk, 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 Disbursement of principal funds.

pay-rolls shall be made by the Treasurer after the same have been audited by the Comptroller and placed in his hands therefor.

Treasurer's oath
and security.

(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.

Comptroller.

Comptroller and his
duties.

292. The Council shall appoint an officer, to be known as the Comptroller of the city, who shall perform such duties as Comptroller thereof as may be prescribed by by-law of the city, and the Council may, in fixing the duties to be so performed by said Comptroller, direct that he shall perform such and so many of the duties of the Treasurer and City Clerk, or any other official or executive officer, respectively, as shall be defined in said by-law, anything contained in this Act or in any by-law to the contrary notwithstanding.

293. The Comptroller shall exercise a general control and supervision over the collection and return into the city treasury of the revenue of the city of every description, and over all other fiscal affairs of the city, and all claims in connection therewith which may or might become the subject of litigation; the arrangement of offices and direction of the clerical staff, and any like matters in which the interests of the city are involved or in any manner concerned. He shall prescribe the manner in which all account books of the several city officers shall be kept, and he shall examine the books of the said officers as often as he shall think proper, and shall see that they are properly kept, and said books shall be at all times subject to the inspection of the Comptroller.

294. It shall be the duty of the Comptroller to examine all accounts, claims, and demands in favour of or against the city for the payment of which any money may be drawn out of the city treasury, and after having examined the same, with all accompanying vouchers and documents, to certify the balance or true state of such claims or demands.

295. The Comptroller shall draw his warrant on the Treasurer specifying the fund from which payment is to be made for any money to be due and owing by the city, the expenditure of which has been duly authorized: Provided that no warrant shall be issued unless there be money actually to the credit of the specific fund.

296. The Comptroller shall not draw a warrant on the Treasurer in favour of any person indebted to the city, or the assignee of such person, except for the balance which appears to be due such person

over and above the debt due the city, nor in favour of any officer who is in arrears or in default to the city.

297. The Comptroller shall require all city officers in receipt of the city moneys to submit to him as often as he may deem necessary reports of the business of their respective offices in detail; and if such officer neglects or refuses to make adjustment of his accounts whenever required by the Comptroller, or to pay any money received by him, it shall be the duty of the Comptroller to issue a notice in writing to such officer and his sureties (if any) to make a settlement of his accounts with said Comptroller, and to pay over the balance of money found to be due and in his hands belonging to the city; and, in case of refusal or neglect of such officer to adjust his accounts or to pay over said balance to the Treasurer, it shall be the duty of the Comptroller to report the delinquency of such officer to the Council.

298. The Comptroller shall, in the month of January in each year, make out a financial statement for publication, which shall be published in pamphlet form.

299. The Comptroller 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 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 the purposes aforesaid he shall require the other officers or officials 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.

Estimate of
expenditures for
current year.

City Clerk.

300. The Council shall appoint a City Clerk, and the City 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 and records of the Council, and shall preserve and file all

Clerk and his duties.

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 substitutes.

301. The Council may by resolution provide that, in case the City Clerk is absent or incapable through illness of performing the duties of the City 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 City Clerk.

Any person may inspect assessment rolls, etc.

302. 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 or under the control of the City Clerk, and the City 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 thereof, furnish within a reasonable time to any elector of the city, or to any other person interested in any by-law, order, or resolution, a copy of such by-law, order, or resolution, certified under his hand and under the corporate seal.

Copy of document certified by Clerk to be received in evidence, etc.

303. A copy of any document in the possession of or under the control of the City Clerk, 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 city, 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.

Penalty of Clerk refusing to perform or neglecting his duty.

304. If the City 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 His Majesty such sum as the Court may order and adjudge, not exceeding one hundred dollars.

Auditor.

Auditor.

305. 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 the City 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 city, except as Auditor or Comptroller, shall be appointed an Auditor or Comptroller.

Duties of Auditor.

306. The Auditor or Auditors appointed under the next preceding section shall every month, commencing in January of each year,

(Second Session)

and so on to the end of each year, examine and report upon all accounts affecting the city, or relating to any matter under its control within its jurisdiction.

307. The Auditor or Auditors shall examine and report upon all accounts affecting the city or relating to any matter under its control or within its jurisdiction for each year ending on the thirty-first day of December. Auditor shall examine and report

Appropriations and Payments.

308. No liability shall be voluntarily incurred or appropriation be made from or on account of any revenue fund in excess of the amount standing 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. No appropriation beyond cash in hand.

309. Nothing in the foregoing section contained shall be deemed to prevent the Council from diverting the amount of any appropriation of any general revenue fund from or for any one purpose to any other purpose, or of expending any unexpended or unappropriated balance carried forward from previous years.

310. No money shall be paid out of the treasury except on the warrant of the City Comptroller, countersigned by the Mayor or Acting-Mayor and City Clerk, 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. Warrants for payment of city funds.

311. 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 City Clerk's office, and filed and preserved as vouchers in such office. Unadjusted and audited accounts

Power to borrow pending Collection of Taxes or Realization of Debentures.

312. 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 or sums of money required for ordinary or capital expenditure in or for the upkeep or maintenance of the city, or to meet its lawful expenditures, 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 borrow pending collection of taxes.

313. The Council may, by by-law, pending the collection of any overdue taxes, borrow for the purpose of ordinary expenditure from any chartered bank, person, or corporation a sum of money equivalent to the amount of such taxes. Council may borrow by by-law pending the collection of overdue taxes.

lent to the amount of such overdue taxes, subject to the condition that the said taxes as collected shall be paid into such bank or such fund as the Council may deem advisable to a special account to repay the sum so borrowed when due, and the taxes deposited to such account shall not be used for any other purposes: 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 for such loan shall be defined in said by-law and may be payable to bearer.

314. (1.) The Council may and are hereby empowered to pass a by-law, or may from time to time pass by-laws, for authorizing the borrowing, and in pursuance thereof may borrow from any chartered bank, person, or corporation, such sum or sums of money as may be requisite to meet the current lawful expenditures, liabilities, and contingencies of the city which become payable out of the annual revenues before the revenues for the year are received by the city, under the following conditions:—

- (a.) The obligation given to the lender shall be in writing, signed by the Mayor and City Clerk, and shall bear the corporate seal:
- (b.) The Council shall in the by-law name the amount to be borrowed, the maximum rate of interest to be paid, the date on or before which the principal and interest shall be payable, and the form of the obligation to be given in acknowledgment of the liability:
- (c.) The Council may, during the three years succeeding that in which such moneys are borrowed, pass by-laws for renewing such obligations and any renewals thereof:
- (d.) The total of the liability so incurred shall not at any time exceed the sum of the following amounts:—

(1.) The whole amount remaining unpaid and unpledged of taxes levied prior to year in which the by-law is passed, including taxes or assessments levied in respect of debt for local improvement purposes:

(2.) The whole amount remaining unpaid of the taxes for all purposes levied or to be levied during the current year, including taxes or assessments levied in respect of debt for local improvement purposes: Provided that until such time as the amount of the current year's levy or levies is ascertained such amount shall be represented by seventy-five per centum of the whole levy or levies made in the next preceding year:

- (c.) The by-law or by-laws shall not require the assent of the electors.

(2.) The Council may, when any money has been borrowed or is proposed to be borrowed under the provisions of this section, either

in the by-law authorizing such loan or by a by-law passed at any subsequent time, set aside as security for the payment of such money the whole or any part of all unpaid taxes assessed or levied in any prior years (subject to any prior charge thereon existing under the provisions of this Act), and also the whole of the taxes for the current year or such part thereof as may be considered expedient, showing either in such by-law, or in a schedule thereto, what taxes are so set aside as such security; and upon any such by-law being passed, such taxes so set aside shall be special security for such money so borrowed as aforesaid, which shall be a first charge thereon (subject to any prior charge as aforesaid), and the proceeds of such taxes so set aside shall not be intermingled with other funds or income of the city, but shall be applied only in repayment of such moneys so borrowed until the same, and the interest thereon, is fully paid and satisfied: Provided always that the taking of such special security shall in no way limit or affect the general liability of the city.

Investigations and Commissions of Inquiry.

315. In case the Council at any time passes a resolution requesting any barrister-at-law 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 city or any member of any of the governing or administrative bodies of the city, or any member of the Board of School Trustees for the city, or any person having a contract with the city, the Board of School Trustees, or any of the administrative bodies of the city; 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, including the official business of any of the foregoing bodies of the city, and the Board of School Trustees for the city, and if the Council at any time passes a resolution requesting the said barrister to make the inquiry, the barrister shall inquire into the same, and shall for that purpose have full power to summon witnesses before him and 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 barrister shall have the same power to enforce the attendance of witnesses and to compel them to answer and to give evidence as is vested in any Court of law in civil cases; and the barrister shall, with all convenient haste, report to the Council the result of the inquiry, and the evidence taken thereon.

Investigation of
malfeasance or
breach of trust, etc.

316. 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

When Lieut.-
Governor in Council
may issue
commission

the financial affairs of the city 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 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.

317. The Council and every other governing or administrative body elected or appointed under this Act shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election or appointment 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 or other governing or administrative body, as the case may be, every Council, or other governing or administrative body, 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 or other governing or administrative body 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 or other governing or administrative body 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.

318. When the city shall have a sum of money on hand which has been borrowed for a special purpose by the authority of a money 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 sums 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: 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.

319. (1.) Every public street, road, square, lane, bridge, or other highway or public place in the city shall be and become absolutely vested in fee-simple in the city (subject only to any right in the soil which the individuals who laid out such road, street, square, lane, bridge, or highway may have expressly reserved), and such public street, road, square, lane, or highway or public place shall not be interfered with in any way or manner whatsoever, by excavation or otherwise, by any street-railway, electric light or power company, gas or waterworks or telephone company, or by any company or

companies or persons whatsoever that now are or may hereafter be incorporated, or any other person or persons whomsoever, except after having first made application to and obtained or received the written permission of the City Engineer so to do.

(2.) Such written permission of the City Engineer referred to in the next preceding subsection shall in no way relieve or be taken to relieve such person, company, or corporation from liability for negligence or misfeasance, or for creating a nuisance, or for or from any legal liability in respect of such work, arising from any cause or reason whatsoever.

(3.) Provided that in the event of the said person, company, or corporation, in the opinion of the City Engineer, not having repaired or replaced said street in the same condition as the same may have been in before the same was interfered with by the said person, company, or corporation, the City Engineer may at any time within a period of six months from the date of the first interference repair or replace the same in proper condition, and the cost thereof shall be charged against said person, company, or corporation responsible for said interference, and be recoverable from such person, company, or corporation in any Court of competent jurisdiction.

320. Every public street, road, square, lane, bridge, and highway in the city shall, save as aforesaid, be kept in repair by the city. City to repair.

321. All lands acquired by or conveyed to the city outside the limits of the city, as defined by this Act, are hereby vested in the city, its successors or assigns, for ever. Lands vested in city.

322. No member or officer of the Council, and no member of any Board organized under or in connection with the city government, pursuant to this Act or any other Act or any 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 authorized 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 No member or officer of Council, etc., to wilfully or corruptly vote, etc.

or appropriated or collected, or authorized by by-law or resolution to be appropriated or collected; and any such member or officer as aforesaid who shall violate any of the foregoing provisions of this section shall, upon conviction therefor, be punished by imprisonment for not more than one year, or by fine of not less than five dollars nor more than two thousand dollars.

Recovery of taxes,
etc.

323. All taxes, rates, and assessments due, owing, or payable to the city may be recovered and collection thereof enforced by suit or action instituted in any Court of competent jurisdiction, as well as by any other means or process provided by this Act; and the production of a copy of the Collector's roll showing such rates, taxes, or assessments to be due by such person so sued shall be prima facie evidence of the debt, and that the notices required by this Act to be sent to the person liable for such tax, rate, or assessment were duly sent.

Execution of
contracts, etc.

324. All contracts, notes, bills, and other securities duly authorized to be executed on behalf of the city shall, unless otherwise specially authorized or provided, be sealed with the seal of the city 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.

Fiscal year.

325. The fiscal year for the city shall be the twelve months ending on the thirty-first day of December in each year.

Application of
"Municipal Act"
to this Act.

326. Notwithstanding anything contained in the "Municipal Act," or the "Municipalities Incorporation Act," or the "Municipal Elections Act," none of the provisions of those Acts, except sections 418 to 422 (both inclusive) of the "Municipal Act," shall apply to the City of Vancouver.

Nothing in Act to
apply to Vancouver
Gas Company.

327. Nothing in this Act contained shall apply to or affect, conflict, or interfere with the Vancouver Gas Company, Limited Liability, in respect to any rights, powers, and privileges conferred upon the said company by its Act of incorporation.

Penalty for violation
of provisions of this
Act.

328. 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-law to be under
seal of Corporation.

329. All by-laws of the city shall be under the seal of the city, and shall be signed by the Mayor or Acting-Mayor, or by the person presiding at the meeting at which the by-law was finally passed, and by the City Clerk.

330. The printed copies of all by-laws passed by the Council or any other governing or administrative body elected or to be elected or appointed under this Act, and purporting to be printed by authority thereof, shall be admitted as prima facie evidence thereof in all Courts in this Province, and on all occasions whatsoever.

Printed copies of by-law to be admitted as prima facie evidence.

331. On any prosecution, action, or proceeding in any civil matter to which the city is a party, no ratepayer, member, officer, or servant of the city shall, on account of his being such, be incompetent as a witness.

No ratepayer to be incompetent as witness where city party to action.

332. No by-law or resolution passed by the Council in pursuance of the powers or privileges conferred by this Act shall, after the expiry of the period of one month from and after the passing thereof, be open to be attacked; nor shall any such by-law or resolution, after the expiry of said period of one month, be quashed, set aside, or in any way, manner, or mode be invalidated or upset, or adjudged bad or of no effect, by any Court of competent jurisdiction in that behalf in any trial, proceeding, action, case, or motion before such Court, Judge, or Magistrate or Justice of the Peace, as the case may be; and every such by-law or resolution, after the expiry of said period of one month from the passing thereof by the Council, is hereby ratified and confirmed, and is declared to be and shall be valid, effectual, and binding on or against all persons and interests affected thereby and of full force and effect in law.

Quashing by-laws.

333. The city may institute an action or proceeding merely for a declaratory judgment or order in any Court of competent jurisdiction:—

Declaratory judgment.

- (1.) To ascertain the right or rights of the city or any other person or persons as against the city in any matter or thing pertaining to any property, real or personal, or in respect to any moneys, claim, or demand whatsoever:
- (2.) To test the liability to taxation of any property, real or personal:
- (3.) To ascertain the liability for or right to damages in any cause or matter;

and the Court may make binding declarations of right, whether any consequential relief is sought or not, or is or could be claimed or not; and such Court shall have jurisdiction to hear and entertain such action, and such action or proceeding shall not be open to objection merely because such declaratory judgment or order alone is sought thereby.

334. The Council may from time to time expend moneys out of general revenue on the maintenance, upkeep, repair, and improvement of any real or personal property acquired by the city or which may revert to the city through tax sale or otherwise.

Improvement of city's property.

Settlement of claim.

335. The Council shall have full power in its discretion to settle and compromise any or all claims, actions, or proceedings made, had, or taken against the city.

Contractors, etc., on municipal work to receive the current wage.

336. All city contracts shall contain provisions whereby the workmen, mechanics, artisans, and labourers employed on city 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, and whereby all contractors and sub-contractors shall be bound to pay such wages.

City to recover taxes, etc., by Court action.

337. Notwithstanding anything contained in this Act or any other Act, the licence fees or any taxes, rates, assessments, dues, charges, costs, or expenses imposed by any by-law or resolution passed pursuant to this Act and payable by any person to the city shall be a debt due to the city, recoverable by action in any Court of competent jurisdiction; with interest and costs.

Policy of Council not open to review by Courts

338. The determination, decision, or policy of the Council as to the time when, the manner in which, or the terms or conditions on which, or the price for which, or the person to whom any property of the city which the Council may lawfully sell shall be sold, or in respect of the time, manner, terms, conditions, consideration, or price in, on, or for which, or the person with whom any contract or agreement may be entered into, or is proposed to be entered into or made, shall not be open to question, review, or control by any Court, if the purchaser is a person who may lawfully buy from or contract with the city, and if the Council acted in good faith.

Unreasonableness not sufficient ground to quash by-law.

339. Any by-law passed by the Council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question, or be quashed, set aside, or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Repeal clause.

340. The enactments mentioned in the Schedule are repealed.

341. This Act shall come into force and take effect on the first day of February, A.D. 1922.

SCHEDULE.

ACTS REPEALED.

- "Vancouver Incorporation Act, 1900," Statutes of B.C. 1900, c. 54.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1904," Statutes of B.C., 1904, c. 62.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1906," Statutes of B.C., 1906, c. 68.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1907," Statutes of B.C., 1907, c. 61.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1909," Statutes of B.C. 1909, c. 63.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1910," Statutes of B.C. 1910, c. 79.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1911," Statutes of B.C. 1911, c. 75.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1912," Statutes of B.C. 1912, c. 59.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1913," Statutes of B.C. 1913, c. 96.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1915," Statutes of B.C., 1915, c. 72.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1916, No. 2," Statutes of B.C. 1916, c. 71.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1916," Statutes of B.C. 1916, c. 82.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1917 (1)," Statutes of B.C. 1917, c. 76.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1917 (2)," Statutes of B.C. 1917, c. 77.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1918," Statutes of B.C., 1918, c. 104.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1919," Statutes of B.C. 1919, c. 98.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1920," Statutes of B.C. 1920, c. 113.
 "Vancouver Incorporation Act, 1900, Amendment Act, 1921," Statutes of B.C. 1921, c. 69.

FORMS.

FORM I.

I. LIST OF PERSONS ENTITLED TO VOTE AT MUNICIPAL ELECTIONS.

No on Roll	Name and Address.	Lot.	Block.	D.L	Title.
6	Brown, James, 419 Homer	1	35	185	O.
25	Smith, John, 620 Granville	2	70	541	T.

FORM II.

ASSESSMENT ROLL, WARD No. , CITY OF VANCOUVER.

District Lot.	Block.	Lot.	Name of Registered Owner.	Address.	No. of Household.	Names of Persons claiming Notice of Assessment and Taxes.	Address.	Charge.	Actual Value of Buildings and Improvements.	Value of Buildings and Improvements for Taxation.	Land Value.	Total Value of Real Property.	Revised Value.	Date of Service.	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.

Assessment Commissioner.

Vancouver, B.C., 31st.

To the City Clerk, Vancouver:

SIR,—Take notice that I intend to appeal against the above assessment for the following reasons:—

Respectfully,

FORM III.

TAX SALE NOTICE.

DEAR SIR,—I hereby notify you that Lot , Block , District Lot , was sold by me at a tax sale held by me at , in the City of Vancouver, on the day of , 19 , pursuant to By-law No. passed under the provisions of the “Vancouver Incorporation Act, 1921,” the upset price for which was \$, and the amount for which the land was sold was \$.

The period allowed for redemption by you of the said land will expire on the day of , A.D. 19 .

Your attention is called to the following sections of the “Vancouver Incorporation Act, 1921,” being sections 79 and 88 of the said Act:—

“79. The owner of any parcel of land which shall be sold for unpaid taxes, his heirs, executors, administrators, or assigns, or any other person on his or their behalf, or on behalf of his or their interest in the said parcel of land, or any mortgagee or holder of any registered charge, may, at any time within one year from the date of sale, redeem the land sold by paying or tendering to the Collector for the use and benefit of the purchaser or his legal representative

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the sums paid by him, together with interest at a rate not exceeding ten per cent. per annum (such rate to be specified in the by-law authorizing the sale) ; and for the use and benefit of the city, if the land is redeemed after the time provided by this Act for the passing of a by-law authorizing a subsequent sale of land for taxes, the taxes on which are then delinquent for more than two years ; and the Collector shall give to the person paying such redemption-money a receipt stating the sum paid and the object of the payment, and such receipt shall be evidence of redemption.

"88. (1.) After the expiration of the time allowed as provided by section 79 of this Act for redemption, no action shall be brought to recover the land sold or to set aside the sale of the land, nor shall any action be brought against the Registrar of the Vancouver Land Registration District under the "Land Registry Act," nor against the Collector of Taxes in respect of the sale of such land or the issuance of a certificate of title thereto as provided in this Act ; nor, except as hereinafter provided, shall any action be brought against the City in respect of any loss or damage sustained by reason of the fact that the land has been sold.

"(2.) The person who at the time of sale was the owner of the land sold, or his heirs, executors, administrators, and assigns, or any person who at the time of sale was the holder of any registered interest in or charge upon such land, shall be indemnified by the city for any loss or damage sustained by him on account of the sale of such land under the following conditions, namely :—

"(a.) If the land was not liable to taxation during the year or years in which the taxes for which the land was sold were imposed :

"(b.) If the taxes for which the land was sold had previously been paid :

"(c.) If the land had, during the period allowed as provided by section 79 of this Act for redemption, been redeemed.

"(3.) Provided, however, that there shall be no right to indemnity or compensation under this section in any case where it shall be shown that the person claiming such indemnity or compensation was aware at the time of sale that the land was offered for sale, or was aware during the period allowed for redemption that the land had been sold.

"(4.) Provided further that no action shall lie or be maintainable against the city on any ground or reason whatsoever, save and except only upon and for the grounds or reasons set out in paragraphs (a), (b), and (c) of subsection (2) of this section, and no other ; and no Court shall have jurisdiction to entertain any action on any other ground whatsoever.

"(5.) Provided further that no action shall be brought to recover indemnity, compensation, or damages under this section after the expiration of one year from the expiration of the time allowed by section 79 of this Act for redemption of the land."

Yours truly,

.....

Collector.

FORM IV.

CITY TREASURER'S OFFICE,
VANCOUVER, B.C., 192 .

To the Registrar of the Vancouver Land Registration District:

NOTICE—TAX SALE, 19 .

DEAR SIR,—Take notice that I did, on the day of , sell for taxes to , of :—

District Lot.	Block.	Lot

for the sum of \$; the balance of purchase-money still owing for the same is \$, and the name of the assessed owner is .

I herewith enclose you the sum of seventy-five cents (75c.) to cover the cost of filing notices and making proper references.

Yours truly,

.....
Collector, City of Vancouver.

FORM V.

CITY OF VANCOUVER.

VANCOUVER, B.C., 192 .

To the Registrar of the Vancouver Land Registration District.

DEAR SIR,—I certify that on of , 19 , the following described property, D.L. , Block , Lot , which was sold for taxes on the of , 19 , has been redeemed.

Yours truly,

.....
Treasurer and Collector.

FORM VI.

CITY OF VANCOUVER.

OFFICE OF COLLECTOR, CITY HALL,

VANCOUVER, B.C., 192 .

Take notice that Lot . Subd. , Block , D.L. , in the City of Vancouver, Map Number , which was sold for taxes on the day of , A.D. 19 , to [Name, occupation, address]. has not been redeemed from such sale, and that the time for redemption from such sale has expired, and the purchase has now been completed by payment in full of the amounts required to be paid by the "Vancouver Incorporation Act,

1921

VANCOUVER INCORPORATION.

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(Second Session)

1921"; and I herewith enclose to you the fee of five dollars (\$5), and make application on behalf of the above-named purchaser for registration as owner thereof accordingly.

Yours truly,

Collector.

To the Registrar of the Vancouver Land Registration District.

FORM VII.

No

FORM A.

CITY HALL,

VANCOUVER, B.C..

Date

I, , do solemnly declare that I am [or solicitor for or the duly authorized agent of , and that] entitled to be registered as the owner in fee-simple of the land hereunder described, and hereby make application under the provisions of the "Land Registry Act" and claim registration accordingly.

The full name, address, and occupation of the owner is .

The fee-simple is registered in Vol. , Fol. , of the Register.

DESCRIPTION OF LAND.

Municipality or Assessment District.	Lot or Section.	Admeasurement or Acreage.
City of Vancouver.....	Lot..... Subdivision..... Block..... D.L..... Map.....	

LIST OF INSTRUMENTS.

Date.	Parties.	Character of Deed.
	Collector for the City of Vancouver to	Notice to Registrar in pursuance of section 82 of the "Vancouver Incorporation Act, 1921," of non-redemption within redemption period.

And I solemnly declare that I have investigated and ascertained the value of the said land, and that the market value thereof at the date of this application, including all buildings and improvements thereon erected is dollars, and that the title deeds mentioned hereon are all those in my custody, possession, or power, relating to the said land, and to the best of my belief there are no other title deeds in the custody, possession, or power of the owner, relating to the same; and I am duly authorized by the above-named owner to make this application, and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me this day } (*Signature.*)
of , 19 , at , British } (*Full post-office address for mailing*
Columbia. } (*notice and documents.*)
..... }

FORM VIII.

To the Clerk of the City of Vancouver:

I, A. B., a voter [or person entitled to be a voter] in that said city, complain that the name of C. D. 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 .

A. B.

(*Residence.*)

FORM IX.

To the Clerk of the City of Vancouver:

I, A. B., voter [or 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 said list 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 [for 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.

Dated the of , 19 .

A. B.

(*Residence.*)

LIST OF COMPLAINANTS MENTIONED IN THE ABOVE NOTICE OF COMPLAINTS.

List No. 1. (*Showing Voters wrongly omitted from the Voters' List.*)

Names of Persons.	Grounds on which they are entitled to be on the Voters' List.
A. B.	Tenant of John Fraser, of Lot 1, Block 10, Street.
C. D.	Owner in fee of Lot 4, Block 2, Street.
E. F.	Assessed too low—property worth \$.

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List No. 2. (*Showing Voters wrongly named in Voters' List.*)

Names of Persons.	Ward.	The Errors in Statement upon Voters' List.
Joshua Townsend ..	1	Should be Joseph Townsend.
John McBean	3	Should be John McBean, the younger.
S. Connell	4	Should be Simon O'Connell. etc., etc.

List No. 3. (*Showing Persons wrongly inserted in Voters' List.*)

Names of Persons.	Ward.	Statement why wrongly inserted in Voters' List.
A. B.	2	Died before final revision of roll.
C. D.	4	Tenancy expired—left the country.
E. F.	3	Assessed too high—property worth under \$.

List No. 4. (*Showing Voters whose Property is erroneously described in the Voters' List, etc.*)

Names of Persons.	Ward.	Errors in respect of Property or otherwise stated.
A. B.	2	Name should not be in Ward 3.
C. D.	4	Property should be, etc.
E. F.	5	Should be described as owner, not tenant.

FORM X.

To the Judge of, etc.:

The Clerk of the City of Vancouver states and reports that the several persons mentioned in column 1 of the Schedule hereunder, 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 XI.

To the Clerk of the City of Vancouver:

I, A. B., a person entitled to be a voter in the said city, complain that the name of C. D. 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 C. D., pursuant to the provisions of the Statute in that behalf.

Dated the day of , 19 .

A. B.

FORM XII.

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 XIII.

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 Schedule hereunder.

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.,
City Clerk.

SCHEDULE.

Name of Party complaining.	Name of Person in respect to whom Appeal was made	Ground of Complaint alleged.

FORM XIV.

Notice is hereby given that a Court will be held, pursuant to the voters' list clauses of _____, by the 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 XV.

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 _____, Judge of the Court.

Dated the _____ day of _____, 19____.

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 XVI.

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 _____, 192____, 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 , 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 XVII.

[SEAL.]

BRITISH COLUMBIA :
DISTRICT OF NEW WESTMINSTER. }
To Wit :

GEORGE V., by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etc.

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 , Judge of the said Court at , the day of , 19 .

A. B.,

Clerk.

FORM XVIII.

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 said city for the year 19 .

Given under my hand at this day of , 19 .

.....

Judge.

FORM XIX.

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 thereof for 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 XX.

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 XXI.

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 wrongfully 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 blamable 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 XXII.

GEORGE V., by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etc.

To the Sheriff of , Greetings:

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 , 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 appears 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, , Judge of Our said Court at , the day of , in the year of our Lord 19 .

FORM XXIII.

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.

SCHEDULE 1.

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.	Amounts for which the Party should have been assessed.	Property in respect to which liability to Assessment exists.

SCHEDULE 2.

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 .	Amounts for which the Parties should be assessed in addition to the Amount already on the Assessment Roll.	Property in respect to which liability to Assessment exists.

FORM XXIV.

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 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 requirement 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 XXV.

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 o'clock, 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 at this day of , 19 .

To C. D.,

Clerk of the City of Vancouver.

.....

Judge.

FORM XXVI.

SHORT FORM OF LOCAL IMPROVEMENT BY-LAW.

A By-law to provide for borrowing Money by the Issue of Debentures secured by Local Special Rates on the Property fronting or abutting on [Street between Street and Street, in Ward Number] for the Paving of said Portion of said Street.

(Passed , 19 .)

Whereas, upon the recommendation of the City Engineer and in the opinion of the Council of the Corporation of the City of Vancouver, it became desirable and necessary to pave with asphalt paving and stone curbing [*or as the case may be*] part of Street between Street and Street in Ward Number of this , as a local improvement, and the said Council thereupon gave due notice of their intention to pass a by-law for that purpose, and to assess and levy the cost of such improvement and work upon the real property fronting or abutting upon Street, within the limits hereinafter described, pursuant to the provisions of the Statutes in that behalf:

And whereas, although duly notified as aforesaid, the majority of the owners of such real property, representing at least half of the value thereof, have not petitioned the said Council against the said work and assessment [*or in lieu of the above two recitals, if the work is petitioned for, use the following*]:—

Whereas and others have petitioned to have Street between Street and Street paved with asphalt paving and stone curbing]:

And whereas it has been ascertained and determined that the real property fronting or abutting upon the lines described as follows, that is to say:—

- (1.) Commencing at a point on the north side of Street at its intersection with the east side of Street; thence easterly along the north side of Street feet, more or less, to the west side of Street, being the frontage on the north side of Street, from Street to Street, producing, after deducting the width of feet for street intersections and exempt properties, as shown by the statement of frontage liable for assessment as finally settled, feet, more or less, or frontage assessable on the north side of the street:
- (2.) Commencing at a point on the south side of Street at its intersection with the east side of Street; thence easterly along the south side of Street feet, more or less, to the east side of Street, being the frontage on the south side of Street, from Street to Street, producing, after deducting the width of feet for street intersections and exempt properties as shown by the report of the City Engineer, feet,

(Second Session)

more or less, of frontage assessable on the side of the street; or a total of feet, more or less, of assessable property on both sides of Street aforesaid,—
is immediately, directly, equally, and especially benefited by the said improvement:

And whereas the total assessed value of the said property is \$:

And whereas the said pavement has been laid, and the total cost thereof is the sum of \$, of which amount the [City] disburses the sum of \$, being the cost of laying down the said pavement opposite the said street intersections and exempt properties [*add and flankages if flankages are allowed by a by-law of the Corporation*]; and the remaining \$ is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law:

And whereas it will require the sum of \$ to be raised annually for a period of years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$ to be raised annually during the said period for the payment of the debt to be created by this by-law, such last-mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of \$ to be raised annually as aforesaid:

And whereas there are feet of frontage of the said assessable real property on both sides of [Street], within the limits aforesaid according to the said description, immediately, directly, equally, and specially benefited by the said improvement and work, upon which it will be required to charge an annual special rate per foot sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of \$ within years, which said debt is created on the security of the special rate settled by this by-law, and on that security only [*or if the debentures are to be guaranteed by the Corporation at large, substitute for all the words after the word "by-law" the following: "and further guarantee by the said Corporation at large"*]:

And whereas it is expedient to raise the said sum of \$ by debentures of the Corporation of the City of Vancouver to defray that part of the expense of said work payable by local special rates:

Therefore, the Council of the Corporation of the City of Vancouver enacts as follows:—

FORM XXVII.

SHORT CLAUSES FOR LOCAL IMPROVEMENT BY-LAWS.

1. Insert in the blanks in the short forms the number of years in which the rate is to be raised, the sum to be raised for interest and sinking fund, the rate to be imposed on each foot, and other particulars.

Column One.

1. During years. \$ shall be raised for interest and \$ for debt, making together \$.

Column Two.

1. During years, the currency of the debentures to be issued under the authority of this by-law, the sum of \$ shall be raised annually for the payment of interest on said debentures, and also the sum of \$ shall be raised annually for the payment of the debt, making in all the sum of \$ to be raised annually as aforesaid.

Column One.

2. A special rate of per foot is imposed on each foot of above-described property to produce \$, and shall be collected by Collector of Taxes as other rates.

3. During years commencing with 19 , above-described property shall be exempt from general rates for improvements.

4. \$ shall be raised by loan on above special rate, and debentures therefor shall be issued.

5. Debentures shall be payable years after issue and shall bear per cent. interest.

Column Two.

2. A special rate of per foot is hereby imposed on the real property above described, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient to produce in each year the said sum of \$, and shall be annually inserted on the Collector's roll for Ward Number Two in each year for the next succeeding years, and shall be payable to and collected by in the same way as other rates on the said roll.

3. During the period of years, commencing from and after the first day of January, A.D. 19 , the said above-described real property shall be exempt from all general rates or assessments for improvements and works similar to those above mentioned, save and except the costs of similar works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the costs of like works and improvements opposite real property which is exempt from such special assessment.

4. The sum of \$ shall be raised by loan by this Corporation on the security of the special rate hereby imposed, and on that security only; and debentures amounting to the sum of \$ shall be issued by the said Corporation therefor.

[If the debentures are to be guaranteed by the Corporation, add after the word "issued," in the first column, "guaranteed by the Corporation," and after the word "only," in the second column, "and further guaranteed by the Corporation at large."]

5. The said debentures shall be made payable at the expiration of years from the date of issue of the same, bearing interest at the rate not exceeding per cent. per annum.

(Second Session)

Column One.

6. Debentures may be made payable anywhere in any currency, and proceeds thereof shall be used in paying off loans for work (if any).

7. Owners may commute assessment by paying per foot in first year, and a proportionately reduced rate for the years collected.

8. Moneys received from special rate or commutation shall be invested.

9. Debentures shall contain provisions of sections 140, 141, and 142 of the "Vancouver Incorporation Act, 1921."

Column Two.

6. The debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America, or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans heretofore obtained on account of the said improvement and works, and in no other way and for no other purpose whatsoever.

7. If at any time any of the owners of the said real property hereinbefore described, or of any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her, or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she, or they may so commute by the payment of per foot on his, her, or their property on Street aforesaid, at any time during the first year after the passing of this by-law, or in any subsequent year, by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon.

8. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under the preceding section of this by-law shall be invested by the Treasurer of this Corporation from time to time, as the law directs.

9. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Corporation, be transferable except by entry by the Treasurer or his deputy in the debenture registry-book of the said Corporation at the City of Vancouver" [*or to the like effect*].

10. Debentures shall be subject to consolidation.

10. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed, consolidating the same with other amounts authorized, or to be authorized, by other local improvement by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidating by-law be more particularly enacted in that behalf.

11. This by-law to take effect now.

11. This by-law shall come into operation and take effect on the day of the passing hereof.

VICTORIA, B.C. :

Printed by WILLIAM H. CULLIN, Printer to the King's Most Excellent Majesty.
1921.