



### CHAPTER 63.

An Act to enable the Corporation of the City of Victoria to borrow certain sums of money, and for other purposes.

[23rd April, 1892.]

**W**HEREAS, the Corporation of the City of Victoria have by their Preamble.  
petition represented that they are a Municipality within the meaning of the "Municipal Act, 1891," and that it is necessary, in the interest of the inhabitants of the said Municipality, that the powers and authorities hereinafter set out should be granted to the said Corporation, and have prayed that the same may be granted to the said Corporation accordingly:

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

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

**1.** In the construction of this Act the following expressions shall Interpretation.  
have the following meanings, respectively:

"The Corporation," shall mean the Corporation of the City of "The Corporation."  
Victoria;

"The Municipality," shall mean the Municipality of the City of "The Muni-  
cality."  
Victoria;

"The Council," shall (unless otherwise expressly stated) mean the "The Council."  
present, or when the context so requires, any future Council of the Corporation of the City of Victoria as the same shall be constituted under the provisions of the "Municipal Act, 1891," or any statute passed by the Legislative Assembly of this Province amending, or as a substitution for, the said Act.

Power to borrow money.

2. Notwithstanding anything to the contrary contained in the 'Municipal Act, 1891,' or in any law, it shall be lawful for the Corporation to borrow upon the credit of the Corporation, for the purposes hereinafter stated, from any person or persons or body corporate who may be willing to advance the same, the following sums of money, that is to say:—

To pay all debts prior to year 1892.

(a.) To pay off the debts and liabilities incurred by the Councils of the Municipality prior to the year 1892, a sum not exceeding two hundred thousand dollars:

To replace moneys already taken, etc.

(b.) To replace all the moneys which have already been taken, or which it may be necessary to take, from the current revenue of the Corporation for the year 1892, in order to discharge liabilities incurred by the Councils of the Municipality, prior to the 18th day of January, 1892, and to repay the costs and expenses connected with or incidental to the passage of this Act, a sum not exceeding twenty thousand dollars:

To provide moneys to refund to taxpayers.

(c.) To provide funds sufficient to replace to the credit of the Corporation the amount of all moneys which shall, under the provisions hereinafter contained, be refunded to the taxpayers of the said Municipality in respect of the rates and taxes levied in the year 1891 upon improvements, as distinguished from the rates and taxes levied upon land in the said city, a sum not exceeding thirty thousand dollars:

To provide for expenses of Royal Commission.

(d.) To provide for payment of the costs and expenses of and attendant upon the Royal Commission issued on the 17th day of October, 1891, not exceeding the sum of four thousand dollars:

Power to obtain advances prior to issue of debentures.

(e.) It shall be lawful for the Corporation to obtain from any person or persons, or body corporate, advances of money to be applied for any or all of the purposes aforesaid, prior to the issue of the debentures next hereinafter referred to.

Power to issue debentures.

3. For the purpose of securing the repayment of the said moneys so to be borrowed or advanced as aforesaid, or any of them, the Corporation shall have power without passing a by-law for that purpose, and without obtaining the assent of the electors of the Municipality, from time to time to issue debentures of the Corporation for a sum of money not exceeding in the aggregate two hundred and fifty-four thousand dollars, in such sums not less than five hundred dollars each, or one hundred pounds sterling as the case may be, as the Council of the Corporation shall by resolution determine, which debentures shall be payable in the manner and at the times following, that is to say, Within a period of fifty years from the date of the respective issues thereof, and shall bear interest at a rate not exceeding five per centum per annum, such interest to be payable half-yearly.

4. Such debentures shall be signed by the Mayor and Clerk of the Corporation for the time being, and may be made payable either in sterling or currency, at such place or places, either in Great Britain, the United States of America, or the Dominion of Canada, as the Council shall by resolution determine.

How debentures to be signed and be made payable.

5. The Council shall, prior to the issue of the said debentures, or any of them, by resolution, from time to time decide to provide for the payment of interest upon and for the redemption of said debentures in accordance with one of the schemes following, that is to say:—

Payment of debentures and interest to be provided in accordance with one of two schemes.

*Scheme I.*

- (a.) The Council and their successors may for the purpose of providing a sinking fund for the payment of the said debentures, and the interest on the same as aforesaid, raise annually such sum as may be necessary to pay the interest upon, and provide a sinking fund sufficient to meet the whole of such debentures in full as the same shall become due respectively, and shall, for that purpose, order, settle, impose, and levy in each and every year a rate on all the property within the Municipality, which under the provisions of any statute or by-law for the time being in force, shall be liable to and shall be actually assessed for corporate purposes during the year:
- (b.) The Council may, from time to time, repurchase the said debentures to the amount of such moneys as the Council may appropriate for that purpose, and may also, notwithstanding anything to the contrary contained in the "Municipal Act, 1891," or any amendment thereto, make use of the said sinking fund for the purpose of withdrawing such debentures or any of them from the market by purchase, at such price as may be agreed upon between the Corporation and the holder of the debentures, and all debentures so repurchased shall be forthwith cancelled and destroyed and no re-issue of debentures shall be made in consequence of such purchase and destruction.

Scheme I.

*Scheme II.*

- (c.) In the alternative, the Council may issue the said debentures subject to redemption at par, or at a premium if the Council shall deem it desirable, at any time prior to the date of maturity thereof:
- (d.) In such event the Council may redeem the said debentures at any time on giving six months' notice to the holders thereof, which notice shall be published in the British Columbia Gazette:
- (e.) The Council may, in every year, order, settle, impose and levy a special rate on all the property within the Municipality, which, under the provisions of any statute or by-law for the time being in force, shall be liable to and shall actually be assessed for

Scheme II.

Corporate purposes during such year, which rate shall be sufficient to produce a sum not exceeding seven thousand dollars annually:

- (f.) The Council may, out of the moneys so raised in each year, cause to be redeemed and paid off such of the said debentures as may be the result of a drawing of numbers, such drawing to take place once in every five years, and the numbers of the debentures to be redeemed and the amounts thereof shall be published six months prior to the date of intended redemption in the British Columbia Gazette, and at the expiration of the time stated in the said notice, the interest upon all debentures, the numbers of which are so published, shall cease; and all debentures so purchased and redeemed shall be destroyed, and no re-issue of debentures shall be made in consequence of such repurchase and destruction.

*Debentures.*

Disposal of debentures.

6. All or any of the debentures issued under the authority of this Act, when issued, may be disposed of by the Mayor or other persons appointed by the Council for that purpose, to such person or persons or body of persons, as he or they may deem expedient, and at a rate below par if he or they shall deem it necessary to do so.

Debentures shall be transferable by delivery.

7. The said debentures, when issued, shall be transferable by delivery, and such transfer shall vest the property in such debenture in the holder thereof for the time being, and shall enable him to maintain an action thereupon in his own name.

Legal proceedings on such debentures.

8. In a suit or action upon any such debenture, it shall not be necessary for the plaintiff to set forth in his pleading or to prove the mode by which he became the holder of the debenture, or to set forth or to prove the notices, resolutions or other proceedings under and by virtue of which the debenture was issued; but it shall be sufficient in such pleading to describe the plaintiff as the holder of the debenture and shortly to state its legal effect and purport, and to make proof accordingly.

Rateable property of Corporation to be charged with payment of debentures.

9. The rateable property of the Corporation during all the time in which the said debentures or any of them shall remain unpaid, shall, by the issue of the said debentures, be deemed to be charged with the payment of the full amount of the same, notwithstanding the negotiation or disposal of the said debentures or any of them, by the Corporation, at a less rate than par.

*Sinking Funds.*

Power to apply sinking funds in redemption of outstanding debentures.

10. The Council may, notwithstanding anything to the contrary contained in the "Municipal Act, 1891," or any amendment thereto, from time to time, apply any portion of the present or future sinking

funds of the Corporation in the purchase or redemption of any outstanding debentures of the Corporation, in respect of which the particular sinking fund has been set aside, at such price as the Council shall from time to time by resolution determine; and the debentures so repurchased shall be cancelled and destroyed, and no re-issue of debentures shall be made in consequence of such purchase and destruction.

**11.** The Council may, notwithstanding anything to the contrary contained in said Acts, from time to time invest the sinking funds of the Corporation, or any portion of them, in the purchase of any outstanding debentures of the Corporation at such price as the Council shall from time to time determine, and such debentures when so purchased shall be held by the Corporation as and for that portion of the sinking fund which has been applied in their acquisition.

Power to invest sinking funds in purchase of outstanding debentures.

**12.** All debentures of the Corporation issued prior to the date of the passing of this Act, are hereby declared to be valid, notwithstanding any want of substance or form existing either in the said debentures or in any of the by-laws under the authority of which such debentures have from time to time been issued.

Declares all issued debentures to be valid.

#### *Market Debentures.*

**13.** It shall be lawful for the Corporation to recall the debentures heretofore issued under the provisions of by-laws numbers one hundred and twenty-five and one hundred and twenty-six, passed by the Council of the said Municipality on the 3rd day of December, 1890, and intituled respectively the "Public Market Site By-Law, 1890," and the "Public Market Building By-Law, 1890," and to issue in place of the said debentures, other debentures for the like amounts, payable either in currency or sterling, with interest at the rate of four and one-half per centum per annum, at such place or places, either in Great Britain, the United States of America, or the Dominion of Canada, as the Council shall, by resolution, determine. It shall also be lawful for the Mayor, or other person or persons appointed for that purpose by the Council, to dispose of the said substituted debentures at a rate below par, if he or they shall deem it necessary to do so.

Power to recall market debentures, and issue other debentures in lieu thereof.

#### *Consolidation of existing Debt.*

**14.** It shall be lawful for the Corporation to formulate a scheme for the consolidation of the existing debt of the Corporation, or such portion thereof as the Council may be able and deem it expedient to redeem. The said scheme shall be embodied in a by-law which shall be passed, adopted and published in the manner provided in the "Municipal Act, 1891," or any amendment thereto, with respect to by-laws other than those passed for the purpose of contracting debts, and such by-law, when so passed, adopted and published by the Council shall

Power to consolidate existing debt.

not require the assent of the electors of the said Municipality. For the purpose of carrying out the said scheme, the Corporation shall have power to issue debentures to any amount that the Council may deem necessary, such debentures to be called "The City of Victoria Consolidated Debt Debentures," and all the provisions set out in sections 3 to 11, inclusive, of this Act shall, as far as the same may be applicable, govern such issue of debentures; and it shall be lawful for the Council to contract with the holders of debentures or other securities for debt of the Corporation for the redemption of the same, either by the delivery to them of new debentures to be issued under the authority of this Act, or by payment in cash of the amount then due upon such debenture or debentures, or other securities for debt, as aforesaid, together with such bonus as the Council and the said holders may agree upon. In case the said holders or any of them shall decide to accept payment in cash for their securities, the Corporation may borrow any sum of money required for that purpose upon the security of such portion of the consolidated debt debentures as it may be necessary to dispose of in order to produce the moneys which shall be so agreed to be paid to such holder or holders.

*Assets and Liabilities.*

Power to change  
estimated value of  
assets.

**15.** It shall be lawful for the Council to write off such accounts and to change the estimated value of such assets of the Corporation as they may deem necessary, and such changes shall not be deemed or taken as an expenditure chargeable against the revenue of the said Corporation for the year 1892.

*Limits of the City of Victoria.*

Limits of city.

**16.** The Municipal limits of the City of Victoria shall be as follows: Commencing at a point on the shore line of Foul Bay at the southern end of an accommodation road; thence northerly along the centre of said road to its intersection with the southern boundary line of section 68; thence easterly along said boundary line to the south-east corner of section 68; thence northerly along the eastern boundary lines of sections 68, 74 and 76, to the south-east corner of section 25; thence westerly along the southern boundary line of section 25 to the centre of Mount Tolmie Road; thence northerly along the centre of Mount Tolmie Road to its intersection with the southern boundary line of section 26; thence westerly along said boundary line to the south-west corner of section 26; thence northerly along the western boundary lines of sections 26 and 27, to the north-west corner of section 27; thence westerly along the southern boundary lines of sections 34 and 42 to the south-west corner of section 42; thence northerly along the western boundary line of section 42 to the south-east corner of section 62; thence westerly along the southern boundary lines of sections 62, 63 and 7, to the intersection of the southern boundary line of section 7

with the centre of Burnside Road; thence north-westerly along the centre of Burnside Road to the centre of Harriet Road; thence southerly along the centre of Harriet Road to Victoria Arm; thence south-westerly across Victoria Arm to the point where the centre of Arm Street intersects the southern shore of Victoria Arm; thence southerly along the centre of Arm Street to the centre of Craigflower Road; thence easterly along the centre of Craigflower Road to the centre of Morgan Road; thence southerly along the centre of Morgan Road to the north-west corner of section 32; thence along the western boundary line of section 32 to the shore of Victoria Harbour; thence south-easterly across the Victoria Harbour to Shoal Point on the Straits of San Juan De Fuca; thence along the shore line of the Straits of San Juan De Fuca, including all wharves, jetties and buildings along said shore line, to the point of commencement.

The letters patent issued on the eighth day of January, 1891, and the by-law of the Corporation number 124, passed on the twenty-first day of October, 1890, in so far as the same purport to describe the limits of the said City, shall be deemed to be amended so as to conform to the provisions of this section. Section 267 of the "Municipal Act, 1891," is hereby repealed.

Amends Letters Patent of 8th January, 1891, and by-law No. 24.

#### *Voters' List.*

**17.** It shall be lawful for the Council to add to the Voters' List of the Municipality for the present year the names of all persons resident within the extended limits of the Municipality as defined by section 16 of this Act, and who had, before the first day of December, 1891, paid the taxes levied upon their property by the Government of the Province of British Columbia, and the said list, with the said added names shall, if certified correct by the Mayor of the said City, on or before the first day of July in the year 1892, be deemed a valid list, and all persons named therein shall have all the rights and privileges which would have accrued to them if they had paid to the Corporation on or before the first day of December, 1891, all Municipal rates, taxes and license fees, and their names had been entered on the Voters' List for 1892, and if the said list had been made out, revised and corrected in all respects in accordance with the provisions of the "Municipal Act, 1891."

Power to add to voters' list.

#### *Wards.*

**18.** Notwithstanding anything to the contrary contained in the "Municipal Act, 1891," it shall be lawful for the Council, prior to levying an assessment for the year 1892, to divide the Municipality into wards in such manner as the Council shall determine, and to define the boundaries of such wards in a by-law to be passed for that purpose.

Wards.

#### *By-Laws in Extended Limits.*

**19.** All or any by-Laws of the Corporation in force at the time of the passing of this Act, shall be deemed to apply and extend, and are

All by-laws to apply to whole of city.

hereby declared to apply and extend, throughout the whole of the Municipal limits of the City of Victoria as defined in section 16 of this Act.

*Refund of Taxes on Improvements.*

Power to refund taxes levied in 1891 on improvements.

**20.** It shall be lawful for the Council to refund to all persons who have paid the same, the amount levied in the year 1891, by way of a tax, upon improvements upon lands in the Municipality, as distinguished from the tax upon land within the Municipality, and it is hereby declared that the assessment roll and the rate or tax levied upon land within the Municipality in the year 1891 shall be deemed to have been a valid assessment on real property within the meaning of the "Municipal Act, 1891," and that the said rate is a good, valid and subsisting charge in favour of the Corporation, notwithstanding any defect or irregularity connected with the assessment, levying or collection of the said tax, or any portion thereof.

Declares taxes levied on land valid.

*Sale of Gravel Pits.*

As to sale of gravel pits and deeds of same.

**21.** Whereas in a certain deed made between the Governor and Company of Adventurers of England trading into Hudson's Bay, and dated the sixth day of October, one thousand eight hundred and seventy-four, certain lands situate in the Municipality were conveyed to the Municipal Council of Victoria. And whereas by the said deed it was the intention to convey the said lands to the Corporation, but, by inadvertance, the Corporation was described as the Municipal Council of Victoria. And whereas under and by virtue of the title supposed to be vested in the Corporation by the said deed, and in pursuance of the powers contained in a certain by-law of the Corporation passed on the 19th day of August, 1891, numbered 143, and intituled the "Gravel Pits Sale By-Law," the Corporation sold the said lands to divers persons, and certain conveyances have been executed by the Corporation in accordance with such sale, and the purchase moneys have been paid to the Corporation. It is therefore hereby enacted that the said deed, dated the sixth day of October, 1874, shall be deemed and taken to have been made between the Governor and Company of Adventurers of England trading into Hudson's Bay, of the one part, and the Corporation of the City of Victoria of the other part, and shall be construed as if the said lands had been thereby granted to the Corporation, in the same manner and to all intents and purposes as if the said Corporation had been properly described therein. And it is further hereby declared, that notwithstanding anything to the contrary contained in the "Municipal Act, 1891," the sale by the Corporation of the lands referred to in a by-law of the Corporation number 134, passed on the 19th day of August, 1891, and intituled the "Gravel Pits Sale By-Law," is a valid transaction within the powers of the Corporation, and the said conveyances so executed as aforesaid, are hereby ratified and confirmed, and it shall be lawful for the Corpora-



tion to convey the remaining portion of the said lands (if any) to the various purchasers thereof, and the Registrar-General of Titles shall, on application, register the said conveyances so executed or to be executed by the Corporation as aforesaid, and issue certificates of title to the said purchasers.

*Bonus By-Laws.*

**22.** Notwithstanding anything to the contrary contained in the "Municipal Act, 1891," the by-laws of the Corporation passed on the eighth day of January, A. D. 1890, and known as the "Rice Mill Bonus By-Law, 1889," "The Flour Mill Bonus By-Law, 1889," and "The Sugar Refinery Bonus By-Law, 1889," are hereby declared to be and shall be absolutely valid and binding upon the Corporation, according to the terms thereof respectively, and shall not be quashed or set aside on any ground whatever.

Declares certain bonus by-laws valid and binding.

**23.** The "Municipal Ordinance, 1867;" the "Municipal Amendment Ordinance, 1869;" and sections 1, 2, 7, 8, and 9 of the "Fire Companies Aid Ordinance, 1869," are hereby repealed.

Repealing clause.

**24.** Section 3 of the "Fire Companies Aid Amendment Act, 1871," is hereby amended by striking out all the words after the word "thereof" in the second line in the said section.

Amends s. 3 of U.A. 1888, No. 82.

**25.** This Act may be cited for all purposes as the "City of Victoria Act, 1892."

Short title.

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VICTORIA, B. C.:

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