



## CHAPTER 33.

An Act to amend the "New Westminster Act, 1888."

[6th April, 1889.]

**W**HEREAS the Mayor and Council of the City of New Westminster have presented a petition for an Act amending the "New Westminster Act, 1888 :—

And whereas it is expedient to grant the prayer of such 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.** Section 1 of the said Act is hereby amended by inserting after the word "expedient," in the thirty-fifth line thereof, the following words :—"Provided, always, that all contracts or agreements, other than a bond, bill, note, or debenture, involving or which may involve, the expenditure by the Corporation of a larger sum than one hundred dollars, shall be entered into under the said seal, or the same shall not be binding upon the said Corporation."

Amends section 1.

Bonds of the city to be sealed.

**2.** Section 2 is hereby repealed, and the following is substituted therefor :—

"Commencing at a point on the right bank of the North Arm of the Fraser River, and in the centre of the street which is the south-west boundary of suburban block nine (9), as shown on the map of the suburban lots of New Westminster City, British Columbia; thence north-westerly along the centre of the street which forms the westerly boundary of suburban blocks nine (9) and twelve (12) to the centre of the street which forms the northerly boundary of suburban lot twelve (12); thence in a north-easterly direction along the centre of the street

City boundaries.

which forms the northerly boundary of suburban blocks twelve (12), fourteen (14), and four (4), and its production to its intersection with the Brunette River; thence in a southerly direction following the right bank of the Brunette River to a point where the prolongation in a northerly direction of the easterly boundary of suburban lot 7, block 8, would intersect the said right bank of the Brunette River; thence in a southerly direction along the said prolongation and the easterly boundary of said lot 7, block 8, to the right bank of the Fraser River; thence southerly along a prolongation of said easterly boundary of said lot 7, block 8, to a point being 350 feet below high water mark; thence following a line parallel to the shore line of said right bank of Fraser River, and being 350 feet below high water mark, to a point 350 feet below high water mark, and on the production southerly of the centre of the street forming the westerly boundary of suburban lots nine (9) and twelve (12); thence in a north-westerly direction to place of beginning. Also, all that other piece or tract of land which may be described as follows:—Beginning at a point at which the west line of lot 4, group 2, New Westminster District, produced northwardly, intersects the southern boundary of the City of New Westminster, and thence southwardly along the said west line of lot 4, produced, and the said west line of lot 4, thirty-three chains, more or less, to a point on the said west line of lot 4, distant three chains from the southern shore of the Fraser River; thence eastwardly and at right angles to the said west line of lot 4 thirty chains, more or less, to a point on the east line of lot 2, group 2; thence northwardly along the said east line of lot 2 to the southern shore of the Fraser River; thence westwardly along the said shore line of the Fraser River to a post on the west line of said lot 2; thence northwardly along the west line of the said lot 2 and the west line of the said lot 2 produced, thirty-three chains, more or less, to intersection of the southern boundary of the City of New Westminster; thence westwardly along the southern boundary of the City of New Westminster to the place of beginning. Also, that portion of the easterly end of Lulu Island known and described as a Government Reserve; also, an island in the North Arm of the Fraser River, lying between Lulu Island and the City of New Westminster, known and described as Poplar Island.”

Amends section 3.

3. Section 3 is hereby amended by inserting the word “and” before the word “from,” in the second line thereof.

Amends section 4.

4. Section 4 is hereby amended by striking out the word “three,” in the fourth line thereof, and inserting in lieu thereof the words “not less than two,” and by adding thereto, as so amended, after the word “provided,” in the tenth line thereof, the words “and the whole number of Aldermen may be such as the Council may by by-law from

time to time determine, but so as that the same shall not exceed fifteen."

5. Sub-section 1 of section 4 is hereby amended by substituting the word "indirectly" for the word "indirecty," in the fourteenth line thereof, and by inserting after the said word the words "otherwise than as a shareholder in any incorporated company." Amends sub-s. 1 of sec 4.

6. Section 6 is hereby amended by substituting the word "female" for the words "feme sole," in the second line thereof, and by adding thereto as so amended the following words:— Amends section 6.

"(2.) Is tenant of any real property within such city at a rent of not less than three hundred dollars a year, under a lease for a term of five or more years, and whose tenancy has begun at the time of the final revision of said voters' list, and has not ended before the day of the election." Leasholders' qualification as voters.

7. Section 8 is hereby amended by inserting the words "on the first day of November next before the election," after the word "taxes," in the first line thereof. Amends section 8.

8. Sub-section 19 of section 17 is hereby amended by substituting the word "and" for the word "or," in the second line thereof; sub-section 23 of the said section is hereby amended by inserting the words "whether otherwise qualified or not" after the word "officer," in the eleventh line thereof; sub-section 25 of the said section is hereby amended by adding thereto the following words: "and the said Aldermen shall, before they elect such presiding officer, also take the necessary declarations, and thereafter shall possess all the powers of a duly elected Council until the due completion of the election;" sub-section 27 of the said section is hereby amended by adding thereto the following words: "and all the costs and expenses of such recount incurred by any such person, or any other person interested therein, shall be in the discretion of the Judge, who may order by whom the same shall be paid, and upon what scale the same shall be taxed;" and sub-section 30 of the said section is hereby amended by substituting the word "and" for the word "or," in the second line thereof. Amends sub ss. 19, 23, 25, 27, and 30 of sec. 17.

9. Sub-section 2 of section 18 is hereby amended by inserting the words "otherwise than as a shareholder in any incorporated company" after the word "corporation," in the seventh line of the form of declaration therein contained. Amends sub-s. 2 of sec 18.

10. Section 20 is hereby amended by substituting the word "four" for the word "six," in the third line thereof. Amends sec. 20.

11. Sub-section 5 of section 21 is hereby amended by inserting the words "or may award the costs of any party, whether successful or" Amends sub ss. 5 and 6 of sec. 21.

Contested elections,  
irregularities at elec-  
tions, &c.

not, against the corporation" after the word "party," in the fourth line thereof; and sub-section 6 of the said section is hereby amended by adding thereto the following words: "but no election shall be declared invalid by reason of a non-compliance with the rules contained in this section or elsewhere in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance, or mistake, or irregularity, did not affect the result of the election."

Amends sec. 23A.

**12.** Section 23A is hereby amended by striking out the words "or against any by-law voted upon by the ratepayers under this Act," in the second and third lines thereof; the words "or for or against such by-law," in the fourth line thereof; and all the words after the word "agents," in the seventh line thereof; and insert the word "of" after the word "or," in the seventh line of the said section.

Amends sec. 24.

**13.** Section 24 is hereby amended by striking out the words "or upon application to quash any by-law," in the second line thereof.

Amends sub-s. 1 of  
sec. 35.

**14.** Sub-section 1 of section 35 is hereby amended by striking out the word "and" before the word "pigs," and inserting the words "and dogs" after the said word, in the form of certificate therein contained.

Amends sub-s. 2 of  
sec. 44A.

**15.** Sub-section 2 of section 44A is hereby amended by striking out all words after the word "clerk" therein.

Amends sec. 45.

**16.** Section 45 is hereby amended by inserting therein, after the word "obligation," in the sixth line thereof, the words "including the indebtedness existing at the time of the passing of this Act."

Amends sec. 50.

**17.** Section 50 is hereby amended by substituting the word "as" for the word "af" therein.

Amends ss. 73 & 76.

**18.** Section 73 is hereby amended by adding the letter "d" after the word "substitute," in the fifteenth line of the said section; and section 76 is hereby amended by inserting the words "and the costs of the said order" after the word "thereon," in the seventh line thereof.

Amends sec. 80.

**19.** Section 80 is hereby amended by substituting the word "defect" for the word "effect," in the eighth line thereof.

Amends sec. 86.

**20.** Section 86 is hereby amended by striking out all the words before the words "the clerk," in the second line thereof.

Amends sec. 87.

**21.** Section 87 is hereby amended by striking out the words "each and every ward," in the fifth line thereof, and inserting in lieu thereof

the words "any of the wards," and by striking out all the words after the word "situated," in the sixth line thereof, and by adding thereto, as so amended, the following words: "as any such person may, by any writing delivered to the clerk before the day fixed for the final revision of the voters' list, request; or failing such request, then in the ward in which he or she may reside at the time of such revision; or in case he or she shall not then be resident in any of such wards, then in such ward as the clerk may, before such final revision, determine: Provided, that every person shall be entitled to vote for Aldermen in each ward in which he or she may possess the requisite qualification. Provided, that no person shall be entitled to more than one vote for Mayor, and that the ward in which any person shall so vote who may possess the requisite qualification in two or more wards shall be determined in like manner as aforesaid."

In what wards persons may vote.

**22** Section 93 is hereby amended by inserting after the word "thereof," in the sixth line, the words "and if such complaint be that any person whose name is entered on the list is disqualified or incompetent to vote shall, within the same time, give to such person, or leave for him or her at his or her residence or place of business, if within the city, a copy of the said notice, or if without the city shall cause the same to be sent to him or her by mail, postpaid to such address, if any, as he or she may have left with the clerk, but otherwise the giving of notice to the clerk shall be sufficient."

Amends sec. 93.

Proceedings on complaint as to errors in voters' list.

**23.** Section 95 is hereby amended by adding thereto the words "and he shall be entitled to receive therefor ten dollars."

Amends sec. 95.

**24.** Section 98 is hereby amended by adding thereto the words "or if such proceedings be before some person other than a Judge, then such person shall have all such powers as the Judge of any County Court having jurisdiction in the city would have under this Act in case such proceeding were taken before him."

Amends sec 98.

**25.** Section 127 is hereby amended by substituting the word "females" for the words "feme soles" therein, and by inserting after the word "only," in the seventh line thereof, the words "and if qualified in two or more wards, the ward in which any such person shall vote shall be such as may at any time be determined by resolution of the Council."

Amends section 127.

**26.** Section 128 is hereby amended by striking out the words "computed on an average taken from the assessment roll for one year antecedent to the creation of the debt," and inserting in lieu thereof the words "according to the then last revised assessment roll."

Amends sec. 128.

**27.** Section 129 is hereby amended by adding thereto the words "and every such by-law and the debentures issued thereunder shall be

Amends sec. 129.

## (AMENDMENT).

absolutely valid and binding upon the municipality according to the terms thereof, and shall not be quashed or set aside on any ground whatever unless upon an application or in an action made or commenced in some Court of competent jurisdiction within one month after the publication thereof in some newspaper published in the city."

Amends sec. 134.

**28.** Section 134 is hereby amended by adding thereto the words "and the powers hereby conferred shall apply to the indebtedness existing at the time of the passing of this Act."

Amends sec. 140.

**29.** Section 140 is hereby amended by striking out all the words before the word "such," in the second line thereof, and by substituting the word "may" for the word "shall" where it first occurs in the fifth line thereof, and by striking out all the words after the word "order" in the ninth line thereof.

Amends sub-ss. 6, 7,  
8, 71, 83, 88, 88A,  
112 & 120 of sec. 142.

**30** Sub-section 6 of section 142 is hereby amended by striking out the words "according to law" at the end thereof. Sub-section 7 of the said section is hereby amended by striking out all the words after the word "to," in the first line thereof, and inserting in lieu thereof the words "any person under the age of twenty-one years." Sub-section 8 of the said section is hereby amended by adding thereto the words "and for preventing the sale or gift or the possession of any obscene literature or picture within the city limits." Sub-section 71 of the said section is hereby amended by substituting the word "and" for the word "or" in the first line thereof, and by adding thereto the words "and for licensing and regulating all persons within the city offering for sale or attempting to sell goods, wares, or merchandise." Sub-section 83 of said section is hereby amended by adding thereto the following words: "(83A.) For licensing, regulating, and governing all persons and incorporated companies carrying on business within the city limits, whether the place of residence or head office of any such person or company be or be not situate within the same." Sub-section 88 is hereby amended by inserting the words "in land or money, or both land and money," after the word "bonuses" in the first line thereof. Sub-section 88A of the said section is hereby amended by adding thereto the words "and shall apply, whether any portion of the line of railway or other works of any such company be or be intended to be within or partly within the city, or wholly without the same;" and sub-section 112 of said section is hereby amended by inserting, after the word "parks," in the fourth line thereof, the words "or for the purpose of aiding the construction or operation or establishment of any railway or other company, or any industry in aid of which the Council is by this Act empowered to grant any bonus." Section 142 is hereby amended by adding, immediately after sub-section 120,—

"120A. For acquiring, by purchase or lease, from any incorporated water company having for its object, or one of its objects, the supplying of water to the said city, such portion of its system of works as may be necessary and sufficient for the purpose of supplying the said city, or the right of constructing such works, under the authority of and subject to the provisions of the Act of incorporation of such company ; and upon such acquisition the corporation shall have, in respect of the works or right of construction so acquired, all the rights, powers, and privileges theretofore had or enjoyed by the said company under their said Act, as fully and effectually as if the same were expressly granted by this Act, and the same shall thereafter continue, notwithstanding any amendment which may thereafter be made to the said Act of the said company ; and any such company shall have full power to make such sale or lease."

Power to purchase  
water-works.

**31.** Section 143 is hereby repealed.

Repeals sec. 143.

**32.** Section 145 is hereby amended by inserting the words "other than a by-law for the raising of money," after the word "by-law," in the first line thereof.

Amends sec. 145.

**33.** Section 149 is hereby amended by striking out the words "Divisional Court of the," in the second line thereof, and by adding thereto, as so amended, the words "sitting as a Full Court."

Amends sec. 149.

**34.** Section 152 is hereby amended by striking out all the words in said section after the word "Treasurer," in the first line thereof, excepting only sub-section 3 of said section ; and said sub-section is hereby amended by inserting the words "exceeding in the whole the sum of fifty dollars," after the word "moneys," in the second line thereof, and by striking out all the words after the word "Council," in the third line thereof.

Amends sec. 152.

**35.** Section 158 is hereby amended by striking out the words "other than the Treasurer," in the first line thereof.

Amends sec. 158.

**36.** Section 160 is hereby amended by striking out all the words therein, between the word "fund" in the first line and the word "to" in the third line thereof.

Amends sec. 160.

**37.** Section 161 is hereby amended by striking out all the words therein, after the word "Mayor," in the third line thereof.

Amends sec. 161.

**38.** Section 175 is hereby repealed, and the following is substituted therefor :—

Repeals sec. 175.

"All licenses, other than liquor licenses, shall be issued in such manner as the Council may by by-law or resolution determine, and all

Issue of trades licenses and liquor licenses.

## (AMENDMENT).

licenses for the sale of intoxicating liquors shall be issued by a licensing board which shall consist of five persons, of whom the Mayor, or acting Mayor, shall be one, two persons who shall be appointed by resolution of the Council, and two persons who shall be appointed by the Lieutenant-Governor in Council on or before the 1st day of February in each year."

Amends sec. 176. **39.** Section 176 is hereby amended by inserting the words "or in his absence any Justice of the Peace having jurisdiction in the city may" after the word "shall," in the second line thereof.

Amends sec. 182. **40.** Section 182 is hereby amended by inserting the words "or either of them" after the word "Justices," in the seventh line thereof.

Amends sec. 193. **41.** Section 193 is hereby amended by substituting the words "one or more" for the words "at least two," in the last line thereof.

Amends sub-s. 4 of sec. 194. **42.** Sub-section 4 of section 194 is hereby amended by substituting the word "on" for the word "or," in the first line thereof.

Amends sec. 198. **43.** Section 198 is hereby amended by inserting the words "besides the costs of conviction" after the word "dollars," in the fifth line thereof.

Amends sec. 199. **44.** Section 199 is hereby amended by adding thereto the words "or any member of the Council."

Amends sec. 204. **45.** Section 204 is hereby amended by striking out the words "other than those hereinafter mentioned or referred to," in the seventh and eighth lines thereof, and by adding thereto the words "or such other permission as the Council may by resolution require."

Repeals sec. 210. **46.** Section 210 is hereby repealed.

Amends sec. 213. **47.** Section 213 is hereby amended by striking out sub-sections (a) and (b) thereof, and by substituting therefor the following:—

Repeals certain Acts. "(a.) From and after the coming into force of this Act, the 'New Westminster Municipal Council Act, 1860,' the 'New Westminster Municipal Extension Act, 1861,' the 'New Westminster Municipal Extension Act No. 2, 1862,' the 'New Westminster Municipal Extension Act No. 3, 1863,' the letters patent relating to the city dated 24th December, 1872, and all subsequent letters patent, the 'Municipality Act, 1881,' and Acts amending the same, and all previous and subsequent general Acts affecting municipalities, and all general Acts which may hereafter be passed affecting municipalities, excepting only in so far as the said city may be expressly named in said last mentioned Acts shall not apply to the city hereby incorporated:

“(b.) Provided, always, that the ‘Health Ordinance, 1869,’ shall apply to the said city so far, and so far only, as it is not inconsistent with or repugnant to the provisions of this Act.”

**48.** Section 214 is hereby amended by striking out all the words after the word “property,” in the third line thereof, and by adding thereto as so amended the words “or other property for the time being subject to taxes then imposed for Provincial purposes.” Amends sec. 214.

**49.** The Mayor and Aldermen for the city for the time being shall be exempt from service upon any jury in any Court in the Province. Mayor and Aldermen exempt from jury duty.

**50.** The By-Laws of the Corporation of the City of New Westminster, passed on the 13th day of August, 1888, and known as the “Ferry Service By-Law, 1888,” and “Workshops Bonus By-Law, 1888,” are hereby declared to be and shall be absolutely valid and binding upon the said Corporation, according to the terms thereof (but without prejudice to the powers hereinafter conferred as regards the disposition of the proceeds of the debentures therein provided for), and shall not be quashed or set aside on any ground whatever; and it shall be lawful for the Council of the city to sell and dispose of the debentures therein mentioned, or any part thereof, upon such terms as they may by resolution at any time, from time to time, approve, and thereafter to apply any sum not exceeding \$150,000 of the proceeds thereof in aid of the construction of the line of railway of the New Westminster Southern Railway Company, and any workshops or works or ferry or bridge connected therewith, by any person or corporation willing to construct the same, or any railway or works similar thereto, in such manner and upon such terms as the said Council may, subject to this Act, by resolution at any time, or from time to time, approve; but the said Council shall, before paying over any such moneys, take, in the name of the corporation aforesaid, good and sufficient security, to the satisfaction of the then Manager of the Bank of British Columbia at New Westminster, for the construction and operation of the said railway and workshops, or ferry, in conformity with the conditions and stipulations more fully set out in a certain agreement dated 17th July, 1888, and made between the New Westminster Southern Railway Company, therein described of the one part, and C. M. Sheafe & Co., therein described of the other part, a true notarial copy of which agreement has been deposited with the Manager of the Bank of British Columbia at New Westminster for reference. Declares “Ferry Service By-Law, 1888,” and “Workshop Bonus By-law, 1888,” valid.  
  
Power to sell debentures issued thereunder.  
  
Application of proceeds, &c.

**50A.** It shall be lawful for said Council, from time to time, to make and enter into any agreement or agreements, deed or deeds, whatsoever with any such person or corporation, for the purpose of carrying out the said agreement according to the true intent and meaning thereof as may be necessary or expedient. May enter into agreements for carrying out objects of said by-laws.

Power to issue new debentures.

**50B.** Notwithstanding anything contained in the said By-Laws, or either of them, it shall be lawful for the said Council, by resolution at any time, or from time to time, to provide for the issue of new debentures for the whole or any portion of the said sum of one hundred and fifty thousand dollars, at such rate or rates of interest respectively, not greater than six per cent., as they may think fit, and to make the same and the interest thereon payable at such place or places respectively as they may think fit, and to make and enter into any agreement or agreements with the purchaser or purchasers of the said debentures, or any of them, for the purchase or redemption of them, or any of them, in such manner and upon such terms and conditions as may be agreed upon with any such purchaser or purchasers.

Rates in by-laws may be reduced.

**50C.** It shall be lawful for the said Council from time to time, by By-Law, to reduce the rates provided for by the said By-Laws to such rate as may be sufficient, according to the last revised assessment roll for the time being, to provide for the moneys necessary to be raised in the then current year for sinking fund and interest.

Said by-laws may be repealed.

**50D.** Notwithstanding anything herein contained, the said "Ferry Service By-Law, 1888," and "Workshops Bonus By-Law, 1888," may be repealed by the said Council, in like manner as if said Act had not been passed.

Council may enter into a bond with Her Majesty for purpose of acquiring land on Lulu Island.

**51.** Said Council shall, notwithstanding anything in the principal or this Act contained, have full power—

To enter into an agreement or bond with Her Majesty Queen Victoria, represented by the Honourable the Chief Commissioner of Lands and Works of the Province of British Columbia, in such terms as may be fixed by resolution of said Council, approved of by said Chief Commissioner, for the purpose of acquiring lands on Lulu Island :

Power to deal with said land when acquired.

To acquire, obtain and deal with, sell, mortgage, or lease, real property belonging to the Corporation on Lulu Island, when acquired, with full power and authority to execute all deeds and instruments to effectuate same ; and all moneys received in respect thereof shall be used to carry out the conditions of any grant of said lands, and in carrying out the agreement under which said grant was obtained : Provided that the assent of the ratepayers of the municipality of the said Corporation shall first be had and obtained, in like manner as is requisite for the issue of debentures for the raising of any loan.

Power to expend city funds in reclaiming lands on Lulu Island.

**52.** Notwithstanding anything in this Act contained, the Mayor and Council may from time to time, as they shall by resolution authorize or direct, expend municipal funds in that portion of Lulu

Island lying outside the city limits, for the purpose of reclaiming, draining, dyking, or otherwise improving that portion of said island which lies within the city limits, subject to the assent of the ratepayers in like manner as is provided in the last preceding section.

**53.** This Act may be cited as the “New Westminster Act (1888) Short title. Amendment Act.”

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VICTORIA, B. C. :

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