



## CHAPTER 68.

### An Act respecting the "Vancouver Incorporation 1886, c. 32. Act" and amendment Acts.

[21st February, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Whenever the words "the said Act" appear in this amending Act, they shall be construed and taken to mean the "Vancouver Incorporation Act, 1886." Interpretation of  
"the said Act."

2. Sub-sections (a), (b), (c), and (d) of section 1 of the said Act Amendment Act, 1892, are hereby repealed, and in lieu thereof the following section shall be substituted:— Re-enacts s.-ss. (a),  
(b), (c) & (d) of 1892,  
c. 62, s. 1.

"There shall be elected annually a fit and proper person who shall be and be called Mayor of the City of Vancouver, and ten fit and proper persons who shall be and be called Aldermen of the City of Vancouver, and such Mayor and Aldermen for the time being shall form the Council of the said City of Vancouver, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the City of Vancouver, and shall hold office until their successors are appointed, as hereinafter provided: Provided, that the Aldermen elected to hold office under the clauses hereby repealed shall hold office until the annual election to be held in 1896, and no longer." Election of Mayor  
and Aldermen.

3. Sub-section (2) of section 3 of the said Act Amendment Act, 1887, is hereby repealed, and the following substituted instead thereof:— Re-enacts 1887, c.  
37, s. 3, s.-s. (2).

"(2.) Is tenant of any real property within such 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 Qualification as  
voter or tenant of  
property.

tenancy between the final revision of said voters' list and the day of the election shall not deprive the tenant of a right to vote, if such change is without any intermission of time, and the several tenancies are such as would entitle the tenant to vote had such tenant been in possession under either of them as such tenant between the times aforesaid: Provided, that the words 'tenant of real property' shall not include lodgers, boarders, or temporary occupants of rooms in any building."

Repeals and re-enacts 1889, c. 40, s. 4; 1891, c. 72, s. 3.

4. Section 4 of the said Act Amendment Act, 1889, and section 3 of the said Act Amendment Act, 1891, are hereby repealed, and the following substituted in lieu thereof:—

Qualification of voters.

"(1.) Is entered on the voters' list as the owner of real property within the limits of the city."

Re-enacts 1887, c. 37, s. 5.

5. Section 5 of the said Act Amendment Act, 1887, is hereby repealed, and the following substituted in lieu thereof:—

Chinese and Indians not to vote.

"5. No Chinaman or Indian shall be entitled to vote at any municipal election for the election of Mayor or Aldermen."

Repeals 1886, c. 32, s.-s. (1) of s. 43. Adds to s. 44 s.-ss. (a) and (b).

6. Sub-section (1) of section 43 of the said Act is hereby repealed.

7. Section 44 of the said Act is hereby amended by adding thereto two new sub-sections, to be known as sub-sections (a) and (b) respectively, as follows:—

Reduction of assessment by Board.

"(a.) In the event of the Assessor's valuation of land or improvement, as shewn 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 in this Act, the Board may then decide to direct the Assessor to reduce the value of all land or the improvements upon the Assessment Roll by a definite and fixed per centum, and the Assessor shall so reduce it:

Court of Revision may reduce assessment on property in vicinity.

"(b.) In the event of an appeal, made in accordance with the provisions of this Act, from the Assessor's valuation having been taken, and the Court of Revision having decided that the value put upon the lot or parcel of land by the Assessor, upon which the appeal is taken, is in excess of its actual cash value, as defined by section 16 of the said Act Amendment Act, 1891, the Court of Revision, acting as a Board of Equalization, may direct the Assessor to reduce the assessed value of any land of the same class, on the same street, or in the same vicinity, in order to make the assessed value of the land equal in the locality, whether an appeal against the Assessor's valuation upon the particular lot or lots or parcels of lands so reduced and equalized has been taken or not by or on behalf of the person assessed, and the Assessor shall make the reduction as directed."

**8.** Section 45 of the said Act is hereby repealed and the following substituted in lieu thereof:—

Re-enacts 1886, c. 32, s. 45.

“45. 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 real and personal property on the said roll, to provide for all the valid debts of the city falling due within the year, as well 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; and the Council may by the same by-law enact that if the taxes are paid on or before certain days or day mentioned therein, an abatement of a certain amount or amounts mentioned therein will be made.”

Yearly rate to be levied by by-law.

**9.** Section 49 of the said Act is hereby repealed and the following inserted in lieu thereof:—

Re-enacts s. 49.

“49. On receiving said tax roll the Collector shall forthwith serve upon or transmit by mail a notice containing a statement and demand of taxes to each person whose name appears on said resident roll, or to the agent of such person if absent, and if he knows the name of such agent, and to each person on the non-resident roll, if he knows the address of such person or his agent, or if he has no known agent then to be addressed to the person taxed at the Vancouver Post Office. And such statement and demand shall mention the time when such taxes are required to be paid and what discount (if any) will be allowed for prompt payment of the same; and the said Collector shall enter the date of mailing such notice in said tax roll opposite the name of the person taxed, and such entry shall be *primâ facie* evidence of the mailing of same.”

Collector to serve notice demanding payment of rates.

**10.** The said Act is hereby amended by adding thereto a clause, to be known as 49A, as follows:—

Adds 49A.

“49A. The Collector, upon receiving the said roll or other instructions to collect, shall proceed to collect the rates or taxes therein mentioned, if authorized by the Council, by suit in any Court of competent jurisdiction, or by any other means provided by this Act, and the production of a copy of the Collector's roll shewing the rates or taxes to be due by such person sued shall be *primâ facie* evidence of the debt.”

Recovery of taxes by suit.

**11.** The said Act is hereby amended by adding thereto a clause, to be known as clause 49B, as follows:—

Adds 49B.

“49B. The Collector shall return the roll to the Treasurer on or before the first day of October in each year, or on such other day not

Roll to be returned to the Treasurer and amounts paid over by Collector.

later than the first day of November in each year, as the Council may appoint, and shall pay over the amounts each day as collected to the Treasurer."

Adds 49c.

**12.** The said Act is hereby amended by adding a clause, to be known as 49C, as follows:—

Sale for taxes over-  
due.

"49C. The Council may by by-law provide for and authorize the sale at public auction of any land, or improvements, or real property upon which there shall be at the time of passing of such by-law unpaid taxes in arrears for the period of two years prior to the passing of such by-law:

Certificate of Treas-  
urer.

"(a.) The Treasurer shall, subject to the provisions of any by-law passed under authority of this section, after selling any real property give a certificate under his hand to the purchaser, stating distinctly what part or proportion, as the case may be, of the real property and what interest therein have been so sold, or stating that the whole lot, section, or estate has been so sold, and describing the same, and also stating the quantity of real property, the sum for which it has been sold, and the expenses of the sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, will be executed on his or their demand at any time after the expiration of one year from the day on which an order may be made by a Judge of the Supreme Court confirming the sale, if the real property be not previously redeemed upon payment of a fee hereinafter provided; and such order shall be made on petition of the Treasurer, on proof being made to the satisfaction of the Judge that notice of the sale having been made, and of the consequences thereof, in writing or partly in print and partly in writing, signed by the Treasurer, has been served on the person, or if more than one, then on each of the persons who at the time of the service thereof appeared on the register of the city or district in which the real property is situated as owner, or the holder of a registered charge on the real property, or that substituted service has been effected in such manner as any such Judge may have directed. The purchaser shall, on the receipt of the Collector's certificate of sale, become the owner of the real property so far as to have all necessary rights of action or powers for protecting the same from spoliation and waste, until the expiration of the term during which the real property may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the real property without deteriorating its value: Provided that the purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force:

Order of Court con-  
firming sale.

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

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

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

**13.** The said Act is hereby amended by inserting a new clause, to be known as clause 49E, as follows:— Adds 49E.

“49E. All overdue taxes shall bear interest at the rate of six per cent. per annum.” Interest on overdue taxes.

**14.** Sections 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 and 83 of the said Act are hereby repealed. Repeals ss. 59 to 83.

**15.** Section 102 of the said Act is hereby repealed, and the following substituted in lieu thereof:— Re-enacts s. 102.

Remuneration of Judge on revision of voters' lists.

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

Amends s. 142, s.-s. (2).

**16** Section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by inserting between "gas" and "or," in line 6 of sub-section (2), the words "electric lighting, tramway, and street railway," and by adding the following as sub-section (5), immediately following sub-section (4):—

Laying of gas, water-pipes, and electric lighting.

By-law to be published.

"(5.) No by-law under the last sub-section shall be passed, firstly, until estimates of the intended expenditure have been published once a week for one month, and, secondly, until the same shall have received the assent of the electors, as provided by section 127 of the 'Vancouver Incorporation Act':

If by-law rejected, no other to be submitted for 12 mos.

"(a.) If the proposed by-law is rejected by the electors, no other by-law for the same purpose shall be submitted to the electors for a period of twelve months:

City not to compete with private companies unless price fixed to buy out such companies.

"(6.) In case there be any gas, electric lighting, tramway, street railway, or water company incorporated and carrying on their business within the limits of the said city, the Council shall not pass any by-law for the purpose of constructing any such works, or by virtue of which the city will become a competitor in the business carried on by such companies or any of them, or in any other manner exercise the powers conferred by the five preceding sub-sections until such Council has by by-law fixed the price which they will offer for the property of the company or companies whose operations will be interfered with, nor until thirty days have elapsed after such notice of such price shall have been communicated to such company or companies:

Company may either accept, refuse, or refer to arbitration.

"(a.) 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:

In case of reference to arbitration.

"(b.) In case the notice referred to in the preceding clause is 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 of British Columbia, and thereupon the arbitration shall proceed, and the provisions of the 'Arbitration Act, 1893,' shall apply to such arbitration in all matters not herein specifically provided for :

- “(c.) 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 five sub-sections of this Act : If company accept.
- “(d.) 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 require an arbitration as aforesaid, then the Council may proceed forthwith to exercise the powers conferred upon them by the preceding five sub-sections of this Act : If company refuse to accept.
- “(e.) The provisions of this sub-section shall have no force or effect whatsoever if the Gas Company charge more than two dollars and fifty cents per one thousand cubic feet for all gas supplied by them, or if the Electric Light Company charge any citizen more than one cent per ampere hour per sixteen-candle power lamp for electricity supplied by such Company for lighting purposes ; and in the event of such Companies making charges in excess of the above, the Corporation shall have the right to construct, purchase, maintain, and operate gas or electric light works, and supply the inhabitants of the City therewith, without first offering a price for the works of any company operating in the City, or expropriating their works under the provisions of this sub-section : Provisions not to have force if certain companies over-charge.
- “(f.) Provided, however, that the Council may enter into the lighting of the public streets, highways, public places, and buildings with electric light at any time, upon their first acquiring the boilers, engines, dynamos, poles, wires, and all other arc lighting plant then being utilized in the lighting of the streets by any company incorporated and carrying on their business within the limits of the city ; the price to be paid for such plant, and the preliminary steps to be taken for the acquiring of such, are to be the same as hereinbefore provided.”

Repeals 1887, c. 36, s. 15; 1893, c. 63, s. 7; re-enacts 1886, c. 32, s. 127, s.-s. (8).

**17.** Sub-section (8) of section 127 of the said Act, and section 15 of the "Vancouver Incorporation Act (1886) Amendment Act, 1887," and section 7 of the Amendment Act, 1893, are hereby repealed, and the following section substituted therefor:—

By-laws requiring assent of electors carried by three-fifths majority.

"Upon receiving the returns the City Clerk shall add up the names, and if it shall appear from such returns that the votes cast for any such by-law be three-fifths of the votes polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost, anything contained in the 'Municipal Act, 1892,' and Amendment Acts to the contrary notwithstanding."

Repeals 1892, c. 62, s. 9; re-enacts 1886, c. 32, s. 142. s.-s. (6).

**18.** Sub-section (6) of section 142 of the said Act, and section 9 of the "Vancouver Incorporation Act Amendment Act, 1892," are hereby repealed, and the following sub-section, to be known as sub-section (6) of section 142, inserted in lieu thereof:—

Regulation of business on Sunday.

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

Repeals 1890, c. 68, s. 4.

**19.** Section 4 of the "Vancouver Incorporation Act (1886) Amendment Act, 1890," is hereby repealed.

Re-enacts s.-s. (22) of s. 142.

**20.** Sub-section (22) of section 19 of the "Vancouver Incorporation Amendment Act, 1889," is hereby repealed, and the following inserted in lieu thereof, which shall be known as sub-section (22) of section 142 of the said Act:—

Bonuses to manufactories.

"(22.) For granting aid by way of bonus for the promotion of manufactures within its limits by exempting such manufactories, undertakings, or enterprises, from taxes and water rates, in whole or in part, for a period of one or more years, and by granting such sums to such person or body corporate, and in respect of such branch of industry as the city may determine upon; and to pay such sum either in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient."

Adds to s. 142 s.-s. (34b).

**21.** Section 142 of the said Act is hereby amended by adding a new sub-section, to be known as sub-section (34b), as follows:—

For aiding societies holding exhibitions within city.

"(34b.) For granting money in aid of Agricultural or Horticultural, Dog or Poultry Societies, which hold their exhibitions either within or without the city limits, and for acquiring by purchase, or otherwise, real property for the purpose of holding such exhibitions,"



**22.** Section 142 of the said Act is hereby amended by adding a new sub-section, to be known as sub-section (43a), as follows:—

“(43a.) For paying to the Aldermen during their term of office, out of the annual revenue, a sum of money not exceeding four hundred dollars per annum each.”

Adds to said section (43a).

Payment of Aldermen.

**23.** Section 142 of the said Act is hereby amended by adding three new sub-sections, to be known as sub-sections (48a), (48b), (48c), as follows:—

“(48a.) For providing, establishing and maintaining a special additional fire company, and fire appurtenances, and protection for certain portions of the city, and for assessing and levying, in addition to all other rates and taxes, a separate rate or tax for that purpose on the lands and property directly benefited thereby, as described in the by-law :

Additional fire companies.

Special rate therefor.

“(48b.) For providing for the recovery of such special rates and assessments. Any special rate so assessed and levied shall be dealt with in every respect as ordinary land or real property taxes, and may be enforced and recovered in the same way, whether by sale of the land or real property upon which the same attached, or by registration as a charge upon such land or real property, or otherwise :

Enforcement and recovery of such special rate.

“(48c.) For the setting apart each year a special fund, and for the investment thereof, to be called the ‘City Insurance Fund,’ in order to provide against any loss that may be incurred by fire destroying any of the city buildings or portions thereof.”

City Insurance Fund.

**24.** Sub-section (58) of section 142 is hereby repealed, and the following substituted in lieu thereof:—

Re-enacts s.-s. (58) of s. 142.

“(58.) For regulating the erection of buildings, and the distance of the same from the centre of the street, and preventing the erection of wooden buildings and wooden fences, in specified parts of the city; and also for prohibiting the erection or placing of buildings, and the distance of the same from the centre of the street, other than with main or partition walls of brick, iron, or stone, the roofing of incombustible material, within specified parts of the city; and for authorizing the pulling down or removal, at the expense of the owner or owners thereof, of any building or erection which may be constructed or placed in contravention of any by-law, or which may, in the opinion of the Council, be a dangerous nuisance.”

Wooden buildings and fences.

**25.** Section 142 of the said Act is hereby amended by adding a new sub-section, to be known as sub-section (73b), as follows:—

Adds to said section (73b).

“(73b.) For authorizing the inspection of electric light wires, lights, and meters, and to levy a charge to defray the cost thereof.”

Inspection of electric light wires, &c.

- Re-enacts s.-s. (81) of s. 142. **26.** Sub-section (81) of section 142 of the said Act is hereby repealed and the following inserted in lieu thereof:—
- Common shows, &c. “(81.) For licensing, regulating, or prohibiting the exhibitions of common showmen, and shows of every kind, and the exhibition of any natural or artificial curiosities, caravans, menageries, circus, hippodrome, boxing, sparring, and theatrical exhibitions.”
- Adds to said section (83*a*), (83*b*), (83*c*), (83*d*), (83*e*). **27.** Section 142 of the said Act is hereby amended by adding five new sub-sections, to be known as sub-sections (83*a*), (83*b*), (83*c*), (83*d*), (83*e*), as follows:—
- Bowling alley license. “(83*a*.) For licensing any person keeping a bowling alley or rifle gallery :
- Wholesale and retail merchants. “(83*b*.) For licensing any person carrying on a business of a whole-sale, or of a wholesale and retail, merchant or trader :
- Bankers. “(83*c*.) For licensing any person carrying on, on his own account, the business of a banker at one place of business :
- Express, gas, and other companies. “(83*d*.) For licensing every express company, gas company, telephone company, electric light company, street railway or tramway company, investment and loan societies, in a sum not exceeding fifty dollars for every six months :
- Stevedores. “(83*e*.) For licensing every person who carries on the occupation of a stevedore, or who takes contracts to load and unload ships within the city, in a sum not exceeding twenty-five dollars for every six months.”
- Adds to said section (104*a*). **28.** Section 142 of the said Act is hereby amended by adding a new sub-section, (104*a*):—
- Inspection of food. “(104*a*.) For providing for the inspection of, and preventing the sale of, all cattle, animals, meat, poultry, fish, and vegetables offered or exposed for sale.”
- Re-enacts s.-s. (106) of said section. **29.** Sub-section (106) of section 142 of the said Act is hereby repealed, and the following inserted in lieu thereof:—
- Adulterated milk. “(106.) For preventing the sale of adulterated milk, cream, butter, and other articles of food, and for licensing milk vendors, and for inspecting all milk, cream, butter, and other articles of food offered or exposed for sale.”
- Adds to said section s.-ss. (123*a*), (123*b*), (123*c*), (123*d*). **30.** Section 142 of the said Act is hereby amended by adding four new sub-sections, to be known as sub-sections (123*a*), (123*b*), (123*c*), and (123*d*) respectively of the said section, as follows:—
- Width, &c., of streets. “(123*a*.) To regulate the width of new streets and roads, and for preventing the laying out or construction of streets or lanes, unless in conformity with existing streets, roads, or lanes, without the consent of the Council be first obtained :

“(123*b*.) For regulating the plans, level, width, surface, inclination, and the material of the pavement, roadway, and sidewalk of streets and roads : Level, material, &c.,  
of streets.

“(123*c*.) For establishing a general grade for the streets and roads in the city : General grade.

“(123*d*.) For establishing and maintaining land and bench marks in the city.” Land and bench-  
marks in city.

**31.** Section 142 of the said Act is hereby amended by adding a new sub-section, to be known as sub-section (125*a*), as follows :— Adds s.-s. (125*a*).

“(125*a*) For specifying and defining what streets or portions of streets may be used by any railway, tramway, or water-power company hereafter coming into the city, and regulating the terms and conditions under which they may be used.” What streets may be  
used by railways, &c.

**32.** Sub-section 127 of section 142 of the said Act is hereby repealed, and the following substituted in lieu thereof :— Re-enacts s.-s. (127)  
of said section.

“127. For regulating roads and streets and public bridges, and driving and riding thereon.” Riding and driving  
on public streets.

**33.** Section 142 of the said Act is hereby amended by adding a new sub-section, to be known as sub-section (130), as follows :— Adds s.-s. (130).

“(130.) For purchasing, acquiring, holding, managing, and maintaining real property for the purpose of a site for a free public library or a partially free library in the City.” Site for free library.

**34.** Section 142 of the said Act is hereby amended by adding a new sub-section, to be known as sub-section (131), as follows :— Adds s.-s. (131).

“(131.) For leasing any land or selling any personal property of the City which, in the opinion of the Council, is not required for corporate purposes : Provided, that in all cases where the lease shall extend over one year, or the personal property is over five hundred dollars in value, the consent of the ratepayers shall be first obtained in manner provided for passing by-laws for creating debts.” Leasing and selling  
city property.  
Proviso.

**35.** Section 144 of the said Act is hereby repealed, and the following substituted instead thereof :— Re-enacts s. 144.

“144. In case a ratepayer or any person interested in a by-law, order, or resolution of the Council applies to any Judge of the Supreme Court, or a Judge of the County Court having jurisdiction in the said City of Vancouver, and produces a copy of the by-law, order, or resolution to said Judge, certified under the hand of the Clerk (who shall furnish the same on two days' application, and on payment of a fee of one dollar) and under the corporate seal, and shows by affidavit that the same was received from the Clerk, and that the applicant is a ratepayer and interested as aforesaid, the Judge, after at least ten days'

service on the Corporation of a rule to show cause in this behalf, may quash the by-law, order, or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the Corporation. In the case of any application under this section, the Judge shall have power, if in his discretion he sees fit, to order the applicant to give security for the costs of and incidental to the application for and all proceedings under the said rule."

Re-enacts s. 145. **36.** Section 145 of the said Act is hereby repealed, and the following inserted in lieu thereof :—

Time in which application to be made. "145. 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 shall be made to such Judge within three months from the passing of any by-law, order, or resolution."

Re-enacts s. 149. **37.** Section 149 of the said Act is hereby repealed, and the following inserted in lieu thereof :—

Appeal. "149. Any decision or order of a Judge upon any such application shall be subject to appeal to the Divisional Court of the Supreme Court of British Columbia, provided the appellant gives security to the Registrar of the Supreme Court for the costs of such appeal in the event of the appeal being dismissed."

Repeals s.-ss. (2) to (12) and (16) and (17) of s. 150. **38.** Sub-sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17 of section 150 of the said Act are hereby repealed, and a new sub-section shall be added to the said clause, as follows :—

Council to regulate procedure by by-law. "The Council may by by-law make any regulations for the procedure and conduct of the business which they may think desirable."

Re-enacts s.-s. (3) of s. 152. **39.** Sub-section (3) of section 152 of the said Act is hereby repealed and the following inserted in lieu thereof :—

Treasurer to deposit in bank daily. "(3.) The Treasurer shall daily (Sunday excepted) deposit, or cause to be deposited, all moneys belonging to the City in some bank to be designated by the Council."

Re-enacts s.-s. (8) of s. 152. **40.** Sub-section (8) of section 152 of the said Act is hereby repealed, and the following substituted in lieu thereof :—

Disbursement of municipal funds. "(8.) On presentation of certificates of indebtedness issued by the City Clerk to the said Treasurer, and countersigned or certified by the Mayor, or acting Mayor, the Treasurer shall pay the same from any unexpended balance to the credit of the fund properly chargeable therewith. All payments made on account of pay-rolls shall be made by the Treasurer after the same have been audited by the Accountant or Comptroller and placed in his hands therefor."

**41.** The said Act is hereby amended by inserting a new section, to be known as section 163A, as follows:—

“163A. All actions or suits for indemnity for any damages or injuries sustained by reason of any neglect of duty by the city shall be commenced within one year after the cause of such action shall have arisen, but not afterwards.”

Certain actions against the city to be commenced within one year.

**42.** Section 187 of the said Act is hereby repealed, and the following substituted in lieu thereof:—

Re-enacts s. 187.

“187. The Council may appoint a Police Court Clerk and define his duties and salary.”

Appointment of Police Court Clerk.

**43.** Sub-section (1) of section 200 of the said Act is hereby repealed.

Repeals s.-s. (1) of s. 200.

**44.** The said Act is hereby amended by adding a new section, to be known as section 200A, as follows:—

Adds 200A.

“200A. When any assessment is made upon land or real property for the purpose of carrying on any work of local improvement under the authority of this Act, there shall be the same right of appeal from the Court of Revision to a Judge of the Supreme Court of British Columbia, or to a County Court Judge having jurisdiction, as is provided for in the case of the annual assessment upon land or real property for the purpose of a general taxation.”

Appeal in cases of local improvement.

**45.** Section 208 of the said Act is hereby repealed.

Repeals 208.

**46.** Section 209 of the said Act is hereby repealed.

Repeals 209.

**47.** Section 215 of the said Act is hereby repealed, and the following substituted in lieu thereof:—

Re-enacts s. 215.

“215. In case one-third of the members of the Council, or one hundred duly qualified electors of the city, petition for a Commission to issue under the great seal of the Province, to enquire into the financial affairs of the Corporation, and things connected therewith, and if sufficient cause be shown, the Lieutenant-Governor in Council may issue a Commission accordingly; 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.”

When a Commission of inquiry into financial affairs of the city may issue.

**48.** The said Act is hereby amended by adding thereto a new section, 219A:—

Adds 219A.

“219A. The Council may, by by-law, pending the collection of any overdue taxes, borrow for the purposes of ordinary expenditure from any chartered bank, person, or corporation, a sum of money not exceeding fifty per cent. of the aggregate amount of such overdue

Council may borrow money for ordinary expenditure, pending collection of overdue taxes.

taxes, subject to the condition that the said taxes, as collected, shall be paid into the said bank, or to the said person or corporation, to a special fund or account to repay the sum so borrowed when due, and shall not be used for any other purpose: Provided, that it shall not be necessary for such by-law to receive the assent of the electors, notwithstanding the amount borrowed is not repayable within the same municipal year. The obligation to be given to the lender as security shall be defined in said by-law."

Adds 219B.

**49.** The said Act is hereby amended by adding a new section, to be known as section 219B, as follows:—

Borrowing an amount equal to 75% of sum collected previous year, subject as follows:—

"219B. For authorizing, under the following conditions, the borrowing from any person of such sum of money not exceeding, however, an amount equal to seventy-five per cent. of the amount of taxes collected during the previous year of the sum that was levied that year by general and special rates upon land, improvements, or real property in the city, and bearing such rate of interest as may be requisite to meet the current legal expenditure and liabilities of the Corporation which become payable out of the annual revenue before the revenue for the year becomes payable by the taxpayers:

Repayable in same year:

"(a.) That the money so borrowed shall be repayable and repaid on or before the 31st December in the calendar year in which it is so borrowed:

Liability on revenue for that year:

"(b.) That it shall be a liability payable out of the municipal revenue for the current year:

Obligation, by whom signed, &c.:

"(c.) That the obligation given to the lender shall be in writing, signed by the Mayor and the City Clerk, and shall bear the corporate seal:

Particulars to be in by-law.

"(d.) That the Council shall in the by-law have named the amount to be borrowed and the rate of interest not exceedable, the date on or before which the principal and interest shall be payable, and the form of the obligation to be given as an acknowledgment of the liability."

Adds 219c.

**50.** The said Act is hereby amended by adding a new section, to be known as section 219c, as follows:—

Council may submit by-law to expend money borrowed for one purpose on another.

"219C. When the city shall have a sum of money on hand which has been borrowed for a special purpose by the authority of a loan by-law, and when the Council deems it undesirable to expend for such purpose the money borrowed, it shall be lawful for the Council to place before the ratepayers a by-law providing for the expenditure of such sum of money for some other purpose; and such by-law shall be subject to the provisions of this Act as to the passage of by-laws for creating debts, and provided, always, that the consent of

1895. VANCOUVER INCORPORATION (AMENDMENT). CHAP. 68.

the Lieutenant-Governor in Council shall be obtained to such by-law before the same shall come into effect.”

**51.** This Act may be cited as the “Vancouver Incorporation Act Short title. Amendment Act, 1895.”

---

VICTORIA, B. C.:

Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty.  
1895.