



## CHAPTER 57.

### An Act to Incorporate the City of Chilliwack.

[11th February, 1908.]

**W**HEREAS a petition has been presented by the inhabitants of the Preamble.  
tract of land in this Act hereinafter described, a portion and forming part of the Municipality of the Township of Chilliwack, praying that they may be incorporated as a city municipality, under the name of "The City of Chilliwack"; and the said inhabitants are desirous of securing incorporation without complying with certain of the provisions of the "Municipalities Incorporation Act" and amending Acts, and it is expedient to permit a departure from the general statutory conditions:

And whereas it is expedient to grant the prayer of the petitioners:

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 "Chilliwack City Incorporation Short title.  
Act."

2. It shall be lawful for the Lieutenant-Governor in Council forth-  
with, without requiring the inhabitants of the lands proposed to be  
incorporated to observe the provisions of section 3 of the "Municipalities  
Incorporation Act" as amended, by Letters Patent under the Public  
Seal, to incorporate, under the "Municipalities Incorporation Act," into  
a City the tract of land set out in Schedule "B" hereto; and such  
Letters Patent shall have the same force and effect as Letters Patent  
issued under the provisions of and after compliance with all formalities  
of the said "Municipalities Incorporation Act," as amended; save and  
except as provided in the following sections of this Act, which shall  
apply to such Municipality.

Incorporation of the  
City of Chilliwack.

What Letters  
Patent to specify.

**3.** Letters Patent incorporating the said City shall, in specifying and providing all matters referred to in section 4 of the "Municipalities Incorporation Act," specify and provide for the matters referred to in sections 4 to 31, both inclusive, of this Act and in manner therein set out.

Nomination for first  
election.

**4.** The nomination for a first Council, to consist of a Mayor and five Aldermen, shall be held on the third Saturday after Letters Patent pursuant to this Act shall be granted by the Lieutenant-Governor in Council, and the election, in case a poll shall be demanded, shall be held on the following Saturday after such nomination, and shall continue for one day only, the Returning Officer to be named in the Letters Patent.

Returning Officer.

Poll at first election.

**5.** The poll to be taken by the Returning Officer shall be open from nine o'clock, A. M., to four o'clock, P. M., on the day named, and the Returning Officer shall have authority to appoint Deputy Returning Officers, Poll Clerks and Constables, and such officers as he shall deem necessary for taking such poll and for maintaining order at the polling station.

Place of nomination  
and poll.

**6.** The nomination and poll, if any, shall be held at the Court House, Chilliwack, B. C.

Notice thereof to be  
published.

**7.** Seven days' notice of the time and place of nomination and of the holding of the poll, if any, shall be given by the said Returning Officer in a newspaper published and circulated in the said City, and further, for the like period shall be posted upon the entrance door of the Court House in the said City.

Duties of Returning  
Officer.

**8.** The Returning Officer shall provide a ballot box or boxes for the necessary ballots for use at the said election, and he shall, as far as possible, conduct said election in all respects in conformity with the provisions of the "Municipal Elections Act."

First meeting of the  
Council.

**9.** The first meeting of the Council so elected shall be held at the Court House in the said City of Chilliwack on the first Wednesday after such election, commencing at two o'clock P. M.

First statutory  
meeting in each year.

**10.** The Council shall meet on the Friday following the annual election in each year, and thereafter as the Mayor may appoint.

Qualification for  
Mayor at first  
election.

**11.** The qualification for Mayor of the City at the first election shall be his being a male British subject of the full age of twenty-one years, and having been for the three months next preceding the day of his nomination and his being then a registered owner in the Land Registry Office of real property situated within the City of the assessed value on the last revised municipal assessment roll of the said Township of five hundred dollars or more over and above any registered judgment, and being otherwise duly qualified as a voter.

**12.** The qualification for Alderman at the said first election shall be his being a male British subject of the full age of twenty-one years, and having been for the three months next preceding the date of his nomination and his being then a registered owner in the Land Registry Office of real property situated within the City of the assessed value, on the last revised municipal assessment roll of the said Township, of two hundred and fifty dollars or more over and above any registered judgment, and being otherwise duly qualified as a voter.

Qualification for Aldermen at first election.

**13.** All persons whose names are at the date of Incorporation of the City on the voters' list for that part of the Township Municipality included in the City, and any male or female being a British subject of the full age of twenty-one years, and being a freeholder, householder or licence-holder for at least six months previous to such election, and being for a term of not less than six months resident within the said City, shall be entitled to vote at the first municipal election under this Act, but no female shall be qualified to sit or vote as Mayor or Alderman.

Qualification of voters.

**14.** It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses and occupations of all persons qualified under section 3 of this Act, and such list shall be the list of electors for such first election.

Voters' list.

**15.** Before the name of any person other than a freeholder or licence-holder shall be placed on the said voters' list, he or she shall sign a declaration in writing before some person authorised to administer oaths, or before the Returning Officer, setting forth his or her name, address, occupation and qualification under this Act, and shall deliver the same to the Returning Officer, and the said list shall be closed on the day before nomination day, and shall then be the voters' list of the said City for all purposes until another list is prepared in due course.

Declaration by voter other than freeholder or licenceholder.

**16.** It shall be lawful for the Corporation of the Township of Chilliwack to enter into and execute the deed of arrangement set out in Schedule "A" hereto, as to certain public property, rights, interests and benefits, and apportioning the same, appertaining to the said tract of land; and after the grant of Letters Patent under this Act, it shall be lawful for the City to enter into and execute the said deed and to carry the same into effect, and when executed the said deed shall to all intents and to all purposes be valid and binding upon the parties thereto.

Agreement with Township of Chilliwack.

**17.** Until the said City is divided into wards the Mayor and Aldermen shall be elected, by those qualified to vote, in the whole City.

Mode of election until City is divided into wards.

**18.** The Mayor and Aldermen elected at such first election shall hold office until their successors, or a majority of their successors, have been sworn in, unless he or they shall die, resign or become disqualified.

First Mayor and Aldermen to hold office until successors elected.

Power to make and  
repeal by-laws.

**19.** The Council may, in addition to all its powers, from time to time make, alter and repeal by-laws:—

- (a.) To provide, under certain conditions, for the inclusion of further outlying districts in the City limits:
- (b.) To purchase, construct and operate a telephone or telegraph system or systems:
- (c.) To tax and supervise clubs:
- (d.) To purchase and acquire the water-works system heretofore belonging to and under the control of the Elk Creek Water-Works Company, according to the terms of agreement entered into between them and the Township of Chilliwack on the fourth day of November, 1905; and to extend the said system to all parts of the City, and to supply water therefrom as vendors to adjoining municipalities (with the consent of the municipalities); to obtain further supplies of water, and in addition to all other powers to purchase lands within or without the City for watershed, reservoirs, right-of-way and other purposes connected with the water system; to appoint a Board of three Water Commissioners to administer and manage the water-works system of the City, and to define and regulate the powers and duties and remuneration of said Water Commissioners.

Power to borrow  
money to pay Town-  
ship of Chilliwack  
and incorporation  
expenses.

**20.** It shall be lawful for the Council, by a by-law or by-laws to be passed, without any petition and without the previous assent of the electors, at any time or times, and in one or more sums at a time, to borrow upon the credit of the City at large, by debentures, a sum of money equal to the proportion of the debt of the said district Corporation taken over and assumed by the said City under the agreement in the Schedule to this Act, and also such sum or sums of money necessary to defray the expenses incurred in obtaining this Act and all matters incidental to the incorporation of the said City, at such rate or rates of interest, not greater than seven per cent., as the Council may see fit, and such debentures shall be issued under the formalities contained in the "Municipal Clauses Act," save as herein provided, and may be for a period not exceeding fifty years from their date.

Costs of incorpora-  
tion.

**21.** The Council shall after they go into office pay out of the ordinary revenue of the City all costs, charges and expenses incurred in and about the incorporation of the City, including all expenses of preparing and printing the charter and of promoting this Act.

Township of  
Chilliwack.

**22.** After the incorporation of the City the remaining area of the present Municipality of the Township of Chilliwack, hereinafter referred to as the "Township Municipality," shall remain a duly constituted municipality under its present name of the "Corporation of the Township of Chilliwack," under its present Letters Patent, subject only to the provisions hereinafter contained.

**23.** After the issue of the Letters Patent for the incorporation of the City as hereinbefore provided for, the Reeve and Council of the Township as at present constituted shall hold office until new Councils for the City and Township Municipality have been elected as in this Act provided.

When Reeve and Council of Township of Chilliwack to go out of office.

**24.** In addition to the securities in which, in accordance with the "Municipal Clauses Act" investments of any sinking fund may be made, the Council may invest any such funds in first mortgage on improved property in the City, not exceeding forty per cent. of the assessed value thereof.

Council may invest sinking funds.

**25.** It shall be lawful for the Council to dispose of sewage by depositing the same at some point outside the limits of the City, in such manner as may be found expedient, and from time to time to expropriate, take and hold such lands, both in and beyond the limits of the said City as may be considered by the Council to be right and necessary for the purposes aforesaid.

Sewage.

**26.** All arrears of taxes levied by the Corporation of the Township of Chilliwack on lands heretofore in said Township, but included in this Act in the City, shall be vested in the City, and it shall have all the rights, powers and privileges of the said Township Corporation as to the collection of the said taxes by the sale of the lands liable therefor, or otherwise, and all the rights, powers and privileges of the Township Corporation as regards the lands heretofore in the said Township and now included in the City, sold at the tax sales held on the 14th day of September, 1907, are hereby vested in the City, and the City shall have the necessary powers to give deeds therefor.

Tax Sales.

**27.** A special meeting of the Board of Licence Commissioners for the City may, if desired, be held, at a time to be fixed by the Mayor, not less than one month nor more than six weeks after the date of such "first election," at which meeting all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in sub-section (c) of section 182 of the "Municipal Clauses Act" may be had and exercised.

Board of Licence Commissioners, special meeting of.

**28.** All licences heretofore issued by the Township Corporation shall be valid until the expiration of the period named in the same, and upon expiration the re-issue shall be regulated by the statutory provisions governing the City.

Licences.

**29.** All provisions of the "Municipal Clauses Act," the "Municipal Elections Act" and the "Municipalities Incorporation Act," and amending Acts, shall apply to the said Municipality, except when the provisions of said Acts are repugnant to the provisions of this Act.

Application of "Municipal Clauses Act," "Municipal Elections Act" and "Municipalities Incorporation Act."

Ratification of  
agreements.

**30.** The Chilliwack Tram Power and Light By-law, 1906, and the two several agreements, or any modification thereof mutually agreed to, made between the Corporation of the Township of Chilliwack and the Vancouver Power Company, Limited, both dated the first day of March, 1907, and being Schedules "A" and "B," to the said Chilliwack Tram Power and Light By-law, 1906, which said by-law duly received the assent of the Electors of the Township of Chilliwack for the construction and operation of railways or tramways for the transportation of passengers and freight, and telegraph and telephone lines through the said Township of Chilliwack as part of an electric railway system connecting the City of New Westminster with the Town of Chilliwack, and the authority to operate within the limits of the said Township of Chilliwack all required works for the generation, distribution and sale of electricity for light, heat and power, and for industrial and any other purpose, are hereby declared to be valid and binding and the said by-law and the two several agreements are hereby ratified and confirmed and are hereby also declared to be of statutory force and effect within the area of the Township of Chilliwack, as the same existed at the time of the passage of the said by-law and the making of the said agreements, and shall be binding upon the City of Chilliwack, provisions for the incorporation of which are made in this Act, and shall be carried into effect by the Council of the City of Chilliwack and by the Council of the Township of Chilliwack and by the Council or Councils of any other Municipality or Municipalities that may hereafter be created from and out of the said area of the Township of Chilliwack, from and out of which area provisions are hereby made for the creation of the said City of Chilliwack.

Re-numbering sub-  
divisions in City.

**31.** The Council may from time to time, by by-law, re-number all lots and blocks in the said City, in such manner that they may be easily identified, and may in such by-law rescind any former numbering and identification of said lots, and such re-numbering shall be good and valid for registration and all other purposes, and any re-numbering under such by-law shall take the place of any former numbering or identification for all purposes, and the Council may, if necessary, cause a special survey to be made of said lands and re-numbered in such manner as to easily identify all the original lots and blocks therein, whether by name or number, and shall also show a new designation given to such lots and blocks: Provided that a copy of such by-law, duly certified to by the Clerk of said City together with a map or plan, in duplicate, showing the numbering and re-numbering as set out in such by-law, shall be filed in the Land Registry Office for the District in which such lands are situate within 30 days from the passing of such by-law, and such lots and blocks shall thereafter be known and described as being in the City of Chilliwack, notwithstanding any description theretofore given or registered to the

contrary: Provided further, that such By-law shall not become effective until the same shall have received the approval of the District Registrar of Titles for the District.

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#### SCHEDULE "A."

THIS INDENTURE made and entered into the 28th day of December, 1907, between the Corporation of the Township of Chilliwack (hereinafter referred to as "the Township Corporation") of the first part, and Samuel A. Cawley, A. Leslie Coote and Robert Marshall, all of Chilliwack, in the Province of British Columbia, on behalf of themselves and all others the inhabitants of the area (hereinafter described and referred to as "the City Area") proposed to be incorporated as "the City of Chilliwack (hereinafter referred to as "the City"), of the second part.

Whereas the Township Corporation is incorporated as a District Municipality under the laws of the Province relating to such Municipalities:

And whereas a petition has been presented to the Legislature of British Columbia to incorporate the inhabitants of the tract of land described in the next following paragraph as a City by a special Act of Incorporation under the name of the "City of Chilliwack" and to separate the said tract of land from the Township Corporation:

And whereas the said City Area, so far as it will be separate from the Township Corporation, is described as follows:—Commencing at a point where the westerly boundary of the Skwahla Indian Reserve intersects the southerly bank of Hope Slough: thence south-easterly to the south corner of said Indian Reserve; thence north-westerly to a point on the south-easterly boundary of said Indian Reserve where the east line of S. Calbick's sub-lot of Lot 335, Group 2, produced north intersects the said boundary; thence south on the east line of S. Calbick's sub-lot to the southerly boundary of the Yale Road; thence easterly to the north-east corner of Sub-division "B" of Lot 334, Group 2, New Westminster District; thence south to the south-east corner of said Sub-division "B" of said Lot 334; thence west to a point on the boundary line between Lots 334 and 333, Group 2, produced on the south boundary of said Sub-division "B"; thence south 20 chains; thence to the eastern boundary of Lot 331, Group 2; thence south to the northern boundary of Lot 341, Group 2; thence west to the Young Road; thence westerly to the south-west corner of the Public School Lot; thence following what is known as the "Kipp" Lane to the Kipp Road; thence following said Kipp Road to the north-west corner of Lot 31A, Group 2; thence east to the south-east corner of Skwah Indian Reserve; thence north and following the eastern

boundary of said Indian Reserve to the southerly bank of Hope Slough; thence following the southerly bank of said Slough to the point of commencement:

And whereas at a public meeting of the ratepayers of the said Municipality held on the 10th day of March, 1907, a committee was appointed to consider the incorporation of the proposed City and the division of the assets and liabilities of the Township Municipality between it and the proposed City Area, at which said public meeting A. L. Coote, Robert Marshall, W. A. Rose, H. H. Gervan and S. A. Cawley were appointed a committee to take all necessary steps and to do all necessary works in that behalf:

And whereas on the 28th day of December, 1907, a committee appointed by the Township Municipality met with the above-mentioned members representing the inhabitants of the proposed City Area, and it was jointly agreed to enter into this agreement:

Now, this indenture witnesseth that for the consideration herein and in pursuance of the said agreement the said Corporation of the Township of Chilliwack doth hereby grant and convey to the parties named in the second part and their successors, the following properties and assets, namely:

1. That portion of Lots 28, 29, 30 and 31, Group 2, known as the "Fair Grounds," which may be more particularly described as follows: All and singular that certain parcel or tract of land and premises situate, lying and being at Centreville, in the Municipality of Chilliwack, being a portion of Lot 30, Group 2, Township 26, in the District of New Westminster, in the Province of British Columbia, being the part coloured red on the map or plan annexed to the conveyance from Isaac Kipp to the Corporation of the Township of Chilliwack and more particularly described as follows:—Commencing at the north-east corner of said Lot 30, Group 2; thence along the northern boundary of said Lot in a westerly direction eight chains; thence at right angles southerly and parallel to the northern boundary of said lot eight chains to the point on the easterly boundary of said lot; thence along the eastern boundary of said lot five chains north to the point of commencement, containing four acres: Subject, however, to the rights of the Agricultural Society, as is more fully set out in the deed of trust, and subject, moreover, to the proviso that the said lands shall remain in perpetuity as a recreation ground, except that the same may be alienated with the mutual consent of the Township of Chilliwack, the Chilliwack Agricultural Association and the City of Chilliwack.

2. Lot 9, Block 11, Sub-division of Lots 28A, 29A, and 30, in Group 2, in the District of New Westminster, in trust for school purposes and as school sites for the Chilliwack Public School.

3. All and singular the fire hose, reel and other equipment of the Fire Brigade, drinking fountain, street lamps and posts.



4. All arrears of taxes and assessments due on the first of January, 1908, in the proportion hereinafter mentioned as being the true proportion between the said City and said Township, and all rights and privileges in connection therewith.

5. Any and all real property within the City Area acquired by the said District Corporation at tax sales in 1907, in the proportion hereinafter mentioned.

6. The right, title and interest of the District Corporation as to undivided moiety or half part of that certain portion of land used as a cemetery, which is that part of Lot Number 416, Group 2, more particularly described as: Commencing at a point on the easterly boundary of said Lot 461, said point being 175 links north no degrees 12 minutes west from the intersection of the north boundary of the New Westminster-Yale Road with the easterly boundary of said Lot 461; thence south 89 degrees 48 minutes west and following the north boundary of the Odd Fellows' Cemetery 833 links; thence north no degrees 12 minutes west 121 links; thence north 89 degrees 48 minutes east 833 links; thence south no degrees 12 minutes east and following the easterly boundary of said Lot 461, 120 links to the point of commencement, and said to contain one acre, more or less, as shown on the plan annexed to the conveyance from John Cross to the Township of Chilliwack. Also the right, title and interest of the District Corporation in and to that certain sidewalk erected on Mary Street under Local Improvement By-Law, and all moneys due or accruing due thereon.

7. All other public works and improvements located within the City area.

Second. The City shall have access to the books of the Township Municipality, at all reasonable hours, until the end of 1908.

Third. The said Township of Chilliwack agrees to account for and pay over to said City all taxes and licences collected by them after the first day of January, 1908, within the area of said City, and the said City covenants to pay the following liabilities of the Township of Chilliwack, viz.: \$400, being the cost of the Mary Street sidewalk; and all delinquent taxes upon property within the City area on the first day of January, 1908; and it is mutually agreed between the said District Corporation and said City that each shall refund to the other any excess of taxes beyond their just proportion; and it is further agreed that said proportion shall be taken as 15 to 85, 15 representing the said City's share and 85 the said District Municipality's share, and the amount proportioned accordingly of the costs of any litigation pending at the date hereof between said Township and any other party or parties, and its proportion of the expenses of carrying on the affairs of the Municipality from the first day of January, 1908, until the incorporation of said City.

Fourth. The City undertakes to obtain the necessary authority to and to give tax deeds, and all lands in the City Area sold at the Township tax sale in September, 1907, and generally to comply with all the provisions of the law under such tax sale so conducted as far as relates to said lands.

Fifth. The City covenants to carry out and give effect to all the undertakings of the Township Corporation so far as they relate to any part of said City Area under the agreements entered into between the Township Corporation and the Vancouver Power Company for tramway service, electric lighting, heating and power system and street lighting service under the resolutions of the Township Council regarding the instalment of the telephone system and under any contract or by-law that may exist so far as the same can be sustained and affect any part of the City Area.

Sixth. The City undertakes to pay all expenses incurred, or that may yet be incurred, in carrying out this agreement, and failing the incorporation of the City Corporation, then the said expenses, so far as incurred, shall be charged proportionately against the owners of land within the proposed City Area.

Seventh. Any and all interest, whether legal or equitable, in the water record from Elk Creek subject to agreements entered into between the Township Corporation and Elk Creek Waterworks Company, Limited: Provided there shall be no discrimination of rates between the City and Township of Chilliwack.

Eighth. The said Township Corporation and the City jointly agree that they will operate and maintain that portion of land heretofore described as "the Cemetery," each undertaking to be responsible for the expenses of any burials in said cemetery made by it, and otherwise to equally bear the expenses for the maintenance thereof.

Ninth. Said Township Municipality and the City jointly agree that the Township Municipality shall continue as trustees for the Big Prairie drainage scheme, the City undertaking to pay its proper proportion for any liability that may become due in respect of the moneys borrowed under the by-law governing the same.

Tenth. In the event of any dispute arising in connection with this agreement, the same shall be referred to arbitration under the provisions of the Act respecting Arbitrations and References.

Eleventh. The Township Municipality and the City hereby mutually agree that they will erect, when necessary, and maintain, jointly, such bridges connecting the said Township Municipality and the City as may be deemed advisable.

Twelfth. The City Municipality agrees with the Township Municipality that it will maintain the High School now erected and in operation within the limits of the City, as also the schools within the

Chilliwack School District, and the Township Municipality undertakes and agrees that it will pay a monthly proportion of the expenses thereof calculated on the basis of the attendance of scholars from the District Municipality.

Thirteenth. Provided, however, that this deed shall not take effect or become operative until the Royal assent is given to the proposed Private Act.

In witness whereof, the parties hereto have hereunto set their hands and seals and the Seal of the Corporation has been affixed on the day and year first above written.

Signed, sealed and delivered,  
in presence of

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SCHEDULE "B."

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Commencing at a point where the westerly boundary of the Skwahla Indian Reserve intersects the southerly bank of Hope Slough; thence south-easterly to the south corner of said Indian Reserve; thence north-westerly to a point on the south-easterly boundary of said Indian Reserve where the east line of S. Calbick's sub-lot of Lot 335, Group 2, produced north intersects the said boundary; thence south on the east line of S. Calbick's sub-lot to the southerly boundary of the Yale Road; thence easterly to the north-east corner of Sub-division "B" of Lot 334, Group 2, New Westminster District; thence south to the south-east corner of said Sub-division "B" of said Lot 334; thence west to a point on the boundary line between Lots 334 and 333, Group 2, produced on the south boundary of said Sub-division "B"; thence south 20 chains; thence west to the eastern boundary of Lot 331, Group 2; thence south to the northern boundary of Lot 341, Group 2; thence west to the Young Road: thence westerly to the south-west corner of the Public School Lot; thence following what is known as the "Kipp" Lane to the Kipp Road; thence following said Kipp Road to the north-west corner of Lot 31a, Group 2; thence east to the south-east corner of the Skwahla Indian Reserve; thence north and following the eastern boundary of said Indian Reserve to the southerly bank of said Hope Slough; thence following the southerly bank of said Slough to the point of commencement.

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VICTORIA, B. C.

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