



## CHAPTER 84.

An Act to incorporate the City of Armstrong, and in relation to the Corporation of the Township of Spallumcheen.

[1st March, 1913.]

**W**HEREAS a petition has been presented by certain of the Preamble  
inhabitants of the tract of land set out in Schedule B to this Act, same being land within the limits of the Corporation of the Township of Spallumcheen, praying that said tract of land may be incorporated as a city municipality, under the name of "City of Armstrong," without complying with certain provisions of the "Municipalities Incorporation Act":

And whereas it is deemed 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 "City of Armstrong Incorporation Short title  
Act, 1913."

2. It shall be lawful for the Lieutenant-Governor in Council forth- Incorporation of  
the City of  
Armstrong.  
with, notwithstanding that the conditions and provisions of section 3 of the "Municipalities Incorporation Act" have not been complied with, by Letters Patent under the Great Seal, to incorporate, under the said Act, into a city, under the name of "City of Armstrong," the tract of land set out in Schedule B to this Act, being land within the limits of the Corporation of the Township of Spallumcheen, which Corporation is hereinafter referred to as "the present Municipality of the Township of Spallumcheen," and such city so incorporated is hereinafter referred to as "the city municipality"; and this Act is hereby declared to be within the meaning of the Indenture set out in

Schedule A to this Act, an Act incorporating the city therein referred to, and separating the city area therein referred to from the township corporation therein referred to.

Corporation of the  
Township of  
Spallumcheen.

3. After the issue of letters patent incorporating the city municipality, the remaining area of the present Municipality of the Township of Spallumcheen, which remaining area is hereinafter referred to as "the township municipality," shall remain a duly constituted municipality under the name of the "Corporation of the Township of Spallumcheen," and under the letters patent of the present Municipality of the Township of Spallumcheen, subject to the provisions hereinafter contained.

What letters  
patent to specify.

4. The letters patent shall, in specifying all matters referred to in section 5 of the "Municipalities Incorporation Act," specify the matters contained in sections 5 to 13, both inclusive, of this Act, by incorporating the same therein in the manner set out in said last-mentioned sections or to the like effect; and reference in said letters patent to said sections, or any of them, by their respective numbers for the purpose of incorporating the same therein shall be sufficient compliance with this section in respect thereto.

Council of City  
of Armstrong.

5. The Council of the city municipality shall consist of a Mayor and five Aldermen, and the election of the first Council shall be governed by the following provisions, namely:--

Nomination of  
Mayor and  
Aldermen.

(a.) The nomination of such Mayor and Aldermen shall be held on the second Saturday after the issue of letters patent incorporating the city municipality, from twelve o'clock noon to two o'clock p.m., and the polling, in case a poll shall be demanded, shall be held on the following Saturday after such nomination: the Returning Officer shall be such person as the Lieutenant-Governor in Council shall appoint:

Poll to be taken.

(b.) The poll to be taken by the Returning Officer, in case a poll shall be demanded, shall be open from nine o'clock a.m. to seven o'clock p.m., and the Returning Officer shall have authority to appoint a Deputy Returning Officer, Poll Clerk, and constables, and such other officers as he shall deem necessary for taking such poll and for maintaining order at the polling-station:

Where nomination  
and poll to be held.

(c.) The nomination and poll, in case a poll shall be demanded, shall be held at Armstrong's Hall, Armstrong, British Columbia, or at such other place within the city municipality as the Returning Officer may appoint:

Notice of  
nomination.

(d.) Seven days' notice, prior to such nomination-day, of the time and place of nomination and of the holding of the poll, in case a poll shall be demanded, shall be given by the Returning Officer in a newspaper published in the city

municipality, and shall be posted for the like period on the entrance-door of the said Armstrong's Hall, and in the Post-office, Armstrong, British Columbia:

- (c.) The Returning Officer shall provide a ballot box or boxes Ballot-boxes. and the necessary ballots for use at the said election, and, except as by this Act is otherwise provided, he shall as far as possible conduct such election in all respects in conformity with the provisions of the "Municipal Elections Act."

6. The qualifications for Mayor and Aldermen of the city Qualification of Mayor and Aldermen. municipality at said first election shall be as provided for Mayor and Aldermen in sections 16 and 17 of the "Municipal Act," excepting, however, that the assessment roll referred to in said sections shall mean that part of the last revised assessment roll of the present Township of Spallumcheen referring to property within the limits of the city municipality.

7. Until the city municipality is divided into wards, the Mayor Wards. and Aldermen shall be elected by those qualified to vote in the whole city.

8. The right to vote at said first election of Mayor and Aldermen Qualifications of voters in city. of the city municipality shall be regulated by the following provisions, namely:—

- (a.) All persons whose names are, at the date of issue of letters patent incorporating the city municipality, on the voters' list for the present Township of Spallumcheen by virtue of qualification within the limits of the city municipality, and also any male or female, being a British subject of the full age of twenty-one years, and not excluded from voting by section 4 of the "Municipal Elections Act," and being a freeholder, householder, or licence-holder for at least six months previous to such election, and being for at least six months resident within the limits of the city municipality, shall be entitled to vote:

- (b.) It shall be the duty of the Returning Officer, forthwith Voters' list, how to be made. after the issue of letters patent incorporating the city municipality, to enter in a book, in alphabetical order, the names, addresses, and occupations of the persons whose names appear on the voters' list for the present Township of Spallumcheen by virtue of qualification within the limits of the city municipality, and thereafter to enter in such book, in such order, the names, addresses, and occupation of all other persons qualified under the last preceding subsection, as declarations are received, as mentioned in the next succeeding subsection:

Declaration by  
person other than  
one on old voters'  
list.

- (c.) Before the name of any person, other than those appearing on said voters' list mentioned in subsection (a), is entered in such book, he or she shall sign a declaration in writing before some person authorized 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 making of such entries shall be closed on the day before nomination-day, and such book shall then be the voters' list of the city municipality for said first election and for all purposes until another list is prepared in accordance with the "Municipal Elections Act."

First meeting  
of Council.

9. The first meeting of the Council of the city municipality shall be held at Armstrong's Hall, in the said City of Armstrong, on the first Wednesday after such election, commencing at two o'clock p.m.

First Mayor and  
Aldermen to hold  
office until  
successors  
elected.

10. The Mayor and Aldermen elected at said 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.

Agreement with  
Township of  
Spallumcheen.

11. It shall be lawful for the present Municipality of the Township of Spallumcheen and the city municipality to carry into effect the Indenture set out in Schedule A to this Act, and to certain public property, rights, interests, and benefits therein referred to, and apportioning same between the township municipality and the city municipality; and said Indenture is hereby confirmed, and shall to all intents and purposes be valid and binding upon the present Municipality of the Township of Spallumcheen and upon the city municipality.

Power to make and  
repeal by-laws.

12. The Council of the city municipality shall, in addition to all its powers, have power from time to time to make, alter, and repeal by-laws for all or any of the purposes following, namely:—

- (a.) With the consent of the township municipality, to extend the waterworks system of the city municipality into any part of the township municipality, and as vendors to supply water from any part of such system to all or any part of the township municipality;
- (b.) With the consent of the township municipality, to extend the electric-light system of the said city municipality to all parts of the township municipality, and as vendors to supply electric light or power to any part of the said township municipality.

Board of Licence  
Commissioners,  
special meeting of.

13. A special meeting of the Board of Licence Commissioners for the city municipality 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 may be exercised all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in section 331 of the "Municipal Act."

14. After the issue of letters patent incorporating the city municipality, the Reeve and Councillors of the present Municipality of the Township of Spallumcheen shall hold office as the Reeve and Councillors of the township municipality until a Reeve and Councillors shall have been elected for the township municipality in accordance with the provisions of this Act.

After city incorporated, Reeve and Councillors of township to continue in office

15. The Council of the township municipality, after the Reeve and Councillors referred to in the last preceding section cease to hold office, shall consist of a Reeve and five Councillors, and the first election of such Reeve and Councillors shall be governed by the following provisions, namely:—

First election of Reeve and Councillors in township

(a.) The nominations for such Reeve and Councillors shall be held on the second Saturday after the issue of letters patent incorporating the city municipality, from twelve o'clock noon to two o'clock p.m., and the polling, in case a poll should be demanded, shall be held on the following Saturday after such nomination:

Nominations

(b.) The Clerk of the Municipal Council of the present Municipality of the Township of Spallumcheen shall be the Returning Officer for such election:

Returning Officer

(c.) The poll to be taken by the Returning Officer, in case a poll shall be demanded, shall be open from nine o'clock a.m. to seven o'clock p.m., and the Returning Officer shall have authority to appoint a Deputy Returning Officer, Poll Clerk, constables, and such other officers as he shall deem necessary for the taking of such poll and for maintaining order at the polling-station:

Poll to be taken

(d.) The nomination and poll, in case a poll shall be demanded, shall be held at the Municipal Council Chamber, Armstrong, British Columbia, or at such other place within the city municipality as the Returning Officer may appoint:

Where nomination and poll to be taken

(e.) Seven days' notice, prior to such nomination-day, of the time and place of nomination and of the holding of the poll, in case a poll shall be demanded, shall be given by the Returning Officer in a newspaper circulated in the township municipality, and such notice shall be posted for a like period on the entrance-door of the said Municipal Council Chamber and at five public places within the township municipality:

Notice of nomination

(f.) The Returning Officer shall provide a ballot box or boxes and the necessary ballots for use at the said election, and,

Ballot boxes

except as by this Act otherwise provided, he shall as far as possible conduct such election in all respects in conformity with the provisions of the "Municipal Elections Act."

Qualifications  
of Reeve and  
Councillors

16. The qualifications for Reeve and Councillors at such election shall be as provided for Reeve and Councillors respectively in sections 18 and 19 of the "Municipal Act," excepting, however, that the assessment roll referred to in said sections shall mean that part of the last revised assessment roll of the present Township of Spallumcheen referring to property outside the limits of the city municipality.

Qualification of  
voters in township

17. The right to vote at the election of Reeve and Councillors of the township municipality referred to in section 15 of this Act shall be governed by the following provisions, namely:—

(a.) All persons whose names are, at the date of the issue of letters patent incorporating the city municipality, on the voters' list for the present Township of Spallumcheen by virtue of qualification outside the limits of the city municipality, and also any male or female, being a British subject of the full age of twenty-one years, and not excluded from voting by section 4 of the "Municipal Elections Act," and being a householder, freeholder, or licence-holder for at least six months previous to such election, and being for at least six months resident within the said Township of Spallumcheen outside the limits of the city municipality, shall be entitled to vote:

Voters' list,  
how prepared

(b.) It shall be the duty of the Returning Officer, forthwith after the issue of letters patent incorporating the city municipality, to enter in a book, in alphabetical order, the names, addresses, and occupations of the persons whose names appear on the voters' list for the present Township of Spallumcheen by virtue of qualification outside the limits of the city municipality, and thereafter to enter in such book, in such order, the names, addresses, and occupation of all other persons qualified under the last preceding subsection, as declarations are received, as mentioned in the next succeeding subsection:

Declaration to be  
made by other than  
those on old voters'  
list

(c.) Before the name of any person, other than those appearing on said voters' list mentioned in subsection (a), is entered in such book, he or she shall sign a declaration in writing before some person authorized 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 making of such entries shall be closed on the day before nomination-day, and such book shall then be the voters' list of the township municipality for said election

mentioned in section 15 of this Act, and for all purposes until another list is prepared in accordance with the "Municipal Elections Act."

**18.** The first meeting of the Council of the township municipality after the election referred to in section 15 of this Act shall be held at the Municipal Council Chamber, in the said City of Armstrong, on the first Wednesday after such election, commencing at two o'clock p.m.

First meeting of Council where to be held

**19.** Until the township municipality is divided into wards, the Reeve and Councillors shall be elected by those qualified to vote in the whole municipality.

Wards

**20.** The Reeve and Councillors elected at said election referred to in section 15 of this Act 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 Reeve and Councillors to hold office till successors are elected

**21.** The Council, the Court of Revision, the Licensing Court, and the Board of School Trustees of the township municipality may at all times hold any or all of their respective meetings within the limits of the city municipality, and have all or any of their respective offices situate within such limits, and elections to the Council and to the Board of School Trustees of the township municipality and any vote authorized by any Statute to be taken by the inhabitants, electors, or ratepayers of the township municipality may at all times be held within the limits of the city municipality.

Township may hold meetings within city

**22.** It shall be the duty of the township municipality and the city municipality respectively to comply with all the provisions of any by-law of the present Corporation of the Township of Spallumcheen creating a debt or authorizing the issue of debentures, so far as the said by-law provides for the creation of a sinking fund and the payment of interest on such debt, and respectively to levy, assess, and collect upon and from the rateable property within the respective municipalities the amount of the said sinking fund and interest in proportion to the amount of the debt assumed by each of them respectively; and all amounts so paid for sinking fund, together with all amounts heretofore paid into any sinking fund created by the present Corporation of the Township of Spallumcheen, shall, in the case of all by-laws in whole or in part assumed by the city municipality, be held and invested by the city municipality for the purpose for which the sinking fund was created; and all amounts so paid for sinking fund, together with all amounts heretofore paid into any sinking fund created by the present Corporation of the Township of Spallumcheen, shall, in the case of all by-laws assumed by the township municipality, be held and invested by the town-

Duties of city and township as to existing debts

ship municipality for the purposes for which the sinking fund was created; and in the case of the township municipality, on the first day of September in each year it shall pay to the city municipality the amount of sinking fund and interest for which it is liable and has agreed to pay on all and any by-laws creating a debt or authorizing the issue of debentures, and which it has agreed in part to pay.

Powers of city and township as to payment of existing debts.

23. In case either the township municipality or the city municipality shall at any time or times desire to pay off the share of all or any of said debenture indebtedness assumed by it as set forth in Schedule A of this Act, either in whole or in part, it shall be lawful for the Council of either of such municipalities, by a by-law or by-laws, without any petition therefor, and without the assent thereto of the electors, at any time or times, and in one or more sum or sums, to borrow upon the credit of such municipality the sums necessary to pay off in whole or in part said share of said debenture indebtedness, at a rate of interest not greater than six (6) per cent. per annum, and for a period not exceeding fifty (50) years from the date of the by-law or by-laws. Such by-law or by-laws shall conform in other respects to the provisions of the "Municipal Act," and the old debentures so paid off shall forthwith be cancelled and no others issued in their place or stead.

Authorized but unissued debentures.

24. All debentures which shall have been authorized but not issued by the present Municipality of the Township of Spallumcheen prior to the passing of this Act may be issued by and in the name of the township municipality, and all debentures so issued shall be as valid to all intents and purposes as if the same had been issued by the present Corporation of the Township of Spallumcheen prior to the passage of this Act.

Payment of expenses of incorporation.

25. The Council of the city municipality and the Council of the township municipality shall pay out of the ordinary revenue of such municipality, in addition to all costs, charges, and expenses incurred in the making and carrying-out of the Indenture set out in Schedule A to this Act, the expenses of obtaining this Act, in the proportion set out in the ninth article of said Indenture.

Disposal of sewerage and garbage.

26. It shall be lawful for the Council of the city municipality to dispose of sewerage and garbage and waste by depositing the same at some point outside the limits of the city municipality, in such manner as may be found expedient, and from time to time to appropriate, take, and hold lands, both in and beyond the limits of the city municipality, as may be considered by the Council to be right and necessary for the purposes aforesaid; always provided that no nuisance is thereby created.

Arrears of taxes within city.

27. All arrears of taxes levied by the present Municipality of the Township of Spallumcheen on lands within the limits of the city



municipality shall be vested in the city municipality, and it shall have all the rights, powers, and privileges of the said present municipality 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 present municipality as regards lands within the limits of the city municipality sold at tax sales of the said present municipality heretofore held shall be vested in the city municipality, and the city municipality shall have the like power to give deeds of such lands as the said present municipality would have had if this Act had not been passed.

28. Nothing herein contained shall impair or affect any licence heretofore issued by the present Municipality of the Township of Spallumcheen so far as the same is valid and binding, and the city municipality shall until the expiration thereof, have and exercise all rights and powers with regard thereto as the said present municipality could have exercised, and upon the expiration thereof the reissue shall be regulated by the statutory powers governing the city municipality. Licences

29. All provisions of the "Municipal Act," the "Municipal Elections Act," and the "Municipalities Incorporation Act," and amending Acts, shall apply to the said township municipality and the city municipality respectively, except where the provisions of said Acts are repugnant to the provisions of this Act. Application of  
"Municipal Act"  
and "Municipal  
Elections Act"

30. After letters patent incorporating the said city municipality have been issued by the Lieutenant Governor in Council in accordance with this Act, a new Board of School Trustees shall be elected in each municipality; and such elections shall be conducted in the same manner and be held at the same time and in the same place as the elections for Mayor and Aldermen and for Reeve and Councillors in each respective municipality. Until such new Boards are elected, the present Board of School Trustees for the Spallumcheen School District shall hold office. New Boards of  
School Trustees

31. Notwithstanding anything herein contained, each of the said municipalities shall remain jointly and severally liable for the debts and liabilities of the said present municipality until the same shall have been fully paid and satisfied, but the indebtedness of the said present municipality shall not be included in any computation of the aggregate debts of either municipality under section 124 of the "Municipal Act," except to the extent of the amount thereof separately assumed by each municipality respectively. Continuing liability  
of municipality  
to creditors

32. Notwithstanding anything in this Act or in the Schedules thereto contained, all transfers of water rights or water records provided for in the said Indenture set out in Schedule A to this Transfers, water  
rights or water  
records

Act, and all matters and things therein contained relating to the diversion, acquisition, or use of water, shall be in all respects subject to any Act now in force or hereafter passed respecting water and water-power, or relating to the diversion, acquisition, and use of water, unless otherwise provided in said last-mentioned Act.

Council's approval  
necessary before  
breaking up and  
opening of streets,  
etc

33. The powers set out in subsections (7) and (8) of the first clause of the Agreement set out in Schedule A hereto shall not be exercised in so far as the same relates to the breaking-up and opening of streets for the erection of poles, or for carrying wires and water-pipes underground, without the approval of the Council of the township municipality.

## SCHEDULES.

### SCHEDULE A.

THIS INDENTURE, made and entered into the second day of December, in the year of our Lord one thousand nine hundred and twelve.

Between,

THE CORPORATION OF THE TOWNSHIP OF SPALLUMCHEEN (hereinafter referred to as "the Township Corporation") of the first part;

and

FREDERICK T. JACKSON, JAMES M. WRIGHT, and FRANCIS C. WOLFENDEN, all of Armstrong, in the Province of British Columbia, on behalf of themselves and all other the inhabitants of the area (hereinafter described and referred to as "the city area") proposed to be incorporated as the "City of Armstrong" (hereinafter referred to as "the City"), of the second part.

Whereas the Township Corporation is incorporated as a township municipality under the laws of the Province of British Columbia relating to such municipalities:

And whereas a petition has been presented to the Legislature of the Province of British Columbia, praying for the passing of an Act incorporating the inhabitants of the tract of land described in the next following paragraph, being within the limits of the Township Corporation, as a city by special Act of incorporation under the name of the "City of Armstrong," and separating the said tract of land from the Township Corporation:

And whereas the said tract of land is described as follows: Commencing at the south-east corner of the North-west Quarter of Section Thirty-two (32) in Township Four (4), in the Osoyoos Division of Yale District, and running thence due north one and one-half miles to the north-east corner of the North-west Quarter of Section Five (5) in Township Thirty-five (35), in the said Osoyoos Division of Yale District, running thence due west one and one-quarter miles to the centre of the north boundary of the North-west Quarter of Section Six (6) in said Township Thirty-five (35); thence due south one-half mile to

the south boundary-line of the said North-west Quarter of Section Six (6); thence due west one-quarter mile to the south-west corner of the said North-west Quarter of Section Six (6); thence due south one-half mile to the south-west corner of said Section Six (6); thence due east one-half mile to the south-east corner of the South-west Quarter of said Section Six (6); thence due south fifty (50) rods along the western boundary of the North-east Quarter of Section Thirty-one (31) in said Township Four (4); thence due east to the intersection with the west boundary-line of the right-of-way of the Shuswap and Okanagan Railway; thence in a southerly direction along the west boundary-line of the said railway right-of-way to the southern boundary-line of the North-east Quarter of Section Thirty-one (31) in Township Four (4); thence due east along the southern boundary-line of the North-east Quarter of Section Thirty-one (31) and the North-west Quarter of Section Thirty-two (32) in Township Four to the point of commencement, and same is hereinafter referred to as "the city area":

And whereas at a public meeting of the ratepayers of the Township Corporation, held on the twentieth day of August, 1912, the said Frederick T. Jackson, James M. Wright, and Francis C. Wolfenden were appointed a committee representing the inhabitants of the city area 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, at which said public meeting the said committee was authorized to take all necessary steps and to do all necessary works in that behalf:

And whereas on the twenty-ninth day of August, 1912, a committee appointed by the Township Municipality met with the above-mentioned committee representing the inhabitants of the city area, and it was jointly agreed to enter into this Agreement:

Now, this Indenture witnesseth that, for the consideration herein expressed and in pursuance of the said Agreement, it is hereby agreed between the parties hereto as follows:—

First: The Township Corporation will grant and convey to the City the following properties and assets, namely:—

- (1.) That part of the South-west Quarter of Section numbered Six (6) in Township numbered Thirty-five (35), in the Osoyoos Division of Yale District and Province of British Columbia, containing 7.13 acres, known as the Fair Grounds and Agricultural Buildings, and more particularly delineated on a map or plan attached to a conveyance of the said lands and premises dated the first day of July, 1909, from C. J. Becker and J. M. Wright, as grantors, to the Township Corporation, which conveyance is duly registered in the Land Registry Office at the City of Kamloops, British Columbia, and therein numbered 13235; subject, however, to the free use at all times when required by the Agricultural Society for agricultural show purposes, and farther subject to the deed of trust under which said property was conveyed to the said Township Corporation:
- (2.) Lots numbered Nine (9) and Ten (10) of a subdivision of part of the South Half of Section numbered Six (6) in Township numbered Thirty-five (35), in the Osoyoos Division of Yale District and Province of British Columbia, according to a map or plan of the said subdivision deposited in the Land Registry Office at the City of Kamloops, in the said Province, and therein numbered 624 and 583, being the Armstrong High School site:
- (3.) That part of the South-east Quarter of Section numbered Six (6) in Township numbered Thirty-five (35), in the Osoyoos Division of Yale District and Province of British Columbia, described as follows: Commencing at a point forty (40) feet west of the south-west corner

of Lot numbered One (1) in Block numbered Twenty-three (23), map or plan of the Townsite of Armstrong, deposited in the Land Registry Office at the City of Kamloops, in said Province, and therein numbered five (5), running thence south seventy degrees forty-four minutes ( $70^{\circ} 44'$ ) west magnetic a distance of one hundred and forty-one feet three inches ( $141' 3''$ ); thence north eleven degrees thirty-four minutes ( $11^{\circ} 34'$ ) west a distance of three hundred and forty-three feet three inches ( $343' 3''$ ); thence due east one hundred and forty-four and seventeen one-hundredths feet ( $144.17'$ ); thence south eleven degrees thirty-nine minutes ( $11^{\circ} 39'$ ) east a distance of two hundred and ninety-three feet ( $293'$ ) to the point of commencement, and being the Armstrong Public School site:

- (4.) That part of the North-east Quarter of Section numbered Seven (7) in Township numbered Thirty-five (35), in the Osoyoos Division of Yale District, in the Province of British Columbia, described as follows: Commencing at a point four hundred and ninety-five feet ( $495'$ ) west of the south-east corner of the said North-east Quarter of said Section Seven (7); thence running north at right angles twenty (20) chains; thence west at right angles two and one-half ( $2\frac{1}{2}$ ) chains; thence south at right angles twenty (20) chains; thence east at right angles two and one-half ( $2\frac{1}{2}$ ) chains to the point of commencement, and containing five acres, more or less, and being the New Cemetery:
- (5.) One acre of Lot numbered Five (5) of a subdivision of parts of the South-west Quarter of Section Four (4) and the South-east Quarter of Section Five (5) in Township numbered Thirty-five (35), in the Osoyoos Division of Yale District and Province of British Columbia, according to a map of the said subdivision deposited in the Land Registry Office at the City of Kamloops, in the said Province, and therein numbered one hundred and eighty-five (185), the said one acre being more particularly delineated on a map or plan attached to a conveyance of the said one acre from N. Fruno to the said Township Corporation, dated the eighteenth day of July, 1906, deposited in the said Land Registry Office as Number 1881, and being the lands under Certificate of Title numbered 9925 A, the said lands being the Dumping Grounds:
- (6.) The West Half of Legal Subdivision Six (6) and the South Half of Legal Subdivision Eleven (11) in Section numbered Fourteen (14) in Township numbered Seventeen (17), in Range Nine (9) west of the sixth meridian, in the Province of British Columbia, and within the Osoyoos Division of Yale District, the said lands being the Electric Light and Power Plant Property:
- (7.) All and singular any and all interest, whether legal or equitable, in water records in Davis Creek in said municipality, together with all the waterworks of the said municipality, the said Township Corporation, and all dams, gates, sluices, pipes, flumes, reservoirs, taps, buildings, machinery, and rights-of-way through which any and all of the said waterworks system may or does at the present time pass, with the right to the said City at all times hereafter to construct, operate, maintain, and repair waterworks systems and pipe-lines on, through, under, or over any and all public highways in the said municipality, the Township Corporation, and to collect tolls or rates for the use of said water:
- (8.) And all and singular the Township Corporation's electric light and power water records, plant, machinery, buildings, ways, poles, cross-arms, wires, and system, with all rights-of-way through which the

same passes, with the right to the said City at all times hereafter to construct, operate, maintain, and repair electric light and power lines through, on, under, or over any and all public highways of the Township Corporation, and the franchises granted by the Township Corporation on the first day of November, 1906, to the Armstrong Light and Power Company, Limited, and by the said Company granted to the Township Corporation on the twenty-sixth day of March, 1909, in trust for the Township of Armstrong, now the City:

- (9.) All municipal office furniture and fixtures and electric light and power books and waterworks books of the Township Corporation:
- (10.) All and singular the fire hose, reels, and other equipment of the fire brigade, street lamps and posts:
- (11.) All arrears of taxes and assessments due on the first day of January, 1913, on lands and real property within the said city area, and all rights and privileges in connection therewith:
- (12.) Any and all real property within the city area acquired by the Township Corporation at tax sales in 1912, or any former years:
- (13.) All other public works and improvements located within the city area.

Second: The City shall have access to the books of the Township Corporation, at all reasonable hours, until all debenture debts and other matters in which the City and the Township Corporation are mutually interested are fully completed and carried out.

Third: The Township Corporation agrees to account for and pay over to the City all taxes and licences collected by it after the first day of January, 1913, within the city area.

Fourth: All debts and liabilities owing by the Township Corporation shall be assumed and borne by the Township Corporation and the City as follows:—

- (a.) In respect of the debenture debt of the Township Corporation, amounting to one hundred and nineteen thousand four hundred and fifteen and sixty-one one-hundredths dollars (\$119,415.61), under the by-laws passed in the years for the purposes, the amounts, and maturing on the years hereinafter mentioned, that is to say:—

Passed.	Purposes.	Amounts	Maturing.
1902	Waterworks, Armstrong	\$12,000 00	1932
1904	Fire Brigade,	1,500 00	1914
1907	Waterworks,	18,000 00	1937
1907	Waterworks,	3,000 00	1922
1908	Wood sidewalks,	1,000 00	1918
1909	Electric works,	30,000 00	1939
1909	Waterworks,	8,000 00	1939
1909	Electric works,	5,000 00	1929
1909	High School,	5,000 00	1919
1911	Wood sidewalks,	600 00	1920
1910	Electric works,	13,000 00	1930
1910	Public School,	3,000 00	1920
1910	Wood sidewalks,	115 00	1920
1911	Cement sidewalks,	3,215 96	1931
1911	Cement sidewalks,	3,884 65	1931
1911	Electric works,	10,000 00	1941
1912	Agricultural Hall,	2,100 00	1922

\$119,415 61

The City shall undertake and be responsible for the payment of the same, and shall at all times hereafter indemnify the Township Corporation from and against the liability so undertaken by it:

- (b.) In respect of the debenture debt of the Township Corporation, amounting to thirty-five thousand five hundred dollars (\$35,500), under the by-laws passed in the years for the purposes, the amounts, and maturing on the years hereinafter mentioned, that is to say:—

Passed.	Purposes.	Amounts.	Maturing.
1905	Agricultural Hall.....	\$ 3,000 00	1916
1909	Agricultural Hall.....	2,500 00	1919
1912	Electrical works, Armstrong.....	30,000 00	1942
		<hr/>	
		\$35,500 00	

The City shall undertake and be responsible for seventeen thousand seven hundred and fifty dollars (\$17,750) and the Township Corporation shall undertake and be responsible for the balance, and each of the said municipalities shall at all times hereafter indemnify the other of the said municipalities from and against the liabilities so undertaken by it:

- (c.) In respect of the balance of the present debenture debt of the Township Corporation, the Township Corporation shall undertake and be responsible for the same, and the Township Corporation shall at all times hereafter indemnify the City from and against the liability so undertaken by it.

Fifth: The Township Corporation agrees to grant and convey to the City all moneys and securities for money, which the Township Corporation has in the hands of its Treasurer or in its bank, levied, assessed, and collected under any and all of the by-laws of the Township Corporation which the City is assuming in whole or in part. The Agreements by the Township Corporation hereinbefore contained are subject to the conditions following, namely: that the City shall agree to the matters and things set out in clauses six, seven, and eight hereof.

Sixth: The City shall keep in repair the present water systems of the Township Corporation extensions of the City water systems beyond the limits of the said city area during the lifetime of the present systems respectively, and the opinion of the City Water Committee as to the time when any such system shall be beyond repair shall be conclusive, and the City agrees that it will during such lifetime of the respective systems supply to such systems respectively available water or that which may be available, and, except for repairing the system or for non-payment of water rates, not to cut off the supply of water as long as water is available.

Seventh: The City shall maintain the High School now erected and in operation within the city area, and the Township Corporation undertakes and agrees that it will pay a monthly proportion of the monthly expenses thereof, calculated on the basis that the attendance of scholars from the Township Corporation area bears to the total attendance.

Eighth: The City shall maintain the Township Corporation ditch schemes lying within the city area.

Ninth: The expenses incurred or that may be incurred in the making and carrying out this Agreement shall be paid by the Township Corporation and the City in the proportion of the assessed value of the real property in the city area and in the limits of the Township Corporation outside the city area as shown by the revised assessment roll of the Township Corporation, 1912.

Tenth: Failing the passing of this Act as mentioned in clause twelve hereof, the expenses so far as then incurred in making and carrying out this Indenture shall be paid by the Township Corporation and the ratepayers of the city area in the proportion of the assessed value of the real property in the city area and in the limits of the Township Corporation outside the city area as shown by the revised assessment roll of the Township Corporation, 1912.

Eleventh: In the event of any dispute arising in connection with this Agreement, the same shall be referred to arbitration under the provisions of the "Arbitration Act."

Twelfth: This Indenture, except clauses ten and eleven hereof, shall not take effect or become operative until an Act is passed by Legislature of the Province of British Columbia incorporating the City and separating the city area from the Township Corporation.

In witness whereof the parties of the second part have hereunto set their hands and seals and the seal of the Township Corporation has been affixed on the day and year first above written.

Signed, sealed, and delivered in the presence of—

S. B. VAN KLEECK,  
Armstrong, B.C.,  
*Solicitor.*

F. T. JACKSON. [L.S.]

J. M. WRIGHT. [L.S.]

F. C. WOLFENDEN. [L.S.]

C. T. SCHUBERT.

*Reeve.*

CHARLES E. W. CREED,  
*Clerk.*

[Seal of the Corporation of the Township of Spallumcheen.]

#### SCHEDULE B.

Commencing at the south-east corner of the North-west Quarter of Section Thirty-two (32) in Township Four (4), in the Osoyoos Division of Yale District, and running thence due north one and one-half miles to the north-east corner of the North-west Quarter of Section Five (5) in Township Thirty-five (35), in the said Osoyoos Division of Yale District, running thence due west one and one-quarter miles to the centre of the north boundary of the North-west Quarter of Section Six (6) in said Township Thirty-five (35); thence due south one-half mile to the south boundary-line of the said North-west Quarter of Section Six (6); thence due west one-quarter mile to the south-west corner of the said North-west Quarter of Section Six (6); thence due south one-half mile to the south-west corner of said Section Six (6); thence due east one half mile to the south-east corner of the South-west Quarter of said Section Six (6); thence due south fifty (50) rods along the western boundary of the North-east Quarter of Section Thirty-one (31) in said Township Four (4); thence due east to the intersection with the west boundary-line of the right-of-way of the Shuswap and Okanagan Railway; thence in a southerly direction along the west boundary-line of the said railway right-of-way to the southerly boundary-line of the North-east Quarter of Section Thirty-one (31) in Township Four (4); thence due east along the southern boundary-line of the North-east Quarter of Section Thirty-one (31) and the North-west Quarter of Section Thirty-two (32) in Township Four (4) to the point of commencement.

VICTORIA, B.C.

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1913.