

CHAPTER 103.

An Act to validate the Proceedings of the Corporation of the District of Salmon Arm since the Year 1905, and certain By-laws and Assessment Rolls.

[Assented to 28th March, 1918.]

W HEREAS the Corporation of the District of Salmon Arm was incorporated as a district municipality from and after the fifteenth day of May, 1905, by letters patent dated the fourth day of May, 1905, and by said letters patent it was provided that the Council should consist of the Reeve and four Councillors:

And whereas since the year 1907 a Reeve and five Councillors have been annually elected by the said district municipality as the Council of said district municipality, although no resolution increasing the number of the members of the Council appears to have been ever passed by the Council, or a copy thereof filed in the office of the Provincial Secretary, as required by the provisions of the "Municipal Act":

And whereas the corporate seal used by the said district municipality up to the end of the year 1914 bore the impress "Municipality of Salmon Arm" instead of "Corporation of the District of Salmon Arm," which latter was the proper title of said district municipality under said letters patent:

And whereas since the twelfth day of March, 1912, the meetings of the Council and of the Court of Revision of said district municipality appear to have been held outside of the limits of said district municipality without any resolution of the Council having been passed for holding such meetings outside the limits of the municipality except in the year 1913:

And whereas the assessment rolls for said district municipality for the years 1905, 1906, 1907, 1908 and 1909 are missing and cannot be found, although diligent search has been made for same:

And whereas the assessment rolls of said district municipality for the years 1910, 1911, 1912, 1913, 1914, 1915, and 1916 are defective

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in that they contain a number of amendments and alterations withoùt anything to show by whom or on whose authority same were made, and contain nothing on the face of them to show that same were revised or confirmed and passed by the Court of Revision, and, with the exception of the year 1912, they have not attached thereto a certificate of the Assessor as required by the provisions of the "Municipal Act":

And whereas since the date of incorporation of the said district municipality no separate minute-book of the proceedings of the Court of Revision for said district municipality has been kept, the minutes of such proceedings having been usually entered in the ordinary minute-book of the Council of said district municipality:

And whereas no minutes of proceedings of the Court of Revision for said district municipality for the years 1905, 1907, 1908, and 1911 appear to have been kept:

And whereas no by-laws for levying a rate or rates on the land and improvements in said district municipality for the years 1905, 1906, 1907, and 1908 can be found:

And whereas the by-laws set out in the Schedule hereto were duly passed on the dates set out in the said Schedule, but the provisions of the "Municipal Act" were not complied with in respect to one or more of the following requirements, namely:—

- (a.) Having affixed thereto the seal of the Corporation in proper form:
- (b.) Registration in the office of the Registrar of the County Court for the County of Yale:
- (c.) Certificate of the Clerk of the municipality on the copy of said by law deposited with the said Registrar of the County Court of Yale:

And whereas a tax sale was held by the Collector of said district municipality on the fourteenth day of October, 1915, in respect of arrears of taxes against certain lots in said district municipality since the year 1905:

And whereas doubts have arisen as to the validity of the acts of the Council of the said Corporation of the District of Salmon Arm and of the Court of Revision of said district municipality and of said by-laws, assessment rolls, and tax sale, and i* is deemed advisable to validate the same notwithstanding any defects therein:

And whereas a resolution has been passed by the Council of the said Corporation of the District of Salmon Arm asking for legislation in respect to the foregoing matters:

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

Councils and proceedings validated 1. (a.) The persons who, in the years 1908 to 1918, inclusive, were declared elected Reeve and Councillors of the Corporation of the

District of Salmon Arm are hereby declared to have been lawfully constituted Councils for the Corporation of the District of Salmon Arm at all times between the thirteenth day of January, 1908, and the first day of June, 1918, in the years in which they were so declared elected, and all acts, proceedings, and transactions of said Councils during said period are hereby declared to be and to have been at all times valid and effectual to the like extent as if a resolution increasing the number of Councillors of the said Corporation of the District of Salmon Arm had been duly passed by the Council thereof and a copy thereof filed with the Provincial Secretary, and also as if all meetings of the Council of the said Corporation of the District of Salmon Arm had been duly held within the limits of said municipality as required by the provisions of the "Municipal Act."

(b.) The present Reeve and Councillors shall remain in office New Reeve and Councillors to until the first day of June, 1918, and an election for Reeve and five elected Councillors shall be held as hereinafter set out, and thereafter the said Council shall consist of a Reeve and five Councillors until otherwise constituted by by-law or other manner authorized by the pro-constitution visions of the "Municipal Act," being chapter 52 of the "Statutes of British Columbia, 1914," and amending Acts.

(c.) The persons who on the eighteenth day of March, 1918, con-licard of School stituted the Board of School Trustees and the Board of Commissioners of Commissioners sioners of Police for the said municipality, and who are duly qualified to hold their respective offices, are hereby declared to have been lawfully elected, and they shall hold office until the first day of June, 1918, and nominations and polling for school trustees and New Board of Commissioners of Police shall be held at the same times and on the and new Board of Commissioners of same days as the nominations and polling for the Reeve and Coun Folice to be elected. cillors as hereinafter set out. Of the five persons elected to hold period during which the office of school trustees, the three persons who receive the highest hold office. number of votes shall hold office until January, 1920, and the two remaining persons elected shall hold office until January, 1919. Of period during which the two persons elected to hold office as Commissioners of Police, the Police shall hold person receiving the highest number of votes shall hold office until January, 1920, and the person receiving the next highest number of votes shall hold office until January, 1919.

2. The assessment rolls of the Corporation of the District of Assessment rolls Salmon Arm for the years 1910, 1911, 1912, 1913, 1914, 1915, and validated. 1916 shall be held to be valid as amended and altered, notwithstanding any defect in same or any of them by reason of the lack of the Assessor's certificate thereon or of any defects or omission in the appointment, constitution, or proceedings of the Court of Revision for said municipality during said years, or by reason of the holding of any sitting of the Court of Revision outside of the limits of the said municipality, or for any other reason whatever.

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By-laws in Schedule validated.

- 3. Notwithstanding anything contained in the "Municipal Act" or any amendment thereto, or in any other Act, or in any by-law of the Corporation of the District of Salmon Arm, the by-laws set out in the Schedule hereto shall not be held to be invalid or set aside or held defective by reason of the fact that the provisions of the "Municipal Act" were not complied with in one or more of the requirements following, namely:—
 - (a.) Having affixed thereto the seal of the Corporation in proper form:
 - (b.) Registration in the office of the Registrar of the County Court for the County of Yale:
 - (c.) Certificate of the Clerk of the municipality on the copy of said by law deposited with the said Registrar of the County Court of Yale.

And such by-laws shall respectively be deemed to have taken effect and come into force and be binding on all persons as from the date of the reconsideration and final passing thereof by the Council, or from any subsequent date fixed therein for the coming into force thereof, to the like extent as if the same had been duly authenticated in respect of the matters above mentioned and registered in accordance with the provisions of the "Municipal Act" at the date of reconsideration and final passing: Provided always that a copy of each and every of the said by-laws not registered in accordance with the provisions of the "Municipal Act" before the passing of this Act shall, upon the passing of this Act, be certified by the Clerk for the said Corporation of the District of Salmon Arm and the seal of the said Corporation affixed thereto, and the same forthwith thereafter duly registered.

By-law No. 50 rescinded.

4. The by-law passed on the eighteenth day of November, 1913, and numbered 50, and being a by-law to close a road which forms part of what is now the Old Foot-hill Road, situate in Section 32, Township 19, Range 10, west of the sixth meridian, is hereby rescinded and declared never to have had any effect, and there shall be no right of action by reason of the passing of such by-law.

Collector's rolls

5. The Collector's rolls for the said Corporation of the District of Salmon Arm for the years 1905, 1906, 1907, 1908, and 1909 shall be deemed and considered to show the true and correct values of the lands and improvements in said district as finally assessed, revised, or confirmed and passed in each year, notwithstanding the fact that the assessment rolls of said district for said years are missing and cannot be found; and said Collector's rolls shall also be deemed and considered to set forth and show the true and correct amount of taxes payable in each of said years, notwithstanding the fact that said assessment rolls and also the rate by-laws of said district for the years 1905, 1906, 1907, and 1908 are missing and cannot be found.

6. The tax sale held by the Collector of the said Corporation of Tax sale of the District of Salmon Arm on the fourteenth day of October, 1915, validated and all sales of land for arrears of taxes made at such sale, shall not be held to be invalid or set aside or held defective by reason of any defects or irregularities in any of the above-mentioned assessment rolls or by-laws of the said Corporation of the District of Salmen Arm, or by reason of any irregularities or omissions in the proceedings of the Assessors or of the Councils or of the Courts of Revision of the said Corporation of the District of Salmon Arm. And the sale of any land or lands made at said tax sale and still remaining unredeemed is hereby confirmed and validated, and any sale by the said Corporation of the District of Salmon Arm made subsequent to such tax sale of any such land or lands so sold at said tax sale and not redeemed within the statutory period is hereby confirmed and validated.

Provided that there shall be granted a period for redemption of one year from the date of the passing of this Act to all parties whose lands were sold at said tax sale and were purchased by the said Corporation.

7. All payments made by the Corporation of the District of payments to Reeves and Councillors Salmon Arm to the Reeves and Councillors of said district under validated any of the salary or indemnity by-laws of said district are hereby validated and confirmed, notwithstanding any defect in any of said by-laws or the registration thereof.

- 8 (1.) Any of the following persons shall, subject to the restric-qualification tions in sections 4 and 5 of the "Municipal Elections Act," being of voter chapter 71 of the "Revised Statutes of British Columbia, 1911," and amending Acts, be entitled to have his name entered on the voters' list, and if the name is so entered shall, subject to the provisions in the said Act contained, be entitled to vote at the election herein provided for, that is to say ---
 - (a.) Any male or female of the full age of twenty-one years, or any corporation, being the assessed owner of land or real property in the municipality of the assessed value of not less than one hundred dollars, or being an assessed homesteader or an assessed pre-emptor of land or real property in the municipality upon which he or she has made improvements of the value of not less than two hundred dollars:

Provided that when the assessed owner (as defined in the said Act) is the holder of the last agreement to purchase said land or real property, or the last assignee of such agreement, such assessed owner, before having his name entered on the voters' list, shall have filed with the Clerk or Assessor of the municipality before the closing of the voters' list a statutory declaration proving that he, she, or it is the holder of the last agreement to purchase land

or real property or the last assignee thereof, by the terms of which such holder is liable to pay the taxes, and that there are no taxes delinquent for more than one year with respect to such land or real property:

Provided further that a corporation shall vote only by its duly authorized agent, whose authority shall be filed with the Clerk of the municipality on or before the thirtieth day of April, 1918, and who shall be a resident of the Province and a British subject of the full age of twenty-one years: And provided further that such agent shall be entitled to vote for the corporation from year to year until his appointment as agent is cancelled and the Clerk has notice of the cancellation:

(b.) Any male or female of the age aforesaid, and any corporation, carrying on business in and being the holder of a subsisting trade licence from the municipality, the annual fee for which is not less than five dollars:

Provided that in the case of a partnership the annual fee paid for a trade licence is not less than five dollars for each partner who is a British subject and of the full age of twenty-one years:

- (c) Any male or female of the age aforesaid who is a householder within the municipality.
- (2.) The name of a householder or of the holder of a trade licence shall not be entered on the voters' list unless such holder or householder shall, on or before the thirtieth day of April, 1918, deliver or cause to be delivered to the Municipal Clerk a statutory declaration made and subscribed before a Supreme or County Court Judge, Stipendiary or Police Magistrate, Justice of the Peace, Corn missioner for taking Affidavits within British Columbia, Notary Public, or the Municipal Clerk, and being, in the case of a holder of a trade licence, in the form or to the effect of Form 1 in the Schedule, and in the case of a householder, in the form or to the effect of Form 2 in the Schedule, such Schedule being the Schedule to the "Municipal Elections Act," being chapter 71 of "Revised Statutes of British Columbia, 1911," and amending Acts.

Voters' list.

- 9. That a new voters' list shall forthwith be prepared by the Clerk of the Municipality and shall be closed at five o'clock in the afternoon on the thirtieth day of April, 1918:
 - (a.) The list so prepared, or a copy thereof, shall, on the first day of May, 1918, be posted upon the notice-board or usual place for public notifications at the Municipal Hall, and remain so posted until the sitting of the Court of Revision:
 - (b.) The Council shall, on or before the said first day of May, 1918, by resolution, appoint two Aldermen or Councillors who, with the Mayor or Reeve, shall form a Court of Revision, and such Court shall sit on the eleventh day of

May, 1918, and shall continue to sit, if requisite, from day to day. Ten days' notice of the sitting of such Court shall be given by posting as aforesaid, and such notice shall be advertised for five obsecutive days in one week in some daily newspaper published in the said municipality, or in three consecutive issues of a weekly or semi-weekly newspaper published in the municipality if there is no daily paper published therein:

- (c.) The Court of Revision shall correct and revise the said voters' list, and shall have power to hear and (by a majority vote) to determine any application to strike out the name of any person which has been improperly placed thereon, or to place on such list the name of any person improperly omitted from such list. All alterations made in the list shall be shown in red ink, and the list so corrected, revised, and altered by the said Court shall be certified by the Mayor or Reeve as correct, showing the Court's determination thereupon, and forthwith printed as so certified, showing such certificate:
- (d.) Three copies at least of the voters' list so printed as aforesaid shall be posted up in each of three conspicuous public places in the said municipality, and at the Municipal Hall, and shall remain posted up until the day of election.
- 10. The nomination for Reeve and Councillors shall be held on when nominations Thursday, the twenty-third day of May, 1918, from twelve noon to held. two p.m., and the polling (if any) shall be held on Friday, the thirty-first day of May, 1918, from nine a.m. to seven p.m.
- 11. The Municipal Council shall in the month of April, 1918, Council to appoint appoint by by-law or resolution: -
 - (a.) The places for holding the nominations:
 - (b.) A Returning Officer:
 - (c.) The places at which polls will be opened in the munici-Place of opening pality in case a poll is required, which poll shall be held at the Municipal Hall or in such other places as may be designated by the Council, irrespective of wards:
 - (d.) The Deputy Returning Officers who will preside at the respective polling-places,—

and shall, before the day of nomination, furnish the Returning Officer and each deputy with a printed copy of the list of voters, and otherwise arrange for the holding of the coming election.

The polling for Reeve may be held at each and every polling-place, subject to section 57 of the "Municipal Elections Act," being chapter 71 of the "Revised Statutes of British Columbia, 1911," and amending Acts.

Application of R 8.B.C. 1911, c. 7 and c. 206 and amendments.

12. All the provisions of the "Municipal Elections Act," being chapter 71 of the "Revised Statutes of British Columbia, 1911," and amending Acts, and the "Public Schools Act," being chapter 206 of the "Revised Statutes of British Columbia, 1911," and amending Acts, shall apply to the said elections except where the provisions of the said Acts are repugnant to the provisions of this Act.

Pending litigation

13. This Act shall not affect any litigation pending on the eighteenth day of March, 1918.

Interpretation of "Municipal Act" 14. Wherever the words "Municipal Act" are used in this Act they shall be deemed to refer in the case of each by-law to the "Municipal Act" for the time being in force at the date of the passing thereof as set out in the Schedule hereto.

Short title

15. This Act may be cited as the "District of Salmon Arm By-laws and Assessment Rolls Validation Act, 1918."

SCHEDULE.

No. of By-law.	Title of By-law.	Date of Final Pass	ing.	Date o Registrati	f on,
1	Procedure	28 Nov.,	1908	30 Dec.,	1908
2	Repealing Assessors' and Collectors' Duties By-law, 1905	28 Nov.,	1908		1908
3	Repealing Municipal Drainage By-law, 1907	28 Nov.,	1908	30 Dec.,	1908
4	Repealing the Interpretation By-law,	28 Nov.,	1908	30 Dec.,	1908
5	Repealing Registered Townsite By-law	28 Nov.,	1998	30 Dec.,	1908
6	Repealing Road Allowance By-law	28 Nov	1908	30 Dec.,	1908
7	Repealing Road Tax By-law, 1905	28 Nov.,	1908	30 Dec.,	1908
8	Repealing Herd By-law	28 Nov.,	1908	30 Jan.,	1909
14	Salmon Arm Rate By-law, 1909	20 March.	1909	18 April,	1913
16	Salary By-law, 1910	9 May,	1910	27 May.	1910
18	Noxious Weeds By-law, 1910	9 May.	1910	27 May.	1910
19	Salmon Rate By-law, 1910	12 Sept.	1910	12 March.	1913
21	Temporary Loan By-law, 1911	13 May.	1911	25 May,	1911
22	District Municipality of Salmon Arm Road Tax By-law	13 May.	1911	25 May.	1911
23	District Municipality of Salmon Arm Dog Tax By-law	13 May.	1911	25 May,	1911
24	Salary By law, 1911	10 July.	1911	24 July.	1911
25	Sabbath Observance By-law	7 Aug.,	1911	15 Aug.	1911
26	Salmon Arm Rate By-law, 1911	30 Aug.	1911	11 Sept.	1911
27	By-law to open and establish a Road through Sec. 24, Tp. 20, Salmon Arm Municipality	2 Jan .	1912	24 Oct.,	1912
28	By-law to open and establish a Road through Sec. 32, Tp. 20, R. 9 W. of 6th Mer., Salmon Arm Municipality	2 Jm.	1912	24 Oct.	1912
20	By-law to open and establish a Road along Secs. 24, 25, and 36, Tp. 20,	2 Jan.	1912	21 Oct.	1912
30	R. 10 W. 6th Mer. By-law to open and establish a Road through part of Sec. 12, Tp. 20, R. 10 W. 6th Mer., Salmon Arm Municipality	2 Jan	1912	2FOct.	1912
31	By-law to open and establish a Road through Sec. 17, Tp. 20, R. 9 W. 6th Mer., Salmon Arm Muulcipality	2 Jan.,	1912	24 Oct .	1912
32	By-law to open and establish a Road through Sec. 17, Tp. 20, R. 10 W. 6th Mer., Salmon Arm Municipality	2 Jan.,	1912	21 Oct .	1912
33	Salary By-law, 1912	11 March,			1912
34	Temporary Loan By-law, 1912	11 March.			1912
35	Wards Rearrangement By-law	9 Dec.,	1912	ſ	1913
36	Trade Licence By-law	25 July.	1912	27 July.	1912
37	District of Salmon Arm Rate By-law, 1912	15 Oct.,	1912	24 Oct.,	1912
3 8	Referendum re Tax for Advertising Purposes	4 Jan.,	1913	15 Feb.,	1913

No. of By-law.	. Title of By-law.	Date of Final Passing	Date of Registration.
39	By-law to open and establish a Road commencing on the S.E. ¼ 5-20-9 W. 6th Mer.	G Jan., 191	3
40	By-law to open and establish a Road commencing at the N.E. Corner 9-20-9 W. of 6th Mer.	6 Jan 191	3 16 Feb 1917
41	By-law to close a Road which forms Part of what is known as the Old Canoe Creek Main Road, situate in	6 Jan., 191	3 26 March, 1913
42	Sec. 30, Tp. 20, R. 9 W. of 6th Mer. By-law to close a Road which forms Part of the Road known as Lake Front Road, situate in Sec. 24, Tp. 20, R. 10 W. 6th Mer.	6 Jan 191	3 26 March, 1913
43	Salary By-law, 1913	10 Feb., 191	3 15 Feb., 1913
44	Temporary Loan By-law, 1913	10 March, 191	3 12 March, 1913
4414	Temporary Loan By-law, 1913	14 July, 191	3 19 July, 1913
46	By-law to amend Temporary Loan By- law No. 44 and Repealing By-law 441/2	11 Aug., 191	3 14 Aug., 1913
47	District of Salmon Arm Rate By-iaw. 1913	21 June, 191	3 19 July, 1913
48	By-law to close Road which forms Part of the Road known as Canoe Creek Road in Sec. 19, Tp. 20, R 9 W. 6th Mer.		3 22 Dec. 1913
51	By-law to open and establish a Road through Sec 31, Tp. 20, R. 9 W. 6th Mer.	8 Dec., 191	3 22 Dec., 1913
52	Salary By-law, 1914	9 Feb., 191	4 12 Feb. 1914
53	Temporary Loan By-law, 1914	9 Feb., 191	4 12 Feb. 1914
5 1 ,	District of Salmon Arm Rate By-law, 1914	14 July. 191	4 20 July, 1914
55	By-law to amend By-law No. 32		4 20 July, 1914
5 63	Trade Licence By-law and repealing Previous By-laws		4 20 July, 1914
57	By-law to open and establish a Road through N.W. 14 13-26-10 W. 6th Mer.		
58	By-law to open up a Road through N.W. 14 18-20-9 W. 6th Mer.	-	
59	By-law		4 13 Aug., 1914
60 	By-law to open up and establish a Road through Secs. 17 and 20, Tp 20, R, 10 W, 6th Mer.	12 Nov., 191	4 16 Nov., 1914
61	By-law to open and establish a Road commencing on the Western Boun- dary of Sec. 13, Tp. 20, R. 10 W. 6th Mer.	12 Nov., 191	4 16 Nov , 1914
62	By-law to open up a Road through N.E. 14 31-20-9 W. 6th Mer. 426	12 Nov., 191	4 16 Nov., 1914

No. of By-law.	Title of By-law.	Date of Final Passing.	Date of Registration.	
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63	By-law to close Road running between the E. and W. Halves of the N.E. 1/4 31-20-9 W. 6th Mer.	12 Nov., 1914	16 Nov., 1914	
64	By-law to open up a Road through the N.E. ¼ 31-20-9 and S.E. ¼ 6-21-9 W. 6th Mer.	12 Nov., 1914	16 Nov., 1914	
ផ្សា	By-law to close Road Part of what is known as the Homly Road, situate in N.W. ¼ 12-20-10 W, 6th Mer.	20 Nov., 1914	28 Jan., 1915	
66	By-law disposing of Part of what is known as the Homly Road, situate in N.W. 4 12-20-10 W. 6th Mer.	30 Nov., 1914	28 Jan., 1915	
67	By-law to close Road running through S.W. 34 and S.E. 14 24-20-10 W. 6th Mer.	14 Dec., 1914	28 Jan., 1915	
68	By-law for disposing of a Road running between the E. and W. L'alves of N.E. 4 31-20-9 W. 6th Mer.	20 Nov., 1914	28 Jan., 1915	
(2)	By-law to close Road through Part S.W. 14, 7-20-9 W. 6th Mer.	30 Nov., 1914	28 Jan., 1915	
70	Samon Arm Subdivision Road By-law, 1915	8 March, 1915	25 March, 1915	
71	Temporary Loan By-law, 1915	S March, 1915	25 March, 1915	
72	Salmon Arm District Municipality School and Tax Arrears By-law, 1915			
74	By-law closing Road in the E. 1 ₂ of S.W. 1 ₄ 13-20-10 W. 6th Mer.	19 June. 1915	21 June, 1915	
75	Salmon Arm District Municipality Tem- porary Loan By-law, 1915	13 July. 1915	15 July, 1915	
75	Assignment By-law	13 July. 1915	15 July. 1915	
77	Salmon Arm District Municipality Rate By-law, 1915	30 Aug., 1915	3 Sept., 1915	
78	The Salary By-law, 1915	30 Aug., 1915	3 Sept., 1915	
79 30	City High School Grant By-law, 1916 By-law amending By-law No. 56 in respect of Auctioneer's Licence	1	20 April, 1916 20 April, 1916	
\$1	The Salary By-law, 1916	15 April. 1916	20 April, 1916	
82	Statute Labour By-law	8 May, 1916	11 Sept., 1916	
83	Salmon Arm District Municipality Rate By-law, 1916	10 July, 1916	11 Sept., 1916	
84	Temporary Loan By-law, 1916	12 June, 1916	11 Sept., 1916	
85	Creamery Association Grant By-law, 1916	7 Oct., 1916	2 Nov., 1916	
86	Miller Road By-law, 1916	7 Oct., 1916	2 Nov., 1916	
87	Kew-McLeod Road By-law, 1916	7 Oct., 1916		
88	Sharpe-Coleman Road By-law, 1916	7 Oct., 1916		
89	The Martin-Calverley Road By-law, 1916	7 Oct., 1916	2 Nov., 1916	

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