



## CHAPTER 51.

An Act to validate By-laws Numbered 86 and 91 of the Corporation of the City of Fernie.

[27th February, 1912.]

**W**HEREAS there was passed on the thirty-first day of May, 1909, By-law No. 86 of the City of Fernie, called the "Local Improvement By-law No. 2, 1909," being a by-law authorizing the construction, as a local improvement, of permanent sidewalks on certain portions of Prior, Wood, Cox, Hanson, Jaffray, McEvoy, Thompson, Rogers, Drinnan, Davis, Wright, and Ross Streets, and Baker, Victoria, Pellatt, Howland, Dalton, Manson, and Riverbank Avenues, in the said City of Fernie, and to raise the necessary moneys in anticipation of the assessment therefor: Preamble

And whereas there was passed on the tenth day of January, 1910, By-law No. 91 of the said City of Fernie, called the "Local Improvements Assessment By-law No. 91, 1910," being a by-law to assess, levy, and collect the cost of the construction, as a work of local improvement, of permanent sidewalks authorized to be constructed under said By-law No. 86, and to raise upon debenture loan the necessary moneys to pay the cost thereof:

And whereas such work of local improvement has been carried out:

And whereas the Municipal Council of the Corporation of the said City of Fernie has raised on a temporary loan the whole of the cost of such work:

And whereas the said Corporation of the said City of Fernie did cause a number of debentures, called "local improvement debentures," to be issued for the amount of such cost pursuant to said By-law No. 91:

And whereas doubts have arisen as to the validity of such by-laws and of the proceedings thereunder and in connection therewith, and as to the validity of such debentures, owing to the fact that no general by-law was passed pursuant to section 256, subsection (1),

of the "Municipal Clauses Act," being chapter 32 of the Statutes of British Columbia, 1906, and amendments thereto, and also owing to non-compliance with other requirements of said "Municipal Clauses Act":

And whereas it has consequently been found impossible to dispose of said debentures:

And whereas a resolution has been passed by the Municipal Council of the said Corporation asking for legislation validating such by-laws, and proceedings thereunder and in connection therewith, and such debentures:

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

Validation of By-law 86.

1. Notwithstanding anything contained in the "Municipal Clauses Act," being chapter 32 of Statutes of British Columbia, 1906, and amending Acts, or any amendment thereto, or in any other Act or in any by-law of the Corporation of the City of Fernie, said By-law No. 86 and all provisions thereof are hereby validated and confirmed, and shall be deemed to have taken effect and been binding according to the tenor thereof, as from the thirty-first day of May, 1909.

Validation of By-law 91.

2. Notwithstanding anything contained in the "Municipal Clauses Act," or any amendment thereto, or in any other Act or in any by-law of the Corporation of the City of Fernie, said By-law No. 91 and all provisions thereof are hereby validated and confirmed, and shall be deemed to have taken effect and been binding according to the tenor thereof, as from the tenth day of January, 1910.

Property benefited.

3. Notwithstanding anything contained in the said "Municipal Clauses Act," or any amendment thereto, or in any other Act or in any by-law of the Corporation of the City of Fernie, the real property immediately benefited by the said work of local improvement is hereby declared to be that which is particularly set forth, known, and described in the said By-law No. 91 (such by-law being hereby understood to include the schedule therein contained), and the proportion in which the assessment is made on per foot frontage shall be as shown in such By-law No. 91, and the assessment, levying, and collecting of the cost of the construction of such work of local improvement on the various portions of such property in the manner and to the amount set forth in said by-law is hereby declared to be valid and binding on all parties concerned.

Debenture loan validated.

4. The raising upon debenture loan of the necessary moneys to pay the cost of such work of local improvement by the said Cor-

poration of the City of Fernie is hereby declared to have been and to be lawful, and the said debentures already issued by the said Corporation of the City of Fernie as aforesaid pursuant to the said By-law No. 91, and called "local improvement debentures," are hereby declared to have been and to be valid and binding on the said Corporation of the City of Fernie notwithstanding anything contained in the said "Municipal Clauses Act" or in any amendment thereto, or in any other Act or in any by-law of the Corporation of the said City of Fernie.

5. This Act may be cited as the "Ferne Local Improvement Short title Relief Act, 1912."

VICTORIA, B. C.

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