



CHAPTER 57.

An Act to incorporate the City of Salmon Arm.

[27th February, 1912.]

WHEREAS a petition has been presented by the inhabitants of the tract of land in this Act hereinafter described, a portion and forming part of the Municipality of the District of Salmon Arm, praying that they may be incorporated as a city municipality under the name of the "City of Salmon Arm"; 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 "Salmon Arm City Incorporation Act."

2. It shall be lawful for the Lieutenant Governor in Council forthwith, without requiring the inhabitants of the lands proposed to be incorporated to observe the provisions of section 3 of the "Municipalities Incorporation Act," by Letters Patent under the Public Seal, to incorporate, under the "Municipalities Incorporation Act," into a city, to be known as the "City of Salmon Arm," the tract of land known as Section Fourteen (14), in Township Twenty (20), Range Ten (10), west of the sixth meridian, in the Province of British Columbia; 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," save and except as provided in the following sections of this Act, which shall apply to such municipality.

Incorporation of the
City of Salmon Arm

What letters patent to specify.

3. Letters patent incorporating the said city shall, in specifying and providing all matters referred to in section 5 of the "Municipalities Incorporation Act," specify and provide for the matters referred to in sections 4 to 27, both inclusive, of this Act, and in manner therein set out.

Nomination for first election.

4. The nomination of a first Council, to consist of a Mayor and five Aldermen, shall be held from twelve noon to two p.m. 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 seven 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 Municipal Hall, Salmon Arm, British Columbia.

Notice thereof to be published

7. Seven days' notice of the time and place of nomination and of the holding of a 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 Municipal Hall 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, except as by this Act is otherwise provided, 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 Municipal Hall, in the said City of Salmon Arm, on the first Wednesday after such election, commencing at two o'clock p.m.

Qualification for Mayor at first election.

10. 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 preceeding the day of his nomination the 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 Municipality of the District of Salmon Arm, of five hundred dollars or more over and above any registered judgment or charge, and being otherwise duly qualified as a municipal voter.

11. 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 the registered owner in the Land Registry Office for the district of real property situated within the city of the assessed value, on the last revised municipal assessment roll of the said district municipality, of two hundred and fifty dollars or more over and above any registered judgment or charge, and being otherwise duly qualified as a municipal voter.

Qualification for
Alderman at first
election.

12. All persons whose names are at the date of incorporation of the city on the voters' list for that part of the district 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, house holder, 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.

Qualification of
voters

13. 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 12 of this Act, and such list shall be the list of electors for such first election.

Voters list

14. 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 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, or cause to be delivered, 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 accordance with the "Municipal Elections Act."

Declaration by
voter other than
freeholder or licence
holder

15. It shall be lawful for the district municipality to enter into and execute the deed of arrangement set out in Schedule A hereto, 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 for all purposes be valid and binding upon the parties thereto.

Power to enter
into agreement in
Schedule

16. 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

First Mayor and Aldermen to hold office until successors elected.

17. 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.

Power to make and repeal by-laws.

18. The Council may, in addition to all its powers, from time to time make, alter, and repeal by-laws for the purchase, construction, and operation of a telephone or telegraph system or systems.

Powers to borrow to pay District of Salmon Arm and incorporation expenses.

19. 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, and in addition the purchase price or consideration payable for property to be transferred 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 Act," save as herein provided, and may be for a period not exceeding fifty years from this date.

Costs of incorporation

20. The Council shall, after they assume 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.

District Municipality of Salmon Arm

21. After the incorporation of the city, the remaining area of the present Municipality of the District of Salmon Arm (hereinafter referred to as the "district municipality") shall remain a duly constituted municipality, under its present name of the "Corporation of the District of Salmon Arm," under its present letters patent, subject only to the provisions hereinafter contained.

When Reeve and Council of District of Salmon Arm to go out of office

22. After the issue of the letters patent for the incorporation of the city as hereinbefore provided for, the Reeve and Council of the district as at present constituted shall hold office until new Councils for the city and district municipalities have been elected.

Sewage.

23. It shall be lawful for the Council to dispose of sewage, 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.

24. All arrears of taxes levied by the Corporation of the District Municipality of Salmon Arm on land heretofore in said district, 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 district municipality as to the collection of the said taxes, by the sale of the lands liable therefor, or otherwise. Tax sales

25. 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 section 331 of the "Municipal Act" may be had and exercised. Board of Licence Commissioners,
special meeting of

26. All licences heretofore issued by the district corporation shall be valid until the expiration of the period named in the same, and upon expiration the reissue shall be regulated by the statutory provisions governing the city. Licences

27. All provisions of the "Municipal Act," the "Municipal Elections Act," and the "Municipalities Incorporation Act," and amending Acts, shall apply to the said municipality, except where the provisions of said Acts are repugnant to the provisions of this Act. Application of
Municipal Elec-
tions Act and
Municipalities In-
corporation Act

SCHEDULE A.

THIS INDENTURE, made the twenty-third day of January, 1912,
Between,

THE CORPORATION OF THE DISTRICT MUNICIPALITY OF SALMON ARM (hereinafter referred to as "the District Corporation") of the first part;
and

ROBERT K. SCALES, FRANK C. HAYDOCK, and JOHN E. LACEY, all of Salmon Arm, in the County of Yale, 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 Salmon Arm" (hereinafter referred to as "the City").

Whereas the District 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 Salmon Arm," and to separate the said tract of land from the District Corporation:

And whereas the said City, so far as it will be separated from the District Corporation, is described as follows, namely: Section Fourteen (14), Township Twenty (20), Range Ten (10), west of sixth meridian, in the Province of British Columbia:

And whereas on the twentieth day of January, 1912, a committee representing the inhabitants of the proposed city area met with the Council of the District Corporation, 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 District Corporation doth hereby grant and convey to the parties of the second part, and their successors, the following properties and assets, namely:—

(a.) All and singular those certain parcels or tracts of land and premises situate, lying, and being in the Municipality of Salmon Arm, County of Yale, Province of British Columbia, and known and described as Blocks Five (5), Six (6), Seven (7), and the block marked "School Site" in subdivision of part of the North-east Quarter (N.E. $\frac{1}{4}$) of Section Fourteen (14), Township Twenty (20), Range Ten (10), west of the sixth meridian, according to the registered map or plan of said subdivision deposited in the Land Registry Office at the City of Kamloops and numbered 393, in trust for school purposes and a school-site for the Salmon Arm Public School:

(b.) Also, for a consideration of sixteen hundred dollars (\$1,000) to be paid by the City to the District Corporation, all that block of land and premises situate, lying, and being in the Municipality of Salmon Arm aforesaid and known and described as the block marked "School Ground" in subdivision of part of the South-east Quarter (S.E. $\frac{1}{4}$) of Section Fourteen (14), Township Twenty (20), Range Ten (10) aforesaid, according to the registered map or plan of said subdivision deposited in the Land Registry Office at the City of Kamloops, British Columbia, and numbered 392, at present used as Municipal Hall and grounds:

(c.) Also all that block of land and premises situate, lying, and being in the Municipality of Salmon Arm aforesaid, and known and described as Lot Forty-nine (49) in subdivision of part of the North-

east Quarter (N.E. $\frac{1}{4}$) of Section Fourteen (14), Township Twenty (20), Range Ten (10) aforesaid, according to the registered map or plan of said subdivision deposited in the Land Registry Office at the City of Kamloops, British Columbia, and numbered 304, at present used as Fire Hall, implement-shed, and grounds:

- (d.) 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, or more particularly known and described as being a subdivision of part of the North-west Quarter (N.W. $\frac{1}{4}$) of Section Three (3), Township Twenty (20), Range Ten (10), west of the sixth meridian, Province of British Columbia, as shown on map or plan of said subdivision deposited in the Land Registry Office at the City of Kamloops, British Columbia, and marked thereon "Cemetery" and coloured green:
- (e.) The office furniture and supplies in the Municipal Hall and all the fire hose, reels, and other equipments of the fire brigade:
- (f.) All other public works and improvements belonging to the District Corporation located within the city area:
- (g.) All arrears of taxes and assessments due on the first of January, 1912, in the proportion hereinafter mentioned, as being the true proportion between the City and District Corporation, and all rights and privileges in connection therewith:
- (h.) All taxes collected and all arrears of taxes and assessments made under the "Municipality of Salmon Arm Fire By-law, 1909," to be paid by the District Corporation to the City in full.

Second: The District Corporation agrees to account for and pay over to said City all taxes and licences collected by them within the area of said City after the first day of January, 1912, and it is mutually agreed between the said District Corporation and said City that they 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 twenty to eighty, twenty representing the City's share and eighty the said District Corporation's share, and its proportion of the expense of carrying on the affairs of the municipality from the first day of January, 1912.

Third: The City covenants to pay the following liabilities of the said District Corporation, namely:—

- 1. Fire By-law Loan of 1909 \$1,700
- 2. School Loan of 1,600

and to indemnify and hold harmless the said District Corporation from all liability in respect thereto.

Fourth: The City undertakes to pay all the expenses incurred and that yet may be incurred in carrying out this Agreement, and falling the incorporation of the City, then the said expense so far as incurred shall be a charge against the guarantee fund provided for that purpose.

Fifth: The said District 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 equally to bear the expense for the maintenance thereof.

Sixth: The City shall have access to the books of the District Corporation at all reasonable hours.

Seventh: 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 arbitration and reference.

Eighth: Provided, however, that this Agreement shall not take effect or become operative until the Royal assent is given to the proposed Act.

In witness whereof the parties have hereto 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 the
presence of—

R. H. NEELANDS.

For the Corporation.

W. J. KEW, *Reeve*.

HUGH BOWDEN, C.M.C.

[Seal of Municipality of Salmon Arm.]

Signed, sealed, and delivered in the
presence of—

ROBERT J. GLASGOW.

As to all

ROBERT K. SCALES.

FRANK C. HAYDOCK.

JOHN E. LACEY.

[SEAL.]

[SEAL.]

[SEAL.]

VICTORIA, B.C.

Printed by WILLIAM H. CULLEN, Printer to the King's Most Excellent Majesty
1912