



CHAPTER 65.

An Act to amend the "Vancouver Incorporation Act, 1886," and Amendments thereto.

1886, c. 32.
1887, c. 37.
1893, c. 63.

[May 20th, 1898.]

WHEREAS a Petition has been presented praying for the amendment of the "Vancouver Incorporation Act, 1886," and amendments thereto, by inserting therein power to the Council of the said City (with the assent of the electors entitled to vote on money by-laws) to pass a by-law granting the Canadian Pacific Railway Company exemption from taxation as to certain of its property, and generally to amend the said Acts: Preamble.

And whereas it is deemed expedient to grant the prayer of such Petition:

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

1. The "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto a section to be known as 15A:— Amends 1886, c. 32, s. 15.

"15A. A candidate for Mayor or Alderman shall, at the time of his nomination, deliver to the Returning Officer a certificate, signed by the District Registrar of Titles, that he is the registered owner, or registered leaseholder, of land in the City of Vancouver, and such certificate shall set out the description of the land and the registered encumbrances and charges against the same, and shall also deliver to the Returning Officer a certificate, signed by the Treasurer of the city, setting out the assessed value on the last Assessment Roll of the city of the land described in the Registrar's certificate aforesaid." Property qualification of candidates for Mayor and Aldermen.

2. Sub-section (4) of section 17 of the "Vancouver Incorporation Act, 1886," and section 1 of the "Vancouver Incorporation Act (1886)" Re-enacts 1886, c. 32, s. 17, s.s. (4), and 1893, c. 63, s. 1.

Amendment Act, 1893," are hereby repealed, and the following inserted in lieu thereof:—

Opening and closing of poll.

"Every Deputy Returning Officer, except in cases provided for in sub-section (1) of section 16, shall commence every election at nine o'clock in the forenoon and close at the hour of seven o'clock of the afternoon of the same day."

Re-enacts 1886, c. 32, s. 142, s.-s. (85), and 1887, s. 20.

3. Sub-section (85) of section 142 of the "Vancouver Incorporation Act, 1886," and section 20 of the "Vancouver Incorporation Act (1886) Amendment Act, 1887," are hereby repealed and a new sub-section (85) substituted therefor as follows:—

Subscribing for shares in railway and other companies.

"(85.) For subscribing for a number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any incorporated railway or bridge company, or interest thereon, or for exempting the buildings, wharves and lands on which terminal buildings may be erected, yards and works of any incorporated railway or bridge company from taxation for any period not exceeding ten years."

Amends 1886, c. 32, s. 142.

4. Section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto a new sub-section to be known as sub-section (89A) as follows:—

C.P.R. Railway exemption from taxation of yards, buildings, etc.

"(89A) For exempting the yards, wharves, works, buildings, and lands on which terminal buildings of the Canadian Pacific Railway Company may be erected, for a period not exceeding eighteen years from the date that this Act comes into force; and

Exemption from taxation on account of bonus to other railroad company.

"For providing that in the event of the City of Vancouver granting to any other railroad company (than the Canadian Pacific Railway Company) coming into the city a bonus, subsidy or grant, or subscribing to the shares of such company within a period of eight years from the date this Act comes into force, then that all the real property of the Canadian Pacific Railway Company in the said city shall be exempted from any additional taxation imposed on property in the city by reason of such bonus, subsidy, grant or subscription to shares being made, for a period of eight years from the date on which this Act shall come into force or any unexpired portion thereof:

Assent of electors.

"Provided that before any by-law passed by the Council under this sub-section shall come into force and effect it first of all shall have received the assent of the statutory majority of the electors of the city entitled to vote on money by-laws or by-laws requiring the assent of the electors, in manner provided for by the said 'Vancouver Act of Incorporation, 1886,' and Acts amending the same."

5. Section 18 of the "Vancouver Incorporation Act Amendment Act, 1893," is hereby amended by adding thereto a sub-section to be known as sub-section (141E) as follows:—

Amends 1893, c. 63, s. 18.

"(141E.) In the event of any real estate mortgaged to the city under the provisions of this section becoming vested in the city by virtue of a suit of foreclosure, or by conveyance or sale, or in the event of the Finance Committee of the Council of the city deeming it advisable to exercise the power of sale in any such mortgage, it shall be lawful for the Council to convey, under the seal of the corporation, and to vest any such real estate in a purchaser thereof without passing a by-law authorising such sale or submitting the same for the assent of the electors as provided in the 16th section hereof."

Mortgaged property vesting in City by foreclosure and City exercising power of sale.

6. The "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto new sections, to be known as follows:—

New sections added.

"159A. Where a solicitor or counsel is employed by the Council, whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall notwithstanding have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel was not receiving a salary, when the costs are by the terms of his employment payable to the solicitor or counsel as part of his remuneration in addition to his salary.

Costs of action where counsel employed by salary.

"159B. It shall be lawful for the Council to grant, by resolution, a sum of money out of the annual revenue to aid in celebrating the birthday of the reigning Sovereign, the anniversary of the confederation of the Dominion of Canada, and in support of or as a contribution to any exhibition or gathering to be held for the purpose of public sports or amusements that in the opinion of the Council may be for the benefit of the municipality, either within or without the municipal limits.

Queen's birthday celebration.

"159C. The Council may, by resolution or by by-law, declare any building, structure or erection of any kind whatsoever, or any drain, ditch, water-course, pond, surface water or any other matter or thing in or upon any private lands, street or road, or in or about any building or structure, a nuisance and dangerous to the public safety or health, and may, by such by-law or resolution as may be directed therein, order that the same shall be removed, pulled down, filled up, or otherwise dealt with by the owner, agent, lessee, or occupier thereof, as the Council may determine, and publication of such notice for a period of five days in any daily newspaper published in the municipality (or in case where no such newspaper be so published in such municipality, then in a daily newspaper published in the nearest municipality) shall be good and sufficient service of such notice upon such owner, agent, lessee or occupant; and in case of default by

Removal of buildings, etc., dangerous to public health, etc.

the owner, agent, lessee, or occupier to comply with such order within such period of five days to order that such removal, pulling down, filling up or other dealing with same shall be done by any officer of the corporation at the cost of such owner, and payment of such cost and all expenses incidental thereto may be enforced against the owner thereof by such officer in an action in any Court of competent jurisdiction.

“Police Magistrate.

Police Magistrate,
appointment of.

“184A. Every Police Magistrate in and for the said city shall be appointed by the Lieutenant-Governor in Council, and shall hold office during pleasure; and any such appointment may be cancelled by order of the Lieutenant-Governor in Council. The Lieutenant-Governor shall, by an Order in Council, fix, and may from time to time vary the salary to be paid to such Magistrate, and said salary shall be paid by the municipality.

To be a J. P.

“184B. Every Police Magistrate appointed under this Act by the Lieutenant-Governor in Council shall, ex-officio, be a Justice of the Peace for the Electoral District for which, or for part of which, he has been so appointed.

And Stipendiary
Magistrate.

“184C. The Police Magistrate, by virtue of his appointment as Police Magistrate, shall be a Stipendiary Magistrate for the jurisdiction in which he exercises the office of Police Magistrate, and shall have and exercise, within the city, all the lawful powers and authorities which are by law had and exercised by any Stipendiary Magistrate of this Province, and shall have full power to do alone whatever is authorised by any Statute in force in this Province to be done by two or more Justices of the Peace; and every Police Magistrate shall have such power while acting anywhere within the Electoral District for which he is, ex-officio, a Justice of the Peace.

In case of illness,
etc., of Police
Magistrate.

“184D. In case of the illness or absence, or at the request of the Police Magistrate, any two or more Justices of the Peace may act in his place in any matter within the jurisdiction of the Police Magistrate; and such Justices of the Peace, or a majority of them, shall in such case have all the powers which by any Statute are given to Police Magistrates in the Province; but this section shall not be construed to prevent one Justice of the Peace from acting for a Police Magistrate wherever by law one Justice of the Peace has jurisdiction in that behalf.

Oath of Magistrate.

“184E. The following oath, and also the oath of allegiance, as set forth in Form B of the ‘Magistrates Act,’ shall be taken by the Police Magistrate, and the same may be taken before any Justice of the Peace, who is hereby authorised to administer the same:—

‘I, _____, swear that, as Police Magistrate for the Municipality of the City of Vancouver, in the Province of

British Columbia, in all articles in the Queen's Commission to me directed, I will do equal right to the poor and to the rich, after my cunning, wit and power, and after the laws and customs of the realm and statutes thereof made, and that I will take nothing for my office of Police Magistrate to be done but of the Queen, and fees accustomed and costs limited by Statute. So help me God.

(Signature of Magistrate.)

' Sworn and subscribed by the
 said before me
 at , this
 day of , 189 .)

"184F. Every oath of office or allegiance taken by a Police Magistrate shall forthwith, after the same is taken, be transmitted or delivered by the Police Magistrate to the Provincial Secretary, who shall file the same among the records of his office. Oaths of office, etc., to be transmitted to Provincial Secretary

"184G. The Police Magistrate, and no partner or clerk of his, shall act as solicitor, agent or counsel in any cause, matter, prosecution or proceeding of a criminal nature; nor shall such Police Magistrate, partner or clerk act as aforesaid in any case which by law may be investigated or tried before a Magistrate or Justice of the Peace. Police Magistrate not to practice in criminal cases, etc.

"184H. The Council of the city shall establish therein a police office, and the Police Magistrate shall attend at such police office daily, or at such times and for such period as may be necessary, for the disposal of the business brought before him as a Justice of the Peace. Police office and attendance at, etc.

"184I. The clerk of the Council, or such other person as the Council may appoint for that purpose, shall be the clerk of the police office thereof, and perform the same duties and receive the same emoluments as clerks of Justices of the Peace; but in case the said clerk is paid by a fixed salary, the fees received by him as such clerk shall be paid by him to the city and form part of its funds. In the absence of a clerk, the Police Magistrate may act without one, or may appoint any person to act temporarily as clerk. Clerk of Police office.

"184J. No Justice of the Peace shall admit to bail or discharge a prisoner, or adjudicate upon or otherwise act in any case for the city, except in the case of the illness or absence, or at the request of the Police Magistrate." J. P's. not to act except in certain cases.

7. Section 142 of the "Vancouver Incorporation Act, 1886," is hereby amended by adding thereto the following sub-sections:— Adds new section to 1886, c. 32, s. 142 (by-laws).

"(89A.) For subsidising by way of bonus, or by guaranteeing the payment of bonds of or the interest on bonds of such line or lines of steamships or steamboats as shall establish, within or Guaranteeing bonds of steamships, etc.

without the limits of the city, a port of call or the terminus of such line or lines :

- And debentures. “(89B.) For the issue for the like purposes of debentures payable at such times and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest, as the Council may think meet, and for handing such debentures, by way of bonus or otherwise, to any such company, or to trustees, on any conditions provided in the by-law :
- Aiding charities, poor-houses, etc. “(89C.) For granting aid to charitable institutions, and for the relief of the poor, and for erecting, leasing or establishing and maintaining a poor-house, or house for the aged and infirm, either within or without the municipal limits, for disabled or decrepit persons :
- Removal of verandahs. “(89D.) For compelling the removal of all existing verandahs erected on or projecting over any sidewalk within the municipality, and for prohibiting and preventing the erection of any such verandah :
- Aiding dry docks, etc. “(89E.) For aiding, by the grant of money or land, or by exemption for a period not exceeding ten years, smelters, drydocks, or marine railways, within a limit of five miles beyond the boundaries of the municipality :
- Dwelling and lodging houses. “(95A.) For regulating the construction of dwelling-houses and lodging-houses, and for fixing and from time to time varying the number of persons who may occupy or be received in such dwelling-houses or lodging-houses :
- Ventilation. “(95B.) For promoting cleanliness and ventilation in such houses:
“(95C.) For the well ordering of such houses, and for prescribing generally the sanitary conditions and requirements which shall be observed and complied with by persons letting or occupying dwelling or lodging-houses :
- Infectious diseases. “(95D.) For regulating, with a view of preventing the spread of infectious or contagious diseases, the entry or departure of boats or vessels, and the landing of passengers and cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving of passengers or cargoes on board of the same :
- Wash-houses and laundries. “(95E.) For licensing and regulating wash-houses and laundries, for preventing and regulating the erection or continuance of any laundries or wash-houses which may prove to be nuisances, and for regulating and preventing the washing, drying and airing of clothes, linen or materials of the like nature in the open air in any part of the municipality within forty feet of any street or highway, and for compelling the removal of all wooden or other structures now erected, and for regulating

and preventing the erection or construction of all wooden and other structures or erections on the outside of any building or on any lot or piece of ground in any part of the municipality within forty feet of any street or highway for the purpose of or that may be used for the washing, drying or airing in the open air of any clothes, linen or other materials of the like nature :

- “(95F.) The construction, superintendence, maintenance and regulation of drainage and sewerage works, and for arranging and settling with any owner or owners of real property the terms and conditions under which the sewer may be constructed or laid through his or their land ; and to expropriate such land as the Council may deem necessary for the purpose of constructing the main sewer, not, however, exceeding ten feet in width ; and provided, always, that the power to expropriate land in this sub-section is only conferred, and can only be exercised by the Council, in the event of there not being a street or road allowance in the vicinity which the Council can use for the purpose of constructing or laying the main sewer : Drainage and sewerage works.
- “(96G.) For preventing or regulating the keeping of cows, goats, pigs, and other animals, and defining limits within which the same may be kept : Keeping of animals.
- “(97K.) For regulating the hours during which children under [*to be fixed by the by-law*] years may be on the streets without their parents or guardians : Children on streets.
- “(121A.) For purchasing, acquiring, holding, managing and maintaining real property for the purpose of a site for a free public library, or a partially free library, within the municipal limits : Free library.
- “(127A.) For revising and consolidating the by-laws of the municipality.” Consolidating by-laws.

8. Notwithstanding anything contained to the contrary in the “Municipal Clauses Act,” the provisions of that Act shall not apply to the City of Vancouver. “Municipal Clauses Act” not to apply.

9. This Act may be cited as the “Vancouver Incorporation Act Amendment Act, 1898.” Short title.

VICTORIA, B. C. :

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