



CHAPTER 61.

An Act relating to certain Public Works in the Township of Richmond.

[11th April, 1894.]

WHEREAS the Corporation of the Township of Richmond by a Preamble. by-law known as the "Richmond Municipal Loan By-law, 1891," passed on the 10th day of June, 1891, and also by a by-law known as "Richmond Municipal Loan By-law, 1891," passed on the 12th day of August, 1891, made provision for the planking and improvement of roads in the said Municipality :

And whereas Lachlan McLean, Norman McLean, and Hugh McLean, trading as McLean Brothers, tendered for the construction of the plank roads so provided for, which tender was duly accepted and a contract for such work was drawn up and signed by the said McLean Brothers and by the Reeve and Clerk of the said Municipality :

And whereas the corporate seal of the said Municipality being at that time broken so that it could not be affixed to the said contract, the Municipal Council of the said Corporation of the Township of Richmond desiring to have the construction of said plank roads at once proceeded with, requested the said McLean Brothers to proceed at once with the said contract :

And whereas the said McLean Brothers proceeded in good faith with the performance of the said work and actually completed the same, and on or before the 10th day of January, 1892, had done work and supplied materials for the said plank roads of the value of \$15,093.59, on account of which they have been paid the sum of \$10,123.32 :

And whereas the said McLean Brothers, at the request of the Municipal Council of the said Corporation, on the 2nd day of June,

1892, commenced an action in the Supreme Court of British Columbia to recover the balance then owing to them for the said work :

And whereas on the trial of the said action a verdict was given by the jury empanelled in the said cause for the sum of \$4,970.27 for debt and \$1,095.00 for damages, which the said McLean Brothers had sustained by reason of stoppage in the performance of the said contract by the said Municipal Council :

And whereas the said verdict was set aside and a non-suit entered by the said Supreme Court of British Columbia on the sole ground that the said contract not having been sealed with the seal of the said Corporation as required by section 82 of the "Municipal Act, 1892," it was not binding on the said Corporation :

And whereas the said McLean Brothers incurred costs in the prosecution of the said action amounting to \$716.94 and a judgment has also been entered up against them in the Supreme Court of British Columbia for the sum of \$390.49 for the costs of the said Municipal Corporation of the Township of Richmond, taxed against the said McLean Brothers in the said action :

And whereas by Indenture bearing date the 28th day of December, 1892, the said McLean Brothers assigned the said sums, among others, to Robert Alexander Anderson to secure the payment of a certain indebtedness to him, which is still in part unsatisfied :

And whereas a by-law was passed by the said Municipality on the 5th day of June, 1893, under which the said Municipal Council are authorized to pay the said McLean Brothers the sum of \$4,970.27 on account of the said work :

And whereas the said Corporation have lately paid the sum of \$4,453.27 :

And whereas doubts have arisen concerning the validity of the said by-law, and it is expedient to confirm the same and to provide for the payment by the said Municipal Corporation of the Township of Richmond of the damages awarded by the jury on the trial of said action and costs of the said suit :

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

Validates a certain contract.

1. The said contract, dated the 28th day of May, 1891, is hereby declared to be a good, valid and subsisting contract and binding upon the parties thereto, and the said McLean Brothers and Robert Alexander Anderson are entitled to receive and collect from the said

Corporation of the Township of Richmond the said sum of \$1,095.00 damages, and the said sums of \$716.94 and \$517.00 for costs of suit, amounting in the whole to the sum of \$2,328.94.

2. For the purpose of raising the said money or such portions of it as they may be unable to pay out of the proceeds of the Debentures issued under the authority of the said by-law passed on the 5th day of June, 1893 (which is hereby declared to be a good, valid and subsisting by-law), the said Corporation shall, and they are hereby required, in addition to all other rates, forthwith after the passing of this Act to levy a rate upon all the ratable property in the Municipality of Richmond sufficient to pay to the said McLean Brothers and Robert Alexander Anderson the said sum of \$2,328.94, or such balance of said sum as may remain due after payment of any money the said Corporation may have on hand from the sale of the aforesaid Debentures, and to pay the same to the said McLean Brothers and Robert Alexander Anderson.

Authorizes levying
of a special rate to
meet certain expen-
ses of said contract.

VICTORIA, B. C.:

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