



CHAPTER 65.

An Act relating to The Corporation of the City of Victoria.

[Assented to 20th November, 1936.]

WHEREAS The Corporation of the City of Victoria has by Preamble
its petition represented that the said city is a municipality
within the meaning of the "Municipal Act" and "Local Improve-
ment Act," and that it is necessary, in the interests of the
inhabitants and ratepayers of the said municipality, to enact the
provisions hereinafter contained, and has prayed that the same
may be enacted accordingly:

And whereas it is expedient to grant the prayer of the said
petition:

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

PART I.

TITLE AND INTERPRETATION.

1. This Act may be cited as "Victoria City Act, 1936 (Second Short title.
Session)." Ses. (on)."

2. In this Act, unless the context otherwise requires:—

"Corporation" means the Corporation of the City of Interpretation
of terms.
Victoria:

"Municipality" means the Municipality of the City of
Victoria:

"Council" means the Municipal Council of The Corporation
of the City of Victoria.

In defining any word or expression used in this Act, not by this
Act expressly defined, reference may be had to the provisions of

the "Municipal Act," the "Municipal Elections Act," the "Local Improvement Act," and the private Acts of the Corporation heretofore enacted.

PART II.

MISCELLANEOUS.

Power to borrow temporarily for redemption of serial debentures payable in 1937.

3. It shall be lawful for the Council to borrow temporarily by resolution or by-law without the assent of the electors a sum or sums of money not exceeding in the aggregate two hundred and forty-two thousand seven hundred dollars, and to apply the same toward the redemption of serial debentures of the Corporation which shall become due and payable during the year 1937; and any obligation created by any such temporary borrowing shall be a general charge on the credit of the Corporation, and shall be in writing, signed by the Mayor and by the Municipal Clerk of the Corporation, shall bear the corporate seal, and shall be for a period not exceeding one year, but may be renewed from time to time.

Power to borrow on debentures for redemption of serial debentures payable in 1937 and to use proceeds to repay temporary loans or to reimburse the Corporation for payments made for such redemptions

4. Notwithstanding the provisions of the "Municipal Act" or any other Statute or law to the contrary, the Corporation shall have power by by-law to borrow without the assent of the electors a sum or sums of money not exceeding in the aggregate two hundred and forty-two thousand seven hundred dollars, and to issue debentures therefor on the credit of the Corporation, and to apply the proceeds from the sale of the said debentures or any of them toward the redemption of serial debentures of the Corporation that shall become due and payable during the year 1937, or toward the repayment of moneys that may be borrowed and used by the Corporation at any time for the redemption of said serial debentures or any of them, or to apply the said proceeds so as to replace in the funds of the Corporation and to reimburse the Corporation for the whole or part of its expenditures during the year 1937 for the redemption of said serial debentures or any of them. It shall not be necessary for the Council in the year 1937 to levy, raise, or provide by rate the moneys required by by-laws of the Corporation to be levied, raised, or provided for the redemption of said serial debentures, but the payments required for the redemption of said serial debentures shall nevertheless be deemed current lawful expenditure within the meaning of section 135 of the "Municipal Act":

Provided that all debentures issued pursuant to this section shall be made payable not later than fifteen years from the date thereof, shall bear such rate or rates of interest and shall be payable at such place or places as the Council may by resolution

determine, and any by-law passed pursuant to this section shall comply with sections 97 and 98 of the "Municipal Act":

Provided further that the debentures and interest coupons issued or to be issued pursuant to this section shall be sufficiently signed if the said debentures bear the written signature, and the said interest coupons bear the written or lithographed signature, of the Mayor of the Corporation for the year 1937 or of the Mayor of the Corporation for the year in which the said debentures are issued and delivered.

5. In addition to all its rights and powers under the "Municipal Act," and all its rights and powers under its By-law Number 2398 as amended by its By-law Number 2408, and all its rights and powers under that certain Indenture of Mortgage executed by the Panama Pacific Grain Terminals, Limited, as mortgagor, bearing date the eighth day of June, 1928, the Corporation shall have power without any formality other than a resolution of or by-law passed by the Council to accept quit-claims from all or any parties in interest of all and singular the leasehold and premises, including the grain-elevator and equipment and all properties and assets comprised in, and intended to be charged by, the Indenture of Mortgage, the said leasehold premises being known as that portion of Pier No. 3 at Ogden Point at the City of Victoria, Province of British Columbia, more particularly described in the Indenture of Lease dated twenty-ninth day of June, 1927, made between His Majesty the King in right of the Dominion and Panama Pacific Grain Terminals, Limited, and to hold all and singular the quit-claimed premises and assets in absolute ownership according to the several tenures and qualities thereof, and to fulfil and pay and carry out all obligations in connection with the tenures and holding thereof, and to sell the said quit-claimed premises and assets either by public auction or private sale and either for cash or deferred or instalment payments, with full power to rescind any agreement for sale, and to resell in the terms of the foregoing power and from time to time to lease the said quit-claimed premises for such term, at such rental, and upon such terms and conditions as the Corporation may by resolution or by-law passed by the Council determine, with full power from time to time to cancel any lease and to effect further or other lease or leases in the terms of the foregoing power, and to grant from time to time an option to purchase the said quit-claimed properties and assets on such terms, price, and conditions and on such terms of payment as the Corporation by resolution or by-law passed by the Council may determine, with full power from time to time to cancel any such option or options and to grant further or other options in the terms of the foregoing powers, and with full power and right by action in any Court of competent jurisdiction to

Enabling powers
relating to Terminal
Elevator

enforce the carrying-out or cancellation or rectification of any lease, option, contract, or agreement made or entered into by the Corporation in exercise of any or either of the powers above set forth, and to enforce any right of action or cause of action arising in connection therewith in anywise howsoever, and in any agreement for sale of the said quit-claimed premises involving and providing for instalment payments and in any lease or renewal lease of the said quit-claimed premises to grant and adopt and fix and continue in force the provisions for a fixed valuation for municipal assessment purposes set forth in the Agreement dated the twentieth day of August, 1927, made between the Corporation and the Panama Pacific Grain Terminals, Limited, and adopted and confirmed by the said By-laws Number 2398 and Number 2408.

Mayor and Aldermen
not disqualified
by voting for
certain resolutions.

6. It is hereby enacted and declared that neither the Mayor nor any other member of the Council was or has been or is disqualified from holding the office of Mayor or Alderman respectively of said Corporation and from acting and voting as such Mayor or Alderman at the time of or after the passing of the resolution hereinafter referred to by reason of said Mayor or other member of the Council having voted at regular meetings thereof held on the twenty-eighth and thirty-first days of August, 1936, in favour of the resolutions appointing Charles S. Henley, of Victoria, B.C., as Fiscal Agent of the Corporation, and authorizing the payment to him of certain moneys out of which were to be paid the travelling and other expenses of the said Mayor and other member of the Council in proceeding to London, England, and elsewhere on behalf of the said Corporation to assist the said Charles S. Henley in effecting a refunding of the outstanding debentures and stock of the Corporation, which resolutions read as follows:—

- (1.) That the Council endorse the debt refunding scheme outlined in Mr. C. S. Henley's communications to His Worship the Mayor of the twenty-sixth, twenty-sixth, and twenty-seventh August, 1936, and that Mr. Henley be appointed to serve in the capacity of Fiscal Agent in connection with the carrying out of the scheme:
- (2.) That Mr. C. S. Henley be paid a fee of \$30,000.00; that the first \$15,000.00 payment on this account be made to him forthwith, and that out of this amount shall be paid the full cost of transportation, hotel accommodation, meals, etc., on trip to Great Britain, New York, and Toronto, and return of His Worship the Mayor, the Chairman of the Finance Committee, the City Comptroller, and Mr. Henley, and the cost of all meetings, clerical help, and agents' fees; that the second \$15,000.00 payment on this account be made to Mr. Henley upon

the refunding programme being adopted and accepted by the city and authorized by legislation; that, in respect of the remuneration of Mr. Henley, the City Council hereby agrees to include in its next application for a private Act a clause empowering the city to pay Mr. Henley the said fee of \$30,000.00 less so much of the said first payment of \$15,000.00 as shall have been paid out in expenses, and also agrees to exercise and fulfil such power when obtained.

And it is further enacted and declared that, no action having been taken on the last-mentioned resolution, which was rescinded by the Council on the second day of November, 1936, no member of the Council acquired any interest, direct or indirect, in a contract with the said Corporation by reason of the passing of the said resolution and of his having voted as a member of the said Council in favour thereof, and no action or proceeding shall be brought or continued in any Court of the Province against any member of the Council by reason of the passing of the said resolution or by reason of any act or vote of such member in favour thereof.

VICTORIA, B.C.

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