

## CHAP. 42.

### An Act relating to the Corporation of the City of New Westminster.

[28th April, 1888.]

**WHEREAS** it is expedient to extend the limits of the Corporation Preamble.  
of the City of New Westminster and of the said City, and to enlarge the powers of the said Corporation and to make other and further provisions for the government of said Corporation and City and the due regulation of the affairs of the said Corporation and City :

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

1. From and after the coming into effect of this Act the limits of the said City shall be extended, and the said City shall thenceforth consist of and comprise the tract of land described in section two of this Act, and the inhabitants of the said tract of land, as hereafter described in the second section hereof, and their successors, shall continue to be and shall be, and are hereby declared to be, the body politic and corporate in fact and in law of the “Corporation of the City of New Westminster,” and the said Corporation by the same name shall continue to have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto in all Courts and in all actions, causes and suits at law or in equity whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure, and shall be in law capable of receiving by donation, acquiring, holding, and disposing of and conveying any property, real or movable, for the uses of the said Corporation, and in the management of the affairs and for the purposes of said Corporation, of becoming parties to any contracts or agreements, of giving or accepting any notes, bills of exchange, bonds, obligations, or other instruments, or securities for payment of, or securing the payment of, any sums of money borrowed or loaned, or executing or guaranteeing the execution of any duty, right or thing whatsoever, and for the payment, or securing the payment, of any money borrowed, or of

Incorporation of the City of New Westminster.

paying loans made, or debts owing to the said Corporation, or of taking up bonds that may become due, or of making a loan or loans, and for any other legitimate and sufficient purpose whatsoever in connection with the affairs of said Corporation; and for any of the purposes aforesaid, the said Corporation may grant and issue bonds for the sum or sums of money therein to be specified under the provisions hereinafter set forth, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the Dominion of Canada, in the United States of America, in any part of Great Britain or elsewhere, and either in currency of the Dominion of Canada, or in sterling money of Great Britain, or the currency of the country where the same may respectively be made payable, as to the said Corporation may be thought advantageous or expedient: Provided always, that the said Corporation shall not make or give any bond, bill, note, debenture, or other undertaking for the payment of a less sum than one hundred dollars (\$100), and any bond, bill, note, debenture, or other undertaking issued in contravention of this section shall be void: Provided always, that nothing herein contained shall be construed to authorize the said Corporation to issue notes or bills of exchange payable to bearer, or to issue notes to circulate as those of a bank.

*Boundary.*

City boundaries.

2. Commencing at a point on the right bank of the North Arm of the Fraser River in the centre of the street, which is the south-west boundary of suburban block nine (9), on the registered map of the suburban lots of New Westminster City, British Columbia; thence north-westerly to the production of the centre of the street on the north-westerly boundary of said block nine (9); thence easterly along the centre of the street which forms the boundary between blocks nine (9), eleven (11), twelve (12), thirteen (13), and fourteen (14), and runs through blocks four (4) and three (3), terminating at the north-easterly corner of lot 2, block XIII.; thence following the easterly boundaries of lots 1 and 2, block XIII. to the north-westerly boundary of the Penitentiary reserve; thence in a north-easterly direction to the north-westerly corner of the Penitentiary reserve; thence following the northerly boundary of the said Penitentiary reserve to the north-west corner of lot 2, block 3; thence south to the south-west corner of lot 1, block 3; thence in a south-easterly direction following the southerly boundary of said lot 1, block 3, and its production to the east side of the Sapperton north road; thence in a northerly direction along east side of said road to its intersection with the southerly side of the Pitt River road; thence in a north-easterly direction along said side of said road to the corner of the reserve and lot 1, block 1; thence at a right angle in a south-easterly direction in a right line to the right bank of the Brunette River; thence following the shore line of the right bank of the Brunette River, to a point being the production of the

south boundary of lot 2, block 3; thence at a right angle in an easterly direction to a point being 350 feet below high water mark of the Fraser River; thence following a line parallel to the shore line and being 350 feet below high water mark of the Fraser River to point of commencement.

*Wards.*

3. The Council of the city may by by-law alter the division of the city into wards, and make new wards, from time to time alter the wards so as to allow the different portions to be equally represented in the Council on the basis of a tax-paying population.

*Constitution of Council.*

4. There shall be elected from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the City of New Westminster, and at the first election nine persons, and at each subsequent election three persons for each ward, who shall be and be called Aldermen of the City of New Westminster; and such Mayor and Aldermen for the time being shall form the Council of the said City of New Westminster, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the City of New Westminster, and shall hold office until their successors are appointed as hereinafter provided.

Constitution of Council.

(1.) Any person being in holy orders, or the minister of any religious denomination whatever, or any Judge of any Court of Record in this Province, Sheriffs or officers of the said Courts, or officers of Her Majesty's army or navy on full pay, or Provincial, County or City Licence Commissioners or Inspectors, or salaried officers of the city, or any person having any unsettled disputed account against or due by the city, or any person accountable for the revenues of the city, or any officer or person presiding at the election of Mayor or Aldermen while so employed, or any person who shall have been convicted of treason or felony in any Court of law within Her Majesty's dominions, or elsewhere, or any person having by himself or through his partner any contract whatever, or interest in any contract, with or for the city, either directly or indirectly, shall not be capable of being elected or serving as Mayor or Alderman:

Disqualification of Mayor and Aldermen.

(2.) The persons qualified to be elected Mayor or Aldermen at the first election under this Act are such persons as reside within the said city, and are natural born or naturalized subjects of Her Majesty, males of the full age of twenty-one years, and who are not disqualified under this Act, and have at the time of their election a legal or equitable freehold, or partly legal and partly equitable freehold property, in their own names, within

Qualification of Mayor and Aldermen at first election.

the limits of the said City of New Westminster, to the value of not less than one thousand dollars over and above the amount of any incumbrances thereon:

Qualification of Mayor and Aldermen at subsequent elections.

- (3.) The persons qualified to be elected Mayor and Aldermen are such persons as are natural born or naturalized subjects of Her Majesty, males of the full age of twenty-one years, and who are not disqualified under this Act, and who have been for the six months next preceding the day of nomination the registered owners, in the Land Registry Office, of real property of the assessed value of at least one thousand dollars, as rated on the last revised municipal assessment roll, over and above the amount of all encumbrances thereon; and in the case of Aldermen at least five hundred dollars of the said property shall be situated and rated in the wards for which they are nominated.

*Electors.*

Qualification of voters at first election.

5. Every person whose name appears on the voters' list used at the municipal election for said city in January, 1888, shall be entitled to vote at the first municipal election under this Act, but no feme sole shall be qualified to sit or vote as Mayor or Alderman.

Qualification of voters at subsequent elections.

6. From and after the first day of March, A. D. 1889, every male and feme sole, of the full age of twenty-one years, shall be entitled to have his or her name entered on the list of voters in and for the said city, and when so entered, if not otherwise disqualified under this Act, to vote at any municipal election for said city, if such person—

Owner of real estate value \$100.

- (1.) Is the registered owner in fee simple of real property within the limits of such city of the assessed value of one hundred dollars over and above any incumbrances affecting the same.

Where joint ownership, &c., each person may qualify.

7. When any two or more persons are, either as joint tenants, tenants in common, or by any other kind of joint interest, the owners in fee simple of any lot or portion of a lot, or parcel of real property, within the said city, each of such persons whose share therein is sufficient in value, according to the provisions of this Act, to qualify such person as a voter, shall be entitled to be entered on the list of voters, and to vote in respect of such share, as if it were held in such person's individual name, and not jointly with one or more.

No Chinese or Indian to vote.

8. No person in arrears for taxes, and no Chinaman or Indian shall be entitled to vote at any municipal election for the election of a Mayor or Alderman.

*First Election.*

Nomination for first election.

9. A nomination of Mayor and Aldermen under this Act shall be held on the second Monday in January, 1889, and the election, in case a poll shall be demanded, shall be on the following Monday after such

Poll.

nomination, and shall continue for one day only; and the poll shall be kept open between the hours of nine A. M. and five P. M.; and all the proceedings of the said election, and the trial or trials (if any) of the validity of said elections, shall be as nearly as may be in conformity with the provisions hereinafter contained; and the Clerk of the City of New Westminster shall be the Returning Officer thereat. The nomination shall be held at such place, and the poll (if any) shall be held at such place, in the said city as the Returning Officer shall appoint. But the outgoing Mayor and Council shall continue in office until their successors are elected and make the declarations required by the Act.

**10.** Three days' notice of the time and place of nomination, and of the holding of the poll (if any) shall be given by the said Returning Officer in a newspaper published or circulating in the said city.

Notice thereof to be published.

**11.** Every person qualified to vote at the first municipal election shall be entitled to one vote for Mayor and nine votes for Aldermen, but he may vote for any less number than nine: Provided, always, that he shall not cast more than one vote for any one candidate, or vote on more than one occasion. And in the event of the number of votes being found to be equal for two or more candidates, one or more of whom, but not all of such candidates, being by the state of the poll entitled to be elected, the Returning Officer shall, by a casting vote or votes, as the case may be, decide which of the candidates for whom the votes may be equal shall be elected: Provided that the said Returning Officer shall not vote except in the case of an equality of votes as aforesaid.

Each voter to have one vote for Mayor and nine votes for Aldermen.

**12.** The said Returning Officer shall provide a ballot box and the necessary ballots for use at said first election, and he shall, as far as possible, conduct said election, in all respects, in conformity with the provisions hereinafter contained governing the subsequent elections.

Duties of Returning Officer.

**13.** The first meeting of the Council so elected shall be held at the Council Chambers, at said city, on the first Monday after such election, and the subsequent meetings thereof at such place, and from time to time as said Council on resolutions when adjourning to be entered on its minutes, or by by-law appoint. At such first meeting, or as soon thereafter as possible, the Council may appoint a Clerk, Treasurer, and Assessor, and such other officers as may be deemed necessary, who shall hold office during the pleasure of the Council, and receive such remuneration as the Council may by by-law appoint.

First meeting of the Council.

Appointment of officers.

*Elections subsequent to first Election.*

**14.** A meeting of the electors of the city shall take place for the nomination of candidates for the office of Mayor of the City on the

Nomination for office of Mayor and Aldermen at subsequent elections.

first Monday of the month of December, annually, at eleven o'clock in the forenoon, in the City Hall, or such other place as the Council shall by by-law or resolution appoint, and for the nomination of candidates for the office of Aldermen for each ward, on the same day and at the same place, at the hour of twelve, noon. The Clerk of the City shall be the Returning Officer of the City, to preside at such meeting, and in case of his absence or inability to attend the Council shall appoint a person as Returning Officer in his place, and if the Clerk or person so appointed does not attend at the hour for holding such meeting the electors present shall appoint a Returning Officer from among themselves.

The Clerk to preside.

Close of nomination. (1.) No nomination for Mayor shall be received after the hour of twelve o'clock, noon, of the said day; and no nomination for Alderman shall be received after one o'clock on the afternoon of the said day:

Notice of nomination meeting.

(2.) The City Clerk shall give notice of such meeting of the electors for the nomination of candidates for Mayor or Aldermen by advertisement, for at least two weeks, in a newspaper published or circulating in the city, and at least six posters posted in each ward in said city.

Nomination and proceedings incident thereto.

15. The nomination of each candidate shall be in writing, and be signed by the proposer and seconder, who shall be, in case of Alderman, duly qualified electors of and residents in the ward of the city for which the candidate is nominated, and in case of Mayor, duly qualified electors of and residents in any ward of the city; and such nomination shall contain a statement, signed by the person nominated, that he consents to such nomination. If no more than the required number for any particular office be nominated, the Returning Officer shall, after a lapse of one hour from the time fixed for holding the meeting, declare such candidate or candidates duly elected for such office or offices. Should more than the requisite number be nominated for any particular office, the Returning Officer shall adjourn the proceedings for filling such offices until the second Monday in December, when the poll or polls shall be opened in each ward, or polling subdivisions, at such place or places respectively as may be fixed by the by-laws of the Council for the election, at nine o'clock in the forenoon, and shall continue open until five in the afternoon of the same day, and no longer.

By-law for an election.

16. The Council shall from time to time by by-law appoint the place or places for taking the vote of the electors in each ward of the city, and appoint the Deputy Returning Officers to take the said votes in such wards, and in the event of no such Deputy Returning Officers being appointed the Clerk of the city shall appoint Deputy Returning Officers for holding the election in conformity with this Act.

- (1.) In case, at the time appointed for holding an election, the person appointed to be Deputy Returning Officer has died, or does not attend to hold the election within one hour after the time appointed, or in case no Deputy Returning Officer has been appointed, the electors present at the place for holding the election may choose for themselves a Deputy Returning Officer, who shall forthwith proceed to hold the election and perform all the other duties of a Deputy Returning Officer; and in all cases the City Clerk, or such person as the Council may appoint, shall administer the necessary oath of office to the Deputy Returning Officers: The absence of the Deputy Returning Officer provided for.
- (2.) The Returning Officer and Deputy Returning Officers however appointed as aforesaid, shall, during the election, act as conservators of the peace for the city and they or any Justice of the Peace having jurisdiction in the city may cause to be arrested, and may summarily try and punish, by fine or imprisonment, or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests, or threatens any voter coming to, remaining at, or going from, the election, and when thereto required all constables and persons at the election shall assist the Returning Officer, Deputy Returning Officer, or Justice of the Peace, under a penalty of fifty dollars in case of refusal, or in default of payment to be imprisoned for a period not exceeding thirty days: Returning Officer and Deputy Returning Officers to be conservators of the peace. Their powers.
- (3.) Every Returning Officer, Deputy Returning Officer, or Justice of the Peace, may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election; and any person liable to serve as constable, and required to be sworn in as special constable by the Returning Officer, Deputy Returning Officer, or Justice of the Peace, shall, if he refuses to be sworn or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor. Special constables may be sworn in.
- 17.** The proceedings at elections shall be as follows:—
- (1.) The Clerk of the city or other Returning Officer shall, before the poll is opened, deliver to the Deputy Returning Officer for each ward or polling subdivision a ballot box and a copy answering to the form in the Schedule of this Act, certified to be a correct copy of the voters' list of the ward, and also a list of the candidates for the office of Mayor, and of the candidates for the office of Aldermen for such ward, together with a sufficient number of ballots for Aldermen and for Mayor, or either, as required:— Proceedings at elections. City Clerk to provide ballot boxes and voters' lists for Returning Officers.
- (2.) The Clerk or other Returning Officer shall deliver with such voters' list his solemn declaration, under oath, that the said Voters' list to be verified on oath.

voters' list is a true copy and correct list, containing the names of all persons entitled to vote at said election in respect to being duly qualified by appearing on the last revised voters' list of the said city or ward:

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| Deputy Returning Officers.  | (3.) Every Deputy Returning Officer shall nominate and appoint in writing a clerk to act for him in the election, to whom he shall administer the oath of office:   |
| Poll to be held between 9 a.m. and 5 p.m.                           | (4.) 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 the same at the hour of five o'clock in the afternoon of the same day:   |
| Oaths.  | (5.) Every Returning or Deputy Returning Officer shall administer all oaths and affirmations necessary at an election:  |
| Election not commenced, or interrupted by riot, &c., to be resumed. | (6.) In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the Returning Officer shall hold or resume the election on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day, if necessary, until the poll has been opened without interruption and with free access to voters for eight hours in all, in order that all the electors so inclined may have had a fair opportunity to vote:   |
| Oath, &c., of challenged voter.                                     | <p>(7.) At an election of Mayor or Aldermen a voter before marking his ballot paper, if so required by any candidate, or his agent, or any elector, shall state his or her occupation and residence to the Deputy Returning Officer, or, if so required, shall take the following oath (or affirmation):—</p> <p>“I, A. B., do swear (or affirm) that I am twenty-one years of age [and, at elections after the first, that I am the person whose name is on the list of electors now shown to me]; that I have not voted before at this election in this ward, or for a candidate for Mayor (if the voter proposes to vote for a candidate for the Mayoralty); that I have not received anything, nor have I accepted any promise made to me, directly or indirectly, either to induce me to vote at this election or to indemnify me for loss of time, travelling expenses, hire of vehicle, or any other service connected with this election; that I have not been guilty of any act of bribery or undue influence, as defined by this Act, or any act of corruption disqualifying me from voting at this election, and that I am properly qualified to vote at this election. So help me God:”</p> |
| Construction of ballot boxes to be used at elections.               | <p>(8.) The Council of the city shall provide a ballot box for each polling subdivision, which shall be provided with a lock and key and have an opening through the lid of sufficient size to admit a</p> <p>194</p>   |



single-folded ballot and no more, and the said boxes shall be kept by the City Clerk for the uses of the said city only, and shall be given out by him to the several Deputy Returning Officers for use in electoral purposes, and it shall be the duty of the Deputy Returning Officer for each polling subdivision forthwith after any election to return the same to the City Clerk or other Returning Officer :

- (9.) The Deputy Returning Officer for each polling subdivision shall, upon the opening of the poll, open the ballot box in presence of the candidates (if present) and their agents, or other persons present, and shall turn it upside down so as to show it is empty, and then lock the box, and the key thereof shall be kept by him, and the said box shall not be re-opened until the close of the poll, for the purpose of counting the ballots therein: Deputy Returning Officer to show box empty and lock it.
- (10.) Every elector shall vote by ballot: Votes to be by ballot.
- (11.) It shall be the duty of the City Clerk, or other Returning Officer, forthwith after the nominations are held for the office of Aldermen in the various wards in the city, to cause to be printed ballots for each separate ward in which there shall be an election for Aldermen, which ballots shall have printed upon them in large letters at the top the number of the ward, and thereafter the names of the candidates for the office of Alderman for that ward, which names shall be in alphabetical order, and deliver sufficient of the same to each Deputy Returning Officer for each polling subdivision: Form of ballot paper for Aldermen.
- (12.) In case an election for Mayor is required, the Clerk, or other Returning Officer, shall cause ballots to be printed, which shall have printed upon them at the top "City of New Westminster," and thereafter printed in large letters the names of the candidates for the office of Mayor, which names shall be in alphabetical order, and deliver sufficient of the same to the Deputy Returning Officer for each polling subdivision: Form of ballot paper for Mayor.
- (13.) The ballot papers for Mayor shall be printed on pink or red paper, and those for Aldermen on white paper, and there shall be a margin on the right-hand side of each ballot after the name, sufficient for the mark of the voter, and the names shall be printed closely to the left-hand margin: Colour of paper.
- (14.) The Deputy Returning Officer shall provide a private room or stall, with desk and pencil, where a voter shall retire to mark his ballot: Voting stalls.
- (15.) The Deputy Returning Officer shall put his initials on the back of each ballot when one is asked for by a voter, and shall mark on the voters' list a mark to indicate that a ballot has been given out. No voter shall be given more than one ballot paper for Mayor and one for Aldermen: Deputy Returning Officer to put his initials on ballot paper.

Voting, marking ballot papers.

(16.) The voter shall at once, upon receiving his ballot paper or papers, retire to the room or stall provided for the purpose and mark his ballot or ballots, by putting a cross on the right-hand side of the name of] the candidates for whom he wishes to vote, and shall at once fold the same so as to conceal the name or names of the candidate or candidates for whom he has marked his ballot, and return the same to the Deputy Returning Officer in the presence of the scrutineer or scrutineers, agent or agents, of the candidates, who shall, without opening the said paper or papers, or permit the same to be opened or examined, deposit the same in the ballot-box, and the Deputy Returning Officer's clerk shall thereupon write down the name of the person whose ballot paper has been deposited in the said ballot-box in a separate list provided for that purpose, and the said clerk shall sign and subscribe his name to each list and return the same to the Deputy Returning Officer at the close of the poll :

Delivery of ballot paper to voter.

(17.) The Deputy Returning Officer, when any ballot paper or papers are required, shall pronounce in an audible voice the name of the person requiring a ballot or ballots, and if the name of such person is found on the voters' list of the said ward used at such election, the said Returning Officer, if the said voter is not required to take the oath or to state his residence or occupation, or is required to take the oath or make such statement duly takes or states the same as required, shall deliver a ballot or ballots for the office of Mayor or Alderman, or either, as the case may be :

Proceedings in case ballot paper cannot be used.

(18.) A voter who has inadvertently dealt with the ballot paper or papers given him, in such manner that either or both cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another or others in the place of that or those so delivered up :

Counting the votes.

(19.) Immediately after the close of the poll the Deputy Returning Officer shall, in the presence of the clerk and the candidates or their agents, and if the candidates and their agents are absent, then in the presence of at least three electors, open the ballot box and proceed to count the number of votes given for each candidate. In so doing he shall reject all ballot papers which are not similar to those supplied by the Returning Officer ; all those by which the votes have been given for more candidates than are to be elected ; and, finally, all those upon which there is any writing or mark by which the voter could be identified.

Rejected ballots.

Disposal of ballot papers after count.

(20.) The other ballot papers being counted and a list kept of the number of votes given for each candidate, and of the number of

rejected ballot papers, all the accepted ballot papers shall be put into a separate envelope or parcel, and those rejected shall also be put into a different envelope or parcel, and all these parcels being endorsed so as to indicate their contents, shall be put back into the ballot box.

- (21.) The Deputy Returning Officer shall take a note of any objections made by any candidate, his agent, or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of such Deputy Returning Officer shall be final, subject only to reversal on petition questioning the election or return. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper and initialed by the Deputy Returning Officer :

Deputy Returning Officer to note objections taken to ballot papers at the counting of same,

And number both.

- (22.) The Deputy Returning Officer shall make out a statement of the accepted ballot papers; of the number of votes given to each candidate; of the rejected ballot papers; of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statements, and enclose in the ballot box the original statement, together with the voters' list and a certified statement at the foot of each list, of the total number of electors who voted on each such list, and such other lists and documents as may have been used at such election. The ballot box shall be locked and sealed, and shall be delivered to the City Clerk :

Statement.

- (23.) Upon receiving the ballot boxes from the several Deputy Returning Officers, the City Clerk, or other Returning Officer, shall add together the number of votes cast for the various candidates for Mayor, and shall forthwith declare the candidate having the highest number of votes to be Mayor of said city, and shall also forthwith declare the candidates from each ward, who shall appear by such returns to have received the highest number of votes, elected for such wards respectively; and in case two or more candidates for the office of Mayor have received an equal number of votes, then the City Clerk, or other Returning Officer, shall vote for one thereof, and forthwith declare such one elected :

Clerk to add up votes and declare who is elected.

If a tie vote for Mayor, Clerk to have casting vote.

- (24.) In case two or more candidates for Alderman have an equal number of votes the City Clerk, or other Returning Officer, whether otherwise qualified or not, shall give a vote for one or more such candidates so as to decide the election :

If a tie vote for Alderman, Clerk to have casting vote.

- (25.) In case no returns be made for one or more wards, in consequence of non-election owing to interruption by riot or other cause, the members of the Council duly elected being at least a majority of the whole number of the Council when full shall

Proceedings in case of a ward not electing.

elect one<sup>r</sup> of the Aldermen to be presiding officer, who shall act as<sup>c</sup> Mayor, and who shall take the necessary declarations, and possess all the powers of Mayor until a poll for each ward or wards has been held:

When ballot papers may be inspected.

(26.) No person shall be allowed to inspect any rejected ballot papers in the custody of the City Clerk, or other Returning Officer, except under the order of a Judge of the Supreme Court of British Columbia, or a Judge of the County Court having jurisdiction in the City of New Westminster; such order to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of such ballot papers may be made, subject to such conditions as to persons, time, place, and mode of inspection and production, as the Court or Judge making the same may think expedient, and shall be obeyed by the Clerk of the City, or other Returning Officer:

Re-count may be ordered by a Judge of Supreme or County Court.

(27.) Upon an affidavit presented by an elector, any Judge of the Supreme Court of British Columbia, or a Judge of the County Court having jurisdiction in said City of New Westminster, shall have power to and shall direct a re-count of the ballots for Mayor or Aldermen, and shall direct the City Clerk to produce all the ballot papers before him, and he shall re-count the same and decide as to the proper number of ballots cast for each candidate, and declare the result of such count; and his declaration as to such re-count shall be final, subject to the election being contested as hereinafter provided. Such re-count must be made within ten days after the declaration of the City Clerk, or other Returning Officer. A fee of twenty dollars shall be paid by the applicant to the said Judge upon presenting the affidavit asking for the re-count:

Proceedings in case of incapacity to mark paper.

(28.) The Deputy Returning Officer, on application of any voter who is unable to read, or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the agents of the candidates, and of no other person, and by placing such ballot paper in the ballot box; and the Deputy Returning Officer shall cause a list to be kept of the names of the voters whose ballot papers have been so marked in pursuance of this section, with the reason why each ballot paper was so marked. And whenever the Deputy Returning Officer shall not understand the language spoken by an elector claiming to vote, he shall swear

an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote:

- (29.) Every Deputy Returning Officer or Clerk who is guilty of any wilful malfeasance, or any wilful act or omission in contravention of the election clause of this Act, shall forfeit to any person aggrieved by such malfeasance, act, or omission a penal sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person: Money penalty for offence.

- (30.) In addition to the Deputy Returning Officer and the Poll Clerk, the candidates or their agents (not exceeding two in number for each candidate for Mayor, and one for each candidate for Alderman), and in the absence of agents, two electors to represent each candidate for Mayor, and one elector to represent each candidate for Alderman, by the request of such electors or elector, and no others, shall be permitted to remain in the room where the votes are given during the whole of the time the poll remains open: Who may be present at polling place.

- (31.) Any person producing to the Returning Officer, or Deputy Returning Officer, at any time a written authority from a candidate to represent him at the election, or any proceedings of the election, shall be deemed an agent of such candidate within the meaning of this Act: Agents of candidate.

- (32.) The agents of each candidate, and in the absence of any agent of any candidate the electors or elector representing such candidate, if there be such elector or electors, on being admitted to the polling station, shall take the following oath (or affirmation): "I do solemnly swear (or affirm) that I will keep secret the name, or names, of the candidate, or candidates, for which any of the voters in ward                      may have marked his ballot-paper in my presence at this election. So help me God." Oath of secrecy.

**18.** The Mayor-elect shall make and subscribe the necessary declarations of office and qualification on or before the day appointed for the first meeting of the Council, before the Police Magistrate or a Justice of the Peace having jurisdiction in said city, and shall afterwards administer the necessary declarations to the other members of the Council; but in case of the Mayor's absence the declarations of office of the Aldermen may be taken before the Police Magistrate, or before any such Justice of the Peace, and the Mayor may afterwards make his declaration of office and qualification. Declarations of office of Mayor and Aldermen.

- (1.) No other business shall be proceeded with at the said meeting until the said declarations shall have been made and filed by the members present: No business to be transacted until declarations filed.

Form of declaration. (2.) The declaration of office made by the said Mayor and Aldermen shall be substantially as follows:—

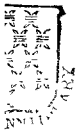
“I, A. B., Mayor or Alderman elect for ward \_\_\_\_\_, do declare that I am a British subject, possessing the qualifications by law required, and that I am not in any way disqualified from holding the office of Alderman for the City of New Westminster, and I have not, nor will I have while holding office, any interest, directly or indirectly, in any contract or services connected with the said Corporation. I have not, by myself or any other person, knowingly employed any bribery, corruption, or intimidation to gain my election, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters. So help me God.”

Declaration to be filed with City Clerk. (3.) Such declaration shall be in writing, and shall be filed in the office of the City Clerk, and be by him retained.

Seats to become vacant by crime, insolvency, absence, &c. **19.** In case a member of the Council be convicted of felony, or any infamous crime, or be declared a bankrupt, or be charged in execution for debt, and remains in close custody or upon gaol limits for one month, or applies for relief as an insolvent debtor, or assigns his property for the benefit of creditors, or in case any member of the Council absents himself from the meetings of the Council for one month, or from the meetings of any committee of which he may be a member for two months, without having been previously excused from such attendance by a resolution of the Council, entered in its minutes, his seat in the Council shall thereupon become vacant.

New elections provided for, and mode of conducting same. **20.** In any case provided for by the next preceding section of this Act, or in case a person elected to the Council neglects or refuses to accept the office within six weeks after the time he should assume office, or to make the necessary declaration of office, or in case a vacancy occur in the Council, caused by death, judicial decision, or otherwise, the head of the Council for the time being, or, in case of his absence or his office being vacant, the Clerk, or, in case of the like absence or vacancy in the office of Clerk, any one of the members of the Council, shall forthwith, by warrant under the signature of such head of Council, Clerk, or member, and under the corporate seal, require the Returning Officer appointed to hold the last election for the city, or any other person duly appointed to that office, or in case of the death or absence of such person, then any Deputy Returning Officer at the last election, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy.

Term of office of person thereupon elected. (1.) Every Mayor or Alderman so elected to replace another shall remain in office for the remainder of the time for which his predecessor had been elected, and no longer.



[1888.]

NEW WESTMINSTER CITY INCORPORATION.

[CH. 42.]

*Contested Elections.*

21. If the election of the Mayor, or of one or more of the Aldermen, be contested, such contestation shall be decided by any Judge of the Supreme Court of British Columbia, or by any Judge of the County Court having jurisdiction in the said City of New Westminster, in chambers, and the decision of said Judge shall be final.

Jurisdiction in case of contested elections.

(1.) Every such election may be contested by any unsuccessful candidate, or by any ten electors qualified to vote at such election :

Who may contest election.

(2.) The said contestation shall be brought before the Judge in chambers, by petition, signed by the petitioner or petitioners, setting forth in a clear manner the grounds of such contestation :

Petition to be presented.

(3.) If the Judge is of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, he shall order proof to be adduced, and the parties interested to be heard on the nearest day which he deems expedient, and shall proceed in a summary manner to hear and try the said contestation. The evidence shall be given in the same manner as evidence in any ordinary civil cause, and if the trial of such contestation is not concluded at the close of the sitting at which it began, the Judge may continue the same from day to day until he has pronounced his final judgment upon the merits of the same; and every such judgment pronounced, and all proceedings had in any such case, shall have the same effect as if the same had been pronounced or had in open court :

Evidence in support of petition may be ordered.

(4.) A true copy of the petition, with a notice stating the day on which the petition will be presented to the Judge, shall be first duly served upon the Mayor or Alderman whose election is contested at least eight days before the day on which the petition is presented to said Judge, and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service; but no such petition shall be received after one month after the election thereby contested; nor shall any such petition be received unless security for costs, to be approved by said Judge, shall be given by said petitioner or petitioners :

Petition and notice to be served on person whose election is objected to.

(5.) The Judge may on such contestation confirm the election, or declare the same to be null and void, or declare another person to have been duly elected, and may in any of such cases award costs to or against any party, which costs shall be taxed and allowed in the Supreme Court of the Province, and shall be recoverable by execution issued out of the said Court by order of said Judge :

Powers of Judge at trial.

Costs.

Immaterial irregularities, &c.

- (6.) If any defect or irregularities in the formalities prescribed for the election are set forth in such a petition as a ground of contestation, the Judge may admit or reject the objections according as such defect or irregularity may or may not have materially affected the election :

Proceedings to carry judgment into effect by new election or otherwise.

- (7.) In case the election complained of be adjudged invalid the Judge shall forthwith by writ cause the person found not to have been elected to be removed, and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted to such office, and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall, by a writ addressed to the Clerk of the Council, cause a new election to be held, and the same formalities shall be observed at such election as are required to be observed at every general election under this Act :

Powers of Clerk on receipt of writ to remove persons illegally elected and for new election.

- (8.) In case the election of all or any of the members of the Council be adjudged invalid, the writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, shall be directed to the Clerk of the Council, who shall have all the powers for causing an election to be held which the Council has in order to supply vacancies therein.

#### *Corrupt Practices.*

Certain persons to be deemed guilty of corrupt practices.

22. The following persons shall be deemed guilty of corrupt practices and shall be punished accordingly :—

Giving money to voters, &c.

- (1.) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, or promises any money, or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any elector to vote or refrain from voting at a municipal election, or upon any by-law for raising any money or creating a debt upon the city for any purposes whatsoever, or who corruptly does any act as aforesaid on account of such voter having voted or refrained from voting at any such municipal election or upon any such by-law :

Procuring office, &c., for voters.

- (2.) Every person who directly or indirectly by himself or by any other person on his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in any Municipal Council, or to procure or prevent the passing of any such by-law as aforesaid, or the

Or for persons influencing voters.



vote of any voter at any municipal election or for or against such by-law :

- (3.) Every person who by reason of any such gift, loan, offer, promise or agreement procures or engages, promises or endeavours to procure the return of any person in any municipal election, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election for or against such by-law : Corruptly influencing voters.
- (4.) Every person who advances or pays, or causes to be paid any money to or to the use of any other person, with the intention that such money or any part thereof shall be expended in bribery at any municipal election as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law : Advancing, &c., money for bribery, &c.
- (5.) Every voter who, before or during any municipal election, or the voting on any such by-law, directly or indirectly, by himself or any other person on his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place of employment for himself or any other person, for voting or agreeing to vote, or refraining, or agreeing to refrain, from any voting at any such election or upon any such by-law : Voter receiving money, &c., for vote, or agreeing for money to vote, &c.
- (6.) Every person who after any such election, or the voting upon any such by-law, directly or indirectly by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting at any such election or upon any such by-law. Receiving money, &c., after the election, for voting, &c.
- (7.) Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of any force, violence, or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage, or loss, or in any manner practices intimidation upon or against any person in order to induce or compel such person to vote, or refrain from voting, or on account of such person having voted, or refrained from voting, at an election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned: Persons using violence or intimidation to be guilty of undue influence.
- (8.) Every person who corruptly, by himself, or by or with any person, or by any other ways or means on his behalf, at any time, either before or during any election, or the voting upon any by-law, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, Persons corruptly providing refreshments to be deemed guilty of treating.

or pays wholly or in part any expenses incurred for any meat, drink, refreshment, or provisions to or for any person in order to be elected, or for being elected, or procuring the election of any other person, or the passage of any such by-law, or for the purpose of corruptly influencing such person, or any other person, to give, or refrain from giving, his vote at such election, or upon such by-law, shall be deemed guilty of treating:

False personation.

(9.) Every person who, during the voting at an election or upon any by-law, knowingly personates and falsely assumes to vote in the name of another person whose name appears on the voters' list, whether such person be then living or dead, or if the name of such other person be a fictitious person; every person who having already voted at an election, or upon a by-law, presents himself again to vote at the same election, or upon the same by-law; and every person who aids, incites, counsels, or facilitates the commission by any person whomsoever of any of the foregoing acts in this sub-section mentioned.

Voting more than once, &c.,

Expenses of candidates.

**23.** The actual personal expenses of any candidate, his expenses for actual professional services performed, and bona fide payments for the fair costs of printing and advertising, shall be held to be expenses lawfully incurred, and a payment thereof shall not be a contravention of this Act.

Votes of persons guilty of corrupt practices to be struck off.

**23A.** Upon the trial of any petition against the election of a Mayor or Alderman, or against any by-law voted upon by the ratepayers under this Act, there shall be struck off from the number of votes given for any candidate, or for or against such by-law, one vote for each person who shall have been proved to have voted after having been guilty of a corrupt practice at the instigation of the candidate, or one of his agents, or of any person acting in the name of or in the interest of such candidate, or acting for or against such by-law, as the case may be.

Evidence of corrupt practice on application in nature of quo warranto, &c.

**24.** Where in an application in the nature of a quo warranto, or upon any such petition, or upon application to quash any by-law, any question is raised as to whether the candidate, or any voter, or other person has been guilty of any violation of section twenty-two of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by viva voce evidence taken before any Judge of the Supreme Court, or the Judge of the County Court having jurisdiction in the said City of New Westminster, or by an examination upon an appointment granted by such Judge as in cases pending in any such Court.

Penalty on candidate guilty of corrupt practices, &c.

**25.** Any candidate elected at any municipal election which is contested, being found guilty by the Judge of any corrupt practice, undue

influence, or treating as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter.

**26.** Any person who is adjudged guilty of any of the offences within the meaning of said section twenty-two shall incur a penalty of not less than ten or more than fifty dollars, and shall be disqualified from voting at any municipal election, or upon any by-law for the next succeeding two years, or from being a candidate at any municipal election during said two years. Additional penalties.

**27.** The penalties imposed by the last preceding section shall or may be recoverable with full costs of suit by any ratepayer of the city who may sue for the same by action of debt in any Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or municipal voter until the amount which he has been ordered or adjudged to pay is fully paid and satisfied. Recovery of penalties.

**28.** It shall be the duty of the Judge who finds any candidate guilty of a contravention of section twenty-two, or who condemns any person to pay any sum within the meaning of the last preceding section, to report the same forthwith to the Clerk of the City. The Clerk of the City shall duly enter in a book to be kept for the purpose the names of all persons who shall have been adjudged guilty of any offence as aforesaid, and of which he shall be notified by the Judge as aforesaid. Judge to make return.  
Clerk to keep book showing names of persons guilty of offences, &c.

**29.** Any witness shall be bound to attend before any Judge upon being served with the order of such Judge, or a subpoena issued by the Court directing his attendance, and upon payment of the necessary fees for such attendance in the same manner as if he had been directed by a writ of subpoena in an ordinary cause to attend, and he may be punished for contempt, and shall be liable to all the penalties for non-attendance as if he had been served with a subpoena in an ordinary cause. Attendance of witnesses.

**30.** No person shall be excused from answering any question put to him in any action, suit, or other proceeding, or before any Judge, touching or concerning any election or the voting upon any by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act against any such person, if the Judge gives to such witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer to the satisfaction of the Judge. Witnesses not excused from answering on grounds of self-crimination or privilege.  
Proviso.

*Assessments.*

Assessment.

Commissioner and assessors to be appointed.

**31.** The Council shall appoint an Assessment Commissioner, and when necessary one or more, and not more than three, assistants, all of whom shall be called Assessors, and they shall constitute a Board; and the salaries to be paid to said assistants shall be fixed by the Council at such a rate per month for each of them during the time they are employed as the Council may think right; and the salary to be paid the said Assessment Commissioner, who shall be a permanent officer of the city, shall also be fixed by the Council.

Assessor to be under the control, &c., of Commissioner.

**32.** The assistant or assistants of the Assessment Commissioner, after his or their appointment by the Council, shall be under the control and supervision of the Assessment Commissioner, who shall have the right, irrespective of the Council, to suspend any assistant disobeying orders, or otherwise in his opinion violating the duties of his office, pending the action of the Council, and during which period his salary and wages shall cease; and the said Assessment Commissioner may also, during such suspension of any assistant pending the action of the Council, employ another to fill his place.

Council to provide him with assessment roll.

**33.** The Council shall, on or before the first day of March in each year, furnish the Assessor or Assessors appointed with a printed or ruled form of an assessment roll, in conformity with Schedule A of this Act, or in such other form as the Council may direct, in which, after enquiry, he or they shall set down all the information therein required to be contained, and also with a sufficient number of blank forms to proceed with and conclude the assessment.

All rateable property to be valued.

**34.** It shall be the duty of the said Assessor or Assessors annually to make a valuation of all the rateable property in the city, and to report the same with such particulars as the Council may require.

Revision of the valuations.

**35.** It shall be the duty of the said Assessor or Assessors to revise the valuations made by each Assessor, if more than one Assessor be appointed, and to see that all rateable property in the city is assessed,

Assessment roll to be made out.

and to make out an assessment roll in such form as the Council may direct; and when such assessment roll is completed it shall be the duty of such Assessor or Assessors to deliver, or cause to be delivered, at least fifteen days before the first sitting of the Court of Revision, to each person so assessed who resides within the city, either personally or by leaving the same at their residence or place of business, or by posting same addressed to such person at the City of New Westminster, a notice containing a copy of so much of the assessment roll as refers to the property of such person, and to mail to the address of any non-resident who is rated upon such roll a like notice; provided such person has by writing requested to be assessed; and in all other cases proprietors shall be assessed as non-residents, and no notice shall be required

Notice of assessments to be delivered to persons assessed.

- (1.) It shall be the duty of such Assessor or Assessors, if more than one be appointed, to begin to make the assessment not later than the first day of March in each year, for that year, and to return the assessment roll not later than the first day of May in each year, and he or they shall attach thereto a certificate signed by him, or each of them (if more than one Assessor), and verified upon oath or affirmation before the Mayor, Police Magistrate of the City, a Judge of the Supreme Court or of the County Court, or before any Justice of the Peace having jurisdiction in the city, and such oath or affirmation shall be in the form following :—

When assessment roll to be completed.

“ I (*or we*) do solemnly certify (each for himself and for each other), as far as my (*or our*) knowledge extends, that I (*or we*) have set down in the above assessment roll all the real property liable to taxation situated within the ward of the City of New Westminster, and the true and lawful value thereof, according to the best of my (*or our*) information and judgment and also that the said assessment roll contains a statement of the aggregate amount of the personal property of every person named in the said roll, and that I (*or we*) have estimated the same according to the best of my (*or our*) judgment, information and belief, and I (*or we*) certify that I (*or we*) have entered thereon the names of all the resident householders, tenants, and freeholders, and of all other persons entitled to be assessed who have required their names to be entered thereon, with the true amount of property occupied or owned by each, and that I (*or we*) have not entered the name of any person whom I (*or we*) do not truly believe to be a householder, tenant or freeholder, or the bona fide occupant or owner of the property, and that the date of delivering or transmitting the notice required herein is in every case truly and correctly stated in said roll; and I (*or we*) further certify and swear (*or affirm, as the case may be*) that I (*or we*) have not entered the name of any person in order to give such person a vote, or at too low a rate in order to deprive such person of a vote, or for any other reason whatever, and that the amount for which each person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid, and that I (*or we*) have truly set down upon the said roll the number of horses, cattle, sheep and pigs in the possession of each person assessed, as stated to me (*or us*) by the person so assessed. So help me God :”

Certificate attached to roll.

- (2.) It shall be the duty of such Assessor or Assessors, in addition to other duties imposed upon them, to collect such other information as is required by any Act of the Legislature of this Province or by any Order in Council passed thereunder :

Assessor to gather all necessary information.

Real estate of railway companies, &c.

(3.) The real estate of all railway companies shall be considered as lands of residents, although the company has not an office in the city, except in cases where a company ceases to exercise its corporate powers through insolvency or other cause :

Inspection of assessment roll.

(4.) It shall be the duty of the City Clerk, on the return of the assessment roll, to give notice when and where the same may be inspected ; said notice to be given at least thirty days before the Court of Revision, which notice shall be published in a newspaper in the city, and shall also state the time and place at which such Court of Revision shall hold its first meeting.

Particulars respecting real property to be delivered to assessors in writing by the parties to be assessed.

**36.** It shall be the duty of every person assessable in the city to give all necessary information to the Assessor or Assessors, and if required by one or more of the Assessors, he shall deliver to him or them a statement in writing, signed by such person or by his agent, if the person himself be absent, containing all the particulars respecting the property assessable against such person which are required in the assessment roll. It shall be the duty of the Registrar of the Land Registry Office of the district in which said city is situated, when so required by the Assessor or Assessors, to allow him or them access, free of charge, at all reasonable times, to the books containing the records of the city property, for the purpose of perfecting such assessment.

Penalty for not giving statement.

**37.** In case any person fails to deliver to the Assessor or Assessors the written statement mentioned in the preceding section, when required so to do, such person shall, upon conviction before the Mayor or Police Magistrate, or any Justice of the Peace having jurisdiction in the city, forfeit to the Corporation a sum not exceeding fifty dollars and costs, to be recovered by distress and sale of the goods and chattels of the offender, in like manner as if convicted of the breach of any by-law of the city.

Statements given by parties not binding on assessors.

**38.** No Assessor or Assessors shall be bound by any such statement if he or they has or have any reason to doubt its accuracy, nor shall he or they be excused on account thereof from making inquiry to ascertain its correctness, and he or they shall discriminate as to property mentioned therein, which is legally assessable or otherwise, and may assess such person for such amount of real and personal property, as he or they believes or believe to be just and correct, and may omit his name or any property which he claims to own or occupy if the Assessor or Assessors has or have reason to believe that he is not entitled to be placed on the roll or to be assessed for such property.

Unoccupied lands to be called "lands of non-residents," except, &c.

**39.** Unoccupied lands shall be denominated "Lands of Non-residents," unless the owner thereof has a legal domicile or place of business in the city, or gives notice in writing setting forth his full name, place of residence, and post office address, to the Clerk of the city on or before the twenty-eighth day of February in each year, that he owns

such land, describing it, and requires his name to be entered on the assessment roll therefor, and the Clerk of the city shall, on or before the first day of March in each year, make up and deliver to the Assessor or Assessors a list of the persons requiring their names to be entered on the roll, and the lands owned by them.

- (1.) All property, the names of the owners of which shall not be ascertained by the Assessor or Assessors, shall be entered on the assessment roll as "non-resident property": When owner unknown.
- (2.) Lands occupied by the owner shall be assessed in his or her name: When land to be assessed in owner's name.
- (3.) As to lands not occupied by the owner, but of which the owner is known, and who at the time of the assessment being made resides or has a legal domicile or place of business in the city, or who has signified, by writing to the City Clerk as herein provided, that he owns the land and requires to be assessed therefor, the same shall be assessed against such owner alone if the land is unoccupied, or against such owner and occupant when occupied. When land not occupied by the owner, but owner is known.

**40.** All municipal rates or taxes shall, when no other provisions have been made in this respect, be levied equally on the whole rateable property, real and personal, of the city according to the assessed value of such property, and not upon any one or more kinds of property in particular or in different proportions. All taxes to be levied equally upon the rateable property, when no other provision made.

#### *Exemptions.*

**41.** All land and personal property in the city shall be liable to taxation subject to the following exemptions, that is to say:— What property liable to taxation.

- (1.) All property vested in or held by Her Majesty, or vested in any public body or body corporate, officer or person in trust for Her Majesty or for the public use of the Province, and also all property vested in or held by Her Majesty or any other person or body corporate in trust for or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity: All property belonging to Her Majesty.  
Indian lands unoccupied, or occupied officially.
- (2.) When any property mentioned in the preceding clause is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable: But if occupied not officially.
- (3.) Every place of worship, and not more than one acre of land used in connection therewith, and every burying ground; but in no case shall any one parish, church, or congregation be entitled in the aggregate to more than two acres by way of exemption: Places of worship, &c.
- (4.) The buildings and grounds of and attached to and the furniture, library, and educational appliances belonging to every university, Public educational institutions, mechanics' institutes, &c.

college, high school, public free library, mechanics' institute, the lands of any agricultural or horticultural society, or any incorporated seminary of learning, whether vested in trustees or otherwise, so long as such building and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise used or occupied:

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|-------------------------------|--|
| City hall, &c.                | (5.) Every public school-house, city hall, court-house, gaol, house of correction, lock-up house, and public hospital, or incorporated charitable institution, with the lands attached thereto and the personal property belonging to each of them and used in connection therewith: |
| Public roads, &c.             | (6.) Every public road, street way, square, or block:  |
| Municipal property.           | (7.) The property belonging to the city, whether occupied for the purposes thereof or unoccupied, but not when occupied by any person as a tenant, or lessee, or otherwise than as a servant or officer of the city for the purposes of said city:                                   |
| Household effects, books, &c. | (7A.) Household effects of whatever kind, books, and wearing apparel:  |
| Penitentiary, &c.             | (8.) Any penitentiary, prison, or reformatory, and the land attached thereto, belonging to the Province:   |
| Poor-houses, &c.              | (9.) Every poor-house, alms-house, orphan asylum, house of industry, and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same, and used in connection therewith:      |
| Militia horses.               | (10.) Every horse regularly enlisted for duty in any corps of the active militia of Canada.  |

**42.** When ground is not held for the purpose of sale, but for bona fide use as a farm or market garden, or in connection with a building as a paddock, park, lawn, garden, or pleasure ground, it shall be assessed at a valuation of which eight per cent. would equal the annual rental which, in the judgment of the Assessor or Assessors, it is fairly and reasonably worth for the purpose for which it is used, reference being always had to its position and local advantages.

*Miscellaneous Provisions.*

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| Formal defects in roll.   | <b>43.</b> No assessment shall be invalid by reason of omission of assessable property therefrom, or of any defect in form, or because of the non-return of the roll at the time specified. |
| Persons in naval or military service not to perform statute labour. | (1.) No person in Her Majesty's naval or military service on full pay, or in actual service, shall be liable to perform statute labour, or to commute therefor.                             |



*Court of Revision.*

**44.** The assessment roll of the city shall be annually revised and corrected by the Council thereof at a Court of Revision; and the person or persons so assessed, or not assessed, if he or they complain of their assessment or non-assessment, or of the assessment or non-assessment of any other person, shall, at least seven days previous to the first meeting of the Court of Revision, notify the Clerk of his or their ground of complaint, and the Council shall, at the time and place mentioned in the notice referred to in section thirty-five, sub-section four, of this Act, form themselves into a Court of Revision, to be composed of not less than four members of the Council, for hearing such complaints, and after hearing the parties complaining, as well as the Assessor or Assessors, and such evidence as may be adduced, the said Court of Revision may confirm or alter, raise or lower, the assessment and amend the roll accordingly; and every such decision shall be considered as final, except the same is further amended on appeal as hereinafter provided:

- (1.) At the Court of Revision the complainant, witnesses, or Assessors shall give evidence under oath. Four members of the Council shall be a quorum of the Court. Any member thereof may administer the oath to any party giving evidence thereat; and the Clerk of the Council shall be the Clerk of the Court, unless the Court otherwise determines:
  - (2.) The roll, as finally passed by the Court of Revision and certified by the Clerk as passed, shall, except in so far as the same may be further amended on appeal as hereinafter provided, be valid, and bind all parties concerned notwithstanding any error or defect committed in or with regard to such roll, or any defect, error, or mis-statement in the notice required by section thirty-five, sub-section four, of this Act, or omission to deliver or transmit such notice.
- 44A.** If a person be dissatisfied with the decision of the Court of Revision he may appeal therefrom, in which case—
- (1.) He shall within one week after the decision, in person or by attorney, serve upon the Clerk of the City a written notice of his intention to appeal to the Judge, or acting County Court Judge having jurisdiction within said city:
  - (2.) The Judge shall appoint a day for hearing the appeal, notice of which shall be given by the Clerk, or such other person as the Lieutenant-Governor in Council may appoint:
  - (3.) The Judge shall hear the appeal and evidence adduced upon oath at the time and place appointed, in a summary manner, and may adjourn the hearing from time to time and defer judgment therein at pleasure:

Assessment roll to be revised annually.

Notice of complaint.

Hearing same, &c.

Quorum.

May administer oaths.

Who to be clerk.

Roll to be binding notwithstanding errors in it, or in notice sent to persons assessed.

Appeal from Court of Revision.

Service of notice of appeal.

Day for hearing.

Hearing and adjournment.

Assessment roll to be produced to the Court.

(4.) The City Clerk shall on any appeal from the decision of the Court of Revision produce before the Judge, at the time and place appointed for hearing the appeal, the assessment roll and all papers and documents in his possession in any way affecting the matter :

Costs to be awarded by the Judge, and how enforced.

(5.) The costs of such appeal shall be in the discretion of the presiding Judge, who shall fix the amount thereof and order by whom and to whom the same shall be paid, and the payment thereof may be enforced by execution issued out of the said County Court upon an order of said Judge.

*Levying Rate.*

Yearly rate to be levied by by-law.

45. The Council of the city shall, in each and every year after the final revision of the assessment roll, pass a by-law for levying a rate, or rates, on all the real and personal property on the said roll, to provide for all the necessary expenses of the city, as well the payment of every such sum, or sums, as the city shall be liable for during the current year in respect of any debenture or other debt or obligation, and also such other sum or sums of money as may be found expedient: Provided always, that the rate to be levied in any year, in addition to what is required for payment of interest on outstanding debentures, and the amount required for a sinking fund therefor, and for school purposes (if any), shall not exceed the sum of one and one-third cents on the dollar.

Rate not to exceed  $1\frac{1}{3}$  per cent.

*Collection of Rates.*

Clerk to make out tax rolls; their form, contents, &c.

46. Upon and forthwith after the said final revision of the assessment roll, and the passage of such by-law, the Clerk of the city shall make out a tax roll, or rolls, in which he shall enter all the land and taxable property in said city, which shall contain columns for all the information required by this Act, or otherwise to be entered therein. The said roll shall be in three parts; and in the first part, which may be called the "resident roll," he shall set down, alphabetically arranged, the name in full of every person assessed, and the assessed value of his real and personal property, as ascertained after said final revision, and he shall calculate, and opposite the said assessed value therein of each respective person he shall set down, in separate columns, headed with the name or object of each rate, or otherwise, as the case may require, the amount for which the person is chargeable for each purpose respectively, and the total amount required to be collected from or paid by such person on the assessment of that year, for all purposes for which a levy is required to be made in the city; and every rate, the proceeds of which are required by law, or the by-law imposing it, to be kept distinct, or accounted for separately, shall be so entered and calculated separately. And in the second part, which may be called the "non

resident roll," he shall set down and enter the lands of non-residents, whose names have not been set down in the assessor's roll, together with the value of each lot, part of lot, or parcel, as ascertained after said revision, and he shall enter opposite to each lot, or parcel, all the rates or taxes with which the same is chargeable, in the same manner as is provided for in said first part or "resident roll." And in the third roll he shall set down in numerical order the blocks and lots with the rates as aforesaid.

Rolls of lands of non-residents whose names not in assessment rolls, &c.

**47.** The said tax roll shall also have a column in which shall be entered any arrears of taxes due on or in respect of any land or other property in the city, and said arrears shall be set down opposite the name of the person, or in the non-resident and numerical rolls opposite the land liable therefor; and these arrears of taxes shall be such as shall have been furnished to the Clerk of the city by the Collector, or such as the City Clerk shall himself be otherwise aware of, from the books or other accounts in his office or possession as such Clerk, as being legally due on or in respect of any land or property in said roll.

Arrears of taxes to be entered.

**48.** When the said roll is completed, all parts shall be given to and remain in the hands of the Tax Collector for collection.

Completed roll to be given to Collector.

**49.** On receiving said tax roll the Collector shall forthwith serve upon, or transmit by mail (registered), a notice containing a statement and demand of taxes to each person whose name appears on said resident roll, or to the agent of such person, if absent, if he knows the name of such agent, and to each person on the non-resident roll, if he knows the address of such person, or his agent; and such statement or demand shall mention the time when such taxes are required to be paid, and what discount (if any) will be allowed for prompt payment of the same; and the said Collector shall enter the date of mailing such notice in said tax roll opposite the name of the person taxed, and such entry shall be prima facie evidence of the mailing of same.

Collector to serve notice demanding payment of rates.

**50.** In case any person resident in the city, or who being a non-resident, shall have required his name to be placed on said assessment roll, and who personally, or by his duly authorized agent in the city, shall have been served with, or shall have such statement mailed to him as aforesaid, neglects to pay his taxes for thirty days after such demand as aforesaid, the Collector may, by himself or agent, unless the time for payment of taxes shall have been extended by a by-law of the Council to a period or periods beyond said thirty days, levy the same with costs by distress and sale of the goods and chattels of the person who ought to pay the same, or any goods and chattels in his possession or in the possession of any person for him wherever the same may be found in the city, and the costs chargeable shall be those the Council may by by-law, from time to time, allow for the same.

When payment is not made, Collector to levy the tax by distress and sale.

Public notice of sale to be given, and in what manner.

**51.** Notice shall be given by posters posted up in at least three of the most public places of the city, and in three issues of one or more newspapers published therein, when and where the sale of goods and chattels distrained is to be made, giving at least eight days' public notice of sale, and of the name of the person whose property is to be sold; and at the time named in the notice, the Collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. And in all cases when goods and chattels are enclosed, or supposed to be enclosed, by doors of houses, barns or outbuildings, cupboards, or other close places, whether enclosed by walls, fences, gates or otherwise, the seizing officer may open the same, or cause the same to be opened in the presence of two witnesses, with all necessary force to effect said opening, and in all cases goods and chattels in and upon the premises, upon which taxes are due, shall be liable for the payment of the same.

Surplus to be paid to party in whose possession the goods were, or to other person entitled.

**52.** If the goods and chattels seized are sold for more than the whole amount levied for, and the costs attending the seizure and sale, the surplus, on demand, shall be returned to the person in whose possession such goods and chattels were at the time when the seizure was made; and in case said surplus shall not be demanded, it shall be paid over by the Collector to the Treasurer, and remain in the hands of said Treasurer, to be held for and paid over on demand to the person in whose possession said goods were as aforesaid, or otherwise to the person entitled, as owner of said goods and chattels, to said surplus.

Rates to be a charge against tenant or occupier as well as owner.

**53.** All assessments under this Act shall be due and payable, not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the property, and by the tenant or lessee of such property, to the extent to which the possessor, occupant, tenant or lessee is indebted to such owner, and the payment by any such person shall be a discharge of the property for the amount so paid, and shall also be a discharge to the possessor, occupant, tenant or lessee of so much of his indebtedness to the owner as he shall have so paid.

Proceedings when taxes are unpaid and cannot be collected.

**54.** If any of the taxes mentioned in the tax roll remain unpaid and the Collector is not able to collect the same, he shall show on said roll when returned, opposite to each assessment or by a statement appended to said roll, the reason why the same could not be collected, by adding the words "non-resident" or "not sufficient property to distrain," as the case may be.

Taxes to be a lien upon land, &c.

**54A.** The taxes accrued on any land, or goods or chattels, shall be a special lien on such land, goods and chattels, having preference to any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it.

**54B.** The Corporation may register, with the Registrar of Titles, all taxes which may be due on the land at the expiration of the fiscal year, and a fee of twenty-five cents shall be paid for each tax so registered, and the same fee for a discharge of each such tax. Taxes may be registered as a charge.

**55.** The Collector shall not receive any part of the taxes charged against any parcel of land unless the whole of the arrears then due is paid, except as provided for in section 53 of this Act, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of taxes chargeable upon any of the subdivisions, and leave the other subdivision chargeable with the remainder. The whole amount to be paid at once, unless the land is subdivided.

**56.** The Collector, on demand, during the time in which he shall have the tax roll in his possession, shall furnish to any person requiring the same a written statement of the arrears of taxes at that date in respect of any specified land; and he may charge a fee of twenty-five cents for furnishing such statement if it does not contain more than five lots or parcels, and a further fee of ten cents for every additional ten lots or parcels, but he shall not make any charge for search or statement to any person who pays the taxes: Provided that no more than two dollars shall be charged for any statement. If demanded, Collector to give a written statement of arrears.

**57.** The Tax Collector shall be the Collector of all the assessments imposed within the limits of the city. Collector to collect all taxes.

*Sale of Lands for Taxes.*

**58.** Whenever a portion of the tax on any land has been due eighteen months, the Collector shall submit to the Mayor a list, in duplicate, of all the lands in his books belonging to the city, the non-resident, or other taxes on which he is authorized to collect, and liable, under the provisions of this Act, to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the Mayor shall authenticate each such list by affixing thereto the seal of the Corporation and his signature, and one of such lists shall be deposited with the Clerk of the City, and the other shall be given to the Treasurer, with a warrant thereto annexed, under the hand of the Mayor and the seal of the city, commanding him to levy upon the land for the arrears due thereon with costs. When lands to be sold for taxes. Arrears due for 18 months to be levied by warrant of Mayor to Treasurer.

**59.** The said Treasurer shall not sell any lands which have not been included in the lists furnished him as aforesaid. What lands only the Treasurer shall sell.

**60.** The Treasurer shall prepare a copy of the list of lands to be sold, as authorized by this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot Treasurer to prepare list of lands to be sold and advertise in Gazette.

for advertising, and the sum of twenty-five cents for each parcel advertised for sale, and shall cause such list to be published for four weeks in the British Columbia Gazette, and once a week, for four successive weeks immediately preceding the day of sale therein named, in at least one newspaper published or circulated in the city.

When Treasurer sells land, the fee of which is in Crown, he shall only sell the interest the Crown has parted with.

**61.** Where the title to any land sold for arrears of taxes is vested in the Crown, the deed therefor, in whatever form given, shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognize or admit that any person or persons possesses or possess under any colour of right whatever; and the city, in case of any sale for taxes being declared invalid, shall be liable only for the purchase money actually paid therefor to the Treasurer, and legal interest thereon, as for damages or otherwise.

Notice to be given in such advertisement.

**62.** The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid, the Treasurer will proceed to sell the lands for taxes on a day and at a place named in the advertisement.

Time and place of sale to be given.

**63.** Every such notice shall specify the place, day and hour at which such sale will commence; each lot or parcel of land shall be designated therein by a reasonable description for registration purposes.

All land liable to be included in same statement.

**64.** All the lots thus liable for sale in the city shall be included in the same statement and in the same notice; but any neglect or omission to include any land liable for sale in said list shall not be held to prevent the sale of the said land on any future occasion for all arrears of taxes that may be due thereon.

Time of sale.

**65.** The day of sale shall not be more than forty days after the first publication of the list, and the sale shall take place at such place in the city as the Council shall from time to time by resolution or by-law appoint, and in the absence of such appointment at such place in the city as the Mayor in his warrant shall name.

Notice to be posted up.

**66.** The Treasurer shall post up in some convenient and conspicuous place in his office a copy of such tax sale advertisement.

Expenses added to arrears.

**67.** The Treasurer shall, in each case, add to the arrears of taxes published his charges and the cost of publication.

Adjourning sale if no bidders.

**68.** If at any time appointed for sale of the lands no bidders appear, the Treasurer may adjourn the sale from time to time: Provided always that no such adjournment shall be for a period exceeding fourteen days.

If taxes not paid sale to take place.

**69.** At the place, day, and hour appointed for the sale of the lands, and if the taxes thereon, including the costs and charges, have not been previously paid or collected, the Treasurer shall offer the lands

for sale by public auction, and in doing so shall make and declare the amount stated in the list or advertisement as the taxes due, together with his charges and costs of publication, the upset price on each respective lot or parcel as offered for sale, and shall then sell the same to the highest bidder, or to such person as shall be willing to take it at the said upset price there being no higher bidder, but subject to redemption as herein provided for.

**70.** If the land will not sell for the full amount or arrears of taxes due and all charges, the Treasurer shall then and there sell for any sum he can realize, and shall accept such sum as a discharge of the land sold for such arrears of taxes, but the owner thereof shall not be relieved thereby from any liability in respect of any deficiency arising from such sale; nor shall the land so sold be redeemed except upon payment to the Treasurer of the full amount of taxes due, together with the expenses of sale, with legal interest thereon and all taxes that have accrued on said lands since the sale thereof; and the Treasurer shall account to the city for the amount realized in such case over and above all charges and the cost of publication, and in the event of redemption as aforesaid to the tax purchaser for the amount of his purchase money with interest as aforesaid and all taxes he may have paid on said lands since the sale thereof.

When land does not sell for full amount of taxes.

**71.** If the land sells for a greater sum than the taxes due, together with all charges thereon, the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges, and the balance of the purchase money shall be payable within one calendar month after the time of redemption of said land shall have expired without the same having been redeemed within the time limited.

When land sells for greater sum than taxes due.

Disposal of surplus.

**72.** If the purchaser of any parcel of land fails immediately to pay to the Treasurer on account of said purchase the amount claimed for arrears of taxes and charges, or such lesser sum as he may have purchased for, the Treasurer shall forthwith again put up the property for sale.

When purchaser fails to pay purchase money.

**73.** The Treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, describing the land as advertised, the interest therein sold, the sum for which it has been sold, and all the expenses of such sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, will be executed by the Mayor and Treasurer on his or their demand, at any time after the expiration of one year from the day on which an order shall be made by a Judge of the Supreme Court confirming the sale; and such order may be made upon petition, on proof being made to the satisfaction of the Judge that notice of the sale and of the consequence thereof in writing, or partly in print and partly in writing, signed by the Collector, has been served

Treasurer selling to give purchaser a certificate of land sold.

on the person who at the time of the service thereof was the registered owner, or if there be no such owner then the last known owner of the land, or that substitute service of such notice has been effected in such manner as any such Judge may have directed, if the land be not previously redeemed, and upon the payment of the balance of purchase money remaining, over and above the amount paid at the time of sale, and upon payment of the subsequent taxes (if any) and of the Treasurer's fee of two dollars for said deed.

**Purchaser of land sold for taxes to be deemed owner thereof, for certain purposes, on receipt of Treasurer's certificate.** **74.** The purchaser shall, on receipt of the Treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the land be redeemed, or until the expiration of the term during which it may be redeemed.

**Treasurer to keep record of land sold for taxes,** (1.) The statement of the land so sold for arrears of taxes, with the names of the respective purchasers, the date of sale, the time for redemption and amount required to redeem, shall, within thirty days from the date of sale or adjourned sale, be entered by the Treasurer in a book to be kept by him for the purpose. **And when and how redeemed.** Whenever any parcel of land is redeemed the Treasurer shall forthwith write against the entry of the lot mentioned therein in the said book the word "redeemed," and the name and address of the person by whom or for whom the redemption money was paid in a column in said book reserved for the purpose:

**Title of record book.** (2.) The book in which such statements shall be entered shall be called the "Tax Sale Book of the City of New Westminster."

**Fees payable on searching record, &c.** **75.** The Treasurer shall be entitled to a fee of twenty-five cents for each search as to any respective lot or parcel of land to ascertain if the same has been sold for arrears of taxes, as shown by the entry in any such tax sale book, and an additional sum of twenty-five cents for a certificate as to such sale or otherwise, or as to such redemption, if made, or for an inspection, if required, of the said book; and where a certificate is given as to any parcel of land having been sold for taxes, it shall give the amount required for redemption, the name and address of the purchaser, or the person who redeemed, and the date of sale and of redemption in case it shall appear to have been redeemed.

**Land may, within one year, be redeemed by paying purchase money, &c.** **76.** Any land which may hereafter be sold for non-payment of arrears of taxes may at any time within one year from the day on which the order mentioned in section seventy-three of this Act confirming said sale is made, or before the delivery to the tax purchaser of the conveyance thereof, be redeemed by paying or tendering to the Treasurer, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with legal interest thereon,



and on payment or tender of all taxes that have accrued on the land since the sale thereof for taxes; and the Treasurer shall give the party paying such redemption money, and subsequent taxes (if any), a receipt stating the sum paid, and the object of payment, and the name of the person on whose behalf such payment is made, and such receipt shall be evidence of the redemption. For the purpose of this Act the day of sale shall be the day on which the sale was advertised to take place, without reference to any adjournment or adjournments.

**77.** From the time of payment to the Treasurer of the full amount of redemption money required by this Act all rights and interests of the purchaser shall cease. Purchaser's interest ceases upon redemption.

**78.** Whenever any such redemption is effected by a person other than the owner or his legal representatives interested but not specially authorized, the Treasurer shall mention in a receipt given by him for the redemption money the name and designation of the person paying the same, and the name of the person on whose behalf such payment is made; and every such receipt shall be made in duplicate, one of which shall be delivered to the person paying the redemption money, and the other shall remain on record in the office of the Treasurer. The Treasurer immediately after the redemption of any land shall give notice by registered letter to the party appearing on his books as the purchaser of the same, apprizing him of the fact of such redemption, and of the amount of money paid in for such purpose. When land redeemed by person not authorized by owner.

**79.** If the land be not redeemed within the period allowed for its redemption by this Act, then on the demand of the purchaser, his heirs or assigns, or other legal representatives, at any time after the expiration of the time limited for redemption, upon payment of the balance of purchase money and subsequent taxes (if any) as aforesaid, and of the further sum or charge of two dollars, he or they shall be entitled to receive from the Treasurer a conveyance under the seal of the Corporation of the lands so sold. Deed of sale, if not redeemed.

**80.** Such conveyance shall be in the form or to the same effect as the form given in Schedule A of this Act, and shall state the date and cause of sale, and the price, and shall have the effect of vesting in the purchaser, his heirs or assigns, or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest in the property sold. And no such conveyance shall be invalid from any error or miscalculation in the amount of taxes or interest thereon in arrear, and notwithstanding any informality or effect in or preceding such sale such conveyance shall be valid and binding to all intents and purposes, if proceedings be not commenced (questioning such sale) before some Court of competent jurisdiction by some person interested Contents of deed and effect thereof. Deed valid against all parties, if not questioned within a certain time.

in the land so sold, within one year from the day on which the order mentioned in section seventy-three of this Act confirming the sale is made: Provided any taxes shall have been due on said lands at the time of the sale and that the bona fide holder of the title, when questioned as aforesaid, shall not have been guilty of, or knowingly a party to, any fraud against the provisions of this Act, or in connection with the sale, transfer, or assignment of said lands.

Owner of land sold for taxes to be personally served with notice thereof.

**81.** It shall be the duty of the Collector for the time being, within one month after the sale of any lands for taxes, to serve upon the owner of any such lands so sold as aforesaid, a written or printed notice signed by him, that such lands have been so sold and the consequence thereof, and such notices shall be served personally upon parties on whom service is to be effected, unless substituted service is ordered by the Judge; and it shall be the duty of the Collector for the time being to take all necessary proceedings to obtain the order or orders confirming such sales without unnecessary delay.

Treasurer to keep "Tax Sales Fund" account.

**82.** The Treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed, and shall enter in a book the amount received over the taxes, and all charges from the purchaser of any lot or parcel of land sold by him, against such lot or parcel, and the date of sale and receipt of such balance, and the aggregate amounts so received shall form a distinct fund to be called the "Tax Sales Fund;" and the Treasurer shall, in the month of January in each year, furnish a statement to the Council giving the amount of and other particulars respecting said fund.

To whom the surplus shall be paid.

**83.** Any person claiming to have been the owner, heir, assignee or other legal representative of the owner of any parcel of land sold for taxes and conveyed as aforesaid, which shall have realized more than the amount due for taxes and all charges, or otherwise interested in such land, shall be entitled to claim and receive the said overplus and sum held to the credit of said parcel of land in the "Tax Sales Fund," upon serving a written notice of such claim upon the Treasurer, and upon producing and leaving with the said Treasurer a notice in writing describing the land sold and setting forth the particulars of the sale and the title under which said money is claimed, and shall at the same time furnish and produce such title deeds or other evidence as may reasonably be required for proving said title or his interest in such land; and the facts set forth in said notice shall be verified by affidavit sworn or affirmed before some person duly authorized to administer oaths or take affirmations in suits or proceedings pending in the Courts of this Province, so far as it may be necessary to establish the bona fide nature of the claim.

Claim same, how proved.

*Voters' List.*

**84.** The Clerk of the City shall, immediately after the final revision and correction of the assessment roll in every year, make a correct alphabetical list of all persons being of the full age of twenty-one years, and appearing by the assessment roll to be entitled to vote in the city at municipal elections, prefixing to the name of each person his or her number upon the roll. Clerk to make list of voters.

**85.** The said list shall give the names of the voters in each ward or polling subdivision in the city separately, and shall be in the form, as nearly as may be, given in Schedule A to this Act. Form of voters' list.

**86.** If the qualification of any such person is in respect of real property, the Clerk shall, opposite the name of the person, insert in the proper column of the voters' list the number of the lot or other proper description of the real property in respect of which such person is qualified. Real property to be named in the list.

**87.** Whenever it appears by the assessment roll that any person is assessed for property within the city sufficient to entitle him or her to vote, but that it lies partly within the limits of one ward and partly within another or others, the Clerk shall enter his or her name on the list of voters in each and every ward in which any part of such property is situated, with the following words added: "See Ward No. . ." And such person shall be entitled to vote in any of, but not in more than one of, such wards. Provision when property partly in one ward and partly in another.

**88.** An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the City, or by the Judge on appeal, as provided in the assessment clauses of this Act. When assessment roll to be regarded as finally revised.

**89.** Immediately after the Clerk has made the said alphabetical list, and within thirty days after the final revision and correction of the assessment roll, the Clerk of the city shall give immediate public notice, either by printed posters or by advertisement, once a week for four weeks in not less than one newspaper published in the city, that the said list has been completed and that the same shall be kept in his office for thirty days from the first publication of such notice for the examination of all concerned; and any person who shall claim to be added to the said voters' list, or any elector who shall desire to have any name erased therefrom, shall prefer his or her request in writing, signed with his or her name, stating the ward in which he or she belongs, and shall deliver, or cause the same to be delivered, to the City Clerk within the time hereinbefore specified. Notice to be published when voters' list completed.

**90.** The said list of voters shall be subject to revision by any Judge of the Supreme Court sitting as a County Court Judge, or by the Judge of the County Court having jurisdiction in the City of New Revision of list

Westminster, or by such other person as the Lieutenant-Governor in Council may appoint to revise said lists, at the instance of any voter or person entitled to be a voter in the city, on the ground of the names of voters being omitted from the list or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote, and upon such revision the assessment roll shall not be conclusive evidence in regard to any particular whether the matter on which the right to vote depends had or had not been brought before the Court of Revision; and the decision of the Judge under this Act in regard to the right of any person to vote shall be final as far as regards such person.

Appeal in case of persons disqualified under this Act.

**91.** A complaint or appeal may be made on the ground of any person whose name is entered on the list being one of those disqualified or incompetent to vote under the provisions of this Act, and may be in the form set forth in Schedule A of this Act.

Penalty on non-attendance of the person whose right is in question.

**92.** If any person, whose right to be a voter is the subject of enquiry, does not attend in obedience to a subpoena or order issued as hereinafter mentioned, the Judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of such non-attendance of such person or his agent, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person, strike his or her name off the list of voters, or refuse to place his or her name on the list of voters, as the case may require, or impose a reasonable fine on such person, according to his discretion, or do both.

Proceedings on persons complaining of errors in list.

**93.** Any voter, or person entitled to be a voter, making any complaint of any error or omission of the said list shall, within thirty days after the Clerk of the City has posted up the said list in his office, give to the Clerk, or leave for him at his residence or place of business, notice in writing of his or her complaint and intention to appeal to the Judge in respect thereof; and if the office of Clerk is vacant by reason of death or resignation, or from any other cause, such notice may be given in like manner to the head of the Council of the city; and in case of any complaints or appeals being made under this or either of the three preceding sections:—

Day for hearing.

(1.) The said Judge shall appoint a day for hearing the appeals or complaints, notice of which shall be given by the Clerk:

Hearing and adjournment.

(2.) The Judge shall hear the appeals or complaints and any evidence adduced upon oath at the time or place appointed, in a summary manner, and may adjourn the hearing from time to time, and defer judgment therein at pleasure:

Assessment roll, voters' list, &c., to be produced to the Court.

(3.) The City Clerk shall, on the hearing of any appeal or complaint, produce before the Judge, at the time and place appointed for the hearing thereof, the assessment roll, voters' list, and all papers and documents in his possession in any way affecting the matter.

**94.** Any number of names may be inserted in one subpoena or Judge's order, in case of complaint. Insertion of several names in subpoena.

**95.** In case no complaint respecting such list is received by the Clerk of the city within thirty days after he has posted up the said list in his office, the said Clerk shall forthwith apply, either in person or by letter, to the Judge as aforesaid to certify the list so having been posted up as being the revised list of voters for the city, and the certificate of the Judge shall be according to the form given in Schedule A of this Act. List confirmed if no complaint within 30 days after the Clerk has posted up the list.

**96.** In case complaints are made as aforesaid, then immediately after the list has been finally revised and corrected by the Judge, he shall certify to such corrected list, and shall sign a statement setting forth the changes, if any, which he has made in the list. Said statement and certificate may be in the form given in Schedule A to this Act. After final revision, Judge to make statement of alterations, and certify copy of list.

**97.** Immediately after the final revision and correction of the voters' lists, the Clerk shall cause at least one hundred copies of each list to be printed (in pamphlet form), and forthwith shall cause one of such printed copies to be posted up, and to be kept posted up, in some conspicuous place in his office, and deliver or transmit by post, or by parcel or book post, two copies to each of the following persons:— Copies of list to be printed.

- (a.) The Judge of the Court who certified said lists:
- (b.) Every member of the City Council:
- (c.) The member or members of the House of Commons for the city, or the electoral districts in which the same or any part thereof lies:
- (d.) The members of the Legislative Assembly for the city or any part thereof:
- (e.) Every candidate for whom votes were given at the last municipal election in said city, and to any other party requiring the same, on payment of twenty-five cents therefor.

#### *Miscellaneous Provisions*

**98.** In all proceedings before the Judge under this Act, the Judge shall have, with reference to the matter herein contained, all the powers which belong to or might be exercised by him in the county or district of which he is Judge. Power of Judge.

**99.** The Judge shall have power to appoint some proper person to attend at the sittings of the Court as a constable or bailiff, and the duties and powers of such person thereat shall be, as nearly as may be, the same as those of the bailiff of a County Court at a sitting of a County Court, and in reference thereto; and the expense of the person Appointment of constable. Duties.

Expenses.

so appointed and attending shall be borne by the city, and shall include such allowance for loss of time and trouble as may be certified by the Judge to be reasonable; and the amount certified by the Judge shall be paid to such person by the Treasurer of the city, upon the production and deposit with him of the Judge's certificate.

Clerk to be subject to the summary jurisdiction of the Judge.

**100.** The Clerk of the city shall be subject to the summary jurisdiction and control of the said Judge in respect of the performance of his duty under this Act, in respect to every act required to be performed by such Clerk touching the voters' list, in the same manner as officers of the County Court are to the Court.

Court of revision of voters' lists.

**101.** The Court for the revision and correction of the voters' lists for the city shall be held in the court-house, or in such other place within the city as the Judge may deem suitable.

Remuneration to the Judge.

**102.** The Judge shall be paid the sum of twenty dollars for every day's actual and necessary attendance at such Court whilst engaged in the revision of said lists, together with travelling expenses; and such payment, and all other charges (not otherwise hereinafter provided for) necessary to be incurred in connection with the holding and proper conduct of the business of the Court, shall be paid by the Treasurer of the city upon the certificate or voucher of the Judge as to the service performed, and in cases other than as to his own fees, as to the nature of the necessity for the service performed.

Powers of the Judge of the Court of Revision.

**103.** In all disputed cases coming before said Judge in connection with the revision and correction of the said lists, and in all cases where an application is dismissed as being unwarranted, or where the Judge shall consider that the ground of application was known, and that the purpose of such application might have been accomplished otherwise than through the medium of the Court, and notwithstanding anything in this Act appearing to the contrary, the said Judge may order the applicant or other person in the position of the respondent, and being a party interested in the application before Court, or who has been made a party by the Court and has failed to appear after due notice, and is within the jurisdiction of the Court, to pay a hearing fee of five dollars and such reasonable costs, if any, as the Judge may determine; and payment of such fees and costs, or either, may be enforced by execution in the manner herein provided for the recovery of any penalty, fine or costs incurred or ordered to be paid under the provisions of this Act as to said revision of voters' lists; but this clause shall not be held to limit the power of the Judge to deal with any application or matter coming before him in said Court in any other matter mentioned in this Act; and this clause may be read as supplementary to, or explanatory of, any other clause in this Act of a similar character, wherever it can be properly construed as so intended.

Hearing fee, costs, &c.

**104.** If the Judge who holds a Court believes, or has good reason to believe, that any person or persons has or have contravened this Act, or that frauds in respect to the assessment or voters' lists have prevailed extensively in the city, it shall be his duty to report the same to the Council, with such particulars as to names and facts as he may think proper. Report by Judge as to fraud, &c.

**105.** The Judge shall have power to amend any notice or other proceeding, upon such terms as he may think proper. Amendment.

**106.** If any appellant or complainant entitled to appeal dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the Clerk as aforesaid, is afterwards found not to be entitled to be an appellant, the Judge may, if he thinks proper, allow any other person who might have been an appellant or applicant to intervene and prosecute such appeal or complaint, upon such terms as the Judge may think just. Appellant.

**107.** In case of errors being found in the said voters' list on the said revision thereof, whether such errors are in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, if it appears to the Judge that the Assessors, or either of them, were or was culpably responsible for any of the said errors, the Judge shall order such Assessor or Assessors, either alone or jointly with any other person, to pay all costs occasioned by the same; and in case of errors for which the Clerk was to blame, the Clerk, either alone or jointly with any other person, shall be charged with costs; and in case of errors of the Court of Revision, the Corporation shall, either alone or jointly with any person, pay the costs, subject to any claim which the Corporation may justly have against the guilty parties; or the Judge may order the Assessor or Assessors or Corporation in any such case to pay costs, if any party fails to recover the same from any other party named and ordered to pay the same; and in all cases not herein provided for the costs shall be in the discretion of the Judge. Costs occasioned by errors may be ordered to be paid by guilty parties.

**108.** The Judge's said order for the payment of costs shall be, as nearly as possible, according to the form given in Schedule A of this Act. Judge's order for costs.

**109.** No costs shall be allowed on any proceeding under this Act, other or higher than would be allowed in the County Court in the scale of costs in actions therein. County Court costs only allowed.

**110.** The only costs to which an appellant shall be liable shall be the witness fees, unless in case of bad faith on his part. Liability of appellant for costs.

**Costs, payment of, how enforced.** **111.** The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from the County Court having jurisdiction in the City of New Westminster, upon filing therein the order of the Judge and an affidavit showing the amount at which such costs were taxed, and the non-payment thereof. The writ of execution may be according to the form given in Schedule A of this Act.

**Persons whose names omitted from roll and inserted on revision liable to pay taxes.** **112.** If any person not assessed, or not sufficiently assessed, is found entitled to vote, the Corporation shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the Judge; and the Judge shall make an order, setting forth the names of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists; and such order shall be transmitted to the Clerk of the City, and shall have the same effect as if the said particulars had been inserted in the roll; and the said order for the assessment of persons omitted from roll may be according to the form given in Schedule A of this Act.

**Judge's order.**

**Failure of Clerk to perform duties not to vitiate list.** **113.** The times appointed for the performance by the Clerk of the City of the duties required by him by this Act, shall be directory only to the said Clerk; and the non-performance by him of any of the said duties within the times appointed shall not render null, void, or inoperative any of the lists in this Act mentioned.

**Provision in case Clerk of the City fails to perform duties.** **114.** In case the Clerk of the City fails to perform any of the duties aforesaid, any voter may forthwith apply summarily to a Judge of the Supreme Court, or the County Judge, or acting Judge of the County Court having jurisdiction in the City of New Westminster, to enforce the performance of the same. The application to a Judge against a delinquent Clerk may be according to the form given in Schedule A of this Act.

**Elector may apply.** **115.** The application may also be made by any person entitled to be named as an elector on the list in respect of which the application is made.

**Judge may require Clerk or other person to appear and submit to examination, &c.** **116.** The Judge shall, on such application, by summons given under his hand, which may be according to the form given in Schedule A of this Act, require the Clerk of the City, and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto or to the list in respect of which the application is made, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purpose aforesaid.



**117.** If the Clerk of the city omits, neglects, or refuses to complete the voters' lists, or to perform any of the duties hereinbefore required of him by the voters' lists clauses of this Act, such Clerk, for each omission, neglect, or refusal, shall incur a penalty not exceeding two hundred dollars.

Penalty on Clerk for neglect, &c.

**118.** If the Clerk of the city, or any other person, wilfully makes any alteration, omission, or insertion, or in any way wilfully falsifies any such certified list or copy, or permits the same to be done, every such person shall incur and be liable to a penalty not exceeding two thousand dollars, or to be imprisoned in the district in which the city is situated for a period not exceeding six months, in the discretion of the Court.

Clerk, &c., wilfully falsifying lists to incur a penalty.

**119.** No person shall wilfully or improperly make, execute, accept or become a party to any lease, deed or other instrument, or become a party to any verbal agreement, whereby a colourable interest in any house, land or tenement is conferred, in order to qualify any person to vote at an election; and any person wilfully or improperly violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of one hundred dollars, and any person who induces, or attempts to induce, another to commit an offence under this section, shall incur a like penalty.

Colourable transfer of property in order to confer vote.

**120.** The penalties mentioned in the three next preceding sections may be recoverable, with costs of suit, by any person suing for the same in any Court of competent jurisdiction in the Province.

Recovery of penalties.

**121.** To prevent the creation of false votes where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, and the Assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be assessed, it shall be the duty of the Assessor to make reasonable enquiries before assessing such person.

Assessors to make enquiries before assessing persons claiming to be assessed.

**122.** Any Assessor who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount, with the intent in either case to give any person not entitled thereto an apparent right of voting at any election, or who wilfully inserts any fictitious name in the assessment roll, or who wilfully or improperly omits any name from the assessment roll, or assesses any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or district for a period not exceeding six months, in the discretion of the Court.

Penalty on Assessor for wrongfully assessing or omitting to assess.

Lists to be finally revised by 1st November. **123.** The said voters' lists shall in all cases be finally revised and corrected on or before the first day of November in each year.

Judge may make rules. **124.** Any Judge of the Supreme Court, or the Judge of the County Court having jurisdiction in the City of New Westminster, may frame rules and a form of procedure for the purpose of better carrying the provisions of this Act in respect to voters' lists into effect; and such rules and forms shall have the same effect and force as if they formed a part of this Act.

Words "householder," &c., on roll how to be entered on list. **125.** The words householder (H), freeholder (F), and tenant (T), appearing on the assessment roll pursuant to the provisions of the assessment clauses of this Act shall, for the purposes of said provisions relating to voters' lists, be held to also mean respectively occupant (Oc) or tenant (T), and shall be so entered in the voters' list by the Clerk of the city.

Forms given in this Act may be used. **126.** In carrying into effect the voters' list provisions of this Act, the forms given in Schedule A of this Act may be used, and the same, or forms to the like effect, shall respectively be deemed sufficient for the purposes mentioned in this Act.

*By-Laws requiring assent of Electors.*

Who may vote on By-Laws requiring assent of electors. **127.** The right of voting on by-laws requiring the assent of electors shall belong to the following persons, being males or feme soles of the full age of twenty-one years, being rated to the amount of three hundred dollars over and above the amount of any incumbrances affecting the same as owners of real property on the revised assessment roll on which the voters' lists of the city are based, held in their own right. And each person so qualified shall be entitled to one vote only.

Clerk to prepare list of voters after second reading. (1.) After a by-law requiring the assent of the electors has passed its second reading, and before the date of the submission of the same to the electors, the City Clerk shall prepare a list of the persons who are entitled to vote on the proposed by-law in accordance with the preceding section:

If a By-Law requires the assent of the electors, mode of obtaining same. (2.) In case a by-law requires the assent of the electors of the city before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

Time and place of voting to be fixed by By-Law. (3.) The Council shall by a by-law fix the day, hour, and places for taking the votes of the electors on the by-law to be submitted to them, at the places at which the election of the members of the Council is held, or such other places as may be designated in such by-law, and shall also name Returning Officers to take the votes at such places, and such day shall not be less than three nor more than five weeks after the first publication of the proposed by-law as herein provided for:

- (4.) The Council shall, at least once a week for a month before the final passing of the proposed by-law, publish a copy thereof in some newspaper or newspapers published in the city: By-Law requiring assent of electors to be published.
- (5.) Appended to each copy so published shall be a notice, signed by the Clerk of the Council, stating that such a copy is a true copy of the proposed by-law which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day and place, or places, fixed for taking the votes of the electors: Notice of by-law, polling, &c.
- (6.) At such day and hour a poll shall be taken, and all proceedings thereat, and for the purpose thereof, including a recount, shall be conducted in the same manner, as nearly as may be, as at an election for Mayor and Aldermen: Poll.
- (6A.) At any election for any by-law, a voter before marking his ballot paper, if so required by the Returning Officer on any election, shall state his or her occupation and residence to such officer, and shall, if required, take the following oath (or affirmation):— Oath of voter.
- “I, *A. B.*, do swear (or affirm) that I am twenty-one years of age; that I am the person whose name is on the list of electors now shown to me; that I have not voted before at this election; that I have not received anything, nor have I accepted any promise made to me directly or indirectly either to induce me to vote at this election, or to indemnify me for loss of time, travelling expenses, or other service connected with this election; that I have not been guilty of any bribery or undue influence, as defined by this Act, or any act of corruption disqualifying me from voting at this election, and that I am properly qualified to vote at this election. So help me God.”
- (7.) The ballot papers that shall be cast shall be printed “for the by-law” or “against the by-law,” and shall be marked by the voter voting by a cross on the right-hand side thereof opposite the words “for the by-law” or against the by-law” as he may desire to vote. Each Deputy Returning Officer for the various wards shall count the ballots, and shall add up and verify the same, and mark the return to the City Clerk as in the case of an ordinary election for Mayor and Aldermen: Form of ballot papers.  
Count of votes and return to the Clerk.
- (8.) Upon receiving the returns for the several wards the City Clerk shall add up the names; and if it shall appear from such return that the total number of votes cast for such by-law be a majority of the votes polled, the City Clerk shall forthwith declare such by-law carried; otherwise he shall declare the by-law lost. Final count.  
Clerk to declare by-law carried or lost.

By-laws for contracting debts.

Terms of.

When to take effect.

To provide a yearly rate.

Amount thereof.

Recitals in by-laws.

By-laws for raising money not for ordinary expenses must receive assent of the electors.

Debentures, &c., how to be executed.

Transfer of debentures.

**128.** The Council may, under the formalities required by this Act, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable property of the city for any purpose within the jurisdiction of the Council; provided the aggregate of such debt shall not exceed thirty per cent. of the assessed value of the real estate of the said city, computed on an average taken from the assessment roll for one year antecedent to the creation of the debt, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions:—

(1.) The by-law shall name a day in the financial year in which the same is passed when the by-law shall take effect; and the whole of the debts and the obligations to be issued therefor shall be made payable in fifty years at furthest from the day on which such by-law takes effect:

(2.) The by-law shall specify the amount, in addition to all other rates, to be levied in each year for paying the debt and interest; which amount shall be sufficient to discharge the debt and interest when respectively payable:

(3.) The by-law shall recite—(1) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; (3) The amount of the whole rateable property of the city according to the last revised assessment rolls; (4) The total amount of the existing debt of the city.

**129.** Every by-law for raising upon the credit of the city any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the city in the manner provided for in this Act; and when such assent is received no such by-law shall be altered, amended, or repealed by the Council except as hereinafter provided.

**130.** All debentures and other securities duly authorized to be executed on behalf of the Corporation, shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation, and signed by the Mayor, and countersigned by the Treasurer, or signed or countersigned respectively by some other person or persons authorized by by-law to sign or countersign the same; otherwise the same shall not be valid.

**131.** Any debentures issued under the formalities required by law by the Corporation, payable to bearer, or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest

the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name.

**132.** Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by such Corporation at rate less than par. Full amount recoverable, though negotiated below par.

**133.** In any case of passing a by-law for contracting a debt by borrowing money for any purpose, or otherwise as provided by this Act, such by-law may make the principal of such debt repayable by annual instalments, during the currency of the period (not exceeding fifty years) within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable, of principal and interest, in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the Corporation for the amounts and payable at the times corresponding with such instalments, together with interest annually or semi-annually, as may be set forth and provided in such by-law. Such by-law shall specify the amount to be raised in each year, during the period of the currency of the debt, which shall be sufficient to discharge the several instalments of principal and interest accruing due on said debt, as the said instalments and interest become respectively payable according to the terms of said by-law, and in cases within this section it shall not be necessary that any provision be made for the creation of a sinking fund. Council may make principal repayable by equal annual instalments. What by-law shall set out.

**134.** In case in any particular year one or more of the following sources of revenue, namely: (1) The sum raised by the special rate imposed for the payment of a debt and collected for any particular year; and (2) the sum on hand from previous years; and (3) any sum derived from such particular year from the surplus income of any work, or for any share or interest therein applicable to the sinking fund of the debt; and (4) any sum derived from the temporary investment of the sinking fund of the city, or any part of it, and carried to the credit of the special rate and sinking fund accounts, respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest and the instalment of the debt for the particular year and leave a surplus to the credit of such accounts, or either of them, then the Council may pass a by-law reducing the total amount to be levied under the original by-law for the following year, to a sum not less than the difference between such last-mentioned surplus and the annual sum which the original by-law named and required to be raised by special rate. When the rate imposed by by-law may be reduced by by-law.

**135.** Such by-law shall not be valid unless it recites: (1) The amount required by the original by-law to be raised annually; (2) The balance of such amount for the particular year, or on hand from former Recitals requisite in such by-law.

years; (3) The surplus income of the work, share or interest therein received for such year; and (4) The amount derived for such year from any temporary investment of the sinking fund; nor unless the by-law names the reduced amount to be levied under the original by-law in such following year.

Reduced rate to be named.

Anticipatory appropriations may be made.

**136.** In case the Council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the Council may do so by by-law, in the manner and subject to the provisions and restrictions following:—

What funds may be so appropriated.

(1.) The Council may carry to the credit of the sinking fund account of the debt as much as may be necessary for the purposes aforesaid: (a) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made; (b) and of any money raised for the purpose aforesaid, by additional rate or otherwise; (c) and of any money derived from any temporary investment of the sinking fund; (d) and of any surplus money derived from any corporation work, or any share or interest therein; (e) and of any unappropriated money in the treasury; such moneys, respectively, not having been otherwise appropriated:

The sources and application to be stated.

(2.) The by-law making the appropriations shall distinguish the several sources of the amount and the portions thereof to be respectively applied for the interest and the sinking fund appropriation of the debts for such next ensuing year:

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

(3.) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the Council may then pass a by-law directing that the original amount for such next ensuing year be not levied.

By-law must recite—

The original debt and object:

**137.** Such by-law shall not be valid unless it recites:—

(1.) The original amount of the debt, and in brief and general terms the object for which the debt was created:

The amount paid:

(2.) The amount, if any, already paid of the debt:

The annual amount for sinking fund:

(3.) The annual amount of the sinking fund appropriation required in respect of such debt:

The amount for sinking fund in hand:

(4.) The total amount then on hand of the sinking fund appropriation in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested:

The amount required for interest:

(5.) The amount required to meet the interest of the debt for the next year after the making of such anticipatory appropriations:

- (6.) That the Council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (*naming the amount of it*) and that the Council has carried to the credit of the sinking fund account a sufficient sum to meet the sinking fund appropriation (*naming the amount of it*) for such year. And that it is reserved, &c.

**138.** The Council shall keep in its books two separate accounts, one for the special rate and one for the sinking fund, or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt and the amount of money raised, obtained, and appropriated for payment thereof. Two special accounts to be kept :  
(1) Of special rates.  
(2) Of the sinking fund or instalments of principal.

**139.** If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of next year's interest the excess shall be carried to the credit of the sinking fund account, or in payment of the principal of such debt. When surplus may be applied to next year's interest, and to sinking fund.

**140.** The Lieutenant-Governor in Council may, upon proper cause being shown, order and direct that such part of the proceeds of the special rate levied and at the credit of the sinking fund account, or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same shall accrue, be applied to the payment or redemption, at such value as the Council can agree upon, of any part of such debt, or of any of the debentures representing or constituting such debt, or in part of it, though not then payable, to be selected as provided in such order; and the Council shall thereupon apply, and continue to apply, such part of the proceeds of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order. Application of moneys with consent of Lieutenant-Governor in Council,

**141.** The Council may appropriate to the payment of any debt the surplus income derived from any public or corporation works, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by an additional rate, and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalments accruing due. Council may apply other funds towards such debts.

*Powers of Council to Pass By-Laws:*

**142.** The Council may from time to time pass, alter, and repeal by-laws: Council may make by-laws.

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| Lighting the city.   | (1.) For lighting the city, and for this purpose perform any work and placing any fixtures that are necessary on private property, making due compensation therefor as may be agreed upon, or failing agreement, to be fixed by arbitration:   |
| Laying gas and water-pipes.  | (2.) For laying down gas and water pipes in any street, and opening streets for the purpose, and of taking up and repairing such pipes, and for using every power and privilege given to any gas or water company incorporated in the city, as if the same were specially given by this Act, subject, however, to the provisions herein contained, as to the erection of gas and water-works, and levying a rate therefor:   |
| Construction of gas and water-works.                                     | (3.) For providing for the appointment of three Commissioners for entering into contracts for the construction of gas and water-works, for superintending the construction of the same, for managing the works when completed, and for providing for the election of said Commissioners by the electors, from time to time, and at such periods and for such terms as the Council may appoint by the by-law authorizing the election:  |
| Levying rates for same.  | (4.) For constructing gas and water-works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed fifty years nor less than ten years:   |
| Estimates of cost to be published.                                       | (5.) No by-law under the last sub-section shall be passed, firstly, until estimates of the intended expenditure have been published once a week for one month, and notice of the time appointed for taking a poll of the electors on the proposed copy of the proposed by-law at length, as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in Council have been published once a week for one month in some newspaper in the city; nor, secondly, until a poll held in the same manner and at the same places, and continued for the same time, as at elections for Aldermen, a majority of electors voting at the poll in favour of the by-law; nor, thirdly, unless the by-law is passed within three months after holding said poll. |
| Assent of electors to by-law requisite.                                  |  |
| Second by-law for same purpose after three months.                       | (a.) If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors for a period of three months:  |
| Proceedings when gas or water company already incorporated for the city. | (b.) In case there be any gas or water company incorporated for the city, the Council shall not levy any gas or water rate until such Council has by by-law fixed a price to offer for the works or stock of the company, nor until thirty days have elapsed after notice of such price has been com-  |



municated to the company, without the company having accepted the same, or having under the provisions of this Act as to expropriation, named and given notice of an application to have Commissioners appointed to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company:

- (6.) For enforcing the due observance of the Lord's Day, commonly called Sunday, according to law: Observance of Sunday.
- (7.) For preventing the sale or gift of intoxicating drinks to a child or apprentice, without the consent of a parent, master, or legal protector: Sale of liquor to minors.
- (8.) For preventing the posting of indecent placards, writings, or pictures, or the writing of indecent words, or the making of indecent pictures or drawings on walls or fences, in streets or public places within the limits of the city: Indecent placards or pictures.
- (9.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous, or grossly insulting language, and other immorality and indecency, on any of the streets or in any public place within the limits of the city: Public morals.
- (10.) For suppressing disorderly houses and houses of ill-fame: Disorderly houses.
- (11.) For preventing or regulating horse racing: Horse racing.
- (12.) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement: Places of amusement.
- (13.) For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway, or public place within the limits of the city: Vagrants and beggars.
- (14.) For preventing indecent exposure of the person, or other indecent exhibitions: Indecent exhibitions.
- (15.) For preventing or regulating the bathing or washing the person in any public water in or near the city: Bathing
- (16.) For preventing cruelty to animals, and for preventing the destruction of birds: Cruelty to animals.
- (17.) For imposing a tax on the owners, possessors, or harbourers of dogs: Tax on dogs.
- (18.) For impounding, killing, or disposing of by sale, dogs running at large and unlicensed, contrary to the by-laws: Impounding, &c., dogs.
- (19.) For preventing the keeping of vicious dogs or wild animals within the said city, except under certain restrictions: Vicious animals.
- (20.) For preventing the injury or destroying of trees planted or preserved for shade or ornament, and for encouraging the planting of the same: Shade trees.

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| Sign boards.                                | (21.) For preventing the pulling down or defacing of sign-boards, and of printed or written notices lawfully affixed :   |
| Encouraging manufactures.                   | (22.) For encouraging manufactures within the limits of the city, by exempting from taxes, in whole or in part, for a period of one or more years, such manufactories as are now or may hereafter be carried on in said city, and which in the public interest the Council may deem advisable to encourage : |
| Wharves, sewers, rivers, &c.                | (23.) For regulating the encumbering, injuring, or fouling by animals, vehicles, vessels, or other means, of any public wharf, sewer, shore, river, or water :   |
| Wells, reservoirs, &c.                      | (24.) For establishing, protecting, and regulating public wells, reservoirs, and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water :   |
| Nuisances.                                  | (25.) For preventing and abating public nuisances :  |
| Privies, &c.                                | (26.) For preventing or regulating the construction of privy vaults, cellars, sinks, water-closets, and privies, and the manner of draining thereof :  |
| Slaughter-houses, tanneries, breweries, &c. | (27.) For preventing or regulating the erection or continuance of slaughter-houses, wash-houses, tanneries, breweries, distilleries, or other manufactures or trades which may prove to be nuisances :   |
| Bells, whistles and noises.                 | (28.) For preventing the ringing of bells, blowing of horns or steam whistles, shouting, and other unusual noises in streets and public places :   |
| Letting off guns and fire-works.            | (29.) For preventing or regulating the firing of guns or other fire-arms, and the firing or setting off of fire-balls, squibs, crackers, or fire-works, and for preventing charivaries, and other like disturbances of the peace :   |
| Statute labour.                             | (30.) For empowering any person (resident or non-resident) liable to statute labour within the city to compound for such labour for any term not exceeding five years, at any sum not exceeding one dollar for each day's labour :   |
| Commutation of same by money payment.       | (31.) For providing that a sum of money, not exceeding two dollars for each day's labour, may be paid in commutation of such statute labour :  |
| Enforcing statute labour.                   | (32.) For enforcing the performance of statute labour :  |
| Time and manner of performance of same.     | (33.) For regulating the manner and the division in which statute labour or commutation money shall be performed or expended :   |
| Aid to charities.                           | (34.) For establishing and aiding charitable institutions within the city :  |
| Driving over side-walks.                    | (35.) For preventing the leading, riding or driving of horses and cattle upon sidewalks or other places not proper therefor :  |
| Boarding-house runners, hack-drivers, &c.   | (36.) For preventing persons in streets or public places from importuning others to travel in or employ any vehicle, or go to any  |

tavern, hotel, or boarding-house, or for regulating persons so employed :

- (37.) For regulating the interment of the dead : Burial of the dead.
- (38.) For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred : Violation of cemeteries.
- (39.) For preventing the growth of weeds and compelling the destruction thereof : Weeds.
- (40.) For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish on any road, lane, street or highway in the city : Depositing filth, &c., on streets.
- (41.) For making any regulations for sewerage or drainage that may be deemed necessary for sanitary purposes : Sewerage and drainage.
- (42.) For directing and requiring at any time the removal of any door steps, porches, railings, or projections into, or obstructions in, any public street or public highway in the city, at the expense of the proprietor or proprietors ; and to regulate and control railway companies within the said city, and to enforce the construction and management of gates, culverts, and cattle-guards on the line of the said railways at the crossing of any street or streets in the said city, and to enforce the opening and continuation of any street or streets across the line of any railway track : Obstruction of streets.
- (43.) For appointing all officers that are necessary in the affairs of the Corporation, and for regulating the remuneration fees, charges, and duties of such officers, and securities to be given for the performance of such duties : Appointment of officers.
- (44.) For establishing, maintaining, and regulating lock-up houses for the detention and imprisonment of persons sentenced to imprisonment for not more than two months, and of persons detained for examination, or transmission to any goal, either for trial or in execution of any sentence : Lock-up houses.
- (45.) For inflicting reasonable fines and penalties not exceeding one hundred dollars and costs : Fines and penalties.
  - (a.) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the Corporation, and who has accepted such office, and afterwards neglects the duties thereof ; and
  - (b.) For breach of any of the by-laws of the Corporation :
- (46.) For collecting such penalties by distress and sale of the goods and chattels of the offender : Collecting penalties
- (47.) For inflicting reasonable punishment, by imprisonment, either in the lock-up house in the city, or in a gaol, for any period not exceeding two months, for breach of any of the by-laws of the Punishment by imprisonment.

Council, or for non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied, or imprisonment without option of fine:

*Fire, etc.,*

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| Appointment of fire men.<br>Regulating fire companies. | (48.) For appointing fire wardens, fire engineers, and firemen, and promoting, establishing, and regulating fire companies, hook and ladder companies, and property-saving companies:   |
| Dangerous trades.                                      | (49.) For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire:   |
| Chimneys, ovens, &c.                                   | (50.) For preventing and for removing or regulating the construction of any chimney, flue, or fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire:   |
| Construction of chimneys.                              | (51.) For regulating the construction of chimneys, as to dimensions and otherwise, and for enforcing the proper cleaning of the same:   |
| Ashes, gunpowder, oil, &c.                             | (52.) For regulating the mode of removal and safe-keeping of ashes, and for regulating the keeping and transporting of gunpowder, coal oil, and other combustible or dangerous materials:   |
| Party walls.   | (53.) For regulating and enforcing the erection of party walls:   |
| Yards, buildings, &c.                                  | (54.) For causing all lands, buildings, and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident:  |
| Authorizing entry of premises.                         | (55.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same:  |
| Suppressing fires.                                     | (56.) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections when necessary to prevent the spreading of fire:   |
| Conduct and assistance at fires.                       | (57.) For regulating the conduct and enforcing the assistance of the inhabitants present at fires, and the preservation of property at fires:   |
| Wooden buildings and fences.                           | (58.) For regulating the erection of buildings, and preventing the erection of wooden buildings and wooden fences, in specified parts of the city; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron, or stone, the roofing of incombustible material, within specified parts of the city; and for authorizing the pulling down or removal, at the expense of the owner or owners thereof, of any building or erection which may be constructed or placed in contravention of any by-laws: |

- (59.) For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting the widows and orphans of persons who are killed by accident at such fires: Rewards and aid to firemen, &c.
- (60.) For preventing or regulating the use of fire or lights in stables, cabinet-makers' shops, carpenters' shops and combustible places: Fire and light in stables, &c.
- (61.) To compel the owners of houses to have scuttles in the roof thereof, with approaches, or stairs, or ladders leading to the roof: Open scuttles in roof of building.
- (62.) For requiring the owners of buildings to provide fire-escapes, in such manner and time as may be prescribed in such by-law; and for regulating the examination of them, and the use of them at fires: Fire escapes.
- (62A.) For regulating the times during which stumps, wood, logs, trees, brush, straw, shavings, or refuse may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times and for preventing such fires being kindled at other times: Burning brush, &c.
- (63.) For defining the conditions and requirements to obtain hotel licences for the retail, within the city, of spirituous, fermented, or other intoxicating liquors; shop licences for the sale within the city of such liquors in shops or places other than hotels, inns, ale or beer houses, or places of public entertainment, and also wholesale licences for the sale by wholesale within the city of such liquors in warehouses, stores, or shops, for imposing and enforcing a penalty or penalties, and directing the mode of collecting, and collecting the same; and in default of payment imposing a penalty, by way of fine or imprisonment, against persons for selling intoxicating liquors within the City of New Westminster without first having obtained a licence therefor from the proper officer or officers whose duty it may be to issue the said licence or licences: Requirements to obtain liquor licence.  
  
Penalty for selling without licence.
- (64.) For limiting the number of licences for hotels and saloons to be issued in the city: Limiting number of licensed houses.
- (65.) For regulating and cancelling of licences before the expiry of the time for which such licences were issued: Cancelling licences.
- (66.) For appointing inspectors, or such other officers as the Council may deem necessary for the efficient regulating of houses of entertainment, or other places for the sale of liquor: Inspectors of licensed houses.
- (67.) For determining a fee or duty upon every licence for the sale, within the City of New Westminster, of spirituous, fermented, or other intoxicating liquors, to be paid to the Corporation for purposes of municipal revenue: Fee for liquor licences.

- Regulating licensed hotels and saloons. (68.) For the efficient regulating and governing of hotels, saloons, and places for which licences to sell liquor have been issued, and in which liquor is sold, and the proprietor or proprietors of the same, and regulating the sale of such liquors :
- Regulating and licensing lodging-houses. (68A.) For licensing and regulating lodging-houses, and the keeping of such houses, but so that no such by-law shall permit to be let or occupied as a dwelling any room unless the following requirements shall be complied with, that is to say:—(1) Unless such room contains, at all times, at least three hundred and eighty-four cubic feet of space for each person occupying the same; (2) Unless such room has a window made to open at least two feet square :
- Licensing, &c., billiard tables. (69.) For licensing, regulating, and governing all persons who for hire or gain, directly or indirectly, keep or have in their possession or on their premises any billiard, pool, or bagatelle table, and for fixing the sum to be paid for a licence so to have or keep such tables, and the time such licence shall be in force :
- Auctioneers. (70.) For licensing, regulating, and governing auctioneers and other persons selling, or putting up for sale, goods, wares, merchandise effects, or real estate, by public auction :
- Pedlers. (71.) For licensing, regulating, or governing hawkers or petty chapmen, transient traders, and other persons carrying on petty trades, who have not become householders or permanent residents in the city, or who go from place to place or to other men's houses, or otherwise carrying goods, wares, or merchandise for sale :
- Ferries. (72.) For licensing and regulating ferries between any two places in the city, or between the city and the municipality of Surrey, notwithstanding any existing ferry, and establishing the rate of ferriage to be taken thereon :
- Vehicles. (73.) For regulating and licensing the owners of livery, feed and sale stables, and of horses, drays, express waggons, carts, cabs, carriages, omnibuses, and other vehicles used for hire; for establishing the rates of fare to be taken, and for enforcing the payment thereof :
- Scavengers. (74.) For regulating and licensing scavengers and chimney sweeps :
- Forfeiture, &c., of liquor licence. (75.) For providing for the abrogation, annulment, or forfeiture, for cause, of any liquor licence whatsoever granted by the said Council, or by order or consent thereof, under the authority of any by-law of the said Council, and for declaring any such licence absolutely forfeited, annulled, or abrogated, or temporarily or permanently suspended, with or without repayment to the holder of such licence of the fee paid therefor :

- (76.) For licensing suitable persons to keep intelligence offices for registering the names and residences of, and giving information to, or procuring servants for employers in want of domestics or labourers, and for registering the names and residences of, and giving information to, or procuring employment for, domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices: Intelligence offices.
- (77.) For the regulation of such intelligence offices: Ditto.
- (78.) For limiting the duration of or revoking any such license: Ditto.
- (79.) For prohibiting the opening or keeping of any such intelligence office within the city without licence: Ditto.
- (80.) For fixing the annual fee to be paid for such licence: Ditto.
- (81.) For licensing, regulating or prohibiting the exhibitions of common showmen, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, menageries, boxing or sparring exhibitions, and theatrical representations: Common shows, theatres, &c.
- (82.) For licensing, regulating or prohibiting the sale or peddlery of fruits, nuts, cakes, refreshments, bread, jewellery and merchandise of all kinds in, and upon, or along the streets, sidewalks, alleys, lanes and public squares of the city: Peddling on the streets.
- (83.) For licensing, regulating and governing pawnbrokers or dealers in second-hand goods, wares and merchandise in the city: Pawnbrokers.
- (84.) For fixing the annual fee to be paid for any and all such licences, and for levying and collecting the same. Ditto.

*Railways.*

- (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, and from exempting the yards and works of any such company from taxation for a period of one or more years: Subscribing for shares in railway company.
- (86.) For endorsing or guaranteeing the payment of any debentures to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole rateable property of the city a sum sufficient to discharge the debt or engagement so contracted: Guaranteeing payment of debentures.
- (87.) For the issue for the like purpose 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: Issuing debentures.  
Granting same as bonus.

- Granting bonuses to railway and other companies. (88.) For granting bonuses to any railway, bridge or water power company in aid of such railway, bridge or water power company, and for issuing debentures in the same manner as in the preceding sub-section provided for raising money to meet such bonuses:
- Assent of electors must be had. (88A.) The provisions or powers of the four preceding sub-sections shall not be exercised by the Council until a by-law shall have been first submitted to the electors, as is provided for in case of by-laws requiring the assent of the electors:
- Mayor or Alderman may become director. (89.) In case the city takes shares in or guarantee payment of any money for, or grant a bonus to any company in pursuance of sub-sections 85, 86, 87, 88, 88A and 120 of this section, the Council shall be entitled to appoint the Mayor or an Alderman a director of such company, and such company shall accept such person as a director, and he shall be entitled to all the rights and privileges of the other directors of such company.
- Assent of electors required. Provided always that any by-law passed under authority of this sub-section shall not have any force or effect until sub-section 5 of this section has been complied with in regard to it as near as may be.

*City Pound.*

- Pounds. (90.) For the establishment of pounds, and the appointment of pound-keepers therefor:
- Fines and fees. (91.) For regulating and fixing the fines and fees to be levied by such pound-keepers:
- Yards. (92.) For providing suitable yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound:
- Impounding and sale of animals. (93.) For restraining or regulating the running at large of any animals, and providing for impounding them, and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law.

*Public Health.*

- Spread of diseases. (94.) For providing for the health of the city, and against the spreading of contagious or infectious diseases:
- Duties of health officers. (95.) For prescribing the duties of the health officers and scavengers, and for defining the limits within which each scavenger shall perform his duties.

*Markets.*

- Markets. (96.) For establishing markets and stock-yards, and for regulating the same:
- Buying and selling. (97.) For regulating the buying and selling of all articles or animals exposed for sale on the public market in the open air:



- (98.) For preventing criers and vendors of small wares from practicing their calling in any of the public markets, public sheds and vacant lots in the city adjacent to the market: Peddling in markets, &c.
- (99.) For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, and provisions of all kinds: Monopolies.
- (100.) For preventing and regulating the purchase of such things by hucksters or runners within the city: Purchases by hucksters.
- (101.) For establishing a public weighing scale, and for imposing a reasonable fee therefor: Weighing machine.
- (102.) For imposing penalties for light weight, or short count, or short measurement in anything marketed: Light weight, &c.
- (103.) For regulating the weight of bread, and preventing the use of deleterious materials in making bread, and for providing for the seizure and forfeiture of bread made contrary to the by-law: Bread.
- (104.) For seizing and destroying all tainted and unwholesome meat, poultry, fish or other articles of food: Tainted food.
- (105.) For selling, after six hours' notice, butcher's meat distrained for rent of market stalls: Rent of stalls, distraint for.
- (106.) For preventing the sale of adulterated milk or other articles of food: Adulterated milk, &c.
- (107.) For changing the site of any market place within the city, or to abolish any market or markets now in existence, or hereafter to be in existence in the city, and to appropriate the site or sites thereof, or any parts or parts thereof, for any public purpose whatsoever, and to establish new markets: Markets and market places.
- (108.) For determining and regulating the powers and duties of the market clerks, and all other persons employed by the city in and about the said markets: Market clerks.
- (109.) For imposing, regulating and fixing the rates to be paid by any person or persons selling or retailing any article of food in or at any of the markets in the city, and for regulating the conduct of all persons buying or selling in or at any of the said markets: Rents for stalls.
- (110.) For regulating all vehicles of any kind in which any articles shall be exposed for sale in any public market, or in any street or public place, or square within the city: Vehicles in markets.
- (111.) For designating or specifying such place or places within the city for the slaughter of cattle, sheep, lambs, hogs, and other animals usually used for food, and to compel every and all persons to use the same for that purpose, and for building an abattoir or abattoirs: Provided, that nothing herein contained shall be held to authorize the Council to compel any person or

persons, already before the passing of this Act, owning and using or occupying any place or building as a slaughter-house or place for the slaughter of the said animals to cease to use or occupy the same as such, or for that purpose, or to compel such person or persons to use any other place or building for such purpose; but in case of every such building or place so owned and used or occupied before the passing of this Act, the authority of the Council shall only extend to the passing and enforcing of by-laws to ensure the proper fitting-up and use of such building or place, in such a manner that it shall not be a nuisance or injurious to the health of the citizens, and to prevent the rebuilding of any such building or making additions thereto:

Obtaining real estate for corporate purposes.

(112.) For obtaining such real and personal property as may be required for the use of the Corporation within the limits of the said city, or outside said limits if necessary, for the purposes of establishing cemeteries and parks; and said Council shall have the power and authority under the said Council to sell and execute deeds for the purchase and sale of burial plots in said cemeteries, and generally to exercise full powers and control over said cemeteries and parks and other property, and for erecting, improving, and maintaining a city hall and other houses and buildings required by and being upon the land of the Corporation, and for disposing of such property when no longer required; and for purchasing, leasing, erecting, and maintaining public wharves when considered advisable:

Removal of obstructions in streets.

(113.) For the removal of any obstruction of whatsoever nature or kind in any of the public squares, streets or places within the said city, and at the cost of the city or of the parties causing the obstruction:

Assessment for watering and sweeping streets.

(114.) For assessing the citizens residing in any particular street, lane, square, or section of the city, in any sum or sums necessary to meet the expenses of sweeping and watering the said street, lane, square, or section of the city: Provided that not less than two-thirds of the said citizens residing as aforesaid in said street, lane, square, or section, shall have first prayed or demanded to have the same swept or watered:

Cleaning, &c., drains, sewers, and water-courses.

(115.) To regulate, clean, repair, amend, alter, widen, deepen, contract, straighten, divert, or discontinue the drains and sewers and all natural water-courses in the said city; and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury; and also to determine the course of all water-courses passing through private property in the said city, and to regulate all matters concerning the same, whether the said water-courses be covered or not:

- (116.) For opening, making, preserving, improving, repairing, widening, altering, directing, stopping up and putting down drains, sewers, water-courses, roads, streets, squares, alleys, lanes, or other public communications within the jurisdiction of the Council, and for conducting the drains and sewers beyond the limits of said city for fertilizing purposes; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purpose, and repairing and maintaining all bridges: Making drains, streets, &c.
- (117.) For compelling persons to remove snow, ice, and dirt from the roofs of the premises owned or occupied by them; and also to remove the same from the sidewalks, street, alley, or in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default: Removal of snow and ice.
- (118.) For compelling owners of property to connect the same with any public sewer or drain constructed by the city, and for compelling or regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools, and privies; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools, and privies are situate, with costs thereof if done by the Council in their default; and for removing and depositing the refuse, manure, rubbish, and other matter to such place or places as the Council may determine, which may be taken from any of the places aforesaid: Connecting drains with public sewers.
- (119.) For making any other regulation for sewerage or drainage that may be deemed necessary for sanitary purposes, including the closing and preventing the further use of cesspools on all streets where sewers are built: Sewerage regulations.
- (120.) For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the Council sees fit, and for acquiring stock in or lending money to any such company; and for guaranteeing the payment of money borrowed by or of debentures issued for moneys so borrowed by such company, or of interest on such moneys, provided the by-law is assented to by the electors as hereinbefore provided: Authorizing gas and water companies to lay pipes under streets.
- (121.) For numbering the houses and lots along the streets of the city and affixing the numbers to the houses, buildings, or other erections along the said streets, and for charging the owners of each house or lot with the expenses incident to numbering of the same: Numbering houses and lots.

- Recording streets, houses, &c. (122.) For keeping a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon a division of the streets with boundaries and distances for public inspection:
- Surveying street and boundary lines. (123.) For surveying, settling, and marking the boundary line of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof on either public or private property; and no by-law for altering the name of any street, square, road, lane, or other public communication shall have force or effect unless and until the the by-law has been registered in the registry office of the county or other registration division:
- Naming streets.
- Public traffic. (124.) For regulating the conveyance of traffic in the public streets, and the width of all tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares, or merchandise:
- Street railways. (125.) For authorizing the construction of any street railway or tramway upon any of the streets or highways within the city, and for regulating and governing the same, and for fixing the rates to be charged thereon:
- Fast driving. (126.) For preventing immoderate and reckless driving in highways or streets, for preventing the leading, riding, or driving of horses or cattle upon sidewalks or other places not proper therefor, and for preventing horses or mules in harness, during the winter season, being driven without bells, and for preventing horses or other animals being left at large or standing on any of the streets of the city without being sufficiently secured to prevent them running away:
- Sleigh bells.
- Driving over bridges. (127.) For regulating public bridges, and driving and riding thereon.
- Nothing herein to repeal any other Act by implication. None of the provisions of this section, or of any by-law passed thereunder, shall have the effect of repealing or superseding the provisions of any general Act of this Province, or of any Order in Council passed in virtue thereof not hereby specially repealed.
- Money must be in Treasury before by-law passed for expenditure. **143.** No by-law shall be passed for the expenditure of money unless the Treasurer shall certify that the money to be expended is in the treasury to the credit of the fund from which it is to be drawn.

#### *Quashing By-Laws.*

- Quashing by-laws. **144.** In case a ratepayer or any person interested in a by-law, order, or resolution of the Council applies to any Judge of the Supreme Court, or a Judge of the County Court having jurisdiction in the said City of New Westminster, and produces a copy of the by-law, order, or resolution to said Judge, certified under the hand of the Clerk (who shall furnish the same on two days' application, and on payment of a fee of one dollar), and under the corporate seal, and shows by affidavit

that the same was received from the Clerk, and that the applicant is a ratepayer and interested as aforesaid, the Judge, after at least ten days' service on the Corporation of a rule to show cause in this behalf, may quash the by-law, order, or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the Corporation.

**145.** No application to quash any such by-law, order, or resolution, in whole or in part, shall be entertained by any Judge unless such application be made to such Judge within three months from the passing of any by-law, order, or resolution, or from the time the same shall be put in force. Time within which application must be made.

**146.** Any by-law, the passing of which has been carried through or by means of any violation of the provisions of section 22 of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained Quashing by-laws obtained by bribery, &c.

**147.** Before determining any application for the quashing of a by-law upon the ground that any of the provisions of section 22 of this Act have been contravened in procuring the passing of the same, if it be made to appear to a Judge of the Supreme Court, or the Judge of the County Court having jurisdiction in said city, that probable grounds exist for a motion to quash such by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct, concerning the said grounds before him, and require that upon such inquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said Judge. Procedure in such case. Inquiry by Judge.

**148.** The said Judge shall thereupon, if the grounds therefor appear to be satisfactorily established, make an order for quashing the said by-law, and he may order the costs attending said proceedings to be paid by the parties, or any of them, who have supported the said by-law; and if it appears that the application to quash said by-law ought to be dismissed, the said Judge may so order, and, in his discretion, award costs to be paid by the person or persons applying to quash said by-law. After an order has been made by the said Judge directing an inquiry, and after a copy of such order has been left with the Clerk of the City, all future proceedings upon or under the by-law shall be stayed until after the disposal of the application in respect of which the inquiry is directed; but if the matter is not prosecuted to the satisfaction of the Judge, he may remove the stay of proceedings. Judgment. Costs. Stay of proceedings on the by-law.

**149.** Any decision or order of a Judge upon any such application shall be subject to appeal to the Divisional Court of the Supreme Court of British Columbia. Appeal.

*Meetings of and Proceedings at Council.*

- 150.** The members of the Council shall hold their first meeting at noon on the first Monday of the month of January in each year, or in case such Monday shall be a statutory holiday, then such meeting shall be held on the next day thereafter at noon.
- First meeting of Council.**
- Declarations of office.** (1.) The Mayor and members of the Council and the subordinate officers of the city, may make declarations of office and qualification before any Justice of the Peace having jurisdiction in the City of New Westminster, or before the Clerk of the Council :
- Adjournment.** (2.) The Council may adjourn its meetings from time to time :
- Quorum.** (3.) A majority of the Council, exclusive of the Mayor, shall constitute a quorum :
- Subsequent meetings, time and place of.** (4.) The subsequent meetings of the Council after the first shall be held at such place and from time to time as the Council may by resolution on adjourning to be entered on its minutes or by by-law appoint :
- Special meeting may be either open or closed.** (5.) In case there is no by-law of the Council fixing the place of meeting of the Council, any special meeting may be held at the place where the last meeting of the Council was held, and a special meeting of the Council may be open or closed as in the opinion of the Council expressed by resolution in writing the public interest require :
- Ordinary meetings to be open.** (6.) The Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct :
- The Mayor to preside in Council.** (7.) The Mayor shall preside at meetings of the Council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the Council, giving twelve hours' notice thereof :
- Special meetings.**
- Absence of Mayor provided for.** (8.) In case of the death or absence of the Mayor, the Council may, from among themselves, appoint a presiding officer who, during such absence, shall have all the powers of the Mayor, and preside at all meetings of the Council and at the Police Court when necessary :
- Casual absence provided for.** (9.) If the person who ought to preside at any meeting of the Council does not attend within thirty minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman, while presiding, shall have the same authority at the meeting as the absent person would have if present :
- Meetings how called when Mayor refuses to call same.** (10.) In case the Mayor or other presiding officer neglects or refuses to call a special meeting of the Council, when requested by a majority of the Council in writing so to do, it shall be the duty of the City Clerk, on the receipt by him of a requisition in

writing, signed by a majority of the members of the said Council, directing him to do so, to summon the said Council in the ordinary manner to meet at the time, place, and on the day stated in said requisition; and said meeting shall be to all intents and purposes a meeting of said Council:

- (11.) The Mayor, or presiding officer, or chairman, shall have a Casting vote.  
casting vote only:
- (12.) Any member of the Council may resign his seat in the Council, Resignation.  
and the vacancy shall be supplied as in the case of a natural death:
- (13.) No previous action of the Council on any matter shall be rescinded unless by a two-third vote of the members of the Council then present, and no decision or ruling of the Mayor or presiding officer, while in the chair, shall be overruled except by a vote of two-thirds of the members of the Council present: Two-third vote necessary to rescind previous action of the Council.
- (14.) No member of the Council shall be, directly or indirectly, interested in any contract with the city or any department thereof, or in any account or claim against the city, and any such contract shall be absolutely null and void: Provided, always, that this section shall not apply to any contract or counter-claim made by an incorporated company or held by it against the city: Contracts with members of the Council null and void.
- (15.) No member of the Council shall, during the term for which he is elected, be eligible or appointed to any office under the city: No member to hold any municipal office.
- (16.) Every member of the Council shall obey the authority of the chair and respect the same, otherwise the member or members so offending may be removed by order of the chairman: Authority of the chair.
- (17.) Any two members of the Council may call for the "yeas" and "nays" on any and all questions submitted. On divisions names may be called for.

*Remuneration of Mayor.*

**151.** The Council may by by-law fix a sum not exceeding two thousand dollars to be paid to the Mayor annually. Remuneration of Mayor.

*Treasurer.*

**152.** The Council shall appoint a Treasurer:

- (1.) It shall be the duty of the Treasurer to receive all moneys paid into the City Treasury from whatever source, and to pay out the same only when ordered by the City Council, on warrant signed by the Mayor and City Clerk: Treasurer to be appointed.  
Duty of Treasurer to receive and disburse all moneys.
- (2.) The Treasurer shall keep a complete and accurate account of all moneys by him received, showing the amount thereof, the time when, and from whom, and on what account, received, and also of all disbursements by him made, showing the amount To keep an account of all moneys paid out and received.

thereof, the time when, to whom, and on what account, paid. He shall so arrange and keep his books that the amount received and paid on account of separate and distinct funds, or special appropriations, shall be exhibited in separate and distinct accounts :

To deposit all moneys in bank daily.

- (3.) The Treasurer shall daily (Sunday excepted) deposit, or cause to be deposited, all moneys belonging to the city in some bank to be designated by the Council ; and until the establishment of a bank in said city, then in such way as the Council shall, by resolution entered on the minutes, or by by-law, direct :

Books and accounts to be open to inspection.

- (4.) The books, accounts, and vouchers of the Treasurer, and all moneys remaining in the city treasury, shall at all times be subject to the inspection and examination of the auditors, the finance committee, and any member of the Council :

Financial statement at close of the year.

- (5.) The Treasurer shall, during the week succeeding the 31st day of December in each year, make a full statement to the finance committee of the amount of all his accounts for the year ending the 31st day of December, and shall through said committee report to the Council an abstract of all his receipts and disbursements to and from each fund of the city :

On leaving office, to hand over all books, papers, &c.

- (6.) The Treasurer on going out of office shall deliver to his successor all public moneys, books, accounts, papers and documents in his possession ; and in case of his death the finance committee shall take possession of and keep the same until a successor is appointed :

Report to the first regular meeting.

- (7.) The Treasurer shall report to the first regular meeting of the Council in each month the amount of money at the credit of the city, specifying the fund to which it belongs :

Disbursement of municipal funds.

- (8.) On presentation of certificates of indebtedness issued by the City Clerk to the said Treasurer, and countersigned or certified by the Mayor, or acting Mayor, the Treasurer shall pay the same from any unexpended balance to the credit of the fund properly chargeable therewith ; but if said Treasurer has not sufficient funds to pay in full all such certificates he shall endorse on the back thereof the amount paid, countersign said certificates, and redeliver the same to the person presenting the same ; such certificates shall bear interest from the date of the approval, and shall be redeemed in the order in which they have been issued by said Clerk : Provided that if any of such certificates are not presented for payment as often as once in sixty days, said interest shall terminate at the end of sixty days from the last presentation. All payments made on account of pay rolls shall be made by the Treasurer, after the same have been audited by the City Clerk and placed in his hands therefor :





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- (9.) The Treasurer shall take an oath of office and give bonds to the satisfaction of the Council in the sum of fifteen thousand dollars, or such other sum as the Council may by resolution entered on the minutes or by by-law appoint, conditioned for the faithful performance of his duties, and shall further perform such other duties as the Council may require: Treasurer's oath of office and security.
- (10.) The Treasurer shall, on or before the second Tuesday in May in each year, submit to the Council a report of the estimates necessary, as near as may be, to defray the expense of the city government, during the current fiscal year. He shall, in such report, class the different objects of the said city expenditures, giving, as nearly as may be, the amount required. He shall make a statement of all contracts made or directed by the Council, and not performed or completed, and upon which any money remains unpaid, with the amount so unpaid on each, and for this purpose he shall require the City Engineer and other officers and heads of departments to furnish such information as he needs to enable him to fulfil the duties imposed upon him by this section; he shall also in such report show the aggregate income of the preceding fiscal year from all sources, the amount of all liabilities outstanding, and of all bonds, interest, and other kinds of city debts, payable during the year and when due, so that the Council may fully understand the money exigencies and demands of the city for the ensuing year. Estimates of expenditure for current year.  
Statement of all contracts made  
Liabilities.

*Officers of the Corporation.*

**153.** The Council shall appoint such officers to fill or occupy positions within the gift of the Council as may from time to time become vacant, or as it may deem necessary and expedient to carry on the good government of the city and the provisions of this Act. Appointment of officers.

**154.** Any person holding any office to which he has been properly appointed by the Council shall hold the same during good behaviour, and notwithstanding any contract or agreement to the contrary, the Council or the employer may terminate any engagement by giving to the other one month's notice in writing. Office to be held during good behaviour and subject to one month's notice.

**155.** All appointments of permanent officers made by the Council shall be confirmed by by-law as soon thereafter as practicable, except in this Act otherwise provided, and in such by-law it shall be distinctly stated that the person appointed shall only hold office during good behaviour, and shall be subject to the provision as to the termination of engagement mentioned in the preceding section, and the amount of salary to be received and the time when payable. All appointments to be confirmed by by-law.

**156.** All officers in the employ of the Council shall do, execute and perform such services as the Council may from time to time by by-law Duties to be defined by by-law.

define; provided, however, that no by-laws shall alter any of the duties imposed by this Act.

Office hours.

**157.** All city offices shall be kept open from 10 o'clock A. M., to 5 o'clock P. M., from 1st April to 1st October, and from 10 o'clock A. M., to 4 o'clock P. M., from 1st October to 1st April, except on Saturdays, when the hours shall be from 9 o'clock A. M. to 1 o'clock P. M.

Security to be given by officers.

**158.** All officers other than the Treasurer shall give satisfactory bonds for the due and proper performance of their duties, if required by the Council, before entering on their duties, and shall subscribe a proper oath of office.

All moneys received by city officials to be paid each day to the Treasurer.

**159.** All moneys belonging to the city received by an officer or agent thereof, either from collections, loans, fees, fines and penalties, or otherwise, shall be deposited in the city treasury once a day, and in case the provisions of this section are not complied with, it shall be the Treasurer's duty to report any delinquencies to the Mayor and Clerk. The Treasurer shall make duplicate receipts in all cases, one for the party paying and one for the Clerk, which shall set out the amounts, and on what account paid, and to what account credited. All payments on account of pay-rolls shall be made by the Treasurer after the same have been audited by the City Clerk and placed in his hands therefor. All payments of salaries or wages shall be paid by the Treasurer, who shall pay each person, or his legal representative, and take a proper receipt therefor.

Receipts for moneys received or paid.

*Appropriations.*

No appropriation beyond cash in hand.

**160.** No appropriation shall be made from any revenue fund in excess of the amount standing to the credit of such fund, nor shall it be made for purposes to which the money therein is not applicable by law.

Warrants for payment of city funds.

**161.** No money shall be paid out of the treasury except on the warrant of the City Clerk, countersigned by the Mayor or Acting Mayor, and no warrants shall be issued on any appropriation unless there is an unexpended balance to the credit thereof sufficient to cover such warrant and money in the treasury to pay it.

Unadjusted and audited accounts.

**162.** All unadjusted accounts before they are audited must be certified by the officer having knowledge of the facts, and audited accounts shall be registered in the Clerk's office, and filed and preserved as vouchers in such office.

*Actions and judgments against the City.*

Enforcing judgments against the city.

**163.** In the event of a final judgment, or judgments, obtained against the Council in any Court of Law having jurisdiction in this Province, in respect of any debt due by said Council to any person or

persons, company or corporate body, residing or being in the said Province or elsewhere, and the said Council being unable, or from any cause unwilling, or refusing to pay the same, the Sheriff of the district in which said city is situated shall issue a warrant under his hand and seal, directed to the Assessor or Assessors of the city for the time being, whose duty it shall then be, with all due diligence, to proceed and make a special assessment of all real and personal property within the limits of said City of New Westminster liable to taxation, in the same manner in which the annual assessment is made, and to return the assessment rolls to the said Sheriff, who shall cause a Collector's roll to be made out from said assessment roll, and shall levy an equal special rate on all property so assessed, such rate to be sufficient when collected (and allowing a reasonable allowance for uncollectable taxes) to pay the said judgment or judgments, together with legal costs and expenses; and the said Sheriff shall place the said rolls in the hands of the Collector for the city for the time being, whose duty it shall be to proceed with all due diligence to collect the said special rate in the same manner as herein provided for the collection of taxes levied by the said Council, and to make a return thereof to the said Sheriff in the same manner as herein provided for the return to the Treasurer of the ordinary taxes levied by said Council, and the Sheriff shall forthwith pay the amount of the said judgment or judgments out of such special rate so levied and collected, and shall pay the said Assessor or Assessors and Collector for their services, as herein provided, a reasonable sum, based upon the actual time occupied in making such assessment and collection :

Special assessment  
to be made and rate  
levied.

Collector to collect  
same and make re-  
turn thereof to the  
Sheriff.

- (1.) Any amount remaining in the possession of said Sheriff of the said special rate (levied and collected as hereinbefore provided) after payment of the said judgment or judgments, and all legal costs connected therewith, shall be forthwith paid by him to the Treasurer of the city, for the general purposes of the said city, and he shall also make a return of the said Assessor's and Collector's rolls, an account, in detail, of all expenses and disbursements and costs, and all proceedings connected therewith, to the City Clerk, who shall lay the same before the Council at the next meeting thereafter :

Sheriff to pay over-  
plus, if any, to the  
Treasurer.

- (2.) The said Council shall, if it see fit to do so, submit the account of the said Sheriff of the expenses, disbursements and costs arising out of, or connected with, the said special assessment, to one of the Judges of the Supreme Court, or the Judge of the County Court having jurisdiction in said city, who shall, on notice to said Sheriff, tax the same, and allow such items as to him shall seem just and right: Provided that no execution shall issue in any suit against the city until the expiration of twenty days after the entry of final judgment therein.

Sheriff's costs, &c.,  
may be taxed.

No execution until  
after 20 days.

*Investment of Sinking Fund.*

Investment of sinking fund.

**164.** The sinking fund to redeem the outstanding debentures of the city shall, in each and every year, when received by the Treasurer, be deposited by him, under the direction of the Council, to the credit of a special account, to be called "The Sinking Fund Account of the City of New Westminster," and the same shall be invested by three trustees, two of whom shall be appointed by the Supreme Court, or any Judge thereof, on application of the City Solicitor on behalf of the city, and the third by the Council from one of their number, in bonds or mortgage security, upon improved farm lands; and the said trustees, after their appointment as aforesaid, shall have the power of requiring the said Treasurer to pay from out of the said funds so deposited to the special account aforesaid, such sum or sums of money as the said trustees shall from time to time require for investment; and the said trustees shall, whenever required by the Council, give a detailed statement in writing of the said fund, and the manner in which the same is invested, and in no case shall the funds of the Sinking Fund Account be withdrawn without the consent of said trustees. The trustees appointed under this section shall hold office at the pleasure of the Council, or until their successors are appointed.

*Police Commissioners.*

Board of Commissioners of Police.

**165.** The Council shall from amongst their number appoint a Board of Commissioners of Police for the city, and the said Commissioners shall have the sole charge and control of the police department of the city, the persons therein employed and generally on all matters connected therewith; and for that purpose, and for all other purposes connected with a good government of the police force of the city, to pass by-laws relating thereto.

To make by-laws.

Meetings to be held in Police station.

**166.** The Board may hold their meetings in the police station building in the city, when and as often as they shall see fit, and shall have control of the said building.

Majority to constitute a quorum.

**167.** A majority of the Board shall constitute a quorum, and an act of the majority shall be considered as the act of the Board.

How such by-laws authenticated and proved.

**168.** All by-laws of such Board of Commissioners of Police shall be sufficiently authenticated by being signed by the Chairman of the Board, who shall pass the same; and a copy of any such by-law, written or printed, and certified to be a true copy by any member of such Board, shall be deemed authentic, and be received as prima facie evidence in any Court of Justice without proof of such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged.

**169.** In all cases where the Board of Commissioners of Police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for an infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of the city, for which the same may be passed, or in his absence before any Justice of the Peace having jurisdiction therein, in the manner or to the extent that by-laws of the City Council may be enforced under the provisions or authority of this Act. May be enforced by penalties, &c.

**170.** The police force shall consist of a Chief Constable and as many constables and other officers and assistants as the Board from time to time deem necessary. Police force.

**171.** The members of such police force shall be appointed by and hold their offices at the pleasure of the Board, and shall take and subscribe the following oath:— Appointment of members thereof.

“I, A. B., do swear that I will well and truly serve Our Sovereign Lady the Queen, in the office of Police Constable for the City of New Westminster, without fear, favour or affection, malice or ill-will; that I will to the best of my power and ability, cause the peace to be kept and preserved, and will prevent all offences against the person and properties of Her Majesty’s subjects and others, and that I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully and according to law. So help me God.” Oath of office.

**172.** The board shall from time to time make such regulations as they shall deem expedient for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all of its duties. Board to make police regulations.

**173.** The constables shall obey all lawful directions, and be subject to the government of the Chief of Police, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have, generally, all the powers and privileges, and be liable to all the duties and responsibilities, which belong by law to constables duly appointed. Constables to be subject to the Chief of Police.

**174.** The board shall be established immediately after the passing of this Act. Board to be established immediately.

**175.** The Board of Police Commissioners for the city shall have the power to issue all licences, other than liquor licences, under the provisions of this Act, subject to the rules and regulations prescribed by the by-law of the city, and all licences for the sale of intoxicating liquors shall be issued by a licensing board, which shall consist of the County Court Judge having jurisdiction in the City of New Westminster, the Mayor and Police Magistrate. Issue of trade licences;  
Liquor licences to be granted by Licensing Board.

*Police Court.*

Police Court.

**176.** The Council shall establish in the said city a Police Court, and the Police Magistrate, or in his absence the Mayor, shall attend at such Police Court daily, or at such times and for such periods as may be necessary for the disposal of the business brought before him as a Justice of the Peace, but except in cases of urgent necessity no attendance shall be required on a Sunday or legal holiday.

Appointment and salary of Police Magistrate.

**177.** It shall be legal for the Council, subject to the approval of the Lieutenant-Governor in Council, to appoint from time to time at such salary as the Council may fix, not less than \$600 per annum, and pay, a Police Magistrate for the City of New Westminster, with the consent of the Lieutenant-Governor in Council; but such Magistrate shall not act as Solicitor to the Council, and the said Council shall have power to revoke any such appointment.

Clerk of Police Court and his duties.

**178.** The Board of Commissioners shall appoint a Police Court Clerk, who may be the Clerk of the City, and shall be called the "Police Court Clerk," and perform the same duties as Clerks of Justices of the Peace, and he may be instructed by the Board.

Mayor to be ex-officio Justice of the Peace.

**179.** The Mayor shall be ex officio Justice of the Peace in and for the city during his term of office; the Mayor and Police Magistrate shall have jurisdiction to try and determine all prosecutions for offences committed against the by-laws of the city, for refusing to accept office therein or to make the declaration of qualification of office respectively; or, in addition thereto, the same rights and jurisdiction as other Justices of the Peace.

Jurisdiction over certain offences.

Powers of Police Magistrate.

**180.** The Police Magistrate shall, in addition thereto, have and exercise all the same lawful powers and authorities as have hitherto been had and exercised by any Stipendiary Magistrate of the Province.

Police Magistrate to have powers of two Justices of the Peace.

**181.** When by any law of this Province any offence is required to be heard and determined by two Justices of the Peace, the same may be heard and determined before the Police Magistrate alone, and the said Police Magistrate shall have all the powers possessed by two or more Justices of the Peace.

Offender may be convicted on evidence of one credible witness.

**182.** The Mayor or Police Magistrate before whom a prosecution is had for any offence may convict the offender on the oath or affirmation of any credible witness, and shall award the penalty or punishment imposed by law, with the costs of prosecution; and may, by warrant under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of said Justices, cause any pecuniary penalty and costs, or costs only if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender.

Distress for penalty.

**183.** In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the district gaol, house of correction, or nearest lock-up house, for the time specified in the by-law, and with or without hard labour. Commitment if on distress found.

**184.** All pecuniary penalties levied under this Act or of any law shall go to the Corporation of the City. All fines go to the city.

**185.** The Mayor, with any one Justice of the Peace or Police Magistrate alone, upon complaint made on oath to them or any of them, of riotous or disorderly conduct in any hotel, inn or tavern, ale or beer house situate in the city, may summon the keeper of an hotel, inn, tavern, ale or beer house to answer the complaint, and may investigate the same or hear the same summarily, and either dismiss the complaint or convict the keeper of having a riotous and disorderly house, and annul his licence or suspend the same for not more than one hundred days, with or without costs, as in their discretion may seem just. Keeper of licensed house may be summoned for disorderly conduct therein.

**186.** The gaoler of the district shall be bound, and is hereby authorized and required, to receive and safely keep until duly discharged, all persons committed to his charge by the Mayor, Police Magistrate, or any Justice of the Peace having jurisdiction in the said city. Cancelling, &c., licence.

**187.** Nothing herein contained shall limit the power of the Lieutenant-Governor to appoint, under the Seal of the Province, any number of Justices of the Peace for the city, or shall interfere with the jurisdiction of Justices of the Peace for the county or district in which the city is situated, except only as far as respects offences against the by-laws of the city and penalties for refusing to accept offices or to make the declarations of office in the city, as to which jurisdiction shall be exercised exclusively by the Mayor or Police Magistrate. Custody of persons committed by Mayor or Police Magistrate.

**188.** All fines and penalties imposed under the said Act, or for enforcing any law of this Province made in relation to any matter coming within any of the classes enumerated in section 92 of the "British North America Act, 1867," imposed within the said city, and to which the city may be entitled, and all fines and penalties for offences against the by-laws of the city, shall be paid into the city exchequer. Powers of Justices of the Peace for the city not to be affected.

**189.** The Police Magistrate of the city shall be paid a salary by the City of New Westminster. All fines to go to the city.

#### *Expropriations.*

**190.** The Council of the City of New Westminster shall have full power and authority to order by by-law the opening or extending of streets, lanes, public places, squares and highways, or the construction Power to open, extend and widen streets, &c., and construct buildings and wharves.

of a public wharf or wharves, and such public buildings, drains or water-courses or sewers, and to order at the same time that such improvements should be made out of the city funds, or that the cost thereof shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in, or benefited by, said improvements, and to purchase, acquire, take, and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agreement, amicable arrangement between the Council of the said city and corporation or other persons interested, or by complying with all the formalities hereinafter prescribed for opening streets, markets or other public places, or for continuing or improving the same, or a portion of the same, or as site for any public wharf or wharves, or public buildings to be erected by the said Council.

Trustees and others acting in a representative capacity may sell and convey to the city land selected for any of the purposes aforesaid.

City not to be responsible for application of the purchase money.

When the price or compensation for land to be taken cannot be agreed upon.

(1.) All corporations or bodies, and all persons, guardians, executors, administrators, or trustees, who are or shall be seised or possessed of or interested in any piece or pieces, lot or lots, of ground or real property within the said city, selected by the said Council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of the person whom they represent, or for whom, or in trust for whom, they are or shall be seised, or possessed, or interested, whether minors, lunatic, idiot, femme covert, or other persons, contract for, sell and convey such piece or pieces, lot or lots, of ground or real property to the said corporation; and such contracts, sales, and conveyances shall be valid and effectual in law for conveying estate or interest therein, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding, and the corporation of the City of New Westminster shall not in any case be responsible for the application of the purchase money; and all corporations and persons whatsoever so contracting, selling, or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of or in pursuance of this Act, without, however, diminishing in any manner the responsibility of such corporation or persons towards those whom they represent, as regards the purchase money or compensation of such sale or conveyance:

(2.) In case the Council of the city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property within the limits of the said city, cannot come to an amicable arrangement with the person seised or possessed of, upon any title whatsoever, or interested in said lots of ground or property, or any part thereof, or who may be absent or unknown, as regards the price or compensation to be paid for the said lot of ground or property, or any part



thereof, (the said Council, however, shall not be bound to take any step or proceeding toward securing such amicable arrangements), such price or compensation shall be fixed and determined in the following manner, to wit:

- (3.) The Council of the said city, by their attorney or counsel, shall give special notice, addressed through the post office to the person in whose name the property was lastly assessed on the assessment roll as proprietor, at his actual or last known domicile, and shall also give public notice by three insertions in at least one newspaper published or circulating in said city, and in the British Columbia Gazette, that they would, by or through their said attorney or counsel, present on the day and hour named in the said notice, to the Supreme Court of British Columbia, or to any of the Judges of the said Court sitting in chambers, or to a County Court Judge, a petition calling upon the said Court, or any one of the Judges thereof, respectively, to choose and nominate three competent and disinterested persons to act as Commissioners to fix and determine the price or compensation to be allowed for each and every lot of ground or property, or any part thereof, which may be required by the said Corporation for the purposes of the said improvements, and which shall be designated in the said notice by a general description, and by reference to a map or plan in the solicitor's office; and one week at least shall elapse from the date of the last insertion of the said notice in the said papers to the day appointed for a presentation of the said petition, and a copy of the said notice shall be posted near or in the neighbourhood of the property to be expropriated: Provided always, that the Council may, instead of publishing such notice, serve or cause to be served upon the owner or owners of any such property personally such notice in writing, stating a time (not less than one week) when application will be made to the Court or Judge for the appointment of such Commissioners:
 

The Council may petition the Supreme Court to appoint 3 Commissioners to fix the price or compensation to be paid therefor.
- (4.) The Court or any of said Judges, as the case may be, to whom the said petition shall have been presented, shall appoint three Commissioners as aforesaid and fix the day on which the said Commissioners shall begin their operations, and also the day on which they shall make their report: Provided always, it shall be lawful for the said Court, or any of the said Judges, or any County Court Judge, to extend the time in which the said Commissioners shall make said report, upon reasonable ground being shown to that effect, upon application of the said Commissioners or Council of the city:
 

Court to appoint Commissioners and fix time for making report.
- (5.) The order embodying said appointment shall be served with as little delay as possible upon the said Commissioners, who shall
 

Order to be served on Commissioners.

Penalty for refusing to act.

be held to accept the said office and to perform the duties thereof under the penalty of a fine of one hundred dollars, which it shall be competent for the said Court, or any of said Judges, to inflict upon each of the said Commissioners, upon proof of his or their refusal or neglect, without reasonable excuse, to perform the said duties:

Commissioner may be removed for partiality, neglect, &c.

(6.) If one or more of the said Commissioners at any time after their appointment shall fail in the due performance of the duties assigned to them or him in and by this Act, or shall not fulfil the said duties in a faithful, diligent and impartial manner, it shall be lawful for the said Council, by its attorney, to apply, by summary petition, to the said Court, or to any of said Judges thereof, as the case may be, to stay the proceedings of the said Commissioners, and to remove and replace the Commissioner or Commissioners who may have forfeited or violated his or their obligation, or neglected his or their duties, or to appoint one or more Commissioners in the place of any whose service may have been or may be dispensed with for any cause; and upon such petition the said Court, or any of said Judges, may make such order as may be deemed conformable to justice:

And another appointed.

Commissioners to be furnished with plans of property in question.

(7.) Immediately after the appointment of the said Commissioners it shall be the duty of the City Engineer to furnish them with a plan or map showing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated:

Oath to be taken by Commissioners.

(8.) The Commissioners, before proceeding, shall make and subscribe a solemn declaration, under oath, to perform their duties in a faithful, diligent, and impartial manner, and they shall be entitled to receive a remuneration not exceeding five dollars per day each, during the whole time they of necessity shall be occupied in the performance of said duties; but the Council may, if they think fit, have the bill taxed on this scale by the taxing officer of said Courts:

Remuneration.

Powers of the Commissioners.

(9.) The said Commissioners may, if they deem proper, call upon the proprietors or parties interested to give them inspection of their title deeds, and upon their refusing to comply with such demands the said Commissioners are hereby authorized to procure copies of said deeds, at the cost of the said proprietors or parties interested, and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation:

Commissioners to appraise and fix price to be paid for the land to be taken, and the improvements thereon.

(10.) It shall be the duty of the said Commissioners to diligently proceed to appraise and determine the amount of the price, indemnity, or compensation (if any) which they shall deem just and reasonable for each of the pieces or parcels of land or real estate, the appropriation whereof shall have been resolved on

by the City Council, or for damages (if any) caused by such expropriation; and the same Commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected, required for any improvement which the said Council may have ordered to be made or carried out at one and the same time; and the said Commissioners are hereby authorized and required to hear the parties, and to examine and interrogate their witnesses, as well as the members of the City Council and the witnesses of the said Corporation, on oath, and any one of such Commissioners may administer the oath to any witness, but the said examination and interrogatories shall be made viva voce, and the answers thereto shall be reduced to writing and shall form part of the report to be made by the said Commissioners: Provided, that if in the discharge of the duties devolving on the said Commissioners by virtue of the present Act, there shall occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said Commissioners shall have the same force and effect as if all the said Commissioners had concurred therein:

To hear all parties and witnesses on oath.

- (11.) In every case where the Council of the said city may have resolved to carry out and execute any of the works or improvements aforesaid, the said Commissioners shall be held to determine and award, when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate, by the separation from it of the part required by the said Council; and they shall determine, first, the intrinsic value of the part of the property and premises to be taken; and, secondly, the increased value (if any) of the residue of the property caused by the proposed improvement; and, thirdly, the damage or depreciation that may be caused to such residue of the property by reason of the expropriation of a part or portion thereof; the difference between the intrinsic value of the part of the property and premises required and the increased value aforesaid, or the intrinsic value of such portion of the property and such changes as may be ascertained, shall constitute the price or compensation which the party or parties interested shall be entitled to; and when the said Commissioners shall determine and award that the increased value is equivalent to, or in excess of, the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation:

Course to be followed in determining the damage by deterioration in value of property severed.

In case of death, &c., of Commissioner, provides for appointment of another.

Parties aggrieved may be heard after price or compensation determined upon.

Notice of time and place to be given.

Price may be modified or maintained.

Confirmation of report final.

Council to pay amount awarded to Registrar of the Supreme Court within one month.

Thereupon legal title to the land to vest in the Council.

(12.) In case any of the Commissioners should, after being appointed, die, or be unable to act, the said Court, or one of said Judges, as the case may be, shall, upon a summary application to that effect, to be presented by the Council of said city, after such notice as the Court or any of said Judges may direct, replace such Commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor :

(13.) So soon as the said Commissioners shall have completed the proceedings relating to the appraisement, and determined the compensation for the piece or pieces or parcels of land or real property about to be expropriated, they shall give one week's public notice by means of a poster, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real property, that on the day mentioned in said notice all parties interested or claiming indemnity, who may consider themselves aggrieved by the said appraisement, shall be heard before them in the City Hall or Council Chamber, or a room connected therewith ; and when such parties aggrieved, or claiming indemnity, shall have been heard as aforesaid, it shall be lawful for the said Commissioners to maintain or modify, at their own discretion, the appraisement made by them of any piece or parcel of land, or real estate aforesaid :

(14.) On the day fixed in and by the order appointing the said Commissioners, the Council of the said city, by their attorney or counsel, shall submit to the said Court, or to any of the said Judges, the report containing the appraisement of the said Commissioners, for the purpose of being confirmed to all intents and purposes ; and the said Court or any of said Judges may thereupon, after hearing any or all of the parties interested therein who may appear, pronounce the confirmation of the said report, which shall be final as regards all parties interested, and consequently not open to any appeal :

(15.) The Council of the said city shall within one month from and after the confirmation of the reports of the said Commissioners, make, in the hands of the Registrar or Clerk of the Court, whose duty it shall be to grant to the said Council a written acknowledgment thereof, a deposit of the price or compensation and damages settled and determined in and by the said report ; and the act of such deposit shall constitute, in behalf of the Council of said city, a legal title to the property of the said piece or parcel of land or real estate, and from thence all proprietors of or other persons whatsoever interested in the said pieces or parcels of real estate, shall lose and be divested of all rights or claims thereto, except such as may be reserved by such

report, and the said Council shall be vested with the said piece or pieces or parcel of land or real estate, subject as aforesaid, and may of right, and without any further formality, enter into possession of and use the same for any of the purposes authorized by this Act, any law, statute or usage to the contrary notwithstanding :

- (16.) Any expropriation made by virtue of this Act shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened and encumbered at the time; but the price or compensation deposited in the hands of the Clerk or Registrar as aforesaid, shall be held to represent the said pieces or parcels of land or real estate, as regards all mortgagees or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act; and such distribution shall be made and determined by order of the said Court in such manner as may by it be deemed advisable and just to the parties interested:
- Rights of mortgagees to be transferred from the land taken to the money paid as compensation therefor.
- In distribution rank and priority to be preserved.
- (17.) All the provisions contained in the third and fourth sections of this clause with regard to the appointment of Commissioners, and the mode of ascertaining the value of the piece or pieces or parcels of land or real estate taken by the Council of the said city, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said Council to any proprietor of real or personal estate, or his representative, for any damage he or they may have sustained by reason of any alteration made by order of the said Council in the line or level of any street, footpath, or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of said Council, or to any party by reason of any other act of the said Council, for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the Council shall not agree; and the amount of such compensation shall be paid at once by the said Council to the party having the right to the same, without further formality; and any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place or square in the said city, without having previously obtained from the City Engineer, or Surveyor, the level and line of such street, public place or square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property or building when such level or line shall be settled and determined by the said Council through the said Committee:
- Third and fourth sections of this clause to have general application to all cases in ascertaining price to be paid by Council for damage to lands, &c.

Assessments under this section to be made in same manner as ordinary assessments.

(18.) Special assessments under authority of this section shall be made in the same manner, and subject to the same appeals, and governed by the same decisions, and shall be collected by the same process as is provided by this Act in the case of ordinary assessments, or under the local improvement clauses of this Act, as the Council may determine.

*Local Improvements and Special Assessments therefor.*

Council may pass by-laws—

For determining what property will be benefited by proposed improvements.

**191.** The Council may pass, repeal, alter, and amend by-laws:

(1.) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvements, the expense of which is proposed to be assessed as hereinafter mentioned, upon the real property immediately benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited:

For assessing and levying on the same.

(2.) For assessing and levying on the real property to be immediately benefited by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking of any street, lane or alley, public way or place, or of any sidewalk, or any bridge forming part of a highway therein, on the petition of at least two-thirds in number of the owners of such real property, representing one-half of the value of such real property, a special rate sufficient to include a sinking fund for the repayment of debentures, which said Council is hereby authorized to issue in such cases respectively, on the security of such rates respectively, to provide funds for such improvements; and for so assessing and levying the same by an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improvements:

Special rate for repayment of money borrowed on debentures for improvements.

For regulating time and manner of levying and paying assessments.

(3.) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums:

For carrying out improvements with funds provided therefor.

(4.) For effecting any such improvement as aforesaid, with funds provided by the parties desirous of having the same effected.

Upon petition of two-thirds of the property owners to be benefited, the Council may pass by-law for undertaking local improvements.

**192.** No such local improvements as aforesaid shall be undertaken by the Council (unless as provided in the next section) except under a by-law passed in pursuance of the fourth sub-section of the preceding section, otherwise than on a petition of two-thirds of the owners of the property to be directly benefited thereby, representing at least one-half in value of such real property, the number of such owners, and the value of such real property having been first ascertained and finally

determined, in the manner and by the means provided in the by-law in that behalf; and if the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall also first be provided for by the Council, or by by-law for borrowing money, which the Council is hereby authorized to pass for such purpose, or otherwise.

If improvement be a common sewer, Council to contribute one-third of the cost thereof.

**193.** In cases where the Council decides to contribute to at least half of the cost of such improvements, it shall be lawful for said Council to assess and levy, in manner provided in the two preceding sections, from the owners of real property to be directly benefited thereby the remaining portion of such cost without petition thereof, unless the majority of such owners, representing at least one-half in value of such property, petition the Council against such assessment within one month after the publication of a notice of such proposed assessment in at least two newspapers published in such city.

When Council decide to contribute one-half of the cost, they may assess and levy the remainder without petition therefor, unless petition against same.

**194.** No by-law passed in pursuance of the three preceding sections of this Act shall require the assent of the ratepayers of the city, but every such by-law shall recite:—

Such by-laws do not require ratepayers' assent.

By-law to recite—

- (1.) The amount of the debt which such by-law is intended to create, and, in some brief and general terms, the object for which it is to be created: Amount of debt to be created.
- (2.) The total amount required to be raised annually by special rate for paying the debt and interest under the by-law: Amount of annual rate.
- (3.) Value of the whole real property rateable under the by-law as ascertained and finally determined as aforesaid: Value of property rateable.
- (4.) The annual special rate or the dollar, or per foot frontage, or otherwise, as the case may be, for paying interest and creating a yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal according to the provisions of this Act; or in case the debt is payable under the provisions of this Act by instalments, for paying the instalments of principal and interest as they respectively become payable: The annual rate for payment of interest and sinking fund.
- (5.) That the debt is created on the security of the special rate settled by the by-law, and on that security only. Security to be the special rate only.

**195.** Nothing contained in the four next preceding sections of this Act shall be construed to apply to any work of ordinary repair and maintenance, and every ordinary sewer made, enlarged, or prolonged, and every street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamised, gravelled or planked under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the city.

Sections 191 to 195 not to apply to works of repair and maintenance.

City to maintain streets and sewers when once made.

Printed copies of by-laws to be prima facie evidence. **196.** The printed copies of all by-laws passed by the Council, and purporting to be printed by authority thereof, shall be admitted as prima facie evidence thereof in all Courts in this Province, and on all occasions whatsoever.

No member or city official to vote for, certify to, or allow any unauthorized claim, or the payment for work not done, or supplies not furnished. **197.** No member or officer of the Council, and no member of the Board organized under or in connection with the city government, pursuant to any law or by-law, shall, in his official capacity, or under colour of his office, knowingly, or wilfully, or corruptly vote for, assent to, or report in favour of, or allow, or certify for allowance, any claim or demand against the city, or any department thereof, or against any such Board as above mentioned, which claim or demand, shall be on account or under colour of any contract or agreement not authorized by or in pursuance of the provisions of this Act, or any claim or demand against the city, or any department thereof, or any such Board as as aforesaid, which claim or demand, or any part thereof, shall be for work not in fact performed for, and by authority of, said city or Board, or for supplies or materials not actually furnished thereto, pursuant to

Or to assist in disbursing city funds for purposes other than those for which the same was collected, &c. law or by-laws; and no such member or officer as aforesaid shall knowingly vote for, assent to, assist, or otherwise permit or aid in the disbursement or disposition of any money or property belonging to the city, or any department thereof, or held by or in charge of any such Board as aforesaid, to any other than the specific use or purpose for which such money or property shall be, or shall have been, received or appropriated, or collected, or authorized by law to be collected; and any such member or officer as aforesaid who shall violate any of the foregoing provisions of this section shall, upon conviction thereof, be punished by imprisonment for not more than one year, or by fine of not less than five nor more than two thousand dollars.

Penalty. **198.** Any person who shall violate any of the provisions of this Act, or any of the provisions of any by-law passed in pursuance of this Act, for the violation of which no punishment has been provided therein, shall be liable to punishment in a summary way by fine not exceeding one hundred dollars, or by imprisonment (with or without hard labour, in the discretion of the convicting Magistrate) not exceeding six months.

Police Commissioners' books to be open to inspection. **199.** The books of account of the Board of Police Commissioners to be kept by them, and all documents relating to expenditures connected with their office, shall always be open to the inspection of the Treasurer and of any Committee appointed for that purpose.

City Solicitor to be Solicitor to the Police Commissioners. **200.** The Solicitor shall furnish the Board of Police Commissioners with the legal advice and services desired by them; and the Board shall not employ any other at the city's expense without the consent of the Council.



**201.** The annual salary of any officer of the city shall not exceed the sum of three thousand dollars.

Annual salaries of civic officers not to exceed \$3,000.

**202.** The duty of all officers in the employ of the city shall be as the same are defined in this Act, or by by-law that may hereafter be passed by the Council; and every of them shall be only required to perform such services and to do such work as is laid down in this Act or by-laws aforesaid, any Act, law, or Order in Council to the contrary notwithstanding; and no other penalties shall attach for the non-performance of any services or work by any officer in the employ, or that may be hereafter in the employ, of the Council, except as provided in this Act.

Duties of civic officials to be such as are defined by this Act and the by-laws passed by the city.

**203.** In case the City Council at any time passes a resolution requesting any Judge of the Supreme Court, or the Judge of the County Court having jurisdiction in the City of New Westminster, to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust, or other misconduct on the part of any member of the Council or officer of the Corporation, or of any person having a contract therewith, in relation to the duties or obligations of the members to the Corporation, or in case the Council sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the city or the conduct of any of the public business thereof; and if the Council at any time passes a resolution requesting the said Judge to make the inquiry, the Judge may inquire into the same, and shall for that purpose have full power to summon witnesses before him to compel them to give evidence upon oath, either orally or in writing, or on solemn affirmation, and to produce and bring with them such books, documents, and things as he may think requisite for the complete and full investigation of such matter as aforesaid, and the Judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence, as is vested in any Court of Law in civil cases, and the Judge shall, with all convenient speed, report to the Council the result of the inquiry and the evidence taken thereon.

Investigation by Judge, &c., of charge of malfeasance by municipal officers.

Powers of Judge.

**204.** Every public street, road, square, lane, bridge, or other highway in the city shall be vested in the city (subject to any right in the soil which the individuals who laid out such road, street, bridge, or highway reserve), and such public street, road, square, lane, or highway shall not be interfered with in any way or manner whatsoever, by excavation or otherwise, by any street railway, gas or water-works company, or any companies other than those hereinafter mentioned or referred to, or by any company or companies that may hereafter be incorporated, or any other person or persons whosoever, except having first made application and received the permission of the City Engineer in writing.

All streets, squares, &c., to vest in the city.

Excavations not to be made without consent in writing of City Engineer.

**205.** Every such public street, road, square, lane, bridge, and highway shall be kept in repair by the Corporation.

All repairs to be made by the city.

When a Commission of inquiry into the financial affairs of the city may issue.

**206.** In case one-third of the members of the Council, or thirty duly qualified electors of the city, petition for a Commission to issue under the great seal of the Province, to inquire into the financial affairs of the Corporation and things connected therewith, and if sufficient cause be shown, the Lieutenant-Governor in Council may issue a Commission accordingly, and the Commissioner or Commissioners, or such one or more of them as the Commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and give evidence as any Court has in civil cases.

Contracts, notes, &c., how to be executed.

**207.** All contracts, notes, bills, and other securities duly authorized to be executed on behalf of the Corporation, shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation and signed by the Mayor and City Clerk, otherwise the same shall not be valid, and all cheques shall be signed by the Treasurer and Mayor, and countersigned by the City Clerk.

Council may hold and dispose of real estate without its limits.

**208.** All lands conveyed to the Corporation outside the limits of the city, as defined by this Act, are hereby vested in the said Corporation, their successors or assigns for ever, with power to the Council to dispose of the same whenever desired or deemed necessary.

Oaths of office.

**209.** All oaths of office omitted in this Act shall be the same as provided in the "Municipality Act, 1881," and amendments thereto.

Council may borrow money for ordinary expenditure pending collection of taxes, &c.

**209A.** The Council shall be at liberty, and are hereby empowered to borrow from any chartered bank or other monetary institution, either by promissory note or overdraft, any sum of money required for ordinary expenditure in and for the maintenance of the city, pending the collection of taxes or the realization of debentures issued or to be issued.

New Westminster Gas Company's rights and privileges not interfered with.

**210.** Nothing in this Act contained shall apply to, or affect, conflict or interfere with the New Westminster Gas Company, Limited Liability, or to the rights, powers, and privileges to be conferred upon the said company by their Act of Incorporation.

By-laws to come into force seven days after publication.

**211.** All by-laws of the Corporation under this Act shall come into effect seven days from the publication thereof in the British Columbia Gazette, a copy whereof shall be evidence in all Courts of the Province of the contents of any such by-law.

Power to compel performance of things ordered by the Council to be done.

**212.** Whenever the Council of the City of New Westminster has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or corporation, the said Council may also, by the same or another by-law, direct that in default of its being done by the person or corporation, such matter or thing shall be done at the expense of the person or corporation and in default, may recover the

expense thereof, with costs, by action or distress; and in case of non-payment thereof the same shall be recovered in like manner as municipal taxes are recovered by this Act.

**213.** (a.) The "New Westminster Municipal Council Act, 1860," the Acts repealed, &c.

"New Westminster Municipal Council Extension Act, 1861," the "New Westminster Municipal Extension Act, No. 2, 1862," the "New Westminster Municipal Extension Act, No. 3, 1863," the letters patent relating to the City, dated 24th December, 1872, and all subsequent letters patent, are hereby repealed so far, and in so far only, as they are inconsistent with or repugnant to the provisions of this Act, but such repeal shall not prejudice or affect any rights acquired by, or payments due or accruing due to, or by, or liabilities incurred by, the Corporation prior to this Act coming into effect:

(b.) The "Health Ordinance, 1869," the "Municipality Act, 1881," and the subsequent general Acts affecting municipalities shall apply to or affect the Corporation and City of New Westminster so far only as they are not inconsistent with or repugnant to the provisions of this Act:

(c.) Notwithstanding this Act all existing by-laws of the City of New Westminster shall continue in force until altered or repealed by the Council.

**214.** Notwithstanding anything hereinbefore contained the Corporation shall not be at liberty to collect taxes in respect of personal property, nor to collect any other taxes already imposed for Provincial purposes. Not to collect personal property tax.

**215.** This Act shall not come into force until proclaimed by the Lieutenant-Governor in Council, and such proclamation may allow the Act as a whole or may except any clause or portion thereof. Operation of Act.

*Interpretation Clause.*

**216.** Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act, the meaning hereinafter expressed shall attach to the same, namely:— Interpretation of words.

(1.) The word "Council" means the Council of the City of New Westminster: "Council."

(2.) "Land," "Real Property," and "Real Estate," respectively, shall include all buildings and other things erected upon or affixed to the land, and all machinery and other things so fixed to any buildings as to form in law a part of the realty, and all mines, minerals, and quarries in and upon the same: "Land."  
"Real property."  
"Real estate."

- “Personal estate.” (3.) “Personal Estate” and “Personal Property” shall include all goods and chattels, except land and real estate and real property as above defined, and except property herein expressly exempted :
- “Personal property.”
- “Highway.” (4.) The words “Highway,” “Road,” “Bridge,” mean respectively a “road,” “bridge.” public highway, road, or bridge :
- “Electors.” (5.) The word “Electors” means the persons entitled for the time being to vote at elections in the said city :
- “Property.” (6.) The term “Property” includes both real and personal property :
- “City.” (7.) The word “City” means the City of New Westminster :
- “Corporation.” (8.) The word “Corporation” means the Corporation of the City of New Westminster :
- “Judge.” (9.) Wherever the word “Judge” occurs it shall mean and include any County Court Judge having jurisdiction in the city, and such other person as may be appointed by the Lieutenant-Governor in Council to perform the duties referred to in this Act :

Short title. **217.** This Act may be cited as the “New Westminster Act, 1888.

## SCHEDULE A.

### FORM I.

I.—List of persons entitled to vote at Municipal Elections.

No. on Roll.	Names of Owners in Fee.	Property.		Assessed Value.	Encumbrances affecting same.
		Lot.	Street or Block.		
6	James Johns John Smith	E. $\frac{1}{2}$ 8	Maria Street		

FORM II.  
ASSESSMENT ROLL, WARD NO.

Names and Description of Persons Assessed.												Description and value of								
No. on Roll.	Name of Occupant, Owner, or other Taxable Party.	Occupation.	Address.	Owner.	Tenant.	Resident.	Non-Resident.	Occupant.	Religion.			Total No. of house-hold.	Built on.	Vacant.	No. of Horses.	No. of Cattle.	No. of Sheep.	No. of Pigs.	Land.	
									Protestant.	Rom. Catholic.	Other Religion.								Street or other designation.	On what dis-trict lot.

CITY OF NEW WESTMINSTER.

Real and Personal Property.						Statute Labour.							
No. of Block.	No. of Lot.	Size of Lot.		Rate.	Value.	Buildings and Im- provements.	Value of Real Property.	Value of Personal Property.	Total Assessable Property.	Persons from 18 to 60 years of age, not otherwise assessed.	Rate of Tax on the Dollar.	Total Amount of Taxes.	Remarks.
		Frontage.	Depth.										
					\$		\$	\$	\$			\$	

FORM III.

*To all whom these presents shall concern :*

We,  
Esquire, Mayor, and  
of the  
of the  
Esquire, Treasurer  
of the City of New Westminster, in the Province of British Columbia,

SEND GREETING :

WHEREAS, by virtue of a warrant under the hand of the Mayor and seal of the said city, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ commanding the Treasurer of the said city to levy upon the lands hereinafter mentioned for the arrears of taxes due thereon to the City of New Westminster with costs, the Treasurer of the said city did, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ sell by public auction to \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of \_\_\_\_\_ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ together with costs.

Now KNOW YE, that we, the said  
and

as Mayor and Treasurer of the City of New Westminster, in pursuance of such sale \_\_\_\_\_ and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_ his heirs and assigns, all that certain parcel or tract of land and premises containing \_\_\_\_\_ more or less, being composed of *(here describe the land, so that the same may be easily identified.)*

IN WITNESS WHEREOF WE, the said Mayor and Treasurer of the said City of New Westminster, have hereunto set our hands and affixed the seal of the city this                      day of                      in the year of our Lord one thousand eight hundred and                      .

[Corporate Seal.]

Countersigned,	<i>A. B.</i> , Mayor,	}
<i>E. S.</i> ,	<i>C. D.</i> , Treasurer.	
City Clerk.		

## FORM IV.

*To the Clerk of the City of New Westminster :*

I, *Peter Grant*, a voter (or "person entitled to be a voter") in the said city, complain that the name John Jack is wrongly entered in the voters' list for the said city, he being a person disqualified under the section of

And take notice, that I intend to apply to the Judge in respect thereof, in pursuance of the statute in that behalf.

Dated the                      day of                      18

PETER GRANT.

Residence

## FORM V.

*To the Clerk of the City of New Westminster :*

I, *James Smith*, voter (or "a person entitled to be a voter") in the said city, complain (*state the name of the persons in respect of whom complaint is made, and the grounds of complaint touching each person respectively— or set forth in lists as follows, varying according to circumstances*), that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said municipality, as shown in said list, but are wrongfully omitted from the voters' list. That the several persons whose names are mentioned in the first column of the subjoined list No. 2, are wrongfully stated in said voters' list as shown in No. 2. That the several persons whose names are set forth in the first column of the subjoined list No. 3, are wrongfully inserted in said voters' list, as shown in said list No. 3. And that there are errors in the description of the property in respect to which the names respectively are entered on the voters' list (*or stating other errors*), as shown in the subjoined list No. 4. And take notice that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated the                      day of                      A. D. 18 .

JAMES SMITH.

Residence

## LIST OF COMPLAINANTS MENTIONED IN THE ABOVE NOTICE OF COMPLAINANTS.

LIST No. 1 (*Showing voters wrongfully omitted from the Voters' List*).

Names of Persons.	Grounds on which they are entitled to be on the Voters' List.
Simon Beauclerk . . . . . Angus Blain. . . . .	Owner in fee of Lot 4, Block 2,                      Street. Assessed too low--property worth \$

LIST No. 2 (*Showing voters wrongly named in Voters' List*).

Names of Persons	Ward.	The errors in Statement upon Voters' List.
Joshua Townsend .....	2	Should be <i>Joseph</i> Townsend.
John McBean .....	4	Should be John McBean, <i>the younger</i> .
S. Connell .....	3	Should be <i>Simon</i> O'Connell. &c., &c.

LIST No. 3 (*Showing persons wrongly inserted in Voters' List*).

Names of Persons.	Ward.	Statement why wrongly inserted in Voters' List.
Peter White .....	4	Died before final revision of roll.
David Walters .....	2	Assessed too high—property worth under \$ .

LIST No. 4 (*Showing voters whose property is erroneously described in Voters' List, &c.*).

Names of Persons.	Ward.	Errors in respect of Property or otherwise stated.
Stephen Washburn .....	3	Name should not be in Ward No. 2.
Thomas Gordon .....	2	Property should be, &c.

FORM VI.

*To the Hon. Judge of, &c.:*

The Clerk of the City of New Westminster states and reports that the several persons mentioned in column 1 of the schedule below, and no others, have each given to him (*or* "left for him at his residence or place of abode," as the fact may be), written notice complaining of errors or omissions in the voters' list for said city for 18 , on the grounds mentioned in column 2 of the said schedule, and that such notices were received respectively at the date set down in column 3 of the said schedule.

Dated the                      day of                      18 .

A. B.,

*Clerk of the City of New Westminster.*

SCHEDULE.

1. Name of Complainant.	2. Errors or omissions complained of.	3. State when Notice of Complaint received by Clerk.
— — — — —		



FORM VII.

*To the Clerk of the City of New Westminster :*

I, *Luke Doran*, a person entitled to be a voter in the said city, complain that the name of *Peter Short* is wrongfully inserted in the voters' list of the said city, he having before the final revision and correction of the assessment roll transferred to me the property in respect to which his name is entered on the said list (*or*, "parted with the property in respect to which his name is entered on the voters' list, and that I am in possession of the same") : And take notice that I intend to apply to the Judge to have my name entered on the said list, instead of the said *Peter Short*, pursuant to the provisions of the statute in that behalf.

Dated the                      day of                      18   .

LUKE DORAN.

FORM VIII.

*To                      , Clerk of the City of New Westminster :*

Upon reading your report and notification respecting the voters' list for said City of New Westminster for 18   , pursuant to the statute in that behalf, I appoint the                      day of                      18   , at the hour of                      at                      in the said city, for holding a Court to hear and determine the several complaints of errors and omissions in the said voters' list, of which due notice has been given.

You are constituted Clerk of the Court.

You will advertise the holding of such Court, and post up in your office a list of all complaints of errors and omissions in the said voters' list ; and you will notify all parties concerned according to law.

Let the Assessment Commissioner for the city attend the sittings of the said Court, and let the original assessment roll of the city for 18   , and the minutes of the Court of Revision for the city for 18   , be produced before me or the acting Judge on the day and at the place above mentioned.

Dated the                      day of                      18   ,

\_\_\_\_\_,  
*Judge.*

FORM IX.

Notice is hereby given that a Court will be held pursuant to the voters' list clauses of                      at                      on the                      day of                      18   , at                      o'clock                      , for the purpose of hearing all complaints made against the voters' list for the City of New Westminster, for 18   , particulars of which complaint are shown in the subjoined schedule.

All persons having business at the Court are hereby required to attend at the said time and place.

Dated                      day of                      18   .

A. B.,

*Clerk of the City of New Westminster.*

## SCHEDULE.

Name of Party complaining.	Name of person in respect to whom Appeal was made.	Grounds of complaint alleged.

## FORM X.

Notice is hereby given that a Court will be held pursuant to the voters' list clauses of \_\_\_\_\_ by the Hon. \_\_\_\_\_, Judge of the \_\_\_\_\_ Court, \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_ o'clock, to hear and determine the several complaints of errors and omissions in the voters' list of the City of New Westminster, for 18\_\_\_\_.

All persons having business at the Court are required to attend at the said time and place.

Dated \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_,

A. B.,

*Clerk of the City of New Westminster.*

## FORM XI.

You are hereby notified that, pursuant to the statute in that behalf, a Court for the revision of voters' list 18\_\_\_\_, for the City of New Westminster, will be held by the Judge, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_ o'clock, at which Court all complaints duly lodged of any error or omission in the said list will be heard and determined. A list of said complaints is posted up in \_\_\_\_\_, and you are hereby required to be and appear at such Court; and take notice that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of the Honourable \_\_\_\_\_, Judge of the \_\_\_\_\_ Court.

Dated \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

To

A person complaining of error }  
in the said Voters' List.

A. B.,

*Clerk of the City of New Westminster,  
and constituted Clerk of said Court.*

## FORM XII.

You are hereby notified that, pursuant to the statute in that behalf, a Court for the revision of the voters' list, 18\_\_\_\_, for the City of New Westminster, will be held by the Judge at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_ o'clock, noon, and you are



posting up of the same, and on application of the said Clerk,  
I, \_\_\_\_\_, Judge of the \_\_\_\_\_ in pursuance of  
the provisions of the voters' list clauses of \_\_\_\_\_ certify that the  
annexed printed list of voters, being one of the copies received by me from  
the said Clerk, under the provisions of the said Act, is the revised list of  
voters for the said city for the year 18 \_\_\_\_.

Given under my hand and seal at \_\_\_\_\_, this  
day of \_\_\_\_\_ 18 \_\_\_\_

\_\_\_\_\_  
*Judge.*

FORM XV.

Be it remembered that upon a final revision and correction of the list of  
voters of the City of New Westminster for the year 18 \_\_\_\_, pursuant to the  
provisions of the voters' list clauses of \_\_\_\_\_, the following changes  
were duly made by me in the copies of the said city, viz:—

1. The following persons are added to the list:—

Name.	Ward.	Property.

2. The following persons are struck off the said list:—

Name.	Ward.	Property.

3. The following changes are made in the property described opposite to  
the names of voters otherwise correctly inserted:—

Name.	Ward.	Property as originally described on list.	Property as altered.

4. The following changes are made in the names of voters incorrectly named :—

Name originally on list.	Ward.	Name as altered.	Property.

## FORM XVI.

I, \_\_\_\_\_ Judge of the Court of \_\_\_\_\_, pursuant to the \_\_\_\_\_ section of the voters' list clauses of \_\_\_\_\_, do hereby certify that the above (*as the case may be*) is a correct copy of the list of voters for the year 18 \_\_\_\_\_, received by me from the Clerk of the City of New Westminster, according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

\_\_\_\_\_  
*Judge, &c.*

## FORM XVII.

In the matter of the voters' list of the City of New Westminster for 18 \_\_\_\_\_, and the complaint and appeal to the Judge of the Court by *A. B.*, complaining of the name of *C. D.* being wrongly inserted in the list [*or, as the case may be, stating in brief the nature of the complaint*].

On proceedings taken before me, pursuant to the said Act, I find and adjudge that the name of *C. D.* was rightly inserted in the said list [*or, "was wrongly inserted in the said list"*], and order that the said *A. B.* do pay the said *C. D.* his costs occasioned by the said complaint [*or, "and order the said *C. D.* shall pay the said *A. B.* his costs incident to the said complaint,"—or, "and order that *E. F.*, one of the Assessors of the said city, being blameable for such wrong insertion, do pay the said *A. B.* his costs incident to such complaint,"—(*or, as the case may be, stating it in brief*)]*

—said costs to be taxed pursuant to the said Act.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

\_\_\_\_\_  
*Judge.*

## FORM XVIII.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

*To the Sheriff of*

Greeting :

We command you that of goods and chattels in your bailiwick of *C. D.*, you cause to be made \_\_\_\_\_ dollars for certain costs which lately by an order of the Honourable \_\_\_\_\_, Judge of the Court of \_\_\_\_\_, dated the \_\_\_\_\_ day \_\_\_\_\_ 18 \_\_\_\_\_, were ordered to be paid by

the said *C. D.* to *A. B.*, as and for his costs sustained by him on the trial of a complaint against the voters' list of the City of New Westminster for 18 , made and prosecuted under the provisions of the voters' list clauses of the ; which said costs have been taxed and allowed at the said sum as appear of record, and have that money before Our Judge of Our said Court at New Westminster as aforesaid, immediately after the execution thereof, and in what manner you shall have executed this Our writ make appear to Our Judge aforesaid, at New Westminster aforesaid, immediately after the execution thereof, and have you there then this writ.

Witness the Honourable , Judge of Our said Court, at , the day of , in the year of Our Lord 18 .

*Clerk.*

### FORM XIX.

In the matter of assessment for the year 18 in the City of New Westminster.

The persons mentioned in the first column of the Schedule following not being assessed [*or*, not being sufficiently assessed], on the Assessment Roll of the City of New Westminster for the year 18 , and having been found entitled to vote, on proceedings taken before me, Judge Court of the under the voters' list clauses of , in pursuance of section of the said Act, it is adjudged that the said parties mentioned in the first column of the following Schedule, respectively, should have been assessed for the sum mentioned in the second column, respectively, opposite their respective names in respect to the land or other property or qualification mentioned in the third column of the said Schedule, respectively, opposite the respective names of said parties ; and it is ordered that the said parties shall be assessed accordingly.

Dated day of 18 .

*Judge.*

### SCHEDULE 1.

Column 1.	Column 2.	Column 3.
Names of persons liable to have been assessed on the Assessment Roll for the City of New Westminster for the year 18 , but not assessed.	Amount for which the party should have been assessed.	Property in respect to which the liability to assessment exists.

## SCHEDULE 2.

Column 1.	Column 2.	Column 3.
Names of persons not sufficiently assessed on the Assessment Roll for the City of New Westminster for the year 18	Amount for which the parties should be assessed in addition to the amount already on the Assessment Roll.	Property in respect to which the liability to assessment exists.

## FORM XX.

Pursuant to section \_\_\_\_\_ of the voters' list clauses of the  
I, \_\_\_\_\_, the  
("a person entitled to be named as an elector on the voters' list of the City  
of New Westminster"), hereby inform His Lordship the Judge of  
that C. D., Clerk of the said City of New Westminster, has failed to  
perform the duties required of him as such Clerk by the said Act, in this  
that he, the said C. D., has not made out the alphabetical list of voters for  
18 \_\_\_\_\_, for the said city within thirty days after the final revision and  
correction of the assessment roll thereof, (*or, as the case may be, stating in  
brief the duty not performed*), according to the requirements of the said Act,  
and I apply to the said Judge to enforce the performance of the duties  
aforesaid, and to take such other proceedings as may be necessary.

Dated at                this                day of                18                ,  
A. B.

## FORM XXI.

In the matter of the voters' list for the City of New Westminster in  
. Whereas it appears by the application of *A. B.*,  
(or "a person entitled to be named as an elector on the said list") made to  
me in pursuance of the said Act, in this that you, *C. D.*, Clerk of the said city,  
have failed to perform certain duties required of you by the said Act, in this  
that you have not made out the alphabetical list of voters for 18 for the  
said city, within thirty days after the final revision and correction of the  
assessment roll thereof (*or, as the case may be, following the application*); and  
whereas the said *A. B.* has applied to me to enforce the performance of the  
duties aforesaid.

You, the said *C. D.*, are therefore hereby required to be and appear before me at my chambers in \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the hour of \_\_\_\_\_ and then and there have with you and produce before me the assessment roll for 18\_\_\_\_ for the said city, and any documents in your custody, power or control relating to the

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assessment roll, or to the voters' list aforesaid; and then and there submit yourself for the examination on oath as may be required of you.

Herein fail not at your peril.

Dated this                      day of                      , 18      .

To C. D.,

*Clerk of the City of New Westminster.*

\_\_\_\_\_  
*Judge.*

\_\_\_\_\_  
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