

# History of Provincial Municipal Legislation

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**First Installment Brings That Legislation from the First Act Incorporating New Westminster in 1860 Down to 1881—A Subsequent Issue Will Deal With This History to "Municipal Act, 1914."**

The first municipal institution, of what is now the Province of British Columbia, was the municipal council established in the city of New Westminster, 16th July, 1860, in Her Majesty's Colony of British Columbia. The incorporation was by proclamation of His Excellency James Douglas, Governor of the Colony, and was by virtue of an Act of the Imperial Parliament passed in 1858, authorizing the Governor to make laws, institutions and ordinances for the peace and good government of the Colony.

The council consisted of seven councillors, elected by open vote, who elected from their number a president for the current year. The powers of the council were extremely limited, and all by-laws were subject to confirmation or disallowance by the Governor. The council had no borrowing power. They were authorized to impose taxes on all town lots to the amount of £2 in the £100, and upon receiving a petition from a majority of the ratepayers might levy a further rate not exceeding £5 in the £100. The mode of enforcing payment of taxes was by distress on goods and chattels, or by sale of the lots within 30 days after the taxes were due. This enforcement was carried out by the magistrate of the city.

Following the incorporation of the city of New Westminster, the city of Victoria was, on 2nd August, 1862, incorporated by an Act of the Legislative Council and Assembly of the Colony of Vancouver Island and its Dependencies. The "Victoria Incorporation Act, 1862," was based upon and modelled after the "Westminster Councils Act, 1860," but with the powers and duties of the municipal council considerably extended. In the case of Victoria also all by-laws were subject to disallowance by the Governor; but upon certain subjects, namely, prevention of nuisances, regulation of traffic, construction and repair of highways, inspection of food offered for sale, and the acquiring of real property, the councils were authorized to legislate by ordinance without reference to the Governor.

The council consisted of a mayor and six councillors, elected by open vote of the ratepayers. A number of the provisions appearing in the "Westminster Councils Act, 1860," and in the "Victoria Incorporation Act, 1862," have been continued to the present time and appear without alteration in the present "Municipal Act."

No provision was made in either of the two original charters for debenture issues, but the council of the city of Victoria five months after the incorporation of the city passed by-laws to authorize a debenture issue of £5,000 sterling for street improvements. An Act was passed by the Legislative Assembly in the year following validating the issue and declaring the debentures to be a first charge on the revenues of the city. The debentures were repayable in installments extending over three years, and they bore interest at the rate of twelve per cent. per annum.

The first general Municipal Act was the "Borough Ordinance, 1865," of the former Colony of British Columbia. This was simply an authorization to the Governor to grant charters to towns or places in the Colony, the conditions of incorporation and the powers to be given to the corporations being at the discretion of the Governor. A change of principle seems to have been adopted here, inasmuch as powers were to be definitely given to the municipal councils without the necessity of the confirmation by the Governor of the exercise of these powers. The Borough Ordinance does not, however, appear to have been made use of. The Westminster

Councils Act and the Victoria Incorporation Act, the latter being extended and re-enacted after the union of the Colonies, continued until 1872.

The first comprehensive general Act was the "Municipality Act, 1872." It was little more than a consolidation of the charters of New Westminster and Victoria, but it further provided for the issuance of Letters Patent by the Lieutenant-Governor in Council incorporating such other towns or districts as might petition for such incorporation. It was also provided that the application of the Act should extend to existing municipalities only after petition therefor was made by the mayor or president of any such municipality. Application was accordingly made by the President of New Westminster and the Mayor of Victoria, and Letters Patent were issued to the former on 24th December, 1872, and the latter on 25th January, 1873. The first Letters Patent issued by the Lieutenant-Governor of the Province were to the municipality of Salt Spring Island, a municipality which has since then been disincorporated. The date of the Letters Patent was 23rd December, 1872.

In the Act of 1872 there was no provision for the exercise by the council of any of their powers by ordinance or by resolution, and all by-laws were subject to disallowance by the Lieutenant-Governor. In the following year that part of the Act which provided for disallowance by the Lieutenant-Governor was repealed, and at the same time suitable provision was made for obtaining the assent of the electors to money by-laws. The Act of 1872 authorized the municipalities to issue licenses for the sale of liquors and of opium, but the only immediate result of this was to create a conflict with the Provincial Jurisdiction under the "Licenses Ordinance, 1867," and the question was further dealt with by the amendment of the following year which definitely excluded municipal areas from the operation of the "Licenses Ordinance, 1867."

By the amending Act of 1876, the issuing of liquor licenses was placed in the hands of a bench of magistrates composed of the mayor or warden (presiding), the police magistrate (if any) and any one or more justices of the peace resident in the municipality. The next Municipal Act enacted in consolidated form was the Act of 1881. In the intervening period, a number of amendments had been passed referring particularly to details of money by-laws and debenture issues, administration of sinking funds, writs of execution against municipalities, procedure for collection of taxes (1873), voting by ballot (1874), sale of lands for unpaid taxes, local improvements (1877).

In 1873 the Victoria Water Works Act was passed: "That the corporation of the city of Victoria, by and through the agency of a commissioner and his successors to be appointed, as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct water works and all building matters, machinery and appliances therewith connected, or necessary thereto, in the city of Victoria and parts adjacent as hereafter provided." The Act authorized the issue of \$100,000.00 twenty-five year debentures, to bear interest at a rate not exceeding 9 per cent. The debentures were found to be not easily disposed of, and in the following year they were, by special Act, given the guarantee of the Government of the Province. In 1875 additional debentures to the amount of \$50,000.00 were authorized, these also being guaranteed by the Province. There had also in this period been further incorporations—the township or district municipalities of Langley, Chilliwack and North Cowichan in 1873, the city of Nanaimo and the district of Maple Ridge in 1874, and the townships of Surrey, Delta and Richmond in 1879.