

Affairs in British Columbia

By JACK LOUTET.

"WAR RELIEF ACT" NOT A GOOD MEASURE.

One of the last acts of the Government of British Columbia in the 1916 session was to pass a bill entitled the "War Relief Act," and no single act passed by any government is likely to have so disastrous an effect on municipalities as the one referred to.

The bill was introduced by a private member, Mr. Miller of Grand Forks, in the closing days of the session and rushed through without even the B. C. Municipal Union or the municipal inspector being aware that such an act was contemplated.

The intention apparently was to protect soldiers from being sued for debt, foreclosure of mortgages or recovery of lands sold under agreement, but the actual result must stagger even the member who introduced the bill unless he wished deliberately to wreck the credit of the municipalities of British Columbia.

Consideration of the clauses of the bill brings out the curious fact that the one person who is not properly protected is the soldier. The act provides that "During the continuance of the War it shall not be lawful for any person or corporation to bring any action or take any proceeding, either in any of the civil courts of this Province, or outside of such courts against a person who is or has been at any time since the first day of August, 1914, a resident of British Columbia, and has either enlisted and been mobilized as a volunteer in the forces raised — by Canada — or has left Canada to join the navy or army of His Majesty, or of any of his Allies, or against the wife or any dependant member — for the enforcement of any lien, encumbrance or other security — and if any action or proceeding is now pending — the same shall be stayed until after the termination of the said war."

The final clause reads: "On the court or a judge thereof being furnished with evidence satisfactory to the court or the judge, on behalf of a mortgage or encumbrancer to show that none of the parties interested in land under the 'Land Registry Act' is such volunteer, reservist or dependant, proceedings taken or continued as to such land shall be valid and binding."

It is believed that the act was not intended to cover the question of taxes, but opinions given to municipalities confirm the view that no property can be sold for taxes unless the municipality can prove that the assessed owner, holders of registered charges and judgment creditors are not soldiers, wives of soldiers, or their dependants. Municipalities may go ahead and announce the possible application of the Act at the sale, but it may be contended that an injustice was done to an owner by this announcement affecting the bidding. To investigate each property before the sale would cost more than the value of the taxes. The question as to when a lien of this kind is enforced also arises in connection with past tax sales as if the lien was enforced when the property was knocked down a deed may safely be issued by the municipality, but if the lien is not enforced until the redemption period expires a deed cannot be issued, and the point comes up as to whether the Act operates to extend the redemption period, and if so, for how long. The municipality will wish to know whether they are the judges when proof is submitted that a tax delinquent is not a soldier or whether in every case the matter must be decided by the court. The registrar of lands is uncertain whether the lien is enforced when the deed is issued, when application to register is made if made before the passing of the Act, or whether the Act applies in such cases.

Being in doubt he must insist on proof that the former registered interests are not entitled to protection under the Act.

The deeper one goes into the matter the more apparent it becomes that municipalities at a critical period of their history are to be effectively prevented from collecting their outstanding arrears of taxes and are to be made to virtually break faith with tax sale purchasers, and create a distrust in regard to land titles which will take years to get rid of. Nothing can be done without legal advice and possibly test cases and these unless taken to the high court will be of little value. A more fruitful source of law-suits in the present, and particularly the future,

never before passed the legislature, and apart from the legal profession no benefit will accrue to anyone unless possibly non-resident owners who cannot be traced to prove that they are not entitled to the benefits of the Act.

At the close of the war everything may proceed and long before the soldier is demobilized and back in British Columbia, he will find judgments against him, foreclosures enforced and the benefits promised in this Act, so far as he is concerned, a myth.

Matter to be Taken Up by U. B. C. M.

This subject will be before the Union of British Columbia Municipalities in October, and no doubt strong united representations will be made to the government then in power. The general opinion seems to be that rank carelessness is responsible for the muddle and that in the excitement of politics no consideration was given the bill by either government or opposition. Any criticism of the bill would have been taken as a slight to the soldier or twisted into such by the opposite party, and in view of the importance of the soldiers' vote this risk was most carefully avoided. Earlier in the year the U. B. C. M. executive suggested to the government that soldiers' property should be protected from tax sale.

Much discussion ensued and some municipal representatives wished to give councils the power to remit taxes during the war in the case of soldiers, while another proposal was to allow soldiers' property to be kept out of tax sale. In the latter case soldiers' would be expected to inform the municipality of their enlistment and by informing regimental commanders of the arrangement; even careless men would get a chance to protect their property.

All proposals were declared too complex and impracticable, and municipalities were advised to announce at tax sale which properties were owned by soldiers and trust to the public not bidding. The Union having done its best went no further with the matter and there was great surprise when it was discovered that a bill purporting to deal with the question had been rushed through in the closing day of the session.

City of Victoria and Tax Rate.

The City of Victoria has not yet struck its tax rate, but expects to do so shortly. Delay has again been occasioned by assessment appeals, about forty cases being now before the courts. Loose phraseology in a recent amendment to the Municipal Act is the main source of trouble, the question hinging on the meaning of the word "classification" in one of the clauses.

The Provincial Government has now agreed to undertake construction of the Johnson Street bridge, a subject almost as famous in Victoria as the Second Narrows bridge in Vancouver.

Vancouver is still discussing its agreement with the Canadian Northern Railway Company, whose latest proposal is to build a large hotel on the land adjoining their new station instead of on another site up-town as specified in the agreement.

Any such change in the agreement would require to be ratified by the government and the ratepayers, so it is possible that it is a lever to get reasonable prices on up-town property.

A hotel overlooking False Creek would hardly commend itself to the travelling public. The C. N. R. may possibly make an offer for a portion of the city hall site, but rumors of negotiations for a site on Georgia Street are probably well founded.

The School Board enquiry has now closed and the judge's report is expected shortly.

Burnaby has completed the deal for the sale of serial bonds and redemption of the outstanding treasury certificates. The dispute in regard to the latter was settled satisfactorily to both parties.

The process of re-breathing air that has already been used, if long continued, leads to asphyxiation and death. Much of the so-called "delicacy," susceptibility to cold, languor, headache and nervous depression are due to the same cause.—Sir Morrell Mackenzie,