

History of Provincial Municipal Legislation

Robert Baird, M.A.,
Inspector of Municipalities.

Second Instalment Brings Municipal Legislation Down from 1881 to "Municipal Act, 1914"—Review of Work of Royal Commission—Creation of Municipal Department.

The Municipality Act of 1881 was a consolidation of previous legislation from 1872, but it materially extended the powers of Councils, and it also contained material additions in matters of procedure, particularly with reference to Collection of Taxes, Proceedings of Council, and procedure in the conducting of elections. In the last mentioned particular there had previously been no details prescribed. The Municipal Act simply provided "The then existing Council shall appoint a Returning Officer and arrange for the holding of such election". 1872, c. 35, s. 9. The Act of 1881 enacted the greater part of the procedure which we have at present for the conducting of Municipal elections.

During the period 1881 to 1891 only minor changes were made in the Municipal Act, but among these might be noted that the amendment of 1885 enfranchised householders and provided for the first time for an indemnity to Reeves and Councillors (\$25 per annum). The Act of 1889 extended this last mentioned clause to permit of an indemnity to the Mayor and Aldermen in cities (Mayor two thousand dollars; Aldermen two hundred dollars each), and enacted the Municipalities Incorporation Act in very much the same form in which it stands today. The period 1881 to 1891 was, however, not an active one in municipal affairs. There were no new incorporations except the City of Vancouver, which, in 1886, was given a Special Charter. This Charter, with amendments, is still in force, and the City of Vancouver is the only Municipality in the Province to which the Municipal Act does not apply. In 1888 a special Charter was granted to the City of New Westminster, but this Charter has since, for the most part, been consolidated with the Municipal Act. The City of New Westminster is now governed by the Municipal Act and a few special provisions of the "New Westminster Act, 1888," and amendments, which are still in force, one of which being the power to incur liabilities to the amount of thirty per cent. of the assessed value of the property within the city. The Municipal Act was consolidated in 1888, re-enacted as a whole, with slight amendments, in 1889, re-drafted in 1891, and the Act of 1891 was re-enacted as a whole, with amendments, in 1892. Included in the re-draft of 1891 were provisions for temporary borrowings by municipalities, definite provision for a Collectors roll, and a change in the manner of collecting taxes, by which the tax collector was no longer required to call personally upon the taxpayer. Provision was also made for draining and dyking schemes at the expense of the land benefited. It is perhaps of interest to note here the omission of one rather unusual clause which had hitherto been in force, namely, that the Municipal Council might require a license fee "from every person who smokes opium, five dollars for every six months." In the same year the Victoria Incorporation Act was repealed. It has been noted that the "Municipality Act" applied to the City of Victoria, but up to this time the Incorporation Act was also still in force. The Act of 1892 introduced the present compulsory Audit clause. It also made a change in the constitution of the Court of Revision. A Court composed of five members of the Council was substituted for one composed of the whole Council. Present regulations with regard to the appointment of Police Magistrates were enacted in the same year.

The Amending Act of 1893 provided for a Board of Police Commissioners in Cities, consisting of a Mayor, Judge of the County Court, and the Police Magistrate, and prescribed their powers and duties. The Amending Act of 1894

introduced the Board of Equalisation for assessment purposes. The Act was again revised and consolidated in 1896, the Municipalities Incorporation Act and the Municipal Elections Act being taken out and passed as separate Acts. The Amending Act of 1899 constituted the Boards of Police and License Commissioners as they are at present.

The record of Incorporations during the period of 1892 to 1902 is of interest as indicating the progress of development in the Province during that time. They are District Municipalities of Burnaby, Matsqui, Mission, Richmond, South Vancouver, and Dewdney, Sumas, Spallumcheen and the City of Vernon in 1892, the Cities of Kamloops and Kaslo 1893, the Town of Wellington and the Municipality of Kent 1895, the Cities of Cumberland, Grand Forks, Greenwood, Nelson, Rossland and Sandon 1897, Columbia, Revelstoke 1899, Phoenix 1900, Slokan and Trail 1901.

In 1899 (chapter 54) was passed the "Municipal Districts Act," which recites "Whereas on account of the Mineral resources of the Province of British Columbia there is liable at any time to be a sudden rush of people to a particular territory therein on account of the discovery of mineral wealth in such territory and it becomes necessary to provide for the government of such territory in the absence of Municipal government," and enacts that the Lieutenant-Governor in Council may from time to time declare any specified territory to be a Municipal District, and the Lieutenant-Governor in Council shall thereafter have, within such territory, all the powers conferred upon Municipal Councils by the Municipal Act, the only distinction made between the powers conferred by this Act upon the Lieutenant-Governor in Council and those conferred upon Municipal Councils by the Municipal Act being that within a Municipal District there is no limit upon these licenses or taxes which may be charged or levied. The Municipal Districts Act is still in force in the Province, but is not made use of.

The Legislature in the same year passed a Special Act to take care of the situation which had arisen in the City of New Westminster following the disastrous fire of September 1898. The City was temporarily unable to meet its obligations, of which the most pressing was the interest falling due on Debentures. By the "New Westminster Relief Act 1899" they were given power to issue temporary debentures for payment of interest. The same Act confirmed arrangements made with the debenture holders for a suitable extension of time for payment of the principal.

During the period 1900 to 1913 there are perhaps no landmarks in Municipal legislation. Routine amendments were passed from year to year, but it is not possible in a short article to take up the intimate details of these. Among them may perhaps be mentioned the Act of 1902, which provided for borrowing on the security of Water or Sewer rates or rentals and Gas or Electric Light rates or charges and which also provided the present procedure in connection with expropriation of land. The Amending Act of 1909 included the present provisions for a Board of Control. In 1913 the Municipal Act was substantially changed by the taking out of the Local Improvement Act, which Act was at that time considerably extended and was passed as a separate Act.

In 1912 a Royal Commission was appointed to consider and investigate all matters relating to the Municipal law of the Province. They made a report in December of the same year and following their report they undertook the work of the revision of the Municipal Act, a work which was completed in 1914.