

COOK STREET AND THE COUNCIL

MATTER STILL IS ON HORNS OF DILEMMA

Straightening of Thoroughfare Is Delayed Through General Indefiniteness as to Powers

(From Wednesday's Daily.)

The straightening of Cook street which may be classed among the most tantalizing of the present problems that are worrying the city council, was under discussion for a few moments at last evening's session, when a long report on the matter was received from the city solicitors. The report was that the city had received a petition from Herbert Bleasdale and two others, protesting against the proposed work, which was received recently, was, on the suggestion of the solicitors, referred to the city assessor for a report on their holdings.

The report from the solicitors was very lengthy one, in which the present situation was dealt with in detail. The council asked for a statement from the legal advisors dealing with the legality of the by-law providing for the improvement and the question of ownership in regard to the street. It will be remembered that the agents for the Douglas estate stated that the street would revert to the estate should the

In connection with the last name matter, the solicitors stated that the council had provided for the entertainment of any petitions received after the usual space of time allowed for them. It was within the power of the board of aldermen to consider, if it desired, any petitions received after the by-law had passed, and, as the council has

The city solicitors further stated that they were of the opinion that the present ordinance was not sufficient to include the Cook street residents between the crooked part of the thoroughfare and Pandora street. To cover this area the by-law was to be withdrawn, and a new one passed, so that the residents will be commenced earlier and every owner concerned will have an opportunity to petition against the ordinance should he desire to.

A most important point in the report was that, referring to the recent action of the Douglas council to reserve the street, the city solicitors stated that the council could not do this as the portion of the street in question was laid out by

The power of expropriating real property and taking other action for the public use and benefit of the city is given to the city by virtue of sub-section 142, of section 50, in the Municipal Clauses Act, states the report, and sub-section 168 of the same act gives the power to the city to acquire property and take other action for the public use and benefit of the city.

"These sub-sections, with section 20, give, in our opinion, the municipalities the right to deal with the ownership of streets in the most proper manner. But we would suggest that before any such scheme is taken in hand, the opinion of the city barrister should be obtained as to the powers of the city in regard to the ownership of streets, and in particular as to what ownership is derived under section 20. The phraseology of the 'possession' of streets in the municipal charter is not clear."

At the Vancouver Act, 1866 (Cap. 22, § 18), it was enacted that "every

public street, etc. in the city shall be vested in the city (subject to any right in the soil, which the individuals or corporations, such as the owners of the premises, have reserved), and provision is made that the streets shall not be interfered with by any companies or persons without the permission of the city engineer.

It is difficult to see why, in the case of Vancouver, the streets themselves should be vested in the municipality, and only the "possession" of streets vested in those municipalities which are unincorporated.

After a few minutes had been spent in discussing the situation the council received the report and referred the petition to the city engineer. The assessor, further action being deferred pending the arrival of his report.

MAGISTRATE GEORGE JAY
Is Appointed to Police Court Bench
Place of H. Hall Who Resigned.

An announcement was made at Saturday afternoon that George Jay, chairman of the board of school trustees, and a member of the law firm of Yates and Jay, had been appointed city police magistrate in place of J. Hall, who recently resigned after eight years of service.

Mr. Jay is at present spending the week's vacation out of the city but will return at the week-end and take up his official duties on Monday next. During his absence George A. Morphew, stipendiary magistrate, is occupying the bench.

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* School re-opens Monday, Sept. 22.

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Municipality of the

TAXES.

Tax notices have been mailed to all known owners of property in the Municipality. Anyone not receiving a notice will please call at their post office or at the office of the collector at 1000 avenue.

To obtain the rebate on
taxes must be paid on or
31st.

J. R. CARMICHAEL

Royal Oak, 31st August, 1901

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