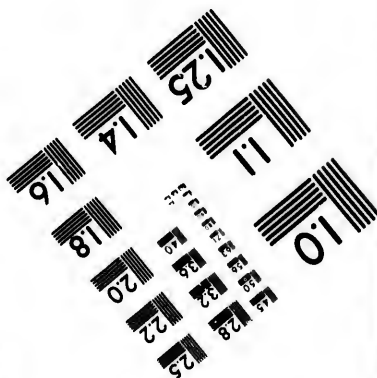
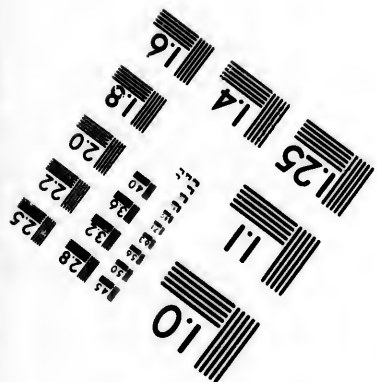
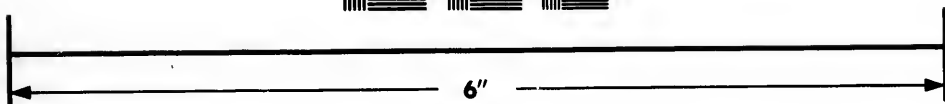
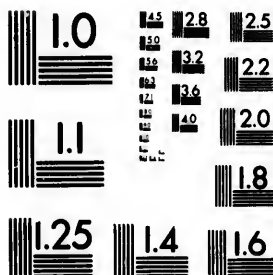


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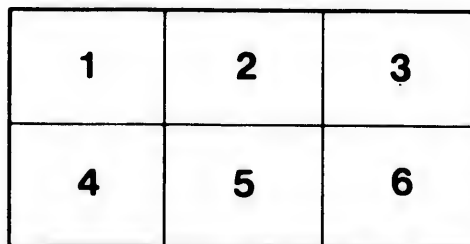
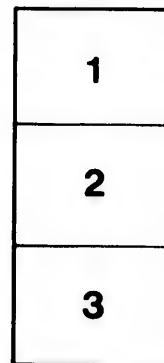
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Consolidated  
Acts of Incorporation  
OF THE  
City of Vancouver  
And Amending Acts

COMPRISING THE FOLLOWING:

THE ACT OF INCORPORATION OF 1886

ACT AMENDING	-	-	-	1887
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ACT AMENDING	-	-	-	1890
ACT AMENDING	-	-	-	1891
ACT AMENDING	-	-	-	1892
ACT AMENDING	-	-	-	1893
ACT AMENDING	-	-	-	1895

PRINTED BY ORDER OF THE CITY COUNCIL OF VANCOUVER OF 1898.

J. F. GARDEN, MAYOR

T. McGUIGAN, CITY CLERK

A. ST. G. HAMERSLEY, CITY SOLICITOR

1898.

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Preamble.

**W**HEREAS it is expedient that the inhabitants of the tract of land commonly known as the Town of Granville and vicinity should be incorporated:

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

Incorporation of  
the City of Van-  
couver.

1 From and after the passing of this Act the inhabitants of the tract of land as hereinafter described in the second section hereof, and their successors shall be, and are hereby declared to be, a body politic and corporate in fact and in law, by the name of "The City of Vancouver," and the said Corporation by the same name shall 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 sum of moneys 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 paying loans made, or debts owing to the said City of Vancouver, 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 or 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 of 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—1886, c. 32, sec. 1.

**City Boundaries.**

2. The said City of Vancouver shall be bounded as follows:—Commencing at low-water mark on the south shore of Burrard Inlet at a point where the easterly boundary of lot 184 in New Westminster District produced northerly would intersect said low-water mark; thence southerly along said produced boundary and along said easterly boundary of said lot, and also along the easterly boundary of lot 264A in said New Westminster District to a point where it would be intersected by the southerly boundary of said lot 264A produced easterly; thence westerly along said produced line and along said southerly boundary of said lot 264A to the south-westerly corner of said lot; thence westerly along the middle of the street between blocks numbers 97 and 98 on the one side, and blocks numbers 95 and 96 on the other, as shown in a registered plan of subdivision of lot number 301 in said District of New Westminster; thence still westerly along the middle of the streets between blocks numbers 54, 55 and 56 on one side, and blocks numbers 57, 58 and 59 on the other side, according to a registered plan of a subdivision of the southerly half of lot number 302 in said New Westminster District; thence continuing due west to Campbell Street, the westerly boundary of the Government Town Plot on English Bay; thence northerly along the middle line of Campbell Street to the low-water mark of said English Bay; thence along the line of said low-water mark to False Creek; thence across the mouth of False

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Creek, and along the line of low-water mark in front of lot 185, in New Westminster District and the Government Military Reserve to the first Narrows and thence easterly in a straight line to the point of commencement—1886, c. 32, sec. 2; 1887, c. 37, sec. 1; 1889, c. 40, sec. 1.

### WARDS.

3. The Council of the city shall by by-law divide the same into wards, and may from time to time alter such subdivisions, and to increase the number of wards, so as to allow the different portions to be equally represented in the Council on the basis of a tax-paying population—1886, c. 32. Wards

### CONSTITUTION OF COUNCIL.

4. There shall be elected annually a fit and proper person who shall be and be called Mayor of the City of Vancouver, and ten fit and proper persons who shall be and be called Aldermen of the City of Vancouver, and such Mayor and Aldermen for the time being shall form the Council of the said City of Vancouver, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the City of Vancouver, and shall hold office until their successors are appointed, as hereinafter provided: Provided, that the Aldermen elected to hold office under the clauses hereby repealed shall hold office until the annual election to be held in 1896, and no longer—1895, c. 68, sec. 2. Election of Mayor and Aldermen.

- (1) Any person being in holy orders, or the minister of any religious denomination whatever, or any Judge of any Court of Record of 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 license commissioners or inspectors or the holders of hotel, saloon or shop licenses within the city 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 dominion or elsewhere, or any per-

son having by himself or through his partner, or as a director in any incorporated company, 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; but no person shall be held to be disqualified from being elected mayor or alderman of the city by reason of his being a shareholder in any incorporated company having dealings or contracts with the City Council of the city, but no shareholder shall vote in the Council on any question affecting such company.

- (2) No person shall be qualified to be elected mayor or alderman unless such person resides within the city, or within two miles thereof, and is a natural-born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has been for one month next preceding the day of nomination the registered owner in fee simple in the Land Registry Office of real property within the city limits of the assessed value over and above all charges, liens and encumbrances affecting the same, in the case of the mayor to the value of one thousand dollars (\$1000.00), and in the case of aldermen to the value of five hundred dollars (\$500.00), all of which shall, in the case of alderman, be in the ward for which he is nominated, or the registered owner for three months preceding the day of nomination of leasehold property for a term of three years to the assessed value of three thousand dollars, and the whole of which must be situate in the ward for which such alderman is a candidate, and which lease must extend over the whole term of his office—1892, c. 62, sec. 1.

### ELECTORS.

Qualification of  
Voters at Subse-  
quent Elections.

5. From and after the first day of July, A.D., 1886, every male and feme sole, of the full age of twenty-one years, shall be intitled 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—

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- (1) Is entered on the voters' list as the owner of real property within the limits of the city—1889, c. 40, sec. 4. 1891, c. 72, sec. 3; 1895, c. 68, sec. 4.

Qualification of Voters.

- (2) Is tenant of any real property within such city of the assessed value of three hundred dollars, and who was such tenant at the time of the final revision of said voters' list used at the election, and on the day of the election: Provided, that a change of tenancy between the final revision of said voters' list and the day of the election shall not deprive the tenant of a right to vote, if such change is without any intermission of time, and the several tendencies are such as would entitle the tenant to vote had such tenant been in possession under either of them as such tenant between the times aforesaid: Provided, that the words 'tenant of real property' shall not include lodgers, boarders, or temporary occupants of rooms in any building—1887, c. 37, sec. 3; 1895, c. 68, sec. 3.

Qualification as Voter or Tenant of Property.

6. When any two or more persons are, either as business partners, joint tenants, tenants in common, or by any other kind of joint interest, the owners or tenants 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—1886, c. 32, sec. 7; 1887, c. 37, sec. 4.

Where Joint Ownership, &c., Each Person may Qualify.

7. No Chinaman or Indian shall be entitled to vote at any municipal election for the election of mayor or aldermen—1887, c. 37, sec. 5; 1895, c. 68, sec. 5.

Chinese and Indians Not to Vote

## ELECTIONS.

8. 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 first Thursday of the month of January, annually at eleven o'clock in the forenoon, in the City Hall, or such other place as the Council shall by by-law appoint, and for nomination for the candidates for office of Aldermen for

Nomination for Office of Mayor and Aldermen at Subsequent Elections.

**The Clerk to  
Preside.**

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—1886, c. 32; 1891, c. 72, sec. 6.

**Close of Nomina-  
tion.**

(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 Nomi-  
nation Meeting.**

(2) The City Clerk shall give notice of such meeting to 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 In-  
cident thereto.**

9. The nomination of each candidate shall be in writing, and be signed by the proposer and seconder, who shall be, in case of Aldermen, duly qualified electors of and resident in the ward of the city for which the candidate is nominated, and in case of Mayor, duly qualified electors of and resident 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 the 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 Thursday in January, 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-law of the Council for the election, at nine o'clock in the forenoon, and shall continue open until five o'clock in the afternoon of the same day, and no longer—1886, c. 32, sec. 15; 1891, c. 72, sec. 7.

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10. 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.

By-Law for an Election.

- (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, which shall be in the following form:—I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of Deputy Returning Officer to which I have been appointed in this City of Vancouver, and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation—1886, c. 32, sec. 16; 1891, c. 72, sec. 8.

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 per-

Returning Officer and Deputy Returning Officers to be Conservators of the Peace

Their Powers.

sons at the election shall assist the Returning Officer, Deputy Returning Officer, or Justice of the Peace, under penalty of fifty dollars in case of refusal, or in default of payment to be imprisoned for a period not exceeding thirty days:

- (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—1886, c. 32; 1891, c. 72, sec. 8.

Special Constables may be Sworn In.

Proceedings at Elections.

11. The proceedings at elections shall be as follows:—

City Clerk to Provide Ballot-Boxes and Voters' Lists for Returning Officers.

- (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:

Voters' List to be Verified on Oath.

- (2) The Clerk or other Returning Officer shall deliver with such voters' list his solemn declaration, under oath, that the said 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:

Deputy Returning Officers.

- (3) Every Deputy Returning Officer shall nominate and appoint, in writing, one or more clerks to act for him in the election, to whom he shall administer the oath of office—1886, c. 32, sec. 17; 1892, c. 62, sec. 2.

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- (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 six o'clock of the afternoon of the same day—1893, c. 63, sec. 1.

Poll to be Held  
Between 9 a.m.  
and 6 p.m.

- (5) Every Returning or Deputy Returning Officer shall administer all oaths and affirmations necessary at an election:

Oaths.

- (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 nine hours in all, in order that all the electors so inclined may have a fair opportunity to vote—1893, c. 63, sec. 2.

Election not  
Commenced, or  
Interrupted by  
Riot, &c., to be  
Resumed.

- (7) At an election of Mayor and 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):—

Oath, &c., of  
Challenged Voter

“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 Mayorality); 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 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:"

Construction of  
Ballot-Boxes to  
be Used at Elec-  
tions.

- (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 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:

Deputy Return-  
ing Officer to  
show Box empty  
and lock it.

- (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 reopened until the close of the poll, for the purpose of counting the ballots therein:

Votes to be by  
Ballot,

- (10) Every elector shall vote by ballot:

Form of Ballot  
Paper for Alder-  
men.

- (11) It shall be the duty of the City Clerk or other Returning Officer, forthwith after the nominations are held for the offices 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 and their occupation and calling, which names shall be in alphabetical order, and deliver sufficient of the same to each Deputy Returning Officer for each polling subdivision—1886, c. 32; 1887, c. 36, sec. 6.

Form of Ballot  
Paper for Mayor.

- (12) In case an election for Mayor is required, the Clerk, or other Returning Officer, shall cause ballots to be printed

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which shall have printed upon them at the top "City of Vancouver," 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 Officers for each polling subdivision:

- (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: Color 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, or Clerk to be appointed by him, 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—1886, c. 32, sec. 17; 1887, c. 37, sec. 7; 1892, c. 62, sec. 3. Deputy Returning Officer to put his Initials on Ballot Paper.
- (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 candidate for whom he wishes to vote, and in the year 1893 in the event of there being only two candidates, the candidate whom he wishes to hold office for two years, and shall at once fold the same so as to conceal the name or names of the candidates for whom he has marked his ballot and return the same to the Deputy Returning Officer, or Clerk appointed by him, 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 Voting, Marking Ballot Paper.

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—1886, c. 32, sec. 17; 1892, c. 62, sec. 4; 1893, c. 63, sec. 3.

**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 or her residence or occupation, or if 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 Aldermen, or either, as the case may be—1886, c. 32; 1891, c. 72, sec. 9.

**Proceedings in case Ballot Paper cannot be used.**

- (18) A voter who has inadvertently dealt with the ballot paper or papers given to him, in such a 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 Deputy 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:

**Rejecting Ballots.**

**Disposal of Ballot Paper 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

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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 to Add Up Votes and Declare who is Elected.

If a Tie Vote for Mayor, Clerk to have Casting Vote.

Clerk, or other Returning Officer, shall vote for one thereof, and forthwith declare such one elected:

**If a Tie Vote for Alderman. 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 of such candidates so as to decide the election:

**Proceedings in Case of a Ward not Electing.**

- (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 elect one of the Aldermen to be presiding officer, who shall act as Mayor, and who shall take 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 Vancouver; 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:

**Recount 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 Vancouver, shall have power to and shall direct a recount of the ballots for Mayor or Aldermen, and shall

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direct the City Clerk to produce all the ballot papers before him, and he shall recount 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 recount shall be final, subject to the election being contested as hereafter provided. Such recount 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 recount:

- (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:
- (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 candi-

Proceedings in  
Case of Incapacity to Mark  
Paper.

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for Offences

Who may be present at Polling  
Place.

date 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:

**Agents of Candidate.**

- (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:

**Oath of Secrecy.**

- (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."

**"Deputy Returning Officer" to Include the Returning Officer.**

- (33) Wherever the words "Deputy Returning Officer" occur in clause 17 they shall be deemed to include the Returning Officer—1886, c. 32, sec. 17; 1887, c. 37, sec. 6; 1889, c. 40, sec. 5; 1891, c. 72, sec. 9; 1892, c. 62, sec. 2, 3 and 4.

**City Clerk shall retain all Ballot Papers**

- (34) The City Clerk shall retain for two months all ballot papers received by him in pursuance of the said Act and amending Acts, and then, unless otherwise ordered by a Judge of the Supreme Court of British Columbia, or a County Court Judge having jurisdiction in the City of Vancouver, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the Mayor and filed amongst the records of the City by the City Clerk—1893, c. 63, sec 4.

**Date of First Council Meeting.**

13. The members of the Council shall hold their first meeting at 12 o'clock noon of the first Monday after the

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second Thursday in January on which they are elected—1891, c. 72, sec. 10.

14. 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, City Clerk, 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 Clerk of the City or 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.

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

Form of Declaration of Aldermen

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 Mayor or Alderman for the City of Vancouver, 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 except as provided in this Act. 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."

- (3) Such declarations shall be in writing, and shall be filed in the office of the City Clerk and be by him retained—1886, c. 32, sec. 18; 1887, c. 37, sec. 9; 1889, c. 40, sec. 6.

Declaration to be Filed with City Clerk.

Seats to Become  
Vacant by Crime,  
Insolvency, Ab-  
sence, &c.

15. In case a member of the Council ceases to be the owner of freehold or leasehold property as provided by clause 4, sub-section 2 of Act of 1889, or 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 goal 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—1886, c. 32, sec. 19; 1889, c. 40, sec. 7.

Candidate to  
Produce Certifi-  
cate of Register-  
ed Ownership

15A A candidate for Mayor or Alderman shall, at the time of his nomination, deliver to the Returning Officer a certificate signed by the District Registrar of Titles that he is the registered owner or registered lease holder of land in the City of Vancouver and such certificate shall set out the description of the land and the registered encumbrances and charges against the same, and shall also deliver to the Returning Officer a certificate signed by the Treasurer of the city setting out the assessed value on the last assessment roll of the city of the land described in the Registrar's certificate afore-said.

New Elections  
Provided for, and  
Mode of Conduct-  
ing Same.

16. 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 the 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

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election, to hold a new election to fill the place of the person neglecting or refusing, as aforesaid, or to fill the vacancy.

- (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: Term of Office of Person there-upon Elected.
- (2) The Returning Officers and Deputy Returning Officers shall hold the new election at furthest twenty-five days after receiving the warrant, and the Clerk shall appoint a day and place for the nomination of candidates, and the election shall in respect to notices and other matters be conducted in the same manner as the annual election —1886, c. 32, sec 20; 1891, c. 72, sec. 11. When new Election shall be Held

### CONTESTED ELECTIONS:

17. 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 said City of Vancouver, in Chambers, and the decision of said Judge shall be final. Jurisdiction in Cases 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 a 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 Evidence in Support of Petition may be Ordered.

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:

Petition and Notices to be Served on Person whose Election is Objected to.

- (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:

Powers of Judge at Trial.

Costs.

- (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:

Immaterial Irregularities, &c

- (6) If any defect or irregularities in the formalities prescribed for the election are set forth in such 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

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the Judge shall, by a writ addressed to the City Clerk, 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:

- (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 City Clerk, who shall have all the powers for causing an election to be held which the Council has in order to supply vacancies therein—1886, c. 32, sec. 21; 1891, c. 72, sec. 12 and 13.

**Powers of Clerk on Receipt of Writ to Remove Persons Illegally Elected and for New Election.**

### CORRUPT PRACTICES.

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

**Certain Persons to be Deemed Guilty of Corrupt Practices.**

- (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:

**Giving Money to Voters, &c.**

**Procuring Office, &c., for Voters.**

**Or for Persons Influencing Voters**

**Corruptly Influencing Voters.**

- (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:

**Advancing, &c., Money for Bribery, &c.**

- (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 :

**Receiving Money &c., after the Election, for Voting, &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 :

**Persons Using Violence or Intimidation to be Guilty of Undue Influence.**

- (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

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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 :

- (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, 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 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.

Persons Corruptly Providing Refreshments to be Deemed Guilty of Treating.

- (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—1886, c. 32, sec. 22.

False Personation.

Voting more than once. &c.

19. 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—1886, c. 32, sec. 23.

Expenses of Candidates.

20. 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

Votes of Persons Guilty of Corrupt Practices to be Struck Off.

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—1886, c. 32, sec. 23A.

**Evidence of Corrupt Practice on Application in Nature of Quo Warranto. &c.**

21 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 eighteen 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 Vancouver, or by an examination upon an appointment granted by such Judge as in cases pending in any such Court—1886, c. 32, sec. 24.

**Penalty on Candidate Guilty of Corrupt Practice &c.**

22. Any candidate elected at any municipal election which is contested, being found guilty by 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—1886, c. 32, sec. 25.

**Additional Penalties.**

23. Any person who is adjudged guilty of any of the offences within the meaning of said section eighteen, shall incur a penalty of not less than ten nor 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—1886, c. 32, sec. 26.

**Recovery of Penalties.**

24. 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 was rendered shall be ineligible either as a candidate or municipal voter until he has been ordered or adjudged to pay is fully paid and satisfied—1886, c. 32, sec. 27.

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25. It shall be the duty of the Judge who finds any candidate guilty of a contravention of section eighteen, or who condemns any person to pay any sum within the meaning of the last preceding section, to report the case forthwith to the City Clerk. The City Clerk 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—1886, c. 32, sec. 27.

Judge to Make Return.

Clerk to Keep Book Showing Names of Persons Guilty of Offences, &c.

26. 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 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—1886, c. 32, sec. 29.

Attendance of Witnesses

27. 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 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—1886, c. 32, sec. 30.

Witnesses not Excused from Answering on Grounds of Self Crimination or Privilege.

Proviso.

## ASSESSMENTS.

28. The Council shall appoint an Assessment Commissioner, and when necessary one or more assistants, all of whom shall be called Assessors, and they shall constitute a Board;

Assessment.

Commissioner  
and Assessors to  
be Appointed.

and the salaries to be paid to the said assistants shall be fixed by the Council at such 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 and duties to be performed by the said Assessment Commissioner, who shall be a permanent officer of the city, shall also be fixed by the Council, and the Assessment Commissioners shall be subject to the directions of the Council in the matter of assessments, and the mode of assessing land as distinct from the improvements thereon—1886, c. 32, sec 31; 1891, c. 72, sec. 14.

Assessor to be  
Under the Con-  
trol, &c., of  
Commissioner.

29. 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 Council, employ another to fill his place—1886, c. 32, sec. 32.

Council to Pro-  
vide Him with  
Assessment Roll.

30. The Council shall, on or before the first day of October 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 shall 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—1886, c. 32, sec. 33; 1887, c. 37, sec. 10; 1891, c. 72, sec. 15.

All Rateable  
Property to be  
Valued.

31. It shall be the duty of the 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—1886, c. 32, sec. 34.

Rateable Prop-  
erty to be Esti-  
mated at its Ac-  
tual Cash Value.

32. All rateable property, both real and personal, shall be estimated at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor, the value of the improvements, if any, being estimated separately from the value of the land on which they are situate—1891, c. 72, sec. 16.

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33. 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, 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 Vancouver City, 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.

Revision of the Valuations.

Assessment Roll to be Made Out.

Notice of Assessment 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 November in each year, for the year following, and to return the assessment roll not later than the thirty-first day of December 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 or to the like effect—1886, c. 32, sec. 35; 1889, c. 40, sec. 8; 1891, c. 72, sec. 17.

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 Vancouver, 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

Certificate Attached to Roll.

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 a person of a vote, or for any other reason whatsoever, 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 persons so assessed. So help me God."

Assessor to  
Gather all Neces-  
sary Information

- (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:

Real Estate of  
Railway Com-  
panies, &c.

- (3) The real estate of all railway companies shall be considered as land 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

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shall be published in a newspaper in the city, and shall also state the time and place at which said Court of Revision shall hold its first meeting—1886, c. 32, sec. 35.

34. 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 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 Assessors, to allow him or them access, free of charge, at all reasonable times, to the books containing the records of city property, for the purpose of perfecting such assessment—1886, c. 32, sec. 36.

Particulars Respecting Real Property to be Delivered to Assessors in Writing by the Parties to be Assessed.

35. 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 goods and chattels of the offender, in like manner as if convicted of the breach of any by-law of the city—1886, c. 32, sec. 37.

Penalty for not giving Statement

36. 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 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—1886, c. 32, sec. 38.

Statements given by Parties not Binding on Assessors.

(37) Unoccupied lands shall be denominated "Lands of Non-Residents" unless the owner thereof has a legal domicile

Unoccupied  
Lands to be  
called "Lands of  
Non-Residents,"  
except, &c.

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 thirtieth day of October in each year, that he owns such land, describing it, and requires his name to be entered on the Assessment Roll therefor, and the City Clerk shall on or before the first day of November 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.

When Owner Un-  
known.

- (1) All property, the name 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 Land to be  
Assessed in  
Owner's Name.

- (2) Lands occupied by the owner shall be assessed in his or her name:

When Land not  
Occupied by the  
Owner, but  
Owner is Known.

- (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—1886, c. 32, sec. 39.

All Taxes to be  
Levied Equally  
upon the Rateable  
Property,  
when no other  
Provision Made.

38. 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.

Council may  
Exempt, &c.

39. The Council may by by-law exempt from taxation, wholly or in part, any improvements, erections and buildings erected on any land within the city, notwithstanding that they may be part of the real estate—1891, c. 72, sec. 18.

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## EXEMPTIONS.

40. 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 Taxa-  
tion.

- (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 Offi-  
cially.

- (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 not Occu-  
pied Officially.

- (3) The buildings and grounds of and attached to and the furniture, library and educational appliances belonging to every university, 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 buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise used or occupied :

Public Educa-  
tional Institu-  
tions, Mechanics'  
Institutes, &c.

- (4) 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 :

City Hall, &c.

- (5) Every public road, street way, square or block :

Public Roads, &c.

- (6) 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:

Municipal Pro-  
perty.

Household  
Effects, Books,  
&c.

(7) 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—1886, c. 32, sec. 41; 1891, c. 72, sec. 19.

#### MISCELLANEOUS PROVISIONS.

Formal Defects  
in Roll.

41. 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—1886, c. 32, sec. 43.

#### COURT OF REVISION.

Assessment Roll  
to be Revised  
Annually.

42. 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 the Act of 1886, 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—1886, c. 32, sec. 44; 1887, c. 37, sec. 11.

Notice of  
Complaint.

Hearing Same,  
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(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:

Quorum.

May Administer Oaths.

Who to be Clerk.

(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 4, of the Act of 1886, or omission to deliver or transmit such notice.

Roll to be Binding notwithstanding Errors in it, or in Notice sent to Persons Assessed.

43. If a person be dissatisfied with the decision of the Court of Revision he may appeal therefrom, in which case—

Appeal from Court of Revision

(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, or to such other person as the Lieutenant-Governor in Council may appoint—1886, c. 32, sec. 44a; 1887, c. 37, sec. 12.

Service of Notice of Appeal.

(2) The Judge shall appoint a day for hearing the appeal, notice of which shall be given by the Clerk:

Day for Hearing.

(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 judgement therein at pleasure:

Hearing and Adjournment.

(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:

Assessment Roll to be produced to the Court.

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—1886, c. 32, sec. 64a.

#### LEVYING RATE.

Yearly Rate to  
be Levied by  
By-Law.

44. 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 as the payment of every such sum, or sums, as the city shall have undertaken to 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—1886, c. 32, sec. 45.

Rate not to  
Exceed  $1\frac{1}{2}$  per  
cent.

#### COLLECTION OF RATES.

Clerk to Make  
Out Tax Rolls;  
their Form,  
Contents, &c.

45. 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

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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—1886, c. 32, sec. 46.

Rolls of Lands  
of Non-Residents  
whose Names not  
in Assessment  
Rolls, &c.

46. The said tax roll also shall 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, and such roll shall be prima facie evidence of the correctness of its contents and received in evidence in any Court of Law—1886, c. 32, sec. 47; 1889, c. 40, sec. 9.

Arrears of Taxes  
to be Entered.

47. When the said roll is completed all parts shall be given to and remain in the hands of the Tax Collector for collection—1886, c. 32, sec. 48.

Completed Roll  
to be Given to  
Collector.

48. On receiving said tax roll the Collector shall forthwith serve upon or transmit by mail 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, and 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, or if he has no known agent, then to be addressed to the person taxed at the Vancouver Post Office. And such statement and 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 to serve  
Notice Demand-  
ing Payment of  
Rates.

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—1895, c. 68, sec. 9.

**Recovery of Taxes by Suit.**

48A. The Collector, upon receiving the said roll or other instructions to collect, shall proceed to collect the rates or taxes therein mentioned, if authorized by the Council; by suit in any Court of competent jurisdiction, or by any other means provided by this Act, and the production of a copy of the Collector's roll showing the rates or taxes to be due by such person sued shall be prima facie evidence of the debt—1895, c. 68, sec. 10.

**Roll to be Returned to the Treasurer and Amounts paid over by Collector**

48B. The Collector shall return the roll to the Treasurer on or before the first day of October in each year, or on such other day not later than the first day of November in each year, as the Council may appoint, and shall pay over the amounts each day, as collected, to the Treasurer—1895, c. 68, sec. 11.

**Sale for Taxes overdue.**

48C. The Council may, by by-law, provide for and authorize the sale at public auction of any land, or improvements, or real property upon which there shall be at the time of passing of such by-law unpaid taxes in arrears for the period of two years prior to the passing of such by-law :

**Certificate of Treasurer.**

- (a) The Treasurer shall, subject to the provisions of any by-law passed under authority of this section, after selling any real property give a certificate under his hand to the purchaser, stating distinctly what part or proportion, as the case may be, of the real property and what interest therein have been so sold, or stating that the whole lot, section, or estate has been so sold, and describing the same, and also stating the quantity of real property, the sum for which it has been sold, and the expenses of the 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 on his or their demand at any time after the expiration of one year from the day on which an order may be made by a Judge of the Supreme Court confirming the sale, if the real property be not previ-

**Order of Court confirming Sale**

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ously redeemed upon payment of a fee hereinafter provided ; and such order shall be made on petition of the Treasurer, on proof being made to the satisfaction of the Judge that notice of the sale having been made, and of the consequences thereof, in writing or partly in print and partly in writing, signed by the Treasurer, has been served on the person, or if more than one, then on each of the persons who at the time of the service thereof appeared on the register of the city or district in which the real property is situated as owner, or the holder of a registered charge on the real property, or that substituted service has been effected in such manner as any such Judge may have directed. The purchaser shall, on the receipt of the Collector's certificate of sale, become the owner of the real property so far as to have all necessary rights of action or powers for protecting the same from spoliation and waste, until the expiration of the term during which the real property may be redeemed ; but he shall not knowingly permit any person to cut timber growing upon the land,

or otherwise injure the land, nor shall he do so himself, but he may use the real property without deteriorating its value ; Provided that the purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force :

- "(b) The owner of any real property which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators, or assigns, or any other person in his or their behalf, may at any time within one year from the day on which the order referred to in the preceding sub-section of this Act confirming the sale is made, exclusive of that day, or before the delivery of the conveyance to the purchaser at the tax sale, redeem the estate sold 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 the Treasurer shall give the party paying such redemption money a receipt stating the sum paid and the object of such payment, and such receipt shall be evidence of the redemption. From the
- Redemption:

time of a tender to the Treasurer of the full amount of redemption money required by this Act, the said purchaser shall cease to have any further right in or to the real property in question :

Conveyance.

(c) If the real property be not redeemed within the period so allowed, then on demand of the purchaser or his assigns or other legal representatives, at any time afterwards, and on payment of one dollar, the Clerk shall prepare and execute with the Mayor, and deliver to such purchaser or his assigns or legal representatives, a deed of the said real property :

Such Deed vests in Purchaser the Fee Simple.

(d) The deed to the purchaser of any real property sold under the provisions of any by-law passed under the authority of this Act, shall have the effect of vesting such real property in the purchaser, his heirs and assigns, in fee simple or otherwise, according to the nature of the estate or interest sold ; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or on account of the property having been assessed as land. And the Registrar of Titles, upon production of the deed and application in the usual form, and upon payment of the usual fees, shall register or record the same in the usual manner—1895, c. 68, sec. 12.

Interest on Overdue Taxes.

43D. All overdue taxes shall bear interest at the rate of six per cent. per annum—1895, c. 68, sec. 13.

When Payment is not made Collector to levy the Tax by Distress and Sale.

49. 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,

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and the costs chargeable shall be those the Council may by by-law, from time to time, allow for the same—1886, c. 32, sec. 50.

50. 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—1886, c. 32, sec. 51.

Public Notice of Sale to be given, and in what Manner.

51. 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 the 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 where as aforesaid, or otherwise to the person entitled, as owner of said goods and chattels, to said surplus—1886, c. 32, sec. 52.

Surplus to be paid to Party in whose possession the Goods were, or to other Person entitled.

52. 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

Rates to be a Charge against Tenant or Occupier as well as Owner.

or lessee of so much of his indebtedness to the owner as he shall have so paid—1886, c. 32, sec. 53.

**Proceedings when Taxes are Unpaid and cannot be collected.**

53. 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—1886, c. 32, sec. 54.

**Taxes to be a Lien upon Land. &c.**

54. 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—1886, c. 32, sec. 54A.

**Taxes may be registered as a Charge.**

55. 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—1886, c. 32, sec. 54B.

**The whole Amount to be paid at once, unless the Land is sub-divided.**

56. 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—1886, c. 32, sec. 55.

**If demanded, Collector to give a written statement of Arrears.**

57. 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—1886, c. 32, sec. 56.

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58. The tax Collector shall be the Collector of all the assessments imposed within the limits of the city—1886, c. 32, sec. 53.

Collector to collect all Taxes.

#### SALE OF LANDS FOR TAXES.

59. Whenever a portion of the tax on any land has been due one year, 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 City Clerk, 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—1886, c. 32, sec. 58; 1891, c. 72, sec. 21.

When Lands to be sold for Taxes.

Arrears due for One Year to be levied by Warrant of Mayor to Treasurer,

60. 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 color 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—1886, c. 32, sec. 61.

When Treasurer sells Land, the Fee of which is in Crown, he shall only sell the Interest the Crown has parted with.

#### VOTERS' LIST.

61. 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—1886, c. 32, sec. 84.

Clerk to make List of Voters.

62. 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—1886, c. 32, sec. 85.

Form of Voters' List.

Real Property to be named in the List.

63. 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—1886, c. 32, sec. 86.

Provision when Property partly in one Ward and partly in another.

64. 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—1886, c. 32, sec. 87.

When Assessment Roll to be regarded as finally revised.

65. 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.

Notice to be published when Voters' List completed.

66. Immediately after the Clerk has made the said alphabetical list, and within sixty 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 until the first of September following, for the examination by 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 to which he or she belongs, and shall deliver, or cause the same to be delivered, to the City Clerk, within the time hereinbefore specified—1886, c. 32; 1889, c. 40, sec. 10.

Revision of List.

67. 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 Vancouver, or by such other person as the Lieutenant-Governor in Council may appoint to revise

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said lists, at the instance of any voter or person entitled to be a voter in the city or of the City Clerk, on the ground of the names of voters being omitted from the list, or being wrongly stated therein, or of the 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—1886, c. 32, sec. 90; 1887, c. 37, sec. 13; 1891, c. 72, sec. 22.

68. 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—1886, c. 32, sec. 91.

Appeal in case of Persons disqualified under this Act.

69. 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—1886, c. 32, sec. 92.

Penalty on Non-attendance of the Person whose Right is in question.

70. Any voter or person entitled to be a voter or the City Clerk making any complaint of any error or omission of the said list shall, before the said first day of September, 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:—

Proceedings on Person complaining of Errors in the List.

**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:

(4) If on a complaint or appeal to strike out of the list the name of any person entered thereon as a voter, the Judge or person appointed as aforesaid from the evidence produced and given before him is of opinion that the person is entitled to be entered on the list in any character, or because of qualifications other than that in which he is so already entered in the list, the Judge or other person so appointed shall not strike the name of the person from the list but shall make such corrections in the list with respect to the right character and qualification of the person as may be just;

(5) In all proceedings before the Judge or other person so appointed as aforesaid under this Act, he shall have with reference to the matters herein contained, all the powers which belong to or might be exercised by a Judge of the County Court—1886, c. 32, sec. 93; 1889 c. 40, sec. 11; 1891, c. 72, sec. 23.

**Insertion of several Names in Subpoena.**

71. Any number of names may be inserted in one subpoena or Judge's order, in case of complaint—1886, c. 32, sec. 94.

**List confirmed if no Complaint within Thirty Days after the Clerk has posted up the List.**

72. In case no complaint respecting such list is received by the Clerk of the city before the said first day of September, 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,

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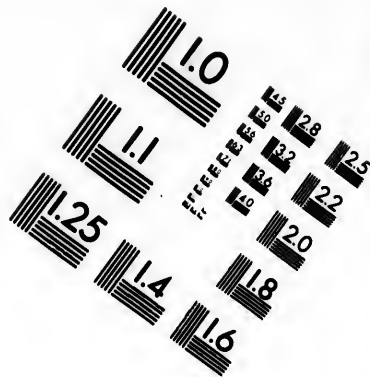
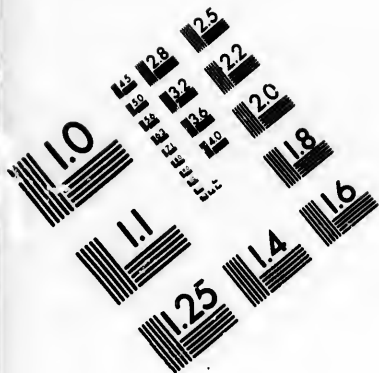
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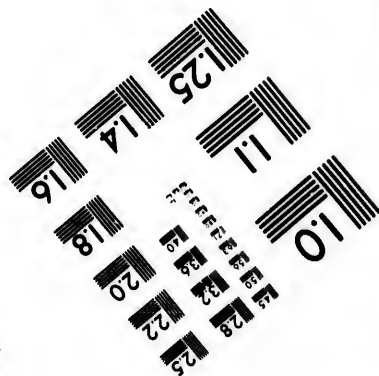
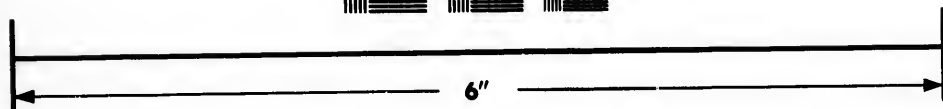
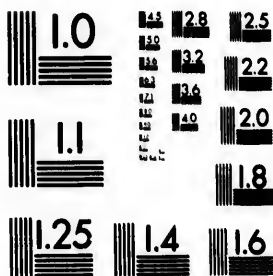
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and the certificate of the Judge shall be according to the form given in Schedule A of this Act—1886, c. 32, sec. 95; 1889, c. 40, sec. 12.

73. 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—1886, c. 32, sec. 96.

After final Revision, Judge to make Statement of Alterations, and certify Copy of List.

74. Immediately after the final revision and correction of the voters' lists, the Clerk shall cause at least one hundred 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.

Copies to be posted in Clerk's Office, and copies to be sent to Certain Persons.

- (1) The Judge of the Court who certified said lists:
- (2) Every member of the City Council:
- (3) 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:
- (4) The members of the Legislative Assembly for the city, or any part thereof:
- (5) 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—1886, c. 32, sec. 97.

#### MISCELLANEOUS PROVISIONS.

75. 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—1886, c. 32, sec. 98.

Power of Judge.

Appointment of Constable.

76. 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 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—1886, c. 32, sec. 99.

Duties.

Expenses.

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

77. 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—1886, c. 32, sec. 100.

Court of Revision of Voters Lists.

78. 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—1886, c. 32, sec. 101.

Remuneration of Judge on revision of Voters' Lists.

79. The Judge shall be paid the sum that may from time to time be fixed by resolution of the Council, not exceeding twenty dollars per diem; 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—1895, c. 68, sec. 15.

Powers of the Judge of the Court of Revision

80. 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

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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 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—1886, c. 32, sec. 103.

Hearing Fee,  
Costs, &c.

81. 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—1886, c. 32, sec. 104.

Report by Judge  
as to Fraud, &c.

82. The Judge shall have power to amend any notice or other proceeding, upon such terms as he may think proper—1886, c. 32, sec. 105.

Amendment.

83. 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—1886, c. 32, sec. 106.

Appellant.

84. 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

Costs occasioned  
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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 the 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 cost shall be in the discretion of the Judge—1886, c. 32, sec. 107.

**Judge's Order for Costs.**

85- 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—1886, c. 32, sec. 108.

**County Court Costs only Allowed.**

86. 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—1886, c. 32, sec. 109.

**Liability of Appellant for Costs.**

87. The only costs to which an appellant shall be liable shall be the witness fees, unless in case of bad faith on his part—1886, c. 32, sec. 110.

**Costs. Payment of, how Enforced.**

88. 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 Vancouver, 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—1886, c. 32, sec. 111.

**Persons whose Names Omitted from Roll and Inserted on Revision Liable to Pay Taxes.**

89.. If any person not 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

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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—1886, c. 32, sec. 112; 1890, c. 68, sec. 2.

Judge's Order.

90. 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—1886, c. 32, sec. 113.

Failure of Clerk to Perform Duties not to Vitalize List.

91. 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 Vancouver, 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—1886, c. 32, sec. 114.

Provision in Case Clerk of the City Fails to Perform Duties.

92. 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—1886, c. 32, sec. 115.

Elector may Apply.

93. 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—1886, c. 32, sec. 116.

Judge may Require Clerk or Other Person to Appear and Submit to Examination, &c.

94. 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—1886, c. 32, sec. 117.

Penalty on Clerk for Neglect, &c.

Clerk, &c., Wil-  
fully Falsifying  
Lists to Incur a  
Penalty.

95. 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 common gaol of the district in which the city is situated for a period not exceeding six months, in the discretion of the Court—1886, c. 32, sec. 118.

Colourable  
Transfer of  
Property in  
Order to Confer  
Vote.

96. 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—1886, c. 32, sec. 119.

Recovery of  
Penalties.

97. 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—1886, c. 32, sec. 120.

Assessor to make  
Enquiries before  
Assessing Per-  
sons claiming to  
be Assessed.

98. 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—1886, c. 32, sec. 121.

Penalty on As-  
sessor for Wrong-  
fully Assessing  
or Omitting to  
Assess.

99. Any Assessor who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount, with 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 and 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 compe-

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ent 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—1886, c. 32, sec. 122.

100. The said voters' lists shall in all cases be finally revised and corrected on or before the first day of November in each year—1886, c. 32, sec. 123.

Lists to be Finally Revised by 1st November.

101. Any Judge of the Supreme Court, or the Judge of the County Court having jurisdiction in the City of Vancouver, may frame rules and forms 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 part of this Act—1886, c. 32, sec. 124.

Judges may make Rules.

102. 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—1886, c. 32, sec. 125.

Words "Householder," &c., on Roll how to be Entered on List.

103. 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—1886, c. 32, sec. 126.

Forms given in this Act may be Used.

#### BY-LAWS REQUIRING THE ASSENT OF THE ELECTORS.

104. 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 as owners of real property on the last revised assessment roll, held in their own right, or in case of males in the right of their wives, and each person so qualified shall be entitled to one vote only—1893, c. 3, sec. 6.

Who may Vote on By-Laws Requiring Assent of Electors.

**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 Re-  
quires the Assent  
of the Electors,  
Mode of Obtain-  
ing 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 :

**By-Law Requir-  
ing Assent of  
Electors to be  
Published.**

- (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 :

**Notice of By-law  
Polling, &c.**

- (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 in the newspaper, and naming the hour, day and place, or places, fixed for taking the votes of the electors :

**Poll.**

- (6) At such day and hour a poll shall be taken, and all proceedings thereat, and for the purposes thereof, including a recount, shall be conducted in the same manner as nearly as may be as at an election for Mayor and Aldermen :

- (6A) At any election for any by-law, a voter before marking his ballot-paper, if so required by the Returning Officer

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on any election, shall state his or her occupation and residence to such officer and shall if required take the following oath (or affirmation):—"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 services 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 the City Clerk shall add up the names, and if it shall appear from such returns that the votes cast for any such by-law be three-fifths of the votes polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost, anything contained in the "Municipal Act, 1892," and Amendment Acts to the contrary notwithstanding.—1895, c. 68, sec. 17.

By-Laws Requiring Assent of the Electors Carried by three-fifths Majority.

105. 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 twenty per cent. of the assessed value of the real estate of the said city, computed on an average taken from the assessment roll for the two years ante-

By-Laws for Contracting Debts.

**Terms of.** cedent 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 :--

**When to take Effect.**

(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 :

**To Provide a Yearly Rate.**

(2) The by-law shall provide that an annual sum shall be raised and levied in each year by a special rate on all the rateable property in the city sufficient to pay interest on the debt during the currency of the debentures, and also a sum to be raised annually for the payment of the debt when due—1886, c. 32, sec. 128 ; 1892, c. 62, sec. 5,

**Amount Thereof.**

(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 amount of the whole rateable property of the city, according to the last revised assessment rolls ; (3) The total amount of the existing debenture debt of the city, and how much, if any, of the principal or interest is in arrears—1886, c. 32, sec. 128 ; 1889, c. 40, sec. 13 and 14 ; 1892, c. 62, sec. 5.

**Recitals in By-Laws.**

**By-Laws for Raising Money not for Ordinary Expenses must receive Assent of the Electors.**

106. 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 with the consent of the Lieutenant-Governor, and every such by-law and the debentures issued thereunder, shall be absolutely valid and binding upon the municipality, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless upon application to some court of competent jurisdiction made within one month after the passing of the third reading thereof—1886, c. 32, sec. 129 ; 1891, c. 72, sec. 24 ; 1893, c. 63, sec. 9A.

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107. All debentures and other securities duly authorised 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; the lithographed initials of the Mayor and Treasurer, or of some other person or persons authorized by by-law to initial the same, shall be affixed to all coupons attached to such debentures—1886, c. 32, sec. 130; 1889, c. 40, sec. 15; 1893, c. 63, sec. 8.

Debentures, &c.,  
how to be Exe-  
cuted.

108. 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—1886, c. 32, sec. 131.

Transfer of  
Debentures.

109. Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by such Corporation at a rate less than par—1886, c. 32, sec. 132.

Full Amount Re-  
coverable though  
Negotiated below  
Par.

110. 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 payable 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

Council may  
make Principal  
Repayable by  
Equal Annual  
Instalments.

What By Law  
shall Set Out.

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—1886, c. 32, sec. 133.

When the Rate Imposed by By-law may be Reduced by By-law

111. 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—1886, c. 32, sec. 134.

Recitals Required in such By-Law.

112. 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 for former 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—1886, c. 32, s. 135.

Reduced Rate to be Named.

Anticipatory Appropriations may be Made.

113. 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

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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 :

- (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 for the sinking fund appropriation of the debts for such next ensuing year : The Sources and Application to be Stated.
- (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—1886, c. 32, sec. 136. When Moneys Retained Sufficient, the Yearly Rate may be Suspended for the Ensuing Year.
114. Such by-law shall not be valid unless it recites:— By-Law must Recite—
- (1) The original amount of the debt, and in brief and general terms, the object for which the debt was created : The Original Debt and Object ;
- (2) The amount (if any) already paid of the debt : The Amount Paid ;
- (3) The annual amount of the sinking fund appropriation required in respect of such debt : The Annual Amount for Sinking Fund ;
- (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 for Sinking Fund in Hand ;
- (5) The amount required to meet the interest of the debt for the next year after the making of such anticipatory appropriations : The Amount Required for Interest.

And that it is Reserved, &c.

(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—1886, c. 32, sec. 137.

Two Special Accounts to be Kept;

(1) Of the Special Rates;

(2) Of the Sinking-Fund or Instalments of Principal.

115. 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—1886, c. 32, sec. 138.

When Surplus may be Applied to Next Year's Interest, and to Sinking Fund.

116. 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 or 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—1886, c. 32, sec. 139.

Application of Moneys with Consent of Lieutenant-Governor in Council.

117. 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, or any part of such debt, or of any of the debentures representing or constituting such debt, or any 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—1886, c. 32, sec. 140.

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118. 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—1886, c. 32, sec. 141.

Council may Apply Other Funds towards such Debts.

118A. If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the Council shall from time to time invest the same in Government securities, repurchases of city debentures, or in first mortgages on improved real estate held and used for farming purposes, and being the first lien on such real estate, or in repurchase of local improvement debentures of the city, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, and from time to time may reconvey and release mortgages and securities under the seal of the Corporation as such securities mature, and may re-invest in other like securities. No sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is invested. All securities, mortgages, and moneys now vested in or held by the trustees appointed under section 170 of the "Vancouver Incorporation Act, 1886," on behalf of the City of Vancouver, shall by virtue of this Act and on the passing thereof be vested in the said City of Vancouver, without any assignment or conveyance thereof, and shall be dealt with by the Council of the said city as hereinbefore provided for the investment of any moneys to the credit of the sinking fund accounts—1893, c. 63, sec. 18.

Investment of Produce of Special Rate Levied.

118B. The Council of the city may regulate by by-law the manner in which such investments shall be made—1893, c. 63, sec. 18.

118C. The Council may direct by by-law that any surplus moneys in the hands of the Treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the Municipality, and

the Council may invest such sinking fund account in any of the securities named in and according to the provisions of the preceding section—1893, c. 63, sec. 18.

118D. No member of the Council shall take part in, or in any way be a party to, the investment of the sinking fund otherwise than is authorized by this Act, or by any other law in that behalf made and provided and such member so doing shall be held personally liable for any loss sustained by the City—1893, c. 63, sec. 18.

118E. In the event of any real estate mortgaged to the City under the provisions of this section becoming vested in the City by virtue of a suit of foreclosure or by conveyance or sale, or in the event of the Finance Committee of the Council of the City deeming it advisable to exercise the power of sale in any such mortgage, it shall be lawful for the Council to convey under the seal of the Corporation and to vest any such real estate in a purchaser thereof without passing a by-law authorising such sale or submitting the same for the assent of the electors as provided in the 16th section hereof—1898, c. , sec. 5.

119. Notwithstanding anything now contained in the by-laws, passed in pursuance of the powers contained in the preceding sections, it shall be lawful for the Council by resolution at any time, or from time to time to provide for the issue of new debentures for the purchase of the whole or any portion of the debentures issued under any by-law as aforesaid ; at such rate or rates of interest respectively, not greater than five per cent., as they may think fit, and to make the same and interest thereon payable at such place or places respectively, as they may think fit, and to make and enter into any agreement or agreements with the purchaser or purchasers of the said debentures or any of them, of the repurchase or redemption of them or any of them, in such manner and upon such terms and conditions as may be agreed upon with any such purchaser or purchasers—1891, c. 72, sec. 25.

#### POWERS OF COUNCIL TO PASS BY-LAWS.

Council may  
Make By-Laws.

120. The Council may from time to time pass, alter and repeal by-laws :—

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- (1) For lighting the city, and for this purpose perform any work and place 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 : Lighting the City
- (2) For laying down gas, electric light, and water pipes, or any works in connection therewith 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, electric lighting, tramway and street railway, 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 or water works or anything in connection therewith, and levying a rate therefor—1886, c. 32, sec. 142, sub-sec. 2 ; 1889, c. 40, sec. 16 ; 1895, c. 68, sec. 16. Laying Gas and Water Pipes.
- (3) For providing for the appointment of three Commissioners for entering into contracts for the construction of gas, electric light, and water works, and for the election of a Board of Park Commissioners for the maintenance and improvement of public parks, 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, at such periods and for such terms as the Council may appoint by the by-law authorizing the election—1886, c. 32, sec. 142, sub-sec. 3 ; 1889, c. 40, sec. 17. Election of Commissioners for Entering into Contracts for Construction of Gas and Water-Works.
- (4) For constructing or purchasing gas works, and for constructing or purchasing any street railway, tramway, electric light plant and materials used in connection with the same, and for operating, leasing, maintaining and extending the same, and for purchasing the water-works of the Vancouver Water-works Company, 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 Levying Rates for Same.

exceed fifty years, nor less than ten years—1886, c. 32, sec. 142, sub-sec. 4 ; 1889, c. 40, sec. 18 ; 1890, c. —, sec. 3 ; 1892, c. 62, sec. 6.

**By-Law to be Published.**

- (4A) 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, secondly, until the same shall have received the assent of the electors, as provided by section 127 of the " Vancouver Incorporation Act "—1895, c. 68, sec. 16.

**If By-Law Rejected, no Other to be Submitted for 12 Months.**

- (a) If the proposed by-law is rejected by the electors, no other by-law for the same purpose shall be submitted to the electors for a period of twelve months :

**City not to Compete with Private Companies unless Price Fixed to Buy Out Such Companies.**

- (4B) In case there be any gas, electric lighting, tramway, street railway, or water company incorporated and carrying on their business within the limits of the said city, the Council shall not pass any by-law for the purpose of constructing any such works, or by virtue of which the City will become a competitor in the business carried on by such companies or any of them, or in any other manner exercise the powers conferred by the five preceding sub-sections until such Council has by by-law fixed the price which they will offer for the property of the company or companies whose operations will be interfered with, nor until thirty days have elapsed after such notice of such price shall have been communicated to such company or companies :—1895, c. 68, sec. 16.

**Company may Either Accept, Refuse, or Refer to Arbitration.**

- (a) Upon such by-law being passed and notice thereof given to the said company or companies, they may either accept or refuse the same, or give notice to the Council that they will require the purchase price of their property to be submitted to arbitration :

**In Case of Reference to Arbitration.**

- (b) In case the notice referred to in the preceding clause is given by such company or companies, the price to be paid for such property shall be referred to the award of three arbitrators, one to be appointed by the parties giving the notice, one by the Council, and the third to be either agreed upon between the arbitrators appointed by the parties or to be named

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by a Judge of the Supreme Court of British Columbia, and thereupon the arbitration shall proceed, and the provisions of the "Arbitration Act, 1893," shall apply to such arbitration in all matters not herein specifically provided for :

- (c) In the event of the company or companies to whom such notice is given accepting the price fixed by the said by-law, or in the event of an award being made under the arbitration hereinbefore referred to, such price shall be paid or secured before any further proceedings are taken by the Council under the powers contained in the preceding five sub-sections of this Act :
- If Company Accept.
- (d) If such company or companies refuse the price offered by the city, or if at the expiration of thirty days from the time that notification of the price offered has been delivered, they fail to accept such price, or require an arbitration as aforesaid, then the Council may proceed forthwith to exercise the powers conferred upon them by the preceding five sub-sections of this Act :
- If Company Refuse to Accept.
- (e) The provisions of this sub-section shall have no force or effect whatsoever if the Gas Company charge more than two dollars and fifty cents per one thousand cubic feet for all gas supplied by them, or if the Electric Light Company charge any citizen more than one cent per ampere hour per sixteen-candle power lamp for electricity supplied by such Company for lighting purposes ; and in the event of such Companies making charges in excess of the above, the Corporation shall have the right to construct, purchase, maintain, and operate gas or electric light works, and supply the inhabitants of the City therewith, without first offering a price for the works of any company operating in the City, or expropriating their works under the provisions of this sub-section :
- Provisions not to have Force If Certain Companies Overcharge.
- (f) Provided, however, that the Council may enter into the lighting of the public streets, highways, public places, and buildings with electric light at any time, upon their first acquiring the boilers, engines, dyna-

mos, poles, wires and all other arc lighting plant then being utilized in the lighting of the streets by any company incorporated and carrying on their business within the limits of the city ; the price to be paid for such plant, and the preliminary steps to be taken for the acquiring of such, are to be the same as hereinbefore provided.

**Regulation of  
Business on  
Sunday.**

- (5) For the recovery of moneys due for water rates, or for the supply of water to consumers, and the enforcing of the payment of such moneys or rates by making the same a charge on the lands of the owners or tenants using the water, and enabling the same to be recovered in the same manner as overdue taxes—1892, c. 62, sec. 7.

- (6) For the prevention of sales, or exposing for sale, or offering for sale, or the purchase, of any goods, chattels or other personal property whatsoever, excepting the selling of milk, drugs or medicine, on Sundays, and for the closing of saloons and hotels and stores during such hours of each night, and on Sunday, as may be thought expedient—1895, c. 68, sec. 18.

**Sale of Liquor to  
Minors.**

- (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 :

**Indecent Pla-  
cards or Pictures**

- (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 :

- (8a) For preventing the employment of boys under the age of sixteen years as messengers to or from houses of ill-fame, immoral resort or disorderly houses—1893, sec. 10, c. 63.

**Public Morals.**

- (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 :

**Disorderly  
Houses.**

- (10) For suppressing disorderly houses and houses of ill-fame :

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- (11) For preventing or regulating horse racing and gambling —1892, c. 62, sec. 10. **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.**
- (21) For preventing the pulling down or defacing of sign-boards and of printed or written notices lawfully affixed : **Sign Boards.**
- (22) For granting aid by way of bonus for the promotion of manufactures within its limits by exempting such manufactories, undertakings or enterprises, from taxes and water rates, in whole or in part, for a period of one or more years, and by granting such sums to such person or body corporate, and in respect of such branch of industry as the city may determine upon ; and to pay such sum either in annual or other periodical

**Bonuses to  
Manufactories.**

payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient—1895, c. 68, sec. 20.

**Wharves, Sewers,  
Rivers, &c.**

- (23) For regulating or preventing the encumbering, injuring or fouling by animals, vehicles, vessels, or other means, of any public wharf, sewer, shore, river, or water, or any road, street, square, alley, lane, bridge, or other communication—1889, c. 40, sec. 21.

**Wells, Reser-  
voirs, &c.**

- (24) For establishing, protecting, regulating, and cleansing public and private wells, reservoirs, and other public and private conveniences for the supply of water, and for closing public and private wells; for preventing the fouling of the same, and the wasting of water therein or therefrom; for procuring an analysis of such water and providing for the payment of the expense thereof; and for making reasonable charges for the use of public water; provided, however, that the powers by the section granted shall not interfere with or in any way lessen the powers granted to the Vancouver Water Works Company under and by virtue of an Act passed in the 49th year of Her Majesty's reign, Chapter 35—1889, c. 40, sec. 22.

**Nuisances.**

- (25) For preventing and abating public nuisances :
- (25A) The Council may, by resolution or by by-law, declare any building, structure or erection of any kind whatsoever, or any drain, ditch, water-course, pond, surface water or any other matter or thing in or upon any private lands, street or road, or in or about any building or structure, a nuisance and dangerous to the public safety or health, and may, by such by-law or resolution, as may be directed therein, order that the same shall be removed, pulled down, filled up, or otherwise dealt with by the owner, agent, lessee or occupier thereof, as the Council may determine, and publication of such notice for a period of five days in any daily newspaper published in the municipality (or in case where no such newspaper be so published in such municipality then in a daily newspaper published in the nearest municipality) shall be good and sufficient service of such notice upon

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such owner, agent, lessee or occupant ; and in case of default by the owner, agent, lessee or occupier to comply with such order within such period of five days, to order that such removal, pulling down, filling up, or other dealing with same shall be done by any officer of the Corporation at the cost of such owner, and payment of such cost, and all expenses incidental thereto, may be enforced against the owner thereof by such officer in an action in any Court of competent jurisdiction—1898, c. —, sec. 6.

- (26) For compelling the owner, lessees, and occupants of real property within any defined area to fill up or close any wells, water closets, privies, privy vaults, or cess-pools, the continuation of which may, in the judgment of the Council, be dangerous to health—1889, c. 40, sec. 22. Privies, &c.
- (27) For preventing or regulating the erection or continuance of slaughter houses, gas works, canneries, distilleries, wash-houses, or other manufactories or trades which may prove to be nuisances, and defining the limits within which the same may be erected, kept, or carried on—1889, c. 40, sec. 22 ; 1893, c. 63, sec. 11. Slaughter houses, Tanneries, Breweries, &c.
- (27A) For preventing or regulating the keeping of cows, goats, pigs, and other animals, and defining limits within which the same may be kept.
- (28) For preventing the ringing of bells, blowing of horns or steam-whistles, shouting, and other unusual noises in streets and public places: Bells, Whistles, and Noises.
- (29) For preventing or regulating the firing of guns or other firearms ; 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 : Letting off Guns and Fireworks.
- (29A) For the prevention or regulating of blasting within the limits of the city :
- (30) For empowering any person (resident or non-resident) liable to statute labor within the city, to compound for such labor, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labor : Statute Labour.

- Commutation of Same by Money Payment.** (31) For providing that a sum of money, not exceeding two dollars for each day's labor, may be paid in commutation of such statute labour :
- Enforcing Statute Labour.** (32) For enforcing the performance of statute labor :
- 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 :
- For aiding Societies holding Exhibitions within City.** (34B) For granting money in aid of Agricultural or Horticultural, Dog or Poultry Societies, which hold their exhibitions either within or without the city limits, and for acquiring by purchase, or otherwise, real property for the purpose of holding such exhibitions—1895, c. 68, sec. 21.
- Driving over Sidewalks.** (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
- Burial of the dead.** (37) For regulating the interment of the dead :
- Violation of Cemeteries.** (38) For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred :
- Weeds.** (39) For preventing the growth of weeds and compelling the destruction thereof :
- Depositing Filth, &c., on Streets.** (40) For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish on any road, lane, street, or highway in the city :
- Sewerage and Drainage.** (41) For making any regulations for sewerage or drainage that may be deemed necessary for sanitary purposes :

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- (42) For preventing or regulating the erection of and directing and requiring at any time the removal of any doorsteps, 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—1889, c. 40, sec. 23 : **Obstruction of Streets.**
- (43) For the creation of all offices that are necessary in the affairs of the Corporation, and for regulating the remuneration, fees, charges, and duties of all officers appointed to such offices, and the securities to be given for the performance of such duties—1889, c. 40, sec. 24 **Appointment of Officers.**
- (43A) For paying to the Aldermen during their term of office, out of the annual revenue, a sum of money not exceeding four hundred dollars per annum each—1895, c. 68, sec. 22. **Payment of Aldermen.**
- (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 gaol, either for trial or in the 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.**

Punishment by  
Imprisonment.

- (47) For inflicting reasonable punishment, by imprisonment, with or without hard labor, 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 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.

Appointment of  
Firemen.

- (48) For appointing fire wardens, fire engineers and firemen, and promoting, establishing and regulating fire companies, hook and ladder companies, and property-saving companies :

Regulating Fire  
Companies.

Additional Fire  
Companies.

- (48A) For providing, establishing and maintaining a special additional fire company, and fire appurtenances, and protection for certain portions of the City, and for assessing and levying, in addition to all other rates and taxes, a separate rate or tax for that purpose on the lands and property directly benefited thereby, as described in the by-law--1895, c. 68, sec. 23.

Special Rate  
therefor.

Enforcement and  
Recovery of such  
Special Rate.

- (48B) For providing for the recovery of such special rates and assessments. Any special rate so assessed and levied shall be dealt with in every respect as ordinary land or real property taxes, and may be enforced and recovered in the same way, whether by sale of the land or real property upon which the same attached, or by registration as a charge upon such land or real property, or otherwise--1895, c. 68, sec. 23.

City Insurance  
Fund.

- (48C) For the setting apart each year a special fund, and for the investment thereof, to be called the "City Insurance Fund," in order to provide against any loss that may be incurred by fire destroying any of the city buildings or portions thereof--1895, c. 68, sec. 23.

Dangerous  
Trades.

- (49) For preventing or regulating the carrying on of manufactories or trade dangerous in causing or promoting fires :

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- 50) For preventing and for removing or regulating the construction of any chimney, flue or fire place, stove, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire : Chimneys, Ovens, &c.
- (51) For regulating the construction of chimneys, as to dimensions and otherwise, and for enforcing the proper cleaning of the same : Construction of Chimneys.
- (52) For regulating the mode of removal and safe-keeping ashes, and for regulating the keeping and transporting of gunpowder, coal oil, and other combustible or dangerous materials : Ashes, Gunpowder, Oil, &c.
- (53) For regulating and enforcing the erection of party walls : Party Walls.
- (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 : Yards, Buildings, &c.
- (54A) For regulating and enforcing the cutting down of trees that, in the opinion of the Council, might be dangerous to life or property, clearing and burning, or removing trees, timber, logs, and brush from lots or blocks ; also streets opened up within the city limits, and for charging the owner or owners of the properties on which such trees, timber, logs, or brush may be situated with the expense and cost of cutting down, burning, or removing thereof and for the recovery of the expense and cost thereof from the owners of the lands from off which such trees, timber, logs or brush may be cut down, burnt or removed, in the same manner and with the same powers of recovery as in the case of overdue taxes, and making the same a charge on the said lands, and with powers to sell the said lands for the recovery of the said expenses and cost, in the same manner and under the same regulations as in the case of the sale of lands for overdue taxes—1889, c. 40, sec. 25, 1893, sec. 12, c. 63. Cutting Brush, &c.
- (54B) For the regulating and enforcing the owners of lands to survey lots and blocks, their property in the City, with the object of accurately locating the streets and Survey of Lots and Blocks.

lanes of the said City, and in default of the owners surveying the said lots and blocks in accordance with the provisions of the by-law, to provide for the City surveying the said lots and blocks, and locating the said streets, and charging the owners of the lands so surveyed with the cost and expense thereof, and for the recovery thereof from the owner or owners in the same manner and under the same regulations as in the case of overdue taxes, and making the same a charge on the said lands, and with powers to sell the said lands for the recovery of the expense and cost of such surveys, in the same manner and under the same regulations as in the case of sale of lands for overdue taxes—1893, c. 63, sec. 13.

**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 Build-  
ings and Fences.**

- (58) For regulating the erection of buildings, and the distance of the same from the centre of the street, 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, and the distance of the same from the centre of the street, other than with main or partition 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-law, or which may, in the opinion of the Council, be a dangerous nuisance—1895, c. 68, sec. 27.

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- (58A) For compelling to be deposited with an officer to be named in the by-law, before commencing the erection of any building, a ground plan or block plan, elevation and specifications for the construction of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws—1889, c. 40, sec. 27 ; 1892, c. 72, sec. 26.
- (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.
- (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 Buildings
- (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, for regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges, and other buildings of a like nature, and also the structure of stairs and stair railings in all such buildings ; and the strength of walls, beams, and joists, and their supports, and for compelling the production of the plans of all such buildings for inspection, and for enforcing observance of such—1889, c. 40, sec. 28. Fire Escapes.
- (62A) 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—1889, c. 40, sec. 29.

(62B) 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—1887, c. 37, sec. 18.

**Fees for Liquor Licenses.**

(63) For determining a fee or duty upon every license for the sale, within the City of Vancouver, of spirituous, fermented, or other intoxicating liquors, to be paid to the Corporation for purposes of municipal revenue :

**Regulating and Licensing Lodging Houses.**

(64) For licensing and regulating lodging houses, and the keepers 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 Opium Sellers, Bill Posters, and wholesale and retail Merchants.**

(65) For licensing and regulating the sale of opium, except where same is sold in the preparation of medical prescriptions by chemists and druggists : (1) For licensing and regulating bill posters : (2) For licensing and regulating every person carrying on the business of a wholesale or retail or of a wholesale or reail merchant or trader :

**Licensing, &c., Billiard Tables.**

(66) 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 license so to have or keep such tables, and the time such license shall be in force :

**Auctioneers.**

(67) For licensing, regulating, and governing auctioneers and other persons selleng, or putting up for sale, goods, wares, merchandise effects, or real estate, by public auction :

**Pedlers,**

(68) For licensing, regulating, and governing transient traders and their agents who occupy premises or trade in the city for temporary periods, and whose names

(58A) For compelling to be deposited with an officer to be named in the by-law, before commencing the erection of any building, a ground plan or block plan, elevation and specifications for the construction of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws—1889, c. 40, sec. 27 ; 1892, c. 72, sec. 26.

(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.

(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 Buildings

(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, for regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges, and other buildings of a like nature, and also the structure of stairs and stair railings in all such buildings ; and the strength of walls, beams, and joists, and their supports, and for compelling the production of the plans of all such buildings for inspection, and for enforcing observance of such—1889, c. 40, sec. 28.

Fire Escapes.

(62A) 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—1889, c. 40, sec. 29.

(62B) 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—1887, c. 37, sec. 18.

**Fees for Liquor Licenses.**

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(64) For licensing and regulating lodging houses, and the keepers 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 Opium Sellers, Bill Posters, and wholesale and retail Merchants.**

(65) For licensing and regulating the sale of opium, except where same is sold in the preparation of medical prescriptions by chemists and druggists : (1) For licensing and regulating bill posters : (2) For licensing and regulating every person carrying on the business of a wholesale or retail or of a wholesale or reail merchant or trader :

**Licensing, &c., Billiard Tables.**

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**Auctioneers.**

(67) For licensing, regulating, and governing auctioneers and other persons selleng, or putting up for sale, goods, wares, merchandise effects, or real estate, by public auction :

**Pedlars.**

(68) For licensing, regulating, and governing transient traders and their agents who occupy premises or trade in the city for temporary periods, and whose names

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have not been duly entered on the assessment roll for property of the assessed value of \$2,000 for the then current year, and for licensing and regulating all traders or their agents who solicit or take orders for the sale and delivery of goods by retail that are not manufactured or made up in the city :

- (a) For licensing, regulating, and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place, or to other men's houses on foot, or with any animal bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the city, and the time the license shall be in force: (b) Provided always that no such license shall be required for hawking or peddling any goods, wares, or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to hotel, shop, or saloon, or hotel, shop, or saloon licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares, and merchandise, or by his bona-fide servants or employees having written authority in that behalf; and such servant or employee shall produce and exhibit his written authority when required so to do by any municipal or peace officer: (c) The word "hawkers" in this section shall include all persons who being agents for persons not resident within the city, sell or offer for sale, or carry and expose samples or patterns, or quote prices for the purpose of selling any goods to be afterwards delivered within the city to any person—1889, c. 40, sec. 33.

- (69) For licensing and regulating ferries between any two Ferries. places in the city, and establishing the rate of ferriage to be taken thereon :
- (70) For regulating and licensing the owners of livery, Vehicles. 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; and for authorizing and assigning stands for vehicles kept for hire on the public streets and places; and for authorizing the erection and maintenance of covered stands or booths on the streets, highways, and public places for the protection and shelter of the drivers of such vehicles: provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting, or adjoining such stand or booth—1889, c. 40, sec. 34.

(70A) For regulating the erection and maintenance of telegraph and telephone and electric light poles and wires within the city limits—1889, c. 40, sec. 35:

Inspection of  
Electric Light  
Wires, &c.

(70B) For authorizing the inspection of electric light wires, lights, and meters, and to levy a charge to defray the cost thereof.

Scavengers.

(71) For regulating and licensing scavengers and chimney sweeps:

Insurance  
Companies.

(71A) For licensing insurance companies—1895, c. 63, sec. 14.

Plumbers.

(71B) For regulating and licensing plumbers—1891, c. 72, sec. 27.

Intelligence  
Offices.

(72) 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:

Ditto.

(73) For the regulating of such intelligence offices:

Ditto.

(74) For limiting the duration of, or revoking any such license:

Ditto.

(75) For prohibiting the opening or keeping of any such intelligence office within the city without license:



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- (76) For fixing the annual fee to be paid for such license : Intelligence Offices.
- (77) 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, circus hippodrome boxing, sparring and theatrical exhibitions—1895, c. 68, sec. 26. Common Shows, Theatres, &c.
- (78) 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.
- (79) For licensing, regulating and governing pawnbrokers or dealers in second-hand goods, wares and merchandise in the city : Pawnbrokers.
- (79A) For licensing any person keeping a bowling alley or rifle gallery—1895, c. 68, sec. 27. Bowling Alley License.
- (79B) For licensing any person carrying on a business of a wholesale, or of a wholesale or retail, merchant and trader—1895, c. 68, sec. 27. Wholesale and Retail Merchants.
- (79C) For licensing any person carrying on, on his own account, the business of a banker at one place of business—1895, c. 68, sec. 27. Bankers.
- (79D) For licensing every express company, gas company, telephone company, electric light company, street railway or tramway company, investment and loan societies, in a sum not exceeding fifty dollars for every six months—1895, c. 68, sec. 27. Express, Gas, and other Companies.
- (79E) For licensing every person who carries on the occupation of a stevedore, or who takes contracts to load and unload ships within the city, in a sum not exceeding twenty-five dollars for every six months—1895, c. 68, sec. 27. Stevedores.
- (80) For fixing the annual fee to be paid for any and all such licenses, and for levying and collecting the same. Annual Fee.

## RAILWAYS.

Subscribing for  
Shares in Rail-  
way Company.

(81) 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 for exempting the buildings, wharves and lands on which terminal buildings may be erected, yards and works of any incorporated railway or bridge company from taxation for any period not exceeding ten years—1898, c. sec. 3.

Guaranteeing  
Payment of  
Debentures.

(82) 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 :

Issuing Debentures.

(83) 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 :

Granting same  
as Bonus.

Granting Bonuses  
to Railway and  
other Companies.

(84) For granting bonuses to any 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 Elec-  
tors must be had.

(84A) 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 Alder-  
man may become  
Director.

(85) In case the city takes shares in or guarantees payment of any money for, or grant a bonus to any company in pursuance of sub-sections 81, 82, 83, 84, 84A and 116 of this section, the Council shall be entitled to appoint the Mayor or an Alderman a director of such company,

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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; 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 section 142 of this Act has been complied with in regard to it as near as may be—1887, c. 37, sec- 21.

(85A.) For exempting the yards, wharves, works, buildings and lands on which terminal buildings of the Canadian Pacific Railway Company may be erected, for a period not exceeding eighteen years from the date that this Act comes into force, and

For providing that in the event of the City of Vancouver granting to any other Railroad Company (than the Canadian Pacific Railway Company) coming into the city, a bonus, subsidy or grant, or subscribing to the shares of such Company, within a period of eight years from the date this Act comes into force, then that all the real property of the Canadian Pacific Railway Company in the said city shall be exempted from any additional taxation imposed, on property in the city, by reason of such bonus, subsidy, grant, or subscription to shares being made, for a period of eight years from the date on which this Act shall come into force or any unexpired portion thereof.

Provided, that before any by-law passed by the Council under this sub-section shall come into force and effect, it first of all shall have received the assent of the statutory majority of the electors of the city entitled to vote on money by-laws or by-laws requiring the assent of the electors, in manner provided for by the said Vancouver Act of Incorporation 1886, and Acts amending the same—1898, c. , sec. 4.

(85B.) For subsidising by way of bonus, or by guaranteeing the payment of bonds of or the interest on bonds of such line or lines of steamships or steamboats as shall establish, within or without the limits of the city, a port of call or the terminus of such line or lines :

(85C) For the issue for the like purposes 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 :

(85D.) For granting aid to charitable institutions, and for the relief of the poor ; and for erecting, leasing, or establishing and maintaining a poor house, or house for the aged and infirm, either within or without the municipal limits, for disabled or decrepit persons :

(89E.) For compelling the removal of all existing verandahs erected on or projecting over any sidewalk within the municipality, and for prohibiting and preventing the erection of any such verandah :

(85F.) For aiding by the grant of money or land, or by exemption for a period not exceeding ten years, smelters, dry docks, or marine railways, within a limit of five miles beyond the boundaries of the municipality—1898, c. , sec. 7.

#### CITY POUND.

Pounds,

(86) For the establishment of pounds, and the appointment of pound-keepers therefor :

Fines and Fees.

(87) For regulating and fixing the fines and fees to be levied by such pound-keepers :

Yards.

(88) 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.

(89) 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.



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## PUBLIC HEALTH.

- (90) For providing for the health of the city, and against the spreading of contagious or infectious diseases, and for regulating, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the port of Vancouver, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving of passengers or cargoes on board of the same—1889, c. 40, sec. 37. Spread of Diseases.
- (90A) For regulating the size of dwelling rooms, and the number of persons who may dwell therein—1892, c. 62, sec. 14.
- (91) For prescribing the duties of the health officers and scavengers, and for defining the limits within which each scavenger shall perform his duties. Duties of Health Officers.
- (91A.) For regulating the construction of dwelling houses and lodging houses, and for fixing, and from time to time varying, the number of persons who may occupy or be received in such dwelling houses or lodging houses :
- (91B.) For promoting cleanliness and ventilation in such houses :
- (91C.) For the well-ordering of such houses, and for prescribing generally the sanitary conditions and requirements which shall be observed and complied with by persons letting or occupying dwelling or lodging houses:
- (91D) For regulating, with a view of preventing the spread of infectious or contagious diseases, the entry or departure of boats or vessels, and the landing of passengers and cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving of passengers or cargoes on board of the same :
- (91E) For licensing and regulating wash-houses and laundries, for preventing and regulating the erection or continuance of any laundries or wash-houses which may prove to be nuisances, and for regulating and preventing the washing, drying, and airing of clothes,

linen, or other materials of the like nature, in the open air in any part of the municipality, within forty feet of any street or highway, and for compelling the removal of all wooden and other structures now erected, and for regulating and preventing the erection or construction of all wooden and other structures or erections on the outside of any building, or on any lot or piece of ground in any part of the municipality within forty feet of any street or highway for the purpose of or that may be used for the washing, drying, or airing in the open air of any clothes, linen, or other materials of the like nature :

(91F.) The construction, superintendence, maintenance, and regulation of drainage and sewerage works, and for arranging and settling with any owner or owners of real property the terms and conditions under which the sewer may be constructed or laid through his or their land ; and to expropriate such land as the Council may deem necessary for the purpose of constructing the main sewer, not, however, exceeding ten feet in width ; and provided always, that the power to expropriate land in this sub-section is only conferred, and can only be exercised by the Council, in the event of there not being a street or road allowance in the vicinity which the Council can use for the purpose of constructing or laying the main sewer :

(91G.) For preventing or regulating the keeping of cows, goats, pigs, and other animals, and defining limits within which the same may be kept :

(91H.) For regulating the hours during which children under [to be fixed by the by-law] years may be on the streets without their parents or guardians.

(91I.) For purchasing, acquiring, holding, managing and maintaining real property for the purpose of a site for a free public library, or a partially free library, within the municipal limits :

(91J.) For revising and consolidating the by-laws of the municipality :—1898, c. sec. 7.

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## MARKETS.

- (92) For establishing markets and stock-yards, and for regulating the same : **Markets.**
- (93) For preventing and regulating the buying and selling of all articles or animals exposed for sale on the public market or in the open air—1889, c. 40, sec. 38 : **Buying and Selling.**
- (94) For preventing or regulating criers and vendors of any meat, vegetables, grain, hay, fruit, beverages, fish, poultry, eggs, butter, cheese, straw, cordwood, shingles timber, coal, flour, lumber, milk, and small ware from practising their calling in any of the public markets, public sheds and vacant lots, the streets and lanes in the city adjacent to the market—1889, c. 40, sec. 39 : **Peddling in Markets. &c.**
- (94A) For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license, not exceeding fifty dollars, to be paid for such license, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than the quarter carcase, unless by a person holding a valid license, and in a place authorized by the Council—1889, c. 40, sec. 40 :
- (95) For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables and provisions of all kinds :
- (96) For preventing and regulating the purchase of such things by hucksters or runners within the city :
- (97) For establishing and regulating a public weighing scale, and for imposing a reasonable fee therefor—1889, c. 40, sec. 41. **Weighting Machine.**
- (98) For imposing penalties for light weight, or short count, or short measurement, in anything vended—1889, c. 40, sec. 42. **Light Weight, &c**
- (99) 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.**

- Tainted Food.** (100) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food :
- Inspection of Food.** (100A). For providing for the inspection of, and preventing the sale of, all cattle, animals, meat, poultry, fish, and vegetables offered or exposed for sale—1895, c. 68, sec. 28.
- Rent of Stalls, Distraint for.** (101) For selling after six hours' notice, butchers' meat, fruit, fish, or other perishable articles, distrained for rent of market stalls—1889, c. 40, sec. 43.
- (101A.) For licensing and regulating milk vendors—1892, c. 62, sec. 15.
- Adulterated Milk.** (102) For preventing the sale of adulterated milk, cream, butter, and other articles of food, and for licensing milk vendors, and for inspecting all milk, cream, butter, and other articles of food offered or exposed for sale—1895, c. 68, sec. 29.
- Licensing Milk Vendors.**
- Markets and Market Places.** (103) 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 part or parts thereof, for any public purpose whatsoever, and to establish new markets :
- Market Clerks.** (104) 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 :
- Rents for Stalls.** (105) 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 :
- Vehicles in Markets.** (106) 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 :
- Abattoirs.** (107) For designating or specifying such place or places within the city for, or for preventing and prohibiting



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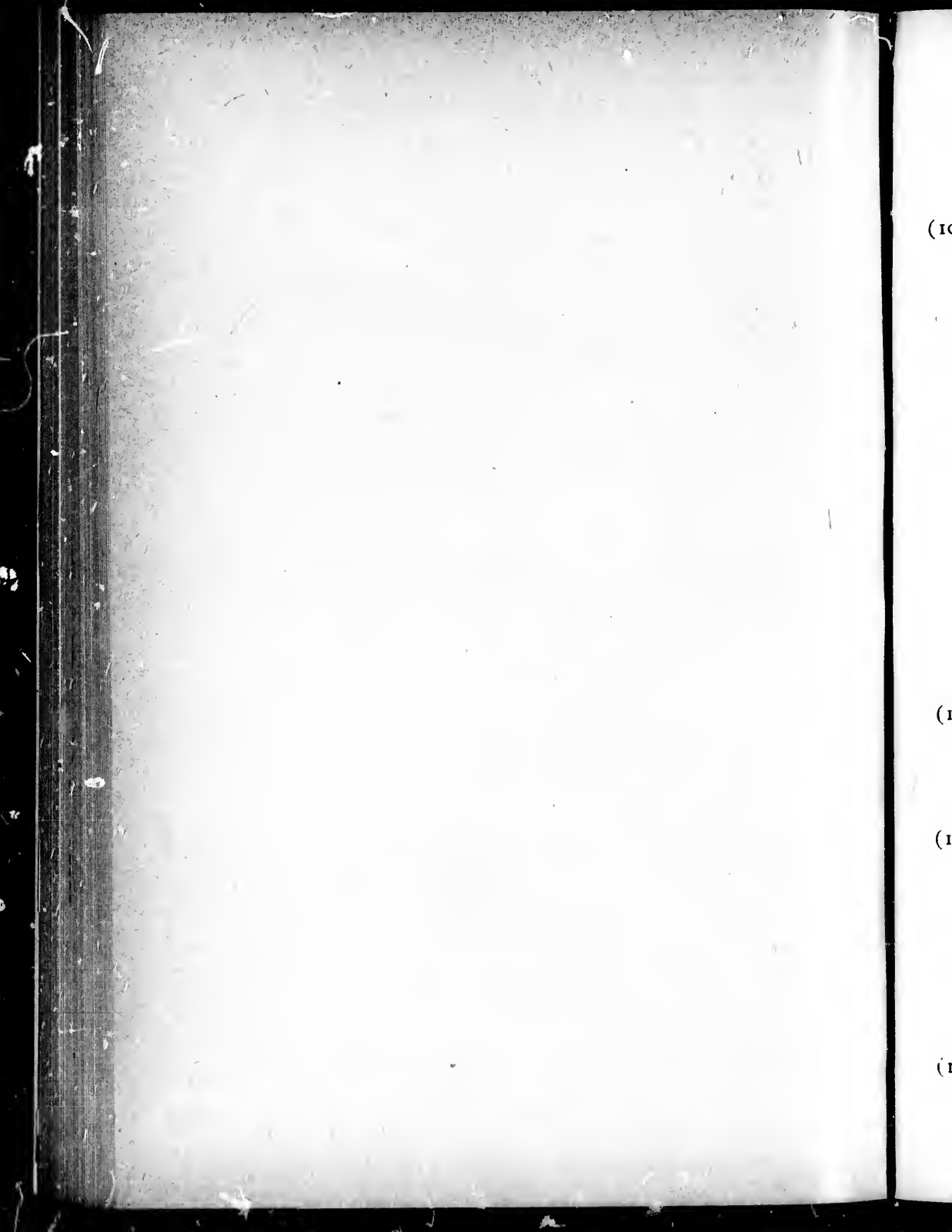
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—1891, c. 72, sec. 28:

- (108) 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, as if the same were within the limits of the city, and for acquiring and constructing roads or streets to the same if necessary, 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—1889, c. 40, sec. 44.
- Obtaining Real Estate for Corporate Purposes.
- (109) 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 :
- Removal of Obstructions In Streets.
- (110) 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 expense 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 :
- Assessment for Watering and Sweeping Streets
- (111) 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
- Cleaning, &c., Drains, Sewers, and Watercourses

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 :

**Making Drains,  
Streets, &c.**

- (112) For opening, making, preserving, improving, repairing, widening, altering, diverting, 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 entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, and for conducting the drains and sewers beyond the limits of said city for fertilizing purposes ; or into the waters of English Bay or Burrard Inlet, as is found practicable, 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—1889, c. 40, sec. 45.

**Removal of Snow  
and Ice.**

- (113) 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 :

**Connecting  
Drains with  
Public Sewer.**

- (114) For compelling owners, lessees of property to connect the same with any public sewer or drain or water-works system owned or 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—1893, c. 63, sec. 15.

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- (115) For making any other regulations 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.
- (116) For authorizing any corporate gas, electric light, or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, or to erect poles and attachments for the purposes of electric or gas lighting, 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, money so borrowed by such company, or of interest on such moneys, provided the by-law is assented to by the electors as hereinbefore provided—1887, c. 37, sec. 22 ; 1889, c. 40, sec. 46. Authorizing Gas and Water Companies to lay Pipes under Streets.
- (117) 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 the numbering of the same : Numbering Houses and Lots.
- (118) 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 : Recording Streets, Houses, &c.
- (119) 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 by-law has been registered in the Registry Office of the county or other registration division : Surveying Street and Boundary Lines.
- (119A.) To regulate the width of new streets and roads, and for preventing the laying out or construction of streets and lanes, unless in conformity with existing streets, roads, or lanes, without the consent of the Council first obtained—1895, c. 68; sec. 30. Width, &c., of Streets.

- Level, Material, &c., of Streets.** (119B) For regulating the plans, level, width, surface, inclination, and the material of the pavement, roadway, and sidewalk of streets and roads—1895, c. 68, sec. 30.
- General Grade.** (119C) For establishing a general grade for the streets and roads in the City—1895, c. 68, sec. 30.
- Land and Benchmarks in City.** (119D) For establishing and maintaining land and bench marks in the City—1895, c. 68, sec. 30.
- Public Traffic.** (120) 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.** (121) 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 :
- What Streets may be used by Railways.** (121A) For specifying and defining what streets or portions of streets may be used by any railway, tramway or water-power company hereafter coming into the city, and regulating the terms and conditions under which they may be used—1895, c. 68, sec. 31.
- Fast Driving.** (122) 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, or 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.**
- Riding and Driving on Public Streets.** (123) For regulating roads and streets, public bridges and driving and riding thereon—1895, c. 68, sec. 32.
- Nothing herein to repeal any other Act by implication.** (124) For regulating the supply of water and delivery thereof to the citizens. 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



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any general Act of this Province, or of any order in Council passed in virtue thereof not hereby specially repealed—1892, c. 62, sec. 21.

- (125) For obtaining such real and personal property as may be required for the use of the Corporation, or for school purposes, and for the disposing of such property, and for conveying and the execution of any conveyances of the same when no longer required, on such terms as may be deemed expedient, and to accept as payment therefor either money or real property: Provided, always, that any by-law providing for the disposal of any real property shall not be passed until the assent of the electors has been obtained, in conformity with and in manner provided by the requirements of the "Vancouver Incorporation Act, 1886," and amending Acts, in respect of by-laws for contracting debts—1893, c. 63, sec. 16. Obtaining Property for School Purposes.
- (126) For purchasing, acquiring, holding, managing, and maintaining real property for the purpose of a site for a free public library or a partially free library in the City—1895, c. 38, sec. 33. Site for Free Library.
- (127) For leasing any land or selling any personal property of the City which, in the opinion of the Council, is not required for corporate purposes: Provided, that in all cases where the lease shall extend over one year, or the personal property is over five hundred dollars in value, the consent of the ratepayers shall be at first obtained in manner provided for passing by-laws for creating debts—1895, c. 68, sec. 34. Leasing and selling City Property.  
Proviso.
- (128) It shall be lawful for the Council to grant, by resolution, a sum of money out of the annual revenue to aid in celebrating the birthday of the reigning sovereign, the anniversary of the Confederation of the Dominion of Canada, and in support of or as a contribution to any exhibition or gathering to be held for the purpose of public sports or amusements that in the opinion of the Council may be for the benefit of the municipality, either within or without the municipal limits—1898, c. —, sec. 6.

## PARK COMMISSIONERS.

**By-Laws for  
regulating, &c.,  
Parks.**

121. The Board of Park Commissioners may from time to time pass by-laws for the use, regulation, protection, and government of the park or parks, the approaches thereto, and streets connecting the same, not inconsistent with the provisions of this Act, or any law of the Province.

**Penalties to  
enforce same.**

(1) The said Board shall have power to inflict penalties for the infraction of any by-law, and the same shall be enforced by the Police Magistrate of the city, or by any Justice of the Peace of the Province in the manner and to the extent that any by-law passed by the Council may be enforced :

**Meetings of Park  
Commissioners.**

(2) The Chairman, or any two members may summon a special meeting of the Board, by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called :

**Filling Vacancies  
on the Board.**

(3) The office of any member of the said Board who shall be absent from the meetings of the Board for three successive months without leave of absence from the Board, or without reasons satisfactory to the Board, shall be declared vacant by the Board ; and notice thereof shall be given to the Council at the next meeting of the Council :

**Board to make  
Annual Estimate  
of Expenditure.**

(4) The said Board shall in the month of January in every year make up, or cause to be made up, an estimate of the sums required during the ensuing financial year for—

(a) The interest of any money borrowed as herein mentioned ;

(b) The amount of the sinking fund ; and

(c) The expense of maintaining, improving, and managing the parks, boulevards, avenues and streets under their control :

122. The Board may at any time, pass, alter and repeal by-laws with the approval of the Council, for the punishment of the following offences, that is to say—1889, c. 40, sec. 47.

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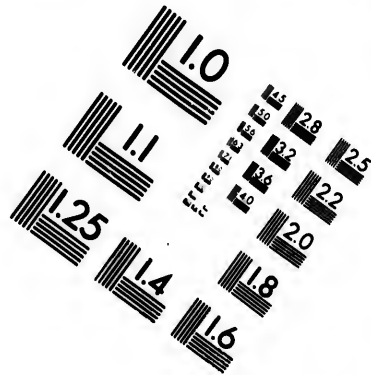
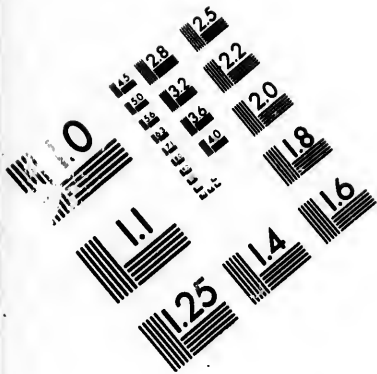
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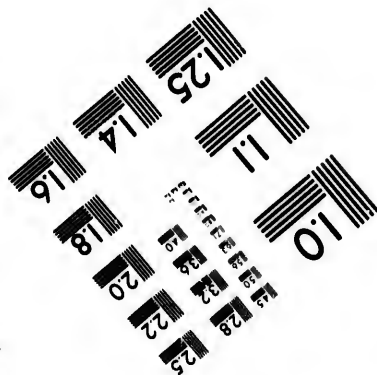
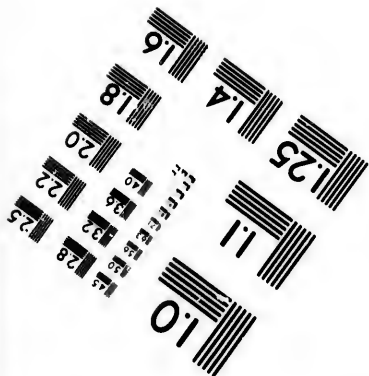
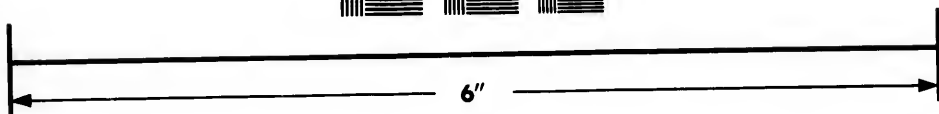
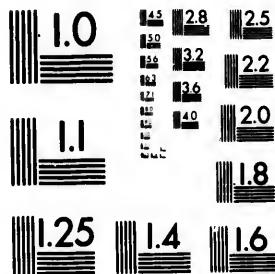
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If any person does or commits any of the following acts:

- (1) Wilfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted, the said Board or their engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or

**Interfering with Park Commissioners or their Officers or Servants.**
- (2) Wilfully and maliciously lets off or discharges any water so that the same runs waste and useless from or out of any reservoir, pond, or lake connected with any such park; or

**Discharging Water from Lakes and Ponds.**
- (3) Causes any dog or other animal to swim in the water, or throws or deposits any injurious nuisance or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way fouls the water, or commits any unlawful damage or injury to the works, pipes, or water, or encourages the same to be done; or

**Fouling Lakes or Ponds.**
- (4) Wilfully or maliciously injures, hurts, defaces, tears, or destroys any ornamental or shade tree or shrub, or other plant, or any statue, fountain, vase, or fixture, or ornament, or utility, in any street, avenue, drive, park, or other public place under the control of any such Board, or wilfully, negligently or carelessly suffers or permits any horse or other animal driven by or for him, or any animal belonging to him, or in his custody, possession, or control, and lawfully on the street or other public place, to break down, destroy or injure any tree standing for use or ornament in any such public park or place; or

**Injuring Trees or Park Property.**
- (5) Wilfully or maliciously injures, hurts, or otherwise molests or disturbs any animals, birds, or fish kept in any such park, or in the lakes or ponds therewith connected—1889, c. 40, sec. 47, sub-sec. 142B.

**Injuring Animals, Birds, &c.**
- (6) Any person who is adjudged guilty of any offence within the meaning of the foregoing sub-sections shall be liable to a penalty of not more than fifty dollars, or

in default of payment thereof not more than two months' imprisonment, with or without hard labour—1891, c. 72, sec. 30.

**Caretaker and  
Park Police.**

123. It shall be the duty of the Board of Commissioners of Police of the city, upon the request of the Board of Park Commissioners, to detail for service in any of the public grounds under the care of the Board of Park Commissioners so many of the Police force as the Board of Police Commissioners may deem necessary to maintain order and protect property therein ; and any policeman on duty in the grounds may remove therefrom any person guilty of a violation of any of the provisions of this Act, or of any of the rules and regulations established by the Board—1889, c. 40, sec. 47, sub-sec. 142C.

**Protection of  
Park Officials.**

124. The Board of Park Commissioners, and the officers thereof, shall have the like protection in the exercise of their offices and the execution of their duties as Justices of the Peace have under the laws of this Province ; and the watchmen and other officers of said Board, when in the discharge of their duties, shall be ex-officio possessed of all powers and authorities of constables—1889, c. 40, sec. 47, sub-sec. 142D.

**Limitation of  
Actions for  
anything done  
under this Act.**

125. Any action against any person for anything done in pursuances of this Act shall be brought within six months next after the Act committed : or in case there shall be a continuation of damages, then within one year after the original cause of action first arose—1889, c. 40, sec. 47, sub-sec. 142E.

**Money must be in  
Treasury before  
By-Law passed  
for Expenditure.**

126. 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.

**Council to be  
considered as  
always existing.**

127. The Council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same ; and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a Council, every Council may take up and carry on to completion all by-laws, reports and proceedings which had been begun or have been under consideration by the Council either in the

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then next preceding year or subsequent or prior thereto ; and it shall not be necessary to begin de novo with any by-law, proceeding, report, matter or thing entertained by the Council in such preceding year, or subsequent or prior thereto as aforesaid—1890, c. 68, sec. 5.

128. Whenever the Council has authority to direct by by-law or otherwise that any matter or thing should be done by any person or corporation, the Council may also by resolution 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 in default ; and 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—1891, c. 72, sec. 29.

#### QUASHING BY-LAWS.

129. 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 Vancouver, 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. In the case of any application under this section, the Judge shall have power, if in his discretion he sees fit, to order the applicant to give security for the costs of and incidental to the application for and all proceedings under the said rule—1895, c. 68, sec. 35.

Quashing By-Laws.

130. 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—1895, c. 68, sec. 36.

Time in which application to be made.

**Quashing By-Laws obtained by Bribery, &c.**

131. 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—1886, c. 32, sec. 146.

**Procedure in such case.**

132. 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 enquiry 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 enquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said Judge—1886, c. 32, sec. 147.

**Inquiry by Judge**

**Judgment.**

133. 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 enquiry, 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 enquiry is directed; but if the matter is not prosecuted to the satisfaction of the Judge, he may remove the stay of proceedings—1886, c. 32, sec. 148.

**Costs.**

**Stay of Proceedings on the By-Law.**

**Appeal.**

134. 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, provided the appellant gives security to the Registrar of the Supreme Court for the costs of such appeal in the event of the appeal being dismissed—1895, c. 68, sec. 37.

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## MEETINGS OF AND PROCEEDINGS AT COUNCIL.

135. 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.

(1) The Mayor and members of the Council, and the subordinate officers of the city, may make declaration of office and qualification before any Justice of the Peace having jurisdiction in the City of Vancouver, or before the Clerk of the Council :

Declarations of Office.

(2) 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.

(3) 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.

(4) 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.

(5) The Council may by by-law make any regulations for the procedure and conduct of the business which they may think desirable.—1895, c. 68, sec. 38.

Council to regulate procedure by By-Law.

## REMUNERATION OF MAYOR.

136. The Mayor shall be chief executive officer of the Corporation, and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force ; to inspect the conduct of all subordinate officers in the government thereof, and, so far as may be in his power, to cause all negligence,

Remuneration of Mayor

carelessness, and positive violation of duty to be duly prosecuted and punished ; and to communicate from time to time to the Council all such information, and recommend such measures within the powers of the Council, as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornaments of the municipality; and the Council may by by-law fix a sum not exceeding two thousand dollars to be paid to the Mayor annually—1886, c. 32, sec 151 ; 1889, c. 40, sec. 48.

#### TREASURER.

Treasurer to be appointed.

137. The Council shall appoint a Treasurer—1887, c. 37, sec. 23.

Duty of Treasurer to receive and disburse all Moneys.

(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 City Council, on warrant signed by the Mayor and City Clerk :

To keep an account of all Moneys paid out and received.

(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 thereof, the time when, and to whom paid—1889, c. 40, sec. 49.

Treasurer to deposit in Bank daily.

(3) The Treasurer shall daily (Sundays excepted) deposit, or cause to be deposited, all moneys belonging to the city in some bank to be designated by the Council—1895, c. 68, sec. 39.

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 :

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- (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 : On leaving office to hand over all Books, Papers, &c
- (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 : Report to the first regular meeting.
- (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 an unexpended balance to the credit of the fund properly chargeable therewith. All payments made on account of pay rolls shall be made by the Treasurer after the same have been audited by the accountant or comptroller and placed in his hands therefor—1895, c. 68, sec. 40. Disbursement of Municipal Funds.
- (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 enter 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 on him by this Estimates of Expenditure for the current Year.
- Statement of all Contracts made.

Liabilities.

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 :

Accountant or Comptroller to be appointed.

- (11) There shall be appointed an officer, to be known as the Accountant or Comptroller of the city, who shall perform such duties as Accountant or Comptroller thereof as may be prescribed in the Procedure By-Law of the city, and the Council may, in fixing the duties to be so performed by said Accountant or Comptroller, direct that he shall perform such and so many of the duties of the Treasurer and City Clerk, respectively, as shall be defined in said by-law, anything contained in the "Vancouver Incorporation Act, 1886," and amending Acts to the contrary, notwithstanding—1886, c. 32, sec. 152 ; 1887, c. 37, sec. 23 ; 1889, c. 40, sec. 49.

#### OFFICERS OF THE CORPORATION.

Appointment of Officers.

138. The Council shall appoint such officers, by resolution to be entered on the minutes, 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—1886, c. 32, sec. 153 ; 1889, c. 40, sec. 50.

Office to be held during good behaviour, and subject to Three Months' Notice.

139. Any person holding any office to which he has been properly appointed by the Council shall hold the same during good behavior and efficiency, and notwithstanding any contract or agreement to the contrary, the Council or the employee may terminate any engagement by giving to the other one month's notice in writing—1886, c. 32, sec. 154 ; 1887, c. 37, sec. 24 ; 1892, c. 62, sec. 17.

Duties to be defined by By-Law.

140. 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 define ; provided, however, that no by-law shall alter any of the duties imposed by this Act—1886, c. 32, sec. 156.

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141. 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 of April, except on Saturdays, when the hours shall be from 9 o'clock a. m. to 1 o'clock p. m.—1886, c. 32, sec. 157.

Office Hours.

142. 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—1886, c. 32, sec. 158.

Security to be given by Officers.

143. 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 from 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—1886—, c. 32, sec. 159.

All Moneys received by City Officials to be paid each day to Treasurer.

Receipts for Moneys received or paid.

#### APPROPRIATIONS.

144. 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—1886, c. 32, sec. 160.

No appropriation beyond Cash in hand.

145. 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—1886, c. 32, sec. 161.

Warrants for payment of City Funds.

Unadjusted and  
audited Accounts

146. 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—1886, c. 32, sec. 162.

#### ACTIONS AND JUDGMENTS AGAINST THE CITY.

Enforcing Judgments against  
the City.

147. 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 Vancouver 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 Return thereof to the  
Sheriff.

Sheriff to Pay  
Over-Plus, if any,  
to Treasurer.

(1) Any amount remaining in the possession of said Sheriff of the said special rate (levied and collected as herein-

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before provided), after payment of the said judgment or judgments, and all legal costs connected therewith, shall be forthwith paid by him to the Treasurers 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 :

- (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—1886, c. 32, sec. 163.

Sheriff's Costs,  
&c., may be  
Taxed.

No Execution  
until after 20  
Days.

147A. In case an action is brought against the Corporation to recover damages sustained by reason of an obstruction, excavation, cellar, or opening under, in, or adjoining any street, lane, square, public highway, or bridge, placed, made, left, or maintained, by any person, persons, or body corporate, other than a servant or agent of the said City of Vancouver, the said city shall have a remedy over against the person, persons, or body corporate, and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the said city : Provided, nevertheless, that the said city shall only be entitled to the said remedy over against if the person, persons, or body corporate shall be made a party to the action, and if it shall be established in the action as against the person, persons, or body corporate that the damages were sustained by reason of an obstruction, excavation, cellar, or opening as aforesaid, placed, made, left, or maintained by the person, persons, or body corporate added as a party defendant or third party for the purposes thereof, if the same is or are not already a defendant or defendants in the action jointly with the said city ; and the said person, persons, or body corporate may

City's Remedy in  
Case of Action  
for Damages.

defend the said action as well against the plaintiff's claim as against the claim of the said city to a remedy over against, and the Court or Judge may, upon the trial of such action, order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein, as in other cases—1893, c. 63, sec. 17.

**Certain Actions  
Against the City  
to be Commenced  
Within One Year.**

147B. All actions or suits for indemnity for any damages or injuries sustained by reason of any neglect of duty by the city shall be commenced within one year after the cause of such action shall have arisen, but not afterwards—1895, c. 68, sec. 41.

147C. Where a solicitor or counsel is employed by the Council, whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall notwithstanding, have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary.

#### PRINTING, STATIONERY, AND SUPPLIES.

**Tenders for  
Printing to be  
Called for  
Annually.**

148. It shall be the duty of the City Clerk, on or before the first day of January in each and every year, to advertise for tenders for all printing and blank work of any kind and description; and such tenders when received shall be opened by the City Clerk subject to such restrictions as the Council shall determine, who shall report the same to the Council, designating the lowest responsible bidder or bidders; and the Council may enter into contract with the said lowest bidder, or bidders, as the Council may direct; such contract or contracts being subject to the approval of the Council—1886, c. 32, sec. 164.

**Requisitions for  
and Purchase of  
Stationery Sup-  
plies.**

149. The City Clerk shall order and purchase all supplies, so far as the same relate to paper, envelopes, stationery, sundries, and miscellaneous supplies, and he shall issue the same upon the written requisition of the several boards and heads of the city government. He shall keep a record of all such purchases and requisitions in a book provided for that purpose, and shall make therefrom a semi-annual report, in detail to the Council. A transcript of all bills for printing,

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stationery, and blank work of every description used in the several departments, shall be filed with the City Clerk, who shall enter the same upon the record and include the same in his report as herein provided—1886, c. 32, sec. 165.

150. No officer or head of any department of the City of Vancouver shall order printing done, or supplies of any kind provided in this Act; and no claim for such printing and supplies shall be paid unless it is incurred according to the provisions of this Act—1886, c. 32, sec. 166.

City Clerk to  
Order all  
Supplies, &c.

151. No officer, department, or head of any department of the city, shall be permitted to order any annual reports or statements printed at the expense of the city, except by order of the City Council—1886, c. 32, sec. 167.

Annual Reports  
Printed by Order  
of Council Only.

152. No bills for printing and supplies, as are contemplated by this Act, shall be allowed unless they are contracted for under the provisions of this Act—1886, c. 32, sec. 168.

Bills for Printing  
and Supplies  
Otherwise  
Ordered not to  
be Paid.

153. All bills contracted for under the provisions of this Act, before they are paid, shall have the endorsement of the City Clerk—1886, c. 32, sec. 169.

All Bills to be  
Certified by  
Clerk.

#### LICENSING (LIQUOR).

154. The Licensing Board of the City may from time to time, by resolution of a majority of their number, pass by-laws for defining the conditions and requirements to obtain hotel licenses for the retail within the city of spirituous, fermented, or other intoxicating liquors, shop licenses for the sale within the City of such liquors in shops or places of public entertainment, and also wholesale licenses 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 Vancouver without first having obtained a license therefor from the proper officer or officers whose duty it may be to issue the said license or licenses, and for limiting the number of licenses for hotels, shops, and saloons to be issued in the City, and for regulating and cancelling of licenses before the expiry of the time for which such licenses were

By-Laws for  
Licenses.

And for imposing  
Penalties for  
Selling Liquor  
Without License.

issued, and for appointing inspectors or such other officers as the Board may deem necessary for the efficient regulating of houses of entertainment or other places for the sale of liquor, and for the efficient regulating and governing of hotels, shops, saloons, and places for which licenses 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: Provided this section shall not be construed to empower the Board to pass any by-law to regulate the fees or duties upon any license for the sale within the City of spirituous or other intoxicating liquors to be paid to the Corporation. Any by-laws passed by the Board under this section shall have the full force and effect of City by-laws, and as if they had been passed by the Council under the powers conferred on them to pass by-laws in the said "Incorporation Act, 1886," or any amendments thereto: Provided that any by-laws passed hereunder shall not come into effect until 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. In and by any such by-laws the Licensing Board may impose penalties for the infraction thereof, which shall be recoverable in the same manner as penalties for the infraction of any by-laws passed by the Council of the City—1893, c. 63, sec. 24.

Prohibits Sale of  
Liquor During  
Election,

154A. No sale or other disposal of liquors shall take place in any hotel or saloon licensed for the sale of intoxicating liquors, on any polling day for any civic election between the hours of nine in the morning and six in the evening—1893, c. 63, sec. 24.

#### POLICE COMMISSIONERS

155. The Council shall, annually by resolution, appoint from amongst their number a Board of Police Commissioners for the city, and by by-law define and limit the powers and duties of the said Board—1890, c. 68, sec. 7; 1891, c. 72, sec. 34.

156. The first appointment by by-law referred to in the preceding section shall be made immediately after the passing of this Act, and thence annually thereafter—1890, c. 68, sec. 8.

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157. The Board of Police Commissioners, appointed by by-law as aforesaid, shall have the power to issue all licenses, other than liquor licenses, subject to the rules and regulations prescribed by the by-laws of the city ; and all licenses for the sale of intoxicating liquors shall be granted and issued by a Licensing Board which will consist of five members, of whom the Mayor or Acting Mayor shall be one, two persons who shall be elected by the voters in accordance with the provisions contained and in the manner directed for the election of Mayor, and two persons who shall be appointed by the Lieutenant-Governor in Council, on or before the 1st day of February in each year, any three of whom shall form a quorum which Board shall also have the power to transfer or revoke any liquor license—1890, c. 68, sec. 9 ; 1891, c. 72, sec. 33 ; 1892, c. 62, sec. 22 and 23.

Board of Commissioners of Police, of Whom Composed.

158. The members of the 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 Vancouver without fear, favor, 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.”—1886, c. 32, sec. 180.

Oath of Office.

#### POLICE MAGISTRATE.

159. Every Police Magistrate in and for the said City shall be appointed by the Lieutenant-Governor in Council, and shall hold office during pleasure ; and any such appointment may be cancelled by order of the Lieutenant-Governor in Council. The Lieutenant-Governor shall by an order in Council fix and may from time to time vary the salary to be paid to such Magistrate, and said salary shall be paid by the municipality.

159A. Every Police Magistrate appointed under this Act by the Lieutenant-Governor in Council shall, ex-officio, be a

Justice of the Peace for the Electoral District for which, or for part of which, he has been so appointed.

159B. The Police Magistrate, by virtue of his appointment as Police Magistrate, shall be a Stipendiary Magistrate for the jurisdiction in which he exercises the office of Police Magistrate, and shall have and exercise, within the City, all the lawful powers and authorities which are by law had and exercised by any Stipendiary Magistrate of this Province, and shall have full power to do alone whatever is authorized by any statute in force in this Province to be done by two or more Justices of the Peace; and every Police Magistrate shall have such power while acting anywhere within the Electoral District for which he is, ex-officio, a Justice of the Peace.

159C. In case of the illness or absence, or at the request of the Police Magistrate, any two or more Justices of the Peace may act in his place in any matter within the jurisdiction of the Police Magistrate, and such Justices of the Peace, or a majority of them, shall in such case have all the powers which by any statute are given to Police Magistrates in the Province; but this section shall not be construed to prevent one Justice of the Peace from acting for a Police Magistrate wherever by law one Justice of the Peace has jurisdiction in that behalf.

159D. The following oath, and also the oath of allegiance, as set forth in Form B of the "Magistrates' Act," shall be taken by the Police Magistrate, and the same may be taken before any Justice of the Peace, who is hereby authorized to administer the same:—

I, \_\_\_\_\_, swear that, as Police Magistrate for the Municipality of the City of Vancouver, in the Province of British Columbia, in all articles in the Queen's Commission to me directed, I will do equal right to the poor and to the rich, after my cunning, wit and power, and after the laws and customs of the realm and statutes thereof made, and that I will take nothing for my office of Police Magistrate to be done but of the Queen, and fees accustomed, and costs limited by statute. So help me God.

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(Signature of Police Magistrate.)

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159E. Every oath of office or allegiance taken by a Police Magistrate shall forthwith, after the same is taken, be transmitted or delivered by the Police Magistrate to the Provincial Secretary, who shall file the same among the records of his office.

159F. The Police Magistrate, and no partner or clerk of his, shall act as solicitor, agent, or counsel in any cause, matter, prosecution or proceeding of a criminal nature; nor shall such Police Magistrate, partner or clerk, act as aforesaid in any case which by law may be investigated or tried before a Magistrate or Justice of the Peace.

159G. The Council of the City shall establish therein a police office, and the Police Magistrate shall attend at such police office daily, or at such times and for such period as may be necessary, for the disposal of the business brought before him as a Justice of the Peace.

159H. The Clerk of the Council, or such other person as the Council may appoint for that purpose, shall be the clerk of the police office thereof, and perform the same duties and receive the same emoluments as Clerks of Justices of the Peace; but in case the said Clerk is paid by a fixed salary, the fees received by him as such Clerk shall be paid by him to the City, and form part of its funds. In the absence of a Clerk the Police Magistrate may act without one, or may appoint any person to act temporarily as Clerk.

159I. No Justice of the Peace shall admit to bail or discharge a prisoner, or adjudicate upon or otherwise act in any case for the city, except in the case of the illness, or absence, or at the request of the Police Magistrate—1898, c. , sec. 6.

160. The Council may appoint a Police Court Clerk and define his duties and salary—1895, c. 68, sec. 42.

Appointment of  
 Police Court  
 Clerk.

161. 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

Mayor to be Ex-  
 Officio Justice of  
 the Peace.

**Jurisdiction over  
Certain Offences.**

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—1886, c. 32, sec. 188.

**Offender may be  
Convicted on  
Evidence of One  
Credible Witness**

162. 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—1886, c- 32, 191.

**Distress for  
Penalty.**

**Commitment if  
no Distress  
Found.**

163. 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 labor—1886, c. 32, sec. 192.

**All Fines to go to  
the City.**

164. All pecuniary penalties levied under this Act shall go to the Corporation of the city—1886, c. 32, sec. 193.

**Keeper of  
Licensed House  
may be Sum-  
moned for Dis-  
orderly Conduct  
Therein.**

165. 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 license or suspend the same for not more than one hundred days, with or without costs, as in their discretion may seem just—1886, c. 32, sec. 194.

**Cancelling, &c.,  
License.**

**Custody of Per-  
sons Committed  
by Mayor or Pol-  
ice Magistrate.**

166. The gaoler of the district shall be bound, and he 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, and the city shall pay to the Province, or other duly constituted authority having

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jurisdiction, such compensation therefor, and for the care and maintenance of persons, as may be mutually agreed on, or be fixed by the Lieutenant-Governor in Council in case of disagreement—1886, c. 32, sec. 195.

167. 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—1887, c. 37, sec. 30.

EXPROPRIATIONS.

168. The Council of the City of Vancouver shall have full power and authority to order by by-law the opening, extending or widening of streets, lanes, public places, squares, and highways, or the construction of a public wharf or wharves, reservoir or reservoirs, 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 benefitted 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, squares, markets or other public places, or for continuing, enlarging 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 :

Power to Open, Extend and Widen Streets, &c., and Construct Buildings and Wharves.

- (1) All corporations or bodies, and all persons, guardians, executors, administrators, or trustees who are or shall be seized 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,

Trustees and Others Acting in a Representative Capacity may Sell and Convey to the City Land Selected for any of the Purposes Aforesaid.

but for and on behalf of the person whom they represent, or for whom, or in trust for whom, they are or shall be seized, or possessed, or interested, whether minors, lunatics, 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 Vancouver 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 toward those whom they represent, as regards the purchase money or compensation of such sale or conveyance :

City not to be Responsible for Application of the Purchase Money.

Compensation for Damages.

- (2) The Council shall make to the owners or occupiers of or other persons interested in, real property, entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of any of its powers, due compensation for any damages (including the cost of fencing when required), necessarily resulting from the exercise of such powers, and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under the following sub-sections :

Appointment of Arbitrators to be in Writing.

- (3) The appointment of all arbitrators shall be in writing under the hand of the appointers and under the Corporate Seal of the Corporation :

Either Party may Appoint Arbitrator.

- (4) Either party may appoint an arbitrator and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given ; the notice to be given to the Council shall be given to the City Clerk :

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- (5) The two arbitrators appointed by or for the parties shall, within seven days from the appointment of the lastly named of the two arbitrators, appoint in writing a third abritrator : **Thlrd Arbitrator**
- (6) If for twenty days after having received a notice to appoint an abritrator, the party notified omits to appoint an arbitrator, or if for seven cays after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, the Judge of the County Court having jurisdiction in the city, may appoint an arbitrator for the party in default, or a third arbitrator as the case may require : **In Default of Appointment of Third Arbitrator Judge to Appoint**
- (7) The arbitrators shall make their award in writing within one month after the appointment of the third arbitrator, or within such further time as a Judge of the Supreme Court, on cause shown, may decide : **Arbitrator's Award,**
- (8) No officer or person in the employment of the city, nor any person interested, shall be appointed or act as arbitrator under this Act : **Who may be Arbitrators.**
- (9) The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing : **Meeting of Arbitrators.**
- (10) The arbitrators shall have power, by writing, signed by any one of them, to summon before them any witness or witnesses which either party to the said reference may desire to call, and to examine the said witnesses upon oath or solemn affirmation to be administered by any of the said arbitrators, and to order the production before them of any books, documents, accounts, vouchers, papers and memoranda of any description which they may deem necessary for the purposes of the said reference : **Power to Summon Witnesses.**
- (11) The arbitrators shall have the power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may **Costs.**

either direct the payment of any fixed sum, or that the costs should be taxed on either the scale of the County Court or Supreme Court of British Columbia :

**Decision of  
Majority Final.**

(12) In case of a difference between the arbitrators the decision of the majority of them shall be conclusive :

**Legal Tender of  
Amount of  
Award Entitles  
Corporation to  
Possession.**

(13) Upon payment or legal tender of the amount so awarded or agreed upon to the person entitled to receive the same or upon payment to the Supreme Court of British Columbia of the amount of such compensation the award or agreement shall vest in the Corporation power forthwith to take possession of the lands, the subject of the award or agreement, and if any resistance or forcible opposition is made by any person to its so doing, a Judge of the Supreme Court of British Columbia or County Court having jurisdiction in Vancouver may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district to put down such resistance and to put the Corporation in possession :

**Award to be  
Deemed the Title  
of the Corpora-  
tion.**

(14) If the Council has reason to fear any claims or incumbrances, or if any person to whom the compensation is payable refuses to execute the proper conveyance, or if the person entitled to claim the same cannot be found, or if for any other reason the Council deem it advisable the Council may pay such compensation in to the Registrar of the Supreme Court of British Columbia or County Court, and may deliver to such Registrar an authentic copy of the conveyance, or award, or agreement, and such award or agreement shall thereafter be deemed to be the title of the Corporation to the land therein mentioned :

**Assessments  
under this Sec-  
tion to be made  
in Same Manner  
as Ordinary  
Assessments.**

(15) 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—1886, c. 32, sec. 199; 1891, c. 72, sec. 31; 1892, c. 62, sec. 18.

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LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS  
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169. The Council may pass, repeal, alter, and amend  
by-laws :—

Council may Pass  
By-laws—

- (1) For assessing and levying, by means of a special rate, the cost of deepening any stream, creek or water-course, and draining any locality, and making, enlarging or prolonging, or altering, macadamizing, grading, leveling, paving, or planking any street, lane, alley, public way or place, or any sidewalks, or any bridge forming part of a highway therein, or curbing, sodding, or planking any street, lane, alley, square, or other public place, or re-constructing as well as constructing any work hereby provided for :
- Special Rate for  
Certain Purposes
- (2) Nothing contained in the preceding sub-section shall be construed to apply to any work of ordinary repair or maintenance, but all works constructed under the said preceding sub-section shall thereafter be kept in a good and sufficient state of repair at the expense of the Corporation :
- Corporation to  
Keep Works in  
Repair.
- (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 Regulating  
Time and Manner  
of Levying and  
Paying Assess-  
ment.
- (4) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon the street or place whereon or wherein such improvements or work is proposed to be done or made, and subject to the provisions following, namely :—
- Special Rate.

That not more than two-thirds of the total costs of such improvements be assessed and levied on the real property so fronting and the remainder of the cost thereof be borne and paid by the city :

(4A) For providing for the payment and recovery of all assessments or special rates or frontage tax levied under the "Vancouver Incorporation Act, 1886," and amending Acts, and in default of payment thereof by the person, persons, or body corporate liable to pay the same, by adding the amount thereof to the taxes for the financial year in which such rate or frontage tax shall have been assessed and levied. Any special rate so assessed and levied shall be dealt with in every respect as ordinary land or real property city taxes, and may be enforced and recovered in the same way, whether by sale of the land or real property upon which the same attached or by registration as a charge upon such land or real property or otherwise—1893, c. 63, sec. 19.

**For Carrying Out  
Improvements  
with Funds Pro-  
vided Therefor.**

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

**Power to Make  
Second Assess-  
ment.**

(6) If in any case the first assessment for any local improvement proves insufficient, the Council shall make a second in the same manner, and so on until sufficient moneys have been realized to pay for such improvements or works. If too large a sum shall at any time be raised, the excess shall be refunded rateably to those by whom it was paid :

**By-law for Bor-  
rowing Money  
must Provide for  
Repayment.**

(7) Every by-law for borrowing money for improvements, as in the preceding sub-sections provided, shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such by-law within the probable life of the work or improvements for which such debt has been incurred, as certified by the engineer or other proper officer, to be appointed by the Council for that purpose :

**By-law need not  
be Published.**

(8) No by-law passed by the Council under the provisions of section 200 (198 of Cons. Act) of the Act shall be required to be advertised or published by the said Council in any newspaper, but a written or printed, or partly written or partly printed, notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners, lessees,

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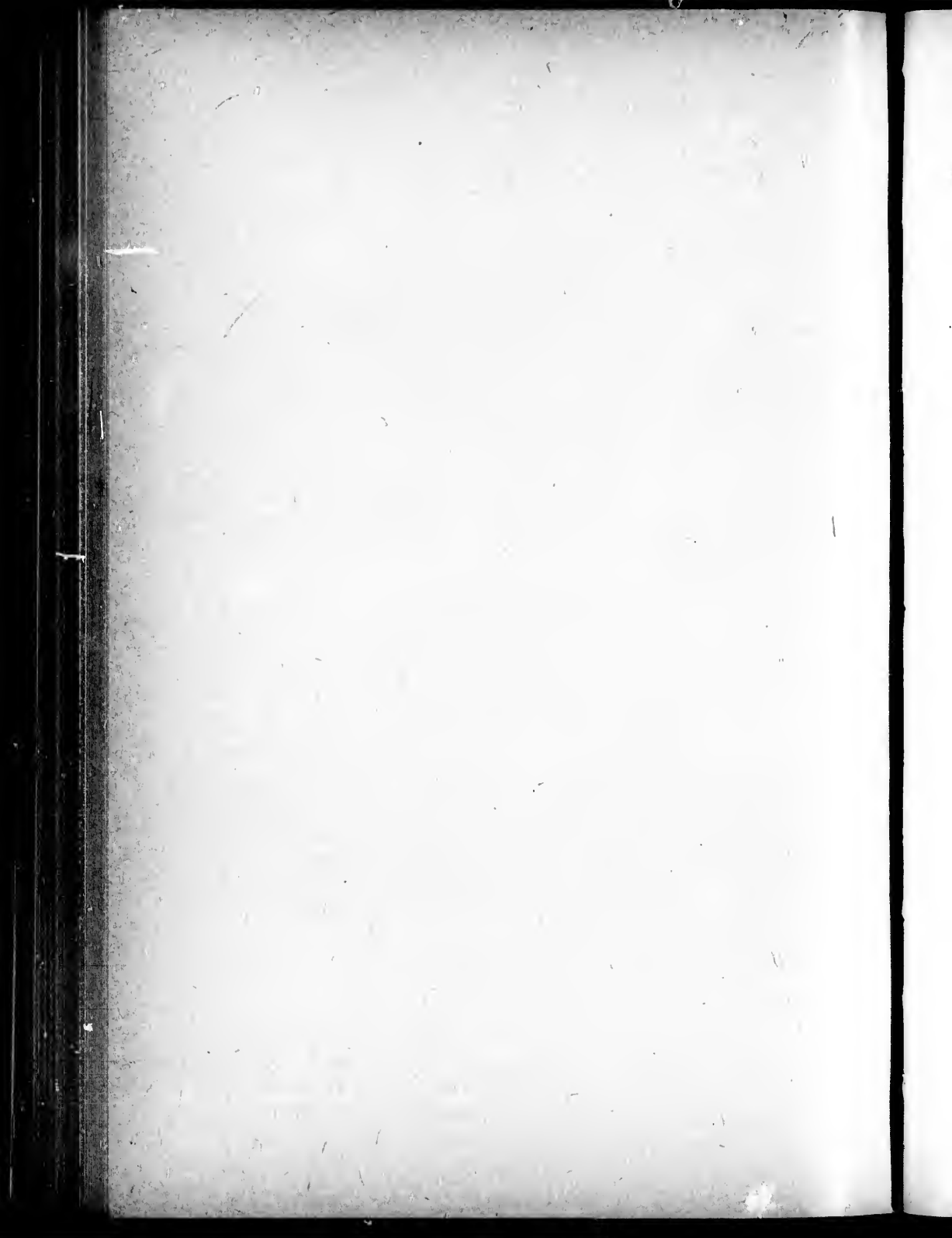
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and occupants, or the agents of the owners, lessees, and occupants of each parcel of real estate affected by such by-law :

- (9) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, the time and manner in which the same is payable, and shall be signed by the Clerk, or the Assessment Commissioner, or other officer to be appointed by the Council for that purpose, and be mailed to the address of the person entitled to notice, at least fifteen days before the day appointed for the sittings of the said Court, and ten days' notice shall also be given by publication in some newspaper, having a general circulation, of the time and place of the meeting of the said Court, which notice shall specify generally what such assessment is to be for, and the total amount to be assessed.
- (10) Where a by-law passed under the provisions of section 200 of this Act (sec. 198, Cons. Acts) provides, or is intended to provide, that the special rate assessed thereunder shall be a frontage rate, it shall not be necessary to comply with the provisions of sections 127 to 141 inclusive, of the "Vancouver Incorporation Act, 1886," or to advertise or publish the by-law, but it shall be sufficient if the by-law describe the street or place or part thereof, whereon or wherein the local improvement is to be made, by general description thereof, stating the points between which it is to be made ; and it shall not be necessary for such by-law to state the value of the real property rateable thereunder, or to impose a rate upon such real property, by any description other than that hereinbefore mentioned.
- (11) In cases to which the next preceding sub-section applies, the Council shall procure a measurement of frontage liable to the rate mentioned therein, and of the frontages exempt from taxation, and of the frontages of the several lots or parcels of land liable to

What Notice  
Must Contain.

Requisites of By-  
law Providing for  
a Frontage Rate.

Council to Pro-  
cure Measure-  
ment of Frontage

such rate, and shall keep a statement of the same open for inspection in the office of the City Clerk for at least ten days before the final passing of the by-law, and the Council shall also cause to be inserted in a public newspaper published within the city once a week for two successive weeks, a notice in the form following or to the like effect :—

Form of Notice.

“ Take notice that a by-law is intended to be passed by the City Council for levying a frontage rate to pay for the [describing the work] constructed (or made) or to be constructed (or made, as the case may be) on street between, [describing the points between which the work has been or is to be made or constructed] and that a statement showing the lands liable to pay the said rate and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the City Clerk, and is open for inspection during office hours. The estimated cost of the work is \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ is to be provided out of the general funds of the City. A Court of Revision will be held on \_\_\_\_\_, at \_\_\_\_\_, for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurement or any other complaint which persons interested may desire to make, and which is by law cognizable by the Court.

City Clerk.

Dated,

By-laws for  
Raising Money.

- (12) The Council may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works on the credit of the city, and it shall not be necessary to obtain the assent of the electors of the city to the passing of any such by-law under the provisions of the Act, any special or private Act in that behalf to the contrary notwithstanding: Provided always, that nothing in this section contained shall be construed as authorizing an extension of the general debt of the city, beyond the limits thereof fixed by any Act limiting the same :

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(13) It is hereby declared that the debentures issued under the Local Improvement By-Laws on the security of special assessments therefor shall form no part of the general debt of the city within the meaning of the sections 127 to 144, both inclusive, of the Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the city as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the city as therein set forth is exclusive of local improvement debts secured by special Acts, rates or assessments—1886, c. 32, sec. 200; 1891, c. 72, sec. 32.

Local Improvement Debentures

169A. When any assessment is made upon land or real property for the purpose of carrying on any work of local improvement under the authority of this Act, there shall be the same right of appeal from the Court of Revision to a Judge of the Supreme Court of British Columbia, or to a County Court Judge having jurisdiction, as is provided for in the case of the annual assessment upon land or real property for the purpose of a general taxation.—1895, c. 68, sec. 44.

Appeal in Cases of Local Improvement.

170. In cases where the Council decides to contribute to at least one-third of the cost of such improvement, it shall be lawful for said Council to assess and levy in manner provided in the preceding sections, from the owners of real property to be directly benefitted thereby the remaining portion of such cost without petition therefor, 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—1886, c. 32, sec. 202; 1892, c. 62, sec. 19.

When Council Decide to Contribute  $\frac{1}{3}$  of the Cost, they may Assess and Levy the Remainder without Petition Therefor, unless Petition Against Same.

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

Such By-laws do not Require Rate-Payers' 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.

Amount of Annual Rate.

(2) The total amount required to be raised annually by special rate for paying the debt and interest under the by-law.

Value of Property Rateable.

(3) Value of the whole real property rateable under the by-law as ascertained and finally determined as aforesaid :

The Annual Rate for Payment of Interest and Sinking Fund.

(4) The annual special rate on 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 respectfully become payable :

Security to be Special Rate only

(5) That the debt is created on the security of the special rate settled by the by-law, and on that security only—1886, c. 32, sec. 203.

By-laws for Works Payable by Local Assessments.

171A. In the matter of by-laws passed or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder and add to their commercial value, the Council may by by-law declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the Corporation at large—1893, c. 63, sec. 22.

Sections 160 to 172 not to Apply to works of Repair and Maintenance.

172. 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, macadamized, 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—1886, c. 32, sec. 204.

City to Maintain Streets and Sewers when Once Made.

Printed Copies of By-laws to be Prima Facie Evidence.

173. 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—1886, c. 32, sec. 205.

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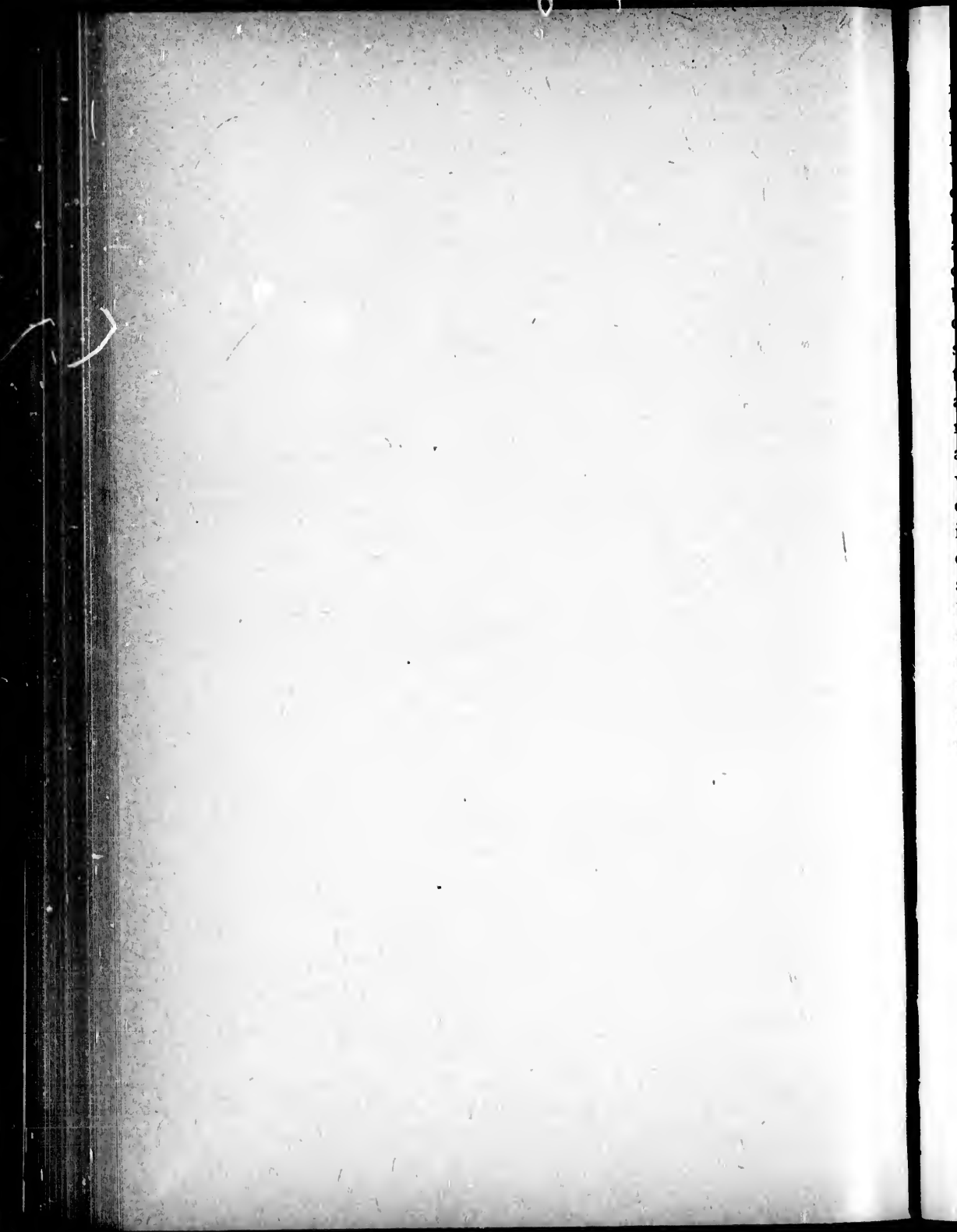
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174. No member or officer of the Council, and no member of the board organized under or in connection with the city government, pursuant to any law or by-law, shall, in his official capacity, or under colour of his office, knowingly or wilfully, or corruptly vote for, assent to, or report in favor 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 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 law or by-law; 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—1886, c. 32, sec. 206.

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.

Or to Assist in Disbursing City Funds for Purposes other than those for which the Same was Collected, &c.

Penalty.

175. Any person who shall violate any of the provisions of this, 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 labor, in the discretion of the convicting Magistrate) not exceeding six months—1886, c. 32, sec. 207.

Penalty for Violation of Act or By-laws where no Punishment Provided.

176. The annual salary of any officer of the city shall not exceed the sum of three thousand dollars—1886, c. 32, sec. 210; 1887, c. 37, sec. 28.

Annual Salaries Civic Officers not to Exceed \$3000.

Investigation by  
Judge, &c., of  
Charge of Mal-  
feasance by  
Municipal  
Officers.

177. 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 Vancouver, or the Police Magistrate for the City, 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 enquiry to be made into or concerning any matter connected with the good government of the City or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the said Judge or Police Magistrate to make the enquiry, the Judge or Police Magistrate shall enquire 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 or Police Magistrate 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 or Police Magistrate shall, with all convenient speed, report to the Council the result of the enquiry, and the evidence taken thereon—1886, c. 32, sec. 212.

Powers of Judge,  
&c.

All Streets,  
Squares, &c., to  
Vest in the City.

Excavations not  
to be made with-  
out Consent in  
Writing of City  
Engineer.

178. 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 whomsoever, except having first made application and received the permission of the City Engineer in writing—1886, c. 32, sec. 213.

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179. Every such public street, road, square, lane, bridge and highway shall be kept in repair by the Corporation—1886, c. 36, sec. 214. All Repairs to be Made by the City.

180. In case one-third of the members of the Council or one hundred duly qualified electors of the city petition for a Commission to issue under the great seal of the Province, to enquire into the financial affairs of the Corporation and things connect' 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—1895, c. 68, sec. 47. When a Commission of Enquiry into the Financial Affairs of the City may Issue.

181 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—1886; c. 32, sec. 216. Contracts, Notes, &c., how to be Executed.

182 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—1886, c. 32, sec. 217. Council may Hold and Dispose of Real Estate without its Limits.

183. All oaths of office omitted in this Act shall be the same as provided in the "Municipality Act, 1881," and amendments thereto—1886, c. 32, sec. 218. Oaths of Office.

184. 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 or for the maintenance of the city, pending the collection of taxes or the realization of debentures issued or to be issued, and may, pending the realization of debentures issued or to be issued, hypothecate, pledge, or mortgage the same for the repayment of any money so borrowed, and interest thereon—1886, c. 32, sec. 219; 1887, c. 37, sec. 31; 1893, c. 63, sec. 20. Council may Borrow Money for Ordinary Expenditure Pending Collection of Taxes.

**Council may Borrow Money for Ordinary Expenditure, Pending Collection of Overdue Taxes.**

184A. The Council may, by by-law, pending the collection of any overdue taxes, borrow for the purposes of ordinary expenditure from any chartered bank, person, or corporation, a sum of money not exceeding fifty per cent. of the aggregate amount of such overdue taxes, subject to the condition that the said taxes, as collected, shall be paid into the said bank, or to the said person or corporation, to a special fund or account to repay the sum so borrowed when due, and shall not be used for any other purpose: Provided, that it shall not be necessary for such by-law to receive the assent of the electors, notwithstanding the amount borrowed is not repayable within the same municipal year. The obligation to be given to the lender as security shall be defined in said by-law—1895, c. 68, sec. 48.

**Borrowing an amount equal to 75 per cent. of Sum Collected Previous Year, Subject as Follows:**

184B. For authorizing, under the following conditions, the borrowing from any person of such sum of money not exceeding, however an amount equal to 75 per cent. of the amount of taxes collected during the previous year of the sum that was levied that year by general and special rates upon land, improvements, or real property in the city, and bearing such rate of interest as may be requisite to meet the current legal expenditure and liabilities of the Corporation which become payable out of the annual revenue before the revenue for the year becomes payable by the taxpayers:

**Repayable in Same Year.**

(a) That the money so borrowed shall be repayable and repaid on or before the 31st of December in the calendar year in which it is so borrowed:

**Liability on Revenue for that Year:**

(b) That it, shall be a liability payable out of the municipal revenue for the current year:

**Obligation, by Whom Signed, &c.:**

(c) That the obligation given to the lender shall be in writing, signed by the Mayor and City Clerk, and shall bear the corporate seal:

**Particulars to be in By-law.**

(d) That the Council shall in the by-law have named the amount to be borrowed and the rate of interest not exceedable, the date on or before which the principal and interest shall be payable and the form of the obligation to be given as an acknowledgment of the liability—1895, c 68, sec. 48.

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184c. When the city shall have a sum of money on hand which has been borrowed for a special purpose by the authority of a loan by-law, and when the Council deems it undesirable to expend for such purpose the money borrowed, it shall be lawful for the Council to place before the ratepayers a by-law providing for the expenditure of such sum of money for some other purpose; and such by-law shall be subject to the provisions of this Act as to the passage of by-laws for creating debts, and provided, always, that the consent of the Lieutenant-Governor in Council shall be obtained to such by-law before the same shall come into effect—1895, c. 68, sec. 48.

Council may Submit By-law to Expend Money Borrowed for one Purpose on Another.

185. Nothing in this Act contained shall apply to, or affect, conflict or interfere with the Vancouver Gas Company, Limited Liability, or to the rights, powers, and privileges to be conferred upon the said Company by their Act of Incorporation—1886, c. 32, sec. 220.

Vancouver Gas Company's Rights and Privileges not Interfered with.

186. This Act may be amended at any subsequent session of the House of Assembly—1886, c. 32, sec. 221.

Act may be Amended by Legislature.

187. All by-laws of the Corporation 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—1886, c. 32, sec. 222.

By-laws to come into Force Seven Days after Publication.

188. Whenever the Council of the City of Vancouver 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 in default, and 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—1887, c. 37, sec. 32.

When Default Made in Complying with By-law Council may Direct Other Persons to Perform Work, &c., at Expense of Persons in Default.

189. Notwithstanding anything contained to the contrary in the "Municipal Causes Act," the provisions of that Act shall not apply to the City of Vancouver—1898, c. , sec. 8.

## INTERPRETATION CLAUSE.

Interpretation of  
Words.

190. 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 :

- " Council." (1) The word " Council " means the Council of the City of Vancouver :
- " Land,"  
" Real Property."  
" Real Estate." (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 building as to form in law a part of the realty, and all mines, minerals, and quarries in and upon the same :
- " Personal Estate."  
" Personal Property." (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 :
- " Highway."  
" Road."  
" Bridge." (4) The words " highway," " road," " bridge," mean respectively 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 Vancouver.
- " Corporation." (8) The word " corporation " means the Corporation of the City of Vancouver.
- " Judge." (9) Wherever the word " Judge " occurs in sections 42 and 43, and in any of the sections from 91 to 127 inclusive, it shall mean and include such other person as may be appointed by the Lieutenant-Governor in Council to perform the duties referred to in any or all of said sections—1887, c. 37, sec. 33.

## Short Title.

191. This Act may be cited as the " Vancouver Incorporation Act, 1886."

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## SCHEDULE A.

## FORM I.

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

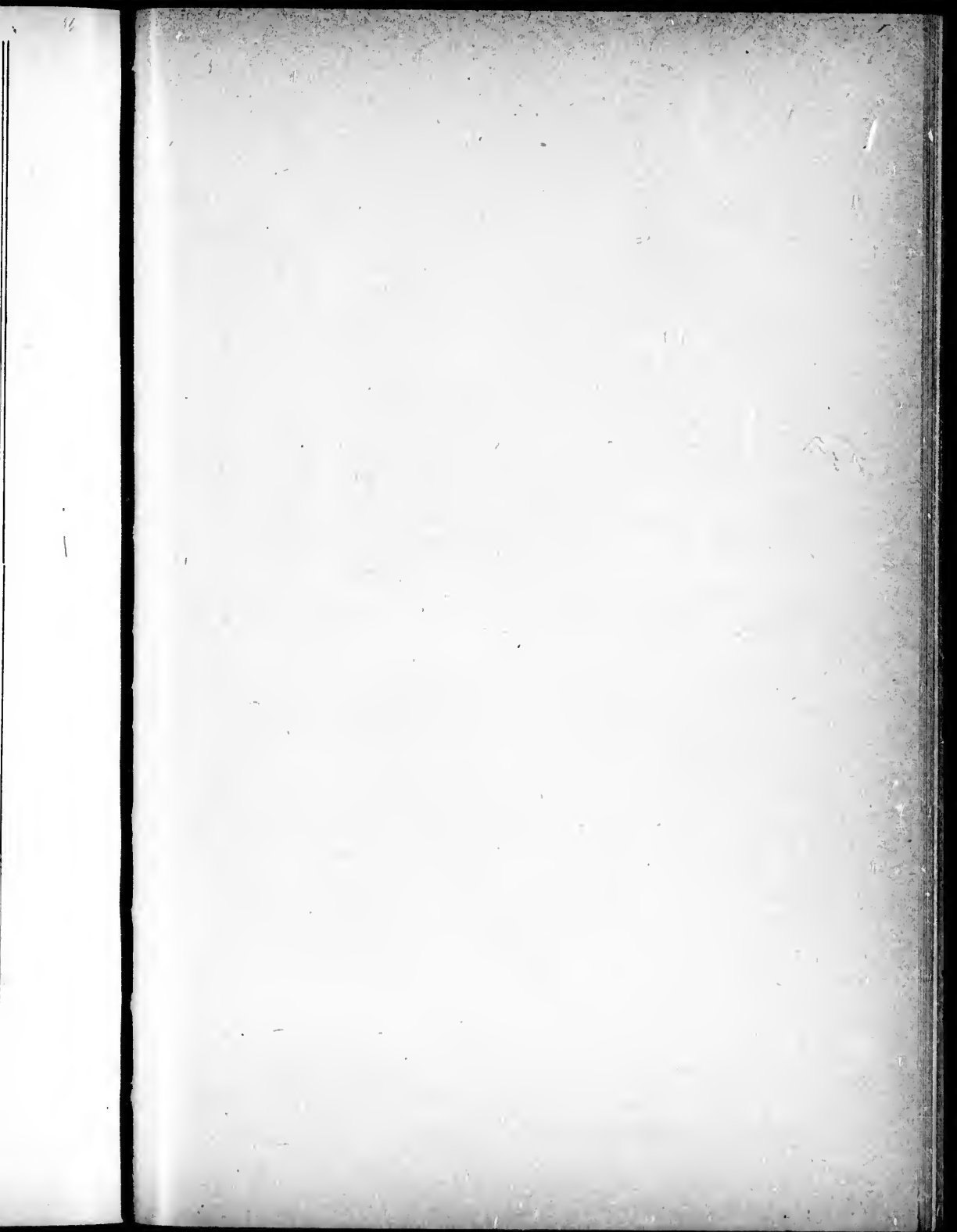
No. on Roll	Names.	Property.		Title.	Remarks.
		Lot.	Street or Block.		
6 25	James Brown.. John Smith.....	E. $\frac{1}{2}$ S.... W. $\frac{1}{2}$ 9...	Maria St Block C.	Owner... Tenant.	See Ward No. 3

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 Property.	Occupation	Address.	Owner.	Tenant.	Resident	Non-Resident	Occupant.	Religion.			Total Number of Household	Bull 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 District Lot.

CITY OF VANCOUVER.

Real and Personal Property.										Statute Labor		Rate of Tax on the Dollar.	Total Amount of Taxes.	Remarks.
No. of Block.	No. of Lot.	Size of Lot.		Frontage.	Depth.	Rate.	Value	Buildings and Improvements.	\$ Value of Real Property.	\$ Val. of Personal Property.	\$ Total Assessable Value.			







## FORM III.

To all whom these presents shall concern :

We, \_\_\_\_\_ of the  
 Esquire, Mayor, and \_\_\_\_\_ of  
 of \_\_\_\_\_ Esquire, Treasurer  
 of the City of Vancouver, 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 the 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 Vancouver, 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 the \_\_\_\_\_ 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 Vancouver, 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 Vancouver, 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,  
 E. S.,  
 City Clerk.

A. B., Mayor. }  
 C. D., Treasurer. }



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

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

Names of Persons	Grounds on which they are entitled to be on the Voters' List
James Tupper. ....	Tenant of John Fraser, of Lot 1, Block 10, Street
Simon Beauclerk ....	Owner in fee of Lot 4, Block 2, Street.
Angus Blain.. ....	Assessed too low—property worth \$

**LIST No. 2 (Showing Votes 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 Simon O'Connell &c., &c.

**List No. 3 (Showing Person 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.
John May .....	3	Tenancy expired—left the country.
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.
Roland Blue. ....	4	Should be described as owner, not tenant

## FORM VI.

To the Hon. Judge of, &c. :

The Clerk of the City of Vancouver 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 Vancouver.

## SCHEDULE.

1. Name of Complainant	2. Errors or Omissions Complained of.	3. State when Notice of Com- plaints received by Clerk.

## FORM VII.

To the Clerk of the City of Vancouver :

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.

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## FORM VIII.

To \_\_\_\_\_, Clerk of the City of Vancouver:

Upon reading your report and notification respecting the Voters' List for the said City of Vancouver for 18\_\_\_\_, pursuant to the statute in that behalf, I appoint the \_\_\_\_\_ 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 clause 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 Vancouver 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 the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

A. B.,  
Clerk of the City of Vancouver.

SCHEDULE.

Name of Party Complaining.	Name of Person in respect to whom appeal was made.	Grounds of Com- plaint 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 Vancouver, for 18 \_\_\_\_\_.

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

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

A. B.,  
*Clerk of the City of Vancouver.*

FORM XI.

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 Vancouver, 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 Honorable \_\_\_\_\_, 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 Vancouver, and  
Constituted Clerk of said Court.*

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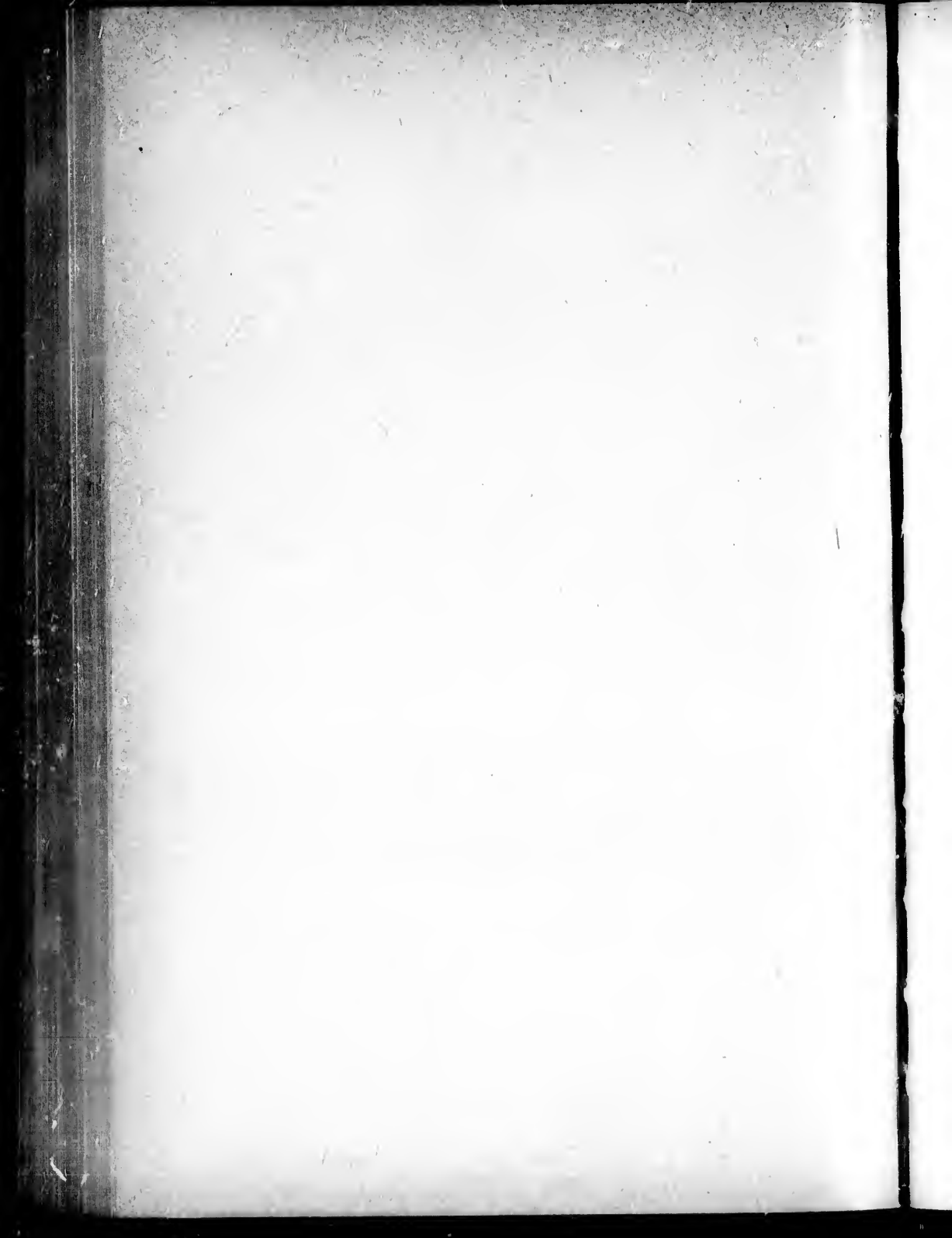
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## FORM XII.

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 Vancouver, will be held by the Judge at \_\_\_\_\_ on the day of \_\_\_\_\_ 18 , at \_\_\_\_\_ o'clock noon, and you are required to appear at the said Court, for that

\_\_\_\_\_ has complained that your name is wrongly inserted in the said Voters' List ("because," &c , *state matter of complaint concisely*). A list of all complaints lodged is posted up in

\_\_\_\_\_ ; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of the Honorable \_\_\_\_\_ Judge of the said Court.

To

Entered on the Voters' List.

A. B.

Clerk of the City of Vancouver, and  
constituted Clerk of said Court.

## FORM XIII.



British Columbia,  
District of New Westminster, }  
To Writ :

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

To

Greeting :

We command you that, all excuses being laid aside, you be and appear in your proper person before Our Judge of Our Court, at \_\_\_\_\_ , on the \_\_\_\_\_ day of \_\_\_\_\_ 18 , at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at the Court appointed, and there and then to be held, for hearing complaints of errors in the voters' list for 18 , of the City of Vancouver, and for revision of said voters' list,

\_\_\_\_\_ , then and there to testify to all and singular those things which you know in a certain matter (*or matters*) of complaint made and now pending before the Judge, under the voters'



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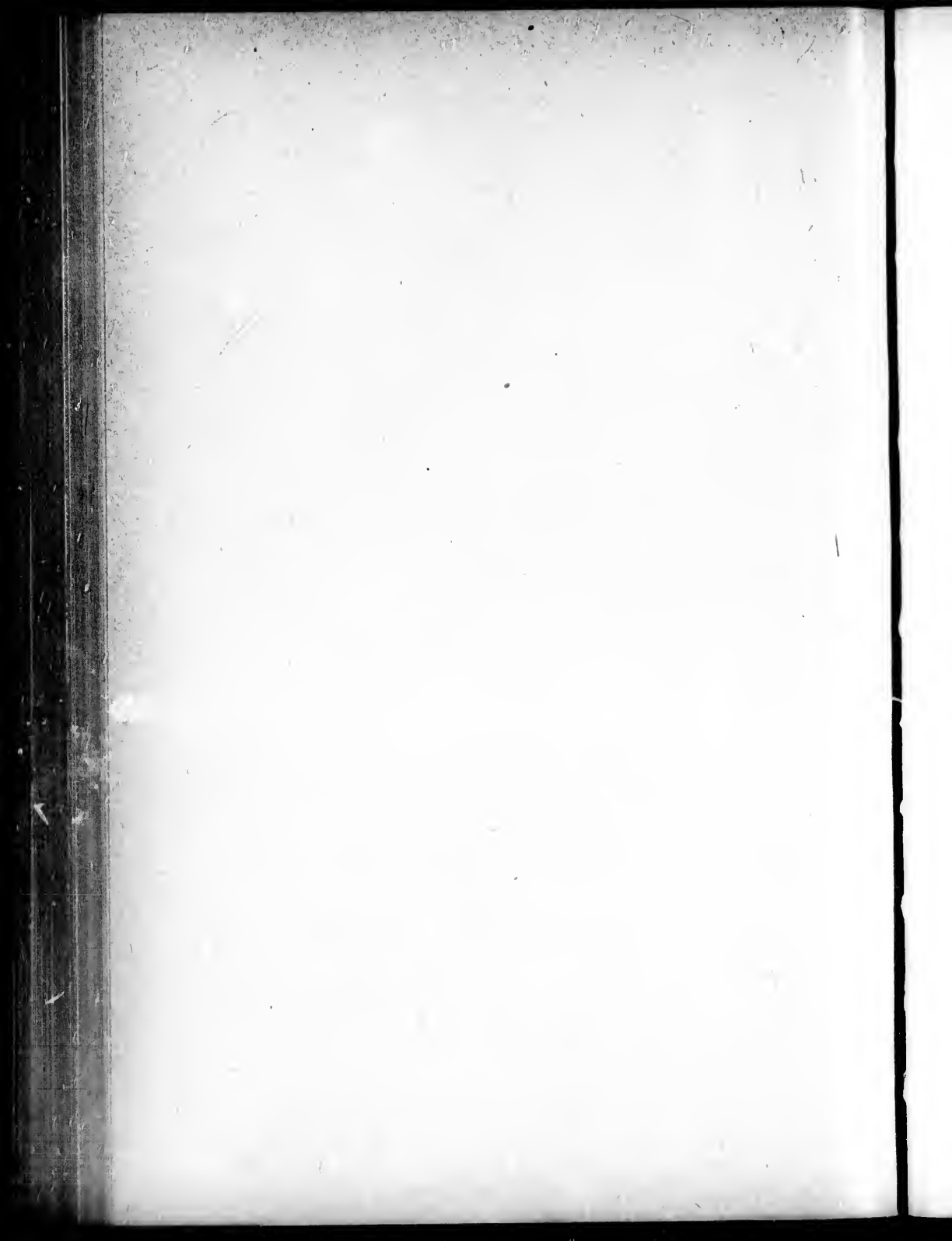
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2. The following persons are struck off the said list:—

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 Vancouver, 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 for the City of Vancouver for 18 \_\_\_\_\_, and of 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 said 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 that 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. C.* 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 of \_\_\_\_\_ 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 Vancouver 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 on record, and have that money before Our Judge of Our said Court at Vancouver aforesaid, immediately after the execution thereof, and in what manner you shall have executed this Our writ make appear to Our Judge aforesaid, at Vancouver 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 Vancouver.

The persons mentioned in the first column of the Schedule following not being assessed [or, not being sufficiently assessed], on the Assess-

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ment Roll of the City of Vancouver 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 said Schedule, respectively, opposite the respective names of said parties ; and it is ordered that the said parties shall be assessed accordingly.

Dated the day of 18 ,  
 .....  
 Judge.

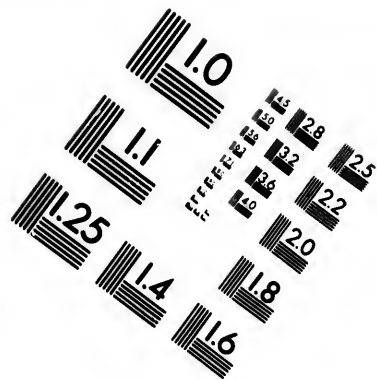
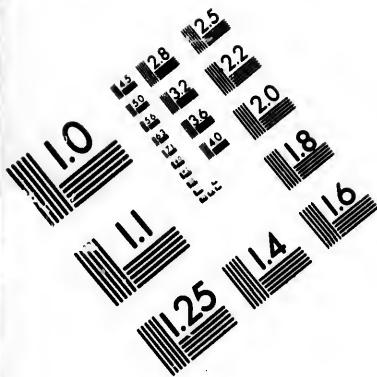
SCHEDULE I.

Column 1.	Column 2.	Column 3.
Names of persons liable to have been assessed on the Assessment Roll for the City of Vancouver 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.

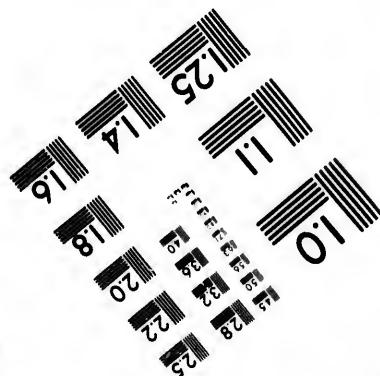
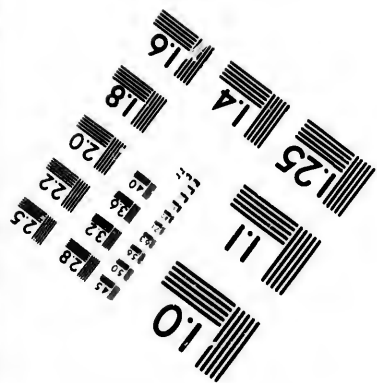
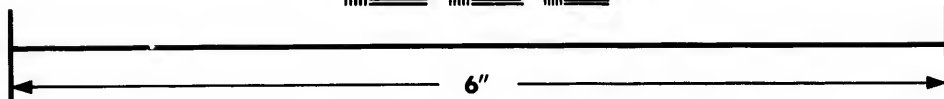
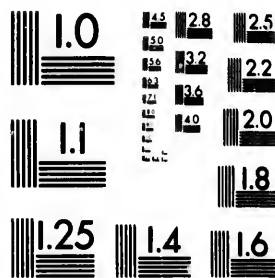
SCHEDULE 2.

Column 1.	Column 2.	Column 3.
Names of persons not sufficiently assessed on the Assessment Roll for the City of Vancouver 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.





**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N. Y. 14580  
(716) 972-4503



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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 for the  
 City of Vancouver"), hereby inform His Lordship the Judge of  
 that C. D., Clerk of the said City of Vancouver, 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 perform-  
 ance of the duties aforesaid, and to take such other proceedings as may  
 be necessary.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
 A. B.

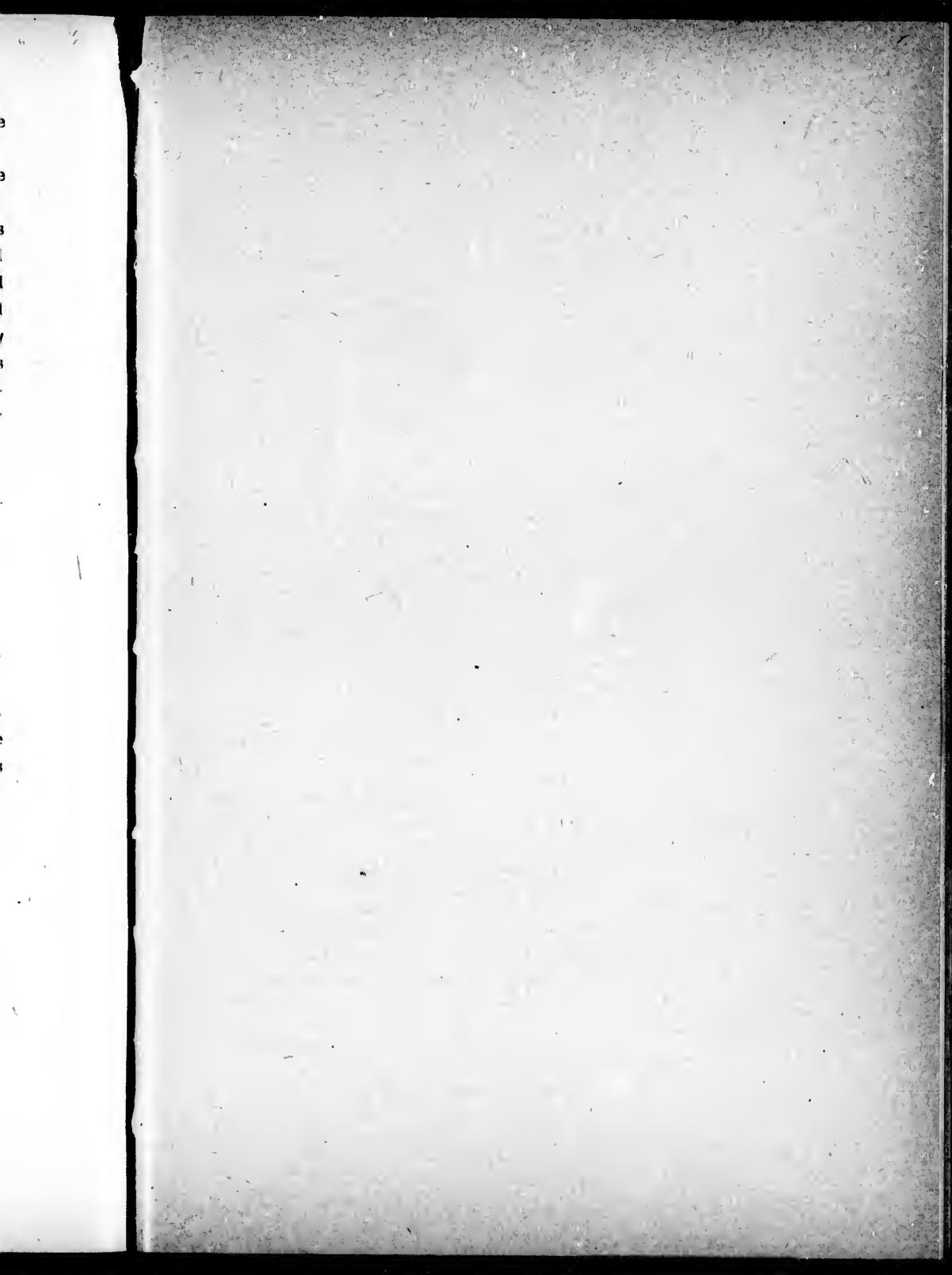
FORM XXI.

In the matter of the voters' list for the City of Vancouver 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 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 Vancouver.

.....  
 Judge.





# INDEX.

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	PAGE
Incorporation.....	3
City Boundaries.....	4
" Wards.....	5
Constitution of Council.....	5
Disqualifications.....	5-6
Qualification of Mayor and Aldermen .....	6
Electors :	
Qualifications.....	6
Disqualifications.....	7
Elections :	
Nomination Procedure.....	7
Election By-law .....	9
Election Procedure.....	10
Returning Officer.....	10
Ballots.....	10
Time for Polling.....	11
Oath to be administered to Voters.....	11
Ballot Boxes.....	10
Colour and Form of Ballot.....	13
Voting.....	13
Objections to Ballot Papers .....	15
Counting.....	14
Return by Clerk.....	15
Tie Vote.....	16
Inspection of Ballot Papers .....	16
Recount.....	16
Proceeding in case of Incapacity to mark Ballot Paper.....	17
Penalty for offences.....	17
Procedure at Polling Booths.....	17
Meetings of Council :	
First Meeting.....	18
Declaration of Office.....	19
Disqualifications of Mayor and Aldermen.....	20
Provisions for New Elections.....	20
Term of Office.....	21
Contested Elections :	
Provisions for Contesting Elections of Mayor and Aldermen.....	} ..... 21-23
Procedure on Contested Elections.....	
Powers of Judge .....	
Provisions if Election Invalid.....	
Powers of Clerk and New Election.....	
Corrupt Practices :	

Definition what practises deemed to be	
Corrupt.....	23-25
Effect of Corrupt Practises if proved .....	
Penalties.....	26
Provision for Enquiry.....	27
Power of Judge.....	27
Witnesses Attendance.....	27
Assessments .....	28-32
Commissioner and Assessor.....	28
Appointment of.....	
Assessor under control of Commissioner.....	28
Assessment Roll.....	28
Rateable Property, Valuation of.....	28
Estimate of value.....	28
Revision of Valuations.....	29
Notice of Assessments .....	29
Completion of Assessment Roll.....	29
Certificate of Assessment Roll.....	29
Duties of Assessor.....	30
Real Estate of Railway Companies .....	30
Assessment of .....	30
Inspection Assessment Roll .....	30
Duties of Parties Assessed .....	31
Penalty Non-fulfilment.....	31
Unoccupied Lands.....	32
Taxes :	
Levy of Taxes.....	32
Exemptions.....	32
Protection of Assessment.....	33-4
Court of Revision .....	34
Revision of Roll.....	34
Complaints.....	34
Hearing .....	34
Constitution of Court.....	35
Powers of Court .....	35
Roll Binding when Revised .....	35
Appeal from Court.....	35
Procedure and Practise.....	35
Levying Rate By-law .....	36
Collection of Rates.....	36
Tax Rolls Form, Etc.....	36
Arrears of Taxes.....	37
Collector and Roll.....	37
Powers and Duties of Collector.....	37
Recovery of Taxes by Sale or by Suit..	38
Disposition of Roll .....	38
Sale of Lands for Overdue Taxes.....	38
Power of Council .....	38
Provisions as to Sales.....	38
Court Order Confirming Sales .....	38
Redemption .....	39

Conveyance of Lands Sold .....	40
Purchased Estate .....	40
Provisions as to Surplus of Purchase Money on Sale .....	41
Who Rates Payable by.... ..	41
Proceedings for Unpaid Taxes ... ..	42
Provisions as to Charge on Land of Unpaid Taxes .....	42
Duties of Collector on being paid Taxes .....	42
Voters' Lists .....	43
Power of Clerk.... ..	43
Form of List .....	43
Provisions as to Making List .....	44
What to be Entered .....	44
Notices to be given of List .....	44
Revision of List .....	44
Appeal Provisions .....	45
Procedure .....	45
Hearing .....	46
Evidence .....	46
Powers of Judge .....	46
Alterations in List .....	47
Provisions as to finally Certifying to Lists .....	47
Provisions as to Costs on Hearing .....	49
Provisions as to Rectifying Lists .....	48
Penalties on Clerk on Failure of Duty .....	48
Penalties on Parties Wrongly Qualifying.. ..	49
Provisions as to Recovery of Penalties .....	52
Provisions as to Assessor making Assessments and Penalties .....	52
Power of Judge to make Rules of Procedure .....	53
By-laws requiring Assent of Electors .....	53
Who may Vote.... ..	53
Provision for List of Voters .....	54
Proceedings to obtain Assent of Electors... ..	54
Time of Voting... ..	54
Publication of Proposed By-Law.... ..	54
Poll and Procedure of Voting .....	54-5
Duty of Clerk to Count and make Returns. ....	55
All By-laws containing Debts to be Voted on .....	55
Provisions as to such By-laws .....	56
Recitals in By-Laws .....	56
Provisions as to Debentures issued under and repayment of same and interest... ..	56
Power to pass By-law reducing rate .....	58
Recitals necessary .....	58
Power Council to make anticipatory appropriations .....	58
Out of what funds .....	58
Recitals in such a By-law .....	59
Accounts to be kept by Council .....	60
Interest and Sinking Fund .....	60
Power to apply moneys .....	60
Power of Council to issue new debentures .....	62
To Purchase old.. ..	62

	PAGE
Investment of Sinking Fund .....	62
<b>Powers of Council to Pass By-laws</b>	
Lighting the City and Levying Rates for same .....	63
<b>For Government of City and Morality</b>	
<b>Encouraging Manufactures and Industries</b> .....	68
Nuisances .....	68
Health..... ..	69
Noises..... ..	69
Charity... ..	70
Streets.... ..	71
Officials of Corporation.... ..	71
Payment of Aldermen .. ..	71
Penalties.. ..	71
Fire, Prevention and Suppressing of .....	72
Liquor License Fees .....	76
Lodging Houses... ..	76
Licensing Trades and Occupations .....	76
Bousing Railways .....	80
Pound..... ..	82
Health..... ..	83
Markets.. ..	85
Real Estate of City .....	87
Drains .....	88
Sewerage .. ..	88
Houses .. ..	89
Street Railway..... ..	90
Streets.... ..	89
Disposing of Real Estate and Leasing Public Library .....	91
<b>Park Commissioners</b>	
Powers of and Duties .....	92
Meetings .....	92
Vacancies .. ..	92
Elections . .....	92
By-laws, Power to Pass.... ..	92
Caretaker .....	94
Park Officials .....	94
<b>Actions against City's Limitation</b> .....	94
<b>Expenditure of City Money</b> .....	94
<b>Term of Council</b> .....	94
<b>Powers of Council by By-law and Resolution</b> .....	95
<b>Quashing By-laws</b> .....	95
Procedure .....	96
Powers of Judges .....	96
Appeal from Decision of Judges .....	96
<b>Meetings and Proceedings of Council.....</b>	97
Provisions as to and Time .....	97
Declaration of Office .....	97
Rescission of previous action of Council .....	97
Contracts with Members of Council .....	97
Prohibiting Members Holding Offices .....	97
Power to pass By-laws regulating Business .....	97



	PAGE
Mayor, Remuneration .....	97
Duties.....	97-8
Treasurer.....	97
Appointment of .....	98
Duties .....	98
Estimates of Expenditure for year to be made by .....	99
Accountant or Comptroller .....	100
Appointment .....	100
Duties .....	100
Officers of Corporation .....	100
Appointment of .....	100
Duties Defined by By-law .....	100
Hours and Duties .....	101
Appropriations .....	101
Provisions as to ..	101
Payments by Warrants .....	101
Adjustment of Accounts .....	102
Actions and Judgments against the City .....	102
Enforcement of Judgments .....	102
Special Assessments .....	102
Duties and Powers of Sheriff .....	102-3
Limitation of Commencement of Action .....	103
Printing and Stationery and Supplies .....	104-5
Tenders to be called for .....	104
Requisitions to be made .....	104
Duties of Clerk and Departments .....	105
Liquor Licensing Board .....	105-6
Powers of .....	105
Duties .....	106
Police Commissioners .....	106-7
Appointment of .....	106
By-law providing for .....	106
Power of ..	106
Police Force, Appointment of .....	107
Oath of Office .....	107
Police Magistrate .....	107-11
Court .....	107
Reappointment .....	107
Power of .....	108
Gaol .....	110
Provisions for .....	110
Fines and Penalties .....	110
Disposition of .....	110
Expropriations .....	111-14
Power to Expropriate .....	111
Purposes for which .....	111
Procedure .....	111-12
Compensation .....	112
Arbitrators, Appointment of .....	112
Procedure and Power of .....	113
Witnesses .....	113

	PAGE
Costs .....	113
Award, Effect of .....	114
Special Assessment under .....	114
<b>Local Improvements and Special Assessments</b> .....	<b>115</b>
Power of Council by By-law .....	115
Special Rate Levied .....	115
Notices and Procedure .....	116
Contents of Notice .....	117
Requisites of By-Law .....	117
Measure of Frontage .....	117
Form of Notice .....	118
By-law to raise money .....	118
Dehentures .....	119
Court of Revision, Appeal to .....	119
Judge and Power of .....	119
Contribution by Corporation .....	119
By-laws, Requisites of .....	119
Application of Provisions .....	120
Copies of By-laws Evidence .....	120
Penalty for Members of Council or Officials wrongly certifying as to work done or for payments .....	121
Penalty for Violation of By-laws .....	121
Salaries of Officials .....	121
Misfeasance of Officers .....	122
Powers of Judge .....	122
Procedure .....	122
Streets and Squares listed in City .....	122
Repairs to Streets by City .....	123
Power to Borrow by Council in anticipation of Revenue .....	123
Finances .....	123
Power to apply for Commission to enquire into .....	123
Contracts and Notes, Execution of .....	123
Real Estate, Disposal of Outside Limits .....	123
Oaths of Office .....	123
Vancouver Gas Company, Protection of .....	125
Amendment of Act .....	125
Power of .....	125
By-laws .....	125
Time for coming into force .....	125
Power of Council to enforce .....	125
Interpretation Clause .....	126
Title .....	126
Schedules .....	127-140

