
PETITION.

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To the Honourable the Legislative Assembly of British Columbia, in Parliament assembled.

The humble petition of the Corporation of the City of Victoria sheweth :—

1. That on the seventeenth day of October, one thousand eight hundred and ninety-one, a Royal Commission was issued to the Honourable Sir Matthew Baillie Begbie, Knight, Chief Justice of the Supreme Court of British Columbia, and to the Honourable Montague William Trywhitt Drake, one of the Justices of the Supreme Court of British Columbia, empowering and directing the said Commissioners to enquire and report concerning the good government and condition of the public business of the Municipality of the City of Victoria.

2. The said Royal Commissioners commenced their sittings on the second day of November last, and from time to time thereafter continued to receive evidence respecting the matters referred to, and have not yet concluded their labours.

3. In consequence of the evidence adduced before the said Commissioners it has transpired that your petitioners have obtained certain advances of money from the Bank of British North America, which have been expended in divers improvements and for other proper purposes in the said city, but that no provisions exist in the "Municipal Act, 1891," for the repayment of the same. It has also appeared in the progress of the said proceedings that divers other matters and things have been undertaken and carried out by your petitioners without proper authority in that behalf.

4. That it is desirable in the interests of the inhabitants of the said city that the said moneys so advanced as aforesaid should be repaid, and that the Municipality should have certain powers and privileges granted to them, and that certain of the Acts of this Legislature affecting the said Municipality should be amended and repealed.

5. That until the said proceedings before the said Royal Commission were commenced your petitioners were not aware that it would be necessary to apply to your honourable body in respect of the matters aforesaid.

6. That as soon as the said information came to the knowledge of your petitioners they caused notices to be published that an application would be made to your honourable body at its present Session for an Act to authorize your petitioners to borrow money on debentures or otherwise for the purpose of paying off debts and liabilities incurred by previous Councils, and to replace money diverted from loan to ordinary revenue, and from the purpose named in the "Gravel Pits Sale By-law," and to make good and to apply to water works purposes the income diverted from the water works which has been applied to revenue purposes; and to replace the revenue of 1892 used in payment of liabilities incurred by previous Councils; to change certain debentures from currency to sterling, and to make principal and interest payable in England, and to permit the disposal of them at a rate below par; to provide funds by loan for the consolidation of the existing debt of the city; to write off certain accounts, and change the estimated value of assets without making the amount an expenditure chargeable out of annual revenue; to amend the "Corporation of Victoria Water Works Act, 1873," and to adjust the account of the Victoria Water Works; to complete the cemetery purchase; to further define the city limits; to add to the voters' list the names of those persons who were within the extended limits as contemplated by section 267 of the "Municipal Act;" to divide

the Municipality into wards prior to assessment ; to extend the by-laws of the Corporation to the said extended limits ; to deal with the Assessment Roll, 1891 ; to authorize the conveyance of the land to purchasers under the "Gravel Pits Sale By-law ;" to repeal the "Victoria Municipal Ordinance, 1867," and the "Victoria Municipal Amendment Ordinance, 1869," and sections 1, 2, 7, 8, and 9 of the "Fire Companies' Aid Ordinance, 1869," and to amend the "Fire Companies' Aid Amendment Act, 1871."

7. That in view of the delay in obtaining the said information your petitioners have not been able to comply with the rules of your honourable body relative to the publication of notices of Private Bills.

Your petitioners, therefore, humbly pray that, in view of the importance of the matters referred to in the said notices, your honourable body will be pleased to grant permission to your petitioners to present a petition for leave to bring in a Bill for the purposes aforesaid, notwithstanding the omission of your petitioners to comply with the orders of your honourable House with respect to the publication of the said notices as aforesaid.

And your petitioners, as in duty bound, will ever pray, etc.

[L.S.]

WELLINGTON J. DOWLER,
C.M.C.

ROBERT BEAVEN,
Mayor of the City of Victoria.

VICTORIA, B.C.:

Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty.

PETITION.

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To the Honourable the Legislative Assembly of the Province of British Columbia, in Parliament assembled.

The humble petition of the Corporation of the City of Victoria sheweth, as follows:—

1. Your petitioners are a Municipality within the meaning of the "Municipal Act, 1891."
2. On the 14th day of February, 1892, a Council was elected to carry on the Corporate affairs of your petitioners for the year 1892.
3. That, under the "Municipal Act," unless the real estate owners first specially sanction it, a Council have no power to incur a liability beyond the municipal revenue for the current year, and the revenue for the year is defined as being the sum received between the 1st January and 31st December in each year.
4. That a very large proportion of the City revenue is derived from the tax upon real property, which does not come into the City treasury until the month of December in each year; that it has been the practice to pass a "Bank Credit By-Law" each year, and then obtain funds by bank overdraft in anticipation of the annual revenue; that the first recognition of the right of a Council to do this was the passing of sub-section (133) of section 96 of the "Municipal Act, 1891," which authorized a Council to borrow money in anticipation of revenue, provided the amount was repaid on or before the 31st December in the year the liability was incurred.
5. That, on assuming the duties of their office, the said Council of the said Municipality found that the Bank of British North America held a promissory note for \$100,000.00, and interest at six per cent. per annum, given under authority of a by-law passed in accordance with sub-section (133) of section 96 of the Municipal Act of 1891, which note had not and could not be paid on the 31st December, 1891, out of the revenue for that year, and that a further sum had been obtained from the Bank by overdraft, between the 1st and 15th January, 1892, and that further liabilities, incurred in 1891 to contractors and other creditors, were unprovided for, and that a portion of the revenue for 1892 had been paid in liquidation of liabilities of 1891, and of expenses incurred between the 1st and 15th January, 1892, and that additional liabilities had been incurred between the same period, which were unpaid and unprovided for.
6. That your petitioners are desirous of repaying to the said Bank the said money so advanced by them, and also the further liability to contractors and other creditors as aforesaid, but the Municipal Act of 1891 does not, nor does any of the other Acts applicable to the City of Victoria, provide any means whereby the said moneys may be raised on the credit of the said Municipality for the purposes aforesaid.
7. That among the other Corporate works that are under the management of your petitioners is the Victoria Water Works, which was constructed under the authority of the "Corporation of Victoria Water Works Act, 1873."
8. That section 34 of the said Act provides that, after the construction of the works contemplated by the said Act, all the revenues arising out of or from the supply of water, or from the real and personal property connected with the said water works, shall, after providing for the expenses attendant on the maintenance of the said water works, be paid into the general revenue of the said Corporation of the said City of Victoria.
9. That your petitioners are advised and believe that the construction of the said works is not yet completed.
10. That, on assuming their duties as aforesaid, the said Council for the year 1892 were informed that, notwithstanding the incomplete state of the said works, it has been the custom for many years past to divert all the revenue arising from the said water works, after providing for the necessary expenditure of maintenance, into the general revenue of the said City of Victoria, and that the moneys so diverted amount at present to the sum of \$117,961.40.

11. That divers extensions and improvements are necessary in order to complete the said water works system, and your petitioners are desirous of repaying to the account of the said water works the moneys so diverted into the general revenue of the said City.

12. That the said "Corporation of Victoria Water Works Act, 1873," is in many respects inapplicable to the present state of affairs in the said City, and it is desirable, in the interests of the public, that the same should be amended.

13. That on the 3rd day of December, 1890, two loans for the sums of \$45,000.00 and \$55,000.00 were raised on the credit of the said Municipality, for the purpose of providing for the purchase of land and the erection of a market building in the said City. In accordance with the provisions of the by-laws creating the said loans, debentures have been issued, payable in currency, and carrying interest at the rate of four per cent. per annum. The said debentures have not been sold, but are pledged for certain advances which have been obtained thereon by the Council of the said Municipality in the year 1891.

14. That your petitioners are desirous of recalling the said debentures, and issuing in their place other debentures, bearing interest at the rate of four and one-half per cent. per annum, and payable either in currency or sterling at the Cities of London, New York, or Victoria. Your petitioners are also desirous of obtaining power to dispose of the said debentures at a rate below par if necessary.

15. That divers loans have been created from time to time on the credit of the said Municipality, and that debentures for various small sums have been issued thereon as follows:—

Water Works Debentures, 1874	.....	\$ 92,500 00
Do. do. 1875	.....	50,000 00
Do. do. 1877	.....	20,000 00
Do. do. 1886	.....	75,000 00
Do. do. 1888	.....	20,000 00
Do. do. 1889	.....	70,000 00
Do. do. 1889	.....	60,000 00
Streets do. 1886	.....	50,000 00
Do. do. 1889	.....	45,000 00
Park do. 1889	.....	25,000 00
Fire do. 1889	.....	15,000 00
Johnson St. Sewer Corporation do. 1888	.....	30,000 00
Drainage do. 1878	.....	20,000 00
Electric Light do. 1885	.....	5,000 00
Cemetery do. 1885	.....	16,000 00
City Hall do. 1889	.....	12,500 00
Flour Mill do. 1889	.....	35,000 00
Crematory do. 1891	.....	10,000 00
Sewerage do. 1890	.....	10,000 00
Agricultural Ass'n do. 1890	.....	300,000 00
Market Building do. 1891	.....	55,000 00
Market Site do. 1891	.....	20,000 00
		45,000 00
		<hr/>
		\$1,081,000 00

16. That your petitioners believe that it is desirable in the interests of the said Municipality to consolidate the said debt, or such portion as can be redeemed, and to issue debentures thereof, payable at a uniform rate of interest, and at the same time and place.

17. That your petitioners are desirous of obtaining power to write off various accounts, and change the value of divers assets appearing on the balance sheet of the said Corporation, without making the said changes a charge against the revenue for the current year.

18. That, in the year 1890, the said Municipality, under the authority of a by-law for that purpose, purchased a certain tract of land for the purpose of an addition to Ross Bay Cemetery in the said City, and that they obtained from the owners thereof a bond for the purchase of certain other land, necessary also for the purpose of extension of the said cemetery, and your petitioners are desirous of obtaining power to complete such purchase, and to raise money by issuing debentures, or otherwise, for the payment of said loan, which, at present, the Council of the said Municipality are without authority to do.

19. The limits of the City of Victoria, as described in the by-law passed in 1890, and letters patent issued in January, 1891, and in the "Municipal Act, 1891," section 267, are indefinite, and it is necessary to clearly define the same.

20. In the month of January, 1891, the limits of the City were extended, but, in consequence of the property owners having, in 1891, paid their real estate tax to the Provincial Treasury, the City Assessor did not assess the property. Under the Municipal Act, persons cannot vote on a real estate qualification unless they have been assessed and have paid their taxes on or before the 1st December, thus, through no fault of their own, a number of real estate owners within the limits have been unable to have their names placed upon the voters' list. Your petitioners are desirous of obtaining authority to place such persons on the voters' list in use during 1892 who have been assessed for 1891 by the Provincial Assessor, and had paid their taxes before the 1st December, 1891, to the Province, thus giving these real estate owners the right to vote upon by-laws, or for a Mayor or an Alderman, should a vacancy occur during the year. It is also desirable to confirm the said list for the year 1892 with the said added names.

21. Divers by-laws have from time to time been enacted by the Councils of the said Municipality, but it is questionable if the same apply to the said extended limits of the City, and it is desirable that all the by-laws of the Corporation should extend and have the force of law throughout the whole of the limits of the said City.

22. It is also desirable, in the interests of the inhabitants of the said City, to divide the same into wards, prior to making up the assessment roll for the said City.

23. In the year 1891 the Council assessed land and improvements separately, without first passing a by-law under section 121 of the "Municipal Act, 1891," declaring that a distinction for the purpose of assessment should be made by the Assessor between land and improvements. In consequence thereof, the Supreme Court of British Columbia, on the application of divers persons, have declared the said assessment illegal, and have restrained your petitioners from collecting the said tax, and other persons similarly assessed have applied for a refund of the sums they have paid the late Council under this tax. Your petitioners ask that power be granted to them to make the refunds and issue bonds of the city to provide the funds, the amount being about \$30,000.

24. In the year 1891 a certain corporate property known as the Gravel Pits was subdivided and sold to divers persons, under the authority of a by-law passed for that purpose. A large portion of the purchase money of such lands has been paid to your petitioners, but doubts have arisen as to the authority of the City Council to sell the said property, and for that reason the completion of the said transactions has been in many cases delayed. Your petitioners are desirous of removing any doubts which may exist as to the power of the said Corporation to dispose of and convey the said lands.

25. It is desirable, in the interests of the inhabitants of the said city, to repeal the "Municipal Ordinance, 1867," the "Municipal Amendment Ordinance, 1869," sections 1, 2, 7, 8 and 9 of the "Fire Companies' Aid Ordinance Act, 1871," and to amend the "Fire Companies' Aid Amendment Act, 1871." And it is also necessary to confirm certain by-laws passed on the 8th day of January, 1890, known as the "Rice Mills Bonus By-Law, 1889," and the "Sugar Refinery Bonus By-Law, 1889."

26. That doubts have arisen as to the validity of the election for the year 1892; and it is desirable, in the interests of the ratepayers, that the said doubts should be removed and the said election legalized.

Your petitioners therefore pray that your honourable body will be pleased to pass an Act at its present session for the following purposes, namely:—

1. To authorize your petitioners to raise by way of loan on the credit of the said Corporation, by debentures or otherwise, such sums of money as may be requisite for the following purposes:—

- (a.) To pay off all the debts and liabilities incurred by previous Councils:
- (b.) To make good and apply to water works purposes the revenue diverted from the water works as aforesaid:
- (c.) To replace to the credit of the Corporation for the year 1892 any sums which have been diverted from, or which it may be necessary to divert therefrom, for the purpose of discharging liabilities incurred by previous Councils:
- (d.) To provide funds sufficient for the consolidation of the existing debt of the said city; to refund the amount of the said tax on improvements; to provide funds for the said

cemetery purchase, and the costs and expenses incurred in obtaining the passage of this Act.

2. To authorize your petitioners to recall the said market debentures, and to make the same payable in currency or sterling at the Cities of London, New York, or Victoria; to change the rate of interest thereon from four to four and one-half per cent. per annum; and to dispose of the said debentures at a rate below par, if your petitioners see fit to do so.

3. To authorize your petitioners to write off certain accounts and change the estimated value of assets of the said city, without making the said amount an expenditure chargeable out of the revenue of the year 1892.

4. To authorize your petitioners to complete the said cemetery purchase.

5. To amend the "Corporation of Victoria Water Works Act, 1873."

6. To further define the limits of the said City of Victoria.

7. To add to the voters' list of the said city for the year 1892 the names of all persons referred to in section 22 of this petition.

8. To authorize your petitioners to divide the said municipality into wards, prior to assessment.

9. To declare that any by-laws of the said Corporation should apply to the extended limits of the said city.

10. To deal with the assessment roll for the year 1891 in such manner that your petitioners will be empowered to refund the amount of taxes levied upon improvements, as distinct from land.

11. To confirm the assessment upon land as stated in the said roll, and to declare the same a valid assessment and tax upon real property, within the meaning of the "Municipal Act, 1891."

12. To declare that the sale of the lands comprising the said Gravel Pits was properly within the powers of your petitioners' corporation, and to authorize the conveyance of the same to the various purchasers thereof.

13. To repeal the "Municipal Ordinance, 1867," the "Municipal Amendment Ordinance, 1869," sections 1, 2, 7, 8 and 9 of the "Fire Companies' Aid Ordinance Act, 1871," and to amend the "Fire Companies' Aid Amendment Act, 1871."

And your petitioners, as in duty bound, will ever pray, &c.

Dated the 12th day of February, A.D. 1892.

[L.S.]

WELLINGTON J. DOWLER,
C.M.C.

ROBERT BEAVEN,
Mayor of the City of Victoria.