

S E A L

PROVINCE OF BRITISH COLUMBIA

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

To all to whom these Presents shall come, - GREETING.

WHEREAS by Section 4 of "The Municipality Act, 1872," it is provided, that - "The Lieutenant-Governor in Council, by Letters Patent, under the Public Seal of the Province, and upon the Petition of at least two-thirds of the male freeholders, householders, free miners, pre-emptors, and leaseholders for a term of not less than two years, being respectively of the full age of twenty-one years, and resident in any locality, in which locality there shall be not less than thirty male residents, shall incorporate such locality as a "Municipality;"

And whereas a Petition has been addressed to the Lieutenant-Governor in Council, as aforesaid, by two-thirds of the male freeholders, householders, free miners (if any), pre-emptors, and leaseholders as aforesaid, of the Nanaimo and Newcastle Town Sites, being respectively of the full age of twenty-one years, and resident in such localities, in which localities there are thirty male residents as aforesaid, praying that the said localities may be incorporated as a Municipality;

And whereas JOSEPH WILLIAM TRUTCH, as such Lieutenant-Governor in Council as aforesaid, under and by virtue of the powers and authorities conferred upon him in Council as aforesaid, by "The Municipality Act, 1872," "The Municipality Act Amendment Act, 1873," and "The Municipality Amendment Act, 1874," and of all other powers and authorities him, as aforesaid, in that behalf enabling, hath ordered and proclaimed that all that piece of land known as the Townsite of Nanaimo and the Townsite of Newcastle, and bounded as follows:-

Commencing at the North-East corner of the Indian Reserve at Nanaimo Harbour; thence in a Northerly direction following the sinuosities of the shore line to the South-East corner of Millstone River Bridge; thence to the North-East corner of said bridge; thence following the shore line in a Northerly direction to the North-East corner of Lot Twenty-four (24), Block Two (II), as shown on the Official Map of Newcastle Town; thence in a Westerly direction straight along the Northern boundaries of Blocks One (I) and Two (2), for a distance of about fifteen (15) chains and fifty (50) links; thence at right-angles in a Southerly direction straight to the left bank of Millstone River; thence following said left bank in a Westerly direction, to a point opposite the North-West corner of Lot Eleven (11), Block Forty-seven (XLVII), Nanaimo Town, as shown upon the Map deposited in the Land Registry Office, Victoria, on the 30th day of November, 1868; thence crossing said river to the North-West corner of Lot Eleven (11) Block Forty-seven (XLVII); thence in a South-Westerly direction along the Western boundaries of Lots Eleven (11), Ten (10), Nine (9), Eight (8), Seven (7), Six (6), Five (5), and Three (3), Block Forty-seven (XLVII), to the Comox Road; thence in a North-Westerly direction along the North side of said road for a distance of about twenty (20) chains, to a point opposite the North-West corner of Lot Three (3) Block T on the said map; thence South-Westerly along the Western boundaries of Lots Three (3), Two (2), and One (1), Block T; Lots Two (2) and One (1), Block S; Lots Four (4), Three (3), and One (1), Block R; Lots Four (4), Three (3), Two (2), and One (1) Block Q; Lots Four (4), Five (5), Three (3), Two (2), and One (1), Block P, crossing Campbell, Wentworth, Fitzwilliam, and Franklyn Streets; thence in a South-Easterly direction crossing Albert Street and running along the Southern boundaries of Lots Four (4), Three (3), Two (2), and One (1) Block O, Lots Four (4), Three (3), Two (2), and One (1) Block N, and also crossing Hecate Street; thence in a Southerly direction crossing Victoria and Nicoll Streets to the South-West corner of Lot One (1), Block D; thence along the Southern boundary of Lot One (1), Block D, and Lot One (1), Block E, crossing Halliburton Street to the South-East corner of the said Lot One (1), Block E; thence in a Northerly direction along the Eastern boundaries of said Lot One (1), Block E, and Lots Four (4), Three (3), Two (2), and One (1), Block B, crossing Needham Street, being also the Western boundary of said Indian Reserve; thence Easterly along the Northern boundary of said Indian Reserve to the point of commencement, including all wharves, jetties, and buildings abutting on the shore line, and all bridges crossing and connecting the boundaries above described, and the inhabitants thereof, should, from and after the Twenty-fourth day of December, 1874, be incorporated as a Municipality under the said Acts, and under the provisions hereinafter contained or referred to.



NOW KNOW YE, that by these presents, We do hereby order and proclaim that the said piece of land, and the inhabitants thereof, shall, from and after the date hereof, be incorporated as a Municipality, under the said Acts, and under the provisions hereinafter contained or referred to.

The said Municipality shall be called and known by the name and style of "The Corporation of the City of Nanaimo."

The said Municipality shall comprise all that piece or parcel of land hereinbefore described.

The Council shall consist of Seven Councillors and a Mayor, and the whole number present at each meeting thereof shall not be less than Four.

The nomination for the first election of Councillors shall be on the 18th day of January, 1875, at 12 O'clock noon, and the election, in case a poll shall be demanded shall be on the 19th day of January, 1875, and shall continue for one day only, and the poll shall be kept open between the hours of 9 a.m. and 5 p.m., and Thomas Lea Fawcett, Esquire, shall be the Returning Officer thereat.

The nomination shall take place, and the poll, if any, shall be held at the Court House.

Ten days' notice of the time and place of nomination and holding of the poll shall be given by the said Returning Officer; such notice to be posted during that period on the outer door of the Court House and School House.

Every person qualified to vote shall have Eight votes, being one for each Councillor to be elected and one for the Mayor, but he may vote for any less number than Eight. Provided, always, that he shall not cast more than one vote in favor of any one Candidate, or vote on more than one occasion, except for Mayor. And in the event of the number of votes being found to have been equal for any two or more Candidates, one or more of whom, but not all of such Candidates, being by the state of the poll entitled to be declared elected, the Returning Officer shall by a casting vote or votes as the case may be, decide which of the Candidates for whom the votes may be equal shall be elected. Provided, that the said Returning Officer shall not vote except in the case of an equality of votes as aforesaid.

All expenses attendant upon the said election shall be borne by the Candidates in equal proportion; such expenses shall not exceed in the whole One hundred dollars.

The Candidates (duly qualified) who shall obtain the greatest number of votes shall be Municipal Councillors and Mayor respectively.

The voting for Mayor and Councillors shall be by Ballot, and no one shall vote by proxy, and separate ballot boxes shall be kept for the votes of Mayor and Councillors.

If the Mayor, or any of the Municipal Councillors, or any person on his or their behalf, or any person in partnership with him or them shall enter into or obtain any interest, directly or indirectly, in any contract entered into by or with the Corporation, such Mayor or Municipal Councillor having any interest in any contract, or having become disqualified as aforesaid, shall immediately be disqualified from continuing to be Mayor or Municipal Councillor, as the case may be.

Provided, always, that if any Mayor or Municipal Councillor, or either of them, shall vote at any meeting of the Municipal Council, or shall not resign his office within the space of one calendar month from the time when he shall have entered into or obtained any interest in any such contract as aforesaid, such Mayor or Municipal Councillor shall forfeit to the Corporation a sum of Two Hundred and fifty dollars, and as to the said sum, the same may be recovered by action, to be brought in the name of "The Corporation of the City of Nanaimo," but all votes given under such circumstances shall be valid.

The Returning Officer shall, on the day of nomination at noon, nominate such persons as shall be put in nomination in that behalf, by some duly qualified voter, as Candidates for the office of Mayor and Councillors, as prescribed by "The Municipality Act Amendment Act, 1873," a show of hands shall then take place, and the Returning Officer shall thereupon declare which of the Candidates has or have been elected, by the show of hands, for the office of Mayor and Councillors respectively.

And Candidate, or voter on his behalf, may thereupon demand a poll, which shall be taken on the day of polling, and the Returning Officer shall, within twenty-four hours after the close of the poll, publicly declare the number polled by each Candidate, and who has or have been elected by the greatest number of votes.

The opening of the ballot boxes and counting the votes, shall be done in the presence of the Candidates, if they attend for that purpose.

The Returning Officer, after the declaration of the poll, shall retain the ballot papers and boxes until a Clerk shall be duly appointed, to whom he shall forthwith deliver the same.

Every person who shall have presented himself for nomination, and who shall have been elected a Municipal Councillor or Mayor must serve, or in default pay a sum of Two hundred and fifty dollars towards the Municipal Revenue; such sum, with costs, to be recoverable by the Clerk of the Municipal Council, summarily, before any Justice of the Peace aforesaid.



In case of the death, bankruptcy, insolvency, resignation, or permanent absence for the space of three consecutive calendar months from the Municipality, of the Mayor for the time being, or in case the Mayor shall decline to accept office, the Municipal Councillors who shall be selected by the Municipal Council for that purpose, shall preside at the meetings of the Municipal Council, and shall have the same powers, duties, and privileges, and be subject to the same liabilities and responsibilities which the Mayor would have had, and been subject to, if presiding, until the election of another Mayor as provided for by "The Municipality Amendment Act, 1874."

In case of the death, bankruptcy, insolvency, resignation, or permanent absence from the Municipality for the space of three calendar months, of any one or more Councillors, or in case of a Municipal Councillor filling such vacancy in the office of Mayor, the Mayor shall by writing call on the Returning Officer to cause some duly qualified person to be elected in the stead of the vacating Councillor, by some day, not sooner than twenty-one days from the date of the said notice; and such election shall take place accordingly, and such Councillor shall act for the residue of the term for which such Councillor so dead, bankrupt, insolvent, absent, or resigned would have held the same.

The Mayor shall, within ten days from such vacancy, fix the day for the nomination and election of such new Municipal Councillor or Councillors, and the nomination and polling shall be held in manner aforesaid.

The validity of all contested elections shall be tried before any Judge of the Supreme Court, in manner following:- Any voter or candidate may present a petition to the said Supreme Court, praying that the election of any Municipal Councillor may be avoided, on either of the following grounds:- by reason of bribery, intimidation, or undue influence; by reason of such Municipal Councillor not having obtained a majority of the votes of the duly qualified electors; by reason of such Municipal Councillor not possessing the requisite qualification, or being under some disqualification as aforesaid.

The petitioner shall, in each case, give such security for costs as the Court shall direct.

The order of the Judge on the said petition shall be final and conclusive, and may contain all necessary directions for the holding new elections, or otherwise, as may be requisite.

Such Judge may, from time to time, make rules for regulating the trial of such petitions, and the matters and things connected therewith.

The first meeting of the Council shall be held on the 22nd day of January, 1875, at the Court House at Seven o'clock P.M.

The Municipal Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct. A special meeting may be open or closed, as in the opinion of the Municipal Council, expressed by resolution in writing the public interests require.

All acts, whatsoever, authorized or required by virtue of "The Municipality Act, 1872," "The Municipality Act Amendment Act, 1873," and "The Municipality Amendment Act 1874;" to be done by the Municipal Council and all questions of adjournment and others that may come before the Municipal Council may, save where otherwise expressed, be done and decided by the majority of the members of the Municipal Council who shall be present at any meeting held in pursuance of the said Acts or these Letters Patent, the whole number of members present at such meeting not being less than four; at such meeting, the Mayor, if present, shall preside, and the Mayor (or in the absence of the Mayor such Municipal Councillor as the members of the Municipal Council then assembled shall choose to be the Chairman of that meeting) shall have a casting vote in all cases of equality of votes; the minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the Mayor or Municipal Councillor presiding at such meeting; and the said minutes shall be open to the inspection of any person, who may make copies thereof and extracts therefrom, at all reasonable times, on payment, each time, of a fee of twenty-five cents.

Previous to the introduction of any business at any meeting of the Municipal Council, a notice in writing of any business proposed to be brought forward by any member, shall be publicly exhibited for twenty-four hours previously to such meeting, in some public place to be agreed upon by the Municipal Council.

Previous to any meeting of the Municipal Council, other than adjourned meetings, a notice of the time and place of such intended meeting shall be given three days at least before such meeting, by fixing a copy of the said notice at the Municipal Council Chambers; and such notice shall be signed by the Mayor, who shall have power to call a meeting of the Municipal Council as often as he shall think proper.

In case the Mayor shall refuse or neglect to call a meeting within three days after a requisition for that purpose, signed by three members of the Municipal Council at the least, shall have been presented to him, it shall be lawful for the said three members to call a meeting of the Municipal Council by giving such notice



as is hereinafter declared in that behalf; such notice to be signed by the said three members, instead of the Mayor, and stating therein the business proposed to be transacted at such meeting; and in every case, a summons to attend the Municipal Council, specifying the business proposed to be transacted at such meeting, signed by the Mayor or the members, as the case may be, shall be left at the usual place of abode of every member of the Municipal Council, or at the premises in the Municipality where he resides, three clear days at least before such meeting; and no business shall be transacted at such meeting other than the business which is specified in the notice.

The Municipal Council may, out of their own body, from time to time appoint such and so many Committees, and consisting of such members as they may think fit, for any purposes which, in the discretion of the Municipal Council, would be better regulated and managed by means of such Committees, but all proceedings of such Committees shall be subject to the approval of the Municipal Council.

Every By-Law shall be passed by the vote or resolution of at least four members of the Municipal Council, and at a meeting where at least four members of the Municipal Council shall be present.

A copy of every By-Law shall be transmitted to the Lieutenant-Governor by the Clerk of the Municipal Council, within one month after the final passage of the same, signed by the said Clerk, and countersigned by the Mayor or presiding Municipal Councillor, and sealed with the Corporate seal.

The Mayor duly elected shall be designated as the Mayor of Nanaimo, and his powers, privileges, and duties, save as altered by, or inconsistent with, these Letters Patent, shall be the same as those prescribed by "The Municipality Act, 1872," "The Municipality Act Amendment Act, 1873," and "The Municipality Amendment Act, 1874."

At such first meeting, or as soon thereafter as possible, the Council may appoint a Clerk, Treasurer, Collector, and Assessor, or such officers as they may deem necessary, who shall hold office during the pleasure of the Council, and receive such remuneration as the Council may by By-Law appoint.

IN TESTIMONY WHEREOF, We have caused these Letters to be made Patent, and the Public Seal of the Province of British Columbia to be hereunto affixed: WITNESS, The Honourable Joseph William Trutch, Lieutenant-Governor of the said Province of British Columbia, in the City of Victoria, in the said Province, this twenty-fourth day of December, A. D. One thousand eight hundred and seventy-five, and in the thirty-eighth year of Our Reign.

By Command.

"JOHN ASH" Provincial Secretary.