

At the Executive Council Chamber, Victoria, B. C.,

The 22nd day of March, A.D. 1901

Present:

The Honourable

Mr. McBride.

in the Chair.

Mr. Young.

Mr. Bowser.

Mr. Taylor.

Mr. Ross.

Mr. Ellison.

On the recommendation of the Honourable

The Provincial Secretary.

and under the Provisions of Chapter 143: R.S.,

"Municipalities Incorporation Act."

His Honour the Lieutenant-Governor of British Columbia, by and with the advice of his Executive Council, doth order as follows:

Res. 2698/01

that LETTERS PATENT in

the terms of the Letters, herewith, incorporating into a City Municipality, under the name and style of the Corporation of the City of Merritt, the locality described in the Petition of the residents of the lands situated in Group One in the Kamloops Division of Yale District, and the inhabitants thereof, be issued;

and it is further ordered that HARRY PRIEST, of Merritt, shall be the RETURNING OFFICER at the first municipal election.

A Campbell Reddie, Deputy Clerk: Executive Council.

Handwritten signature of G. H. Patterson, Lieutenant-Governor.

A.D. 1901

DAY OF March

23rd

APPROVED AND ORDERED THIS

Handwritten notes: Gory: 23/3, Noth

243.
1911

Dated 23rd March.

ORDER IN COUNCIL

providing under
"Municipalities Incorporation
Act" — for the
Incorporation by
Letters Patent of
the City of Merritt

Returning Officers
Harry Priest of
Merritt

PROVINCIAL SECRETARY'S DEPARTMENT.

No.

Subject matter:

Dep a G
28/2

Referred to

Date



Lieutenant-Governor.

CANADA.

PROVINCE OF BRITISH COLUMBIA.

GEORGE V., by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions Beyond the Seas, KING, Defender of the Faith, Emperor of India.

To all to whom these presents shall come.—GREETING.

R. L. Brown { WHEREAS by section 3 of chapter 143 of the Revised
Attorney-General. { Statutes, 1897, being the "Municipalities Incorporation
Act," it is provided that it shall be lawful for the Lieutenant-Governor in Council,
by Letters Patent under the Great Seal, to incorporate into a City Municipality any
locality in the Province under the conditions therein specified :

And whereas a petition has been addressed to the Lieutenant-Governor in Council by a majority of the owners, as shown by the Register of Absolute Fees in the Land Registry Office at the City of Kamloops, of more than one-half in value of the land hereinafter described, praying that such land may be incorporated as a City Municipality :

And whereas the conditions laid down in said section 3 have been duly complied with :

And whereas the Honourable THOMAS WILSON PATERSON, Lieutenant-Governor of our Province, by and with the advice of the Executive Council, under and by virtue of the powers and authorities conferred on him by the said Act, and of all other powers and authorities him in that behalf enabling, hath ordered that all that piece of land described as follows, that is to say :—

Commencing at the north-west corner of Lot One hundred and seventy-four (174), in Group One (1), in the Kamloops Division of Yale District, in the Province of British Columbia; thence up the centre of the Nicola River to its junction with the Coldwater River; thence up the centre of the Coldwater River and following the traverse of same in a south-easterly direction to the south-west corner of Lot One hundred and twenty-two (122); thence along the boundary line of said Lot One hundred and twenty-two (122), fifteen chains east, twenty-four degrees south to the south-east corner of said Lot One hundred and twenty-two (122); thence eighty-five chains north, twenty-four degrees east to the north-east corner of said Lot One hundred and twenty-two (122); thence two chains west, twenty-four degrees north to the west line of Section Fourteen (14) in Township Ninety-one (91); thence due north one hundred and three (103) chains to a point situated twenty (20) chains south of the north-east corner of Section Twenty-two (22) in said Township Ninety-one (91); thence eighty chains due west to the east boundary of Lot One hundred and eighty (180); thence twenty chains due south to the south-west corner of Lot One hundred and eighty-one (181); thence westerly fifteen (15) chains, more or less, following the north boundary of Lot One hundred and twenty-four (124) to the north-east corner of said Lot One hundred and seventy-four (174); thence sixty-four (64) chains due west to the north-west corner of said Lot One hundred and seventy-four (174), being the point of commencement, and containing an area of One thousand six hundred and fifteen acres (1,615), more or less—

shall, from and after the first day of April, A. D. 1911, be incorporated as a City Municipality under the said Act and amendments thereto, and hath made further provision to the tenor and effect hereinafter appearing:

NOW KNOW YE, that by these presents We do hereby order and proclaim that the locality hereinbefore described, and the inhabitants thereof, shall, from and after the first day of April, A. D. 1911, be incorporated as a City Municipality, under and subject to the provisions of the "Municipal Clauses Act" and amendments thereto, and under and subject to the provisions of all other Statutes relating to municipalities, and under and subject to 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 Merritt."

The said Municipality shall comprise all that locality hereinbefore described.

The Council shall consist of a Mayor and six Aldermen, and the whole number present at each meeting thereof shall not be less than four.

The nomination for the first election and the poll (if any) shall take place at the school-house, Merritt.

The nomination for the first election of Mayor and Aldermen shall take place on the twelfth day of April, A. D. 1911, between 12 o'clock noon and 2 P.M., and the polling (if any) shall be on the nineteenth day of April, A. D. 1911, 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 Mr. Harry Priest, of Merritt aforesaid, shall be the Returning Officer thereat, who shall have power to appoint as many Deputy Returning Officers as shall be necessary to hold said election.

The persons qualified to be nominated for and elected Mayor of such Municipality at the first election shall be such persons as are male British subjects, of the full age of twenty-one years, who are assessed upon the last revised assessment roll for the Nicola Assessment District as the owners of land (in the area hereby constituted as the Municipality of the City of Merritt) of the value of one thousand dollars, and who are otherwise duly qualified to vote at such first election.

The persons qualified to be nominated for and elected Aldermen of such Municipality at the first election shall be such persons as are male British subjects, of the full age of twenty-one years, who are assessed upon the last revised assessment roll for the Nicola Assessment District as the owners of land (in the area hereby constituted as the Municipality of the City of Merritt) of the value of five hundred dollars, and who are otherwise duly qualified to vote at such first election.

The persons qualified to vote for Mayor and Aldermen at such first election shall be all such persons as are British subjects, of the full age of twenty-one years, who are freeholders, homesteaders, or pre-emptors within the boundaries of the Municipality, who have resided within the boundaries of the Municipality for three months immediately preceding the date of these Letters Patent, and who shall, before the day of such election, have applied to the Returning Officer and have had their names placed on the list of electors for such election.

The Mayor and Aldermen elected at such first election shall hold office until his successor, or a majority of their successors, have been sworn in, unless he or they shall die or resign or become disqualified.

It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses, and occupations of all persons, qualified to vote as aforesaid, who make application to him, as aforesaid, to have their names placed on such list, and such list shall be the list of the electors for such election.

Before the name of any person shall be placed on the list, he shall make and sign a declaration in writing, before some person authorised to administer oaths, setting forth his name, address, occupation, and qualifications as aforesaid, which declaration shall be filed with the Returning Officer.

Such list and declarations shall be open to inspection by any person within lawful hours.

Any person may complain that his name is improperly omitted from the voters' list, or that any other name is improperly inserted thereon, and may apply to any Judge of the Supreme or County Court to have his name inserted thereon or to have any names improperly inserted thereon struck off the said list. In such latter case reasonable notice, to be determined by the Judge applied to, shall be given to the person whose name is proposed to be struck off. The Judge shall hear and dispose of all such applications in a summary way, and the Returning Officer shall amend the list in accordance with the Judge's decision.

At least six days' notice of the time and place of nomination and of holding of the poll (if any) shall be given by the said Returning Officer; such notice to be posted during that period in the manner provided by section 45 of the "Municipal Elections Act."

The Returning Officer shall, on the day of nomination, at 2 o'clock P.M., announce the names of the persons put in nomination in that behalf as candidates for the offices of Mayor and Aldermen, as prescribed by the "Municipal Elections Act."

At the close of the time for nominating the candidates the Returning Officer shall deliver to every candidate, or agent of a candidate, applying for the same, a duly certified list of the names of the several candidates who shall have been nominated; and any votes given at the election for any other candidates than those so nominated shall be null and void.

If, at the expiration of the time appointed for the election as aforesaid, no more candidates stand nominated than there are vacancies to be filled up, the Returning Officer shall forthwith declare the candidates who may stand nominated to be elected, and return their names to the Registrar of the Supreme Court.

No speeches or interruption to the proceedings of nominating candidates at the hustings shall be permitted by the Returning Officer between the reading of the notice of election and the closing of the proceedings on nomination day by the Returning Officer.

If, at the expiration of such time, more candidates stand nominated than there are vacancies to be filled up, the Returning Officer shall declare the names of the candidates, and publicly proclaim the day previously stated in his proclamation, and the places at which the poll shall be so opened, for the purpose of taking the votes of the electors according to law; and shall then adjourn the election, and shall take a poll by ballot, and shall cause to be posted up notices of his having granted such poll, indicating the names, residences, and occupations of the candidates so nominated, in the order in which they shall be printed on the ballot papers, which notices shall, as soon as possible after the nomination, be placarded in all the places where the proclamation for the election was posted up.

If, after the adjournment of an election by the Returning Officer for the purpose of taking a poll, one of the candidates nominated shall die before the poll has commenced, the Returning Officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all the proceedings with reference to the election shall be commenced afresh: Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

In case of a poll being held, the candidates (duly qualified) who shall obtain the greatest number of votes shall be Mayor and Aldermen respectively.

Every person qualified to vote shall have seven votes, being one for each Alderman to be elected and one for Mayor, but he may vote for any less number than seven: Provided, always, that he shall not cast more than one vote in favour of any one candidate, or vote on more than one occasion. 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 case of an equality of votes as aforesaid.

All expenses attendant upon the said election shall be borne by the said Municipality.

The opening of the ballot boxes and counting the votes shall be 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 Mayor or Alderman, must serve for the term for which he has been elected, unless in the case of sickness, or in default pay a sum of fifty dollars towards the Municipal Revenue; such sum, with costs, shall be recoverable by the Clerk of the Municipality, summarily, before any Justice of the Peace.

Any vacancy in the office of Mayor or Alderman shall be filled as provided by the "Municipal Elections Act."

The first meeting of the Council shall be held on the first Monday after the day of election, at the Court-house, Merritt, at 12 o'clock noon.

Until provision be made by by-law in that behalf, all proceedings at and relating to the meetings of the Council shall be held and taken in accordance with the provisions contained in the "Municipal Clauses Act," and all the powers, privileges, and duties of the Mayor and Council shall be the same as those prescribed by the said Act.

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At the first meeting, or as soon thereafter as possible, the Council may elect 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 Our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed: WITNESS, His Honour THOMAS WILSON PATERSON, Lieutenant-Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this ~~twentieth~~ *twenty third* of March, one thousand nine hundred and eleven, and in the first year of Our Reign.

By Command.

Mary Ellen Young
Provincial Secretary.