TOWARDS AN UNDERSTANDING OF THE MUNICIPAL ARCHIVES OF NINETEENTH-CENTURY BRITISH COLUMBIA: A CASE STUDY OF THE ARCHIVES OF THE CORPORATION OF THE CITY OF NANAIMO, 1875-1904

by

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Abstract

This case study of municipal archives in the historical context of late nineteenth-century British Columbia is based upon close examination of the administration of the Corporation of the City of Nanaimo, 1875-1904. Although oriented towards the municipal researcher and organized so as to facilitate access to its informational content, it provides a prototype for study of municipal archives generally.

The research findings documented in this study represent the groundwork upon which my thesis for the UBC Master of Archival Studies Programme is based. Entitled "Study of the Archival Record and Its Context: Meaning and Historical Understanding," that thesis is available at the University of British Columbia, the City of Nanaimo Archives, and on microfiche produced by the National Library of Canada.

Table of Contents

Abstract ii
List of Figures viii
Acknowledgement ix
Note on Format and Abbreviations x

Chapter 1
INTRODUCTION 1

Chapter 2
MUNICIPAL GOVERNMENT IN BRITISH COLUMBIA, 1860-1904 8

THE COLONIAL PERIOD 9

THE PROVINCE OF BRITISH COLUMBIA 15

MUNICIPAL INCORPORATION 18

MUNICIPAL-PROVINCIAL REPORTING STRUCTURE 22

MUNICIPAL REPORTING: POST-1904 24

Chapter 3
THE IMPACT OF COAL COMPANIES AND GOVERNMENT ON NANAIMO, 1851-1904 27

COAL COMPANIES 28

GOVERNMENT JURISDICTIONS 34

RECORDS 37

MUNICIPAL INCORPORATION ATTEMPT, 1866 39

MUNICIPAL INCORPORATION, 1874 44

Chapter 4
THE MUNICIPAL ADMINISTRATION AND ARCHIVES OF THE CORPORATION OF THE CITY OF NANAIMO, 1875-1904 50

PART I: ADMINISTRATIVE FUNCTIONS 53

ELECTION PROCEEDINGS AND THE RETURNING OFFICER 56

MUNICIPAL ELECTIONS IN NANAIMO 63
Records 64

MUNICIPAL COUNCIL 67
Council Meetings 72
Rules of Order 74
Committees 75

MUNICIPAL OFFICERS 77

CITY CLERK 79
RECORDS 87
Council Minutes 90
Correspondence 95
Correspondence Inward 96
Correspondence Outward 97
By-laws 98
Contracts and Agreements 105

FINANCE COMMITTEE 106

CITY ASSESSOR 113
Records 114

COURT OF REVISION 117
Records 118

CITY COLLECTOR 120
Records 124

CITY TREASURER 132
Records 132

CITY AUDITOR 148
Records 149

CITY SOLICITOR 153
Records 154

DIVERSE ADMINISTRATIVE MATTERS 156
Corporate Seal 156
City Wards 157
Extension of the City Limits 159
Official Map Act 160

PART II: OPERATIONAL FUNCTIONS 162

CEMETERY REGULATION AND MAINTENANCE 166
Records 169

PUBLIC HEALTH PRESERVATION 171
Records of the Municipal Council as Local Board of Health 173
Medical Health Officer 174
Milk Inspection 175
Contagious Disease Prevention 175

LIBRARY SERVICE 178

PUBLIC EDUCATION AND SCHOOL ACCOMMODATION 182
Records 197

ANIMAL IMPOUNDMENT 199
ANIMAL PROTECTION 200
BREAD SALE REGULATION 200
BUILDING REGULATION 201
CHILD PROTECTION 202
DEATH: BURIALS AND INQUESTS 202
DESERTED WIVES' MAINTENANCE 203
DISASTER RELIEF 203
DUMPING GROUND 204
FARMERS' INSTITUTES - ASSISTANCE 205
FIRE PREVENTION AND PROTECTION 206
HOSPITAL ASSISTANCE 208
HOSPITAL FOR THE INSANE 209
IMPRISONMENT 209
INDUSTRIAL DEVELOPMENT 212
ISOLATION OF LEPERS 212
LIQUOR CONTROL AND LICENSING 213
MARKET REGULATION 214
NIGHT PATROL 214
NUISANCE PREVENTION 215
OLD-AGE "PROTECTION" 218
POLICE FORCE MAINTENANCE AND REGULATION 219
POOR RELIEF 224
PUBLIC CELEBRATIONS AND MOURNING 225
PUBLIC MORALS 226
PUBLIC PARKS 227
PUBLIC RECEPTIONS 227
PUBLIC SAFETY 228
PUBLIC WORKS: STREETS, SIDEWALKS, BRIDGES, ETC. ...229
SCAVENGERING 239
SEWERAGE SYSTEM 241
STREET LIGHTING 242
STREET RAILWAYS 243
WATER SERVICE 244
WEIGHTS AND MEASURES 246

Chapter V
CONCLUSION 247

BIBLIOGRAPHY 263

1. PRIMARY SOURCES 263
   1.1 Published Materials 263
   1.1.1 Government Publications 263
   1.1.2 Newspapers 266
   1.2 Archival Materials 266
   1.2.1 City of Nanaimo Archives 266
   1.2.2 Nanaimo Centennial Museum Archives 266
   1.2.3 Provincial Archives of British Columbia 266

2. SECONDARY SOURCES 268

APPENDICES 273

APPENDIX A - COLONIAL ACTS, ORDINANCES, AND PROCLAMATIONS 274
   A.1 Colony of Vancouver Island 276
   A.2 Colony of British Columbia 279
   A.3 United Colony of British Columbia 282

APPENDIX B - STATUTES OF BRITISH COLUMBIA 284

APPENDIX C - SESSIONAL PAPERS 294

APPENDIX D - LIST OF MUNICIPALITIES, 1860-1904 299

APPENDIX E - LETTERS PATENT 300

APPENDIX F - NANAIMO: MAYORS AND ALDERMEN 301
   F.1 Mayors 301
   F.2 Municipal Councils 302

APPENDIX G - NANAIMO: COUNCIL CHAMBERS AND CITY HALL ...311

APPENDIX H - NANAIMO: MUNICIPAL OFFICERS AND EMPLOYEES .314
   H.1 Clerk of the Municipal Council, City Assessor, City Collector, and Clerk of the Mayor's Court .314
   H.2 City Clerk and City Collector 314
   H.3 City Clerk, City Collector, and City Treasurer ...315
   H.4 City Assessor 315
   H.5 Assistance in the City Clerk's Office 315
   H.6 Assistant City Clerk 315
   H.7 Assistant City Clerk and Clerk of the Police Court 315

H.8 City Clerk, Treasurer, and Caretaker 316
H.9 City Clerk, Treasurer, and Cemetery Clerk 316
H.10 City Assessor, Collector,
and Police Court Clerk 316
H.11 City Auditor 317
H.12 Returning Officer 317
H.13 Health Officer 318

APPENDIX I - CITY OF NANAIMO ARCHIVES: INTRODUCTION 319

City of Nanaimo Archives Inventory, 1875-1904 319

APPENDIX J - CNA: CITY CLERK 322

APPENDIX K - CNA: CITY ASSESSOR 359

APPENDIX L - CNA: CITY COLLECTOR 361

APPENDIX M - CNA: CITY TREASURER 363

APPENDIX N - CNA: FINANCE COMMITTEE 366

APPENDIX O - CNA: WATERWORKS DEPARTMENT 368

APPENDIX P - CNA: CITY AUDITOR 369

APPENDIX Q - CNA: CEMETERY TRUSTEES 381

APPENDIX R - CNA: MUNICIPAL COURT OF REVISION 383

APPENDIX S - CNA: LOCAL BOARD OF HEALTH 384

APPENDIX T - CNA: LICENSING COURT 386

APPENDIX U - CNA: SCHOOL TRUSTEES 387

APPENDIX V - CNA: POLICE COMMISSIONERS 389

APPENDIX W - CNA: NANAIMO LITERARY INSTITUTE 391

APPENDIX X - CNA: McGREGOR FAMILY 393

APPENDIX Y - CNA: MISCELLANEOUS 394

List of Figures

1. Organizational Chart of Nanaimo's Municipal Government, 1904 54

2. City Books Mutilated 127-129

3. Municipal Sensation 143

4. City Seal 157

5. Map of the City of Nanaimo 396

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I dedicate this case study

to the memory of the late

James Andrew Fraser

(1946-1985)

one of the founders of the Canadian Gay Archives, an archivist at the Toronto City Archives, and latterly a fellow candidate in the UBC Master of Archival Studies Programme.

Note on Format and Abbreviations

One of the objectives of this case study is to facilitate access to information in published primary sources on the archives, record-keeping practices, and administration of nineteenth-century municipal government in British Columbia. A somewhat unusual format of footnote citation has therefore been adopted. Detailed descriptive lists of the published and unpublished primary source volumes and documents consulted are included as appendices to this case study. The published items in Appendices A-C and E and the archival entries in Appendices J-Y have been numbered consecutively throughout in order to facilitate cross-reference within and between these items/entries and to facilitate their citation in the text of the case study. Cross-references are indicated in abbreviated form, denoting appendix and relevant items or entries. For example, App. J/155-157 refers to entries in Appendix J. Reference to an item/entry or to a group of items/entries is by appendix, the relevant item/entry number(s), and pages, or sections and sub-sections (i.e., App. B/47, ss. 4-12; App. K/411-412, and 420; etc.).

For all other references, the citation formats recommended in The Chicago Manual of Style, 13th ed., are followed. The shortened reference style is used to cite statutes not listed in the attached appendices. Because of the frequency with which I cite the minutes of Nanaimo's Council and the City Clerk's correspondence, the shortened style is also used for specific reference to those series. The author-date system is used in footnotes citing secondary sources.

Throughout this case study and especially in its footnotes, the following abbreviations have been incorporated:

[ ] = attributed information
App. = Appendix
BCG = British Columbia Gazette
c. = chapter
CBC = Colony of British Columbia
CC = City Clerk's correspondence
CCN = Corporation of the City of Nanaimo
CE = Civil Engineer
CM = council minutes
CNA = City of Nanaimo Archives
CVI = Colony of Vancouver Island
Doc. = legal docket
Env. = envelope
GR = Government Records accession
HBC = Hudson's Bay Company
HBCA = Hudson's Bay Company Archives

Abbreviations Continued:

JP = Justice of the Peace
MG = manuscript group
MLA = Member of the Legislative Assembly
MP = Member of Parliament
MPP = Member of Provincial Parliament
NCMA = Nanaimo Centennial Museum Archives
NFP = Nanaimo Free Press
no. = number
NVCC = New Vancouver Coal Company
NVCMLC = New Vancouver Coal Mining and Land Company
p. = page
pp. = pages
PABC = Provincial Archives of British Columbia
QC = Queen's Counsel
RG = record group
s. = section
s.-s. = sub-section
ss. = sections
s.-ss. = sub-sections
SBC = Statutes of the Province of British Columbia
SCBC = Supreme Court of British Columbia
UCBC = united Colony of British Columbia
VCC = Vancouver Coal Company
VCMLC = Vancouver Coal Mining and Land Company
VIP = Vancouver Island Project
Vol. = volume
WFC = Western Fuel Company

I. INTRODUCTION

Municipalities are the creation of provincial and territorial governments and are subject to the provisions of the legislation enacted by those bodies. Such legislation is frequently amended, and the powers and functions bestowed upon municipal government change. In the normal course of carrying out the functions and duties for which they are responsible, municipalities create records. This study attempts the practical and exploratory exercise of discovering something of the nature and evolution of municipalities and their archives. It specifically focusses on the municipal archives of nineteenth-century British Columbia, based upon the records of the Corporation of the City of Nanaimo, 1875-1904.

Since British Columbia's municipalities have historically had similar responsibilities and created similar records, this case study is envisaged as a prototype for future enquiry into the municipal administration and archives of cities and towns incorporated before 1905. To the extent that nineteenth-century Nanaimo was representative of other cities and towns, its archives will be representative of theirs. In addition, this study provides the groundwork for enquiry into the municipal townships and districts creating records prior to 1905, since the provisions of municipal law specifically applying to those jurisdictions did not differ significantly from its provisions regarding cities. Further investigation might reveal that this model is, with minor changes, applicable to British Columbia's municipal archives for some time into the early twentieth

century, since the pace of administrative change and development was slow during that period. To the extent that this province's municipal system emulated that in other provinces, this model might also prove relevant to other Canadian municipal archives and to the research community at large.

In 1904, 36 municipal institutions existed in British Columbia; four others had ceased to exist prior to that time. Although many of the records created by those municipalities have long since been destroyed or, at least, their whereabouts are today unknown, a good number of the more important record series, which include council minutes, by-laws, clerk's correspondence, and real estate assessment rolls, have survived (especially those of ongoing municipalities). Nevertheless, little is known about their extent, scope, or value. Questions of central interest concern the nature and value of municipal archives, what they contribute to our documentary heritage, and the aspects or functions of societal organization which they document. Others concern the authorities by which municipalities were established, the functions for which they were responsible, and the records they created. Moreover, many municipal records, although their originals have not survived, exist in published or copy form among the archives of various provincial agencies due to the procedures municipalities were required to follow in printing documents and in reporting to the government. Again, little is in a formal sense known about those reporting procedures or the relationship between original and published documents. Information about such matters is

required by both the archival profession and the research community.

The nineteenth-century archives of Nanaimo are remarkably extensive, which is probably due to the city's small size until well into the twentieth century and to the small quantity of records its administration created. The volume of surviving records is also attributable to the stability of the civic administration over the last century and especially to those heritage-conscious individuals who have held the position of city clerk, several for a good number of years. Two such individuals were Samuel Gough, the City Clerk and later City Comptroller, from 1880-1895 and 1898-1925 and Howard Nicholson, the City Clerk from 1951-1981.

The majority of Nanaimo's archives are stored in a fire-proof vault in the basement of City Hall. Some historical records, such as the cemetery registers and the originals of municipal by-laws, are still stored in departmental offices, where they are in active, if infrequent, use. My choice of Nanaimo for this case study was based upon the extensiveness of its archives, the continuity of its administration, and my own familiarity with both. Elizabeth Giovando, a local resident and an anthropologist by training, organized the City's archives in a preliminary fashion several years ago, arranging them to the series level and preparing a shelf list which permits access to

the contents of the archives vault at that level.[1] However, there has to date been little effort to describe the records properly, aside from the production of a small card index which corresponds to the shelf list and, of course, the inventories appended to this study. Despite reference herein to the "City of Nanaimo Archives"[2] as a location, the archives have not been officially established by municipal by-law, and no archivist has been employed since Giovando completed her work in 1981. The records created during the first 30 years of the City's administration (1875-1904), a quite arbitrary period, were manageable for detailed examination.

To begin, an understanding of the statutory and historical underpinnings of municipal government as it evolved in British Columbia between 1860 and 1904 is required. Although there exists a limited amount of secondary literature regarding various topics in this province's urban history, literature written from an historical perspective on municipal functions, administrations, or archives is essentially non-existent. What has been written is extremely general and often plagued with errors. Research on the collective history of municipal

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[1] After completing a Canada Works Program with the Nanaimo Centennial Museum, Elizabeth Giovando petitioned Nanaimo City Council for a service contract to work on the City's archives. Council awarded her a contract, and she subsequently spent about a year and a half (part-time) arranging its records, dividing her time between City Hall and other work at the Nanaimo Centennial Museum. During that period, she was able to bring considerable order to the documents which had previously been, so-to-speak, simply tossed into the vault.

[2] "City of Nanaimo Archives" or "CNA" is intended here to indicate the various vaults in Nanaimo City Hall in which the City's archives are stored, rather than an archival institution.

administration has, therefore, been conducted in published primary sources such as statutory law and sessional papers. The results of that research are explained in Chapter II and are drawn upon in discussing Nanaimo's records in Chapter IV.

New municipal governments are created to provide service and regulatory functions inadequately performed by other jurisdictions. Consequently, the researcher must be aware of the succession of agencies explicitly or implicitly responsible for a given function, for a study which treats a function in the isolation of a given agency, without regard to its predecessors and successors, will prove of limited value. In the case of Nanaimo, some of the functions for which the municipality became responsible had previously been performed by the privately owned coal companies and the colonial and provincial governments. Nanaimo's company town status is pertinent to discussion of the records the municipality created, since the omnipresence of "the Company" informed the historical context in which the City was born. Moreover, the coal companies continued to influence its administration after incorporation. Accordingly, Chapter III provides background information about the impact of coal companies and government on Nanaimo during the years 1851-1904.

The administrative and operational functions of Nanaimo's civic government during the years 1875-1904 and the records generated or received in the performance of those functions are examined in detail in Chapter IV. Local histories deal with the municipal administration, although in insufficient detail to enable study of the City's early archives. Therefore,

discussion of the municipality's administrative functions is based upon the evidential content of its administrative records and statutory law. Since few operational records have survived, operational functions are examined in light of statutory law and the informational content of the administrative record.[3] The evidence gleaned from statutory law and other provincial documents on the collective history of municipal administration, and the records municipalities were by law required to create and maintain, should lend insight into municipal archives generally. An organizational chart (Figure 1) identifies Nanaimo's civic offices and agencies and the related record group inventories contained in Appendices J-Y. Those inventories comprise an extensive listing of Nanaimo's archives for the period 1875-1904 and serve to facilitate reference to the volumes and items consulted.

Finally, in Chapter V, some concluding remarks are offered. Summarized, the several objectives of this study are to contribute to our understanding of the nineteenth-century archives and record-keeping practices of BC's municipalities in general, and those of the Corporation of the City of Nanaimo in particular; to reveal something of the history of nineteenth-century municipal administration based upon the case study of Nanaimo; and to conduct experimental research in archival sources regarding the relationship between the history of an

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[3] Administrative and operational functions, and evidential and informational content, are defined in the introduction to Chapter IV.

administration and the meaning of its records.

II. MUNICIPAL GOVERNMENT IN BRITISH COLUMBIA, 1860-1904

The statutory law by which municipalities derived the authority to undertake the functions which their records document is an integral part of the study of municipal archives. This chapter traces both the complex legislation by which municipalities in British Columbia were incorporated between 1860 and 1904 and the consequent evolution of municipal government. It is divided into five parts. The first two deal with municipal legislation during the colonial and early provincial periods, since municipalities were, with the exception of New Westminster, Victoria, and Vancouver,[4] regulated by the same general statutes.[5] The third examines the statutory provisions by which municipalities were incorporated between 1872 and 1904. The fourth discusses the rudimentary municipal-provincial reporting structure of the years 1860-1904, and the last outlines its gradual evolution and formalization after 1904.

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[4] Those cities were administered by special legislation. In addition, some other cities were entrusted with special powers under the municipal act.

[5] Applicable statutory law is listed in Appendices A-B and sessional papers in Appendix C. Those appendices annotate an essential part of the research on which this case study is based and are included to facilitate citation of legislation and published archives. They should also prove useful to those interested in the early history of BC's municipalities, since ready access to such sources is essential in attempting to understand municipal institutions and the archives they have bequeathed society.

THE COLONIAL PERIOD

British Columbia's municipal history began during the colonial era. From 1821, when the Hudson's Bay Company (HBC) amalgamated with the North West Company, the former enjoyed, through license from the British government, a monopoly of the Pacific coast fur trade. In 1843, in anticipation of a settlement of the territorial dispute between Great Britain and the United States, the HBC relocated the headquarters of its Western Department from Fort Vancouver, near the mouth of the Columbia River, to Fort Victoria, at the southern tip of Vancouver Island. The 1846 Oregon Treaty established the mainland boundary at the 49th parallel, but the whole of Vancouver Island remained a British possession. In 1849, the Colony of Vancouver Island was created by royal charter and temporarily leased to the HBC, upon the condition that the Company should develop and settle the island.

The discovery of gold on the Fraser River in 1857 brought a sudden and vast influx of fortune seekers from the south (estimated at between 30,000 and 35,000), which necessitated further measures to ensure that the mainland was not annexed to the United States. In November 1858, James Douglas, Governor of the Colony of Vancouver Island, proclaimed legislation passed by the Imperial Parliament to provide for the constitutional government of the Colony of British Columbia which comprised the mainland area known as New Caledonia. The HBC's exclusive right of trade therein was revoked. In 1859, the HBC's lease of the Colony of Vancouver Island was not renewed, and the colonial

government assumed control. The gold rush spelled the demise of the HBC's trade monopoly and the Pacific coast fur trade,[6] creating the population influx which necessitated the establishment of local self-government.

Prior to the Fraser River gold rush, settlement on Vancouver Island had been slow, in part due to HBC policy. In January 1858, non-Indian settlers did not exceed 1,000,[7] with about half of that number living near Fort Victoria and the remainder near Forts Nanaimo and Rupert.[8] The only form of settlement in New Caledonia was the scattering of HBC trading posts, numbering sixteen in total. As the fur trade required little manpower, there were, perhaps, two hundred non-Indians on the mainland; the only European settlements in the Fraser Valley were Forts Langley and Hope.

The incorporation of New Westminster marked the beginning of British Columbia's municipal system. In 1859, a site on the north bank of the Fraser River called Queensborough was chosen as the capital of the Colony of British Columbia; later that year, it was renamed New Westminster.[9] On 16 July 1860, the "New Westminster Municipal Council Act, 1860," a proclamation issued by Governor James Douglas,[10] incorporated the settlement and empowered its Municipal Council to pass by-laws regarding

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[6] The HBC maintained its trading posts at Fort Victoria, and elsewhere, and its coal-mining operations at Nanaimo. The latter will be discussed in Chapter III.
[7] Gunn 1965, 24.
[8] Fort Rupert was on the northeastern end of Vancouver Island.
[9] App. A.2/28 and 26.
[10] App. A.2/22, amended by proclamations issued in 1861-1863 (App. A.2/23-25).

sanitation, fire prevention, the regulation of markets, the removal of nuisances, and the inspection of meat. That body was to disburse the moneys it raised through taxation in four areas: streets, footpaths, and bridges; drainage and sewerage; sanitary conditions; and the clearing of city lots. The Act defined record-keeping procedures respecting election poll books, council minutes, and real estate assessment rolls.[11]

Other proclamations relevant to municipal matters concerned the sale of town lots and the protection of firemen.[12] The "Borough Ordinance, 1865," enacted by the Legislative Council of the Colony of British Columbia, is of little significance, since no new municipalities were created thereunder. Nevertheless, its intent, which was to promote the creation of municipalities as a means of achieving systematic local improvements on a cheap but useful scale,[13] is noteworthy. It empowered the Governor to confer limited municipal powers upon a locality, "on the petition of, in his opinion, a sufficient proportion of the residents."[14]

In terms of population, date of establishment, and degree of autonomy, municipal government on Vancouver Island evolved in a different manner to that in the mainland colony. The distinction is partly attributable to the fact that in the Colony of British Columbia authority was until 1864 vested in

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[11] App. A.2/22, ss. 21-2, 24, and 36.
[12] See Appendix A.2.
[13] PABC, Colonial Correspondence, File 65/12, Letter from Henry P. Pellew Crease, Attorney-General, 9 May 1865, to the Colonial Secretary.
[14] App. A.2/20, s. 1.

the Governor, who essentially acted alone, whereas in the Colony of Vancouver Island the Governor acted "in consultation with an outspoken and business-minded elected Legislative Assembly, supervised by an appointed Legislative Council."[15]

In 1851, the site of Victoria was laid out for the establishment of a city, which in 1858 suddenly became a thriving commercial centre on the thoroughfare to the goldfields. By summer, the town had a population of 3,000 and over 200 commercial buildings; by year-end, it boasted eight wharves, a shipyard, and several paved streets with lighting. Streets, drainage, and fire prevention posed serious problems. In 1859, the House of Assembly began to deal directly with Victoria's "urban" problems and enacted a substantial body of legislation concerning street improvement, the protection of firemen, the establishment of fire limits, the incorporation of the Victoria Gas Company, the control of swine and goats, and the appointment of a provisional sanitary commission in anticipation of the town's incorporation.[16] After two incorporation attempts in 1860-1861,[17] the "Victoria Incorporation Act, 1862" finally received royal assent on 2 August 1862.[18] Although more detailed than the proclamation by which New Westminster had been incorporated, it was similar in that it conferred limited powers on the Municipal Council and made general provisions for the keeping of certain records.

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[15] Bescoby 1967, 50.
[16] App. A.1/1-2, 4-5, 14, 15-17, 3, and 11.
[17] See Hendrickson 1980, 1:455-7.
[18] App. A.1/18.

Victoria apparently had little autonomy and many problems, for the House of Assembly continued to enact legislation dealing with firemen's protection, municipal debentures, the indemnification of the municipal council, municipal elections, and a real estate tax to meet the Corporation's indebtedness.[19]

In early 1866, a group of Nanaimo residents attempted to have their town incorporated. Petitions were raised both for and against the incorporation bill, but the movement's proponents were defeated when the Legislative Council indefinitely postponed the bill's second reading.[20] An editorial in the Vancouver Daily Evening Post noted that municipal institutions were a legislative impracticability in the Colony of Vancouver Island, where the municipal system had been adopted in such a thoroughly mangled form as to completely mar its usefulness. It denounced the House of Assembly's attempts at drafting new legislation for Victoria and Nanaimo. Victoria, it argued, was "suffering from the evil results of the miserable apology for an Incorporation Act thrust upon it by the Assembly," which had not given it the requisite working powers; its municipal corporation was a nonentity, "only tending to bring down redicule [sic] on a system from which the community has a right to expect all the blessings of good and cheap government."[21]

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[19] App. A.1/6-7, 19, 8-10, and 12-13.

[20] The 1866 incorporation attempt will be discussed in Chapter III.

[21] "The Incorporation Muddle," Vancouver Daily Evening Post, 28 March 1866, 2.

In November 1866, the Colony of Vancouver Island was, for administrative and economic considerations, merged with the Colony of British Columbia. Thenceforth, the Legislative Council of the united Colony of British Columbia sat in New Westminster; Victoria became the capital in 1868. The laws of the separate colonies remained in force until specifically amended or repealed. In 1867, the Legislative Council enacted legislation concerning municipal taxation in Victoria; six weeks later, it passed the "Victoria Municipal Ordinance, 1867"[22] to reincorporate Victoria. In 1869, it enlarged and amended that Ordinance[23] and passed legislation for the maintenance of the City's fire companies.[24] Finally, the "Municipal Fines Ordinance, 1870" provided for the general enforcement of municipal by-laws and the collection of taxes, fines, and penalties.[25]

The united Colony of British Columbia joined the Canadian federation in 1871. As the colonial period came to a close, local administration was largely handled by the colonies' government agents. The government agency was a form of local administration almost unique to the Pacific colonies which developed as a result of the area's mountainous terrain and the scattered nature of its settlement. Despite attempts to promote the establishment of a municipal system, its evolution was slow, due in large part to the factors which made government agencies

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[22] App. A.3/34-35.
[23] App. A.3/36.
[24] App. A.3/31-32.
[25] App. A.3/33.

a viable form of local administration.[26] New Westminster and Victoria operated with the limited powers granted them by the colonial governments, although the former enjoyed greater autonomy than the latter. The colonial law enacted to govern and regulate those municipalities, and others which it was hoped would be established, became an integral part of the province's statutory law.

THE PROVINCE OF BRITISH COLUMBIA

By the 1871 "Terms of Union," the provisions of the "British North America Act, 1867," which gave provinces the exclusive right to make laws regarding municipal institutions,[27] were extended to British Columbia.[28] Responsibility for municipal government was thereby passed from the colonial to the new provincial administration. Regarding the constitutional position of municipalities as creations of the provinces, Canadian political scientist Kenneth G. Crawford has noted that

> . . . their powers can be extended or contracted at will by the provincial legislatures or, in the extreme, they can quite legally be legislated out of existence, although politically this would not probably be practicable. The protection of the municipalities lies, not in their legal or constitutional position, but rather in the needs of the people which must be met and the difficulty, especially in urban communities, of meeting those needs through the medium of any other level of government.[29]

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[26] See Gosnell 1914, 355. In fact, until the 1890's when the municipal system began to expand, most local administration was handled by government agents.

[27] "British North America Act, 1867," 30 & 31 Vict., c. 3, s. 92, s.-s. 8.

[28] "Terms of Union," 16 May 1871, s. 10.

[29] Crawford 1954, 18.

Notwithstanding the colonial Legislative Council's specific repeal of obsolete acts, ordinances, and proclamations in 1871, many continued in force well into the province's history and were consolidated with other laws. The Legislative Assembly's first general municipal act, entitled the "Municipality Act, 1872,"[30] consisted of eight pages and replaced the one-page "Borough Ordinance, 1865."[31] Municipal acts were also passed in 1881, 1889, 1891, and 1892.[32] In 1896, the general act was split into three separate components: the "Municipal Clauses Act, 1896," the "Municipal Elections Act, 1896," and the "Municipalities Incorporation Act, 1896."[33] Combined, they comprised 148 pages. The complexity of the statutory law by which municipalities were regulated and the difficulty of determining the applicable provisions at a given point in time is witnessed by the fact that between 1872 and 1904 the Legislative Assembly enacted some 62 general and amending municipal acts. In addition, the province's statutes were revised and consolidated in 1877, 1888, and 1897. Furthermore, some municipal responsibilities were defined in health, public schools, and other service-related legislation.

Municipal law has been considerably amended and expanded since 1904.[34] Nevertheless, the years 1872-1904 marked a

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[30] App. B/46.
[31] App. A.2/20.
[32] App. B/59, 69, 71, and 72.
[33] App. B/76, 86, and 93.
[34] The RSBC, 1979 contained some 300 pages of municipal law.

formative period in its evolution. In the 1870's, the provisions of the acts by which the cities of New Westminster and Victoria[35] were administered differed somewhat from those of the general legislation, although the specific and general acts became more similar as the general act was expanded. R. Edward Gosnell, Legislative Librarian, considered the "Municipal Act, 1892" as the first operative municipal legislation.[36]

The evolution of BC's municipal system was based upon the experience of the older English provinces as adapted to meet local needs, which were particularly affected by the province's geography.[37] In 1907, S. Morley Wickett, a lecturer on political economy at the University of Toronto, noted that British Columbia's municipal legislation had been from year to year enlarged upon "until to-day the system of local government closely resembles that of Ontario."[38] Ultimately, the system adopted was British in origin.[39] In 1902, Wickett wrote:

> British institutions have been essentially reproduced in Canada as far as circumstances have permitted. They have served as model alike for federal, provincial and civic organization. Canadian city government accordingly much more resembles the simpler English type than it does the complex constitutions of United States cities; though in some points recent municipal experiments in the American Republic have been taken full advantage of in the Dominion.[40]

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[35] App. A.2/22 and App. A.3/35.
[36] Gosnell 1914, 357.
[37] Crawford 1954, 46.
[38] Wickett, "Local Government in British Columbia," 217..
[39] App. A.3/30.
[40] Wickett, "City Government in Canada," 3.

MUNICIPAL INCORPORATION

The statutory provisions by which the Lieutenant-Governor and Executive Council could grant, amend, and revoke municipal letters patent of incorporation underwent considerable evolution between 1872 and 1904. The "Municipality Act, 1872" empowered the Lieutenant-Governor in Council to incorporate new municipalities upon receipt of the petition of at least two-thirds of the adult male inhabitants, resident for not less than two years, in an area not greater than ten miles square[41] and with not less than 30 male adults.[42] That Act also specified the form and content of the letters patent which were to be published in the British Columbia Gazette and a local newspaper. Cities, townships, and districts were, with respect to the acquisition, holding, and alienation of real and personal property, to have the same rights and liabilities as a corporation.[43] The Lieutenant-Governor could by letters patent also extend the Act's provisions to an existing municipality if petitioned to do so by a two-thirds vote of its council.[44] Accordingly, New Westminster and Victoria were in 1872-1873 brought under the municipal act. An 1873 amendment provided for the extension of a municipality's limits.[45]

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[41] In "Local Government in British Columbia" (p. 217), Wickett interpreted ten miles square as the equivalent of ten square miles. Nevertheless, it is clear from an 1878 amendment (App. B/55, s. 8) that 100 square miles was intended.
[42] App. B/46, s. 4.
[43] App. B/46, ss. 5-6.
[44] App. B/46, s. 3.
[45] App. B/47, s. 46.

The incorporation of new municipalities proved slow. As a result, an 1878 amendment empowered the Lieutenant-Governor to create a corporation upon the petition of a bare majority of the adults resident in any locality. The right to petition was extended to women and the two-year residency requirement was dropped.[46] In 1880, statutory law empowered the Lieutenant-Governor in Council to accept the surrender of letters patent in the case of election irregularities and to immediately issue new ones.[47] The "Municipality Act, 1881" contained confirming and saving clauses to extend its provisions to existing municipalities, to guarantee the continued existence of corporations from the date of original incorporation notwithstanding the repeal of statutes or the cancellation and re-issue of letters patent, and to validate all administration under previous Acts.[48]

The "Municipal Act, 1889" redefined under two separate heads the conditions by which city and town or township and district municipalities could be incorporated. Those clauses differed from the 1878 provisions in that they required a more exacting petition, showing that the petitioners represented a majority of the value of the real estate in the area to be incorporated, and that the petitioners publish notice of their intended application.[49] The 1889 Act also redefined the conditions by which the limits of city or township and district

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[46] App. B/55, s. 8.
[47] App. B/42, ss. 1-2.
[48] App. B/59, ss. 164-70.
[49] App. B/69, ss. 10-11.

municipalities could be extended or reduced.[50]

The "Municipalities Incorporation Act, 1896" consolidated and amended the incorporation clauses of the general act.[51] However, the fulfillment of its provisions proved too time-consuming, and the following year the Legislative Assembly enacted the "Speedy Incorporation of Towns Act, 1897"[52] to accelerate the process. An 1899 amendment changed the residency required of the minimum 100 British male inhabitants of the city or town to be incorporated, from six months to the date of the first signature to the incorporation petition.[53] In effect, it expedited the incorporation of "boom" towns.

During the twenty-year period following British Columbia's union with Canada, the evolution of municipal government remained slow. Only ten new municipalities organized, all in the lower mainland or the vicinity of southern Vancouver Island: Salt Spring Island (1872), Chilliwack (1873), Langley (1873), North Cowichan (1873), Maple Ridge (1874), Nanaimo (1874), Delta (1879), Richmond (1879), Surrey (1879), and

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[50] App. B/69, ss. 17-20.
[51] App. B/93.
[52] App. B/105.
[53] Compare App. B/93, s. 2, s.-s. a, and App. B/94, s. 2.
[54] Vancouver's charter and the special act by which New Westminster was reincorporated in 1888 granted certain privileges not conferred by the general municipal act. In that context, it is noteworthy that, in 1890, Nanaimo's Council passed a motion regarding its intention to apply for a private act of incorporation. However, the Finance Committee of the 1891 Council reported that a private charter would cost at least $600 and that it would be best to await the outcome of the proposed municipal amendments. No further mention was made of a private act. See CNA, CCN, CM, 1 December 1890, 26, and 2 February 1891, 45.

Vancouver (1886). The latter was incorporated by special act.[54] However, the 1890's witnessed the creation of many municipalities, especially in the province's interior. Statutory law delineated more clearly the distinction between city or town and township or district municipalities, which were respectively intended to be urban and rural in character, and a large number of district municipalities were incorporated under the 1891 and 1892 municipal acts. The cities of Nelson, Rossland, Grand Forks, Greenwood, and Sandon were incorporated under the "Speedy Incorporation of Towns Act, 1897." Between 1898 and 1901, similar legislation incorporated Revelstoke, Phoenix, Slocan, and Trail. British Columbia's colonial and provincial governments created 41 municipalities between 1860 and 1904; their incorporation is detailed in Appendix D. Excluding Squamish, which was not organized, 21 city and town and 19 township and district municipalities were established. Of that number, 31 still existed in 1982.[55] Columbia and South Vancouver amalgamated with other municipalities; Salt Spring Island and Wellington municipalities were disbanded; and Dewdney, Nicomen, Phoenix, Sandon, and Sumas ceased to exist.

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[55] At the end of 1982, there were 142 (35 city, 46 district, 13 town, and 48 village) municipalities existent in the province. From BC, Ministry of Municipal Affairs, Municipal Statistics Including Regional Districts and Improvement Districts for the Year Ended December 31 1982, pp. 9-13.

MUNICIPAL-PROVINCIAL REPORTING STRUCTURE

From 1860-1904, supervision of municipal institutions was virtually non-existent. Initially, New Westminster and Victoria communicated with the colonial governments through the colonial secretaries and government agents. Such individuals were not responsible for municipalities, but dealt with them in the same manner that they oversaw the colonies' other administrative business. As a result, the correspondence of the colonial governments preserved at the Provincial Archives of British Columbia is a rich source of documentation on early municipal history.

After 1871, municipalities reported to the provincial administration through its government agencies and the Provincial Secretary. Some of the correspondence and statutory returns received by the provincial government are preserved among its records.[56] In addition, the Legislative Assembly regularly ordered that important documents be printed in its Sessional Papers, and these are in part listed in Appendix C. However, the statutory provisions by which the government was to supervise municipalities were not of immediate consequence. Although the "Municipality Act, 1872" made the Provincial Secretary the arbiter in inter-municipal disputes which could not be resolved by the mayors, wardens, or reeves of the

[56] The PABC Government Records (GR) accessions most relevant to the study of municipal institutions are listed in my bibliography (section 1.2.3).

municipalities concerned,[57] the extent of such disputes or the documentation they generated is not readily apparent from examination of the finding aids to provincial records held at the Provincial Archives. The "Municipal Act, 1891" empowered the Lieutenant-Governor in Council to appoint, under the "Public Inquiries Act," a commission to inquire into the government of any municipality or any aspect of its conduct of public business or administration of justice.[58] The reports of many commissions of inquiry were printed in the Sessional Papers[59] and other formats. The Act by which the Department of the Provincial Secretary was reorganized in 1899 made the Provincial Secretary

> the keeper of all registers and archives of the Province, and of all registers and archives of any Government whatever that has had jurisdiction over the territory or any part of the territory constituting the Province of British Columbia.[60]

As keeper of the archives of former government jurisdictions, the Provincial Secretary was apparently responsible for the records of municipalities which ceased to exist. However, the Provincial Archives holds few records relating to defunct municipalities.[61]

Due to the lack of provincial supervision of municipal affairs, city clerks frequently corresponded with one another

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[57] App. B/46, s. 31. From 1896, a Judge of the Supreme Court of British Columbia was to be arbiter in such cases. See App. B/76, s. 287.

[58] App. B/71, s. 265.

[59] See, for example, App. C/111-114. Holmes 1945 provides a general checklist of commissions appointed in BC.

[60] "Provincial Secretary's Act, 1899," SBC, 1899, 62 Vict., c. 59, s. 3, s.-s. c.

[61] See, for example, PABC, Records of the Corporation of the City of Sandon, 1891-1935, GR 304; and PABC, Records of the Corporation of the City of Phoenix, 1900-1920, MS C/D/70/P56-P56.14.

regarding the interpretation of statutory law. They also sought advice concerning procedural matters, forms, registers, and equipment. In corresponding with Wellington Jeffers Dowler, Victoria's City Clerk, to obtain information about the steam road roller acquired by that City, Samuel Gough, Nanaimo's City Clerk, wrote:

> I trust you will not be offended at my many calls upon you for information and advize [sic], I suppose the only way that I can repay you will be to pass the good things that I learn from you, on to others.[62]

Apparently, municipal officers were willing to oblige one another by answering requests for information. From the early 1890's, they also became involved in the process by which municipal law was amended and consolidated.[63] They appointed legislative committees to communicate with other municipalities on proposed changes to the municipal system and eventually submitted their "suggestions" to the government.

MUNICIPAL REPORTING: POST-1904

In order to provide some insight into sources of information on municipalities in the post-1904 period, something must be said about the municipal-provincial reporting structure as it has evolved to the present. A formal system of municipal supervision was not established until the provincial government appointed the first Inspector of Municipalities in 1914[64] under

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[62] CNA, CCN, CC, 9 June 1899, 429. See also CNA, CCN, CC, 8 June 1887, 56; 16 June 1899, 436; and 24 June 1904, 448.
[63] CNA, CCN, CM, 6 February 1893, 297.
[64] "Municipal Act, [1914]," SBC, 1914, 4 Geo. V, c. 52, ss. 471-80.

the Department of the Attorney-General. The Municipal Branch was to administer the various acts governing municipal matters and was presumably created as a result of the 1912 Royal Commission on Municipal Government. The commission's report noted the absence of "even a Government office where information can be obtained regarding the financial affairs of municipalities"[65] and recommended that

> the Government establish a Municipal Department, similar to those in Manitoba and Alberta. Under this Municipal Department there should be one or more inspectors, whose duty it would be to see that the books of each municipality, including the school accounts, are kept in a proper manner, that they are duly audited at least once a year, and that a uniform system of municipal accounting is established. It should also be the duty of each municipality to transmit annually to the Municipal Department a full statement of its financial position . . . .[66]

Further on, the report clarified that "an office in connection with an existing department would be sufficient."[67] The extent to which its recommendations were implemented is, however, unknown, and examination of municipal archives from the post-1912 period to determine the archival implications thereof could

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[65] "Report of the Royal Commission on Municipal Government, 1912," in BC, Sessional Papers, 1913, p. L9.

[66] Ibid.

[67] Ibid., L17.

[68] Archives created by BC's municipalities during the nineteenth century are likely to be very similar because municipalities were governed by essentially the same legislation. If the recommendation that the government move to facilitate reporting procedures through the standardization of record-keeping was carried out, it should follow then that archives surviving from the post-1912 period share an even greater uniformity and that an in-depth study of the archives of one municipality might prove most valuable in providing generalizations to assist in the administration and arrangement of the bulk of this province's municipal archives.

prove interesting.[68]

Information on municipalities in the post-1912 period is more abundant. The annual reports of the Inspector of Municipalities for 1917-1932 are printed in the Sessional Papers (1919-1934). In addition, the Municipal Branch produced publications on municipal affairs.[69] In 1934,[70] the Department of Municipal Affairs was created to assume responsiblility for the supervision of local government generally. The Municipal Branch administration, including the Inspector of Municipalities, his staff, and records, was transferred to the new department[71] which continued as a distinct agency until 1977 when the Ministry of Municipal Affairs and Housing was formed as a result of departmental reorganization.[72] In 1979, the Ministry of Municipal Affairs was re-established as a separate entity to coordinate and implement provincial policy respecting local and regional government.[73]

Having examined the statutory basis of municipal government, discussion of the early history and incorporation of Nanaimo is in order.

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[69] See Holmes 1950, 92.
[70] "Department of Municipal Affairs Act, 1934," SBC, 1934, 24 Geo. V, c. 52.
[71] See Holmes 1950, 182, for departmental publications to 1947.
[72] "Ministerial Titles Amendment Act, 1977," SBC, 1977, 25 & 26 Eliz. II, c. 75, ss. 32 and 34. By that Act, government departments became ministries.
[73] "Ministry of Municipal Affairs Act, [1979]," SBC, 1979, 28 Eliz. II, c. 21.

III. THE IMPACT OF COAL COMPANIES AND GOVERNMENT ON NANAIMO, 1851-1904

Prior to 1875, Nanaimo was governed first by the private companies which operated its coal mines and later by the colonial and provincial governments. Those institutions provided some of the functions for which municipal government subsequently became responsible. The importance of the role played by the coal companies in Nanaimo's early, as well as post-incorporation, development is to be stressed. Although of lesser importance, government jurisdictions also performed functions which informed the nature of local conditions. In order to provide some understanding of the main institutions creating records at Nanaimo, it is necessary to examine the history of the discovery of coal and the evolution of the company and government administrations represented there. The archives of those institutions may, in addition to the personal records of their officers[74] and local residents, missionaries, and visitors, yield information about the quality of life, the services available, and the fabric and structure of society prior to incorporation. This chapter culminates in discussion of the 1866 incorporation attempt and Nanaimo's incorporation in December 1874. Both serve to exemplify the problems existent at the time of the City's birth and to highlight the community's peculiar political situation as a "company town." The municipal

[74] The names of key company and government officials are enumerated in this chapter.

researcher must be aware that Nanaimo remained a company town until the early twentieth century and that "the Company" influenced the municipal sphere through the application of forces more subtle than those with which it had originally opposed local self-government. Accordingly, the researcher must, in evaluating the evidential and informational content of Nanaimo's municipal archives, carefully weigh the Company's "presence."

COAL COMPANIES

About 1851, Che-wech-i-kan, an Indian who later came to be known as Coal Tyee or Coal Chief, reported to a Hudson's Bay Company blacksmith at Fort Victoria that coal was to be found on the beach at Wentuhuysen Inlet.[75] At that time, there were five bands of Coast Salish Indians inhabiting the area between the Nanaimo River and the far end of Departure Bay. When they met as a group in the vicinity of the Nanaimo townsite, they were a "great and mighty people," or the "Sne-ny-mos," from which Indian word Nanaimo derives its name. The report of coal was substantiated when Che-wech-i-kan returned to the Fort with coal in his canoe. James Douglas, HBC Chief Factor at Victoria and Governor of the Colony of Vancouver Island, visited the site in 1852 and on 24 August ordered Joseph William McKay, a Company clerk, to proceed to "Nanymo Bay" to formally take possession of

[75] For general information about the history of Nanaimo, credit is due to local histories by Johnson 1974, Johnson, Parker, and Sedola 1966, Norcross 1979, Norcross 1983, Sale and Smith 1983, and other sources.

the coal beds discovered there for and on behalf of the HBC. McKay did so on 27 August. Coal miners were transferred from the Company's troubled mining operations at Fort Rupert to begin working the coal. Indian labour was enlisted, and, by 9 September, the schooner Cadboro was ready to transport the first coal shipment.

The HBC had brought coal miners out from England aboard the Harpooner (1849) and the Tory (1851) to work its mines at Fort Rupert. Those operations were closed down in early 1853, at which time the remaining coal miners (some supposedly joined the California gold rush) were transferred to Fort Nanaimo. In 1853, the HBC erected a sentinel blockhouse--the Bastion, which stands to this day--to serve as a trading post and to protect the white population in case of Indian attack. The HBC christened the settlement Colviletown in honour of its Governor, Andrew Colvile. The population of the trading post and mining village remained small until the arrival on 27 November 1854 of 23 coal miners and their families (75 persons) from Brierley Hill, Staffordshire, England. In the hope that the miners would become permanent settlers, the HBC had contracted with them to work in its mines for a period of five years and brought them to the colony aboard the Princess Royal. By 1860, the settlement was known as Nanaimo.

On 23 December 1854, the HBC purchased the site later incorporated as the Corporation of the City of Nanaimo and

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[76] Norcross 1979, 14. This was in effect a treaty.

adjacent lands from the local Indian tribe for 668 blankets.[76] After the area had been surveyed, the Company acquired from the Crown the exclusive rights to those lands (6,193 acres) and the coal underlying them for £6,193. The transfer was confirmed by indenture dated 5 May 1855, which absolutely freed and discharged the HBC from the conditions of the 1849 letters patent granting it the trading and mining rights to Vancouver Island.[77]

McKay was the HBC officer-in-charge of Fort Nanaimo from 1852-1854; he organized the construction of the miners' accommodation and managed the trading store. Captain Charles Edward Stuart replaced McKay in late 1854. John Muir was initially mine overseer; in 1853, he was joined in that capacity by Boyd Gilmour. George Robinson arrived with the Princess Royal miners in 1854 to become mine manager or agent. On the completion of his five-year contract, he returned to England. About the same time, Stuart was removed as officer-in-charge because of his "chronic drunkenness."[78] Charles Samuel Nicol was hired as general manager to replace both Robinson and Stuart.

During its first decade, Nanaimo was a traditional company town. The HBC owned the coal mines and all of the land. By 1862, the management of the HBC's coal-mining operations at Fort Nanaimo was virtually independent of its other operations in the

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[77] "A Revelation," Daily Colonist, 16 March 1900, 1-2.
[78] H. Keith Ralston, "Miners and Managers: The Organization of Coal Production on Vancouver Island by the Hudson's Bay Company, 1848-1862," in Norcross 1983, 54.
[79] Ralston, in Norcross 1983, 54-5.

Western Department.[79] In fact, the Nanaimo Establishment was, although not formally incorporated, often referred to as the Nanaimo Coal Company. Due to the scale on which the Nanaimo operations were conducted, they did not prove profitable, and in 1861 the HBC negotiated their sale, which was completed in January 1862. By indenture dated 30 September,[80] the HBC formally transferred its Nanaimo land and coal holdings, mine workings, houses, and other buildings to the Vancouver Coal Mining and Land Company, Limited (VCMLC). That Company, formed in November 1861 at the instigation of manager Nicol, was a British-owned joint stock company with head office in London; locally, it was known as the Vancouver Coal Company. It had a capital of £100,000, of which £40,000 was used to purchase the HBC property; the remainder was for development work. After 1862, the HBC remained only as a trading store and fort, and the Nanaimo mines were extensively developed. The community began a period of growth. The VCMLC laid out an organized town, sub-divided the townsite, and sold lots to private individuals. The plan of the townsite was prepared in England with the streets radiating out from the shoreline and up the hillside. Many streets were named after HBC and VCMLC officials and shareholders, and royalty. In 1864, the VCMLC sold town lots by auction in Victoria.[81]

Charles S. Nicol continued as resident manager until 1867 when he and his family removed to San Francisco. In 1869, Mark

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[80] "A Revelation," Daily Colonist, 16 March 1900, 1-2.
[81] "Sale of Nanaimo Lots," Daily British Colonist, 17 May 1864, 3.

Bate, who had started as a HBC clerk in 1857 and was appointed VCMLC cashier-accountant in 1863, became the Company's business manager; John Bryden, who had arrived in Nanaimo about 1863 to assume the position of underground manager, took full charge of the mining operations. In July 1883, Samuel Matthew Robins, who had been appointed Company secretary in October 1868, visited Nanaimo. He returned the following year as resident superintendent; Bate ceased to hold the office of business manager at that time. Robins began "the immense works of construction and improvement that have lifted Nanaimo from the state of a small though happy and prosperous coal mining camp, into its present [1903] important and flourishing condition."[82]

On 30 January 1889, the VCMLC reorganized as the New Vancouver Coal Mining and Land Company, Limited (NVCMLC), known locally as the New Vancouver Coal Company, with a capital of £215,000. Again, the magnitude of the coal-mining operations were increased. In December 1902, the NVCMLC sold its operations and land holdings to a group of San Francisco capitalists who organized as the Western Fuel Company (WFC). Robins continued to act as NVCMLC superintendent until mid-1903 in order to conclude the Company's business, but then retired.

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[82] Nanaimo, British Columbia: Its Development and Resources: A Sketch of Fifty Years Enterprise and Advancement, 1851-1903, p. 3.

Thomas Russell became the first WFC resident superintendent.[83]

Although the Nanaimo-area coalfields were also mined by other companies, notably the Dunsmuir interests, the coal within the city limits was mined exclusively by the HBC and its successors. The importance of the role those companies played in Nanaimo's early, as well as post-incorporation, development has given rise to questions regarding the extent to which Nanaimo was a company town. Obviously, the coal-mining operations of the very enterprising VCMLC and its successors were the mainspring of Nanaimo's economy. In addition, the Company's manager, and later superintendent, were most cooperative in their business transactions with the civic administration, albeit to the Company's own benefit. Furthermore, the Company owned the unsold land within and many acres outside the city limits,[84] and the City and most prospective settlers were dependent upon it for the acquisition of real estate.

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[83] The WFC was reorganized as the Western Fuel Corporation of Canada, Limited, in 1918 and was purchased by the Canadian Collieries (Dunsmuir) Limited in 1928, at which time the latter Company moved its Victoria operating office to Nanaimo in order to consolidate its Vancouver Island offices. The two companies maintained separate operations until 1939, when the last WFC mines closed. In 1964, the Canadian Collieries Resource Limited was purchased by Weldwood of Canada Limited, a company incorporated to embrace the United States Plywood Corporation's Canadian subsidiaries and to facilitate the takeover. By that time, the major mines in the vicinity of Nanaimo had been closed for more than a decade.

[84] The NVCMLC eventually acquired at least 32,000 acres of freehold property. See "New Vancouver Coal Company," Daily Colonist, 10 June 1900, 11.

GOVERNMENT JURISDICTIONS

Discussion turns now to the government jurisdictions represented at Nanaimo. Initially, the government of the Colony of Vancouver Island was represented at Colviletown by Captain Stuart, HBC officer-in-charge, who administered the law as local justice of the peace. William Weston and Edwin Gough were gaolers, and the first floor of the Bastion served as the gaol.[85] From 1856, Nanaimo District was represented in the Legislative Assembly by an elected member. In 1860, after the HBC dismissed Stuart from its service, the colonial government appointed Captain William Hales Franklyn as stipendiary magistrate. Franklyn was also government agent. At first, the government rented premises from the coal companies for use as a Court House and gaol. In 1865, it purchased a two-story wooden building on Front Street, situated in the vicinity of what is now the access to the waterfront side of the federal building, and altered it for use as a Court House. During the colonial era, that building housed the courtroom, post office, harbour master's office, government agency, and police quarters. When space became a problem, additional premises were rented. William Stewart was appointed police constable and gaoler in 1864; various individuals performed the duties of postmaster and harbour master.

In January 1866, the Legislative Assembly refused to

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[85] Mark Bate, "The Historic Bastion" (1909), in Johnson, Parker, and Sedola 1966, 5-6.

include certain officials' salaries on the civil list; Stipendiary Magistrate Franklyn was among those whom the Executive Council notified that their services were no longer required.[86] In the absence of a government representative at Nanaimo, the Executive Council deemed it necessary to appoint an officer to collect harbour dues, hoping that his salary could be defrayed out of the dues collected.[87] Law and order was maintained by Constable Stewart, and unpaid justices of the peace acted in Franklyn's stead.

Franklyn was subsequently re-appointed stipendiary magistrate, but his second tenure of that office was brief. On 13 May 1867, the Executive Council of the united Colony of British Columbia recommended that Franklyn take a six-month leave of absence when his intemperate conduct while acting in his official capacity as a Legislative Councillor became a matter of public notoriety. The Executive Council noted Franklyn's extreme unpopularity in his magisterial district.[88] In his place, the government appointed Captain Warner Reeve Spalding as stipendiary magistrate and collector of revenue. At the close of the colonial era, a gaol was constructed beside the Court House, opposite the present Harbourside Villa, presumably erected with an appropriation included in the 1871 estimates.

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[86] "Journals of the Executive Council of the Colony of Vancouver Island, 20 October 1863 to 19 November 1866," in Hendrickson 1980, 1:208.
[87] Hendrickson 1980, 1:211.
[88] "Journals of the Executive Council of the Colony of British Columbia, 23 April 1864 to 7 July 1871," in Hendrickson 1980, 4:79.

After the united Colony of British Columbia joined the Canadian federation in 1871, the provincial government appointed one F. Trevor and later Thomas Lea Fawcett as government agent, assessor and collector. By 1874, Fawcett also acted as an auxiliary police constable; other statutory appointments conferred upon him included the offices of collector and reviser of voters, registrar of births, deaths and marriages, returning officer, and land commissioner. Stewart remained as police constable, and Spalding as county court judge, court of appeal judge, coroner, gold commissioner, and marriage registrar. The local provincial administration occupied the colonial Court House. As it grew, the offices of assessor and collector, deputy government agent, county court registrar, and district supreme court registrar were created. In 1896, a new Court House, designed by architect Francis Rattenbury, was completed. Situated on Front Street, it still houses offices of the provincial government.

The dominion government was represented at Nanaimo from the mid-1870's, when a postmaster, collector of customs, and harbour master were appointed. In the early 1880's, a three-story stone Custom House and Post Office was erected on the site of the present Front Street federal building.

RECORDS

Although local improvements were, prior to 1875, minor, some of the functions which became the responsibility of the Corporation of the City of Nanaimo had been performed by the coal companies and the colonial and provincial governments. Therefore, it is important that the municipal researcher understand those earlier jurisdictions, including the records they generated.

To begin, the majority of HBC records are preserved by the Hudson's Bay Company Archives, which is located at the Provincial Archives of Manitoba in Winnipeg.[89] In addition, the Provincial Archives of British Columbia and the Nanaimo Centennial Museum Archives house some HBC records. Archival material created by the Nanaimo operations of the VCMLC and successor companies remains elusive. Considering the number of times which the Company reorganized and changed hands, it is probable that very little has survived. However, some documentation for the period 1861-1900 does exist among HBC records relating to subsidiary and affiliated companies.[90] In addition, a seemingly little known source, the Nanaimo Gazette, published as a weekly newspaper from 10 July 1865, might prove

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[89] See Appendix to Norcross 1983, 79-83, which contains a description of the classification system and a brief guide to HBCA sources on Nanaimo.

[90] Appendix to Norcross 1983, 79-83 (HBCA, F.33/1).

informative about the role of the VCMLC in the community.[91] Nanaimo news was, of course, also reported in the Victoria and New Westminster papers. Regarding records created by the colonial and provincial governments, it must be assumed that those surviving from this early period are preserved at the Provincial Archives.

Attention should also be drawn to the personal records of company and government officials, and other individuals, living at Nanaimo during the pre-1875 period, which might be found at the Provincial Archives or in other archival repositories. Senior company officials have been noted as many are likely to have kept private journals which make reference to local conditions. For instance, a typescript of a journal kept by Captain Charles Edward Stuart is preserved at the Provincial Archives.[92]

It should also be noted that historical information about areas incorporated with the City after 1874 may be found among the archives of the coal companies and the colonial and provincial governments. For example, the VCMLC and NVCMLC were responsible for the early organization and development of the five-acre lots in Harewood,[93] which did not become part of the City until 1975.

[91] The Nanaimo Gazette was published until mid-1866 when it changed hands and was renamed the Nanaimo Tribune, under which title it continued publication until October 1867. See "Ingratitude," Daily British Colonist, 28 October 1867, 3. The Legislative Library's holdings of those papers, although very incomplete, are available at the PABC on microfilm reel 3A(2).

[92] PABC, Nanaimo Journal, August 1855-March 1857, MS A/C/20.1/N15.2.

[93] A.F. Buckham, "A Man with Vision, Far before His Time, Samuel Matthew Robins Was Certainly God-father to Nanaimo," Colonist, 27 January 1957, Magazine section, 13.

Finally, the events which culminated in Nanaimo's incorporation and the political environment into which the City was born demonstrate the corporate influence exercised by the coal companies.

MUNICIPAL INCORPORATION ATTEMPT, 1866

Following the excitement of the Fraser River and Cariboo gold rushes, the colonies of Vancouver Island and British Columbia entered an economic slump, and there was talk during the mid-1860's of uniting them. In the Colony of Vancouver Island, there was much discussion of economic restraint and the burden of maintaining two legislative bodies. A stalemate was evolving between the House of Assembly and the Legislative and Executive Councils over the civil list and government expenditure generally. Conflict had arisen in Victoria between municipal and colonial authorities as a result of the limited municipal machinery under which Victoria laboured.

The Nanaimo municipal question appears to have stemmed from an editorial in the Daily British Colonist which discussed the state of the colonial government, retrenchment, and the problems which had arisen in Victoria. It declared that a good incorporation bill for Victoria was imperative and argued that the first step towards cheap and efficient colonial government was the thorough application of the municipal system wherever it could be carried out. There was no reason, it was argued, that every community on the Island populated by a few hundred people should not govern itself. Nanaimo would be none the worse with

municipal privileges and a town council head to replace the local magistracy; it would certainly entail a monetary saving.[94] A Nanaimo property holder wrote that the editorial expressed the sentiments of the majority of the property holders; he revealed a seeming discontent with the local state of affairs, including the condition of the streets and the incompetence of the government's representative:

> There is no earthly use in breaking one's neck on a dark night by tumbling over obstructions in our so-called streets, and one portion of our town divided from the other by a ravine, impassable at high tides. We want our taxes appropriated to better advantage than paying large salaries to useless officials and their satellites, who are only a dead weight on the prosperity of the town. As you wisely remarked a Mayor or a Chairman of a Board to act as Magistrate and to try small debts cases would suit the wants of the people better. Every one sees the incompetency of our Magistrate to check crime in this place. If it was not for the efficient and independent action of our sergeant of police, there is no knowing where things would end. One thing is certain--we shall not stand much longer that useless appendage, the Magistrate. If the Governor wants such a person paid let him pay him out of his own pocket; we want our money appropriated to more useful purposes.[95]

In March 1866, the Vancouver Island House of Assembly passed a bill for the incorporation of Nanaimo, which was then transmitted to the Legislative Council where it passed its first reading. To simplify a complex issue, petitions were circulated among Nanaimo's residents, first denigrating and afterwards supporting the incorporation movement, and charges arose as to the validity of the anti-incorporation petition. The opponents

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[94] "Municipal Government," Daily British Colonist, 6 September 1865, 2.

[95] "Letter from Nanaimo," Daily British Colonist, 23 September 1865, 3.

of incorporation held a mock funeral service and buried the bill in the ravine. A select committee of the Legislative Council appointed to investigate allegations brought against the movement's opponents decided that the charges were unfounded, that no case had been made for incorporation, and that the central government could best deal with the town's requirements. Consequently, on 28 May, the Legislative Council indefinitely postponed the bill's second reading.[96]

Essentially, the incorporation movement was defeated by the Legislative Council which probably saw it as a threat to its own power, especially since it already had problems to deal with concerning Victoria. In retrospect, the Legislative Council appears, however, to have had a predetermined plan of action, for the Executive Council had already decided on 4 April that the bill, which had been sent up from the House of Assembly for consideration, was "utterly impracticable in its provisions."[97] As it appeared that the majority of the inhabitants of Nanaimo had petitioned against the bill, the Executive Council resolved that it be thrown out in the Legislative Council. Since the Executive Council's proceedings were not made public, the decision of that body to throw out the bill before the Legislative Council had finally disposed of it did not become an issue. In any case, four of the five members of the Executive Council comprised half of the Legislative Council. The fact

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[96] Hendrickson 1980, passim.

[97] "Journals of the Executive Council of the Colony of Vancouver Island, 20 October 1863 to 19 November 1866," in Hendrickson 1980, 1:212.

that the bill was buried on 7 April, only three days after the Executive Council's decision, would, in light of the politics involved, suggest that the movement's opponents were informed of its decision or even guaranteed in advance that the issue would be defeated.

Correspondence in the Vancouver Island newspapers reveals that the incorporation issue divided the community in two. An anonymous supporter of incorporation wrote that its promoters had long been vexed by the paltry rule under which they were living and sought to find a better form of government in order to suppress the crimes which disgraced the town and replace the inefficiency of the colonial government. Its opponents were themselves divided into two camps. First, there were those who were jealous of the positions they enjoyed and feared that incorporation would give rise to a more popular and intelligent element whose authority would conflict with the exercise of their own power.[98] Secondly, there were the law breakers who feared that municipal institutions would entail the suppression of the profitable, though illegal, trade which they had been carrying on with impunity.[99]

Several correspondents commented on what was probably the real issue behind the anti-incorporation movement. One individual alluded to the fact that Nanaimo was a company town, pointing out that the majority of its inhabitants were living in

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[98] The writer refers to colonial government and VCMLC officials.
[99] "A Bitter Pill from Nanaimo," Daily British Colonist, 20 April 1866, 3.

houses owned by the VCMLC. He suggested that the incorporation attempt might have been a ploy by Nanaimo's inhabitants for corporate power.[100] A subsequent editorial in the Nanaimo Gazette was more forthright. Commenting on the history and fate of the municipal question, it noted that the Legislative Council evidently desired to throw out the incorporation bill and that they would no doubt find a way to do so. Moreover, the editorial noted the gracious manner in which the Council received the anti-incorporation petition and how their joy was reported in their organ, the Victoria Daily Chronicle:

> Indeed report says that this darling pet was conceived at James Bay or in the Chronicle office, if so no wonder that its sires should be jubiliant at its rapid growth and public appearance. This will account also for the fact that our Government Agent and his friends, the Indian liquor dealers, &c., knew in advance the minds of the Council and arranged for the burial of the bill before it was disposed of, or even considered officially, and hence their chagrin at the ignominious failure of their programme on that disgraceful occasion.[101]

The editorial also alleged that the VCMLC, the major property holder, opposed incorporation, and that municipal institutions "could not be granted until the value of the property owned by the petitioners was greater than that owned by the Company."[102] It suggested that had that been realized in 1864 when the VCMLC offered its town lots for sale, the results of the auction might have been different. It also noted that during the summer of

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[100] "Incorporation of Nanaimo," Victoria Daily Chronicle, 2 May 1866, 2.
[101] "Where There's a Will There's a Way," Nanaimo Gazette, 19 May 1866, 1.
[102] Ibid.

1865 Mark Bate had had sole supervision of the editorial department of the Nanaimo Gazette at which time the paper was notoriously the organ of the VCMLC and Magistrate Franklyn.

Based upon surviving documentary evidence, Mark Bate, VCMLC cashier-accountant, apparently opposed incorporation from the time of its conception. Ultimately, Charles S. Nicol, VCMLC resident manager, also opposed it. John Bryden, VCMLC assistant manager, remained a proponent throughout the issue. Nevertheless, the role which Bate and Nicol played on behalf of their employer in defeating the incorporation attempt can only be speculated upon. The evidence does, however, tend to suggest that the VCMLC opposed incorporation and, therefore, that the incorporation bill was not simply defeated on its own merits or the whim of the Legislative Council. Nicol left Nanaimo in 1867, possibly as a result of his authority having been undermined by the events of 1866. In 1869, Bate became VCMLC business manager. When the Dunsmuir interests organized in 1871, Bryden, who was a son-in-law of colliery proprietor Robert Dunsmuir, went to manage the Wellington mines.

MUNICIPAL INCORPORATION, 1874

In 1870, a second incorporation attempt proved short-lived. On 7 March, David Babington Ring, Legislative Councillor for Nanaimo, had been granted leave to introduce a Nanaimo incorporation bill in the Legislative Council. However, no

further action was taken.[103] Finally, a third attempt by the inhabitants of Nanaimo to obtain local self-government proved successful, although under equally controversial circumstances.

On 14 and 15 December 1874, Police Constable Stewart and Alexander Dunsmuir, son of the colliery proprietor, circulated a petition among the residents requesting the Lieutenant-Governor in Council to issue letters patent incorporating a city municipality comprised of the Nanaimo and Newcastle townsites. They were successful in obtaining the signatures of 221 of the approximately 260 persons entitled to vote at municipal elections. The petition requested that self-government be granted in order to prevent the further expenditure of the town revenue in opening roads to distant parts of the district. It claimed that municipal government would improve the town's streets and bridges, which were in a very unsatisfactory condition. The Nanaimo Free Press (NFP) endorsed the movement, noting that "one thing is certain, we want some change to lift us out of the muddy condition in which we are at present . . . ."[104] In reporting the arrival of Alexander Dunsmuir in Victoria to present the petition to the Lieutenant-Governor, the Daily British Colonist noted:

> But most assuredly it is due to Nanaimo that she should have a fair start--a liberal grant in order that the heavier works which ought to have been done long ago by the Government may now be done without the necessity of having recourse to fresh taxation. The

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[103] See "Journals of the Legislative Council of British Columbia," 1867-1871, 7th Session (1870), in Hendrickson 1980, 5:301.

[104] Cited in "Municipality Petition," Daily British Colonist, 18 December 1874, 3.

> Provincial Exchequer is largely indebted to Nanaimo, and no more fitting opportunity could occur for cancelling at least a portion of that indebtedness.[105]

Dunsmuir presented the petition to the government on 21 December,[106] and municipal institutions were supposedly granted the same day.[107] Dunsmuir's "strenuous efforts" to obtain a bonus were without success,[108] and he was later criticized for having acted as the community's self-appointed "ambassador."

From 22 December 1874, a counter petition was circulated which opposed incorporation unless a bonus of $40,000 was granted as indemnification for the many years of neglect the town had suffered. Its proponents inserted a copy in the advertising columns of the NFP.[109] The petition specifically charged that the incorporation petition had been signed

> under misapprehension by non Residents, non freeholders, non Householders, non Leaseholders, And by people residing outside the Limits of the proposed Municipality and thus without proper regard to the provisions of the Municipality Act 1872[110]

and was therefore informal and irregular, and did not meet the requirements of the 1872 Act, "nor the wishes of those entitled to Petition." The petition stressed that the government had with the moneys appropriated for Nanaimo District made scarcely any improvements within the town and that good thoroughfares

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[105] "Nanaimo to be Incorporated," Daily British Colonist, 18 December 1874, 3.
[106] PABC, BC, Provincial Secretary, GR 526, Correspondence inward, Box 11, File: No. 850-, Item 865/74.
[107] "Nanaimo," Daily British Colonist, 25 December 1874, 3.
[108] "Nanaimo," Daily British Colonist, 25 December 1874, 3.
[109] "To His Excellency . . . ," NFP, 26 December 1874, 2.
[110] PABC, BC, Provincial Secretary, GR 526, Correspondence inward, Box 9, File: No. 1-75, Item 8/74 [marked incorrectly, should have probably been numbered 8/75].

would have existed if it had done so. Considerable improvements had been made in New Westminster and Victoria at general government expense prior to their incorporation. Therefore, the petitioners believed that all of the public buildings, bridges, and other improvements necessary for the locality should be constructed out of general and not local government funds.

The counter petition, received by the government on 2 January 1875, collected only 134 signatures; a number of the petitioners had also signed the incorporation petition. It is of interest to note that Mark Bate, who became Nanaimo's first and long-time mayor several weeks later, signed the counter petition; he did not sign the incorporation petition, although James Harvey, the only other mayoral candidate and a son-in-law of Robert Dunsmuir, did. Advocating self-government and municipal institutions, the Daily British Colonist stated that Nanaimo should be incorporated only if its residents desired incorporation. It questioned the haste with which the incorporation petition had been circulated and the "extraordinary haste" with which the government had acted, when, in light of its knowledge of the general dissatisfaction and counter movement at Nanaimo, it should have acted with "unusual caution."[111]

Whatever the local, provincial, company, and family politics involved in the incorporation question, the majority of Nanaimo's residents clearly desired some sort of change, and

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[111] "Nanaimo Incorporation," Daily British Colonist, 25 December 1874, 2.

incorporation, even without a bonus, was seen as the answer. The Lieutenant-Governor in Council had on 24 December 1874, by letters patent[112] issued under the "Municipality Act, 1872" and amending acts,[113] incorporated the townsites of Nanaimo and Newcastle, and their approximately 1,500 inhabitants, as the Corporation of the City of Nanaimo. Nanaimo became the province's eighth municipal corporation and third city municipality, and in 1875 the government finally voted it a $3,000 appropriation[114] to defray the costs of construction of the first bridge across the ravine at Bastion and Fitzwilliam Streets, the lack of which had long been a source of grievance.[115]

In conclusion, Nanaimo was at incorporation still in its embryonic stages, and communal services and local improvements were few. Company town dynamics were operative both in 1866 and at Nanaimo's incorporation in 1874. In fact, the coal companies continued to influence the municipal sphere until the early twentieth century. The presence of the Company is witnessed time and again throughout Nanaimo's history, most notably in the person of Mayor Mark Bate and in service and regulatory

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[112] The 1874 letters patent (App. E/136), and subsequent amendments to extend the city limits (1887, 1927, 1946, and 1952), remained in effect until 1975. At that time, the City was, upon its amalgamation with several outlying districts, reincorporated as the City of Nanaimo.

[113] App. B/46-48.

[114] CNA, CCN, CM, 12 April 1875, 19; 5 May 1875, 28; and 14 June 1875, 35. The schedule attached to the [Supply Act, 1875], SBC, 1875, 38 Vict., no. 3, p. 21, notes $10,000 in direct aid voted to six municipalities, of which Nanaimo was the largest recipient.

[115] See Sale and Smith 1983, 58.

functions. Therefore, the municipal researcher must, in attempting to understand Nanaimo's archives, be aware of the historical position of the coal companies within the community.

IV. THE MUNICIPAL ADMINISTRATION AND ARCHIVES OF THE CORPORATION OF THE CITY OF NANAIMO, 1875-1904

Municipal corporations, like other public agencies, have both administrative and operational functions. Administrative functions comprise all internal housekeeping procedures, including property, materiel, financial, and personnel management, and provide the general administrative and clerical support required by an organization to fulfill its operational mandate. A municipality's operational functions consist of the services for which it is responsible by virtue of its letters patent and the statutes by which it was incorporated. Correspondingly, records may be divided into two categories. Administrative records are generated and received in the performance of internal support functions and operational records in the performance of service and regulatory functions. Although the administrative record often contains information about operational functions, the operational record seldom contains information about administrative matters.

Records, whether administrative or operational, have both informational and evidential content. The informational content of documentation is the incidental data about persons, places, and subjects required and amassed by an organization in the ongoing performance of its mandate. The evidential content of the record concerns the organization's structure, policy, functions, and operations. Administrative, municipal, economic, and political historians are interested in the records created by municipal administrative officers, both for their evidential

and informational content. Social historians are interested in operational functions, but must often, due to the absence of operational records, turn to the records created by administrative offices to discover what they reveal about the service functions in which they are interested. This is achieved through perusing administrative records for their informational content.

This chapter examines the municipal administration and archives of the Corporation of the City of Nanaimo, 1875-1904.[116] Discussion is organized along the administrative-operational division.[117] Over time, municipal administrative functions have been more closely linked to specific officers than have operational functions. The first part of this chapter covers those offices and bodies responsible for administrative functions and includes the Returning Officer, Municipal Council, City Clerk, Finance Committee, City Assessor, Court of Revision, City Collector, City Treasurer, City Auditor, and City

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[116] The statutory law (Appendices A-B) introduced in Chapter II, published primary sources relating to municipal administration (Appendix C), the inventory of the materials consulted at the City of Nanaimo Archives (Appendices J-Y, which are explained in Appendix I), lists of municipal officers and those elected as mayor and aldermen (Appendices H and F), a description of the physical environment in which the municipal executive and administration laboured (Appendix G), and the Nanaimo City Map (Figure 5) are drawn upon in discussing the municipal administration and its archives.

[117] The functions of the more evolved municipality might be discussed in terms of its overhead, service, and protective departments as defined by Brittain 1951, 142-3. Those of the modern municipality might be divided into general administrative, supervisory and control, social and cultural, technical, and planning categories. See OECD Informatics Studies 1978, 292-5.

Solicitor. The second part treats operational functions, including fire protection, water service, street, bridge, and sidewalk construction and maintenance, parks, cemetery regulation and maintenance, library service, preservation of the public health, public school accommodation and education, and poor relief.

In nineteenth-century Nanaimo, the provision of service functions seemingly resulted in the creation of fewer records of permanent value than did administrative functions. Accordingly, the majority of surviving archives are administrative rather than operational. As a result, discussion of operational functions is based upon statutory law and the informational content of the administrative record. By contrast, the evidential content of the administrative record informs to large extent discussion of administrative functions.

PART I: ADMINISTRATIVE FUNCTIONS

Discussion is developed around the offices existent in Nanaimo's administration at the end of 1904, that is, according to the provenance of the records created to that date. The 1904 hierarchical structure of the City and related boards is illustrated in Figure 1. Municipal offices for which no records have survived are discussed, albeit it in lesser detail, since documentation may exist in the case of other municipalities. The existence or non-existence of records should not be construed as indicating that the creating office was or was not significant. For instance, although Nanaimo's nineteenth-century mayoralty has bequeathed us very few records, the holder of that office was, as chief magistrate, certainly the key personality in the municipal sphere. Likewise, the large volume of records created by the city clerk should not be allowed to obscure the fact that that officer only acted upon the instruction of council. Nevertheless, relative to other officers, the municipal clerk held, as chief administrative officer, an influential position.

In so far as possible, discussion proceeds from the statute by which an office's primary function was authorized, continues with the administrative details of the office based upon Nanaimo's experience, and concludes with explanation of its records in light of those and other contextual factors.

Since a permanently appointed municipal administrative staff did not exist during the period of this study, the role

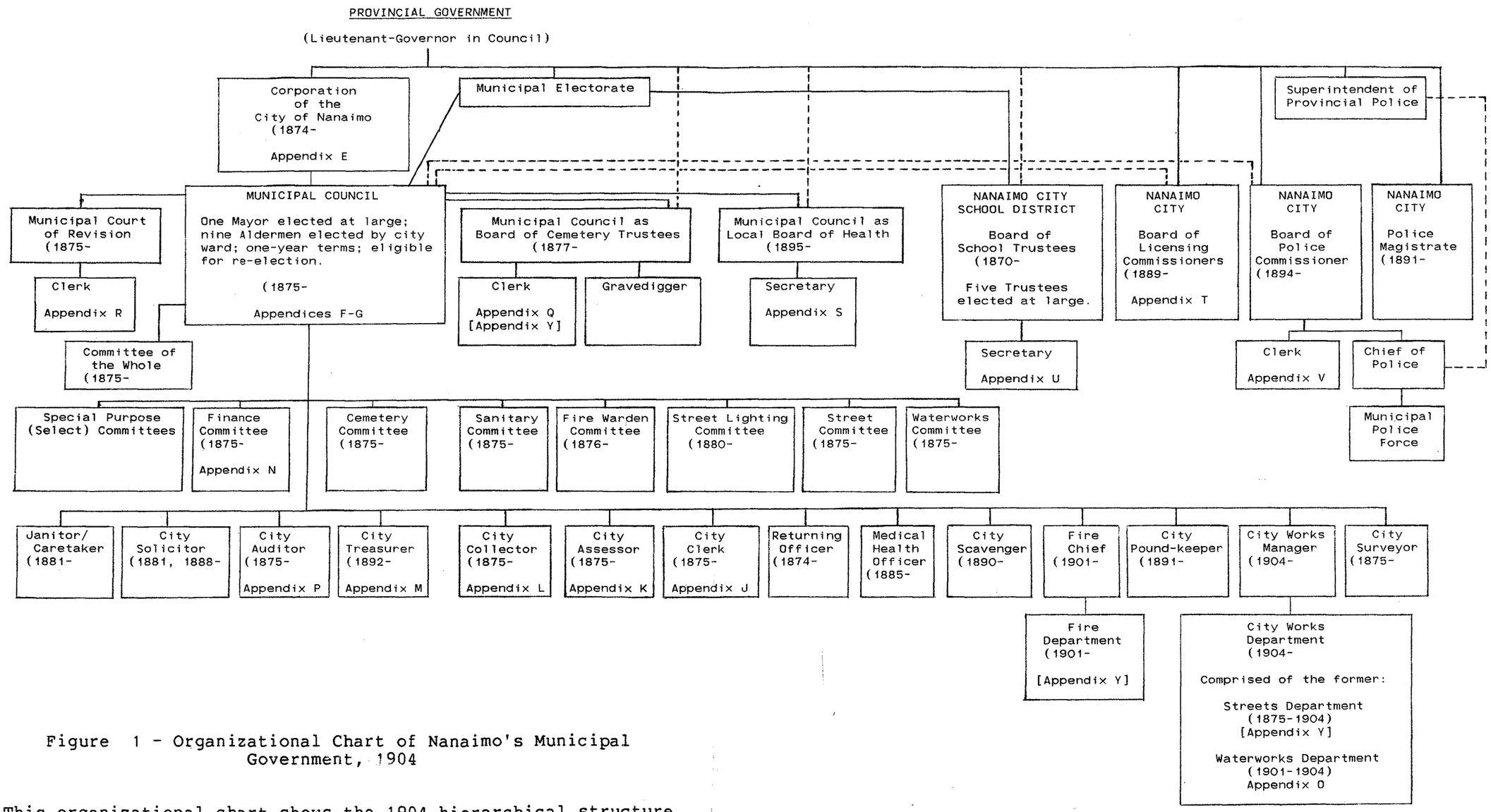


Figure 1 - Organizational Chart of Nanaimo's Municipal Government, 1904

This organizational chart shows the 1904 hierarchical structure of the Corporation of the City of Nanaimo and identifies the year of formation of each office and the pertinent record group inventory (by appendix).

played by the returning officer was central to the emergence of municipal government and its administration. Accordingly, discussion of administrative functions begins with the office of the returning officer.

ELECTION PROCEEDINGS AND THE RETURNING OFFICER

Statutory law governed the procedures the returning officer was to follow in order that municipal elections be conducted in a lawful manner and that democracy be upheld. During the province's early history, many municipal elections were contested and subsequently validated by statutory enactment.[118] The "Municipal Act Amendment Act, 1893" finally declared all municipal elections held prior to its passage to be and to have been, notwithstanding any doubts to the contrary, "valid and effectual to all intents and purposes."[119]

The "Municipality Act, 1872"[120] provided that the letters patent incorporating a municipality should specify the time and manner of electing the first council, the returning officer, and the polling places. Thereafter, an election was to be held annually in every municipality on the second Monday in January, and the retiring council was to appoint the returning officer and make all other arrangements.

The Act provided that municipal councils consist of not more than ten nor less than seven councillors. The qualifications for that office were: ownership of real property valued at $500 or more on the last municipal assessment roll or occupancy of leasehold property valued at $300; being qualified

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[118] See, for example, App. B/37. In addition, the Lieutenant-Governor in Council reincorporated the Corporation of the Township of Richmond through the issue of new letters patent following election irregularities in 1892.

[119] App. B/73, s. 2.

[120] App. B/46, ss. 5, 8-10, and 13-9.

to vote at a municipal election; and not being disqualified by reason of being a minister, sheriff, bankrupt, convict, naval or military officer, or an alien (non-British subject), or by reason of having any contract with, or being in receipt of any allowance from, the municipality. Each year, the councillors were to elect one of their number to act as chairman--to be designated "mayor" in cities and "warden" in townships.

Any male freeholder, householder, free miner, pre-emptor, or leaseholder, resident in the municipality for not less than two years and being a British subject of the full age of twenty-one years, was entitled to vote at the first election. Thereafter, the elector had to be rated upon the municipal assessment roll and to have paid, not less than 10 days previous to the election, all taxes and rates due by him in order to vote in any ward in which he was a registered ratepayer.

Subsequent statutes substantially amended those provisions. It is not possible to adequately document here the composition of municipal councils, nor the property, residency, and other qualifications required of candidates and electors.[121] Some important changes to the 1872 Act must, however, be noted. For instance, the "Municipality Amendment Act, 1874" provided that a mayor be annually elected by popular vote in every city municipality and a reeve in every township or district

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[121] The statutory definitions of those qualifications not only changed over time, but also differed for city, township, and district municipalities, and from city to city. Those interested in a specific municipal election are advised to consult the provisions by which it was governed.

municipality.[122] From 1877, candidates for the offices of mayor and councillor had, except in the City of Victoria, to be property owners.[123] The penalties to be incurred by any disqualified mayor, reeve, or councillor who continued to act in such capacity were subsequently stipulated.[124]

Regarding the municipal franchise, the 1872 Act defined the declaration the returning officer was to require of any person whose right to vote was challenged and the consequences incurred for willfully making a false declaration. The "Municipality Act Amendment Act, 1873" enfranchised in the case of first elections any feme sole having the requisite qualifications and thereafter any female, but disqualified her from becoming an elected official.[125] The Legislative Assembly further defined the municipal franchise until in 1880 any British subject rated on the road tax assessment roll or holding a municipal trade license, and being a resident of full age, was entitled to vote.[126] However, only persons assessed for real estate were entitled to vote on by-laws for the raising of money upon credit.[127] In 1889, statutory law refined the qualifications by which householders were entitled to be registered on the voters' list.[128] The "Municipality Amendment Act, 1876" specifically disqualified persons of Chinese or native Indian origin from

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[122] App. B/48, ss. 2-3.
[123] App. B/41, s. 1.
[124] App. B/59, ss. 15-7.
[125] App. B/47, ss. 1-2.
[126] App. B/52, ss. 1-3.
[127] App. B/52, s. 4.
[128] App. B/69, s. 35, s.-ss. c-d.

voting;[129] in 1896, that provision was extended to persons of Japanese origin.[130] The Legislative Assembly later passed a bill to specifically prohibit non-British subjects (aliens) from voting at municipal elections.[131]

Statutory law fixed the dates by which the voters' list was to be closed, corrected, and revised.[132] After the list had been certified by the mayor or reeve, the clerk was to annually "make out a correct alphabetical list thereof, divided into separate columns, with headings stating under what qualification each voter is entitled to vote."[133] In 1894, statute empowered the police magistrate in city municipalities and a magistrate in district or township municipalities to hear cases in which it was alleged, after the voters' list had been corrected, that a person's name had been improperly omitted. It authorized the municipal clerk to add the names of individuals whom a magistrate had determined were eligible to vote.[134] The list used at the annual election was to be used at any subsequent election during that year.[135]

The "Municipality Act, 1881" provided that the annual nominations be held on the second Monday in January and that the polling, if any, be held on the following Thursday. It included the forms to be used for the nomination and consent of

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[129] App. B/51, s. 9.
[130] App. B/86, s. 7.
[131] App. B/44.
[132] App. B/66, s. 20.
[133] App. B/71, s. 39.
[134] App. B/74, s. 14.
[135] App. B/63, s. 3.

candidates, and public notice of a polling. Each December, the council was to appoint a returning officer and to furnish him, previous to the nomination day, with a list of voters for each ward.[136] That Act defined in detail the duties of the returning officer, viz: proceedings preliminary to the election, including the notice he was to publish requesting the presence of the electors and the mode of nominating candidates; proceedings on nomination day;[137] proceedings in case more candidates were nominated than there were vacancies to fill; and finally proceedings at the polls.[138] The voting for councillors and mayor or warden was by ballot,[139] and the practice of voting cumulatively for a mayor or warden, that is, at more than one polling place or ward, was prohibited.[140] However, an elector could vote for councillors in any ward in which he or she was a registered ratepayer.[141] The returning officer had a casting vote which in case of an equality of votes was given at the time of the declaration of the poll. From 1883, if the electorate failed for whatever reason to elect the requisite number of members to a board, the newly elected councillors were to appoint as many qualified persons as necessary to fully constitute their board.[142]

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[136] App. B/59, ss. 26-7, and schedule.
[137] If at the end of the nominations, no more candidates stood nominated than there were vacancies to fill, the returning officer simply declared the nominees elected and returned their names to the Supreme Court Registrar. See App. B/59, s. 36.
[138] App. B/59, ss. 28-54.
[139] App. B/48, s. 9.
[140] App. B/85, ss. 1-2.
[141] App. B/46, s. 14.
[142] App. B/61, s. 7.

Finally, every person elected mayor, reeve, or councillor was, before taking his seat, to make a statutory declaration before the County Court or Supreme Court of British Columbia as to his eligibility to hold office, the honest and faithful performance of his duties, and lack of conflict of interest.[143] Once sworn in, he was to continue in office until the next annual election[144] unless he died, resigned, or became disqualified.[145] In case of a vacancy, a nomination and poll, if necessary, were to be held.[146] If a municipal council did not make provision for an election, the Lieutenant-Governor in Council was to call upon the municipal clerk to do so.[147]

The validity of any controverted election was, upon the petition of any voter or candidate showing the grounds therefor, to be tried before a Judge of the Supreme Court of British Columbia, whose judgement was to be final.[148] In 1880, statutory law empowered the Lieutenant-Governor in Council to accept the surrender of municipal letters patent and immediately issue new ones whenever it was shown to his satisfaction that any irregularity had occurred in the conduct of a municipal election, thereby placing the corporation's constitution in question.[149]

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[143] App. B/41, s. 5.
[144] His duration of office was subsequently extended until a majority of the next council had been sworn in. See App. B/66, ss. 4-5.
[145] App. B/59, s. 48.
[146] App. B/48, s. 4.
[147] App. B/51, s. 17.
[148] App. B/59, s. 55.
[149] App. B/42.

The "Municipal Elections Act, 1896"[150] further formalized election proceedings. For instance, it provided that municipal councils regulate the annual election by a by-law or resolution passed each December and gave the returning officer the authority necessary for keeping peace and order. Regarding his duties, it greatly expanded upon preparations concerning ballot boxes and papers and proceedings during and after the poll. In addition, it prohibited personation, treating, and undue influence, defining those offences and their penalties.

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[150] App. B/86.

MUNICIPAL ELECTIONS IN NANAIMO

The letters patent incorporating Nanaimo provided that the nomination for the first election be held at 12:00 noon on 18 January 1875 at the Court House and that the election, in case a poll was demanded, be held on 19 January between 9:00 a.m. and 5:00 p.m.; they appointed Thomas Lea Fawcett, Government Agent, to be the Returning Officer.[151] On the nomination day, after naming the nominees, Fawcett was to conduct the election by show of hands and declare which candidates had been elected. However, any candidate, or voter on his behalf, could demand a poll. The expenses of that first election were to be borne by the candidates in equal proportion and were not to exceed $100.

Each retiring Council appointed the Returning Officer for the ensuing election; when required, Council appointed Returning Officers for elections to fill vacancies caused through resignation, death, or disqualification.[152] In the Corporation's early years, the Government Agent was often appointed;[153] later, accountant William K. Leighton held the office for many years.[154] The Returning Officer usually received a remuneration of about $25 for his services; the Corporation also paid the printing and other election expenses.

From 1875-1897, Council enacted by-laws for the regulation

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[151] App. E/136, pp. 304-5.
[152] See Appendix H.12.
[153] Government Agents Fawcett, Edward Gawler Prior, and Marshal Bray were each in turn Returning Officers.
[154] Leighton was a brother-in-law of City Clerk Samuel Gough. See "Death of Mrs. Elizabeth Gough," NFP, 7 August 1899, 4.

of the ensuing municipal election.[155] The "Municipal Election's Regulation and Ballot Act, 1875" defined in great detail the duties of the Returning Officer, including the manner in which he was to count the ballot papers. Subsequent by-laws extended its provisions to later elections by amending the dates and places. From 1898-1904, such information was established by resolution and recorded in the council minutes. Initially, elections were held at the Court House. From 1886, they were sometimes conducted at the City Hall, and from 1903, at the City Police Court House.

The "Municipal Elections Act, 1896" provided that municipal councils could enact that electors otherwise qualified were, notwithstanding the non-payment of taxes and rates due by them, entitled to vote.[156] Nanaimo's Council exercised that authority in passing municipal electors by-laws between 1896 and 1901.[157]

Records

Apart from election and electors by-laws, original documentation concerning Nanaimo's municipal elections is non-existent. No voters' list from this period has survived. It is clear, however, that the voters' list was originally a copy of the revised assessment roll: in 1875, after the Clerk read the roll of persons assessed, Council resolved that "a copy of the

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[155] App. J/265-286.
[156] App. B/86, s. 5, s.-s. 4. The "Municipal Act Amendment Act, 1893" (App. B/73, ss. 7 and 13) had granted township and district municipalities that power.
[157] App. J/287-291.

Revised Assessment Roll be transmitted to the Government and another copy be made as a list of voters for the approaching Municipal Election."[158] The "Municipality Amendment Act, 1887" fixed the date by which municipal councils were to have finally corrected and revised the voters' list.[159] Accordingly, the 1887-1894 council minutes reveal that Council reviewed the voters' list at its third meeting each December. Nanaimo was probably still small enough that the list could be revised based upon the personal knowledge of council members, the assessment rolls, and the cemetery registers. The lack of provincial supervision of municipal affairs is exemplified by the fact that when questions arose over voter eligibility and the interpretation of statutory law, City Clerk Young communicated with the municipal clerks of Victoria and New Westminster to determine the practice in those cities.[160]

The 1875 election by-law detailed the manner in which related records were to be handled. After counting the ballot papers, the Returning Officer was to seal up in separate packets the counted and rejected ballots, the counterfoils of the votes cast, and the official copy of the voters' register, which he was to forward to the City Clerk. The following proviso explains why voters' lists have not survived, obviously an important element in understanding the record:

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[158] CNA, CCN, CM, 27 December 1875, 72.
[159] App. B/66, s. 20.
[160] See, for example, CNA, CCN, CM, 3 April 1876, 90; CNA, CCN, CC, 17 December 1878, 48; and CNA, CCN, CM, 23 December 1878, 241.

> The clerk of the Municipal Council shall retain for a year all documents relating to an election . . . , and then unless otherwise directed by the Municipal Council shall cause them to be destroyed.[161]

The sealed packets of counterfoils and ballot papers were not to be opened except upon the order of a tribunal investigating election irregularities. All other documents were open to public inspection, and copies were to be supplied for a fee.

Although contextual information about election proceedings is essential to understanding municipal elections and whatever related documentation has survived, most researchers are likely to be more interested in election results than practices. The names of the individuals elected as Mayor and Councillors/Aldermen were recorded in the council minutes, as were the results of referenda. The importance of printed sources must also be stressed. Although not part of the municipality's archives, the accounts of the municipal election results printed in the Nanaimo Free Press (NFP) each January are invaluable. The annual nomination and poll, if any, were reported in great detail.[162] The citizens' requisitions to mayoral candidates and their replies were also published, and occasionally a synopsis of the voters' list was given.[163]

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[161] App. J/265, schedule 1, s. 22.

[162] See, for example, "The First Municipal Election," NFP, 16 January 1875, 2.

[163] For instance, in 1875, after examination of the assessment roll, the NFP reported that there were 142 resident voters, classed as follows: real estate, 94; licenses, 33; dog tax, 14; and horse tax, 1. There were also a number of non-resident voters. From "Municipal Franchise," NFP, 29 December 1875, 3.

MUNICIPAL COUNCIL

The majority of a municipality's records are created by its appointed officers. Nevertheless, knowledge of a municipality's executive is essential to understanding its records. Just as a municipal corporation derives its authority from statutory law, its officers create documentation by virtue of their appointment by the municipal executive. Nanaimo's civic administration was small during the period 1875-1904, and its records document to a large extent the decisions and activities of Council rather than those of its administrative staff. In order to understand Nanaimo's archives, contextual information regarding the Municipal Council, its meetings and meeting place, rules of order, and committees is necessary.

The "Municipality Act, 1872" provided that the powers of every municipality "be exercised by the Mayor and Council, or Warden and Council thereof."[164] Nanaimo's Council consisted of a mayor and seven councillors. In 1883, statutory law empowered the municipal councils of Victoria, New Westminster, and Nanaimo to increase their number to a maximum of 10 members, including the mayor; the additional councillors were to be elected at the municipal election following the passage of a resolution to that effect.[165] Accordingly, in 1890, Council resolved to increase its number to nine.[166] The names of the City's Mayors are listed

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[164] App. B/46, s. 7.
[165] App. B/61, s. 1.
[166] CNA, CCN, CM, 29 December 1890, 34.

in Appendix F.1 and its council members[167] in Appendix F.2.

Nanaimo's Mayor and Aldermen served without remuneration until 1900. The "Municipal Act, 1889" empowered municipal councils to provide for their annual indemnification by means of by-law,[168] and Nanaimo's Council sought to do so in 1891. However, a by-law passed for that purpose was soundly defeated by the ratepayers. The scene in Council following announcement of its rejection provoked the newspaper headline, "Will Our Council Strike?"[169] Finally, the "Mayor and Alderman's Remuneration By-law, 1899" provided that the Mayor receive an annual remuneration of $300 and Aldermen $120.[170] That by-law was not put before the ratepayers.

During the period of this study, the mayor held a position of considerable power.[171] In 1881, statutory law defined the role and duties of the mayor, who was to be

> one of the Municipal Council and the head and chief executive officer of the corporation, and it shall be his duty to cause the law for the improvement of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers, and as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty to be prosecuted and punished, and to communicate from time to time to the Municipal Council all such information, and recommend all such measures as may tend to the improvement of the finances, health, security, cleanliness and comfort of the

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[167] In 1888, statutory law (App. B/68, s. 1) changed the title of the Victoria, New Westminster, and Nanaimo municipal council members from councillor to alderman, probably to distinguish between the elected officials of city and township or district municipalities.

[168] App. B/69, s. 96, s.-ss. 59-60.

[169] NFP, 9 May 1891, 4.

[170] App. J/262.

[171] Conversation with Hugh A. Taylor, 2 March 1985, Victoria, BC.

Municipality.[172]

From 1892, the mayor had the right to veto any by-law or resolution prior to its reconsideration by council.[173] The significance of the mayor's status is not, however, reflected by a surviving record series. Obviously, the mayor delegated the transmission of his written authority to the municipal officers. The same is true of council members; records in their hand are rare. Nevertheless, one Mayor and one Council deserve mention for their impact upon the civic administration and its records.

Mark Bate (1837-1927) was Nanaimo's first Mayor and held that office for 16 of the 30 years covered by this study. He was elected 11 times by acclamation and was, with the exception of two terms, mayor from 1875-1889 and then 1898-1900. Bate was born in Birmingham, England, and came to the Colony of Vancouver Island on the suggestion of his uncle, George Robinson, who was the HBC mine manager at Nanaimo.[174] Arriving in Nanaimo on 1 February 1857, he entered the employ of the HBC as a clerk. From 1869-1884, he was business manager of the Vancouver Coal Mining and Land Company (VCMLC). About 1886, Bate was appointed Provincial Assessor and Collector for Nanaimo District. Regarding his tenure as mayor, he apparently attempted upon several occasions to decline the nomination, but was petitioned by a large portion of the electorate to accept it.[175] In addition, Bate was extensively involved in other public and

[172] App. B/59, s. 10.
[173] App. B/72, s. 22.
[174] "Medal Given to Mr. Gough in Appreciation," NFP, 12 December 1925, 1.
[175] "Mark Bate, Nanaimo's First Mayor, Passed Away during Visit to Relatives and Friends in England," NFP, 27 August 1927, 1.

community affairs:

> He was appointed the first justice of the peace in the district of Nanaimo, receiving his commission in 1873 [or 1874]. He was the first chairman of the Board of Education of Nanaimo, and has been continuously connected with and interested in the school system since 1865. He was for many years president of the Nanaimo Library [should read "Literary"] Institute, and was the government nominee on the Hospital Board. He was a member of Ashlar Lodge, No. 3, A.F. & A.M., and Past Deputy Grand Master; Past District Chief of the Order of Foresters; Past Noble Grand of the Oddfellows; Past Noble Arch of the Druids; Past Commander of the American Legion of Honor; Master Workman of the Ancient Order of United Workmen.[176]

The Nanaimo Post of the Native Sons of British Columbia awarded Bate their first appreciation medal in recognition of his many years of public service. Mark Bate was again honoured when, during the Corporation's golden jubilee, Mayor Victor B. Harrison presented his portrait to the City.[177] Finally, it is noteworthy that after his retirement Bate recorded many stories about Nanaimo's early years for the local papers.[178] To some extent, the first chief magistrate's interest in history and his continued interest in municipal affairs may have stimulated in his successors and the individuals holding positions in the civic administration a consciousness of the

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[176] Ibid.

[177] For information about this portrait, which still hangs in Nanaimo City Hall, see "Medal Given to Mr. Gough in Appreciation," NFP, 12 December 1925, 1.

[178] See, for example, "Reminiscences of Early Nanaimo Days: The First of a Series of Articles from the Pen of Mark Bate Sr. Dealing with Interesting Incidents of the Earlier Days of This City," NFP, 9 February 1907, 1. The series appeared on the front page of 15 consecutive Saturday issues. See also "Arrived in Victoria in Pioneer Days," Daily Colonist, 26 January 1918, 12; and "Brief Descriptive Notes of Nanaimo in 1874," NFP, Golden Jubilee Edition, 15 April 1924, 33.

value of the records in their care.

The 1897 Council achieved a level of notoriety unprecedented in Nanaimo's municipal history. The party politics of the mid-1890's were to large extent the cause. That Council commenced by dispensing with the services of long-time municipal officer Samuel Gough. It subsequently attempted to dismiss its police force when charges of corruption were brought against several officers. The Board of Police Commissioners would not support such action, finding the charges unfounded. Council then attempted to have the Police Magistrate, whom it saw as impeding its authority, removed from office. The excitement started again at the end of November when a number of ledgers in the Collector's office were mutilated. A week later, the City Clerk/Treasurer was arrested for shortages in his accounts.[179] The latter events occurred as reports of the discovery of gold in the Klondyke were spreading. After the City Clerk's arrest, Mayor Davison requested a leave of absence and left for the Klondyke. At the final council meeting that term, Acting Mayor Campbell remarked that:

> The Council of 1897 had had a rather peculiar experience. The gold fields of the far north had attracted the Mayor and two Aldermen, while another Alderman had gone to a neighbouring city expecting to find a better field. Looking at all the difficulties, trials and temptations of the year, he thought the Council had made a good showing. They had been practicing economy and had reduced the indebtedness to some extent, and he hoped the incoming council would be able to straighten things out, and get the city

[179] These incidents are discussed under their appropriate headings in this chapter.

clear out of debt.[180]

The 1898 Council certainly had problems to remedy. The Mayor, Aldermen, and School Board Trustees were all elected by acclamation, there being little interest in the municipal elections.[181] After the 1897 incidents, the electors again petitioned Mark Bate to stand as a mayoral candidate.[182] Only seven individuals let their names stand as aldermanic candidates, of whom two had been aldermen the previous term; Council finally appointed two individuals to fill the vacancies in the South Ward. Samuel Gough was unanimously re-appointed City Clerk, Treasurer, and Cemetery Clerk.[183] With the return of Bate and Gough, the instability which had marked the mid-1890's was replaced by the stability the civic administration had known under Bate's previous tenure.

Council Meetings

The "Municipality Act, 1872" provided that municipal councils meet on the third Monday each January and thereafter as self-determined.[184] Statutory law subsequently provided that ordinary meetings be held openly and that no person be excluded except for improper conduct; special meetings could be closed if in the public's best interest.[185] The mayor was to preside at all council meetings and to decide points of order, although

[180] "Municipal Council: The Close of the Year's Work," NFP, 11 January 1898, 1.
[181] "Acclamation," NFP, 10 January 1898, 1.
[182] "The Mayoralty," NFP, 5 January 1898, 1, and "Municipal Election," NFP, 7 January 1898, 1.
[183] "Municipal Council," NFP, 25 January 1898, 4.
[184] App. B/46, s. 11.
[185] App. B/59, s. 58.

appeals to the other council members were possible.[186]

Nanaimo's letters patent stipulated that the first council meeting be held at 7:00 p.m. on 22 January 1875 at the Court House.[187] At that meeting, Mayor Bate established the tone by which his years in office would be marked; he "advocated economy in the expenditure of the City Revenue and urged the desirability of being mild with Taxation."[188] The Government Agent had offered the use of the Court House for meetings which was accepted. Thereafter, meetings were regularly held on Monday evenings starting between 7:00 and 8:00 p.m. and were often adjourned to a second evening the same week. Regular meetings were rarely missed, except for lack of quorum. A notable exception was the meeting following the explosion in No. 1 Mine on 3 May 1887 which was missed without explanation, due no doubt to the overwhelming impact of that disaster on the community. Occasionally, meetings were adjourned out of respect to the families and memory of deceased individuals, who included William Raybould, MPP[189] and a member of Nanaimo's first Council, Robert Dunsmuir, MPP, local coal magnate, and railway builder, City Clerk Gough's mother, and Queen Victoria.[190] Council members and the municipal officers often attended the funeral or memorial service of such individuals as a group.

From 5 May 1875, Council held its meetings in the Council

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[186] App. B/66, s. 7.
[187] App. E/136, p. 305.
[188] CNA, CCN, CM, 22 January 1875, 1.
[189] MLAs were originally titled Members of Provincial Parliament.
[190] CNA, CCN, CM, 6 December 1886, 124; 15 April 1889, 315; 7 August 1899, 368; 28 January 1901, 542, respectively.

Hall, a stone building on Front Street which was situated to the north of the Nanaimo Centre One building. In 1878, seats were provided for the public.[191] A City Hall was acquired in 1886 when the Corporation purchased the Nanaimo Literary Institute hall[192] at the corner of Bastion and Skinner Streets, now the site of the Bastion Building. A table was procured for the use of newspaper reporters in 1895 and another in 1899 to better accommodate them.[193] The conditions in which the municipal executive and administration laboured and the role of the City Hall as a centre of cultural activity, including the types of events it witnessed, are elaborated upon in Appendix G. The details provided lend flavour to the milieu in which municipal policy was formulated, and decisions made and administered.

Rules of Order

The "Municipality Act, 1872" authorized municipal councils to pass by-laws for the regulation of meetings and the general conduct of business.[194] Nanaimo's Council did so in 1875, 1891, and 1903.[195] Such by-laws prescribe the standard procedure for the conduct of meetings and provide insight into the recording of their minutes. For instance, after the Mayor took his seat and the minutes of the previous meeting were read and eventually adopted, the order to be observed was the reading of

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[191] CNA, CCN, CM, 4 February 1878, 195.
[192] For discussion thereof, see Library Service.
[193] CNA, CCN, CM, 24 June 1895, 612, and 14 August 1899, 372.
[194] App. B/46, s. 21, s.-s. 27.
[195] App. J/359-361.

communications, the presentation of accounts, committee reports, deferred business, and then new business.[196] The council minutes clearly reflect that order. Furthermore, the "Rules of Order By-law, 1875" provided that "no protest or expression of dissent shall be entered upon the minutes of the Council" and that all committee reports be in writing.[197] Notices of new business were posted on the door or porch of the first Council Hall and later on the bulletin board in front of City Hall.[198]

Committees

The "Municipality Act, 1881" provided that municipal councils could,

> from time to time, appoint committees, 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.[199]

The "Municipal Act, 1892" made the appointment of standing committees the responsibility of the mayor or reeve.[200] From 1893, municipal councils or any of their committees could summon witnesses on oath in all matters connected with the municipal administration. Statutory law gave them the same power as any Court of Law to examine, re-examine, and cross-examine witnesses, according to the rules and practice of the Supreme

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[196] App. J/360, s. 12.
[197] App. J/359, ss. 18 and 27.
[198] CNA, CCN, CM, 24 January 1876, 80; 21 January 1878, 193; and 16 January 1888, 200.
[199] App. B/59, s. 64.
[200] App. B/72, s. 21, s.-s. c.

Court of British Columbia in civil cases, and to compel witnesses to give evidence.[201]

Nanaimo's Council appointed numerous standing and select committees, although their records are virtually non-existent. Standing committees were usually appointed at the first meeting of each Council;[202] select committees were appointed as required. The names of their members may be determined from the council minutes, where it was common practice to list the committee chairman first. Should verification be required, newspaper accounts of council proceedings were usually more explicit.

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[201] App. B/73, s. 11.

[202] For the most part, Nanaimo's standing committees oversaw and deliberated upon the service functions which the Corporation provided in return for the public's tax dollar. The latter was regulated by the Finance Committee.

MUNICIPAL OFFICERS

The duties and responsibilities of Nanaimo's municipal officers are pivotal to an understanding of the context in which municipal records were created. Regarding the appointment and tenure of officers, the "Municipality Amendment Act, 1874" empowered municipal councils to annually elect

> a Clerk, Treasurer, Collector, and Assessor, or such officers as may be deemed necessary, who shall hold office during the pleasure of the Council, and receive such remuneration as the Council shall by By-law appoint.[203]

The "Municipality Act, 1881" added that: "No Council shall have the power to appoint any officer for a longer period than their term of office, and any officer can be dismissed by giving him thirty days' notice."[204] Municipal officers were to provide a security, as determined by council, for the due performance of their services. Whereas commissioners and officers were initially appointed or re-appointed each January, the "Municipal Act, 1892" declared that "all such as have been properly appointed by a Council shall hold office without re-appointment until they die or resign, or are removed from office."[205] Nevertheless, Nanaimo's Council continued to appoint its officers annually until 1899 when they were finally recognized as permanent appointees. Initially, all offices were jointly

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[203] App. B/48, s. 7.
[204] App. B/56, s. 68.
[205] App. B/72, s. 99, s.-s. c.

held by one individual, but were separated as the civic administration grew during the 1890's. A list of municipal officers is to be found in Appendix H.

CITY CLERK

The municipal acts for the period 1872-1904 do not define the responsibilities of the city clerk; rather, they make only passing reference to the documents he was to sign or return to the government. Although the city clerk was the chief administrative officer, his main role was to provide clerical services to the municipal council, as the title by which the position was alternately known--clerk of the municipal council--indicates. In Nanaimo, the City Clerk's clerical duties were in themselves considerable, apart from the responsibilities which devolved upon him as City Assessor, City Collector, and City Treasurer. He was at various times also Clerk or Secretary of the Mayor's Court, the Police Court, the Board of Police Commissioners, the Local Board of Health, the Board of School Trustees, the Board of Cemetery Trustees, and probably the Board of Licensing Commissioners. Those bodies--all related to the civic administration--are discussed under the operational functions for which each was responsible. The record series created by the City Clerk form for this period the bulk of Nanaimo's surviving archives. Consequently, the record group to which they have been attributed is the most complex.

Some background information about the evolution of the City Clerk's office and its occupants is required. Initially, the Clerk of the Municipal Council also held the offices of City Assessor, Collector, and Clerk of the Mayor's Court.[206] From

[206] See Appendix H.1.

1889, an individual other than the City Clerk was sometimes appointed to conduct the annual assessment; thus, the position of Assessor was in a sense separated from the joint offices held by the Clerk.[207] From 1892-1895, the positions of City Clerk, Collector, and Treasurer were jointly held by one individual.[208] In 1896, the positions of City Clerk, Treasurer and Caretaker were joined;[209] from 1898, the offices of City Clerk, Treasurer, and Cemetery Clerk were joined.[210] It should be noted that the City Clerk also cleaned and lighted the City Offices and council chambers during at least 1881-1896.[211] In addition, from 1887, the Clerk's janitorial duties included the position of City Hall caretaker. Although Adam Thompson's appointment as City Clerk in 1896 included the positions of Treasurer and Caretaker,[212] he was probably too busy to perform the duties of the latter position, or considered them beneath his dignity, for shortly thereafter one H. Eastham was appointed janitor of the City Offices.[213] When the Corporation raised $50,000 under the "Streets Improvement Loan By-law, 1890,"[214] the workload of the City Clerk increased considerably. Council raised the Clerk's

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[207] See Appendices H.4 and H.2.
[208] See Appendix H.3.
[209] See Appendix H.8.
[210] See Appendix H.9.
[211] See Appendix H.1.
[212] CNA, CCN, CM, 20 January 1896, 669-70.
[213] CNA, CCN, CM, 20 February 1896, 682. In 1897, Eastham's position was defined as caretaker and janitor of the City Hall and Offices. From CNA, CCN, CM, 10 May 1897, 104. Mrs. Freeman was subsequently appointed to that position and may have been the first woman hired by the City. From CNA, CCN, CM, 19 February 1900, 435.
[214] App. J/371.

salary[215] and subsequently granted him an allowance for office assistance,[216] which evolved into the position of Assistant City Clerk[217] and in 1896 resulted in the division of the positions in the City Clerk's office. Thenceforth, one individual held the position of City Clerk, Treasurer, and Caretaker, and another that of City Assessor, Collector, and Police Court Clerk.[218]

From 1875-1904, five different individuals held the position of City Clerk, although only three for a sufficient length of time to be worthy of note. Charles Newton Young was appointed City Clerk on 1 February 1875. He had arrived in the Pacific colonies in 1862 during the Cariboo gold rush and was subsequently appointed a teacher in the collegiate school at Victoria. In 1868, he went to Nanaimo. During Young's tenure as City Clerk (1875-1880), Council reduced the salary of that position considerably. In 1878, after a debate in Council over Young's remuneration, in which it was inferred that he was overpaid for the little he did, the NFP reported that Young had recommended that the Corporation advertise for a new clerk in both Chinese and English![219] The 1880 Council, which sought to further reduce the salaries of its officers, resolved "that the present City Clerk, Assessor, Collector &c City Constable and Nightwatchman cease to hold office"[220] and that applications be

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[215] CNA, CCN, CM, 3 March 1890, 401.
[216] CNA, CCN, CM, 5 January 1891, 36. See Appendices H.2 and H.5.
[217] See Appendices H.6-H.7.
[218] See Appendices H.8-H.10.
[219] "Municipal Council," NFP, 20 February 1878, 3.
[220] CNA, CCN, CM, 7 June 1880, 331.

invited for those positions. Young was subsequently appointed a public school teacher at Nanaimo, a position which he held for many years before entering the employ of the Wellington Colliery Company at Departure Bay.[221]

Samuel Gough (1849-1925) was appointed City Clerk on 19 July 1880. He had arrived in Nanaimo in 1854 with his family aboard the Princess Royal and had in 1876 served as a Councillor. In 1896, Gough was demoted to the position of Assessor, Collector, and Police Court Clerk; the following year, he withdrew his application following accusations that he had been negligent in the performance of those duties. However, the 1898 Council unanimously re-appointed him as City Clerk following the Thompson scandal.

Gough was very active in public affairs. In addition to his almost 45-year record of service as a civic official,[222] he was secretary of the Board of School Trustees from 1893-1925 and treasurer--and a charter member--of the Independent Order of Good Templars from 1892-1925. Since Gough created most of the municipal archives extant for the period 1880-1904 and, indeed, for many years thereafter, the following passage is of interest for what it reveals about his personal nature:

> The entire history of the Methodist Church in this city is also closely associated with the life of the deceased, who had held practically every position of trust within the church ever since his early boyhood,

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[221] "Another Pioneer Has Passed Away," NFP, 19 April 1909, 1.
[222] Gough was City Clerk from 1880-1895 and 1898-1920. In 1920, he became City Comptroller, a position he held until his death in 1925. See "City Comptroller Samuel Gough Passed Away This Morning after Two Weeks Illness," NFP, 24 December 1925, 1.

> as well as finding time to associate himself with all movements looking toward the public welfare.[223]

Like Mark Bate, Gough was also interested in the early history of Nanaimo. In 1924, the NFP wrote that it was indebted to him "for much of the interesting data" in its jubilee edition.[224] The Native Sons of British Columbia, Post No. 3, Nanaimo, awarded Gough their appreciation medal shortly before his death, which due to his illness was accepted by his wife from Grand Chief Factor Victor B. Harrison.[225]

Finally, Adam Thompson deserves mention, although more for the notoriety he attained than for his length of service. Thompson was City Clerk from 20 January 1896 until 6 December 1897 when he was suspended, and subsequently arrested and convicted, after shortages were discovered in the accounts he kept as City Treasurer.[226] Biographically, little is known about Thompson, other than that at the time of his arrest he was 24 years of age and married with one child. He was a Mason, the secretary of the Canadian Order of Woodsmen of the World, and "was generally respected and moved in the highest society."[227] Before becoming City Clerk, he had been a prominent player of

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[223] Ibid.
[224] "Mr. Samuel Gough: Nanaimo's City Comptroller, and His Grandson," NFP, Golden Jubilee Edition, 15 April 1924, 47.
[225] "Medal Given to Mr. Gough in Appreciation," NFP, 12 December 1925, 1. Harrison was at the time Mayor, which is of interest since the presence within the civic administration of such historically conscious individuals as Gough and Mayors Bate and Harrison may in part explain the extent to which its early records have survived.
[226] The consequences of his crime regarding the records he created are discussed under the heading of City Treasurer.
[227] "City Clerk in Gaol!," Daily Colonist, 8 December 1897, 1.

football. After serving his sentence, Adam Thompson apparently entered the business world as an estate, insurance, and financial agent; he was also a notary public for British Columbia and a commissioner for Manitoba.[228]

As provided by statute,[229] Nanaimo's Council defined the duties of the City Clerk and the remuneration of that position through by-law.[230] Unfortunately, the "City Clerk's Duties By-law, 1875," which was subsequently revised, has not survived.[231] However, the Clerk was, in addition to his clerical duties, responsible for ordering supplies and equipment, calling tenders for contracts, and enforcing municipal by-laws. For instance, in 1876, Council instructed the Clerk to order the grindstone and wire-tape requested by the Road Superintendent.[232] In 1893, it directed him to enforce the regulations regarding the storage of explosives within the City.[233] The Clerk guaranteed the performance of his duties by furnishing a security in the form of a fidelity bond; his remuneration is detailed in Appendix H.

The 1880 report of the select committee appointed by Council to enquire into the question of its officers and employees recommended that the office only be open from 10:00 a.m. to 2:00 p.m. Such a reduction would give ample time for

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[228] See Thompson's advertisement and photo in Nanaimo, British Columbia: Its Development and Resources: A Sketch of Fifty Years Enterprise and Advancement, 1851-1903, p. 12.
[229] See, for example, App. B/46, s. 21, s.-s. 28.
[230] App. J/220-223, and 292-293.
[231] It was possibly not published because of its housekeeping nature.
[232] CNA, CCN, CM, 24 July 1876, 108.
[233] CNA, CCN, CM, 6 November 1893, 380.

the office work and the receipt of payable taxes, would give the Clerk an opportunity to make the outside collections, and would "enable him to do other work beside the City work."[234] Later that year, office hours were extended until 4:00 p.m.[235] In 1902, the adoption of the eight-hour system, by which all work under the control of the Corporation was to be carried out and which consisted of five workdays of eight hours and six hours on Saturdays, was ratified by the ratepayers.[236]

Before proceeding to discussion of the records created by the City Clerk's office, something ought to be said by way of general introduction to the method and means of keeping all civic records. To begin, much of the city's loose stationery was purchased locally, although most of the documentation that has survived was recorded in bound volumes and letterbooks.[237] Moreover, several technical advances had implications on the form of the records created. In February 1886, Council decided that a copying press should be procured,[238] for which it paid Messrs. Raper, Raper & Co. $14.[239] From late 1886 until 1904, impressions of the City Clerk's correspondence outward were taken through the use of letterpress copybooks[240] and the

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[234] CNA, CCN, CM, 3 February 1880, 308.
[235] CNA, CCN, CM, 30 August 1880, 346.
[236] CNA, CCN, CM, 18 August 1902, 745, and 2 September 1902, 748.
[237] Henderson's Publishing Company and Robert T. Williams's British Columbia Blank-Book Manufactory, Book-Bindery, and Publishing House, both of Victoria, and George A. Roedde, Book Printer and Binder, and the Thomson Stationery Company, both of Vancouver, were the chief suppliers of such volumes.
[238] CNA, CCN, CM, 22 February 1886, 58.
[239] CNA, CCN, CM, 1 November 1886, 117.
[240] See, for example, Appendix J/148-152.

copying press. In 1889, Council authorized the Clerk to have a telephone placed in the City Offices.[241] The extent to which its installation may have affected the keeping or, ultimately, survival of a written record cannot be estimated.[242] In 1896, City Clerk Thompson ordered a Simplex Printer No. 3.[243] It was presumably similar to the type used in the mimeograph process and was probably used by the Secretary of the Board of Cemetery Trustees to print the notices dated April 1897 of which letterpress copies survive.[244]

Finally, the Corporation procured its first typewriter in 1902. The detailed discussion leading to its purchase is in itself of interest for what it reveals about the extent to which Council oversaw administrative matters. Initially, the proposed purchase was deferred until the estimates were reconsidered; the Finance Committee was then appointed to look into the matter and reported in favour of the "Densmore" variety, which was subsequently ordered.[245] Although not the earliest typewritten material among the existent archives, the first typed correspondence of which a letterpress copy exists is dated 5 April 1902. Miss L.E.V. Planta, a sister of Alderman Planta, had done some typewriting for the Corporation in the spring of

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[241] CNA, CCN, CM, 10 June 1889, 330. In 1888, a small group of businessmen set up a private telephone system. In 1890, the Nanaimo Telephone Company was incorporated (App. B/99).
[242] See "Nanaimo Wired for Sound," in Norcross 1979, 79-80.
[243] CNA, CCN, CC, Letter from Adam Thompson, City Clerk, 7 February 1896, to W.D. McArthur, 132 California St., San Francisco, p. 223.
[244] App. J/151.
[245] CNA, CCN, CM, 17 February 1902, 684; 10 March 1902, 693; 17 March 1902, 695; and 24 March 1902, 697.

1899.[246] From 1903, E. Hiram Gough, the City Clerk's son, who himself eventually became City Collector, occasionally did typewriting and other work in the Clerk's office.[247]

The hand methods and later relatively simple mechanical processes by which records were created during this period have contributed to their preservation. To begin, the media of most of those records were more stable than those of many of today's records. Secondly, the time involved in their creation has, in retrospect, given them an aura of mystique not likely to be shared by this century's proliferation of mechanically and electronically duplicated records. The thought that a single officer could fill volume after volume in longhand sparks an interest which has no doubt resulted in the preservation of many historical archives.

RECORDS

Documents in the City Clerk's record group reveal something of the attitudes of Council and its officers towards the preservation of records. For instance, in corresponding with John J. Landale in 1875 regarding surveys he was to undertake, City Clerk Young wrote: "it being understood that the field notes of all surveys . . . are the property of & will be handed over to the M.C. or their agents fr. time to time as reqd."[248] Council later directed Young to allow

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[246] CNA, CCN, CM, 4 April 1899, 323.
[247] CNA, CCN, CM, 5 January 1903, 783, and 4 May 1903, 34.
[248] CNA, CCN, CC, 22 March 1875, 2.

> any plans and specifications of any projected work to leave the Office for a limited time in the hands of any responsible person. But a Contract having been granted not to allow the plans and specifications thereof out of his own possession.[249]

It also ordered that the map presented by Mayor Bate on behalf of the VCMLC "be mounted the better to preserve it."[250] In 1891, Council denied the request of Alfred Rowley Heyland, Civil Engineer, to remove the city plan to his office for the purpose of comparing it to a new plan, but allowed him to use it in the council chambers.[251]

In 1888, notice of motion was given for the purchase of a safe suitable "for the preservation of . . . books and records;"[252] a subsequent bill indicates that one was purchased for $320.[253] In 1892, it was installed on the second floor of City Hall for the sake of convenience;[254] presumably, the safe had previously been located on the ground floor. Additional security measures were taken in 1895 when Council ordered "that a suitable metal box be procured and that all Bonds, Debentures, and other securities . . . be deposited in the Bank of British Columbia."[255] In 1897, records not stored in the safe were endangered by the leaky condition of the safe room, and Council ordered that the necessary repairs be made.[256] In 1902, when the City Offices were removed to the ground floor, a vault was

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[249] CNA, CCN, CM, 21 June 1875, 37.
[250] CNA, CCN, CM, 17 May 1875, 30.
[251] CNA, CCN, CM, 30 March 1891, 66.
[252] CNA, CCN, CM, 13 February 1888, 208.
[253] CNA, CCN, CM, 12 March 1888, 215.
[254] CNA, CCN, CM, 29 August 1892, 249.
[255] CNA, CCN, CM, 19 August 1895, 625.
[256] CNA, CCN, CM, 27 December 1897, 171.

constructed "for the protection of books and papers that it was now impossible to place in the safe."[257]

One reference to the disposal of records has been brought to light. In 1902, Mayor Manson drew attention to the debentures printed and signed under the authority of the "Nanaimo Waterworks Purchase By-law, 1900,"[258] but not issued. It was desirable that they should be destroyed, and, on motion, City Clerk Gough "was authorized to destroy them under the direction of the Finance Committee."[259] Whether the civic administration normally obtained Council's authorization on an ad hoc basis before disposing of records is not known.

Surviving documentation also refers to other record series which no longer exist, such as those created by the various standing committees. Although the minutes of committee meetings have not survived, some committee reports were summarized or reproduced in their entirety in the council minutes. Moreover, many were printed in local newspapers.

The importance of published municipal archives cannot be over-emphasized. Because of the limited nature of the means of communication, municipal matters were probably of greater interest to the general public in the late nineteenth century than they are today, and newspapers reported in great detail the business of the municipal council. In addition, municipalities were required by statute to publish their by-laws and financial

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[257] CNA, CCN, CM, 17 February 1902, 683.
[258] App. J/390.
[259] CNA, CCN, CM, 1 April 1902, 700.

statements. Consequently, a significant record of nineteenth-century municipal administration exists in published form, which is of course most important where original documentation has not survived. Many record series could be at least partially reconstructed from such published accounts and archives, which should in any case be used to corroborate evidence found in the official record.

Records attributed to the City Clerk's office are divided into nine series: council minutes, correspondence, addresses, by-laws, contracts, legal agreements, deeds, undermining documents, and tax sale deeds. Not all series will be discussed, since for many there is little to be said which cannot be derived from examination of the descriptive entries in Appendix J. Moreover, many series will be drawn upon in discussion of other administrative or operational functions. However, council minutes, correspondence, and by-laws--the three record series most likely to have survived for most municipalities--deserve close consideration for they document the official business of the Municipal Council, sometimes in a most exacting manner.

Council Minutes

The council minutes series is the official record of the the municipal council's proceedings, and the "Municipality Act, 1881" provided that:

> The minutes of the proceedings of all such [municipal council] meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the Mayor, Reeve, 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.[260]

In 1874, Nanaimo's letters patent had made similar provision.[261] City Clerk Young's draft title page for the 1875 minutes contains an interesting notation regarding their content:

> This Book of course is a journal of the proceedings of the Council, made up of the resolutions passed, the business transacted, and the names of the Members present.
>
> It is perhaps not necessary to take down the remarks or opinions expressed by Members of the Council; but matters of the kind may be introduced for the purpose of giving a better view of matters generally.[262]

Indeed, throughout the whole of this period, the council minutes rarely record dissenting opinions, and discussion is, where included, usually cryptic. By far the largest portion of their informational content concerns operational functions such as the construction, repair, and maintenance of streets, street lighting, and the public cemetery. However, the intricate detail about day-to-day operations, and that which may be inferred therefrom concerning local conditions and social structure, is at times truly priceless. While the early minutes reflect the community's isolation,[263] they reveal, from the completion of the Canadian Pacific and Esquimalt and Nanaimo

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[260] App. B/59, s. 62.
[261] App. E/136, p. 305.
[262] App. J/143.
[263] A telegraph service between Nanaimo and Victoria was first established in 1879 and connection by road was made in 1884.

Railways in 1886,[264] an expansive mood and a community looking outward beyond the confines of the province. Thenceforth, Nanaimo had contact with municipalities on the mainland and western coast of the United States and an awareness of development elsewhere in Canada.

Over time, changes in the format of the council minutes[265] reflect to some extent the personal style of the City Clerk, but more often an increased formality and maturity in the proceedings of Council. For instance, from 1881, some important correspondence, reports, addresses, and proposals were copied in their entirety in, or spread upon, the minutes.[266] Such documents were obviously considered of sufficient importance to become part of the permanent record. From the late 1880's, the minutes reflect again the formalization of council proceedings and later the passage and adoption of a new by-law for the regulation and general conduct of municipal business.[267]

The council minutes are for this period the Corporation's main business record. Since they omit such important elements as the expression of dissent and personal views, researchers must avail themselves of the newspaper accounts of Council's proceedings to obtain a more complete picture of municipal affairs. Although nine newspapers published in Nanaimo between

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[264] Steamer service between Nanaimo and Vancouver began in 1890.
[265] App. J/138-142.
[266] See, for example, CNA, CCN, CM, Proposal of J.W. Stirtan to supply City with water, 10 October 1881, 402; Report of Street Committee, 27 March 1882, 430-1; and Letter from Samuel M. Robins regarding cemetery property, 8 April 1889, 312.
[267] App. J/360.

1865 and 1904,[268] the Nanaimo Free Press is the most significant as a record of municipal business. Whereas other papers published briefly, the NFP has continued to this day. Moreover, its historical files are readily accessible; back copies of the other papers are not, and the Legislative Library's holdings are often very incomplete.[269]

George Norris (1845-1902) founded the NFP in 1874 after having worked for two Victoria newspapers.[270] From 1875-1902, he reported the Council's proceedings in the same depth and detail; in general, Council was pleased with his accounts and, on many occasions, gave him its vote of thanks "for the faithful manner in which he had reported the business of the Council."[271] Sometimes, inaccuracies or misquotations were challenged, as in 1899 when Alderman Knarston complained that the account of his speech in the NFP was not a fair one.[272] Norris died on

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[268] "Eleven Newspapers Have Started Here; Only Two Survive," NFP, 16 April 1934, 15. See also the list of newspapers in the introductory paragraphs preceding App. J/156-392.

[269] The Provincial Secretary's copy of the NFP was microfilmed by the Provincial Library in 1946 and appears quite complete. Missing issues may possibly be located in the publisher's copy which was recently transferred to the Nanaimo Centennial Museum Archives. That copy is seriously deteriorated, because of the use it has received and the poor storage conditions in which it was kept. The volumes for 1874, 1883, and 1885 are missing and those for some other years are so broken and brittle as to be virtually useless.

[270] As proprietor and editor, Norris published the NFP as a semi-weekly on Wednesdays and Saturdays from 15 April 1874 to 1 December 1888. From 4 December 1888, it was issued every legal afternoon as a daily evening paper; from 2 February 1897, a semi-weekly issue was also published, which continued until at least 1902. During the whole of this period, each issue consisted of four pages, although around 1900 some issues increased to six pages when large advertisements were inserted.

[271] CNA, CCN, CM, 8 January 1886, 41.

[272] CNA, CCN, CM, 11 September 1899, 380.

6 January 1902. That evening, Council resolved to attend the funeral together and to send a letter of sympathy to Mrs. Norris.[273] Finally, it adjourned out of respect for Norris, "who had been present . . . week after week, and had reported the proceedings for over 25 years."[274] After Norris' death, the NFP was for a number of years published by his sons, who maintained, until at least 1905, essentially the same style in reporting council meetings.[275]

Since the NFP accounts of council proceedings do record the personal opinions of council members and often provide almost verbatim coverage, they are an extremely valuable source to the researcher seeking to understand municipal politics, economics, administration, or social structure. However, if these "published council minutes" are to be understood and used, it is important that the researcher know something of the man who kept this unofficial record and upon whom a large portion of the community relied to keep it informed.

George Norris was influential with the municipal administration. His wife was Amanda T. Gough, the eldest daughter of Edwin and Elizabeth Gough and the sister of City Clerk Gough. On one occasion, Norris acted as City Clerk during

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[273] The fact that the onion skin copy of that letter, from William Manson, Mayor, and E.B. Irving, Acting City Clerk, 9 January 1902, to Mrs. G. Norris, is glued to the council minutes is indicative of the significance of his death to the Council and community. See CNA, CCN, CM, 6 January 1902, 669.

[274] CNA, CCN, CM, 6 January 1902, 669.

[275] "1874--The Story of the Free Press--1924: The Free Press Today Celebrates Fifty Years Continuous Publication - Third Oldest Paper in the Province," NFP, Golden Jubilee Edition, 15 April 1924, 9.

Gough's temporary absence,[276] and, until at least 1889, the NFP received a considerable portion of the Corporation's advertising business, being the only local newspaper regularly published. Norris was apparently also interested in the law,[277] and in 1887 Council requested that he appear on its behalf in the County Court case regarding replevined goods seized from Chinese residents who had refused to pay their road tax.[278]

The published account of the meeting on the evening of Norris' death is worthy of note:

> The members of the Council were visibly affected when they assembled in the Chamber. The absence of him who had ever been in his place . . . doubtless forced upon them more clearly than they were able to realize it before the fact that they had lost a friend.[279]

Various council members referred to the impartiality, accuracy, and even perfect nature of Norris' accounts. Alderman Planta revealed that Norris "had been looked upon as an authority upon Municipal matters and had always been ready to give his advice when such was solicited."[280]

Correspondence

Until well into the twentieth century, the series designated as the City Clerk's correspondence included in fact most of the Corporation's general correspondence. Its informational content covers all matters and functions for which

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[276] Reference to that occasion, sometime during the 1880's, was, I believe, recorded in the council minutes.
[277] "Mr. George Norris," NFP, 7 January 1902, 1.
[278] CNA, CCN, CM, 10 October 1887, 185.
[279] "An Evidence of Respect," NFP, 7 January 1902, 1.
[280] Ibid.

municipalities were responsible and should be used in conjunction with the council minutes. Its evidential content is of interest for what it reveals about the manner in which the Corporation enforced its by-laws, collected overdue taxes and licenses, and generally conducted its business.

Correspondence Inward

Correspondence inward dating from 1875-1904 is virtually non-existent. With the exception of a few loose items,[281] it is interfiled in the correspondence files sub-series, 1905-1948.[282] Fortunately, however, the receipt of correspondence was acknowledged and its disposition noted in the council minutes. Whereas Council most often ordered that letters of an informational nature be received and filed for future reference, it directed the Clerk to reply to more important ones, and the minutes often indicate the intent of the reply he was to forward. From 1878, the content of important correspondence was sometimes noted and, during the 1880's, was increasingly better described, which may be one reason that letters inward have not survived. Moreover, correspondence inward was generally comprised of loose material--perhaps stored in file folders--which was more difficult to preserve than the books in which correspondence outward was duplicated.

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[281] App. J/145-146.
[282] Discussed after App. J/152.

Correspondence Outward

The correspondence outward sub-series is of interest for the changes in technology and record-keeping which it reflects. From 1875-1886, the City Clerk made handwritten copies of his letters outward in a copybook.[283] From December 1886 until September 1904, he took impressions by moistening the originals, which were pressed overnight between the tissue paper pages of a letterpress copybook[284] with the copying press. That process resulted in the transfer of ink from the originals to the pages of the letterbook. The volume of correspondence surviving from late 1886 onward is significantly greater than that from the earlier period, which reflects both an increase in the functions for which municipal government was responsible and the increased facility with which exact, if sometimes poor, copies could be made.[285] Use of the letterpress system was discontinued in September 1904. From 1905, carbon copies of typed correspondence were filed in the newly created subject file system.[286] Marginalia in the last letterbook indicates that some 1903-1904 correspondence was brought forward to that system.

Correspondence outward for 1875-1886 is largely repetitive of Council's instructions to the Clerk, which reflects his capacity as chief administrative officer. However, it does

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[283] App. J/147.
[284] App. J/148-152.
[285] An analogy might be drawn to the manner in which the volume of records created expanded in the 1950's and 1960's as the quality of relatively inexpensive photoduplicating machines improved.
[286] The correspondence files sub-series, 1905-1948, is discussed after App. J/152.

sometimes elaborate upon and clarify issues mentioned in the council minutes. Copies of letters written by the Clerk wearing his hat as City Collector exist from about 1888. In addition, the Clerk occasionally corresponded on behalf of standing or special committees, Government Auditor Peirson (1895), and the Mayor, as well as in his capacity as Secretary to the Board of Cemetery Trustees, the Local Board of Health, and other bodies. The correspondence outward sub-series also contains copies of telegrams and postcards, letters enclosing payment for school board supplies, and the occasional letter written in the hand of the Mayor.[287] From 1902, it contains considerable correspondence regarding pipes and supplies for the waterworks, and the appointment and dismissal of fire department members.

By-laws

The municipal by-laws are second in importance only to the council minutes. They ratify business agreements, regulate societal organization for the common good of the locality, and define the areas in which a municipality supplies services. In general, they provide the legal basis upon which municipal business is conducted.

Historically, municipal by-laws may be divided into three categories: housekeeping, regulatory, and amendment.

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[287] Impressions of letters written by Mayor Manson between 27 February and 29 March 1901 were made in reverse date order on pp. 938-43 of Vol. 127.1 (App. J/151). It is plausible that those letters were recognized as a distinct series, but were, for practical reasons, pressed in the main letterbook.

Housekeeping by-laws defined administrative details; they provided for the return of the assessment roll, the hearing of assessment appeals, the raising of revenue and loans (temporary and special), the levying of real estate tax and trade licenses, the donation of money for public celebrations and receptions, the holding of real estate tax sales, the regulation of municipal elections, and the definition of the municipal franchise. Most housekeeping by-laws were annually enacted. They provided for a one-time activity, so there was no need, except in the case of revenue by-laws, for their specific repeal. Regulatory by-laws defined the service functions undertaken by Council and various aspects of societal behaviour. For instance, Council attempted: to regulate bicycles, butchering, chimneys and stovepipes, the city pound, the maintenance and construction of footpaths, awnings, sidewalks, and streets, milk inspection, the public cemetery, and laundries; to control contagious disease, dogs, public health, public morals, Sunday observance, and the sale of liquor; and to prevent fire, cruelty to animals, and the growth of weeds. Amendment by-laws usually amended regulatory rather than housekeeping by-laws and often changed their wording only slightly. They often reflected changes in statutory law.[288]

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[288] It should be noted that the wording of municipal by-laws often followed closely that of the applicable portion of the provincial statute enabling municipalities to legislate in a given area. As most municipalities were enacting by-laws to govern the same functions, they often copied each other's by-law wording. This was certainly true from 1884 when municipal councils were required to publish their by-laws in the BCG.

In order that the procedure by which municipal councils enacted and enforced their by-laws might be explained, it is necessary to turn to statutory law; such information is vital to the researcher who wishes to trace their passage in the council minutes. The "Municipality Act, 1872" provided that by-laws were "subject to confirmation or disallowance by the Lieutenant-Governor."[289] The "Municipality Act Amendment Act, 1873" specified that the municipal clerk transmit copies to him within one month after their final passage, and that they be signed by the clerk, countersigned by the mayor, warden, or presiding municipal councillor, and sealed with the corporate seal.[290] The originals were to be signed and sealed, and a certified copy was to be received as evidence in any Court of Justice "without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged."[291] The 1873 Act provided that by-laws, orders, and resolutions of municipal councils could, upon application to the Supreme Court by an interested party, be quashed for illegality;[292] by-laws could thereby be enforced and tested. It also set the guidelines by which municipal councils could pass by-laws for contracting debts by way of loan and for levying

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[289] App. B/46, s. 22.
[290] App. B/47, s. 8. However, as Cary Castle, the Lieutenant-Governor's official residence, was destroyed by fire in 1899 and again in 1957, it is doubtful that the Lieutenant-Governor's copies have survived. Cursory examination of the relevant PABC finding aid (GR 443) did not reveal any reference to municipalities.
[291] App. B/47, ss. 9-10.
[292] App. B/47, s. 11.

special rates for their repayment.[293] Those for the raising of money for extra-ordinary expenditure required the assent of the ratepayers before final passage, and the Act provided for the appointment of a returning officer.[294]

Respecting the promulgation of by-laws, the "Municipality Act, 1881" provided that:

> Every by-law passed by the Municipal Council shall be reconsidered not less than three days after the original passage, and if adopted by the Municipal Council, or confirmed by the municipal electors, as hereinafter provided, shall come into effect and be binding on all persons after seven days from the publication of the same in some one or more of the newspapers (if any) published in the Municipality, unless otherwise postponed in such by-law.[295]

Thus, from 1881 (until 1899), publication was essentially mandatory, and the researcher might expect to find a published copy in local newspapers. In addition, "An Act to Amend the 'Municipality Act, 1881,' [1883]" required that municipal by-laws be published in the British Columbia Gazette (BCG).[296] That Act received assent on 18 February 1884, from which date (until 1899) the BCG provides a very rich source for the study of municipal enactments. Evidence of any by-law could thenceforth be given in any court by production of the BCG containing a copy.[297]

The "Municipal Act, 1889" provided that municipal clerks transmit by-law copies to the Provincial Secretary, instead of

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[293] App. B/47, ss. 3-4.
[294] App. B/47, s. 6.
[295] App. B/59, s. 70.
[296] App. B/62, s. 1.
[297] App. B/62, s. 2.

the Lieutenant-Governor.[298] However, the "Municipal Act, 1892" omitted that provision and enacted that promulgation should

> consist in the publication in the British Columbia Gazette of a true copy of the by-law, and of the signature or signatures attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same, or any part thereof.[299]

The Act contained a copy of the notice to be appended and defined the right to action in the case of illegal enactments.[300] The "Municipal Clauses Act Amendment Act, 1899" repealed the sections regarding promulgation through publication and enacted that by-laws reconsidered and adopted by council not less than one day after original passage simply come into effect, unless a later date was specifically defined.[301] That amendment virtually ended their publication in local newspapers and the BCG, thereby saving municipal councils the considerable costs of advertisement. Nanaimo's Council did not publish any by-laws in the BCG from 1899-1904; however, some municipalities (chiefly Vancouver, New Westminster, Greenwood, and North Vancouver) did.[302]

It is probable that the discontinuation of formal promulgation procedures caused legal problems, for the

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[298] App. B/69, s. 110.
[299] App. B/72, s. 124.
[300] App. B/72, ss. 125, and 128-31.
[301] App. B/79, s. 5.
[302] The BCG was an important part of the record of the municipal clerk's office. The UBC Law Library has a number of volumes which formerly belonged to the Vancouver City Clerk's office. The Vancouver City by-laws published in each volume are enumerated in lists glued inside their front covers. See Set 3 for the years 1887-88, 1893-96, and 1900-04.

"Municipal Clauses Act Amendment Act, 1902" amended the 1899 Act's provisions. Thenceforth, confirmed by-laws were to be registered through deposit with the County Court Registrar of a true copy certified by the municipal clerk and were to "take effect and come into force and be binding on all persons as from the date of such registration," unless specifically postponed.[303] The Act also provided that all municipal councils deposit with the County Court Registrar, within 60 days from the date of royal assent, certified copies of all by-laws passed since 27 February 1899 (the date of assent to the 1899 Act) and still in force.[304] Although Nanaimo's City Clerk deposited the municipal by-laws with the County Court Registrar until the 1950's,[305] those copies have not survived. In the case of municipalities for which the by-laws series is incomplete, such copies would, where they have survived, prove most useful in reconstruction of the original series.

Nanaimo's by-laws are stored in the administration vault in City Hall. Many originals no longer exist, and the importance of printed archives is exemplified by the fact that it has been possible to largely reconstruct the series from the council minutes and published sources. Reconstruction is justified for so important a series as this, and the composite list of original, published, and unlocated by-laws passed between 1875

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[303] App. B/82, s. 22.
[304] App. B/82, s. 22.
[305] See [By-laws Register] (App. J/154). The "Municipal Act, [1957]," SBC, 1957, 6 Eliz. 2, c. 42, ss. 227-8, changed the promulgation procedure.

and 1904 is fully explained in the descriptive paragraphs preceding it.[306] The NFP was the main local newspaper in which Nanaimo's by-laws were printed, and of course many were published in the BCG between 1884 and 1898. In addition, the municipal officers were often in need of a consolidated copy. For instance, the 1882 Council directed the Clerk "to furnish the City Constable with a copy of the Municipal By-laws."[307] The 1891 Council left the question of a printing in book form in the hands of the Finance Committee and City Clerk and ordered that its "By-law for the regulation and general conduct of business of the Municipal Council, 1891" be published as a pamphlet for distribution to council members.[308] The by-laws were finally consolidated in 1903 when the Board of Police Commissioners drew to Council's attention the advisability of codification and publication for the use of the aldermen and police force.[309] The matter was left in the hands of the Finance Committee, which eventually had 100 copies of the Nanaimo City By-Laws, 1904 printed and bound.[310]

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[306] App. J/156-392.
[307] CNA, CCN, CM, 12 June 1882, 444.
[308] CNA, CCN, CM, 18 June 1891, 98, and App. J/360.
[309] CNA, CCN, CM, 14 April 1903, 29.
[310] See CNA, CCN, CM, 23 November 1903, 86, and App. J/155.

Contracts and Agreements

The word "contract" was apparently used in reference to the purchase of goods and equipment and "agreement" in reference to the procurement of services and public utilities.[311]

A passing reference to the execution of contracts indicates a lack of formality in the procedures followed. In replying to Messrs. Evans, Coleman, and Evans of Vancouver regarding their tender to supply cast iron pipe, City Clerk Gough wrote:

> We do not keep any forms of contract for the supply of goods, usually, when the parties wished to have a contract executed, they have supplied us with a form. If you have any on hand, or will send me a memorandum of what you wish, I will get the Council to authorise the execution of the same.[312]

To sum up, the council minutes, correspondence, by-laws, contracts, and legal agreements reflect the routine nature of the City Clerk's duties. As chief administrative officer, he was responsible for the general clerical support required by Council. The decisions of standing committees and the other municipal officers had little bearing upon his duties. By contrast, the decisions of the Finance Committee, the only standing committee which deliberated upon administrative functions,[313] had a significant impact upon the work of municipal officers and bodies responsible for financial management.

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[311] App. J/393-398.
[312] CNA, CCN, CC, 17 August 1904, 476.
[313] The other standing committees oversaw the municipality's operational functions.

FINANCE COMMITTEE

The finance committee governs the fiscal business of municipal corporations, including the framework within which they provide service and regulatory functions and the administrative services required to support their operational mandate. Its main responsibilities include preparation of the annual estimates, establishment of taxation rates, regulation of expenditure disbursement, and the raising of credit.

Nanaimo's Council annually charged three of its members with responsibility for overseeing management of the Corporation's finances. The Mayor appointed the aldermen he thought should form the Finance Committee, and Council ratified his selection. Prior to 1881, the Finance Committee may not have prepared an estimate of projected revenue and expenditure.[314] Throughout the 1880's, the chief concern in preparing the estimates was the amount that would be available for street improvements after provision had been made for other departments. One of the chief functions of nineteenth-century municipalities was, of course, the maintenance and repair of streets, sidewalks, and bridges.[315] In determining the annual appropriation for the street department, the Finance Committee allocated moneys by city ward based upon the revenue each generated. The estimates for 1895 (the only surviving

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[314] CNA, CCN, CM, 22 August 1881, 397.

[315] From 1888, when city municipalities became responsible for a portion of the cost of education within their limits, the public schools function took money away from Nanaimo's streets.

originals)[316] were apparently among the first officially adopted by Council.[317] As late as 1903, Alderman Planta found occasion to remark that there was no purpose in preparing estimates unless the various committees confined their expenditures to the amounts allotted them.[318]

The limitations imposed upon municipalities in their taxation of persons, real estate, and personal property are well defined in the municipal acts, and researchers should consult the statutes relevant to their period of study. However, eight main types of municipal taxation existed: real estate and improvement taxes;[319] local improvement rates; trade license fees; by-law fines and fees; road tax, which could be worked off on the roads; the performance of statute labour, which could be commuted to a cash payment; provincial revenue tax, which was collected by certain city municipalities for the support of public schools from 1891; and diverse taxes imposed upon the owners of dogs, horses, mules, oxen, waggons, carts, and other personal property. As provided by statute,[320] Nanaimo's Council passed, in most years between 1875 and 1893,[321] by-laws to authorize the raising of revenue. They defined the rates and license fees which, based upon the annual estimates and the assessment, had to be levied in order to meet the Corporation's

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[316] App. N/437-438.
[317] CNA, CCN, CM, 22 April 1895, 578.
[318] CNA, CCN, CM, 19 January 1903, 2.
[319] Crown, municipal, Indian, church, cemetery, school, hospital, fire company, and library lands, and public right-of-ways were exempt from real estate and improvement taxation.
[320] App. B/46, s. 21, s.-s. 1.
[321] App. J/341-355.

projected financial obligations. They also defined the manner in which the municipal revenue was to be collected. As special rates were imposed for the repayment of loans, the rate structure became more complex. Beginning in 1890, the rate imposed upon the annual real estate assessment was defined in a separate real estate tax by-law,[322] which eventually detailed the special rates to be applied for board of health, hospital, school, and other purposes. From 1897, the remaining components of the revenue by-laws were enacted as the trades license by-law.[323]

Despite the municipality's petitions for appropriations to assist in bridge construction and other public works, direct aid from the government was, apart from the $3000 which the Legislative Assembly voted Nanaimo in 1875, minimal. A more important source of revenue was the local coal company, which upon many occasions, granted the Corporation monetary assistance or aid in kind. Naturally, the VCMLC and its successors took a special interest in the improvement and opening of the City's streets, fire prevention, the filling of Commercial Inlet (into which they could conveniently dump their mine refuse), and the preservation of public health.[324]

Municipal expenditure also had to be regulated.[325] From 1878, statute specifically prohibited municipal councils from

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[322] App. J/316-340.
[323] App. J/382-384.
[324] For more information on the role of the coal companies in promoting such projects, see the relevant operational functions.
[325] App. B/46, s. 21, s.-s. 2.

incurring, other than by loan by-law, "any liability beyond the . . . revenue for the current year."[326] Deficits did, however, occur. The 1882 Council resolved that it would not hold itself responsible for the liquidation of debts incurred by preceding Councils and that any person who incurred a liability beyond the annual revenue would be held personally responsible.[327]

In 1881, Council passed a by-law for the expenditure of revenue,[328] which authorized its disbursement in payment of office expenses and municipal officers' salaries, aid to charitable institutions of a public nature, burial of persons dying in destitute circumstances, street lighting, and purposes specifically authorized by by-law. The remainder was to be applied to public works and the removal of nuisances. Council enacted special purpose expenditure by-laws for public celebrations and receptions, and a water survey.[329] In regulating expenditure disbursement, the Finance Committee was responsible for examining the accounts on the City Treasurer's paysheets and later for verifying the monthly warrant book.[330] From 1901, it coordinated preparation of the annual financial report.[331]

Due to the short timeframe in which British Columbia's

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[326] App. B/55, s. 9.
[327] CNA, CCN, CM, 16 January 1882, 416.
[328] App. J/242.
[329] App. J/295-298, 310,. and 388.
[330] CNA, CCN, CM, 3 January 1899, 290-1. For discussion thereof, see City Treasurer.
[331] App. N/439-442. For further discussion, see City Auditor.

municipal system operated, municipalities were frequently in want of funds. Accordingly, it was not uncommon for Nanaimo's public works to be suspended until funds were available, nor for the wages of its officers and employees to be in arrears. From 1887, the Finance Committee made arrangements with the Corporation's bank[332] to obtain temporary credit by way of overdraft upon its current account. Initially, the bank required a certified copy of the by-law or resolution by which Council authorized the Finance Committee to secure credit.[333] Council was thereby enabled to meet its financial obligations before any revenue had been raised. Overdrafts became common practice, and the process by which they were secured was formalized. From 1893, Council annually passed a temporary loan by-law;[334] such loans represented an advance on the annual revenue from real estate taxation. Temporary loans were repayable by the end of the calendar year. However, when Councils could not meet that obligation, further arrangements were made.

Council first raised moneys for extra-ordinary expenditure in 1886 when it purchased the Nanaimo Literary Institute property for use as a City Hall.[335] Such loan by-laws required

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[332] In 1875, the Corporation opened an account at the Nanaimo Branch of the Dominion Savings Bank. From 1887-1898, it kept its accounts at the Bank of British Columbia. In 1898, it transferred its banking to the Merchants Bank of Halifax; in 1901, it moved its accounts from the Royal Bank of Canada to the Canadian Bank of Commerce.

[333] App. J/201.

[334] App. J/156-167.

[335] App. J/215.

the assent of the ratepayers, and the City Clerk was usually appointed Returning Officer to conduct the poll. He reported the poll's results to Council and recorded them in its minutes. Although the ratepayers did not always give their assent, they ratified, between 1886 and 1904, by-laws for such public works as street lighting, the Bastion Street Bridge, street improvements, and the filling of Commercial Street. They also assented to by-laws for the purchase of the waterworks, a crusher and rock drill, a steam fire engine, fire hydrants and other equipment, and the construction of public schools and a fire hall.[336]

Loans were secured from firms and private individuals through the sale of debenture series with detachable interest coupons. The debentures were redeemable at the expiry of their loan term. However, when excess funds were on hand in the sinking fund account, Council sometimes attempted, through advertisement, to repurchase portions of certain series in advance, usually at a premium.[337] Since the special rates imposed for repayment of the sinking fund and interest thereon were based upon the value of rateable property, an increase in real estate values meant that Council could impose a lower rate and still raise the revenue it required. Accordingly, in 1892 and 1893, Council passed by-laws to reduce its special rates.[338] By 1896, real estate values had fallen, and a rate increase was

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[336] App. J/203-204, 215-217, 230, 234, 237, 243-244, 311-312, 365, 371-372, and 389-391.
[337] See, for example, CNA, CCN, CM, 19 December 1904, 200-1.
[338] App. J/314-315.

required on certain debentures.[339] By-laws for the reduction or increase of rates required the approval of the Lieutenant-Governor in Council. In 1895, Council reinvested the moneys lying to the credit of its various sinking fund accounts in one of its own debenture issues.[340] It did so again in 1901, but passed at that time a by-law for the purpose.[341]

In summary, the Finance Committee delineated the fiscal framework within which the Corporation was to operate. The decisions of that body bore upon all financial management functions. For instance, the City Assessor evaluated real estate, and the Municipal Court of Revision heard and determined appeals against that assessment. Eventually, the Assessor applied the rates struck by the Finance Committee to the revised assessment. The City Collector was responsible for the collection of municipal revenue as defined by the Finance Committee. The City Treasurer managed the Corporation's finances, including the receipt of moneys collected and the payment of accounts approved by the Finance Committee. Finally, the City Auditor investigated and certified the Council's financial accountability at the end of its fiscal year.

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[339] App. J/260.
[340] CNA, CCN, CM, 6 May 1895, 589.
[341] App. J/378.

CITY ASSESSOR

The "Municipality Act, 1872"[342] required that the city assessor prepare, after diligent enquiry, an assessment roll, in which he was to record the names of all taxable persons resident in or outside of the municipality and a full description of all taxable property. The procedures he was to follow became increasingly complex. The "Municipality Amendment Act, 1887" provided that railway and tramway companies make an annual statement of their real property within each municipality and that the assessor send or deliver notices of assessment to their head offices.[343] In 1889, statutory law defined the manner in which real property was to be assessed.[344] The following year, the distinction between land and improvements was defined,[345] and the assessor was, before returning the assessment roll to the city clerk, required to deliver or send to all taxable persons notice of the land, real property, or improvement, and statute labour assessment for which each was liable. In addition, he was required to enter upon the roll the date of transmission of such notice.[346]

In Nanaimo, the position of City Assessor was initially combined with the offices of Clerk of the Municipal Council, City Collector, and Clerk of the Mayor's Court.[347] From 1889-

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[342] App. B/46, s. 23.
[343] App. B/66, s. 19.
[344] App. B/69, s. 119.
[345] App. B/70, ss. 37 and 39.
[346] App. B/70, s. 41. Further refined by App. B/71, s. 124.
[347] See Appendix H.1.

1895, Council appointed various individuals to perform the duties of Assessor.[348] From 1896, the annual assessment was made by the individual holding the joint offices of City Assessor, Collector, and Police Court Clerk.[349] Further discussion of the Assessor is best approached through the records created by Council to regulate that position and by the Assessor in the performance of his duties.

Records

From 1875-1896, Council enacted by-laws to fix the date by which the City Assessor was to return the real estate assessment roll.[350] From about 1890, those by-laws also fixed the dates during which the assessment was to be made.[351] Beginning in 1897, Council regulated the annual assessment by a motion passed in February or early March;[352] it usually defined a period between February and July during which the assessment was to be conducted and a date between March and July on which the assessment roll was to be returned. An exception is the by-law passed in 1887 which provided for the return of the road tax assessment roll in November.[353]

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[348] See Appendix H.4.
[349] See Appendix H.10.
[350] App. J/180-200.
[351] Cf. App. B/72, s. 154.
[352] App. J/141-142.
[353] App. J/356.

The real estate assessment roll was the end product of the Assessor's duties and was important as the basis for the annual voters' list.[354] Nanaimo's rolls are complete from 1875,[355] although those for 1896-1897 are the copies reconstructed after the originals were mutilated in the City Collector's office in 1897.

Before 1890, when the Assessor was first required to deliver assessment notices,[356] property owners were responsible for consulting the assessment roll at the City Offices prior to the meeting of the Court of Revision. Council did not notify ratepayers of their assessment until the Collector called upon them for payment of their taxes. For instance, in 1875, after completing its correction, Council directed "that the Public be notified by advertisement that the Assessment Roll be seen at the Office of the City Clerk prior to the 12th inst."[357] Some years later, William Frederick Herre laid a complaint against the Clerk for having refused his request to inspect it on behalf of several property holders. In reply, the Clerk argued that Herre had not had the written authority of any person to make such enquiry.[358]

With respect to the assessment roll, it is noteworthy that the "Municipality Amendment Act, 1874" defined "a true copy"[359]

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[354] For discussion thereof, see Election Proceedings and the Returning Officer.
[355] The series is described in detail in Appendix K.
[356] App. B/70, s. 41.
[357] CNA, CCN, CM, 5 May 1875, 28.
[358] CNA, CCN, CM, 30 April 1883, 496.
[359] App. B/48, s. 12.

as one of the returns municipal councils were to make to the Provincial Secretary each December. City Clerk Young complied in 1876, presuming that an exact description of the property assessed would not be necessary.[360] In forwarding Nanaimo's returns for 1877, Young asked Thomas Elwyn, Deputy Provincial Secretary, in what form the government desired its copy of the assessment roll, to which he apparently received the reply that a copy was not required.[361] However, the assessment roll copy remained a statutory return until the passage of the "Municipal Act, 1892,"[362] and some copies forwarded to the government by lower mainland municipalities are preserved at the Provincial Archives.[363]

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[360] CNA, CCN, CC, Letter from C.N. Young, 12 January 1876, to the Provincial Secretary, p. 19.
[361] CNA, CCN, CC, 8 January 1878, 43, with marginal notation dated 14 January 1878.
[362] App. B/72.
[363] PABC, BC, Provincial Secretary, GR 773. The amount of detail contained in these copies varies greatly, although most are complete nominal assessment rolls. In some cases, the municipalities' statutory returns concerning trade and liquor licenses and financial matters are included thereon.

COURT OF REVISION

The "Municipality Act, 1872"[364] required that every municipal council annually revise and correct its assessment roll and appoint a time and place for hearing complaints. Notice of appeal was to be given to the city clerk in writing. After hearing the evidence of the parties complaining and the city assessor(s), the municipal council was to decide for or against the appeal and to amend the roll accordingly. Such decision was to be final. Subsequent enactments referred to the municipal council sitting as a court of revision. The "Municipal Act, 1889"[365] provided for the appeal of that jurisdiction's decision to a County Court Judge; later, appeals could also be made before the Supreme Court of British Columbia.

In Nanaimo, the Municipal Court of Revision--in earlier years, the Appeal Court--met to hear complaints against real estate assessments on a date between April and July. In 1887, the adjourned Court of Revision met in December concerning appeals against the road tax assessment roll.[366] Those who had given notice of appeal frequently failed to appear before the Court. The most extensive revision was in 1887, the one year in which both real estate and improvements were assessed. After convening three times, the Court finally passed a motion to reduce all real estate assessments to their 1886 levels. In addition, it reduced all improvement assessments by 33

[364] App. B/46, s. 24.
[365] App. B/69, s. 128.
[366] CNA, CCN, CM, 19 December 1887, 196-7.

percent.[367] In keeping with the provisions of the "Municipal Act, 1892,"[368] Council annually passed a resolution to appoint five of its number to constitute the Court of Revision.[369]

Records

Since it was important that appeals against the municipal assessment be legally conducted in case a decision of the court of revision was appealed before a higher court, statutory law defined in increasing detail the procedures municipalities were to follow. Again, by comparing statutory law and surviving records, a better understanding of the record may be attained. Although not required to do so, Council passed, in most years between 1875 and 1889, a by-law to fix the time and place for hearing appeals.[370] Advertisement of the sitting of the court of revision was formalized by the "Municipal Act Amendment Act, 1890,"[371] which provided that one month's notice be given in the BCG[372] and a local newspaper. Several examples of the statutory notice of appeal have survived,[373] and the proceedings of the Appeal Court or Court of Revision were until 1889 recorded in the council minutes.[374] The opening of a separate minute book[375] in 1891 is explained by a proviso of the "Municipal Act

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[367] CNA, CCN, CM, 18 July 1887, 173.
[368] App. B/72, s. 161.
[369] See, for example, CNA, CCN, CM, 18 July 1892, 235.
[370] App. J/168-179, and 357.
[371] App. B/70, s. 43(125).
[372] See, for example, BCG 30 (31 July 1890): 679.
[373] App. J/146.
[374] App. J/138-139.
[375] App. R/596.

Amendment Act, 1890": "the Council shall keep a minute book written in ink of their proceedings as a Court of Revision."[376] Changes made by the Court of Revision, or upon appeal to a Court of Law, were entered upon the assessment roll,[377] which, once confirmed, became the official roll until Council confirmed a new one.

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[376] App. B/70, s. 43(124).
[377] App. K/411-420.

CITY COLLECTOR

The "Municipality Act, 1872"[378] empowered municipal councils to pass by-laws respecting the duties of the city collector and the mode of revenue collection. Over the years, statutory law defined the collector's duties more clearly, but the essential elements remained the same: the collector was responsible for the collection of all moneys due to the municipal council as defined through by-law.[379] The "Municipality Act Amendment Act, 1873" provided that the collector should call at least once upon all persons to demand payment and that he should, in the case of non-residents, transmit by post a statement of the rates due by them.[380] The terms respecting taxes remaining unpaid after 14 days were stringent: the collector was to levy the tax with costs by distraint of goods and chattels.[381] The Act also defined the procedures he was to follow regarding public notice of the sale of those goods, the unclaimed surplus from such sale, and contested cases.[382] Finally, the collector was to return his roll and pay over the proceeds of his collection to the clerk by the day fixed by council.[383] Unpaid taxes could be registered as a lien against the lands taxed,[384] but were also recoverable

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[378] App. B/46, s. 21, s.-ss. 28 and 1.
[379] For discussion thereof, see Finance Committee.
[380] App. B/47, s. 27.
[381] App. B/47, s. 28. The "Municipality Act, 1881" (App. B/59, s. 135), changed the period after which taxes were considered overdue to 30 days.
[382] App. B/47, ss. 30-3.
[383] App. B/47, s. 36.
[384] App. B/47, s. 41.

through legal action,

> in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk, shall be primâ facie evidence of the debt.[385]

The "Municipal Tax Sale Act, 1877" defined the procedures municipalities were to follow in tax sales and in the redemption or conveyance of the lands sold,[386] but did not mention what role, if any, the collector was to play. The "Municipal Act, 1889" provided that the collector conduct the public auction of lands upon which he had been unable to collect the taxes and issue a certificate of tax sale.[387] The "Municipal Act, 1891"[388] required that the collector deliver or transmit to all persons a written statement detailing the taxes they owed.[389] To encourage early payment and aid in the collection of real estate taxes, an abatement of one-sixth of the amount due was allowed if payment was made by a predetermined date.[390]

In Nanaimo, the position of City Collector was initially combined with the joint offices held by the City Clerk.[391] In 1895, Assistant City Clerk Thompson helped the Collector in his work.[392] The following year, the positions in the Clerk's office

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[385] App. B/47, s. 34.
[386] App. B/92, ss. 1-6.
[387] App. B/69, s. 146. The "Municipal Act, 1891" (App. B/71, s. 143), elaborated upon those provisions.
[388] App. B/71, ss. 135-47.
[389] App. B/71, s. 136.
[390] App. B/71, ss. 141-2. The "Municipal Act, 1889" (App. B/69, ss. 144-5), had provided for such a reduction in Victoria City and in district and township municipalities.
[391] See Appendices H.1-H.3.
[392] CNA, CCN, CM, 6 May 1895, 589.

were separated, and Samuel Gough was demoted to the joint offices of City Assessor, Collector, and Police Court Clerk.[393] However, the 1897 Council, which was apparently determined to dispense with Gough's services,[394] struck a committee to investigate the manner in which he had performed the Collector's duties. That committee found Gough "guilty of gross negligence."[395] It reported that he had not collected the license fees from the greater number of Chinese laundries until the end of the year and had not collected the provincial revenue tax from 75 prominent citizens. The committee considered such negligence "unfair to the large number of our citizens from whom the said taxes are collected early in the year at the offices of the New Vancouver Coal Company."[396] Such a scenario had arisen simply because the collections in question had "required a little personal exertion on the part of the Collector and an enforcement of the law."[397] Gough withdrew his application, requesting a list of the questions he had been asked, and Edward Baines Irving was appointed Collector.

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[393] See Appendix H.10.

[394] At a public meeting near the end of the 1897 Council's term of office, John Dixon "drew attention to the disgraceful transactions from the party strife, and instanced the great injustice that had been done to Mr Sam Gough, who had been hounded and disrated just because of partyism. It was now known to every man who was to blame, and the Council before they went out of office should make an ample apology to Mr Sam Gough for their unjust treatment of an honest official, who had served the city for 17 years, having practically to do all the work of the city, from City Clerk to dog catcher." From "Public Meeting Fiasco: The Councils of 1896 and 1897 Scored as Failures," NFP, 4 January 1898, 1.

[395] CNA, CCN, CM, 28 January 1897, 64.

[396] CNA, CCN, CM, 28 January 1897, 62.

[397] CNA, CCN, CM, 28 January 1897, 63.

The collection of dog tax figured among the Collector's duties. However, the Collector often had difficulty getting out of the office, and the 1898 Council finally ordered that a person be engaged to assist him.[398] In 1902, when the Dog Tax Collector experienced difficulties in making collections, Council directed the City Collector to enforce the dog tax by-law.[399] The following year, the Finance Committee reported that it had made arrangements with Enoch Shakespeare to collect the dog tax upon the basis of a ten percent commission on the first $100 collected, with a five percent increment on each subsequent $100.[400]

From 1901, when the City acquired the waterworks, water rates also had to be collected, a duty initially performed by the City Water Collector. However, in 1904, the Finance Committee reported that the Collector and Water Collector had agreed to undertake all municipal collections jointly.[401]

The collection of rates and taxes was not an easy job. Certainly, it was not one which the municipal officers undertook with great enthusiasm, especially when confronted with inclement weather, language barriers, persons who could not pay their taxes, and no doubt at times hostility. Since borrowing was strictly regulated by statute, municipalities were, if Nanaimo be representative thereof, constantly in want of funds.

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[398] CNA, CCN, CM, 22 August 1898, 253.
[399] CNA, CCN, CM, 1 December 1902, 776.
[400] CNA, CCN, CM, 10 August 1903, 63.
[401] CNA, CCN, CM, 1 February 1904, 112.

Therefore, it should not be surprising that from at least 1880-1892 the City Collector was paid a 10 percent commission on all taxes collectable outside the office, that from 1895 he received five percent on all sums collected by tax sale,[402] and that from 1903 the Dog Tax Collector was paid a straight commission. Indeed, Council probably also used other incentives to encourage its overworked officers to collect the delinquent revenue it needed to return a balanced statement at the end of its term of office and fiscal year.

Records

The City Collector's record group is comprised of cash books and tax sale records.[403] Considering the detail contained in the cash books for the years 1874-1888,[404] it is probable that they were the main collection record and that proper collection rolls were not used. From 1886, the levying of special loan rates made the Collector's duties more complicated, and stationery orders in the City Clerk's correspondence reveal that collection rolls were, from about that time, used in conjunction with the cash book, in which the daily balance was struck.[405] It is of interest to note that in ordering a book for work in the Collector's office (presumably a collection roll),

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[402] See Appendices H.1-H.3.
[403] See Appendix L.
[404] App. L/421-422.
[405] Later, moneys collected by the Collector were paid over to the Treasurer each evening and recorded in his cash book. See evidence of City Collector Irving, "City Police Court," NFP, 10 December 1897, 2.

City Clerk Thompson wrote that ordinary binding would suffice as a new book would be required each year.[406] Thus, according to Thompson, collection rolls were not of permanent value, which is borne out by the fact that not one has survived.

The "Municipal Tax Sale Act, 1877" was enacted to remove doubts respecting the authority of municipalities to pass by-laws for the purpose of enforcing payment of taxes by sale of the land against which they were a charge.[407] Nevertheless, Nanaimo's Council did not pass its first real estate tax sale by-law until 1895.[408] Thereafter, it held tax sales almost annually. The tax sale by-laws set forth detailed regulations for the sale of lands upon which municipal taxes were due and in arrears for two years or more. The Collector was to first prepare a list of lands eligible for tax sale; he was to then have the Victoria Land Registry Office search their titles for the name of the registered owner and for liens against them. Finally, he was to publish a tax sale list for a period of one month. After the public auction, the Collector issued tax sale certificates to purchasers.[409] One year after the confirmation of the sale by a provincial Supreme Court Judge, the Mayor and City Clerk could upon demand issue a tax sale deed[410] for lands which had not been redeemed.

Finally, the year 1897 witnessed a unique occurrence in the

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[406] CNA, CCN, CC, Letter from Thompson, 4 February 1897, to G.A. Roedde, Book Printer and Binder, Vancouver, p. 413.
[407] App. B/92, ss. 1-6.
[408] App. J/333-340.
[409] App. L/424-425.
[410] App. J/410.

history of the City Collector's office. Between 24 and 26 November, the office was forcibly entered, and five or six of the City's most important rolls were, in the words of Mayor Davison, "torn to atoms and competely destroyed."[411] The crime was discovered by City Collector Irving on the morning of Friday, 26 November. The article which appeared in the NFP concerning the records mutilated is partially reproduced in Figure 2. It exemplifies the type of detailed information about the administration and archives of nineteenth-century municipal government which can occasionally be found in newspapers.

At the special council meeting held to decide upon a course of action, Mayor Davison stated that he "had never heard of a parallel case in the Dominion or the Province, and he was sorry to think that Nanaimo had a person so mean, low and contemptible as to commit such an outrage."[412] City Collector Irving was requested to give his opinion as to the manner in which the office had been left on Wednesday evening and the circumstances surrounding his discovery. Alderman Foreman was especially concerned that City Clerk Thompson and Auditor Boyce be questioned on the condition of the Collector's books, whether or not they had been audited, and the work of the Collector, as he felt that "there may be a great deal of criticism, and some will go far enough to say anything as to why the books were

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[411] CNA, CCN, CC, Letter from J.H.D., Mayor, 26 November 1897, to F.S. Hussey, Superintendent of Provincial Police, Victoria, p. 181.

[412] "Special Council Meeting," NFP, 27 November 1897, 1.

Figure 2 - City Books Mutilated

Nanaimo Free Press, 26 November 1897, 1.

CITY BOOKS MUTILATED

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The Collector's Office the Scene of Wholesale Destruction.

Assessment Roll and Special Rates Books Torn to Pieces.

No Apparent Clue to the Perpetrator or Perpetrators.

City Collector Irving's Horror at Finding His Year's Work Destroyed.

. . . From the information gleaned by a FREE PRESS representative, the following particulars are made public.

On Wednesday evening the books in Collector Irving's office, were all posted and written up, and in turn audited up to date by Auditor Boyce. The officials then left the building, and yesterday being Thanksgiving Day and a Statutory Holiday, none of the city officials returned to the office until this morning, so that at present it can not be said at what time between Wednesday evening and this (Friday) morning the crime was committed.

Mr E B Irving states that when he went to his office this morning, on reaching the head of the stairs, he noticed that the written tax sale list tacked on to the Bulletin Board near the Council Chamber door, had been torn. Thinking it had been done by the wind, he passed on to his office. On entering his office he found that the janitor had lighted the

office fire, but it was nearly burnt out. He then replenished the fire, after which he noticed a piece of paper on the floor, which he picked up and recognized as Mr A Thompson's hand writing, and subsequently he recognized it as being a portion of one of the books of his office. Almost immediately he discovered a great mass of torn paper under the platform of his desk. He then saw that the books had been mutilated, and he at once notified Mayor Davison and Chief Crossan of the City Police.

THE BOOKS MUTILATED.

Further examination showed that the books which had been mutilated were:

(1) The Assessment Roll Book, containing the Assessment Rolls of 1896 and 1897.

(2) The Fire Hall and Hydrant Special Rate Roll Book.

(3) The Commercial Street Filling in Special Rate Roll Book.

(4) Two General Rate Collection Roll Books.

The other special rate roll books were not in the least injured, and are intact.

The Assessment Roll Book has been mutilated by the tearing out of a dozen or so of the leaves here and there through the book, and then tearing the leaves into smaller pieces.

In the other books all the written pages have been torn out, and even a few blank leaves. The leaves are torn within four inches of the back of the book, as if the person had pressed the leaves with his left hand and torn down the pages with his right hand, tearing three or four leaves at a time. The torn out leaves were then torn into smaller pieces and thrown under the desk.

So far as could be ascertained none of the other books or papers, either in the collector's office, the city clerk's office, the Council Chambers or the safe room had been tampered with.

On Wednesday evening the rate books were left, some on the desk, under the desk and leaning against the wall.

The Assessment Roll book was on the floor leaning against the wall, and the

> party or parties committing the depredation had to remove seven or eight large books which were leaning against the Assessment Roll.
>
> HOW WAS ENTRANCE OBTAINED.
>
> It is supposed that entrance was obtained by forcing the window in the collector's office from the head of the public stairs. . . .

destroyed."[413] Thompson and Boyce both testified as to the diligent manner in which the Collector attended to his work and to the fact that he kept the books well written up. According to Boyce, the most peculiar part of the affair was that:

> none of the receipt stubs were tampered with, for they are just the same as he [Boyce] left them on Wednesday evening, with his check on the last receipt. This leaves the accounts just as open for re-audit as though the roll books had not been destroyed.[414]

Council then adjourned into a closed meeting, as it considered the crime more likely to be solved if dealt with in a private way; Thompson, Irving, and Boyce were requested to remain. At that meeting, Council decided to apply to Superintendent Hussey of the provincial police "for an expert detective to work on the case immediately,"[415] to offer a $500 reward for information leading to the conviction of the parties responsible, and to apply to the government for the posting of a supplementary reward. As is typical of detective stories, Council resolved that nothing destroyed be disturbed.[416]

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[414] Ibid.
[415] CNA, CCN, CM, 26 November 1897, 156-8.
[416] Notices of the rewards offered were inserted in the local papers. See "$500 Reward," NFP, 27 November 1897, 2, and "$250 Reward," NFP, 17 December 1897, 3.

Council did engage a detective as a bill for $154.65 from Pinkerton's National Detective Agency was subsequently paid.[417] The Collector's roll for 1897 was reconstructed, and a complete re-audit was conducted.[418] Two months after the crime, Council authorized City Clerk Gough to withdraw its reward notice from the papers.[419] No information had been given, and in any case the City did not have $500 to give away.[420] Council also authorized Gough to employ assistance in reconstructing the 1896-1897 real estate assessment rolls.[421] Despite such references to the consequences of the crime, no mention was made of its perpetrator(s). It is possible that the incident lost some of its significance after the arrest less than two weeks later of City Treasurer Thompson for shortages in his accounts.[422] It is equally possible that Nanaimoites, or at least Nanaimo's Mayor and Aldermen, were too afflicted by gold fever to be concerned about the destruction of a few records. A week after Thompson's arrest, Mayor Davison was granted a leave of absence for the balance of the term[423] and left for the Klondyke, perhaps, to join two of Nanaimo's aldermen who were

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[417] CNA, CCN, CM, 27 December 1897, 170, and CNA, CCN, CC, Letter from E.B. Irving, City Clerk, 12 January 1898, to Pinkerton's National Detective Agency, Portland, Oregon, p. 191.
[418] CNA, CCN, CC, Letter from E.B. Irving, Collector, 3 December 1897, to W.L. Jeffrey, Cashier, Esquimalt and Nanaimo Railway Company, Victoria, p. 187.
[419] CNA, CCN, CM, 31 January 1898, 185.
[420] "Municipal Council," NFP, 1 February 1898, 4.
[421] CNA, CCN, CM, 9 February 1898, 189, and CNA, CCN, CC, Letter from Samuel Gough, Clerk of the Municipal Council, 21 February 1898, to J. Sterling Floyd, Accountant, Esquimalt and Nanaimo Railway Offices, p. 198. See App. K/416.
[422] For discussion thereof, see City Treasurer.
[423] CNA, CCN, CM, 13 December 1897, 166.

also attracted to the goldfields.[424] Whether the mutilation of the municipal rolls was connected with Thompson's defalcations cannot be said. The crime may have had something to do with the tax sale at the end of 1897, or it may have been an act of spite against the Corporation, the Council, or some individual connected with it.[425]

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[424] "Municipal Council: The Close of the Year's Work," NFP, 11 January 1898, 1.

[425] One consequence was the indefinite postponement of the poll on the "School Grounds Loan By-law, 1897," as owing to the destruction of the assessment rolls it was not possible to prepare the real estate voters' list by 7 December, the date set for the polling. See "$500 Reward," NFP, 27 November 1897, 2.

CITY TREASURER

Between 1872 and 1904, statutory law made only passing reference to the city treasurer regarding the authority of the municipal council to appoint such an officer and the annual returns he was to make to the Provincial Secretary. Nevertheless, it is clear that the treasurer, where appointed, or the city clerk, performing the duties of that position, was responsible for ensuring the good financial standing of the corporation. He was responsible for management of the municipality's accounts and for ensuring that its expenditures did not exceed its receipts or the departmental appropriations in the finance committee's annual estimates.

In Nanaimo, the office of City Treasurer appears to have officially existed from 1892;[426] previous to that time, the Corporation's books were kept by the City Clerk.[427] In 1896, the positions in the Clerk's office were separated, and the joint office of City Clerk, Treasurer, and Caretaker was created.[428]

Records

The City Treasurer's record group is comprised of the general journal, sinking fund accounts, and debenture records.[429] In addition, the cash book series, 1874-1888,[430] which has been attributed to the City Collector's record group,

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[426] See Appendix H.3.
[427] See Appendices H.1-H.2.
[428] See Appendices H.8-H.9.
[429] See Appendix M.
[430] App. L/421-422.

cannot be entirely separated from the functions performed by the Clerk acting in the unofficial capacity of Treasurer. The monthly recapitulations contained in those books clearly played a key role in the Clerk's system of book-keeping.

A journal was apparently not used prior to 1879, as the Auditor's report for 1878 suggested that one "should be used during the ensuing year which will be a double check & save many an unnecessary blunder."[431] Although a general journal for the period 1896-1926[432] has survived, it is not known whether cash book totals were previous to that time posted to a journal, or whether journal receipts and expenditures were in turn carried forward in a ledger. Considering the 1895 report of Government Auditor Joseph Peirson, it is, however, unlikely:

> To speak generally of the Books and accounts there is indication of the present Clerk having inherited a system which might be admissable during the infantile stages of civic operations in your city, . . . but with the increased and enlarged state of things such primitive modes seem to have failed and must be regarded as impracticable if not irregular for the present magnitude of business. The want of a clear system is apparent and has doubtless arisen from the absence of a knowledge of better methods. The accounts are in a somewhat mixed condition but I have not the slightest reason to suspect dishonesty.[433]

Although Peirson mentioned the various books he had examined, he made no reference to the existence of a journal or ledger.

Peirson also referred to the informal manner in which the passing of accounts had been conducted:

Accounts seem to have been read at the council and

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[431] App. P/458, p. 3.
[432] App. M/435.
[433] App. P/532, p. 1.

> passed on to the Finance Committee and then paid[;] consequently there is no positive order for payment--but acting on suggestion this is now varied so that all accounts are examined by the Finance Committee who recommend the payment and on acquiescence by the Council are by a formal resolution "ordered paid".[434]

Despite its informality, the old method had resulted in the recording of the accounts in the council minutes and their publication in the local newspapers.[435]

Regarding the introduction of a new system of book-keeping, Peirson concluded:

> It should be stated that a new set of Books has been opened on a system by which a perfect balance can be made at any moment and admits of all persons being able to see at a glance how any particular department of work or service stands financially and the present officers have been fairly initiated into the mode of carrying out the same and if persevered in, the attendant results cannot but be satisfactory. By this method there can be no difficulty in having a "trial balance" sheet laid on the Council table at any meeting within a day or two after the close of each month and to establish the practice of having this ought not to be delayed or neglected because if not needed for the information of the Council it must have the beneficial effect of ensuring the Books being properly and fully posted up.[436]

Thus, in 1895, Peirson established for the Corporation what might be termed a "modern" accounting system. The 1898 re-audit of the 1896-1897 accounts indicates that the new system comprised a cash book, cash book vouchers, paysheets, a warrant

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[434] App. P/532, p. 4.

[435] Mayor Bate, who was elected by acclamation following the problems which defeated the 1897 civic administration, decided that "he wanted all documents read to the Council and the public." From "Municipal Council," NFP, 25 January 1898, 4.

[436] App. P/532, pp. 5-6. Council authorized the Clerk to procure a new set of books for the Corporation on 28 January 1895. See CNA, CCN, CM, 28 January 1895, 526.

[437] App. P/563.

book, a journal, and a ledger.[437]

Peirson made no reference to a warrant book. Nevertheless, the accounting system he established led to its introduction several months later when Council authorized the Clerk to procure one "to simplify the keeping of the City's Accounts."[438] No warrant book has survived. However, when the warrant was presented to Council each month for payment, the aggregate departmental accounts that the Finance Committee had recommended be paid were recorded in the council minutes. Again, this illustrates the importance of the council minutes as the main record of municipal business. The warrant for May 1895 included expenditure under the following departmental headings: public works, police and jail, City Clerk's office, schools, and miscellaneous.[439] The street lighting, fire department, and cemetery accounts were subsequently added, and the waterworks was first included in the warrant for June 1901.[440]

The raising of credit necessitated a method of accounting by which the financial standing of a municipality could be more precisely determined. From the passage of Nanaimo's first loan by-law in 1886,[441] municipal book-keeping became more complex, and increasingly so, as more moneys were raised. Special loan rates were paid to a sinking fund account from which the principal and interest on debenture issues were paid. Consequently, new record series were created. For instance, the

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[438] CNA, CCN, CM, 27 May 1895, 601.
[439] CNA, CCN, CM, 10 June 1895, 605.
[440] CNA, CCN, CM, 8 July 1901, 609.
[441] App. J/215.

"Municipal Act, 1891" stipulated that municipal councils keep in their

> books two separate accounts, one for the special rate and one for the sinking fund, or for installments 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 the moneys raised, obtained, and appropriated for payment thereof.[442]

Nanaimo's sinking fund accounts series, 1894-1900,[443] contains separate accounts for loan by-laws enacted between 1890 and 1899 and for interest accruing to the consolidated special rates' sinking fund.[444] The Treasurer kept careful record of transactions involving the separate loan accounts. In addition, the issue of debentures required a method of preserving interest coupons which had been redeemed and cancelled. The coupons from an 1890 by-law do exist, although those surviving were redeemed from 1905 onward. They were glued into a large binder, arranged by debenture issue and number and then chronologically.[445] Coupons redeemed before 1905 were probably organized in a similar manner.

Finally, the most important function performed by the City Treasurer was the preparation of the financial statements, which were subsequently audited to demonstrate the Council's accountability.[446] The Clerk prepared those statements beginning

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[442] App. B/71, s. 119, s.-s. 4.
[443] App. M/426.
[444] App. M/427-434.
[445] App. M/436.
[446] See Appendix P. For further discussion, see City Auditor.

with the 1880 year-end audit, although Samuel Gough signed the statement for the first quarter of 1895 as Treasurer rather than City Clerk. From then until the end of the first quarter of 1899, the Treasurer presented quarterly statements of receipts and expenditures to Council. From 1901, the Treasurer's annual financial statements were incorporated into the published annual report.[447]

The role of the treasurer in the rudimentary municipal-provincial reporting structure conveys well its limitations. In addition to an assessment roll copy, the treasurer was required to forward to the Provincial Secretary by 1 November each year

> a complete return of all money collected in the Municipality, or received from the Provincial Treasury, for Municipal purposes, and of all moneys expended for Municipal purposes, during such year, with a brief statement of the nature of the works on which such money shall have been expended.[448]

Although the "Municipality Amendment Act, 1874" required that the return be made at the end of December,[449] the intent of that clause remained the same from 1872 until omitted from the "Municipal Act, 1892." Until 1881, non-compliance disqualified a municipality from further provincial aid.[450] Some financial

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[447] App. N/439-442.
[448] App. B/46, s. 29.
[449] App. B/48, s. 12.
[450] App. B/46, s. 30.

returns are preserved with the assessment roll copies at the Provincial Archives.[451] In addition, some of the returns filed between 1873 and 1880 were published in the Sessional Papers.[452] As an aside, it is questionable whether the Provincial Secretary's Department took these statutory returns seriously. In 1877, Thomas Elwyn, Deputy Provincial Secretary, wrote to Mayor Bate to request a statement of the Corporation's receipts and expenditures for 1876, adding that he had "only just learned that it is usual to publish such documents."[453] City Clerk Young replied that a statement to the end of October had already been filed, but enclosed a copy of the Auditor's report for 1876.[454]

The reporting structure remained unaltered until the "Legislative Library and Bureau of Statistics Act, 1894" required officers of the government and societies, associations, and corporations, including municipalities, school boards and other public institutions, to furnish such information as was requested of them by the Secretary of the Bureau of Statistics.[455] As Legislative Librarian, R. Edward Gosnell was also the Bureau's Secretary. Constituted on 11 April 1894 and attached to the Department of the Provincial Secretary, the

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[451] PABC, BC, Provincial Secretary, GR 773.
[452] App. C/118-123, and 133. These published archives are not crucial in the case of Nanaimo for which the audited financial statements series is complete. However, they are certainly a most valuable source on the province's early municipal history. This is especially so in the case of municipalities for which the archives are not so extensive as Nanaimo's. For example, the archives of the defunct Corporation of the Township of Salt Spring Island (1872-1883) do not appear to have survived.
[453] App. J/145.
[454] CNA, CCN, CC, 3 April 1877, 35.
[455] SBC, 1894, 57 Vict., c. 27, s. 14.

Bureau was to collect, compile, tabulate, and publish information for public purposes. Nanaimo's Treasurer returned schedules, containing information about taxation, receipts, disbursements, assets and liabilities, for the years 1894-1896.[456] Gosnell used such information to compile the statistical reports on municipalities which were published in the Sessional Papers.[457] In submitting the Bureau's 1896 report, Gosnell made some revealing comments on the objective of the forms used and the methods of municipal accounting:

> The forms sent out to the Treasurers of Municipalities do not, as a rule, conform to the way in which the accounts of municipalities are kept, and hence some difficulty is experienced in arriving at a balance. . . . The schedules call for more than a mere financial statement; they aim at a classification of the receipts and expenditures under various heads, designed to show clearly the different sources of revenue and the objects of expenditure--such an analysis, in fact, as affords an exposition of the municipal methods and their results. . . . Experience in compiling the returns impels the remark that in some instances a more comprehensive system of municipal book-keeping might be adopted, and the advantage of greater uniformity of method is suggested for consideration. In speaking thus it is not with object of being censorious in the slightest degree; I desire, on the contrary to bear testimony to the general efficiency of the officials of the municipalities, and above all, to their invariable courtesy and promptness in furnishing information, for which thanks are due.[458]

The results of Gosnell's endeavours were also published in an excellent volume entitled The Year Book of British Columbia and

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[456] PABC, BC, Provincial Secretary, Bureau of Statistics, GR 153, Vol. 2, File 13.
[457] App. C/124-125.
[458] PABC, BC, Provincial Secretary, Bureau of Statistics, GR 153, Vol. 1, File 1, Letter from Gosnell, 5 April 1897, to Col. Hon. James Baker, Provincial Secretary, pp. 1-3.

Manual of Provincial Information.[459] However, a change of government in 1898 resulted in Gosnell's dismissal and the closing of the Bureau. In 1900, Gosnell became secretary to Premier James Dunsmuir and was subsequently made Secretary of the newly created Bureau of Provincial Information and Immigration, also constituted under the "Legislative Library and Bureau of Statistics Act, 1894." City Clerk Gough sent Gosnell statistical returns for the years 1899-1902, although it is not known whether they have survived. In explaining the delay in filing the 1899-1900 returns, Gough wrote: "you are no doubt aware that the returns you ask to be filled call for a complete dissection of the accounts as they are published at the end of the year."[460] Gough again commented on the amount of work involved when forwarding the 1901 returns.[461] Although Gosnell's schedules may have been unpopular among municipal officers, those surviving from his 1894-1898 tenure as the Bureau of Statistics' Secretary, and the other records he created, provide an invaluable source for the municipal historian.[462]

Regarding municipal accounting practice, several examples

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[459] Gosnell 1897. Publication of this book was initially undertaken by Gosnell, but was later assumed by the government. Revised editions were published in 1901, 1903, and 1911, and usually contained a section on municipal government.

[460] CNA, CCN, CC, 22 April 1901, 787.

[461] CNA, CCN, CC, 23 April 1902, 218.

[462] GR 153 (especially Vol. 1, Folder 1) is likely the most important pre-1905 source of documentation on municipalities held at the PABC. Gosnell's correspondence with municipal clerks regarding the names of mayors, reeves and clerks, and dates of incorporation, is indicative of the poor state of information management in British Columbia during the 1890's. In light thereof, his 1897 volume was a monumental feat.

of irregularities, in terms of modern procedures, require explanation. To begin, City Treasurer Gough was, following the 1894 Commission of Inquiry into the conduct of Police Magistrate Planta and the subsequent re-audit of the Corporation's 1893-1894 accounts, asked to explain charges of alleged shortages. Gough admitted having on two occasions during 1894 paid city money totaling $2200 into his private account.[463] He claimed, however, to have paid out that amount "in the discharge of the city's accounts which had been regularly passed for payment."[464] Other charges concerned moneys paid out by direction of the Police Magistrate. That Gough had at times acted as a private creditor, temporarily paying accounts out of his own pocket, was borne out by Government Auditor Peirson's report. In auditing the cemetery account, Peirson had found

> the inordinately large amount of $836:-- of debts due from undertakers to this fund at 31st December 1894 of which $578-- is owing to Mr. Gough personally he having paid for opening graves from time to time on demand by the grave-digger.[465]

Although Council nearly divided on the question of Gough's re-appointment, his credibility cannot have been too badly shaken, since the Mayor, after obtaining legal advice on the ballots cast, declared him re-elected.[466] Due to statutory limitations on municipal borrowing, such "irregularities" as described in this example may have been common in nineteenth-century accounting.

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[463] CNA, CCN, CM, 29 April 1895, 582.
[464] CNA, CCN, CM, 22 April 1895, 585.
[465] App. P/532, p. 5.
[466] CNA, CCN, CM, 29 April 1895, 586, and 6 May 1895, 588.

The second example is quite the opposite of the first and was, it is to be hoped, not common practice. Considering the limited extent to which the province supervised municipal affairs, it would, however, be naive to assume that the embezzlement of municipal funds at Nanaimo was an isolated incident. On 2 December 1897, a week after the mutilation of the records in the Collector's office,[467] City Auditor Boyce discovered shortages in the accounts of City Treasurer Thompson. Boyce had remarked to Robert Pollock, Road Foreman, that work on the streets must have been considerable, as the payrolls were rather heavy; Pollock had replied that work had to the contrary been very light. Comparison of the timesheets, submitted by Pollock, and the payrolls, submitted by Thompson to the Finance Committee for payment, revealed defalcations of about $550.[468] At a closed council meeting held on 6 December, Mayor Davison revealed that he had suspended Thompson that morning.[469] Thompson was detained by the police that evening; he was arrested the following morning when the Mayor laid the charges against him.

Public reaction must have been considerable; the headline in the NFP is reproduced in Figure 3. Briefly, Thompson was tried in a criminal case and convicted to "15 months with hard labor in the Nanaimo Jail,"[470] having pleaded guilty to the

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[467] For discussion thereof, see City Collector.
[468] "Municipal Sensation," NFP, 7 December 1897, 1.
[469] CNA, CCN, CM, 6 December 1897, 162-3.
[470] "Nanaimo Assize Court," NFP, 5 May 1898, 4.

charge of falsifying accounts and stealing one hundred dollars. In sentencing Thompson, Judge Harrison stated that he had been

Figure 3 - Municipal Sensation

Nanaimo Free Press, 7 December 1897, 1.

MUNICIPAL SENSATION

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Adam Thompson, City Clerk and
Treasurer, Arrested For
Falsifying The
Pay Rolls.

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A Comparison of Pay and Time
Rolls, show that the former
Have Been Doctored.

The Time of Some Men Increased
While Names Have Been
Placed on Pay Rolls Who
Never Worked for
the City.

The Aggregate Falsification and
Shortage so Far as Known:
Approximates $550.

Admitted to Bail in $1400 to
Appear on Friday Morning.

lenient due to the fact that the moneys stolen had been repaid

and that Thompson had a wife and child who were to be pitied.[471] The details of Thompson's shortages will not be discussed.

As a result of Thompson's defalcations and payments made by his attorney, City Auditor Boyce experienced difficulty in balancing the books in the year-end audit. He eventually discovered aggregate shortages of $1225.90[472] and, in concluding his annual report, wrote:

> . . . I possibly deserve your censure in not sooner discovering the late City Clerk. While I have no apologies to make, I may be permitted to say, that I am not the first man who was deceived into believing that he was dealing with an upright and honourable man, instead of what he finally proved to be--a thoroughly deceptive and dishonest one.[473]

An anonymous ratepayer subsequently took Auditor Boyce to task regarding his statement about the manner in which Thompson had deceived him. Demanding an explanation, that individual questioned whether Boyce meant that he had taken "the word of the City Clerk as being sufficient evidence that the accounts . . . were correctly and honestly kept."[474] Further questions arose, and Boyce responded that he was paid $120 per year, for which it was impossible to completely audit the collection

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[471] The proceedings of Thompson's preliminary hearing before City Police Magistrate Simpson who committed him to stand trial in the next court of competent jurisdiction, and the Nanaimo Assize Court trial proceedings, were reported in the NFP: "City Police Court," 7 December 1897, p. 1, and 10 December 1897, pp. 2, 4 (the proceedings on p. 4 precede those on p. 2); "Further Remanded," 13 December 1897, p. 1; "City Police Court," 15 December 1897, p. 1; "Bail Not Obtained: Counsel of Adam Thompson Will Apply at Victoria," 16 December 1897, p. 4; "Nanaimo Assize Court," 3 May 1898, p. 3, and 5 May 1898, p. 4.

[472] App. P/561.

[473] App. P/555.

[474] "The Auditor's Breach of Trust," NFP, 14 January 1898, 1.

rolls. He had confronted Thompson shortly after discovering the shortages, and Thompson had "admitted his guilt."[475]

Boyce's year-end audit was not, however, the end of the Thompson affair. The 1898 Council decided to re-audit, in so far as possible, the 1896-1897 accounts. Frederick G. Peto and Colin Campbell McKenzie, Auditors, discovered discrepancies not found by the previous Council. Again, a closed meeting was held to discuss the matter,[476] and a claim was made upon the guarantee company which had bonded Thompson.[477] In their final report, Peto and McKenzie indicated an aggregate shortage of $1719.02[478] and gave a detailed statement of the defalcations, errors, and irregularities in the Treasurer's office during the previous two years. Their report provides a good overview of the methods of record-keeping current in that office. The researcher using the general journal[479] or the financial statements for the years 1896-1897[480] should consider the Auditors' conclusion regarding discrepancies between the journal, ledger, and published balance sheet:

> From these and similar entries, it would be utterly impossible to balance the Ledger as it now stands items being inserted whereever [sic] the necessity of the case has required it of those keeping the books.[481]

Regarding defalcations in the paysheets, the Auditors wrote:

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[475] "Auditor Boyce's Answer to Mr. Pott's Question," NFP, 15 January 1898, 1.
[476] CNA, CCN, CM, 24 February 1898, 196.
[477] CNA, CCN, CM, 7 March 1898, 201.
[478] App. P/563, p. 14.
[479] App. M/435.
[480] App. P/543-561.
[481] App. P/563, p. 8.

> The shortages given below are made up from a careful comparison of the Road Foremans reports, and other evidence in our possession, with the Pay Sheets. This being our only course as the Road Foreman's Time Book cannot be found[;] consequently it is impossible to give full particulars as to who worked and the number of days for each man.[482]

The disappearance of the Road Foreman's timebook might be explained by the existence therein of evidence damaging to Thompson or some other person.[483]

In light of the fact that the parties responsible for the mutilation of Nanaimo's records were never discovered or at least not exposed, one cannot help but wonder what role, if any, Adam Thompson played in the crime. Was Thompson's exposure one week after their mutilation coincidence? It is clear that the incident focussed Boyce's attention on the City's books. In that sense, it led to Thompson's exposure. However, the possibility that errors and discrepancies in the real estate assessment and collection rolls were the reason for their destruction must at least be entertained. The possibility of Thompson's involvement in that crime raises provocative questions about the role of records in short and long-term government accountability.[484]

The irregularities which occurred in Nanaimo illustrate that financial records cannot be used in a sophisticated manner

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[482] App. P/563, p. 11.

[483] It is not clear whether Boyce had access to that book when he initially discovered the shortages. The NFP account of the discovery referred to comparison of the payrolls and "the time of the men turned in by Road Foreman Pollock." From "Municipal Sensation," NFP, 7 December 1897, 1.

[484] For instance, what are the implications of the retention or destruction of records on accountability?

without knowledge of the context in which they were created, used, and/or abused. Such information can often be discovered in the reports of annual and special audits. Although the audit reports are of different provenance than the collection and accounting records they examine, the Auditor's, Collector's, and Treasurer's record groups are, in fact, inseparable and should be used in conjunction with each other.

CITY AUDITOR

Until 1894, the regular audit of municipal accounts was not mandatory. In fact, prior to 1887, the municipal acts made no mention of audit procedures, although corporate practice would have dictated that each retiring council demonstrate its financial accountability.[485] The "Municipal Amendment Act, 1887" gave municipal councils full power to direct an audit of all moneys received and expended during any period since incorporation.[486] However, the "Municipal Act, 1892" first made provision for a compulsory audit.[487] It empowered the Lieutenant-Governor to appoint, upon the request of a municipal council, an auditor having the authority necessary for the proper investigation of the accounts in question.

The names of Nanaimo's City Auditors may be determined from the audited financial statements series.[488] Each December (1875-1894), Council appointed an individual to make the year-end audit at remunerations which varied from fifteen to one hundred dollars, although the usual amount was thirty. Following the 1895 special government audit, Council annually appointed a City Auditor,[489] who was to audit the cash book, journal, ledger, and warrant book at least once a month, to audit the quarterly

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[485] If it did not, the ensuing council would have been sure to investigate its record.
[486] App. B/66, s. 16.
[487] App. B/72, ss. 132-8.
[488] See Appendix P.
[489] See Appendix H.11.

reports, and to make the year-end audit.[490] The appointment of individuals to conduct special audits is discussed in relation to the records they created.

Records

The audited financial statements series is, as reconstructed, very complete; it is described in detail in Appendix P and need, therefore, be discussed only briefly. Although some anomalies exist for the years 1875-1878, when various special statements were made, the annual year-end audit usually consisted of the Auditor's report, a statement of receipts and expenditures, and a balance sheet showing assets and liabilities. The Auditor's report was, with few exceptions, a cover letter and contained little of consequence. Occasionally, it commended the municipal officers on the satisfactory or neat manner in which they had kept the books or congratulated the Corporation on its good financial standing. From 1877, the Auditor certified the Board of Cemetery Trustees' accounts; he first audited the Board of School Trustees' accounts for 1892 and a statement of the special rates sinking fund account for 1895. He also examined the balance sheet of the Nanaimo City Waterworks for 1901. From the end of the first quarter of 1895 until the first quarter of 1899, the Auditor certified the Treasurer's quarterly statements of receipts and expenditures, as the "Municipal Act Amendment Act, 1894"

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[490] CNA, CCN, CM, 4 April 1895, 563. See also the evidence of Tully Boyce, Auditor, in "City Police Court," NFP, 10 December 1897, 2.

[491] App. B/74, s. 20.

required that they be audited and published.[491] Special audits were made in 1880,[492] 1895,[493] and 1898.[494] Knowledge of the circumstances which occasioned those audits is essential in attempting to understand the resulting reports and financial statements, which provide a most informative source on municipal record-keeping practices.

In 1880, Council dismissed its officers and employees and invited tenders in the hope of reducing the salaries of those positions.[495] Council probably requested auditor William C. Berkeley, whom it had appointed at the end of May,[496] to close the accounts on 12 June, just before Michael Manson, the new City Clerk, took office.

The 1895 re-audit of the 1893-1894 accounts resulted from rumours which circulated regarding the Corporation's books following the Commission of Inquiry into the conduct of Police Magistrate Planta. Council, on the suggestion of City Clerk Gough, resolved that section 132 of the "Municipal Act, 1892"[497] be suspended, that section 137, which gave the auditor powers for the proper performance of his duties, be in force, and that the Lieutenant-Governor in Council be requested to appoint an auditor, the name of Joseph Peirson being suggested.[498] The Provincial Secretary informed the Municipal Council that the

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[492] App. P/467-468.
[493] App. P/532-533.
[494] App. P/562-563.
[495] CNA, CCN, CM, 7 June 1880, 331.
[496] CNA, CCN, CM, 31 May 1880, 330.
[497] App. B/72.
[498] CNA, CCN, CM, 28 January 1895, 525.

Order in Council appointing Peirson provided that the Corporation pay him $6 per day for his services, in addition to his board and lodging.[499] Peirson's bill for the re-audit, and audit of the 1895 accounts to the end of February, amounted to $321,[500] including travelling expenses to which Council initially objected.[501]

The discovery of City Treasurer Thompson's defalcations resulted in the 1898 re-audit of the 1896-1897 accounts.[502] Although Council discussed bringing section 94 of the "Municipal Clauses Act, 1896"[503] into force, it did not pass the resolution required for the government to act.[504] The re-audit of accounts was clearly an expensive undertaking. Although one source suggests that the investigation by Peto and McKenzie could have incurred a cost of $425,[505] that re-audit finally cost $250.[506]

From 1875-1900, most of the City Auditor's reports and statements were published in the NFP and other newspapers.[507] The provisions of the "Municipal Act Amendment Act, 1894" required that the councils of city municipalities publish quarterly and annual statements of receipts and expenditures and

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[499] CNA, CCN, CM, 4 February 1895, 528.
[500] CNA, CCN, CM, 8 April 1895, 564.
[501] CNA, CCN, CM, 15 April 1895, 571-2.
[502] For discussion of Thompson's defalcations and the findings of the 1898 re-audit, see City Treasurer.
[503] App. B/76.
[504] CNA, CCN, CM, 21 February 1898, 195, and 7 March 1898, 199.
[505] App. P/562, p. 2.
[506] CNA, CCN, CM, 14 March 1898, 202, and CNA, CCN, CC, 21 April 1903, 238.
[507] Consequently, it has been possible to reconstruct, on paper, the audited financial statements series as explained in the introduction to Appendix P.

an annual balance sheet in a local newspaper. The results of the year-end audit were to be published before the second Monday each January and were to give "as full particulars as possible, so as to enable the ratepayers to understand the financial affairs of the corporation."[508] From 1901, Nanaimo published its annual financial statements in pamphlet form,[509] in keeping with the "Municipal Clauses Act Amendment Act, 1899" which enabled city municipalities to publish their financial position in such manner.[510]

In conclusion, the year-end audit was completed within the first two weeks of January and its results made public before the annual election. Financial accountability was, it would seem, of considerable importance; discussions in the local papers following publication of the Auditors' reports indicate that Council's activities were very much under scrutiny. In the case of special audits, a public meeting was sometimes called in connection with the report's receipt.[511]

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[508] App. B/74, s. 20.
[509] App. M/439-442.
[510] App. B/79, s. 4.
[511] See, for example, CNA, CCN, CM, 25 February 1895, 541.

CITY SOLICITOR

Municipalities often required legal advice regarding the interpretation of legislation, including both statutory law and their own by-laws. However, until the "Municipal Act, 1892" provided that municipalities could recover and collect lawful solicitor's costs in court actions,[512] statute did not specifically confer upon municipal councils the authority to engage the services of a legal advisor. In 1876, the Provincial Secretary had, nevertheless, replied to Nanaimo's request for legal advice by notifying Mayor Bate that all municipalities were to retain their own advisor, "as it is not a part of the Attorney General's duty to advize except for the Crown."[513] Although the council minutes make passing reference to the City Barrister in 1881,[514] legal opinions were, in the Corporation's early years, obtained in a lackadaisical manner. For instance, in 1886, City Clerk Gough wrote to Robert Dunsmuir, Nanaimo's MPP and President of the Esquimalt and Nanaimo Railway Company, to inquire whether he had correctly interpreted the portion of the "Island Railway Act, 1884"[515] regarding the liability of the Company's real estate to municipal taxation.[516] A subsequent letter from Gough to Joseph Hunter, General Superintendent of the Company, enclosing a statement of the taxes due by it, made reference to his earlier correspondence with Dunsmuir,

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[512] App. B/72, s. 100.
[513] CNA, CCN, CM, 2 October 1876, 118.
[514] CNA, CCN, CM, 13 June 1881, 385.
[515] SBC, 1883/84, 47 Vict., c. 14, s. 21.
[516] CNA, CCN, CC, 22 December 1886, 2.

indicating that the latter had not considered the Company liable for the payment of any municipal rates, but asking that Hunter "kindly consider the matter."[517]

From 1889 when the Corporation began widening streets and replacing bridges, and thereby occasionally disturbing private property, it became increasingly involved in litigation. As necessary, Council directed the Clerk to defend suits for damages and authorized him to engage legal assistance.[518] From 1888-1893, the services of Drake, Jackson, and Helmcken, Barristers-at-Law, Victoria, were retained when required. In 1895, legal opinions from Yarwood and Young, Nanaimo, and James Henry Simpson, Police Magistrate, were obtained regarding by-laws.[519] Yarwood and Young were appointed to the position of City Solicitors for the year 1897 at the remuneration of $300 to give legal advice and to draft by-laws.[520] Thereafter, various solicitors, including Henry Albert Simpson and George Fillmore Cane, were appointed to act for the Corporation.

Records

The council minutes (from about 1889)[521] are the main source of information on litigation, as they often record briefly the substance of legal opinions. The City Clerk's correspondence[522] also contains reference to legal matters. In

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[517] CNA, CCN, CC, 6 October 1887, 77-8.
[518] CNA, CCN, CM, 7 July 1890, 433, and 11 August 1890, 447.
[519] See, for example, CNA, CCN, CM, 16 September 1895, 634-5.
[520] CNA, CCN, CM, 22 February 1897, 77, and 1 March 1897, 78.
[521] App. J/139-142.
[522] App. J/148-152.

addition, relevant material may survive in the archives, where such exist, of the solicitors aforementioned and in the registries of the courts in which cases involving the Corporation were settled, usually the Nanaimo County Court.

DIVERSE ADMINISTRATIVE MATTERS

Finally, discussion of several unrelated administrative matters is essential to understanding municipal archives. The corporate seal, city ward structure, municipal limits, and official city map bear, of course, upon diverse aspects of administrative and operational functions.

Corporate Seal

The corporate seal is attached to the originals of by-laws, contracts, deeds, agreements, and other legal documents produced by the municipal council.[523] Its use is restricted to documents ordered sealed by council and to copies certified by the city clerk as conforming to their originals.

The seal of the Corporation of the City of Nanaimo was designed by Victoria engraver James Benjamin Launders in March 1875.[524] By 1887, it was out of repair, and a new one was made.[525] Despite the 1975 reincorporation of the City of Nanaimo, the design of the seal, which is reproduced in Figure 4, has not changed. It depicts "a locomotive pulling a train of cars, the latter overflowing with coal, crossing a track laid upon trestlework, and a steamship lying at the wharf in the

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[523] The "Municipality Act, 1881" (App. B/59, s. 8) provided that municipal councils enter into all contracts under their corporate seal.

[524] E.H. Gough, "Local Resident Gleans Historical Notes from Minute Books of City," NFP, Diamond Jubilee Edition, 16 April 1934, 9.

[525] CNA, CCN, CM, 4 April 1887, 155.

[526] "Seals," Daily British Colonist, 25 March 1875, 3.

background."[526]

Figure 4 - City Seal



City Wards

Although the "Municipality Act, 1872" provided that the council of every municipality "shall divide the same into Wards, and may, from time to time, alter such divisions so as to allow the different portions to be equally represented in the Council, on the basis of tax paying population,"[527] Nanaimo's Council did not finally structure wards until 1878. A committee to inquire into the question recommended that the City be divided into three wards. The North Ward, that portion of the City north of Bastion and Fitzwilliam Streets, was to be represented by two councillors; the Middle Ward, that portion between Victoria Road, and Bastion and Fitzwilliam Streets, by three councillors; and the South Ward, that portion south of Victoria Road, by two

[527] App. B/46, s. 20.

councillors. On 25 March 1878, Council resolved that the report be adopted, and the City was so divided for election and assessment purposes.[528] In 1890, Council passed a resolution to increase representation in the South and North Wards as a result of the increase in the number of voters and the valuation of taxable property.[529]

The "Municipal Clauses Act Amendment Act, 1902" provided that a municipal council could through by-law abolish the ward system upon receiving a petition by the owners of more than 50 percent of the value of the real estate.[530] In 1902, Council apparently desired that the ward system be abolished, for when reference was made to the petitions circulating in the City it resolved that some person be employed to help circulate them.[531] Due to the large number of absentee property owners and the large portion of the City vested in companies and estates, the petition was found to be impracticable.[532] Council subsequently enacted the "Nanaimo Referendum By-law, 1902" to provide for obtaining the opinion of the electors on the ward system.[533] At the annual election, the question, "Are you in favor of the ward system?," was answered in the negative by a small margin,[534] although the ward system was not abolished.

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[528] CNA, CCN, CM, 25 March 1878, 204. That resolution was subsequently confirmed by the "Nanaimo City Wards By-law, 1878." See App. J/385.
[529] CNA, CCN, CM, 29 December 1890, 33-4.
[530] App. B/82, s. 3.
[531] CNA, CCN, CM, 8 December 1902, 778.
[532] CNA, CCN, CM, 15 December 1902, 779.
[533] App. J/386. See also App. B/82, s. 15.
[534] "Very Small Majorities," NFP, 16 January 1903, 1.

Extension of the City Limits

The "Municipality Act Amendment Act, 1873" empowered the Lieutenant-Governor in Council to extend the limits of a municipality upon the passage of a resolution by two-thirds of its council affirming the expediency of such extension. Only in the case of existing city municipalities could limits be arbitrarily extended; in all other cases, the consent of the majority of the inhabitants to be affected had first to be obtained at a poll held for that purpose.[535]

In 1886, Nanaimo's Council unanimously resolved to extend the city limits in a southwesterly direction so as to bring "the village commonly called Chinatown" under its control.[536] The Lieutenant-Governor extended the city limits by letters patent dated 13 January 1887.[537] The land and inhabitants so incorporated were deemed to have been included by the 1874 letters patent. Such information is important in determining the jurisdiction of a municipality at a specific point in time, so as to know whether record of a given area will be found among its archives.

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[535] App. B/47, s. 46.
[536] CNA, CCN, CM, 13 December 1886, 126-7. See the "Chinese," in Norcross 1979, 92-4.
[537] App. E/137.

Official Map Act

In light of the chief operational function of municipalities, namely local public works, a city's official map is a most important documentary source. Nanaimo's townsite was originally surveyed by a Mr. Hood.[538] In 1866, it was resurveyed by Messieurs Mohun and Farwell, Civil Engineers. Their map was subsequently deposited in the Victoria Land Registry Office and came to be regarded as the City's official map.[539]

Following the 1887 extension of the municipal limits, a new city plan was required.[540] In 1891, John J. Honeyman requested Council to assist him in the publication of a lithographed map[541] through the purchase of 200 copies at 25 cents each, to which it agreed.[542]

When the Corporation began extensive street improvements in the early 1890's, difficulties arose in defining the street lines due to the absence of proper posts and monuments and the fact that the official map was in such damaged state that accurate measurements and angles could not be taken. Consequently, in 1893, Council engaged Alfred Rowley Heyland, Provincial Land Surveyor, to conduct a new survey[543] and to

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[538] CNA, CCN, CM, 7 May 1888, 223.
[539] That map is probably: PABC, Map Collection, CM/C318, "Plan of Nanaimo, Vancouver Island." A notation by Benjamin William Pearse indicates that it was deposited in 1868 in the Lands and Works Office, Victoria, for public reference.
[540] CNA, CCN, CM, 23 September 1889, 361.
[541] Honeyman and Heyland 1891. For a reduction of part of that map, see Figure 5.
[542] CNA, CCN, CM, 9 November 1891, 153, and 23 November 1891, 158.
[543] App. J/397.

accurately define the street lines and the lot and block boundaries. From his field notes, Heyland prepared a map subsequently declared official by the "City of Nanaimo Official Map Act, 1895."[544] That Act provided that Heyland's map be deposited in the Land Registry Office and that it, and certified copies thereof, be taken as final and conclusive evidence of all street, lot, and block boundaries. The Corporation was, when requested and once paid the $10 fee levied for the service, to cause the street lines abutting an owner's property to be surveyed and marked out. The Act also provided for the removal of any fences or buildings shown to encroach upon the streets. The recovery of costs or payment of compensation was to be decided by a Board of Arbitrators. Accordingly, the Corporation appointed a three-member Board, comprised of William E. Norris, William K. Leighton, and John D. Foreman.[545] Nanaimo's archives reveal, however, little regarding arbitration in the matter of land disputes. Disagreements, if they arose, are presumably better documented in the provincial Land Registry Office in Victoria.

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[544] App. B/45.
[545] CNA, CCN, CM, 18 March 1895, 554.

PART II: OPERATIONAL FUNCTIONS

In order to understand the informational content of either administrative or operational records, one must understand the operational functions for which a municipality was responsible. Detailed examination of four important service functions will exemplify how the history of the agencies responsible for a given function might be traced and recorded. Other operational functions have been briefly treated in a fashion similar to that traditionally employed in the introductions to archival inventories. The two different approaches serve to highlight the relative utility of in-depth and brief functional histories. Records specifically documenting Nanaimo's operational functions are virtually non-existent. Consequently, most of the information contained in those functional histories has been gleaned from statutory law and Nanaimo's administrative record, the municipal by-laws being one of the key series.[546] Such information reveals something of local conditions in the late nineteenth century and the role of the municipality in service and regulatory functions.

To begin, something must be said about the enforcement of the by-laws which provided the legal basis from which most operational functions were undertaken. In the case of regulatory functions, by-law enforcement was essential. Unfortunately, the infraction and enforcement of by-laws and the municipal administration of justice are areas on which little

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[546] For discussion of the by-laws series, see City Clerk.

documentation has survived.

Both the municipal officers and civic police were responsible for by-law enforcement. In 1880, Nanaimo's Council enacted a by-law which succinctly defined it:

> the duty of the Police Constables of the City of Nanaimo to use their best endeavours to prevent any infraction of any provisions of the By-Laws of the Municipality of the City of Nanaimo; and to take all necessary proceedings for bringing to punishment parties guilty of any such infraction.[547]

The "Municipality Act Amendment Act, 1873" provided that municipal councils could, with the assent of the Lieutenant-Governor in Council, appoint a police magistrate. In addition, mayors and wardens were during their term of office to be justices of the peace and to have jurisdiction over all matters within the municipality.[548] In Nanaimo's early years, a Police Magistrate was not appointed and Mayor Bate and other justices of the peace tried cases involving municipal matters. Variously called the Mayor's or Magistrate's Court, its proceedings were regularly reported in the NFP and usually concerned by-law violation and criminal "misdemeanours." Penalties were levied for by-law infractions and were recoverable by distress and sale of goods and chattels or for want of sufficient distress offenders could be imprisoned for a short term.[549] By-law fines were paid into the municipal revenue. In addition, from 1877, police court fees and costs were retained by municipalities which paid $500 or more in salary to a police magistrate and

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[547] App. J/218.
[548] App. B/47, ss. 42-3.
[549] For discussion thereof, see Imprisonment.

maintained a police force.[550] Statute subsequently granted police magistrates the same powers and authority as stipendiary magistrates; in 1878, a proviso specifically permitted the appointment of mayors and reeves as police magistrate.[551] In Nanaimo, the Municipal or City Police Court, as it was called from the late 1870's, continued to try cases of by-law violation, especially those relating to morality, and sanitary and health regulations, as well as cases of drunkenness, theft, and incest. It consisted of the Mayor acting as Police Magistrate, and its proceedings were reported in detail in the NFP until the early 1890's. From 1891, Nanaimo's Council officially appointed a Police Magistrate.[552]

In 1890, statute extended the jurisdiction of mayor and reeves as ex-officio justices of the peace to "the whole bailiwick or district in which their respective municipalities lie."[553] However, the "Municipal Act, 1892" omitted the provision whereby the mayor or reeve could fill the position of police magistrate and provided that the Lieutenant-Governor in Council appoint all police magistrates whether they received a salary or not.[554] That Act also provided for the appointment of a Police Court Clerk. Until 1897, when Nanaimo's Council leased and renovated the old provincial Court House, the City Police Court had enjoyed free use of the provincial Police Courtroom.

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[550] App. B/104.
[551] App. B/55, s. 5.
[552] For discussion thereof, see Police Force Maintenance and Regulation.
[553] App. B/70, s. 70.
[554] App. B/72, ss. 243-58.

The detailed histories of four important operational functions, namely cemetery regulation and maintenance, public health preservation, library service, and public education and school accommodation,[555] serve to illustrate the considerable knowledge base required to trace a function between record groups or series and to understand relevant documentation and ultimately the function itself.

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[555] The latter are particularly relevant to city municipalities.

CEMETERY REGULATION AND MAINTENANCE

The "Municipality Act, 1872" authorized municipalities to establish and regulate cemeteries.[556] In 1875, Nanaimo's cemetery, located at the corner of Comox Road and Wallace Street and now known as the pioneer cemetery, was overcrowded. The Municipal Council applied to the provincial government for a land grant to establish a new one, but its application was refused on the grounds that all government lands were reserved for railway purposes. Its request for a monetary grant to enable it to purchase land was also denied.[557] Finally, on the suggestion of Mayor Bate, Council petitioned the Vancouver Coal Mining and Land Company to grant it the land it had formerly offered.[558] The following year, Mayor Bate, who was also the Company's business manager, informed Council that the VCMLC's directors had considered its request and that five acres on Comox Road, near its present-day intersection with Howard Avenue, had been donated.[559]

Council appointed a Cemetery Committee to obtain funds for fencing and clearing a portion of the site; however, aid by way of public subscription proved insufficient, and the provincial government finally granted an appropriation for that purpose in its 1877 estimates.[560] In addition, the site's plans were sent to England where a successful concert raised $170 towards the

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[556] App. B/46, s. 21, s.-s. 21.
[557] CNA, CCN, CM, 15 March 1875, 14, and 12 April 1875, 19.
[558] CNA, CCN, CM, 4 October 1875, 53.
[559] CNA, CCN, CM, 14 February 1876, 83.
[560] CNA, CCN, CM, 30 January 1877, 137.

cemetery fund.[561] By July 1877, the site had been surveyed, and two acres cleared. In accordance with their request, the Lieutenant-Governor appointed the Mayor and Councillors, and their successors, as the Board of Cemetery Trustees[562] under the "Cemetery Ordinance, 1870,"[563] which set down general regulations for the maintenance and management of cemeteries. The Cemetery Committee was made the Trustees' Executive Committee.[564] The deeds conveying the cemetery from the VCMLC to the Corporation were executed in 1878;[565] the site's boundaries were, however, altered in or after 1889 by agreement with Samuel M. Robins, Superintendent of the New Vancouver Coal Mining and Land Company. About that time, the cemetery was also enlarged by lands transferred to the Corporation by the NVCMLC in consideration of the clearing and grading of Milton Street.[566] The cemetery may have been further enlarged through the purchase of land from the Western Fuel Company in 1904.[567]

The Cemetery Trustees oversaw the fencing, draining, and regular maintenance of the cemetery, as well as the construction of roads and planting of shrubs and ornamental shade trees. The City Clerk, who acted as Secretary to the Trustees, was responsible for the cemetery's management, including supervision

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[561] CNA, CCN, CM, 13 February 1877, 139, and 19 March 1877, 144.
[562] BCG 17 (14 July 1877): 121.
[563] UCBC, Legislative Council, Ordinances, 1870, 33 Vict., no. 15.
[564] CNA, CCN, CM, 13 August 1877, 169.
[565] CNA, CCN, CM, 28 October 1878, 233.
[566] See, for example, CNA, CCN, CM, 18 February 1889, 296, ff.; 8 April 1889, 312-4; 13 October 1890, 12; and 29 February 1892, 191.
[567] CNA, CCN, CM, 7 March 1904, 128.

of the gravedigger, the sale of plots, and burials. From 1 August 1882, he was allowed an additional monthly remuneration of $5 as a result of his increased duties as Secretary.[568]

Over time, discrepancies between the various plans of the cemetery's site caused problems in its management. Bodies were buried where there were no plots and, in some cases, in areas designated as roadways. Problems were compounded by the fact that the position of gravedigger had a significant turnover, since at times it carried no remuneration. At other times, remuneration was based on the grave fees collected under the cemetery by-laws or a salary for the combined position of gravedigger and cemetery caretaker. The position was also variously joined with that of pound-keeper, nightwatchman, and street workman.

The Cemetery Trustees were also responsible for the maintenance of the "old cemetery site." They first applied to the VCMLC for its conveyance to the Municipal Council in 1883. The Company agreed to the transfer upon the condition "that Certificates of Title be granted to those parties who may have grave plots which can be well defined and laid out;"[569] the conveyance was not finally executed until 1886.[570] The old

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[568] CNA, CCN, CM, 31 July 1882, 450. The City Clerk was Secretary in each year except 1896 when City Collector Gough, the former Clerk, retained the position. See Appendices H.1-H.3, and H.8-H.10.

[569] CNA, CCN, CM, 15 October 1883, 523.

[570] CNA, CCN, CM, 1 February 1886, 48. It is not known whether the Hudson's Bay Company and VCMLC transferred any records of interment in the old cemetery to the Corporation, nor if they have survived elsewhere.

cemetery was officially closed in 1895 upon the recommendation of the Medical Health Officer, who considered interment therein prejudicial to the public health.[571]

Records

From 1875, discussion of cemetery matters is documented in the council minutes.[572] From the formation of the Board of Cemetery Trustees in 1877, the minutes of the Trustees' meetings were recorded at the end of the minutes of the corresponding council meetings and offset by the title, "As Cemetery Trustees." In January 1897, Adam Thompson, the newly appointed Secretary to the Trustees, opened a separate minute book.[573] However, after 1897, the minutes were only sporadically recorded therein; most were again attached to the council minutes. The first by-law for the regulation of the Nanaimo Public Cemetery was passed in 1881, with amendments enacted in 1882, 1900, 1901, and 1904.[574] The City Clerk's letterbooks[575] contain copies of correspondence from the Trustees' Secretary from at least 1878,[576] including copies of printed notices dated April 1897 to those who had reserved plots but had not paid for them. The

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[571] CNA, CCN, CM, 1 April 1895, 558-60.
[572] App. J/138-142.
[573] App. Q/594.
[574] App. J/299-303.
[575] App. J/147-152.
[576] The return made by the Board of Cemetery Trustees regarding its receipts and expenditures is among the relevant 1878 correspondence; City Clerk Young forwarded it to the Provincial Secretary in accordance with section 10 of the "Cemetery Ordinance, 1870." See CNA, CCN, CC, 27 February 1878, 44.
[577] App. L/421-422.

City Collector's cash books[577] include the cemetery cash account, which provides a monthly recapitulation. The City Auditor first audited the accounts of the Nanaimo Public Cemetery in 1877; thereafter, he did so annually, with special audits in 1880, 1895, and 1898.[578] In 1897, City Auditor Boyce conducted an in-depth audit of the cemetery's management which was reported in the Trustees' minute book.[579] The cemetery accounts were from 1901 published in the Corporation's annual financial report.[580] Some cemetery records from the 1875-1904 period have yet to be transferred to the archives vault.[581]

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[578] App. P/457-592, passim.
[579] App. Q/594, pp. 10-11.
[580] App. N/439-442.
[581] App. Y/608.

PUBLIC HEALTH PRESERVATION

Local boards of health were first constituted by the "Health Ordinance, 1869,"[582] which empowered the Governor in Council to define health districts, appoint or provide for the election of local boards of health in areas not under the governance of municipal institutions, and make sanitary regulations which were to have the force of law. The municipal councils of Victoria and New Westminster, and of municipalities thereafter incorporated, were to be the local boards of health in their respective districts. The 1869 Ordinance empowered local boards to appoint or employ such officers as necessary and make regulations and by-laws regarding their duties and authority, subject to the approval of the Governor in Council. It also stipulated the penalties for the infraction of sanitary regulations and how such penalties were to be enforced. The "Municipality Act, 1872" empowered municipal councils to take measures to preserve public health,[583] which included of course the enforcement of sanitary regulations.

The "Health Act, 1893"[584] significantly altered the administrative structure by which public health regulations were to be enforced. That Act, which came into force on 27 September 1895,[585] provided for the appointment by the Lieutenant-Governor in Council of a five-member Provincial Board of Health; one

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[582] UCBC, Legislative Council, Ordinances, 1868/69, 32 Vict., no. 2.
[583] App. B/46, s. 21, s.-s. 16.
[584] SBC, 1893, 56 Vict., c. 15, ss. 105, 3, 37-106.
[585] "Proclamation," BCG 35 (26 September 1895): 871.

member was to act as the Board's secretary.[586] The Act required that there be a local board of health in every municipality and that the municipal council constitute that board. Municipal councils were empowered to appoint medical health officers and sanitary inspectors and fix their salaries; two or more councils could unite in the appointment of such officers. The Act provided that the authority of local health and sanitary officers could, by order of the Provincial Board of Health and with the consent of local boards of health, be extended to outlying districts. This effectively enlarged the boundaries of municipal health districts in times of epidemic. In such instances, the Act enabled the provinical government to contribute towards the maintenance of staff.

Local boards of health consisting of more than two persons, which included of course all municipalities, were to appoint a secretary, who was to record the board's proceedings in a minute book. One of the duties of the secretary was to prepare for the board's consideration a report of the sanitary work conducted during the year and the condition of the municipality or health district. Annual reports were to include the report of the medical health officer or sanitary inspector and were, once adopted by the local board, to be forwarded to the Provincial Board of Health.

The 1893 health act also detailed the powers and duties of

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[586] The "Act to Amend the 'Health Act,' [1899]," SBC, 1899, 62 Vict., c. 31, ss. 1 and 3, constituted the Lieutenant-Governor in Council as the Provincial Board of Health and empowered it to appoint a Secretary.

local boards regarding the abatement of nuisances and the prevention of the spread of infectious diseases, which included the establishment of isolation hospitals. It empowered medical health officers and sanitary inspectors to test and inspect milk, meats, and other foods, and to seek, if necessary, the assistance of the police to enforce health regulations. Finally, it provided for the collection of expenses in the abatement of nuisances and stipulated the penalties for non-compliance.

Records of the Municipal Council as Local Board of Health

Nanaimo's Municipal Council first sat as the Local Board of Health in December 1895, at which time it approved its annual report.[587] The City Clerk acted, or was upon occasion specifically appointed, as Secretary to the Board.

The only distinct record series which the Local Board of Health created consists of its minutes, which were, although occasionally recorded at the bottom of the council minutes,[588] usually written in a separate minute book.[589] The City Clerk's correspondence also contains relevant information, including the Local Board's 1895-1897 annual reports, which were subsequently published in the Sessional Papers with the annual report of the

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[587] CNA, CCN, CM, 16 December 1895, 659.
[588] See, for example, CNA, CCN, CM, 16 December 1895, 659; 10 January 1898, 175; and 19 November 1900, 515.
[589] App. S/596.

Provincial Board of Health.[590]

Medical Health Officer

Nanaimo's first Health Officer was appointed in 1885 as a result of a smallpox epidemic.[591] The position of Health Officer was without salary, except when his services were required. Initially, the Health Officer's services were engaged by direction of the Mayor or Sanitary Committee;[592] from 1895, that officer reported to the Local Board of Health. The position was largely an honorary one, although considering the fears evoked by infectious disease, it certainly commanded respect. Following the 1892 smallpox epidemic, from which Nanaimo escaped unscathed, Council voted sums of money to Dr. Emil Arnold Praeger, Medical Health Officer, and Thomas O'Connell, Chief of Police, as testimonials to the services they had rendered. In addition, a citizens' committee was formed to supplement those amounts.[593] Upon the retirement of several of Nanaimo's health officers, the community prepared presentations to demonstrate its appreciation of their valuable services.[594]

The duties of Nanaimo's Medical Health Officer included

[590] App. C/126 and 129-130. See also the 1897 and 1898 reports of provincially appointed sanitary inspectors which are of interest for what they reveal about sanitary conditions in Nanaimo (App. C/127 and 130).

[591] The individuals who served as Health Officer are listed in Appendix H.13.

[592] CNA, CCN, CC, Letter from S. Gough, 29 March 1887, to E.A. Praeger, MD, p. 29.

[593] CNA, CCN, CM, 3 January 1893, 289.

[594] Nanaimo's third Medical Health Officer, Dr. Robert Edward McKechnie (1861-1944), was the City's MPP from 1898-1900. In 1913, the Lieutenant-Governor in Council appointed him to the Board of Governors of the University of British Columbia; he was the University's Chancellor from 1918-1944.

inspection of the condition of ditches and the quality of the water supply in the Nanaimo Water Works Company's reservoirs, enforcing the closure of privy pits, the testing of milk, and the prevention of contagious disease.

Milk Inspection

In December 1895, Council enacted a by-law to raise the standard of milk sold by dealers through licensing them and inspecting their milk supply.[595] The following year, it purchased the milk testing apparatus required by the Medical Health Officer.

Contagious Disease Prevention

The prevention of such contagious or infectious diseases as scarlet fever, typhus fever, cholera, diptheria, bubonic plague, and smallpox was an important municipal function. A Contagious Diseases Committee was appointed in 1875 to confer with the medical men of the City,[596] but the Sanitary Committee subsequently assumed responsibility for contagious diseases, since their spread was often caused by poor sanitary conditions. From 1895, the Local Board of Health was responsible for the preservation of public health.

Although Council attempted to enact a health by-law in 1876,[597] it did not finally do so until it passed the

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[595] App. J/264.
[596] CNA, CCN, CM, 14 June 1875, 36.
[597] CNA, CCN, CM, 26 December 1876, 130.

"Contagious Diseases By-law, 1885."[598] That by-law set forth the steps to be taken to prevent the spread of disease and defined the duties of the Medical Officer of Health which included ordering the fumigation and disinfection or destruction of contaminated clothing and premises. In 1890, Council consolidated the provisions of the contagious diseases by-law into a more comprehensive public health by-law.[599] As amended, that by-law eventually covered the preservation of public health, the control of contagious disease through quarantine, the prevention of nuisances, including the regulation of slaughter-houses, and the regulation of scavengers and privy pits.[600]

Smallpox was the most feared of infectious diseases. Nanaimo experienced serious smallpox outbreaks in 1885 and 1900; in both instances, isolation hospitals were erected, and VCMLC (later NVCMLC) Superintendent Robins contributed towards containing the spread of the disease. He provided a site for the smallpox hospital, as well as a substantial monetary grant towards its erection. There were also smallpox scares in 1888 and 1892, the latter being the more serious. Through the inspection of boats and trains arriving at Nanaimo and the vaccination of residents, the municipality escaped unscathed on that occasion. That the 1892 Council considered at one point

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[598] App. J/231-233.
[599] App. J/304-307.
[600] For further discussion of those functions, see Dumping Ground, Isolation of Lepers, Nuisance Prevention, Scavengering, and Sewerage System.

cutting off all communication with the outside world illustrates the extreme measures taken. Preventive measures, which included the construction of isolation hospitals, the posting of guarantine guards, and the destruction of contaminated property, incurred great expense. In addition, the services of the Medical Health Officer and nursing attendants had to be remunerated. Major smallpox outbreaks invariably left the Corporation scrambling to the provincial government for financial aid.

LIBRARY SERVICE

The "Municipality Act, 1881" empowered municipal councils to pass by-laws to grant money or land in aid of mechanics' institutes;[601] an 1886 amendment specifically provided that municipalities could acquire, manage, and maintain a free, or partially free, public library.[602] The "Free Libraries Act, 1891" provided for the establishment and management of a free library in city municipalities incorporated by private act,[603] which of course excluded Nanaimo.

The early history of the library in Nanaimo was marked by instability. Nanaimo's mechanics' institute was established in 1862 as the Nanaimo Literary Institute. It is probable that the Institute was subsequently incorporated under the "Literary Societies Act, 1871."[604] As a corporation with little source of revenue, apart from its monthly membership fees, it was largely dependent upon government grants. By 1884, it was in grave financial difficulty, the VCMLC threatening to foreclose on an 1880 agreement by which the Institute sought to purchase the land at the corner of Bastion and Skinner Streets on which its hall, with a lower floor capacity of 250 persons, had been built in 1864-1865.[605] John Pawson, a former mayor and prominent citizen, finally agreed to put up the money to complete the

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[601] App. B/59, s. 104, s.-s. 14.
[602] App. B/65, s. 15.
[603] SBC, 1891, 54 Vict., c. 20.
[604] UCBC, Legislative Council, Acts, 1871, 34 Vict., no. 6.
[605] "Governor Kennedy at Nanaimo," Daily British Colonist, 18 November 1864, 2.

purchase, and the Institute deeded the land to him.[606] Thus, in 1886, when Nanaimo's Council acquired the Institute property, it actually purchased the land from Pawson.[607] In order that the liabilities of the defunct Nanaimo Literary Institute could be liquidated, Council agreed to take over "the furniture, books and cash in hand" and pay the remaining debts which were, considering the cash on hand, minor.[608] This obscure reference to the Institute's "books," which included the contents of the reading room, may explain why records created by the Institute's Secretary-Librarian, Treasurer, and Debating and Elocution Class[609] are among the municipal archives. Alternately, their preservation might be explained by the role Mayor Bate and City Clerk Gough played in that organization: Bate was for many years President, and Gough was Secretary-Librarian in at least 1882-1883.

In 1889, Council granted parties seeking to establish a reading room free use of the upper rear room of City Hall until they could secure better accommodation.[610] The following year, it transferred the books formerly belonging to the Nanaimo Literary Institute to the YMCA, which intended to keep a free reading room, but ordered "the Clerk to keep a list of the books taken."[611] In 1894, the Corporation granted money in aid of the

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[606] App. W/604, p. 57.
[607] CNA, CCN, CM, 31 May 1886, 87. For further discussion thereof, see Appendix G.
[608] CNA, CCN, CM, 25 May 1886, 86.
[609] See Appendix W.
[610] CNA, CCN, CM, 18 February 1889, 295.
[611] CNA, CCN, CM, 15 December 1890, 29.

YMCA.[612] Eventually, the YMCA maintained reading rooms on Haliburton Street and in the portion of City Hall which it rented from 1 January 1895. By 1898, the YMCA was in financial difficulty and requested that Council take over its reading room, operate it as a free library, and liquidate a portion of its liabilities. Council could not at that time find it within its means to do so, but decided that the organization be allowed free use of the rooms at City Hall and that a sum of money be placed in the annual estimates "to be paid to the YMCA in monthly instalments so long as the reading room is kept open and maintained in good order."[613] As a result, the YMCA renamed its reading room the Nanaimo Free Library and Reading Room;[614] a month later, it was renamed the Mechanics' Institute.[615] In 1899, a report was made to Council on the takeover of the Mechanics' Institute and the operation of a free reading room in one of the city buildings.[616] Council subsequently donated $25 to temporarily assist the Institute, pending the decision of the ratepayers on the proposed takeover.[617] The question would not appear to have been put to the ratepayers. At the end of the year, the managers of the defunct YMCA informed Council that they had failed to permanently reorganize and requested that Council assume control of their books.[618] Thus, the books of

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[612] CNA, CCN, CM, 4 June 1894, 446, and 31 December 1894, 513.
[613] CNA, CCN, CM, 17 January 1898, 177, and 20 January 1898, 179.
[614] CNA, CCN, CM, 24 January 1898, 181.
[615] CNA, CCN, CM, 14 February 1898, 190.
[616] CNA, CCN, CM, 6 February 1899, 305.
[617] CNA, CCN, CM, 13 February 1899, 306-7, and 6 March 1899, 314.
[618] CNA, CCN, CM, 11 December 1899, 409.

Nanaimo's public library were again transferred to the custody of the municipality.

PUBLIC EDUCATION AND SCHOOL ACCOMMODATION

This discussion focusses on the relationship between municipal councils and boards of school trustees, and the means by which the former raised the revenue required to fund public schools. Much of the detail contained in statutory law regarding the duties and responsibilities of the board--itself a corporate body which created documentation--may, therefore, be dispensed with. In brief, the local administration of public schools was until 1888 carried out independently of municipal government, despite an often considerable overlap in school board trustees and council members. From 1888-1901, the municipalities of Vancouver, Victoria, Nanaimo, and New Westminster were city school districts and, as such, were expected to contribute to the cost of education within their corporate limits. In 1901, the provincial-municipal system of cost-sharing was restructured and extended to include all incorporated cities and towns. Before discussing the relationship between municipal and school authorities, it is necessary to elucidate something of the educational system as it had evolved to 1888.[619]

During the 1850's, the HBC established schools on Vancouver Island for the instruction of its employees' children. The teachers' salaries were paid from the colonial exchequer and tuition fees. A free school system was established by the

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[619] For a good history of education in BC, see Johnson 1964.
[620] CVI, House of Assembly, [Acts], 1864/65, 28 & 29 Vict., no. 6.

"Common School Act, 1865,"[620] which empowered the Governor to appoint a General Board of Education, a Superintendent of Education, local boards of education, and teachers. The responsibilities of the General Board of Education included the creation of school districts. As a school fund for 1865, the Vancouver Island House of Assembly set apart $10,000. At the 1866 union of the colonies, the free school system was virtually defunct, although local residents had managed to keep some schools open.

The aim of the "Common School Ordinance, 1869"[621] was to establish a uniform system of public education throughout the united colony. It repealed the 1865 Act and empowered the Governor in Council to create school districts[622] and to provide for the election of local school boards. In Victoria and New Westminster, where municipal institutions existed, the municipal council was to constitute that board. Educational costs were to be paid by colonial grants and the voluntary subscriptions and tuition fees collected in each district. The "Common School Amendment Ordinance, 1870"[623] was enacted to remove doubts regarding the 1869 Ordinance, to make provision for the inspection of schools, and to empower local boards to appoint collectors. John Jessop, the first provincial Superintendent of Education, subsequently wrote that a few months' experience

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[621] UCBC, Legislative Council, Ordinances, 1868/69, 32 Vict., no. 21.

[622] The Nanaimo School District was formed on 30 July 1870. It embraced all land within a three-mile radius from the original Front Street Court House.

[623] UCBC, Legislative Council, Ordinances, 1870, 33 Vict., no. 5.

under the 1869 and 1870 Ordinances had been "sufficient to demonstrate the fact that nothing short of an absolutely FREE SCHOOL system would meet the requirements of the Colony."[624]

After the united Colony of British Columbia joined the Canadian federation, the "Public School Act, 1872"[625] adopted the free school system. It repealed the 1869 and 1870 Ordinances and established a public school fund out of the general revenue of the province. It empowered the Lieutenant-Governor in Council to appoint a six-member Board of Education, which was to define educational policy, and a Superintendent of Education, who was to preside as chairman of the Board of Education and to administer an Education Office under the Provincial Secretary's Department. Existing school districts were to continue, and the Lieutenant-Governor in Council was empowered to create new ones.

Changes in overall responsibility for education after 1872 are easily summarized. The "Public School Act, 1879"[626] abolished the Board of Education and made the formulation of educational policy the responsibility of the Lieutenant-Governor in Council, while the actual administration of the Act continued under the direction of the Superintendent of Education. The "Public School Act, 1891"[627] renamed the body responsible for educational policy by constituting the members of the Executive

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[624] "First Annual Report on the Public Schools in the Province of British Columbia for the Year Ending July 31st, 1872," in BC, Journals, 1872/73, 36 Vict., appendix, p. 2.
[625] SBC, 1872, 35 Vict., no. 16.
[626] SBC, 1879, 42 Vict., c. 30.
[627] SBC, 1891, 54 Vict., c. 40, s. 4.

Council as a Council of Public Instruction. The Minister of Education, whose appointment officially dates from 1892, was the chairman of that Council; the Provincial Secretary had previously been responsible for education.

Prior to the passage of an "Act to Amend the 'Public School Act, 1879,' [1884],"[628] which provided for the election of six trustees (two in each ward) in the city school districts of Victoria, New Westminster, and Nanaimo, the provincial education act did not make specific provisions regarding cities. The "Public School Act, 1885"[629] distinguished between rural[630] and city school districts and empowered the Lieutenant-Governor in Council to divide city districts into wards.[631] Although the "Municipality Amendment Act, 1886" empowered municipal councils to grant aid for educational purposes,[632] the provincial government continued to bear until 1888 the full cost of public education, which was funded by a school tax levied on male residents eighteen years of age or over.

After 1888, the government began to decentralize its control of education as a result of the rapidly growing population's ever-increasing demands for new school facilities. The "Public School Act Amendment Act, 1888"[633] was the first

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[628] SBC, 1883/84, 47 Vict., c. 27, s. 2.
[629] SBC, 1885, 48 Vict., c. 25, ss. 7-8 and 24.
[630] Rural school districts are not discussed here since they were not affiliated with municipalities.
[631] On 20 March 1885, Nanaimo School District was divided into the North, Middle, and South Wards, which corresponded, within the municipal limits, to the city wards.
[632] App. B/65, s. 4.
[633] SBC, 1888, 51 Vict., c. 32, ss. 10-11.

statute to significantly alter the role municipal government was expected to play. It brought Vancouver under the school act and made the municipal corporations of the four city school districts, that is, Victoria, New Westminster, Vancouver, and Nanaimo,[634] responsible for one-third of the salaries of public school teachers employed within their limits. Although teachers' salaries were still paid in full by the provincial treasury, those municipalities were required to refund to the government the amounts shown on certified statements forwarded semi-annually by the Provincial Auditor. The 1888 Act empowered city school trustees to levy tuition fees on high school students and named the mayor the school board chairman in cities having a high school. While chairman, the mayor was to have the same powers and rights as the six elected school trustees.

In 1888, Nanaimo's Council had opposed the proposed amendments to the school act through the district's Members of Provincial Parliament.[635] When the 1889 Council was required to pay its share of the teachers' salaries for the latter half of 1888, another round of protest was launched on the ground that the Council could not afford so large a sum. Council requested that the government's claim for school support be remitted and that the obnoxious clauses imposing the charges be repealed.[636] In reply to a letter from the City Clerk of New Westminster,

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[634] For the period 1888-1901, discussion focusses on statutory provisions regarding these four city school districts and draws upon the case of Nanaimo to exemplify their effect.
[635] CNA, CCN, CM, 26 March 1888, 217.
[636] CNA, CCN, CM, 4 March 1889, 300-1.

City Clerk Gough wrote that Nanaimo's Council had refused to pay the government's claims and would "allow the matter to go to the courts before paying."[637] The City of Victoria challenged its legality, but in 1890 the Courts decided in favour of the province.[638] By November 1890, Nanaimo was two years in arrears, a debt amounting to almost $4000. When Council submitted the "Streets Improvement Loan By-law, 1890"[639] to the ratepayers, it made provision for the use of $2846 for school support, since it was unable to pay that sum out of its ordinary revenue. Council finally directed the City Clerk to pay that amount when the Deputy Attorney-General threatened to take legal proceedings;[640] the balance was to be paid as soon as funds would allow.

The "Public School Act, 1891"[641] augmented the role municipal government was to play in public education.[642] As that Act was substantially amended during the 1890's, the provisions relevant to this discussion are most coherently examined point by point rather than statute by statute.

Regarding the composition of city school boards, the 1891 Act[643] provided that they be comprised of seven trustees, three of whom were to be appointed by the Lieutenant-Governor in Council. The municipal council was to appoint the other four,

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[637] CNA, CCN, CC, Letter from S. Gough, 1 August 1889, to D. Robson, p. 251.
[638] CNA, CCN, CM, 25 February 1895, 541-2.
[639] App. J/371.
[640] CNA, CCN, CM, 24 November 1890, 23.
[641] SBC, 1891, 54 Vict., c. 40.
[642] On 8 April 1891, the Nanaimo City School District was defined as embracing all that area within Nanaimo's corporate limits.
[643] SBC, 1891, 54 Vict., c. 40, ss. 21-4, and 72.

one of whom it was to designate as chairman. Trustees appointed by the Lieutenant-Governor in Council were to serve for three years, and those appointed by the municipal council for two.[644] The Act was to come into force on 30 June 1891, and city school trustees were to cease holding office on that date. An 1892 amendment[645] provided that, from the 1893 municipal elections, city school trustees be elected by the electors qualified to vote for mayor and that appointed trustees cease to hold office. The school board election was to be held at the same time and place as the municipal election.[646] At the first election, the three candidates receiving the highest number of votes were to serve two-year terms and the three remaining candidates one-year terms; thereafter, three trustees were to be annually elected on a rotational basis to serve two-year terms. Each school board was to appoint one of its number as its chairman. The "Public School Act Amendment Act, 1895"[647] changed the number of trustees in city school districts from six to seven and provided for the election of an additional trustee within one month from the date of assent. At the 1896 election, four trustees were to be elected for two-year terms; thereafter, the requisite number were to be elected. An 1897 amendment[648] provided that a list

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[644] By this provision, Nanaimo's Council appointed trustees on one occasion. See CNA, CCN, CM, 29 June 1891, 104.
[645] "Public School Act Amendment Act, 1892," SBC, 1892, 55 Vict., c. 40, ss. 3, 5, 7-8, and 13.
[646] The "Public School Act Amendment Act, 1893," SBC, 1893, 56 Vict., c. 41, ss. 7 and 11, empowered municipal councils to pass a resolution naming the polling place.
[647] SBC, 1894/95, 58 Vict., c. 48, ss. 6-9.
[648] "Public School Act Amendment Act, 1897," SBC, 1897, 60 Vict., c. 40, s. 2.

of the voters qualified to vote for school trustees be prepared in city school districts where the "Municipal Elections Act, 1896"[649] did not govern the election of mayor.

The 1891 Act[650] provided that each school board appoint a secretary, who was to record the trustees' proceedings and keep the corporation's books and accounts, all of which were subject to the inspection of the Council of Public Instruction. From 1896,[651] statute enabled school boards to appoint one of their members as secretary, who could in that capacity receive a salary, although trustees otherwise served without remuneration.

The 1891 Act[652] increased, from one-third to one-half, the proportion of teachers' salaries which the municipalities of Vancouver, Victoria, Nanaimo, and New Westminster were required to contribute. In addition, they were to pay the whole of all expenses for school sites, buildings, furniture, and incidentals. In order to raise such sums, their municipal councils were to levy an additional rate on real estate. Such moneys were, upon the request of the school trustees, to be paid over within 30 days. As a concession to help offset the increased amounts those municipalities were required to pay for public schools, the "Revenue Tax Act, [1891]"[653] provided that, within those cities, the annual three-dollar provincial revenue tax be payable to the municipal collectors. Elsewhere, it was

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[649] App. B/86, s. 5.
[650] SBC, 1891, 54 Vict., c. 40, s. 29.
[651] "Public School Act Amendment Act, 1896," SBC, 1896, 59 Vict., c. 42, s. 3.
[652] SBC, 1891, 54 Vict., c. 40, ss. 30 and 32.
[653] SBC, 1891, 54 Vict., c. 44, s. 1.

payable to the provincial authorities.

In Nanaimo, the statutory provisions regarding school accommodation caused conflict between the Municipal Council and the Board of School Trustees. Additional school accommodation was required and the school trustees were preparing to erect two new schools. In an attempt to avoid resorting to increased taxation, Council petitioned the government for direct aid on the ground that Nanaimo's school accommodation had not, at the passage of the 1891 Act, been on a par with that in Victoria, Vancouver, and New Westminster.[654] The attempt was to no avail, and when the school trustees notified Council of their intention to award the contract for the South Ward School, Council reacted by inserting a notice in the NFP to the effect that it would not hold itself responsible for any debts incurred by the School Board, other than those for incidental expenses.[655] After obtaining the legal opinion of Messrs. Drake, Jackson, and Helmcken, who considered the Council to have the power to borrow money for school purposes,[656] Council passed the "Erection of Public Schools By-law, 1892,"[657] which once ratified by the ratepayers, authorized it to raise $10,000 for the purchase of school sites and the construction of school buildings. In late

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[654] CNA, CCN, CM, 9 February 1892, 182; 22 February 1892, 186; and 14 March 1892, 194. In 1891, Nanaimo's school buildings consisted of the five-room Girls' School at Franklyn and Selby Streets--now the site of Quennell School--first erected in 1878-1879 on five lots purchased from the VCC and the four-room Middle Ward or Boys' School built in 1885 on a large lot in the fork between Victoria Road and Nicol Street.

[655] CNA, CCN, CM, 9 May 1892, 213.

[656] CNA, CCN, CM, 30 May 1892, 217.

[657] App. J/311-312.

1892, Council finally had two frame buildings, which became known as the North and South Ward Schools, erected on lots it had purchased from the NVCMLC.[658] However, upon the completion of those schools, the school trustees found that they were still unable to secure a room for the high school. As a result, Council decided to move the City Clerk's office into the council chambers, in order that the former might be placed at the disposal of the trustees.[659] Several weeks later, Walter Hunter, the principal of the high school, reported that the room the high school was "occupying was much too small, and that he wished to be allowed the use of the Council Chamber."[660] Accordingly, his request was granted, and the high school was transferred to the council chambers where it met until June. Those quarters also proved too small, and during the summer an addition was made to the North Ward School, which the high school subsequently occupied.

In 1895, when school accommodation was again required, Council unsuccessfully attempted to obtain the ratepayers' consent to a loan by-law which was to raise $10,000. That sum was to have supplemented a $5,000 grant, to which the provincial government had finally conceded, in aid of the construction of a school building on the site of the Girls' School. Nevertheless, construction of the wooden building with stone foundation began

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[658] North Ward School was located near Campbell and Selby Streets on the site of the present Pauline Haarer School. South Ward School was located near Strickland and Needham Streets on the site of the old Vancouver Island Regional Library headquarters.
[659] CNA, CCN, CM, 3 January 1893, 289.
[660] CNA, CCN, CM, 24 January 1893, 294.

during the summer of 1895; by Easter 1896, eight classrooms of the new Central School were completed and the upper floor was finished later that year.[661] To provide sufficient recreation grounds and outbuildings, the School Board had leased seven town lots on which it held a purchase option. Four of those lots were finally purchased in 1898, after an attempt the previous fall to submit a loan by-law to the ratepayers was abandoned following the mutilation of records in the City Collector's office, among which, the assessment rolls required to prepare the list of individuals eligible to vote at that referendum.[662]

An 1893 amendment to the school act[663] made the municipal corporations of city school districts wholly responsible for the salaries of the teachers employed in their public schools, in addition to all other school expenses. Salaries were to be fixed and paid at the discretion of the school trustees. However, the province was to assist those municipalities through the payment, from its consolidated revenue fund, of a per capita grant of $10 per student per annum, based upon the average actual daily attendance. The only proviso was that their schools be conducted in accordance with the rules and regulations prescribed by the Council of Public Instruction.

By the provisions of the 1891 Act,[664] city school boards

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[661] The Central School was subsequently renamed John Shaw High School.

[662] The "School Grounds' By-law, 1897" was to have been submitted to the ratepayers on 7 December. For discussion of the mutilation of those records, see City Collector.

[663] SBC, 1893, 56 Vict., c. 41, s. 3.

[664] SBC, 1891, 54 Vict., c. 40, ss. 34 and 33.

were to notify the municipal council before 31 January each year of the amount they required for the maintenance of schools.[665] They were required to annually report to the municipal council upon the expenditure of moneys received from it, as well as to furnish before 15 July a full report of their proceedings to the Superintendent of Education. The 1892 Act[666] specifically made it unlawful for school trustees to incur any liability beyond the money shown to be at their disposal. From 1893,[667] estimates of extra-ordinary expenditures which had been rejected by the municipal council were, upon the request of the school board, to be submitted to the electors by means of a municipal loan by-law.

The 1891 Act[668] provided that the city treasurer keep a separate account of moneys paid into his hands on behalf of the school board, pay over moneys to that board, and exhibit to it the state of that account. In 1893,[669] the city treasurer was made responsible for the actual payment of the accounts passed by the school trustees. In Nanaimo, this did not become the practice until 1897 when School Board Secretary Samuel Gough, who had recently been ousted from the office of City Collector, notified Council on behalf of the School Board that that body desired all salaries and accounts to be paid by the City

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[665] That date was subsequently altered and the school trustees' estimates made subject to the consideration and final approval of the municipal council. In Nanaimo, the school estimates were from about 1900 incorporated into the Council's estimates.
[666] SBC, 1892, 55 Vict., c. 40, s. 18.
[667] SBC, 1893, 56 Vict., c. 41, s. 8.
[668] SBC, 1891, 54 Vict., c. 40, s. 35.
[669] SBC, 1893, 56 Vict., c. 41, s. 8.

Treasurer on presentation of a voucher duly signed by the Chairman and Secretary of the Board of School Trustees.[670] Despite the increase in work that would result in the City Treasurer's office, Council adopted the relevant provisions of the school act[671] and expenditures on public schools were thenceforth included in the monthly warrant book. Prior to 1897, sums requested by the School Board Secretary had simply been credited to the account of the trustees.

From 1891,[672] municipal councils were required annually to appoint an auditor to audit the school trustees' accounts, the expenses of which were to be paid out of the school board's contingency funds. An 1893 amendment[673] provided that city school trustees publish each January, in three issues of a local newspaper, a detailed statement of their receipts and expenditures for the previous year. That statement was to be signed by the chairman and secretary of the board and the city-appointed auditor. An 1895 amendment[674] added the proviso that the school trustees need not publish their statement separately if the municipal council included it with its statements. Nanaimo's Council provided for the audit of the school trustees' accounts for 1892-1895, 1902, and 1904.[675]

In 1891,[676] property acquired by school trustees was

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[670] CNA, CCN, CM, 8 February 1897, 69.
[671] CNA, CCN, CM, 15 February 1897, 72.
[672] SBC, 1891, 54 Vict., c. 40, s. 37.
[673] SBC, 1893, 56 Vict., c. 41, s. 10.
[674] SBC, 1894/95, 58 Vict., c. 48, s. 2.
[675] App. P/521, 525, 530, 542, 585, and 593.
[676] SBC, 1891, 54 Vict., c. 40, s. 36.

exempted from municipal taxation. The 1892 Act[677] empowered the Lieutenant-Governor in Council to convey school lands to municipal corporations by Order in Council. In 1893, after providing for the construction of the North and South Ward Schools, Nanaimo's Council requested that the government transfer to it the lands upon which the Boys' and Girls' Central Schools were situated, since it was responsible for all charges connected therewith.[678] It was probably as a result of Nanaimo's request, and perhaps those of other cities, that the 1894 Act[679] granted lands, set apart as school reserves or acquired by the Crown for school purposes, in the four city school districts to their respective municipal corporations.[680] Such lands were to be held on trust, were not to be alienated, and were to revert to the Crown upon the failure of the municipal corporations or school trustees to fulfill the statutory provisions regarding public education.

The "Public Schools Act Amendment Act, 1901"[681] substantially amended provisions regarding city school districts. It divided them into three classes, based upon the average actual daily attendance of pupils attending their public schools, and included all incorporated cities and towns. Initially, Victoria and Vancouver were the only cities with the

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[677] SBC, 1892, 55 Vict., c. 40, s. 15.
[678] CNA, CCN, CC, Letter from S. Gough, 21 June 1893, to the Provincial Secretary, p. 296.
[679] "Public School Act Amendment Act, 1894," SBC, 1894, 57 Vict., c. 46, ss. 8-10 and schedule.
[680] It granted to the Corporation of the City of Nanaimo Block AA, Lot 3, and Block XXII, Lots 18, 19, 20, 21, and 22.
[681] SBC, 1901, 1 Edw. 7, c. 48, ss. 4-10 and 21.

1,000 pupil daily attendance required of a school district of the first class. The cities of Nanaimo, Nelson, New Westminster, and Rossland met the second class attendance requirement of 250-999 pupils. The cities of Columbia, Cumberland, Grand Forks, Greenwood, Kamloops, Kaslo, Phoenix, Revelstoke, Sandon, Vernon, and the town of Wellington fell into the third class category, with attendances of less than 250 pupils. All cities and towns thereafter incorporated were to be classified accordingly; transfer from one classification to another was only to be made in July and with the consent of the Lieutenant-Governor in Council. In city school districts of the first class, seven school trustees were to be elected; in the second, five; and in the third, three. From 1 January 1902, the salaries of teachers and all other school-related expenses in all classes of city school districts were to be paid by their municipal corporations. Such expenses were to be partially defrayed by an annual per capita grant of $13 per pupil to first class cities, $15 to second class cities, and $20 to third class cities, based upon average daily attendance. In addition, a grant of $300 per annum for each high school teacher was to be made to municipalities in which high schools operated.

The system of provincial-municipal transfer payments established by the 1901 Act was not without problems. F. Henry Johnson wrote that:

> Certain less scrupulous school boards were not slow to discover that under this system, if they had no compunction about overcrowding their classrooms, they could operate their schools at little or no expense to

the city.[682]

Johnson mistakenly referred to the 1893 Act in citing Superintendent of Education Robinson's remarks regarding the 1901 Act's provisions and city school rooms for which the per capita grant exceeded the teacher's annual salary, becoming a source of revenue to the municipal council. Nevertheless, his point is still valid. Robinson specifically mentioned the case of Nanaimo which had had a $1400 surplus from the per capita grant alone.[683]

Records

The majority of the records of the Nanaimo City Board of School Trustees are under the control of the school board office.[684] In any case, only school board records preserved at the City of Nanaimo Archives are of interest here. They consist chiefly of two letterpress copybooks of correspondence outward for the years 1893-1904.[685] Their preservation at the City of Nanaimo Archives is explained by the fact that City Clerk Samuel Gough was School Board Secretary from January 1893 until his death in 1925. Use of the copying press method of duplicating correspondence was discontinued in the City Offices in 1904. It is probable that the two letterbooks were overlooked as the municipal and school board administration became less integrated

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[682] Johnson 1964, 93.
[683] "Thirtieth Annual Report of the Public Schools of the Province of British Columbia, 1900-1901, by the Superintendent of Education," in BC, Sessional Papers, 1902, p. 280.
[684] See Appendix U, first page, first footnote.
[685] App. U/600-601.

after Gough's death.

From the early 1890's, Nanaimo's Council was responsible for the regulation of school board elections and, to a degree, the management of its finances, including the annual audit. Therefore, it is well to remember that references to municipal functions concerning public schools are to be found in such municipal record series as the council minutes, the City Clerk's correspondence, the by-laws, the real estate assessment rolls, the sinking fund accounts, and the audited financial statements.

In addition, the annual report of the Superintendent of Education, which was published from the 1872/73 session of the Legislative Assembly, deserves mention for it provides an invaluable source of detailed textual and statistical information on public education in BC. The reports followed a similar format each year and are largely repetitive of one another, although statistical information and names were updated. Of specific interest to this study are the tables containing the names of school trustees and the value of school buildings and property. From 1891-1899, the reports of the principals of the various schools in each district and, from 1893-1902, the statutory reports of city school boards were included in the Superintendent's reports.

Finally, the remaining operational functions for which municipal government was directly or indirectly responsible are covered in brief functional histories without regard to related documentary sources, except as footnoted.

ANIMAL IMPOUNDMENT

The "Municipality Act, 1872" empowered municipal councils to provide and regulate pounds and to prevent animals from running at large.[686] Despite its authority to fine owners who allowed their animals to be at large,[687] Nanaimo's Council frequently received complaints of swine and goats damaging gardens or injuring residents. The proliferation of dogs as household pets was controlled through the imposition of a dog tax in 1875; a leather tag was attached to the collar of those for which the tax had been paid. Until the passage of the "Dog Tax By-law, 1898,"[688] the amount of the tax was established by the revenue by-law.[689] Collection of the dog tax was often difficult, and Council occasionally ordered the civic police to collect it. In 1891, a City Pound was finally established.[690] The small remuneration paid the pound-keeper was initially based upon a portion of the fines he collected and a fixed sum for each unclaimed dog he destroyed. As a result, the position was frequently vacant and was eventually placed under the

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[686] App. B/46, s. 21, s.-s. 18.
[687] App. J/379.
[688] App. J/236.
[689] App. J/341-355.
[690] App. J/224-228.

supervision of the Road Foreman who gave the pound-keeper work on the streets when he was not busy impounding stray animals. In 1895, the Road Foreman reported that "cattle were being tethered on the streets," and Council referred the problem of cattle herding to the Chief of Police.[691] Ultimately, the Street Committee oversaw the City Pound and, as late as 1903, reported that one horse and sixteen cows had been impounded during a one-week period.[692]

ANIMAL PROTECTION

The "Municipality Act, 1872" empowered municipal councils to prevent cruelty to animals.[693] In 1875, Nanaimo's Council discussed the problem of cattle being exposed to the elements while on the wharf.[694] Cruelty to animals was prohibited in the 1895 public morals by-law.[695] In 1900, Council passed, upon the request of the local Society for the Prevention of Cruelty to Animals, a by-law to help it carry out its objectives.[696]

BREAD SALE REGULATION

The "Municipality Act, 1872" empowered municipal councils to regulate the assize of bread.[697] In 1898, Nanaimo's Council passed a by-law to regulate the weight and sale of bread.[698]

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[691] CNA, CCN, CM, 28 January 1895, 525-6.
[692] CNA, CCN, CM, 26 October 1903, 80.
[693] App. B/46, s. 21, s.-s. 6.
[694] CNA, CCN, CM, 12 July 1875, 40.
[695] App. J/309.
[696] App. J/294.
[697] App. B/46, s. 21, s.-s. 33.
[698] App. J/207.

BUILDING REGULATION

The "Municipality Act, 1872" empowered municipal councils to regulate the erection of wooden buildings.[699] The intent of that provision was to prevent fire, and Nanaimo's Council enacted by-laws to prohibit the erection of wooden structures within defined fire limits.[700] The "Municipality Act, 1881" clearly empowered municipalities to perform the building regulation function. It authorized municipal councils to regulate the site, dimensions, form, and construction of buildings, as well as the pipes and drains connecting them with sewerage systems.[701] In Nanaimo, the placement of buildings, and specifically their encroachment on the streets, often posed problems as a result of the inaccuracy of the street lines defined in early surveys. Building contractors required the permission of the Street Committee to place lumber on roadways or sidewalks and to construct drains across streets; Council eventually requested that they leave a deposit with the City Clerk to ensure that any damage was made good.[702] The Street and Fire Warden Committees oversaw construction projects.

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[699] App. B/46, s. 21, s.-s. 35.
[700] For discussion thereof, see Fire Prevention and Protection.
[701] App. B/59, s. 104, s.-s. 79.
[702] App. J/369.

CHILD PROTECTION

In 1896, City Clerk Thompson helped a destitute widow to arrange for the placement of several of her children in the British Columbia Protestant Orphan's Home in Victoria.[703] In 1904, the Vancouver Children's Aid Society billed Nanaimo for the keep of five children whose maintenance had been charged to the City by court order.[704] During the same year, the Sisters of St. Ann's Convent requested Council to exempt them from their annual taxes on account of the number of orphans they supported. However, the Finance Committee reported that it was beyond the power of Council to comply with their request.[705]

DEATH: BURIALS AND INQUESTS

From the 1870's, municipalities were responsible for defraying the burial expenses of destitute persons who died within their limits. Despite municipal opposition, the government subsequently made municipalities responsible for coroner's costs in inquests upon bodies discovered within their limits.[706] Initially, Nanaimo's Council refused to recognize its liability in such cases, but finally capitulated in 1895.

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[703] CNA, CCN, CC, 17 June 1896, 321.
[704] CNA, CCN, CM, 22 February 1904, 119.
[705] CNA, CCN, CM, 14 November 1904, 194.
[706] App. B/40.

DESERTED WIVES' MAINTENANCE

The "Deserted Wives' Maintenance Act, 1901"[707] gave deserted wives the power to summon their husbands before a stipendiary or police magistrate in order to claim support. Although it made no direct reference to the role of municipalities in carrying out its provisions, the Act probably devolved, at least in the case of city municipalities employing a police magistrate, the responsibility for locating strayed husbands upon the Police Court Clerk. As early as 1894, Mayor Quennell had already attempted to locate one runaway husband.[708]

DISASTER RELIEF

From at least 1884-1902, Nanaimo's Council occasionally donated moneys to funds established for the relief of survivors of mine disasters, fires, explosions, and floods in communities throughout BC, the rest of Canada, and Washington State. However, about 1900, the legality of that practice was questioned. Furthermore, Council sometimes coordinated the solicitation of relief through public subscription, forwarding the moneys collected to the appropriate fund. Public meetings called to decide upon a course of action often resulted in an outpouring of sympathy and help, especially in the case of mining accidents. In turn, when Nanaimo suffered a major mine

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[707] SBC, 1901, 1 Edw. 7, c. 18.
[708] CNA, CCN, CC, Letter from Samuel Gough, City Clerk, 4 June 1894, to William Huston, Chief of Police, New Westminster, p. 401.

disaster in 1887, Victoria, New Westminster, and other municipalities made liberal donations to the relief fund established for the widows and orphans of the miners killed.

DUMPING GROUND

The "Municipality Act, 1881" empowered municipal councils to prevent the indiscriminate deposit of broken glass and other refuse on public highways or in open places.[709] Nanaimo's Council prohibited the dumping of refuse in the City's streets by its 1875 street by-law.[710]

Council first considered designating a lawful place for the deposit of refuse and offal in 1880.[711] There is, however, no evidence that a site was decided upon. The ravine was commonly used, and the Sanitary Committee had to prohibit parties from dumping rubbish over the Bastion Street Bridge since in so doing they were covering up the bridge's sills.[712] In 1890, NVCMLC Superintendent Robins complained that the City Scavengers were creating a nuisance by depositing filth on company land near the city limits.[713] Several months later, Council proposed having the scavengering work done under its direct control and requested that Robins make land available for use as a dumping ground, to which he complied by granting an eight-acre field on the Company's farm just beyond the pest house.[714] The City

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[709] App. B/59, s. 104, s.-s. 47.
[710] App. J/366.
[711] CNA, CCN, CM, 12 July 1880, 339.
[712] CNA, CCN, CM, 18 February 1889, 295.
[713] CNA, CCN, CM, 5 May 1890, 415.
[714] CNA, CCN, CM, 4 August 1890, 444-5.

Scavenger probably only used that location for the deposit of fecal matter or "night soil," as it was more politely called. Ashes, cans, and other rubbish were for a time deposited at another site, near the NVCMLC's mine refuse dump. In 1893, a proper dumping ground had yet to be established,[715] and, two years later, the Road Foreman reported that "ashes were deposited very promiscuously on the streets."[716] By 1900, residents were complaining that Union Street was being used for dumping ashes; they proposed Benson Street to the Sanitary Committee as an alternate site.[717] In 1904, a dumping ground had apparently still not been designated, as the City issued a scavengering license to an individual who had secured his own site.[718]

FARMERS' INSTITUTES - ASSISTANCE

The "Farmers' Institutes and Co-operation Act, [1897]"[719] provided for the establishment of farmers' institutes and empowered municipal councils to grant them financial aid.

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[715] CNA, CCN, CM, 15 May 1893, 333.
[716] CNA, CCN, CM, 28 January 1895, 525.
[717] CNA, CCN, CM, 23 April 1900, 452.
[718] CNA, CCN, CM, 15 May 1904, 147-8.
[719] SBC, 1897, 60 Vict., c. 13, s. 12.

FIRE PREVENTION AND PROTECTION

The "Municipality Act, 1872" empowered municipal councils to prevent fire and thereby protect life and property.[720] The following year, an amendment authorized them to assist and regulate a fire department.[721]

Nanaimo's first fire brigade was organized in 1865 with financial assistance from the Vancouver Coal Company. By the City's incorporation, it had ceased to exist. Nevertheless, from 1876, Council annually appointed a Fire Warden Committee to enforce its by-law regarding fire prevention and the regulation of chimneys and stovepipes.[722] It subsequently attempted to make provision for fire escapes and other means of protecting the public from the threats of fire, but several by-laws for that purpose proved inoperable. In 1894, a by-law to prevent the construction of wooden buildings within defined areas was finally passed.[723] However, due to the undermining of the City by coal workings, Council amended that by-law[724] to permit the erection of a wooden structure where it was proven that a brick building would be dangerous.[725] It also enacted by-laws to regulate the storage of gunpowder and explosives, and to impose a tax upon fire insurance companies.[726]

On 4 May 1878, following a disastrous fire, the Nanaimo

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[720] App. B/46, s. 21, s.-s. 15.
[721] App. B/47, s. 5.
[722] App. J/219.
[723] App. J/247.
[724] App. J/248-250.
[725] App. J/401-409.
[726] App. J/257, and 245-246.

Fire Company, also known as the "Black Diamond Fire Engine Company, No. 1," was organized.[727] The volunteers relied upon both the provincial and municipal governments for financial aid, but remained an autonomous body with their own secretariat. They negotiated with Council regarding their pecuniary and equipment requirements. In addition, Council occasionally voted the Nanaimo Fire Company a monetary grant. From 1888, it remitted to the Company the annual road and revenue taxes collected from active firemen, and from about 1894, paid a portion of the Fire Chief's expenses in attending the annual fire chiefs' convention.

Between 1878 and 1904, the City purchased equipment such as hose,[728] ladders, hose reels and carts, a fire alarm whistle, and a steam fire engine[729] for the use of the firemen. In 1879, Council constructed wooden water tanks which proved to be a source of complaint and were often empty. From 1887, they were gradually replaced with fire hydrants connected to the Nanaimo Water Works Company's mains.[730] When a new firehouse was needed, Council raised the moneys required by loan by-law;[731] in 1893, a brick fire hall was erected at the corner of Nicol Street and Victoria Crescent.[732] In 1901, when the Corporation's horse was sold, a horse team was purchased to pull the fire engine.

In 1894, negotiations regarding the constitution of the

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[727] App. B/98.
[728] App. J/216-217.
[729] App. J/365 and 394.
[730] App. J/216-217, and 243-244.
[731] App. J/243-244.
[732] Today, that building houses Hill's Indian Crafts.

Nanaimo Fire Company as a paid municipal department began. Thereafter, fireman were sporadically paid for their attendance at fires, although it was not until 1896 that Council adopted the sliding scale by which firemen were remunerated for both drills and fires. The Company received its last provincial grant in 1899. In 1901, upon the suggestion of the Nanaimo Fire Company, Council assumed direct control of that body in order to effect more economic management.[733] From 1 November, City Clerk Gough performed the clerical duties associated with the Nanaimo Fire Department. Fire Chief John Parkin was made a municipal officer with a small monthly salary. Despite references to a "Nanaimo Fire Department," dating from as early as the 1870's, a fire department under the direct administration of municipal government did not, other than for accounting purposes, exist until 1901.

HOSPITAL ASSISTANCE

The "Municipality Amendment Act, 1886" empowered municipal councils to grant assistance to hospitals.[734] Nanaimo's Council occasionally granted the hospital money towards small capital expenditures or the provision of a New Year's Day dinner for its patients. It also allowed the Hospital Committee the use of its facilities for fund-raising events. Council did not, however,

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[733] CNA, CCN, CM, 21 October 1901, 644. The volunteers' books and records (App. Y/612-615), which date from 1878, eventually became the property of the municipality.
[734] App. B/65, s. 4.

have any control over the hospital's management.[735] From the late 1890's, the Hospital Board billed it for the care of elderly men whose maintenance was a municipal responsibility.

HOSPITAL FOR THE INSANE

The "Hospitals for Insane Act, 1897"[736] named police magistrates as one of the authorities who could, after having reviewed the statements of the examining medical practitioners, execute the order required to commit an individual to the provincial insane asylum. Through their police magistrate, city municipalities may have played an indirect role in the committal process. On several occasions, Nanaimo's Council played a direct role through obtaining the permission required to transfer an individual and paying the medical examination fees and transport costs.

IMPRISONMENT

In the City's early years, municipal prisoners were confined in the provincial gaol on Front Street, a building constructed of logs and heavy timber containing 14 cells and accommodating a maximum of 42 prisoners.[737] William Stewart, Chief Constable and Gaoler from 1864-1904, wrote in his report for 1879 that no municipal prisoners had been received that year and that "the municipality pays nothing towards the keep of

[735] CNA, CCN, CC, Letter from S. Gough, City Clerk, 15 November 1899, to the Provincial Secretary, Victoria, p. 508.
[736] SBC, 1897, 60 Vict., c. 17, s. 7, s.-s. a.
[737] "Annual Report of the Superintendent of Police Respecting the Prisons of British Columbia, for the Year Ending 31st October, 1891," in BC, Sessional Papers, 1892, p. 661.

prisoners, the fines being all paid into the Provincial Revenue."[738] By 1892, the Nanaimo Gaol could no longer accommodate the large number of prisoners confined in it, and Provincial Police Superintendent Frederick S. Hussey recommended that the government consider selling or exchanging the property on which the gaol was located for a site further away from the city centre, "and there erect a modern gaol for the county."[739] Consequently, the government constructed a brick gaol on Skinner Street near the City Hall which was completed and occupied during 1894; it contained 46 cells and could accommodate 100 prisoners.[740]

From 1891, the municipality maintained at times its own lock-up, initially due no doubt to the lack of space in the provincial gaol. However, from 1897, city municipalities were responsible for maintaining a lock-up.[741] After the 1890 relocation of the HBC Bastion,[742] the lower part of that edifice was fitted, upon the recommendation of the municipal Police Committee, for use as a lock-up. The municipal police used it

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[738] "First Annual Report of the Superintendent of Police Respecting the Prisons of British Columbia, for the Year Ending 31st October, 1879," in BC, Sessional Papers, 1880, p. 394.

[739] "Annual Report of the Superintendent of Police Respecting the Prisons of British Columbia, for the Year Ending 31st October, 1892," in BC, Sessional Papers, 1893, p. 605.

[740] "Annual Report of the Superintendent of Police Respecting the Prisons of British Columbia, for the Year Ending 31st October, 1894," in BC, Sessional Papers, 1894/95, p. 618.

[741] App. B/77, s. 30.

[742] As part of the general street improvement and widening which Council undertook in 1890, the rock on Bastion Street was blasted, causing the removal of the Bastion. Samuel M. Robins allowed it to be relocated to one of the NVCMLC's lots opposite its original site. It remained there until 1974 when further street widening necessitated its removal to a new location.

as such from 1891-1897.[743] In 1896, Council leased the old provincial Court House and Gaol premises on Front Street at $50 per annum for a five-year period.[744] The 1897 Council's Board of Works had the premises renovated for use as police offices, lock-up, courtroom, City Pound, and horse stables.[745] As the police no longer required the Bastion as a lock-up, Council proposed converting it into a morgue.[746]

To what use the municipal lock-up was put is not clear. Apparently, prisoners on remand were imprisoned there, but once convicted were sent to the provincial gaol.[747] Those sentenced to short periods of confinement for by-law infractions may have also been imprisoned in the city lock-up. Whatever the arrangement, the provincial authorities did, from the mid-1890's, charge the municipality for the keep of its prisoners.[748]

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[743] CNA, CCN, CM, 4 May 1891, 81, and 23 March 1897, 87.
[744] CNA, CCN, CM, 16 March 1896, 701, and 8 June 1896, 737. That lease was subsequently renewed until June 1904 or later.
[745] CNA, CCN, CM, 1 February 1897, 66, and 22 March 1897, 86.
[746] CNA, CCN, CM, 22 March 1897, 87.
[747] App. V/602, 34-5. See also "Annual Report of the Superintendent of Police Respecting the Prisons of British Columbia, for the Year Ending 31st October, 1894," in BC, Sessional Papers, 1894/95, p. 621.
[748] "Annual Report of the Superintendent of Police Respecting the Police and Prisons of British Columbia for the Year Ending 31st October, 1895," in BC, Sessional Papers, 1896, p. 925. See also "Annual Report Respecting the Provincial Police, Prisons and Reformatories of the Province of British Columbia for the Year Ending 31st October, 1901," in BC, Sessional Papers, 1902, p. 1586, and App. B/77, s. 30.

INDUSTRIAL DEVELOPMENT

The "Municipality Act, 1881" empowered municipalities to promote the establishment of industry by way of tax exemption, free services, or direct financial aid.[749] From 1889, Nanaimo's Council entertained proposals from groups and individuals wishing to establish a tanning company, a pork-packing firm, a smelter, a steam laundry, a creamery, a tourist association, and pottery, soap, and boot and shoe manufactories. However, the incentives Council granted were small and, after its acquisition of the waterworks, usually consisted in free water service over a predetermined period of time. In addition, several publishing companies requested that Council purchase or subsidize issues of their newspapers featuring the industrial prospects of BC; usually, a special write-up and photos on Nanaimo were to be inserted if Council acquiesced.

ISOLATION OF LEPERS

In 1891, Darcy Island was reserved for sanitary purposes on the request of the Corporation of the City of Victoria. The following year, the province petitioned the dominion government to establish in BC, for the care and isolation of lepers, a lazeretto similar to that which it maintained at Tracadie, New Brunswick.[750] The dominion government complied, and the Darcy Island leper station was placed under the care of the City of

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[749] App. B/59, s. 104, s.-s. 15.
[750] BC, Legislative Assembly, Journals, 1892, 55 Vict., 3 March 1892, p. 38.

Victoria. On 1 October 1903, the provincial government assumed responsibility.

Nanaimo's Council transferred a Chinese leper to Darcy Island in October 1894 and was responsible for the costs of his maintenance until June 1901.[751] When the dominion Parliament passed a bill in 1902 granting an increase in the Chinese head-tax paid to the provinces,[752] Ralph Smith, Nanaimo's MP, secured for the City a refund of the amount paid for the individual's keep.[753]

LIQUOR CONTROL AND LICENSING

The "Municipality Act, 1872" defined the maximum license fees which municipal councils could levy upon persons wishing to sell spirituous or fermented liquors by wholesale or retail.[754] From 1876, the municipal acts defined the process by which liquor licenses could be obtained and detailed the composition of the granting bodies and the manner in which their members were appointed. Initially, the city licensing court was comprised of a bench of magistrates which included the mayor or reeve.[755] From 1889,[756] licenses were granted or refused in open court by a board of licensing commissioners, the constitution of which changed considerably over time.

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[751] CNA, CCN, CC, Letter from S. Gough, City Clerk, 10 January 1903, to Ralph Smith, MP, Nanaimo, pp. 184-5.
[752] "Act to Amend the Chinese Immigration Act, 1900," Statutes of Canada, 1902, 2 Edw. 7, c. 5, s. 1.
[753] CNA, CCN, CM, 12 January 1903, 786, and 11 May 1903, 37.
[754] App. B/46, s. 26, s.-ss. 1-2.
[755] App. B/51, ss. 1-7.
[756] App. B/69, ss. 175-192.

In Nanaimo, as elsewhere, the liquor licensing function proved contentious. Who should or should not hold a license and the fee to sell liquor by retail were the major issues. Temperance was of course the theme underlying debate of those concerns. From 1876 until the early 1880's, the statutory sittings of the City Licensing Court were reported in detail in the NFP,[757] and the municipality paid a percentage of the moneys collected for liquor licenses into the provincial treasury. In 1903, Council passed a by-law to regulate the holding and renewal of retail liquor licenses and the sittings of the Board of Licensing Commissioners.[758]

MARKET REGULATION

The "Municipality Act, 1872" empowered municipal councils to establish and regulate public markets.[759] In Nanaimo, a market place was established in 1901,[760] and Council appointed a Market Committee to deal with related matters.

NIGHT PATROL

A night patrol was probably first established in 1877 when local hotelkeepers and merchants appointed a nightwatchman.[761] Although the position's duties were controlled by Council, its remuneration was partially raised through subscriptions pledged

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[757] See also App. T/598.
[758] App. J/258-259.
[759] App. B/46, s. 21, s.-s. 30.
[760] App. J/261.
[761] CNA, CCN, CM, 29 October 1877, 179.

by local residents. From 1879 until the mid-1880's, the duties of nightwatchman and lamplighter were combined. In addition, the nightwatchman was often sworn as a special police constable under the direction of the Mayor. Gradually, the position's duties were amalgamated with those of the police force and came under the supervision of the Police Committee and later the Board of Police Commissioners. The nightwatchman continued, however, to be at least partially remunerated by local businesses, including the NVCMLC.[762]

NUISANCE PREVENTION

The "Municipality Act, 1872" authorized municipal councils to regulate slaughter-houses and to prevent nuisances.[763]

Nanaimo's Council appointed its first Sanitary Committee in April 1875 to deal with a nuisance caused by the carcas of a dead pig.[764] Other real or perceived nuisances included slaughter-houses, offensive street gutters and drains, privy pits, laundries, Chinatown, and the presence of the native Indian. Eventually, the keeping of animals within thickly populated areas presented a nuisance and was prohibited.[765] After 1895, the Commercial Inlet extension became a major nuisance, especially during the summer when its swamps were exposed to the sun, causing a vile stench to pervade the

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[762] App. V/602, pp. 68-9.
[763] App. B/46, s. 21, s.-ss. 7 and 14.
[764] CNA, CCN, CM, 23 April 1875, 23.
[765] CNA, CCN, CM, 13 June 1887, 167.

surrounding area.[766]

In 1876, Council passed its first general sanitary by-law[767] which regulated butchering and prevented other nuisances. The killing and butchering of animals became a contentious issue, and Council frequently amended that by-law so as to allow butchering in certain areas at various times of the year.[768] When Council notified residents of a nuisance existing upon their property, they were usually allowed forty-eight hours to rectify the situation before proceedings against them were initiated. From 1890, sanitary provisions were embodied in the public health by-law.[769]

After 1880, Council occasionally appointed a sanitary officer to inspect for nuisances and to enforce its sanitation by-laws,[770] but often delegated that responsibility to the municipal police. As late as 1896, Medical Health Officer Robert E. McKechnie, MD, wrote, however, that:

> the physical health of the town is equally important with the moral health, and hence a Sanitary Inspector is as much needed as a Police Officer. At present your Health Officer performs duties which should be done by an Inspector--such as inspecting and reporting nuisances, milk testing, quarantining, etc., services often demanding more time than should be expected from one who performs his duties gratuitously.[771]

In 1884, Council introduced a by-law to prohibit washhouses and laundries, but subsequently withdrew it.[772] Chinese

[766] App. C/127, pp. 728-9. In 1895, the Commercial Street Bridge was replaced with a permanent roadway which limited the amount of tidal water flowing into the ravine.
[767] App. J/208.
[768] App. J/209-214.
[769] App. J/304-307.
[770] CNA, CCN, CM, 19 July 1880, 341.
[771] App. C/129, p. 973.
[772] CNA, CCN, CM, 8 September 1884, 573.

washhouses were considered fire traps and public nuisances, and Council attempted to have them clean their premises and observe Sunday closing. In 1901, it decided to support a white steam laundry, which according to the project's proponent, an American, would "put white labour on a more equal footing with coolie labour."[773] That same year, Council finally passed a by-law to regulate laundries.[774]

The predominantly white community also considered the houses and pigsties of the "Chinamen" a nuisance. Complaints were even lodged about the "noise" made by the Chinese Theatrical Troupe.[775] In that light, it is ironic that the objective of the 1887 extension of the city limits was to bring New Chinatown under Council's control.[776] The 1897 report of Clive Phillipps-Wolley, Provincial Sanitary Inspector, is indicative of the general attitude of the white population towards the Chinese lifestyle. Regarding "the hideous condition of Chinatown," he wrote that the "Chinese should not be allowed to live amongst white people" and that its sanitary problems "can be cured in only one way--by fire. The sooner it is done the better for Nanaimo."[777]

The native Indian was another group whose presence and mode of life was perceived as a public nuisance. Indian encampments existed on Newcastle townsite and the north bank of the

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[773] CNA, CCN, CM, 29 April 1901, 581.
[774] App. J/387.
[775] CNA, CCN, CM, 23 June 1884, 562.
[776] For discussion thereof, see Extension of the City Limits.
[777] App. C/127, p. 728.

Millstone River. Between 1875-1889, Council attempted to cause their removal from the municipal limits through correspondence with the Indian Commissioner (later the Indian Agent), the Government Agent, local property owners, and finally the Indians themselves. Apparently, the will of Council prevailed, and the native Indian withdrew, perhaps to the Indian Reserves located nearby.

OLD-AGE "PROTECTION"

The "Provincial Home Act, 1893"[778] provided for the establishment and maintenance of the Provincial Home for the aged and infirm at Kamloops. Admission was generally limited to individuals in destitute circumstances who fulfilled the provincial residency requirement and were without family to provide for their support. However, municipal councils could at their discretion apply to the Provincial Secretary to have any adult resident admitted to the home. Once an application had been accepted, the municipality was to transfer the individual at its expense and thereafter pay 75 percent of the support and maintenance costs shown on the statements prepared by the Provincial Auditor.

The "Old Man's Home" was ready for occupancy in 1895; the monthly maintenance charge per inmate was in excess of $15. Nanaimo's Council applied to admit a local resident in 1895. The following year, it made application for another man, but the

[778] SBC, 1893, 56 Vict., c. 35, ss. 7 and 12-9.

individual in question requested to remain at the Nanaimo Hospital, and Council accepted the Hospital Board's offer to care for him at $15 per month. Council sent the first Nanaimo resident to the home in 1897; other men refused to go. In December of that year, the Hospital Board requested that Council relieve it from the care of old men and remove those already there,[779] as the City was liable for their maintenance. Council contemplated the construction of a building on the hospital grounds to accommodate them.[780] The old gaol was also considered for that purpose, but action was deferred to the incoming Council.[781] Nevertheless, the 1898 Council continued to pay the hospital and private individuals for the care of elderly residents. Some were eventually sent to the Provincial Home as their condition deteriorated and as vacancies permitted. In 1902, Enoch Shakespeare, who was Caretaker of the City Police Court House and Gaol, was caring for one "old man," presumably on the Court House premises.[782]

POLICE FORCE MAINTENANCE AND REGULATION

Between 1872 and 1904, the provisions of the municipal act regarding the management of municipal police were frequently amended. The "Municipality Act, 1872" empowered municipal councils to maintain peace officers.[783] The following year, an

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[779] CNA, CCN, CM, 13 December 1897, 164.
[780] CNA, CCN, CM, 6 December 1897, 161.
[781] CNA, CCN, CM, 27 December 1897, 170.
[782] CNA, CCN, CM, 3 February 1902, 678.
[783] App. B/46, s. 21, s.-s. 17.

amendment gave municipalities the authority to establish, appoint, and regulate a police force.[784] From 1876, municipal police officers were to be appointed by a board comprised of the Provincial Secretary, the mayor or warden, and a local justice of the peace selected by the Lieutenant-Governor in Council, and the whole of the provincial and municipal constabulary was to be under the control of the Superintendent of Provincial Police.[785] In 1878, responsibility for the appointment of police officers was again conferred upon municipal councils.[786] The next change in police management occurred in 1893 when statute removed civic police forces from the direct control of municipalities and placed them under the government of the boards of police commissioners which were established in cities and towns.[787] They remained, however, under the direction of the Superintendent of Provincial Police. The administration of the police force, including its remuneration and clothing, remained a municipal responsibility.

In Nanaimo, provincial Police Constable and Gaoler Stewart doubled as City Constable from 1875-1881, and Council allowed him a small monthly remuneration for his services. In 1882, Council appointed its own Police Constable,[788] whose duties included by-law enforcement, sanitary inspection, and night patrol. A second position was created and existed until 1888

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[784] App. B/47, ss. 5 and 45.
[785] App. B/51, ss. 11-2.
[786] App. B/55, s. 6.
[787] App. B/73, ss. 61-3.
[788] CNA, CCN, CM, 13 March 1882, 428.

when the Road Superintendent was also appointed as a Constable.[789] The position of Chief of Police was created about the time of the constitution of the Board of Police Commissioners in 1894.

In 1886, Council appointed a Police Committee to oversee the police officers,[790] and from time to time that Committee issued regulations for their management.[791] In 1892, when a Police Station was required, Council directed that a small building be erected on Skinner Street adjoining City Hall.[792] In 1897, the police moved into the new City Police Court House.[793]

In 1891, Council appointed Joseph Phrys Planta, JP, as City Police Magistrate upon the recommendation of the Police Committee.[794] When statute provided for the constitution of a Board of Police Commissioners, Council put forth Planta's name for the position of Police Magistrate,[795] fixing his salary at $1000 per annum. The government confirmed Planta's appointment from 1 January 1894,[796] thereby formally constituting the Board.[797]

The membership of the Board of Police Commissioners, like

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[789] CNA, CCN, CM, 28 May 1888, 229.
[790] CNA, CCN, CM, 25 January 1886, 45.
[791] See, for example, CNA, CCN, CM, 1 February 1886, 46. See also CNA, CCN, CC, Order No. 1 - 1887 from Walter Wilson, Chairman, Police Committee, to Thomas O'Connell, City Constable, pp. 6-7.
[792] CNA, CCN, CM, 15 February 1892, 184, and 8 August 1892, 240.
[793] For discussion of that building, see Imprisonment.
[794] CNA, CCN, CM, 18 May 1891, 85. Council had in 1887 passed a motion, which it subsequently rescinded, to appoint Planta as Police Magistrate without salary. See CNA, CCN, CM, 27 June 1887, 168; 4 July 1887, 169; and 11 July 1887, 170.
[795] CNA, CCN, CM, 5 June 1893, 341.
[796] CNA, CCN, CM, 2 January 1894, 396.
[797] See Appendix V.

that of the Board of Licensing Commissioners,[798] changed considerably over time. The Board's responsibilities included police management and enforcement of statutory law and municipal by-laws. The City Clerk usually acted as its Secretary or Clerk. Council paid the salaries of constables and regularly supplied them with suits of clothing, helmets or hats, badges, whistles, and handcuffs.

During the period 1894-1904, Nanaimo's police force was besieged with problems. The Board of Police Commissioners became the focal point for various groups who advocated the enforcement of liquor sale, Sunday closing, and public morals by-laws.[799] When the police did not strictly enforce them, local residents charged that they were participating in gambling, prostitution, and other "vices." Inquiries by the police commissioners ensued. In 1894, even the Police Magistrate was not immune from investigation. It was alleged that Planta had agreed to let Council waive his salary and to accept in lieu thereof such costs as he might collect in the cases he tried. Planta denied that such an agreement, which was illegal under the municipal act, existed. However, County Court Judge Eli Harrison, the commissioner appointed in December 1894 to inquire into Planta's conduct, reported on 21 different points. They included his role in illegal proceedings, poor or non-existent

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[798] From 1893, the same individuals sat on both Boards. See App. B/73, ss. 55 and 63.
[799] See App. V/602, passim.
[800] Holmes 1945, 16. See also PABC, BC, Commission on Charges against J.P. Planta, Police Magistrate of Nanaimo, 1894, GR 476.

record-keeping practices, and the illegal agreement.[800] On 1 April 1895, James Henry Simpson, a local barrister, was appointed Police Magistrate.[801]

Eventually, a struggle over management of the police force developed between Council and the Board of Police Commissioners. In 1897, Council attempted every means possible to have police officers removed from the force, including the virtual elimination of their salary.[802] Later that year, the Legislative Assembly empowered the commissioners, instead of the municipal council, to fix the remuneration of police officers.[803] As a result of the strife between itself and the Police Commissioners,[804] Council tried to have Simpson, whom it perceived as being the cause of the problem, removed from office.[805] The 1898 Council went so far as to petition the Premier and Attorney-General for the abolition of the Police Magistrate's office to help solve "the crisis which we have reached, in the financial condition of our city."[806] Although it did not succeed, it managed to have his salary reduced by half.[807] In 1899, Council regained control of police management when statute changed the composition of the Board of Police Commissioners to consist of the mayor and two persons appointed by the Lieutenant-Governor in Council, one of whom was to be an

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[801] CNA, CCN, CM, 1 April 1895, 558.
[802] CNA, CCN, CM, 8 February 1897, 71.
[803] App. B/77, s. 23.
[804] See, for example, App. V/602, p. 26.
[805] CNA, CCN, CM, 1 March 1897, 80. See also App. C/114.
[806] CNA, CCN, CM, 20 January 1898, 179-80. See also CNA, CCN, CM, 31 January 1898, 185.
[807] CNA, CCN, CM, 4 April 1898, 210.

alderman.[808] Simpson's appointment was cancelled as of 31 March 1899;[809] in 1900, Edmund Montague Yarwood was appointed Police Magistrate.[810] Nevertheless, problems regarding police conduct continued and, in January 1905, reached such a juncture that the Board of Police Commissioners decided to put the selection of police officers to a plebiscite.[811] That idea was, however, subsequently abandoned.

POOR RELIEF

The "Municipality Act, 1872" empowered municipal councils to make provision for the relief of the poor.[812] In 1890, an amendment charged city municipalities with responsibility for making suitable provision for their poor and destitute. In addition, it empowered the provincial government to reimburse those cities with up to 25 percent of the moneys they disbursed for poor relief.[813] From the establishment of the Provincial Home for the aged at Kamloops, the provisions regarding reimbursement were repealed.[814]

In Nanaimo, the Mayor was responsible for seeing to cases of needy individuals and arranging for their temporary assistance if he found them to be without relatives or other means of support. Eventually, the Mayor's Fund became an

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[808] App. B/79, s. 22.
[809] CNA, CCN, CM, 6 March 1899, 312.
[810] CNA, CCN, CM, 23 April 1900, 451.
[811] "Ask People to Choose Police," NFP, 27 February 1905, 1.
[812] App. B/46, s. 21, s.-s. 9.
[813] App. B/70, s. 74.
[814] App. B/73, s. 23.

appropriation in the annual estimates for poor relief and other charitable expenditures. Destitute men, who were usually elderly, were often offered a few days' work on the roads, and, in at least one instance, the Mayor granted his permission to an individual to solicit alms.[815] In another, the City encouraged the unemployed who had already paid their annual revenue tax to search for work outside BC through offering a three-dollar donation to each man who produced a train ticket for a destination beyond its borders.[816] However, those in destitute circumstances were often widows or women with young families whose husbands were, through illness or injury, unable to work. In cases where relief was deemed justified, payment of rent or food was often granted instead of money.

PUBLIC CELEBRATIONS AND MOURNING

Municipal councils sometimes declared days of celebration or mourning to be civic holidays and often made a monetary contribution in aid of the special events organized.

In Nanaimo, the Queen's birthday was publicly celebrated from at least 1881. As the main celebration of the year, it included sports events, bicycle races, and, for a period during the mid-1890's, horse-racing on Haliburton Street, and Council usually granted financial aid.[817] Following Queen Victoria's

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[815] CNA, CCN, CC, Letter from Samuel Gough, City Clerk, 5 October 1901, to whom it may concern, p. 796.
[816] CNA, CCN, CM, 10 February 1896, 682.
[817] See by-laws for the expenditure of the municipal revenue at App. J/295-298.

death, the celebration became variously known as the 24th May, Victoria Day, and Empire Day. Dominion Day was observed from at least 1889 and Labour Day from 1890. Other major celebrations included the Queen's diamond jubilee (1897), the parade marking the South African War peace (1902), and King Edward VII's coronation (1902). The deaths of David William Gordon, Nanaimo's MP, in 1893 and Queen Victoria in 1901 were observed by a day of mourning.

PUBLIC MORALS

The "Municipality Act, 1872" empowered municipal councils to ensure that their citizens observe the sabbath and conduct themselves in a moral manner while in public.[818] Subsequent statutory enactment defined in greater detail the areas in which municipalities could legislate: the forced closure of saloons at night and on Sundays was an important one.[819]

In 1876, Nanaimo's Council passed its first of many by-laws regarding Sunday observance, liquor sales regulation, and the suppression of gambling.[820] Thereafter, by-laws [821] dealt with public morals generally or specific aspects, the suppression of drunkenness being the main one. Other concerns included public safety, verbal and written obscenities, vagrancy, shows and performances, dance halls, houses of ill-fame, public bathing and indecency, begging, cruelty to animals, and the sale of

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[818] App. B/46, s. 21, s.-s. 29.
[819] App B/58, s. 1, s.-s. 57.
[820] App. J/374.
[821] App. J/375-377, 308-309, and 202.

liquor and tobacco to minors. The suppression of "vice" was a recurrent theme before Council; the problems of prostitution and gambling seemingly first became serious in 1885 and 1888 respectively. Doubts regarding the legality of municipal legislation and related statutory law made the enforced closure of hotels on Sundays an ongoing issue. With the entry of the temperance movement into the foray in the early 1890's, the issue reached its climax, and meetings of Council and related boards often served as the temperance debate forum.

PUBLIC PARKS

The "Municipality Act, 1881" empowered municipal councils to hold and regulate lands for use as public parks.[822] In 1876, Nanaimo's Council was concerned about the preservation of ornamental trees in the City's squares and public park.[823] Apart from improvements made to the pavilion and playgrounds in the Comox Road Public Park and Deverill Square from the late 1880's, the municipality's role in the parks function was insignificant.

PUBLIC RECEPTIONS

The organization of public receptions for visiting dignitaries was, to the populace, an important municipal function. Nanaimo's Council sometimes appointed committees and called public meetings to coordinate the efforts of local residents in providing entertainment, luncheons, and carriages

[822] App. B/59, s. 104, s.-s. 20.
[823] CNA, CCN, CM, 15 May 1876, 96.

during the visits of the Governor-Generals of Canada, federal ministers, Sir John A. Macdonald, and the members of the provincial legislature. Upon occasion, Council appropriated funds in aid of such receptions.[824] It also appointed committees to prepare presentations and civic addresses[825] and invited the members of other municipal councils to attend.

PUBLIC SAFETY

Nanaimo's Council attempted to ensure the safety of its citizens by the regulation of potentially dangerous activities and situations. It first provided for the protection of the public in an 1876 by-law.[826] Twenty years later, it enacted a by-law to regulate the use of bicycles[827] and, in 1898, a curfew by-law to prevent children of "tender" age from roaming the streets after nightfall.[828]

Between 1875 and 1904, Council also prohibited fast driving on bridges, the riding of horses on the Haliburton Street sidewalk, the obstruction of streets with building materials, the firing of guns, and the herding of cattle on Sunday mornings as local residents were on their way to church. It censured the Salvation Army for its indiscriminate use of its drum while marching (which had proven a great danger to persons driving), enforced the filling of dangerous wells, and attempted to force

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[824] See, for example, the by-law passed for that purpose in App. J/310.
[825] App. J/153.
[826] App. J/374.
[827] App. J/205-206.
[828] App. J/235.

certain property owners to construct fire escapes. Preventing residents from allowing sheep, pigs, and cattle to run at large and endanger the public was a constant problem.

PUBLIC WORKS: STREETS, SIDEWALKS, BRIDGES, ETC.

The "Municipality Act, 1872" empowered municipal councils to undertake essentially all nature of local public works.[829] Although that Act made only passing reference to certain functions, subsequent statutes defined them more explicitly.[830] In Nanaimo, the grading and repair of streets and removal of mud were major concerns; indeed, the poor state of the streets was probably the main issue behind the City's incorporation. On 27 January 1875, Council appointed its first Street Committee[831] which consisted of four members; a fifth member was appointed that April. In terms of work, it was the most important of Council's committees, and the duties of its chairman were strenuous in years in which there were large street expenditures. During the 1897 Council's term of office, the Street Committee was referred to as the Board of Works. At the beginning of the 1904 term, the Street and Waterworks Committees reported in favour of joining the two departments for their more economic management, and Joseph Mullett, Manager of the Waterworks Department, was appointed as City Works Manager.[832]

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[829] App. B/46, s. 21, s.-ss. 3, 12-3, 32, 35-7, and 39-40.
[830] See, for example, App. B/59, s. 104, s.-ss. 17, 25-7, 29-31, 63-4, 69-75, 77, and 80-3.
[831] CNA, CCN, CM, 27 January 1875, 2.
[832] CNA, CCN, CM, 25 January 1904, 109-10.

The Street Committee was responsible for streets, bridges, drains, flumes, sidewalks, and supervision of construction projects. Ultimately, it oversaw all street work, including that contracted to private firms or individuals, the day work performed by laborers, and the forced labour of the chaingang.

Initially, street work was carried out through the letting of contracts on an individual job basis. However, ensuring that contracts were satisfactorily completed posed problems, and, on 19 July 1875, Council decided to hire a Superintendent of Roads to supervise the day laborers it was about to engage. From February 1880, the Superintendent's position was replaced by that of Road Foreman, ostensibly to effect a cost-saving,[833] but the titles Road Superintendent, Foreman of Road Work, and other variations were used interchangeably. At times, the position had a significant turnover, presumably as a result of the amount of work it offered or better wages being available in the coal industry. Between 1875 and 1904, the daily wages paid the Superintendent and laborers ranged from two to three dollars. Contracts were still let for some jobs, but if a satisfactory tender was not received, Council had the work done by the corporation workmen. The Street Committee Chairman gave the Road Superintendent or Foreman his instructions.[834] In 1895, Council conferred upon the Road Foreman the authority to engage and discharge workmen, stipulating that preference be given to

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[833] CNA, CCN, CM, 3 February 1880, 308-9.
[834] CNA, CCN, CC, Letter from S. Gough, 4 July 1883, to Robert Brown, p. 80.

ratepayers and old residents;[835] in 1899, Council again stressed that ratepayers be given the opportunity to work off their taxes. From 1875-1902, the prisoners in the Nanaimo County Gaol were, as permitted, put to work on the City's streets and squares under the supervision of the Superintendent of Roads, one of the corporation workmen, or the provincial convict guard. To obtain the labour of the chaingang, Council had to apply to the Government Agent, stating the purpose for which the gang was to be used. Council usually granted a small weekly tobacco allowance to each prisoner and made a donation to the gaoler towards the gang's New Year's Day dinner. From 1886, Council allowed the convict guard a small remuneration for looking after its tools while the chaingang was working for the City.

In 1875, Council enacted a by-law to regulate public traffic and the construction, maintenance, and repair of streets.[836] As required, it engaged surveyors to define the line and establish the grade of streets and bridges. In 1875, Council regulated the position of City Surveyor,[837] placing it under the supervision of the Street Committee.[838] The surveyors engaged were to furnish Council with tracings or profile plans of all surveys, including those ordered upon the request of property owners. When Council raised $50,000 for street improvements in 1890,[839] a portion of that sum was appropriated

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[835] CNA, CCN, CM, 27 May 1895, 601.
[836] App. J/366-369.
[837] App. J/229.
[838] The City Surveyor was referred to as the City Engineer in 1891 and 1903, although only one position existed.
[839] App. J/371-372.

for the resurvey of the City. Council engaged Alfred Rowley Heyland, Civil Engineer, to conduct the resurvey and to supervise work on the streets. Thereafter, the exchange of land for the purpose of street widening and the price which the Corporation paid for conveyances became a contentious issue. Council made offers which were sometimes accepted,[840] but often refused, as one resident waited to see what another would be offered. Heyland did not manage to complete his work, and, in 1893, problems arose when three surveyors gave Corrall Novello Westwood, a local resident, different lines for the portion of Comox Road abutting his property.[841] Council called for tenders and finally accepted Heyland's proposal to complete his earlier resurvey.[842] He finished it in 1895,[843] and the map he prepared became the official city map.[844] The lines of certain streets were again challenged in 1898, and Council engaged another surveyor to prepare profile plans. Based upon Nanaimo's experience, it might be concluded that surveyors were not numerous in nineteenth-century British Columbia and that their level of accuracy was less than desirable.

Responsibility for the maintenance of alleyways first became an issue about 1895. The question was resolved several years later when NVCMLC Superintendent Robins decided that alleyways which ran the full length of a block should be

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[840] App. J/399-400, and 370.
[841] CNA, CCN, CM, 3 April 1893, 316.
[842] App. J/397.
[843] CNA, CCN, CM, 11 March 1895, 548.
[844] For discussion thereof, see Official Map Act.

considered the same as any other public thoroughfare, but that blind alleys should remain under his personal control.[845]

Council obviously desired that its street improvements be permanent, and street topping was an important concern. In 1879, the Corporation was using ashes from the VCMLC workshop on certain streets. After the completion of the Esquimalt and Nanaimo Railway, trap rock was ordered from Chemainus, broken in Nanaimo, and used in dressing the streets. In 1899, when Council was considering the permanent improvement of Commercial Street, the Street Committee visited Vancouver to inspect the paving material in use there. It finally decided upon macadamization, and from 1902 the Corporation began to make street improvements of a permanent rather than temporary nature.[846]

In addition to general street work, the Street Committee oversaw a variety of other local works. The clearing of culverts was a constant problem, as the City's drainage system was very rudimentary. From 1898, Council undertook the street sprinkling function to lessen the dust rising from the streets during the summer. That work was either contracted or performed by the workmen and was partially paid for by local merchants. A publisher of city directories first suggested the numbering of houses and posting of street names. Houses were finally numbered in 1891 when Council authorized Albert Thrall to devise a numbering system in conjunction with City Clerk Gough; the 25

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[845] CNA, CCN, CM, 12 December 1898, 284.
[846] CNA, CCN, CM, 24 November 1902, 773.

cent charge per house was to be borne by householders who desired numbers affixed to their dwellings.[847] In 1892, Thrall offered to furnish and post street signs. However, due to their cost, street signs were not posted until 1894 when the work was carried out under the supervision of the Street Committee.[848] In 1900, Council purchased two public urinals, which it did not manage to have installed until the following year. The growth of thistles and other noxious weeds first became an issue in 1882. Despite Council's by-laws to prevent the spread of weeds[849] and the fact the Street Committee had the weeds growing in the streets cut, residents often neglected to cut those on their property. Dead trees presented a danger to life and property; where property owners could not be made to remove dead trees (no applicable by-law existed), the Street Committee had them cut down. In 1886, Council decided to plant 200 shade trees on the main thoroughfares: the chaingang planted the trees and the Corporation fenced them with wooden stands. From the mid-1890's, the corporation workmen spent a considerable amount of time impounding cattle and other animals found roaming at large.

In 1875, Council enacted a by-law to regulate the construction, maintenance and repair of sidewalks, footpaths, and verandahs.[850] That by-law authorized the Corporation to enforce owners of property on streets where the grade had been

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[847] CNA, CCN, CM, 12 October 1891, 145.
[848] CNA, CCN, CM, 18 June 1894, 451, and 30 July 1894, 464.
[849] App. J/380-381.
[850] App. J/252-253.

established to construct a sidewalk along their lots. If they failed to do so within a specified period, the Corporation could cause the sidewalk to be constructed at their expense. Council undertook major sidewalk projects, such as that from Nanaimo to the new cemetery,[851] and, in 1902, discussed the construction of concrete, asphalt, and other permanent types of sidewalk. Later that year, the first asphalt sidewalk was laid on the Bastion Street frontage of City Hall. Gravel, macadam, and ash sidewalks gradually replaced wooden ones, and, in 1904, the Corporation purchased a roller for use in their construction.

The City Hall property was first used as a public works yard in 1888 when lumber for the repair of sidewalks was stored there.[852] The corporation tools were stored in City Hall under the stairs. The Corporation apparently acquired its first horse in 1890 when Council undertook the city scavengering work. That attempt lasted but a few months, and then the horse was used for street work. Council also purchased some more substantial equipment. Each year, it made a heavy outlay on the procurement of gravel for street dressing and considered that it could more economically prepare its own macadam material; in 1891, it enacted a loan by-law[853] for the purchase of a rock crusher, rock drill, steam engine, and boiler. The equipment was still in use twelve years later. In 1899, Council ordered a steam-

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[851] CNA, CCN, CM, 3 March 1884, 544.
[852] CNA, CCN, CM, 4 June 1888, 231.
[853] App. J/234.

powered road roller from Ontario[854] for use in macadamization of the streets; a mud scraper was purchased in 1903.

Certain major projects of a more permanent nature than the ongoing improvement of the streets required the outlay of moneys raised through loan by-law. They included the construction of bridges, the opening of streets in Newcastle townsite, and the filling of Commercial Inlet.

Nanaimo's three major bridges were in constant need of repair and a source of considerable expenditure. The Long Bridge spanned the inlet from Commercial Street to Victoria Crescent. Also called the Commercial Street Bridge, it was rebuilt in 1875.[855] In 1895, the bridge was, having been declared unsafe for traffic, closed, and the surrounding portion of Commercial Inlet was filled to replace it with a permanent earth-built roadway.[856] The present Bastion Street Bridge spans the ravine from Bastion to Fitzwilliam Streets where the first bridge of that name was erected in 1875. By 1889, the 1875 bridge needed to be replaced, and the ratepayers defeated a loan by-law which proposed having the ravine filled and the need for a bridge alleviated. One month later, they assented to a loan by-law for the bridge's reconstruction.[857] The new structure was completed in 1890, but the old one was not finally removed until 1898. The Millstream Bridge spanned the Millstream or Millstone River, as it was variously called, and was located near the site

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[854] App. J/393, and CNA, CCN, CM, 22 May 1899, 340.
[855] CNA, CCN, CM, 28 June 1875, 38.
[856] App. J/230 and 378.
[857] App. J/203-204.

of the present Pearson Bridge. It was repaired in 1882 when colliery proprietor Robert Dunsmuir contributed towards the cost of lumber. In 1896, a new bridge was required, but again the old one was repaired; further repairs were made in 1898. By 1902, the bridge was deemed beyond repair, and a new one was erected.

The Newcastle townsite, located across the Millstream River from the Nanaimo townsite, was a suburb within the 1875 municipal limits, but was not inhabited to any large extent before 1890. In 1885, Council engaged Civil Engineer Heyland to define the site's main street lines. However, his survey revealed a serious discrepancy from the plan prepared during the original survey; in fact, Heyland's survey placed "a considerable portion of the townsite in the water."[858] The provincial Lands and Works Department acknowledged the error in the first survey, but would take no responsibility for it.[859] During 1889-1891, Council had the townsite's main streets graded by the chaingang and through a contract with George Vipond. In 1890, Council named the streets,[860] but discovered four years later that the townsite was controlled by the Esquimalt and Nanaimo Railway Company which had already registered street names with the Land Registry Office.[861]

Council first discussed the filling of Commercial Inlet in

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[858] CNA, CCN, CC, Letter from S. Gough, 22 July 1885, to the Honourable W. Smithe, Chief Commissioner of Lands and Works, Victoria, p. 108.
[859] App. C/115.
[860] CNA, CCN, CM, 4 August 1890, 444.
[861] CNA, CCN, CM, 20 August 1894, 474.

1892. The NVCMLC was prepared to do the filling by dumping its slag into the inlet, and Council sought the approval of the dominion Department of Marine and Fisheries. In 1894, money was raised[862] to fill the portion between Commercial Street and Victoria Crescent and thereby replace the Commercial Street Bridge with a permanent roadway. That work was carried out in 1895. During the summer of 1898, the water remaining in the ravine and the wastes which drained into it were the cause of a considerable nuisance. NVCMLC Superintendent Robins offered to fill a portion of the ravine to the high-water mark if Council supplied the necessary drainage pipes. No filling was done, and the ravine continued to present sanitary problems.[863] During the summer of 1901, it was suggested that the ravine be flushed out by allowing the tide to flow in, trapping the water there for a day or two, and then allowing it run out at low tide.[864] Filling of the ravine finally resumed in 1904 when Council finalized an agreement with the NVCMLC's successor, the Western Fuel Company, whereby the Company would do the work, the Council reimbursing it for the actual cost of moving and dumping its refuse material.[865]

Being the largest property owners, the VCMLC and its successors had, of course, a vested interest in the City's improvement. Those companies were instrumental in having Council undertake street and sidewalk improvements in order to

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[862] App. J/230 and 378.
[863] See, for example, App. C/127, pp. 728-9.
[864] CNA, CCN, CM, 29 July 1901, 617.
[865] CNA, CCN, CM, 8 August 1904, 168.

open certain streets, especially from the late 1880's. For instance, in 1888, the VCMLC supplemented Council's appropriation for the grading of Nicol Street to a total of $850,[866] stipulating that the work be completed by the end of November. Another example of NVCMLC Superintendent Robins' support was his grant of a pile of rock where the municipality's rock crusher had been at work, allowing "the company's team to haul the rock for the improvement of Farquhar street free of charge."[867]

SCAVENGERING

In 1890, Council passed a comprehensive public health by-law which covered scavengering and privy vaults.[868] Applications for the position of City Scavenger were invited, but after problems with the first appointees, Council attempted to have the garbage collection function carried out under its direct control. Later that year, it quit scavengering and licensed Henry Trudell to perform that business for a five-year period.[869] In 1892, Trudell, with the permission of Council, transferred his agreement to Henry Dawson.[870] Due to the opposition the City Scavenger met in endeavouring to carry out his work, Council granted Dawson's request for a subsidy by remunerating him for his services at the public schools.[871] In

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[866] CNA, CCN, CM, 5 September 1888, 251.
[867] CNA, CCN, CM, 27 March 1899, 320.
[868] App. J/304-307.
[869] CNA, CCN, CM, 20 October 1890, 14.
[870] CNA, CCN, CM, 30 May 1892, 218.
[871] CNA, CCN, CM, 30 January 1893, 295.

October 1893, additional arrangements had to be made, and Council agreed that one of the corporation workmen should prepare and cover up the trenches in which the night soil was deposited.[872]

An 1898 report by Edward Mohun, Civil Engineer, to the Attorney-General, on the disposal of sewage in Nanaimo recommended that the earth or pail closet system should be adopted since the City was not in a position to incur the cost of discharging all sewage into the sea beyond the harbour.[873] Again, Council considered undertaking the scavengering work. A special committee reported that such a course of action would be advisable and recommended that a tax to cover the cost be levied on householders.[874] It had, however, failed to find any authority in the municipal act to authorize such work.[875] The Councils for 1900 and 1902 also considered the question. The latter recommended that the incoming Council take steps to carry out the work under its direct control.[876] Henry Dawson was still City Scavenger, and the 1903 Council proposed taking over his plant[877] and passing a by-law to compel every householder to use and pay for scavengering service. Consequently, it is not surprising that the ratepayers defeated the 1903 scavengering

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[872] CNA, CCN, CM, 2 October 1893, 370.
[873] App. C/130, p. 1311.
[874] CNA, CCN, CM, 14 November 1898, 275.
[875] CNA, CCN, CC, Letter from S. Gough, City Clerk, 24 October 1898, to Edward Mohun, CE, Victoria, p. 289. Between 1872 and 1904, the municipal act did not specifically authorize municipalities to undertake garbage collection.
[876] CNA, CCN, CM, 5 January 1903, 785.
[877] CNA, CCN, CM, 15 June 1903, 47.

by-law which would have empowered Council to proceed with its plans.[878] The 1904 Council briefly contemplated amending the 1903 by-law in order to enforce its provisions under private ownership.[879] Later that year, the Sanitary Committee recommended the issuance of a scavengering license to Charles Jolly who had secured a satisfactory dumping ground.[880] Thus, in 1904, Nanaimo was, regarding sewage disposal and garbage collection, little ahead of where it had been in 1890.

SEWERAGE SYSTEM

The "Municipality Act, 1881" authorized municipal councils to construct and regulate drainage and sewerage systems.[881]

Nanaimo's Council discussed the need for a sewerage system in 1889. The following year, it enacted a comprehensive public health by-law which required that householders furnish their privies with portable boxes in order to facilitate the removal of their contents by the City Scavenger.[882] The sewerage question was periodically discussed throughout the 1890's. Although several small public sewers were inaugerated, apparently as a result of local efforts, Council took no further action until 1899-1900 when a plan and cost estimate was prepared. Despite a report favouring sewerage for the business

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[878] App. J/362-363. See also "Election Returns," NFP, 15 January 1904, 1.
[879] CNA, CCN, CM, 18 January 1904, 107.
[880] CNA, CCN, CM, 16 May 1904, 147-8.
[881] App. B/59, s. 104, s.-s. 18.
[882] App. J/304, s. 30.
[883] CNA, CCN, CM, 9 July 1900, 474.

portion of the City and drainage for the remainder,[883] Council could not see its way clear to undertake the project.

STREET LIGHTING

The "Municipality Act, 1881" empowered municipal councils to regulate public lighting.[884] In 1878, Nanaimo's Council recognized the necessity of lighting the streets at night for the safety of the public. The following year, coal oil lamps were ordered, lampposts were made, and the first street lighting was inaugerated. From 1880, a committee was sporadically appointed to see to the system's care and maintenance. Supplying the lamps with oil proved costly, and Council eventually lighted them only during the winter months. In 1882, it empowered the Street Committee to furnish lamps to any individual who would keep them supplied with oil and attend to their lighting.

In 1885, Council considered constructing a gas works to light the streets and supply the City with gas. The following year, it contracted with the British Columbia Construction Company Limited of Victoria to have a plant in operation by 28 February 1887. By the terms of that agreement, which was ratified by by-law,[885] the Company was to supply street gas lamps, erect and maintain them, and supply them with gas (paid for by the City) for five years from the completion of its plant. In 1888, Council appointed a Street Lighting Committee

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[884] App. B/59, s. 104, s.-s. 84.
[885] App. J/254-256.

to carry out the provisions of the 1886 gas works by-law. The following year, it made inquiry regarding the cost of acquiring the property of the Nanaimo Gas Company.

From 1888, when Alexander Shaw built Nanaimo's first Edison electric light system, the gas works had a competitor in the commercial and residential lighting market. Shaw's plant included an Edison Speery machine for street lighting. As early as 1890-1891, Council attempted to purchase the Nanaimo Electric Light-works Company's property,[886] but finally decided to contract the lighting of the streets with arc and incandescent lamps to the Light-works for a five-year period.[887] When ownership of the Company changed, the contract was rewritten;[888] in 1898 and 1902, similar contracts were negotiated with the Nanaimo Electric Light, Power and Heating Company.[889]

STREET RAILWAYS

The "Municipality Act, 1881" empowered municipal councils to authorize the construction of tramways.[890] In 1890, a group of individuals, later incorporated by the "Nanaimo Electric Tramway Company Act, 1891,"[891] negotiated with Council regarding the construction of a street railway, and Council passed a by-law[892] to ratify the agreement reached. However, the proposed

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[886] App. J/237-238.
[887] App. J/395 and 239.
[888] App. J/396.
[889] App. J/240. See also App. B/96.
[890] App. B/59, s. 104, s.-s. 76.
[891] App. B/97.
[892] App. J/373.

tramway did not materialize. The idea was sporadically raised until 1895 when its proponents apparently lost interest.

WATER SERVICE

The "Municipality Act, 1872" vested in municipal councils the right to authorize and regulate water companies,[893] but did not give them the powers necessary for the purchase and operation of existing waterworks. In 1875, Nanaimo's Council recognized the necessity of procuring and providing a water supply for the municipality and appointed a Water Committee. By 1877, several wells had been sunk and pumps erected, and water was being supplied to some residents by means of cart and pail. The first attempt to provide a regular supply began in 1881, when Council authorized Josiah Walter Stirtan to lay a system of wooden mains. In return, Stirtan was to supply the Fire Company with free water. In 1884, the Nanaimo Trades Association conducted a water survey,[894] and the following year the Nanaimo Water Works Company, Limited, which took over Stirtan's system, was incorporated.[895]

As early as 1889, Council made inquiry regarding the terms by which it could purchase the Nanaimo Water Works Company's plant. In 1894, the water supply was still insufficient, and the civic administration considered that it could provide better service. In order to have the function brought under municipal

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[893] App. B/46, s. 21, s.-s. 8.
[894] App. J/388.
[895] App. B/100-101, and 103.

control, Council had the Legislative Assembly pass the "Corporation of the City of Nanaimo Water-Works Act, 1895," which specifically authorized it to provide an adequate supply of water, through the purchase of the existing waterworks plant (by arbitration if necessary) or the construction of a new one.[896] That same year, Council passed a by-law stating the purchase price it intended to offer for the existing plant, but the ratepayers did not give it their assent. In 1899, a second by-law was finally endorsed.[897] The Company rejected the City's offer,[898] and a board of arbitration fixed the purchase price at $104,000, plus a portion of the arbitrators' costs. Due to the necessity of passing a by-law to raise additional funds,[899] problems encountered in negotiating the sale of loan debentures, and defects in the form of the 1899 and 1900 by-laws,[900] the Nanaimo Water Works Company did not formally transfer its plant to the City until 19 June 1901. The new Waterworks Department[901] was placed under the supervision of Joseph Mullett, who had formerly been the Company's Manager, and Thomas W. Jones, its Secretary, was engaged to assist the City Collector in the collection of water rates. The Waterworks Committee oversaw the work of the department, which made extensive improvements to the system. In 1903, Council passed a

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[896] App. B/102.
[897] App. J/389.
[898] App. J/398.
[899] App. J/390.
[900] Those defects resulted in the passage and ratification of yet another by-law. See App. J/391.
[901] See Appendix O.

by-law to regulate the Waterworks Department and to structure its rates.[902]

WEIGHTS AND MEASURES

Council discussed the procurement of public scales from the mid-1880's. In 1890, a four-ton scale with cedar foundation was erected on Victoria Crescent; Council established the usage fee to be charged per load and appointed a weighmaster.

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[902] App. J/392.

V. CONCLUSION

The research value of institutional records varies according to the degree of evolution of the administration which created them. To the extent that they document a wider array of functions, they will of course reflect a broader view of societal organization. Municipal documentation is most valuable for what it reveals about local conditions, reform movements, social structure, and urban society generally. It is a source of interest to social historians, genealogists, and other researchers. During the past two decades, both scholars and public administrators have become increasingly interested in the predominantly urban society in which we live. Study of the urbanization process has become the domain of urban historians and geographers, as well as social scientists and administrators. Scholarly enquiry has examined how urbanization has affected social and family structure, communal stability, and demography, and the problems of housing, transportation, crime, and poverty, which have traditionally been seen to accompany it. The trend towards urban studies has focussed attention upon municipal archives, where much of the required information is to be found. Other important sources include parochial archives, documentation concerning municipal affairs in provincial repositories, regional board records, and the federal census returns housed at the Public Archives of Canada.

Any value this study may have lies, however, not in broad generalizations about the nature and informational content of municipal archives, but rather in its detailed examination of

the municipal offices creating records in British Columbia in the late nineteenth century. In fact, the absence of such groundwork as provided here precluded the possibility of a more global study of municipal institutions and the meaning of their archives. Unfortunately, the same lacuna exists in other areas of Canadian public administration.[903] This case study is envisaged as a prototype for future investigation into the nature and evolution of municipalities and their archives. In order that it might be used as a research tool, it has been organized so as to make its informational content accessible to the municipal researcher. Finally, some general comments regarding the relationship between the history of an administration and the meaning of its records are in order.

Before one can critically assess the value of documentation for use in academic research, one must first understand the context of its creation. An analogy might be drawn between an historiographical study of the works of a specific historian or a distinct field of historical enquiry and the meaning of any documentary source in whatever media. In order that past historical investigations may be properly understood, the socio-economic, political, and cultural milieu in which the historian wrote or the dominant themes, issues, and values of the times in which a given field was studied must be considered. In such

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[903] A case in point is this province's supreme court system which is currently being examined by Daisy McColl, a fellow Master of Archival Studies candidate, who has also had to conduct her study without recourse to any substantial background information.

manner, the personal or cultural-temporal biases of past research may be more readily recognized. The same is true of any primary source documentation. Without detailed information about the environment of its creation, it is impossible to assess its historical or informational values, which are not to be confused with whether or not it has archival value.[904] Obviously, records are created for a reason or purpose, which is, or should have been, clear to their creating agency. That records are, as is upon occasion argued, neutral or without bias is absurd.[905] The environment in which textual sources were created is of utmost importance, and their value will be greatly diminished if documentation on the policy and procedures by which they were generated has not survived. This applies equally to records documenting administrative and operational functions. Archivists and records managers must, in their daily work, make every effort to preserve contextual documentation regarding the records in their care; such practice may, however, require a more structured approach than that currently attained by many archival and records management programmes.

In order to understand the meaning of an organization's records, one must first become familiar with: their original

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[904] Appraisal criteria are not in question here. However, the appraisal of machine-readable records provides an interesting analogy. The environment in which a datafile is created, including both the system software and hardware and storage media, is most important in the appraisal process. If such contextual matters are not adequately documented, the datafile may not be accessible. Moreover, if the codebook documenting the internal structure of a statistical file has not survived, the data it contains will be useless.

[905] True objectivity is of course a myth.

purpose and the functions they document; the administrative and historical context of their creation, including their provenance, original order, form, and interrelationships; and their subsequent history and custodianship. The latter, among other factors, inform investigation of their authenticity or integrity. Finally and although most often overlooked, the human element influences all stages of the life cycle of the record.

The search for the meaning of a record is especially difficult when little is known about the agency which created it. Therefore, enquiry must begin with the authority from which the creating agency derived its power. Without such evidence, which in the case of governmental agencies is most often embedded in statutory law, the purpose for which the organization was established may be obscure. In turn, the organization's objectives determine the operational functions for which it was responsible and ultimately the records it created in documenting its conduct. Throughout this case study, statutory law has been drawn upon to establish the dates at which municipal government became responsible for administrative and operational functions and other factors essential to understanding the record. Four examples deserve mention.

Apart from the letters patent confirming the creation of a municipal institution, a municipality's archives post-date its incorporation. However, the historical context of a municipality's formation or subsequent change in status may in part be determined through examination of the statutes defining

the conditions prerequisite to its incorporation or disbandment, or the extension or reduction of its limits. The statutory and historical context of the 1866 incorporation attempt and Nanaimo's incorporation in 1874 exemplify the state of local conditions, including the influence exercised by the local coal company. Secondly, the Returning Officer performed an important administrative function upon which original documentation is virtually non-existent. However, statutory law defined the municipal franchise and detailed the duties of the returning officer in conducting municipal elections. In addition, election by-laws explain the reason why original documentation has not survived. Thirdly, although the municipal by-laws series appears at first incomprehensible, the promulgation procedures followed and the resulting published archives are readily understood when explained in terms of statutory requirement. Finally, the provincial-municipal division of responsibility for education is only understood through extensive reading in the public school acts. Although the records of the Nanaimo City Board of School Trustees have not been consulted, it is inconceivable that they could be used for research purposes without first attaining an understanding of the provincial-municipal division of responsibility for education and the evolution it underwent during the 1890's.

As historian of the record, the archivist will frequently have recourse to statutory authority in order to understand the records in his or her care. Research in statutory law is extremely time-consuming, but is to a greater or lesser degree

essential to the understanding of all historical records, since the provisions under which institutional records were generated were common knowledge to their creators. Researchers must familiarize themselves with that context in order to understand the actions of the creator.

Since organizations are by nature dynamic rather than static, their structures, functions, and responsibilities change in response to communal needs, market trends, and social pressure. Such changes are reflected in an organization's records and record-keeping practices. Thus, before archivists can with any accuracy establish the provenance or study the meaning of the individual record, the record series, or the record group, they must understand the history of the creating agency. The history of an administration requires knowledge of the organization at the time of its formation as well as how it evolved over time. Broadly speaking, the administrative or historical environment of the creation of a documentary source consists in its provenance, original order, form, and interrelationships with other record series.

Nanaimo's archives did not present any particular problems regarding provenance, which is the basis upon which discussion of administrative functions is organized. Nevertheless, the existence or non-existence of records for a given office does not necessarily reflect the importance of the function they documented. Nanaimo's Returning Officer is an obvious case in point. Mayor Bate, clearly a man of considerable stature in nineteenth-century Nanaimo, provides another example. Although

the functions of the modern-day mayor's office were in the past no doubt performed by the municipal clerk, the correspondence which Bate and other mayors instructed the City Clerk to issue rarely bore their names. Original order is best exemplified by Nanaimo's by-laws series which was reorganized and renumbered by the City Clerk in 1901.[906]

Form may be addressed from two points. The internal structure of the record is often dictated by tradition. For instance, council minutes, by-laws, and financial statements each have a format by which they are readily identified. In Nanaimo, the recording of the Council's minutes became more formal as its rules of order were defined by municipal by-law. Nanaimo's by-laws conform to the standard legal format and often embody the wording of their enabling legislation. By contrast, the overall form of the record[907] is influenced by the technology available given the time of its creation. Certain technological advances introduced in the City Clerk's office, such as the copying press, telephone, printer, and typewriter, affected the nature, form, and physical extent of the records created and the systems of record-keeping employed in civic offices, since all used the same general office space and equipment. The City Clerk's correspondence series is noteworthy for the evolution it underwent between 1875 and 1904. It began with the traditional handwritten copybook, changed to the

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[906] See introductory paragraphs to that series in Appendix J.
[907] In that sense, the form of Nanaimo's archives is more readily identified in my record group inventories than in the text of this study.

letterpress method, and culminated with the filing of typewritten carbon copies.

The duplication of records in series maintained outside the municipal archives is pertinent to the discussion of form, since incomplete municipal record series can in some instances be reconstructed from external sources. Despite the informality of the nineteenth-century municipal-provincial reporting structure, municipalities routinely deposited copies of documents such as by-laws, real estate assessment rolls, and audited financial statements with the provincial government. The Legislative Assembly occasionally ordered that some documents and statistics related to municipal affairs be printed in its Sessional Papers. Moreover, the documents which municipalities were by statute required to publish in the BCG, in local newspapers, and in pamphlet form greatly facilitate the reconstruction of select record series. Although the statutory requirements regarding publication changed frequently, those applying to municipal by-laws and audited financial statements have been traced. In reconstructing Nanaimo's by-law and financial statement series, it was not possible to locate all missing documents known to have been published. Nevertheless, the number of missing documents was certainly diminished. The proximity of municipal government to the "people" also resulted in the publication of the minutes of meetings, committee reports, and advertisements. Such published accounts often serve to supplement the official archival record by either corroborating or contradicting the evidence it contains. The "published council minutes," an

unofficial record of the Council's proceedings (kept for 27 years by Nanaimo Free Press publisher George Norris), provide the best example. They record the expression of dissenting and personal opinions, while the official minutes, which are the main record of the Corporation's business, do not.

As the Legislative Assembly extended the functions for which municipal government was responsible, civic administration grew, and municipal councils divided positions initially filled by one individual. In documenting their administration, the municipal officers generated an ever-increasing quantity of records, and the interrelationships of series became more complex. That council minutes, clerk's correspondence, and by-laws should be used in conjunction with one another is obvious: the receipt and disposition of correspondence is noted in the council minutes, and the evolution of by-laws can be traced therein. However, the relationships between a municipality's main record series, in which all business transactions were originally recorded, and the many different series pertaining to specific functions, in which similar transactions were later documented, are more obscure.

Many series had their origins in volumes which were offshoots of the council minutes or clerk's correspondence. For instance, the minutes of the Nanaimo Board of Cemetery Trustees were for several years recorded in a volume separate from the council minutes. With the advent of the Board of Police Commissioners, the policing function was documented in new minute and correspondence series. The Municipal Council sitting

as Local Board of Health also had its own minute book, although occasionally its minutes were recorded with those of the Council. Tracing a given function is further complicated by the fact that some bound volumes were used for multiple purposes. For instance, the volume opened in 1896 to record the Local Board of Health's minutes was finally closed in 1969![908] The volume's spine indicates the purpose for which it latterly used, namely the Board of Appeal and Court of Revision minutes. Moreover, it was used for the minutes of several other boards and committees, sometimes for only a few meetings, and from 1949-1969 all minutes were entered chronologically regardless of creating agency. The fact that the real estate assessment roll formed the basis of the annual voters' list exemplifies another obscure relationship.

Obviously, a satisfactory means of tracing functions from one series to another must be developed. Cross-referencing functional change in a card index and/or in a record group inventory is the traditional means. However, the problem is not so much that of recording a change once it has been discovered as the research required to discover it in the first place. A function which results in the creation of a new record series and/or structural change within an agency may have previously been of minor significance, and reference to it may be rather limited. Tracing functional change often involves recourse to the statute book or by-law series. Even then, the function

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[908] App. S/597.

sought may be only accidentally stumbled upon through perusal of what appear to be relevant archival materials, unless one is fortunate enough to find relevant keywords in an index. Specifically, the problem consists in identifying pertinent source materials concerned essentially with other matters and therefore not revealed by the traditional provenance-based search.

The key to tracing municipal functions across record series lies in historical research. Since the creation of a new series usually reflects administrative change, what one has to grapple with is the history of a municipality's administration, which is very important to the archivist, both in arranging and describing archives. The history of an administration can vary greatly in scope and depth, from the bare bones outline or organizational structure as it existed over time to the more thorough discussion. The former is most often used in archival inventories. However, the more in-depth study documents most satisfactorily the activities of an organization. Moreover, knowledge of the functions for which a municipality was responsible provides insight into the informational content and value of its archives. Due to the intricasies of the relationships between record series, detailed enquiries into such matters are best documented in textual format, possibly in the manner followed here, that is, study of general statutory authority, specific organizational history, and finally explanation of the record.

Once an adequate understanding of the history and functions

of an organization has been obtained, the meaning of its records is still only accessible through research into the history of the record and record-keeping practices, an area not normally deemed of sufficient importance that documentation thereon be kept. First, one should examine the relevant statutory provisions to determine whether they required an agency to maintain certain records or to file reports and statistics, and, if so, the reasons for such practices. For instance, the opening of new record books for the minutes of Nanaimo's Court of Revision and the sinking fund account is explained by statute. The deposit of municipal by-laws with the County Court Registrar, the return of statistical schedules to R. Edward Gosnell, and the publication of audited financial statements are also explained by statutory provision. Secondly, one should study the archival record to determine what it reveals about its own preservation, deterioration, or destruction. A surprising amount of information can be discovered about the individual document, the record series, and record-keeping systems. For example, the municipal by-law can be traced from its introduction before the municipal council through to its final passage or ratification by the ratepayers. Nanaimo's council minutes provide an excellent example in their documentation of the mutilation of the City Collector's rolls. Finally, the City Auditors' reports demonstrate that information exists on the history of record-keeping practices. They document problems with existing systems and the solutions adopted; generally, they illustrate that records management is not a new problem.

The history of the record includes its custodianship subsequent to creation. Often the reason for the existence of an archival collection among the records of another creating agency will not be readily apparent. Records created by the Nanaimo Literary Institute and the Board of School Trustees form part of Nanaimo's archives. The former are explained by the City's 1886 purchase of the Nanaimo Literary Institute property for use as a City Hall. In fact, it is possible that the reference discovered in the council minutes relating to the Institute's books actually documents the transfer of its records to municipal custodianship. The presence of the Board of School Trustees' letterbooks at the City of Nanaimo Archives is probably explained by the fact that City Clerk Gough was also School Board Secretary. Both cases illustrate that an understanding of the history of the record requires knowledge of the history of the organization having custody of it.

The history and custodianship of the record obviously bear upon study of its authenticity or integrity and ultimately research value. Although no example of strayed records has been revealed, the Nanaimo case study does provide an excellent illustration of the falsification of the record. City Treasurer Thompson's defalcations and the scandal which ensued serve to illustrate that archival documentation is not sacrosanct. The implications of Thompson's embezzlement upon use of that documentation are evident. The example also demonstrates that financial and accounting records must, wherever possible, be used in conjunction with the reports of the Auditors who

examined them. In a somewhat different sense, the authenticity or legality of a municipal by-law may be investigated through its promulgation. At times, researching the evolution of a by-law can prove most confusing, since municipal councils passed some which were inoperable and therefore did not come into force.

The role of the individual in the creation, use, and preservation of the record must also be examined. The human element is perhaps the most important factor in assessing the historical value of a documentary source, since an understanding of the individuals concerned is essential in attempting to recognize the biases inherent in the record. To begin, the coal companies and their officials played an influential role in the historical context in which documentation was created in early, as well as post-incorporation, Nanaimo. The establishment of the local cemetery provides a notable example of that influence. Mayor Mark Bate, who was also the business manager of the coal company, provides another. Furthermore, the 1897 Municipal Council had a considerable impact on the civic administration and its records, including the City Collector's rolls which were mutilated during that year. The municipal officers and specifically the City Clerk, who created the bulk of the records surviving from this period, also played a significant role. Biographical sketches of City Clerks Young, Gough, and Thompson serve to reveal something of their personal nature in order that the records they created might be better understood. Thompson falsified the City's records in his embezzlement of corporate

funds. On the other hand, City Clerk Gough apparently took great care in managing the municipal records during his long term of service. The extent and state of Nanaimo's archives is probably attributable to its several long-time City Clerks and the presence of such heritage-conscious individuals as Mayors Bate and Harrison. Finally, the relationship of City Clerk Gough, Returning Officer Leighton, and newspaper publisher Norris, who were brothers-in-law,[909] is of interest, although its significance is not known.

To write the in-depth history of an administration is extremely time-consuming because of the detailed research involved in ferreting out, from the often inadequate or partial record of an organization, administrative change over time. There is, nevertheless, tremendous scope for research and study in this area of archival scholarship, and such study is of critical importance in order to properly understand the reasons why and authority by which records were created, and how various documents or record series relate one to the other. In this sense, the archivist should, as argued by Tom Nesmith, be the "historian of the record,"[910] which is not to be confused with the purely academic pursuits of individuals who work as historians of the informational content of the record.

Both the history of an administration and the meaning of its records are derived from evidence contained in archival

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[909] In addition, E. Hiram Gough, son of the City Clerk, eventually became City Collector.

[910] Nesmith 1982, 6.

sources. It is through the history of an administration that one arrives at an understanding of the history of its records and ultimately their value to the research public. Therefore, in arranging, describing, and providing reference service to the archives in their care, archivists should specifically act as historian of the evidential content of those records.

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1.2 Archival Materials

1.2.1 City of Nanaimo Archives

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1.2.2 Nanaimo Centennial Museum Archives

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APPENDICES

APPENDIX A - COLONIAL ACTS, ORDINANCES, AND PROCLAMATIONS

All acts, ordinances, and proclamations even remotely related to municipal administration or development in the colonial period are listed in this appendix. This is somewhat complicated by the colonial history of the area which now constitutes the Province of British Columbia. I have examined the statutory law of the Colony of Vancouver Island for 1859-1866, the Colony of British Columbia for 1858-1866, and the united Colony of British Columbia for 1867-1871, and have organized the relevant laws from each jurisdiction under the appropriate heading.

The volumes of statutory law which I consulted are listed in detail in the bibliography (section 1.1.1). In addition, they are briefly listed and explained for each colonial body in the sections which follow.

In organizing the laws within each of the following sections, a partial subject arrangement has been adopted to facilitate use. Otherwise, arrangement is alphabetic by short title and then chronological, such that successive laws are brought together. Preceding articles have, where they occur, been omitted from short titles. The titles by which these lists have been alphabetized are underscored.

The source of each law is indicated by calendar or sessional year(s), regnal year(s), number, and page numbers or page count. In many cases, this information is only partially complete; in all cases, the information given indicates that by which the law may be located. For many of the earliest laws, the title and the date of assent by the Governor are the only descriptives by which the law may be identified. For each law, the reader must match the calendar or sessional year(s), or date of assent, with the volumes for that jurisdiction in order to determine the exact source.

Many colonial laws were enacted for a very specific purpose, as opposed to the more general statutes which governed municipalities after British Columbia became a province and the laws were consolidated and revised. Since the long title of a statute often provides information regarding its purpose, the long title has also been noted and follows the short title and source information. Laws which do not specify a short title are arranged by long title.

Finally, I have traced the disposition of each law to 1877 when the colonial and provincial statutes were consolidated for the first time. This was done in order to determine the period for which each law was in force and to compile a composite list of the various numbers by which each has been referred to. Each time that the laws are consolidated or revised, they are

assigned a new chapter number. The researcher using municipal records will find many statutory laws referred to and many different years and numbers therefor. In some cases, a law has upon consolidation simply been reprinted without change to title, date, or content, but has been assigned a new number, by which it has subsequently been known. Moreover, the volumes in which colonial laws were originally printed are not readily accessible, although it is often possible to consult a colonial law as it was reprinted in a later volume. Many colonial laws did remain in force after 1877, although tracing them becomes increasingly difficult. The disposition of each law as of 1877 follows the long title. This statement is given in very abbreviated form, using the abbreviations noted below, and indicating most often only the source, year, and number of the law as it appeared in the LBC, 1871, SBC, or CSBC, 1877. Page numbers of revised and consolidated statutes are provided only in the primary reference to each, that is, in the case of laws which were reprinted without change to title, date, or content (indicated by "Same as . . . ."), or in the case of laws, with which other laws were consolidated, but which were reprinted with the same title and date and changes to content (indicated by "Consolidated with . . . as . . . ."). Other phrases contained in the disposition statement are self-explanatory. It should be noted that all notes regarding disposition refer back to the main item. Specific mention should be made of the "Statutes Repeal Act, 1871,"[911] which was enacted to explicitly repeal the acts, ordinances, and proclamations contained in the schedule attached to it. Many of those laws had by 1871 lapsed as a result of statutory time limits; the original law will have to be consulted to determine such statutory limitation. Throughout this appendix, repeal by the "Statutes Repeal Act, 1871" is noted as "Repealed by LBC, 1871, no. 161."

Where the law by which a statute has been amended or repealed does not appear within a range of five items either side of it, its item number is provided in parentheses.

Abbreviations:

CSBC, 1877 = Consolidated Statutes of British Columbia. 1877.

LBC, 1871 = Laws of British Columbia. 1871.

SBC = Statutes of the Province of British Columbia. 1872 to 1903/04.

[911] Laws of British Columbia, 1871, 34 Vict., no. 161, pp. 597-602.

A.1 Colony of Vancouver Island

The constitutional history of the Colony of Vancouver Island--created by royal charter in 1849--is very complex.[912] A House of Assembly was first called in 1856. The Council, which had initially performed executive functions, increasingly played a legislative role as the volume of legislation passed by the Assembly augmented after the 1858 gold rush. In late 1863, the Council was replaced by an Executive Council and a Legislative Council.

The sources consulted for the laws passed in the Colony of Vancouver Island between 1859 and 1866 are A Collection of the Public General Statutes of the Colony of Vancouver Island, Passed in the Years 1859, 1860, 1861, 1862, and 1863 and the [Acts] for sessions 1863/64, 1864/65, and 1865/66. From 1864, 27 & 28 Vict., no. 8, the Colony's laws were identified by regnal year and number. Previous to that time, they were identified only by date of assent and title.

Item:

1. "An Act to Improve the Streets of the Town of Victoria, and to Authorize the Collection of a Tax, to be Called 'The Victoria Street Fund,'" 28 August 1860, 2 pp.[913]

   Repealed by LBC, 1871, no. 161.

2. "Supplementary Street Act, 1861," 29 October 1861, 1 p.

   "An Act to Authorize the Continuation of Certain Streets in Victoria, Vancouver Island."

   Repealed by LBC, 1871, no. 161.

3. "An Act to Prohibit Swine and Goats from Running at Large in the Town of Victoria; and to Prohibit Goats from Running at Large in the Settled Districts of Vancouver Island," 15 January 1862, 2 pp.

   Same as LBC, 1871, no. 5, pp. 8-9. Same as CSBC, 1877, c. 81, pp. 283-5.

4. "Fireman's Protection Act, 1860," 28 August 1860, 1 p.

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[912] See Hendrickson 1980, vol. 1, introduction, xxiii-li, for a good explanation of the constitutional development of the Pacific colonies.

[913] This Act is most readily available on microfilm: Preconfederation Statutes, British Columbia, 1858-1871.

"An Act for the Protection of the Members of Fire Companies of Victoria."

Repealed by LBC, 1871, no. 161.

5. "Fireman's Protection Act, 1861," 10 September 1861, 1 p.

"An Act to Extend and Amend the Provisions of the 'Fireman's Protection Act, 1860.'"

Same as LBC, 1871, no. 3, pp. 5-7. Consolidated with LBC, 1871, no. 22, and "Fireman's Protection Amendment Act, 1873," SBC, 1872/73, no. 17, as CSBC, 1877, c. 33, pp. 93-6.

6. "Fireman's Act, 1864," 27 & 28 Vict., no. 17, 2 pp.

"An Act to Alter and Amend 'The Fireman's Protection Act, 1861.'"

Same as LBC, 1871, no. 22, pp. 88-9. Consolidated with LBC, 1871, no. 3, and "Fireman's Protection Amendment Act, 1873," SBC, 1872/73, no. 17, as CSBC, 1877, c. 33.

7. "Governor's Indemnity Act, 1864," 11 March 1864, 2 pp.

"An Act to Indemnify the Governor for Applying Certain Moneys to the Redemption of Municipal Debentures."

Repealed by LBC, 1871, no. 161.

8. "Mayor and Council of Victoria Indemnity Act, 1863," 28 December 1863, 2 pp.

"An Act to Provide an Indemnity for the Mayor and Councillors of the City of Victoria."

Repealed by LBC, 1871, no. 161.

9. "Provisional Act for the Election of Mayor and Councillors, 1863," 30 October 1863, 4 pp.

"An Act to Provide for the Election of a Mayor and Councillors of the City of Victoria, at the Expiration of the Period for which the Present Mayor and Councillors are Elected."

Repealed by LBC, 1871, no. 161.

10. "Provisional Act for the Election of Mayor and Councillors, 1864," 28 & 29 Vict., no. 1, 3 pp.

"An Act to Provide for the Election of a Mayor and Councillors for the City of Victoria on the 8th Day of

November, A.D., 1864."

Repealed by LBC, 1871, no. 161.

11. "Provisional Sanatory [sic] Commission Act, 1862," 19 July 1862, 3 pp.

"An Act to Authorize the Appointment of a Sanatory [sic] Commission for the Town of Victoria, and to Define the Powers thereof."

Repealed by LBC, 1871, no. 161.

12. "Victoria City Half Per Cent Tax Act, 1864," 27 & 28 Vict., no. 20, 2 pp.

"An Act to Impose a Tax of One Half of One Per Centum upon All Real Estate within the City of Victoria and for Other Purposes Relating thereto."

Repealed by LBC, 1871, no. 161.

13. "Victoria City Half Per Cent Tax Act, 1865," 28 & 29 Vict., no. 15, 2 pp.

"An Act to Impose a Tax of One Half of One Per Centum upon All Real Estate within the City of Victoria, and for Other Purposes Relating thereto."

Repealed by LBC, 1871, no. 161.

14. "Victoria Fire Limit Act, 1862," 9 July 1862, 1 p.

"An Act to Establish Fire Limits within the Town of Victoria."

Same as LBC, 1871, no. 8, pp. 53-4. Consolidated with LBC, 1871, no. 94 (Item 35), as CSBC, 1877, c. 171 (Item 35).

15. "Victoria Gas Company's Act, 1860," 19 December 1860, 2 pp.

"An Act to Incorporate the 'Victoria Gas Company.'"

Same as LBC, 1871, no. 2, pp. 2-5. Same as CSBC, 1877, c. 35, pp. 98-101.

16. "Victoria Gas Company's Extension Act, 1861," 9 December 1861, 1 p.

"An Act to Enlarge the Time Limited by the Victoria Gas Company's Act, 1860, for the Establishment of Gas Works and Buildings by the Victoria Gas Company."

Same as LBC, 1871, no. 4, pp. 7-8. The CSBC, 1877 notes that this law had expired.

17. "Victoria Gas Company's Extension Act, 1862," 3 July 1862, 2 pp.

"An Act to Enlarge the Time Limited by the 'Victoria Gas Company's Act, 1860,' and the 'Victoria Gas Company's Extension Act, 1861,' for the Establishment of Gas Works and Buildings by the Victoria Gas Company."

Same as LBC, 1871, no. 7, pp. 52-3. Same as CSBC, 1877, c. 36, pp. 101-2.

18. "Victoria Incorporation Act, 1862," 2 August 1862, 12 pp.[914]

"An Act to Incorporate the City of Victoria."

Repealed by LBC, 1871, no. 94 (Item 35).

19. "Victoria Incorporation Debenture Act, 1863," 27 February 1863, 4 pp.

"An Act to Declare the Validity of the Debentures Issued by the Municipal Council of Victoria."

Repealed by LBC, 1871, no. 161.

A.2 Colony of British Columbia

From the time of the creation of the Colony of British Columbia in 1858 until 1864, authority was vested in the Governor, who essentially acted alone. The Legislative Council was established in 1863 and first met in 1864.

The sources consulted for the statutory law of the separate Colony of British Columbia are the List of Proclamations for 1858, 1859, 1860, 1861, 1862, 1863, and 1864 (the proclamations for 1864 are in fact ordinances) and the Ordinances of the Legislative Council of British Columbia for sessions 1864, 1864/65, and 1866. The 1864/65 session is sometimes referred to by the latter sessional year alone.

From 1861, laws were numbered within each calendar year and from 1864 within each sessional year(s). The regnal year was first included on laws for session 1866, 29 Vict. The long

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[914] This Act is most readily available on microfilm: Preconfederation Statutes, British Columbia, 1858-1871.

title proper of laws passed during the years 1858 to 1863 contains the titles of the Governor, etc. For the long title of those acts, I have therefore adopted the abbreviated form by which they were later referred to in the LBC, 1871, and the CSBC, 1877. From the 1864 session, ordinances were headed with a more manageable long title.

Item:

20. "Borough Ordinance, 1865," 1864/65, no. 11, 1 p.

    "An Ordinance for the Formation and Regulation of Municipalities in British Columbia."

    Same as LBC, 1871, no. 57, pp. 182-3. Repealed by SBC, 1872, no. 35 (App. B/46).

21. "Fireman's Protection Act, 1861," 1861, no. 7, 2 pp.

    "Proclamation for Protecting Members of Fire Companies in New Westminster in Their Efforts to Prevent the Destruction of Property by Fire."

    Same as LBC, 1871, no. 35, pp. 118-9. Same as CSBC, 1877, c. 32, pp. 92-3.

22. "New Westminster Municipal Council Act, 1860," 16 July 1860, 6 pp.

    "Proclamation to Establish a Municipal Council in the City of New Westminster."

    Same as LBC, 1871, no. 31, pp. 104-13. Consolidated with LBC, 1871, no. 36 and no. 49, as CSBC, 1877, c. 130, pp. 588-95.

23. "New Westminster Municipal Council Extension Act, 1861," 1861, no. 11, 1 p.

    "Proclamation to Increase the Limits of the Municipality and the Number of Councillors of New Westminster, and to Extend the New Westminster Municipal Council Act, 1860."

    Same as LBC, 1871, no. 36, pp. 119-20. Consolidated with LBC, 1871, no. 31 and no. 49, as CSBC, 1877, c. 130.

24. "New Westminster Municipal Extension Act, No. 2," 1862, no. 8, 2 pp.

    "Proclamation for Giving Authority to the Municipal Council of New Westminster to Raise a Loan or Loans upon the Security of the Revenues of the Said City."

Same as LBC, 1871, no. 41, pp. 137-8. Noted as being "obsolete" in CSBC, 1877.

25. "New Westminster Municipal Extension Act, No. 3," 1863, no. 11, 2 pp.

"Proclamation for Enlarging the Limits of the City of New Westminster for Municipal Purposes."

Same as LBC, 1871, no. 49, pp. 159-61. Consolidated with LBC, 1871, no. 31 and no. 36, as CSBC, 1877, c. 130.

26. "Proclamation Changing the Name of Queensborough to New Westminster," 20 July 1859, 1 p.

Same as LBC, 1871, no. 29, p. 102. Noted as having "had its effect" in CSBC, 1877.

27. "Proclamation Providing that Town Lots, Suburban Lots, and Surveyed Agricultural Lands Offered for Sale at Public Auction, and Remaining Unsold, May Be Sold by Private Contract," 20 January 1860, 1 p.

Repealed by the "Land Ordinance, 1870," LBC, 1871, no. 144, pp. 492-507, in which it is simply referred to as "An Act dated January 20, 1860," there being no short title.

28. "Proclamation Respecting the Method to Be Pursued with Respect to the Alienation and Possession of Agricultural Lands, and of Lands Proposed for Sites for Towns in British Columbia; and with Reference Also to the Places for Levying Shipping and Customs Duties; and for Establishing a Capital and Port of Entry in the Said Colony," 14 February 1859, 2 pp.

Repealed in part by the "Land Ordinance, 1865," 1864/65, no. 27, 7 pp., and wholly by LBC, 1871, no. 144, in which it is simply referred to as "An Act dated February 14th, 1859," there being no short title.

29. "Town Lot Leases Relief Act, 1860," 8 May 1860, 3 pp.

"Proclamation Giving Relief to Lessees in Town Lots at Lytton, Douglas, Fort Hope, and Fort Yale."

Repealed by LBC, 1871, no. 161.

A.3 United Colony of British Columbia

When the united Colony of British Columbia was created in late 1866, the laws of the Colony of Vancouver Island and the Colony of British Columbia remained in force until altered, amended or repealed. However, from that time, only one legislative body existed. The Legislative Council sat in 1867, 1868, 1868/69, 1870, and 1871.

The sources consulted for the statutory law of the Colony of British Columbia (1866-1871) are the Ordinances Passed by the Legislative Council of British Columbia, [. . .] for sessions 1867 to 1870 and the Acts Passed by the Legislative Council of British Columbia, [. . .] for the 1871 session.

The laws are numbered within each sessional year(s). The 1868/69 session is sometimes referred to as the 1869 session.

Item:

30. "English Law Ordinance, 1867," 1867, 30 Vict., no. 7, 1 p.

    "An Ordinance to Assimilate the General Application of English Law."

    Same as LBC, 1871, no. 70, p. 214. Same as CSBC, 1877, c. 103, p. 384.

31. "Fire Companies' Aid Ordinance, 1869," 1868/69, 32 Vict., no. 20, 2 pp.

    "An Ordinance to Enable the Municipal Council of the City of Victoria to Establish a Permanent Fund for the Support of the Fire Establishments of the Said City."

    Same as LBC, 1871, no. 121, pp. 389-92. Consolidated with LBC, 1871, no. 94, as CSBC, 1877, c. 171.

32. "Fire Companies' Aid Amendment Act, 1871," 1871, 34 Vict., no. 10, 2 pp.

    "An Act to Amend the 'Fire Companies' Aid Ordinance, 1869.'"

    Same as LBC, 1871, no. 154, pp. 534-5. Consolidated with LBC, 1871, no. 94, as CSBC, 1877, c. 171.

33. "Municipal Fines Ordinance, 1870," 1870, 33 Vict., no. 9, 1 p.

    "An Ordinance Respecting the Enforcement of Municipal By-laws."

Same as LBC, 1871, no. 136, p. 443. Consolidated with SBC, 1872, no. 35 (App. B/46), as CSBC, 1877, c. 129 (App. B/46). Repealed by SBC, 1881, c. 16 (App. B/59).

34. "Victoria City Aid Ordinance, 1867," 1867, 30 Vict., no. 2, 3 pp.

"An Ordinance in Aid of the Municipal Taxation in Victoria."

Repealed by LBC, 1871, no. 161.

35. "Victoria Municipal Ordinance, 1867," 1867, 30 Vict., no. 38, 11 pp.

"An Ordinance to Incorporate the City of Victoria."

Same as LBC, 1871, no. 94, pp. 309-27. Consolidated with LBC, 1871, no. 8 (Item 14), no. 121, no. 127, and no. 154, SBC, 1876, no. 1 (App. B/51), and 1877, no. 5 (App. B/41), as CSBC, 1877, c. 171, pp. 753-71.

36. "Victoria Municipal Amendment Ordinance, 1869," 1868/69, 32 Vict., no. 26, 4 pp.

"An Ordinance to Enlarge and Amend the 'Victoria Municipal Ordinance, 1867.'"

Same as LBC, 1871, no. 127, pp. 414-20. Consolidated with LBC, 1871, no. 94, as CSBC, 1877, c. 171.

APPENDIX B - STATUTES OF BRITISH COLUMBIA

When British Columbia became a Province of Canada in 1871, the laws of the former colonial jurisdictions still in effect and not explicitly repealed by the "Statutes Repeal Act, 1871"[915] remained in force until amended or repealed. The provincial Legislative Assembly held its first session of Parliament in 1872.

The approach taken in presenting this appendix is very similar to that explained in the introductory paragraphs to Appendix A. Therefore, it will suffice to note the manner in which the format of Appendix B differs from that of Appendix A.

All laws referring to municipalities in general or to the Corporation of the City of Nanaimo, or its public works, are listed here. The Statutes of the Province of British Columbia, [. . .] for sessions 1872 to 1903/04 are the source of those laws.

Each statute is identified by short title, sessional year(s), regnal year(s), number (to 1877) or chapter (from 1878), and inclusive page numbers. Where no short title exists, the statute is identified and arranged by its long title, and the absence of a short title is noted. As in Appendix A, successive acts of similar title have been brought together and arranged chronologically, such that the arrangement of items is only partially alphabetic. Long titles have been omitted, since by this period many statutes were of more general nature and the long title reveals little more than the short title. The sessional year(s) indicates the volume of the SBC in which the statute is to be found. In several instances, sessions of the Legislative Assembly have spanned two calendar years. It should be noted that the SBC for the 1872/73, 1873/74, 1883/84, 1894/95, and 1903/04 sessions are sometimes referred to as the SBC for the latter calendar year of the session.

I have attempted to trace the disposition of each pre-1897 statute in The Consolidated Statutes of British Columbia, [. . .], 1877, The Statutes of British Columbia up to and including the year 1888, Vol. 1, Consolidated Acts, 1888, and Vol. 2, Unconsolidated Acts, and The Revised Statutes of British Columbia, 1897, [. . .]. The results of that search are noted for each item in very abbreviated form. It should be noted that whereas all statutes were consolidated in 1877, only public acts were consolidated in 1888. Most others were reprinted in a second volume in unconsolidated form. By 1897, private acts

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[915] Laws of British Columbia, 1871, 34 Vict., no. 161, pp. 597-602.

were neither consolidated nor reprinted; it has therefore been difficult to trace the disposition of private acts. The disposition of statutes enacted after 1897 has not been traced.

Abbreviations:

CSBC, 1877 = Consolidated Statutes of British Columbia. 1877.

CSBC, 1888 = Statutes of British Columbia up to and including the year 1888.

LBC, 1871 = Laws of British Columbia. 1871.

RSBC, 1897 = Revised Statutes of British Columbia, 1897.

SBC = Statutes of the Province of British Columbia. 1872 to 1903/04.

Item:

37. "Act for Curing Defects in Certain Municipal Elections in 1876," 1877, 40 Vict., no. 7, p. 13.

    Noted as having "had its effect" in CSBC, 1877. Repealed by SBC, 1881, c. 16 (Item 59).

38. "An Act Relating to Ferries in Municipalities, [1883]," 1883, 46 Vict., c. 12, p. 35.

    No short title.

    Consolidated with SBC, 1881, c. 16 (Item 59), as CSBC, 1888, Vol. 1, c. 88 (Item 59).

39. "Ferries in Municipalities Amendment Act, 1885," 1885, 48 Vict., c. 11, pp. 71-2.

    Consolidated with SBC, 1881, c. 16 (Item 59), as CSBC, 1888, Vol. 1, c. 88 (Item 59).

40. "An Act Respecting the Expenses of Coroners' Inquests Held within Municipalities, [1887]," 1887, 50 Vict., c. 6, p. 19.

    No short title.

    Consolidated with SBC, 1885, c. 4, as the "Coroners' Act," CSBC, 1888, Vol. 1, c. 24, pp. 165-9.

41. "An Act Respecting the Qualification for the Offices of Mayor and Councillors in Certain Municipalities, [1877]," 1877, 40 Vict., no. 5, pp. 9-10.

No short title.

Consolidated with LBC, 1871, no. 94 (App. A.3/35), and SBC, 1872, no. 35 (Item 46), as CSBC, 1877, c. 129 (Item 46) and c. 171 (App. A.3/35). Repealed by SBC, 1881, c. 16 (Item 59).

42. "Act Respecting the Surrender of Municipal Letters Patent, 1880," 1880, 43 Vict., c. 14, pp. 45-6.

Repealed by SBC, 1881, c. 16 (Item 59).

43. "An Act to Enable Municipalities to Purchase Real Estate for Corporate Purposes, [1880]," 1880, 43 Vict., c. 17, p. 51.

No short title.

Repealed by SBC, 1881, c. 16 (Item 59).

44. "An Act to Prohibit Aliens from Voting at Municipal Elections, [1902]," 1902, 2 Edw. 7, c. 53, p. 205.

No short title.

45. "City of Nanaimo Official Map Act, 1895," 1894/95, 58 Vict., c. 64, pp. 281-6.

Private Act.

46. "Municipality Act, 1872," 35 Vict., no. 35, pp. 107-14.

Consolidated with LBC, 1871, no. 136 (App. A.3/33), and SBC, 1872/73, no. 5, 1873/74, no. 15, 1875, no. 10, 1876, no. 1, and 1877, no. 4 (Item 85), no. 5 (Item 41), no. 6 (Item 92), no. 8 (Item 53), and no. 9 (Item 104), as CSBC, 1877, c. 129, pp. 562-87. Repealed by SBC, 1881, c. 16 (Item 59).

47. "Municipality Act Amendment Act, 1873," 1872/73, 36 Vict., no. 5, pp. 21-30.

Consolidated with SBC, 1872, no. 35, as CSBC, 1877, c. 129. Repealed by SBC, 1881, c. 16 (Item 59).

48. "Municipality Amendment Act, 1874," 1873/74, 37 Vict., no. 15, pp. 63-4.

Consolidated with SBC, 1872, no. 35, as CSBC, 1877, c. 129. Repealed by SBC, 1881, c. 16 (Item 59).

49. "Licence Amendment Act, 1875," 1875, 38 Vict., no. 10, pp. 55-6.

Relevant sections consolidated with SBC, 1872, no. 35, as CSBC, 1877, c. 129. Sections 9-10 repealed by SBC, 1881, c. 16 (Item 59).

50. "Municipality Act Amendment Act, 1875," 1875, 38 Vict., no. 17, p. 71.

Repealed by SBC, 1876, no. 1.

51. "Municipality Amendment Act, 1876," 1876, 39 Vict., no. 1, pp. 1-4.

Consolidated with LBC, 1871, no. 94 (App. A.3/35), and SBC, 1872, no. 35, as CSBC, 1877, c. 129 and c. 171 (App. A.3/35). Repealed by SBC, 1881, c. 16 (Item 59).

52. "An Act to Amend the 'Municipality Amendment Act, 1876,' [1880]," 1880, 43 Vict., c. 16, p. 49.

No short title.

Repealed by SBC, 1881, c. 16 (Item 59).

53. "Municipality Act (1872) Amendment Act, 1877," 1877, 40 Vict., no. 8, p. 15.

Consolidated with SBC, 1872, no. 35 (Item 46), as CSBC, 1877, c. 129 (Item 46). Repealed by SBC, 1881, c. 16 (Item 59).

54. "An Act to Amend Certain Acts Relating to Municipalities (Chapter 129 of the Consolidated Statutes of British Columbia), [1878]," 1878, 41 Vict., c. 14, p. 69.

No short title.

Repealed by SBC, 1881, c. 16.

55. "An Act Relating to the Municipal and Licence Acts, [1878]," 1878, 42 Vict., c. 26, pp. 107-8.

No short title.

Sections 2, 4-9 repealed by SBC, 1881, c. 16.

56. "Licences Amendment Ordinance, 1879," 1879, 42 Vict., c. 23, p. 79.

Section 3 repealed by SBC, 1881, c. 16.

57. "An Act to Amend the 'Municipality Act, 1872,' [1879]," 1879, 42 Vict., c. 28, pp. 93-4.

No short title.

Repealed by SBC, 1881, c. 16.

58. "Municipality Amendment Act, 1880," 1880, 43 Vict., c. 18, p. 53.

Repealed by SBC, 1881, c. 16.

59. "Municipality Act, 1881," 1881, 44 Vict., c. 16, pp. 47-92.

Consolidated with SBC, 1882, c. 9, 1883, c. 12 (Item 38) and c. 21, 1883/84, c. 21 and c. 22, 1885, c. 11 (Item 39) and c. 21, 1886, c. 15 (Item 65), 1887, c. 23 (Item 66), 1888, c. 23 (Item 67) and c. 24 (Item 68), as CSBC, 1888, Vol. 1, c. 88, pp. 763-816. Repealed by SBC, 1889, c. 18 (Item 69).

60. "Municipality Amendment Act, 1882," 1882, 45 Vict., c. 9, pp. 53-5.

Consolidated with SBC, 1881, c. 16, as CSBC, 1888, Vol. 1, c. 88.

61. "An Act to Amend the 'Municipality Act, 1881,' [1883]," 1883, 46 Vict., c. 21, pp. 85-8.

No short title.

Consolidated with SBC, 1881, c. 16, as CSBC, 1888, Vol. 1, c. 88.

62. "An Act to Amend the 'Municipality Act, 1881,' [1883]," 1883/84, 47 Vict., c. 21, pp. 119-20.

No short title.

Consolidated with SBC, 1881, c. 16, as CSBC, 1888, Vol. 1, c. 88.

63. "An Act to Amend an Act of Last Session, No. 21, Intituled 'An Act to Amend the 'Municipality Act, 1881,' [1883],' [1884]," 1883/84, 47 Vict., c. 22, p. 121.

No short title.

Consolidated with SBC, 1881, c. 16, as CSBC, 1888, Vol. 1, c. 88.

64. "Municipality Amendment Act, 1885," 1885, 48 Vict., c. 21, pp. 91-4.

Consolidated with SBC, 1881, c. 16, as CSBC, 1888, Vol. 1, c. 88.

65. "Municipality Amendment Act, 1886," 1886, 49 Vict., c. 15, pp. 49-53.

    Consolidated with SBC, 1881, c. 16 (Item 59), as CSBC, 1888, Vol. 1, c. 88 (Item 59).

66. "Municipality Amendment Act, 1887," 1887, 50 Vict., c. 23, pp. 69-72.

    Consolidated with SBC, 1881, c. 16 (Item 59), as CSBC, 1888, Vol. 1, c. 88 (Item 59).

67. "An Act to Amend the 'Municipality Amendment Act, 1887,' [1888]," 1888, 51 Vict., c. 23, p. 75.

    No short title.

    Consolidated with SBC, 1881, c. 16 (Item 59), as CSBC, 1888, Vol. 1, c. 88 (Item 59).

68. "An Act to Amend the 'Municipality Act, 1881,' and Amending Acts, [1888]," 1888, 51 Vict., c. 24, pp. 77-80.

    No short title.

    Consolidated with SBC, 1881, c. 16 (Item 59), as CSBC, 1888, Vol. 1, c. 88 (Item 59).

69. "Municipal Act, 1889," 1889, 52 Vict., c. 18, pp. 45-113.

    Repealed by SBC, 1891, c. 29.

70. "Municipal Act Amendment Act, 1890," 1890, 53 Vict., c. 34, pp. 117-32.

    Repealed by SBC, 1891, c. 29.

71. "Municipal Act, 1891," 1891, 54 Vict., c. 29, pp. 181-273.

    Repealed by SBC, 1892, c. 33.

72. "Municipal Act, 1892," 1892, 55 Vict., c. 33, pp. 101-214.

    Repealed by SBC, 1896, c. 37.

73. "Municipal Act Amendment Act, 1893," 1893, 56 Vict., c. 30, pp. 135-53.

    Repealed by SBC, 1896, c. 37.

74. "Municipal Act Amendment Act, 1894," 1894, 57 Vict., c. 34, pp. 161-83.

    Repealed by SBC, 1896, c. 37.

75. "Municipal Act Amendment Act, 1895," 1894/95, 58 Vict., c. 41, pp. 157-65.

    Repealed by SBC, 1896, c. 37.

76. "Municipal Clauses Act, 1896," 1896, 59 Vict., c. 37, pp. 173-284.

    Consolidated with SBC, 1897, c. 30, as RSBC, 1897, c. 144, pp. 1549-668.

77. "Municipal Clauses Act Amendment Act, 1897," 1897, 60 Vict., c. 30, pp. 301-9.

    Consolidated with SBC, 1896, c. 37, as RSBC, 1897, c. 144.

78. "Municipal Clauses Amendment Act, 1898," 1898, 61 Vict., c. 35, pp. 171-81.

    Repealed and amended various sections of RSBC, 1897, c. 144.

79. "Municipal Clauses Act Amendment Act, 1899," 1899, 62 Vict., c. 53, pp. 163-7.

    Repealed and amended various sections of RSBC, 1897, c. 144.

80. "Municipal Clauses Act Amendment Act, 1900," 1900, 64 Vict., c. 23, pp. 89-96.

    Repealed and amended various sections of RSBC, 1897, c. 144.

81. "Municipal Clauses Act Amendment Act, 1901," 1901, 1 Edw. 7, c. 39, pp. 183-5.

    Repealed and amended various sections of RSBC, 1897, c. 144.

82. "Municipal Clauses Act Amendment Act, 1902," 1902, 2 Edw. 7, c. 52, pp. 177-207.

    Repealed and amended various sections of RSBC, 1897, c. 144.

83. "Municipal Clauses Act Amendment Act, 1904," 1903/04, 3 & 4 Edw. 7, c. 42, pp. 239-45.

    Repealed and amended various sections of RSBC, 1897, c. 144.

84. "Municipal Districts Act, 1899," 1899, 62 Vict., c. 54,

pp. 169-70.

This act made provision for the government of portions of the province in the event of special conditions, such as a rush of people to a given area due to the discovery of mineral wealth, in which case authority was to be conferred upon the Lieutenant-Governor in Council.

85. "Municipal Elections Act, 1877," 1877, 40 Vict., no. 4, p. 7.

Consolidated with SBC, 1872, no. 35 (Item 46), as CSBC, 1877, c. 129 (Item 46). Repealed by SBC, 1881, c. 16 (Item 59).

86. "Municipal Elections Act, 1896," 1896, 59 Vict., c. 38, pp. 285-312.

Consolidated with SBC, 1897, c. 31, as RSBC, 1897, c. 68, pp. 767-94.

87. "Municipal Elections Amendment Act, 1897," 1897, 60 Vict., c. 31, pp. 311-4.

Consolidated with SBC, 1896, c. 38, as RSBC, 1897, c. 68.

88. "Municipal Elections Amendment Act, 1898," 1898, 61 Vict., c. 20, pp. 113-4.

Repealed and amended various sections of RSBC, 1897, c. 68.

89. "An Act to Amend the 'Municipal Elections Act,' [1900]," 1900, 64 Vict., c. 7, pp. 27-8.

No short title.

Repealed and amended various sections of RSBC, 1897, c. 68.

90. "Municipal Elections Act Amendment Act, 1902," 1902, 2 Edw. 7, c. 20, pp. 63-6.

Repealed and amended various sections of RSBC, 1897, c. 68.

91. "Municipal Tax Collection and Statute Labour Act, 1880," 1880, 43 Vict., c. 15, pp. 47-8.

Repealed by SBC, 1881, c. 16 (Item 59).

92. "Municipal Tax Sale Act, 1877," 1877, 40 Vict., no. 6, pp. 11-2.

Consolidated with SBC, 1872, no. 35 (Item 46), as CSBC, 1877, c. 129 (Item 46). Repealed by SBC, 1881, c. 16 (Item 59).

93. "Municipalities Incorporation Act, 1896," 1896, 59 Vict., c. 39, pp. 313-20.

Same as RSBC, 1897, c. 143, pp. 1541-8.

94. "Municipalities Incorporation Act Amendment Act, 1899," 1899, 62 Vict., c. 55, pp. 171-2.

Repealed and amended various sections of RSBC, 1897, c. 143.

95. "Municipalities Incorporation Act Amendment Act, 1900," 1900, 64 Vict., c. 24, p. 97.

Corrected numbering of second section 3, RSBC, 1897, c. 143, to section 3A.

96. "Nanaimo Electric Light, Power and Heating Company's Act, 1898," 1898, 61 Vict., c. 57, pp. 361-5.

Private Act.

97. "Nanaimo Electric Tramway Company Act, 1891," 1891, 54 Vict., c. 69, pp. 531-6.

Private Act.

98. "Nanaimo Fireman's Act, 1879," 1879, 42 Vict., c. 7, pp. 21-2.

Private Act.

Same as CSBC, 1888, Vol. 2, no. 31, pp. 127-9.

99. "Nanaimo Telephone Company's Act, 1890," 1890, 53 Vict., c. 66, pp. 383-7.

Private Act.

100. "Nanaimo Water-Works Act, 1885," 1885, 48 Vict., c. 31, pp. 167-77.

Private Act.

Same as CSBC, 1888, Vol. 2, no. 32, pp. 129-39.

101. "Nanaimo Water Works Amendment Act, 1886," 1886, 49 Vict., c. 34, pp. 271-2.

Private Act.

Same as CSBC, 1888, Vol. 2, no. 33, pp. 139-40.

102. "Corporation of the City of Nanaimo Water-Works Act, 1895," 1894/95, 58 Vict., c. 62, pp. 273-6.

Private Act.

103. "Nanaimo Water-Works Amendment Act, 1895," 1894/95, 58 Vict., c. 63, pp. 277-9.

Private Act.

104. "Police Court Fines Act, 1877," 1877, 40 Vict., no. 9, p. 17.

Consolidated with SBC, 1872, no. 35 (Item 46), as CSBC, 1877, c. 129 (Item 46). Repealed by SBC, 1881, c. 16 (Item 59).

105. "Speedy Incorporation of Towns Act, 1897," 1897, 60 Vict., c. 16, pp. 173-9.

Noted as "not consolidated" in RSBC, 1897.

106. "Speedy Incorporation of Towns Act Amendment Act, 1898," 1898, 61 Vict., c. 26, pp. 135-6.

107. "Speedy Incorporation of Towns Act Amendment Act, 1899," 1899, 62 Vict., c. 32, pp. 87-8.

APPENDIX C - SESSIONAL PAPERS

This appendix lists documents published in the Legislative Assembly's "Sessional Papers" (1872-1905) which bear upon the history of municipal administration in British Columbia. The "Sessional Papers" for the years 1872 to 1875 were bound as an appendix to the respective volumes of the Journals (vols. 1-4). From the 1876 session, they were bound separately as the Sessional Papers proper.

The list which follows is comprehensive in that it contains reference to all documents which deal with municipalities in general. In addition, it notes all documents which refer chiefly to the Corporation of the City of Nanaimo. However, it is selective in that it includes only a portion of the documents which refer to other municipalities. Documents illustrative of the types of returns, petitions, and reports on, from, and about municipalities which are to be found in the "Sessional Papers" have been included.

In arranging the items which follow, a partial subject arrangement has been adopted. Similar returns and reports bearing different titles have been grouped together and assigned a subject title by which the group of items is headed and interfiled in the otherwise alphabetic arrangement. Within a group of items, arrangement is chronological. The titles of other documents by which this list has been alphabetized are underscored. The title cited is either the item's complete title or, in the case of very lengthy titles, a composite title, comprised of the page header followed by the word "return" or "petition." Unless indicated to the contrary, the Sessional Papers for the calendar year(s) noted are the source of these items. In several instances, sessions of the Legislative Assembly have spanned two calendar years. In order to avoid confusion, it should be noted that the "Sessional Papers" for the 1872/73, 1873/74, 1883/84, 1894/95, and 1903/04 sessions are sometimes catalogued as the Journals or Sessional Papers for the session's last calendar year. Inclusive page numbers are provided in order to give an indication of the extent of the document and to facilitate reference, since it is not always easy to locate a specific document through the table of contents to these volumes.

Item:

108. "Amendments to Municipal Act: Petition." In 1887, p. 465.

109. "Appropriations, North Cowichan Municipality: Return." In 1893, p. 689.

110. "Assessed Taxes in Principal Cities: Return." In 1890, p. 313.

While land within municipalities was exempted from provincial taxation by the "Assessment Act, 1888,"[916] personal property and income were not. This return shows the amount of personal property and income tax assessed for 1890 in the cities of Victoria, Nanaimo, New Westminster, and Vancouver.

Commissions of Inquiry and Royal Commissions into Municipal Affairs:

111. "Report of the Commissioner Appointed to Enquire into Certain Charges against Isaac H. Hallett, Esq., a Stipendiary Magistrate for the County of Westminster." In 1892, pp. 691-703.

There would appear to have been some connection with Vancouver City Council. Hallett was Police Magistrate for the City of Vancouver in at least 1890.

112. "Report of the Commissioner Appointed to Enquire into the Conduct of the Police Magistrate at Victoria, and Copies of Affidavits." In 1892, pp. 265-72.

The "Minutes and Evidence" of the commission follow p. 272 on pp. i-xcvi.

113. "Royal Commission. In the Matter of an Inquiry into the Conduct of the Affairs of the Municipal Council of Victoria." In 1892, pp. 481-512.

The "Minutes of Proceedings and Evidence Taken under the Commission" follow p. 512 on pp. i-cxli.

114. "Re Police Magistrate, &c., Nanaimo: Return." In 1897, pp. 999-1009.

115. "Copy of Record, Newcastle Townsite Reserve: Return." In 1886, pp. 551-2.

The Newcastle Townsite Reserve is within the limits of the Corporation of the City of Nanaimo.

116. "Correspondence--Richmond Municipality: Return." In 1892, pp. 595-9.

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[916] SBC, 1888, c. 36, s. 4, s.-s. 24.

This correspondence documents the decision to not appoint a commission of inquiry into the business of the Richmond Municipal Council, since the matters in question could be satisfactorily investigated locally.

117. "Increased Representation--Nanaimo: Petition." In British Columbia. Journals, 1875, pp. 699-700.

Municipal Returns:

118. "Municipal Returns." In British Columbia. Journals, 1873/74, pp. 41-8 (pagination not consecutive throughout "Sessional Papers").

119. "Municipal Returns." In British Columbia. Journals, 1875, pp. 651-6.

120. "Municipal Returns." In 1876, pp. 629-36.

This is the first return in which Nanaimo is included. See "Corporation of the City of Nanaimo, Receipts and Expenditure of the Corporation, up to December 29th, 1875," p. 633.

121. "Municipal Returns." In 1877, pp. 517-24.

See "Corporation of the City of Nanaimo, Receipts and Expenditures under the Corporations' [sic] Administration for 1876," p. 521.

122. "Municipal Returns." In 1878, pp. 617-25.

See "Corporation of the City of Nanaimo, Receipts and Expenditure, for the Year Ending 31st December, 1877," p. 620.

123. "Municipal Returns." In 1881, pp. 519-26.

The Corporation of the City of Nanaimo's "Statement of Receipts and Expenditures for the Year Ending 31st December, 1880" and "Balance Sheet Showing Liabilities and Assets, 31st December, 1880" are on p. 524.

124. "Municipal Statistics: Return." In 1896, pp. 1041-51.

125. "Bureau of Statistics: Report Re Municipalities." In 1897, pp. 949-63.

Provincial Board of Health:

126. "First Report of the Provincial Board of Health of British Columbia, Being for the Quarter Ending December 31st, 1895." In 1896, pp. 465-564.

See report made by the Local Board of Health for the City of Nanaimo on 26 December 1895, which contained the report made by Robert E. McKechnie, MD, Medical Health Officer, to that body on 8 December 1895, pp. 524-5.

127. "Second Report of the Provincial Board of Health of British Columbia Being for the Year Ending December 31st, 1896." In 1897, pp. 677-732.

See report made by Clive Phillipps-Wolley, Provincial Sanitary Inspector, on 1 March 1897, and postscript dated 9 March 1897, to the Chairman of the BC Board of Health, pp. 728-9.

128. "Provincial Board of Health, British Columbia: Sanitary Regulations." In 1897, pp. i-xvi (follow p. 732).

The duties of the Local Board of Health are enumerated on pp. ii-iii.

129. "Supplementary Report of the Provincial Board of Health, Being Annual Reports of Medical Health Officers and Local Boards of Health." In 1897, pp. 967-92.

See report made by the Local Board of Health for the City of Nanaimo on 31 December 1896, which contained the report made by Robert E. McKechnie, MD, Medical Health Officer, to that body on 28 December 1896, pp. 972-3.

130. "Third Report of the Provincial Board of Health of British Columbia, Being for the Year Ending 31st, December, 1897." In 1898, pp. 1105-1336.

See report made by Edward Mohun, CE, to the Honourable D.M. Eberts, QC, Attorney-General, on 5 August 1898, pp. 1310-1.

See also letter dated 2 August 1898 from S. Gough, City Clerk, Corporation of the City of Nanaimo, forwarding to G.H. Duncan, MD, Secretary, Provincial Board of Health, the report made by Robert E. McKechnie, Medical Health Officer for Nanaimo City, to the Local Board of Health on 31 December 1897, pp. 1331-2.

131. [Fifth Annual] "Report of the Provincial Board of Health." In 1902, pp. 773-80.

No important mention of the Corporation of the City of

Nanaimo was noted.

132. [Sixth Annual] "Report of the Provincial Board of Health, 1902." In 1903, pp. J33-J43.

No specific mention of the Corporation of the City of Nanaimo was noted.

133. "Public Accounts for the Fiscal Year Ended 30th June, 1882." In 1883, pp. 105-82.

See "Comparative Statement of the Receipts and Expenditure of the Province of British Columbia" for 1871 to 1881/82, p. 115. Revenue from municipalities is not specifically noted. However, municipalities are listed under "Miscellaneous Expenditure" for the years 1875 to 1878.

134. "Return of All Correspondence between the Provincial Government and the Board of Health of the City of Victoria, in Relation to the Late Quarantine Transactions in British Columbia." In British Columbia. Journals, 1872/73, 8 pp. (No consecutive pagination.)

135. "Vancouver City: Return." In 1894, p. 1123.

APPENDIX D - LIST OF MUNICIPALITIES, 1860-1904

This table was compiled from the British Columbia Gazette, 1873-1904, R.E. Gosnell's Year Book of British Columbia and Manual of Provincial Information, 1st, 3rd, and 4th (Coronation) editions (Victoria: 1901), 143, (Victoria: 1903), 289, (Victoria: 1911), 274, 403, and other sources. Unless otherwise noted, municipalities were incorporated by letters patent issued under the provisions of the general municipal act in force at the time. An asterisk after the date of issue of letters patent indicates that they were surrendered and cancelled, revoked, or superseded on the issue of new ones. In order to facilitate access to these letters patent, their date of publication in the BCG is provided.

Corporate title	Date of incorporation	Date of letters patent	Publication in BCG	1901 population
Burnaby, The Corporation of the District of	22/09/1892	22/09/1892	22/09/1892	
Chilliwack, The Corporation of the Township of	26/04/1873	26/04/1873*	26/04/1873	277
Chilliwhack [sic], The Corporation of the Township of	27/09/1881	27/09/1881*	08/10/1881	
Chilliwack, The Corporation of the Township of	30/06/1883	30/06/1883	05/07/1883	
Columbia, The Corporation of the City of	04/05/1899[1]	04/05/1899	04/05/1899	
Coquitlam, The Corporation of the District of	25/07/1891	25/07/1891*	30/07/1891	
Coquitlam, Corporation of the District of	22/05/1894[2]	22/05/1894	23/05/1894	
Cumberland, The Corporation of the City of	01/01/1898	29/10/1897	04/11/1897	732
Delta, The Corporation of	10/11/1879	10/11/1879*	10/11/1879	
	18/08/1888	18/08/1888	23/08/1888	
Dewdney, The Corporation of the District of	07/04/1892[3]	07/04/1892	07/04/1892	
Fernie, The Corporation of the City of	28/07/1904	28/07/1904	28/07/1904	
Grand Forks, The Corporation of the City of	15/04/1897[4]	15/04/1897*	15/04/1897	1,012
	01/01/1903[5]	31/12/1902	02/01/1903	
Greenwood, The Corporation of the City of	12/07/1897[6]	12/07/1897	12/08/1897	1,359
Kamloops, The Corporation of the City of	01/07/1893	19/04/1893	20/04/1893	1,594
Kaslo, The Corporation of the City of	14/08/1893	14/08/1893	14/09/1893	450
Kent, The Corporation of the District of	01/01/1895	27/09/1894	27/09/1894	
Ladysmith, The Corporation of the City of	03/06/1904	03/06/1904	09/06/1904	
Langley, The Corporation of the Township of	26/04/1873	26/04/1873*	26/04/1873	
	01/01/1895[7]	01/11/1894	01/11/1894	
Maple Ridge, The Corporation of the Township of	12/09/1874	12/09/1874*	12/09/1874	
	07/01/1881	07/01/1881*	08/01/1881	
	30/01/1882	30/01/1882*	04/02/1882	
	07/12/1887	07/12/1887*	08/12/1887	
Maple Ridge, Corporation of the District of	22/05/1894[8]	22/05/1894[9]	23/05/1894	
Maple Ridge, Municipal Corporation of the District of		02/03/1896[10]	23/04/1896	
Matsqui, The Corporation of the District of	27/11/1892	26/11/1892	01/12/1892	
Mission, The Corporation of the District of	02/06/1892	02/06/1892*	02/06/1892	
	14/07/1892	14/07/1892[11]	14/07/1892	
		08/03/1895[12]	14/03/1895	
Nanaimo, The Corporation of the City of	24/12/1874	24/12/1874[13]	26/12/1874	6,130
		13/07/1887[14]	13/07/1887	
Nelson, The Corporation of the City of	18/03/1897[15]	18/03/1897	18/03/1897	5,273
New Westminster, The Corporation of the City of	16/07/1860[16]			6,499
		24/12/1872*[17]	04/01/1873	
	15/04/1874[18]	15/04/1874*	18/04/1874	
	06/06/1881[19]	06/06/1881	11/06/1881	
New Westminster, Corporation of the City of		22/12/1888[20]	03/01/1889	
Nicomen, The Corporation of the District of	24/03/1892[21]	24/03/1892	31/03/1892	
North Cowichan, The Corporation of the District of	18/06/1873	18/06/1873	21/06/1873	
North Vancouver, The Corporation of the District of	10/08/1891	10/08/1891	13/08/1891	
Phoenix, The Corporation of the City of	11/10/1900[22]	11/10/1900	11/10/1900	866
Revelstoke, The Corporation of the City of	01/03/1899[23]	01/03/1899	02/03/1899	1,600
Richmond, The Corporation of	10/11/1879	10/11/1879*	10/11/1879	
	23/05/1885[24]	23/05/1885*	23/05/1885	
Richmond, The Corporation of the Township of	25/03/1892[25]	25/03/1892[26]	31/03/1892	
		19/08/1896[27]	20/08/1896	
Rossland, The Corporation of the City of	18/03/1897[28]	18/03/1897	18/03/1897	6,156
Salt Spring Island, The Corporation of the Township of	23/12/1872[29]	23/12/1872	04/01/1873	
Sandon, The Corporation of the City of	01/01/1898[30]	30/12/1897	30/12/1897	551
Slocan, The Corporation of the City of	01/06/1901[31]	01/06/1901	06/06/1901	---
South Vancouver, The Corporation of the District of	13/04/1892[32]	13/04/1892	14/04/1892	
Spallumcheen, The Corporation of the Township of	21/07/1892	21/07/1892	21/07/1892	
Squamish, The Corporation of the District of	27/10/1892[33]	27/10/1892	27/10/1892	
Sumas, The Corporation of the District of	05/01/1892[34]	05/01/1892	07/01/1892	
Surrey, The Corporation of	10/11/1879	10/11/1879*	10/11/1879	
Surrey, The Corporation of the District of	07/07/1882[35]	07/07/1882	08/07/1882	
Trail, The Corporation of the City of	14/06/1901[36]	14/06/1901	20/06/1901	1,360
Vancouver, City of	06/04/1886[37]			27,010
Vernon, The Corporation of the City of	30/12/1892	30/12/1892	12/01/1893	802
Victoria, The Corporation of the City of	02/08/1862[38]			20,919
	08/11/1867[39]			
		25/01/1873[40]	01/02/1873	
Victoria, Corporation of the City of		08/01/1891[41]	08/01/1891	
Wellington, The Corporation of the Town of	01/01/1896[42]	10/10/1895	10/10/1895	

[1] Ceased to exist. On 1 January 1903, all lands within its corporate limits as of 22 April 1902 were amalgamated with the Corporation of the City of Grand Forks.
[2] Reincorporated with extended limits to take in a portion of the Corporation of the District of Maple Ridge.
[3] No longer exists (1982); 1903 postal address was Hatzic.
[4] Incorporation accelerated by the "Speedy Incorporation of Towns Act, 1897" and amending act (App. B/105-106).
[5] All lands within corporate limits of the cities of Columbia and Grand Forks as of 22 April 1902 reincorporated by "Grand Forks and Columbia Amalgamation Act, 1902," SBC, 1902, 2 Edw. 7, c. 29.
[6] Incorporation accelerated by special act (App. B/105).
[7] Reincorporated with extended limits.
[8] Reincorporated with reduced limits, a portion having withdrawn and joined the Corporation of the District of Coquitlam.
[9] Letters patent amended.
[10] Withdrew and excluded lands from the corporate limits.
[11] Changed legal description of the land incorporated by better defining Mission City Townsite, which was excluded from the municipality. Letters patent corrected.
[12] Notice issued by the Provincial Secretary's Office regarding amendment of 1892 letters patent.
[13] Letters patent amended.
[14] Extended corporate limits.
[15] Incorporation accelerated by special acts (App. B/105-106).
[16] Incorporated by proclamation (App. A.2/22). Corporate limits and powers extended by amending proclamations (App. A.2/23-25).
[17] Brought New Westminster under the provisions of "Municipality Act, 1872" (App. B/46), although the "New Westminster Municipal Council Act, 1860" (App. A.2/22) remained in force (as amended and consolidated), except in so far as altered by or inconsistent with the 1872 Act. Letters patent amended in 1874, surrendered in 1881.
[18] Corporate limits extended.
[19] Reincorporated.
[20] Letters patent proclaiming the "New Westminster Act, 1888," SBC, 1888, 51 Vict., c. 42, to be in effect, with the exception of several sections. That Act was subsequently amended.
[21] Ceased to exist prior to 1903; municipality was on the north bank of the Fraser River, adjacent to Nicomen Slough.
[22] Incorporation accelerated by the "Phoenix Incorporation Act, 1900," SBC, 1900, 64 Vict., c. 28. No longer exists (1982).
[23] Incorporation accelerated by the "Revelstoke Incorporation Act, 1898," SBC, 1898, 61 Vict., c. 39.
[24] Corporate limits extended.
[25] Reincorporated following election irregularities.
[26] Letters patent amended.
[27] Notice issued by the Provincial Secretary's Office regarding amendment of the municipal boundaries defined in the 1892 letters patent so that they corresponded with those defined in the 1885 letters patent.
[28] Incorporation accelerated by special acts (App. B/105-107).
[29] Letters patent cancelled by an "Act to annul the Letters Patent establishing a Municipality on Salt Spring Island, [1883]," SBC, 1883, 46 Vict., c. 22, at which time the Corporation ceased to exist.
[30] Incorporation accelerated by special acts (App. B/105-106). No longer exists (1982).
[31] Incorporation accelerated by the "Slocan Incorporation Act, 1901," SBC, 1901, 1 Edw. 7, c. 50.
[32] Ceased to exist upon amalgamation with the City of Vancouver in 1929.
[33] Did not organize.
[34] No longer exists (1982); 1903 postal address was Upper Sumas.
[35] Reincorporated under new name.
[36] Incorporation accelerated by the "Trail Incorporation Act, 1901," SBC, 1901, 1 Edw. 7, c. 57, which was amended twice in 1903/04.
[37] Incorporated by the "Vancouver Incorporation Act, 1886," SBC, 1886, 49 Vict., c. 32, which was frequently amended.
[38] Incorporated by special act (App. A.1/18).
[39] Reincorporated by special act (App. A.3/35), which was subsequently amended (App. A.3/36).
[40] Brought Victoria under the provisions of "Municipality Act, 1872" (App. B/46), although the "Victoria Municipal Ordinance, 1867" (App. A.3/35) remained in force (as amended and consolidated), except in so far as altered by or inconsistent with the 1872 Act. Letters patent amended.
[41] Extended corporate limits.
[42] Ceased to exist; the "Wellington Receivership Act, 1901," SBC, 1901, 1 Edw. 7, c. 63, and the 1903 amendment, vested the powers conferred upon its municipal council, boards, and officers in a government-appointed receiver.

APPENDIX E - LETTERS PATENT

The Corporation of the City of Nanaimo derived its authority to operate as a municipality under the "Municipality Act, 1872,"[917] and subsequent acts,[918] from letters patent issued by the Lieutenant-Governor in Council in 1874 and 1887.

Item:

136. Letters Patent witnessed by the Honorable Joseph William Trutch, Lieutenant-Governor of the Province of British Columbia, 24 December 1874, incorporating a municipality to be known by the name and style of "The Corporation of the City of Nanaimo."

See BCG 14 (26 December 1874): 303-6.

137. Letters Patent witnessed by the Honorable Clement F. Cornwall, Lieutenant-Governor of the Province of British Columbia, 13 January 1887, extending the limits of the Corporation of the City of Nanaimo.

See BCG 27 (13 January 1887): 18.

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[917] App. B/46.
[918] See Appendix B, especially Items 47-95.

APPENDIX F - NANAIMO: MAYORS AND ALDERMEN

F.1 Mayors

The mayors of the Corporation of the City of Nanaimo, 1875-1904, were elected annually. The list which follows indicates the date of the first meeting of each council and the mayor elected to preside thereover.

22 January 1875	Mark Bate, JP
17 January 1876	Mark Bate, JP
15 January 1877	Mark Bate, JP
21 January 1878	Mark Bate, JP
20 January 1879	Mark Bate, JP
19 January 1880	John Pawson, JP
17 January 1881	Mark Bate, JP
16 January 1882	Mark Bate, JP
15 January 1883	Mark Bate, JP
21 January 1884	Mark Bate, JP
19 January 1885	Mark Bate, JP
18 January 1886	Mark Bate, JP
17 January 1887	Richard Gibson
16 January 1888	Mark Bate, JP
21 January 1889	Mark Bate, JP
20 January 1890	John Hilbert
19 January 1891	John Hilbert
18 January 1892	Andrew Haslam
16 January 1893	Andrew Haslam
15 January 1894	Edward Quennell
21 January 1895	Edward Quennell
20 January 1896	Joseph Henderson Davison
18 January 1897	Joseph Henderson Davison[919]
17 January 1898	Mark Bate, JP
16 January 1899	Mark Bate, JP
15 January 1900	Mark Bate, JP
21 January 1901	William Manson
20 January 1902	William Manson
19 January 1903	William Manson
18 January 1904	William Manson

[919] On 13 December 1897, Mayor Davison was granted a leave of absence for the balance of the term; Alderman George Campbell was appointed Acting Mayor. Another source reveals that Davison left for the Klondyke Gold Rush.

F.2 Municipal Councils

The municipal councils of the Corporation of the City of Nanaimo, 1875-1904, were elected annually. From 1875-1890, each consisted of a mayor and seven councillors. From April 1888, councillors were styled aldermen,[920] and from 1891, nine aldermen were elected instead of seven. The list which follows notes the date of the first meeting of each council and the council members elected for that term.

22 January 1875

Mayor Mark Bate

John Bryden
Richard Brinn
William Raybould
John Dick
Richard Nightingale
John Pawson
John Hirst

17 January 1876

Mayor Mark Bate

Richard Brinn
William E. Webb
Joseph Bevilockway
Samuel Gough
John Hirst
John Sabiston
George Baker

15 January 1877

Mayor Mark Bate

John Bryden
Richard Nightingale
John Hirst
John Sabiston
William Reid
Richard Brinn
William Pringle

21 January 1878

Mayor Mark Bate

John Bryden
George Baker
John Hirst
John Sabiston
Richard Nightingale
Richard Brinn
Robert Brown

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[920] CNA, CCN, CM, 30 April 1888, 222.

20 January 1879

Mayor Mark Bate

North Ward:	William Earl
	Richard Nightingale
Middle Ward:	James Harvey
	John Meakin
	John Sabiston
South Ward:	Thomas Miller
	Thomas Morgan

19 January 1880

Mayor John Pawson

North Ward:	John Hirst
	Richard Nightingale
Middle Ward:	James Harvey[921]
	Richard Brinn
	Joseph Phrys Planta, JP
South Ward:	Thomas Miller
	William Wilks

17 January 1881

Mayor Mark Bate

North Ward:	John Hirst
	John McNeil
Middle Ward:	Richard Brinn
	Thomas Miller
	John Meakin
South Ward:	Joseph P. Planta, JP
	Joseph Curry

16 January 1882

Mayor Mark Bate

North Ward:	John Whitfield
	Henry McAdie
Middle Ward:	James Akenhead
	George Bevilockway
	Charles L. Smith
South Ward:	John Hilbert
	George Baker

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[921] Resignation accepted 31 May 1880. Archibald Muir, elected in his place, took seat 19 July 1880.

15 January 1883

Mayor Mark Bate

North Ward:	Henry McAdie
	Richard Nightingale
Middle Ward:	James Akenhead
	Michael Manson
	George Campbell
South Ward:	George Baker
	Joseph Curry

21 January 1884

Mayor Mark Bate

North Ward:	John Dick[922]
	Richard Nightingale
Middle Ward:	Joseph Webb
	James M. Brown
	William E. Webb
South Ward:	George Baker
	Donald Smith

19 January 1885

Mayor Mark Bate

North Ward:	Richard Nightingale
	John Mahrer
Middle Ward:	William E. Webb
	Walter Wilson
	John Hilbert
South Ward:	James Lewis[923]
	Jonathan Blundell

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[922] Resignation accepted 4 February 1884. John Mahrer, elected in his place, took seat 11 February 1884.

[923] Resignation accepted 23 March 1885. At the election held to replace him, no nominations were made. Donald Smith was appointed by Council 13 April 1885.

18 January 1886

Mayor Mark Bate

North Ward:	Adam Grant Horne
	Charles Wilson
Middle Ward:	William Edmond Webb
	Walter Richard Wilson
	John Hilbert
South Ward:	James Knight
	George Bevilockway

17 January 1887

Mayor Richard Gibson

North Ward:	Ralph Craig
	John Mahrer
Middle Ward:	William Edmond Webb
	John Hilbert
	Walter Richard Wilson
South Ward:	Joseph Randle
	Robert Aitken

16 January 1888

Mayor Mark Bate

North Ward:	John Mahrer
	Richard Nightingale
Middle Ward:	John Hilbert
	William E. Webb
	Joseph Randle, Jr.
South Ward:	Robert Aitken
	George Baker

21 January 1889

Mayor Mark Bate

North Ward:	John Mahrer
	Richard Nightingale
Middle Ward:	James A. Abrams
	William E. Webb
	Thomas E. Peck
South Ward:	George Baker
	William M. Hilbert

20 January 1890

Mayor John Hilbert

North Ward:	Richard Nightingale
	Ralph Craig
Middle Ward:	James A. Abrams
	Edward Quennell
	William H. Morton
South Ward:	George Baker
	William M. Hilbert

19 January 1891

Mayor John Hilbert

North Ward:	William M. Hilbert
	Charles McCutcheon
	Thomas Dobeson
Middle Ward:	George Campbell
	George Bevilockway
	Joseph Ganner
South Ward:	George Baker
	Duncan S. McDonald
	Gilbert McKinnell

18 January 1892

Mayor Andrew Haslam

North Ward:	Thomas Dobeson
	Richard Nightingale
	Joseph M. Brown
Middle Ward:	William M. Hilbert
	Joseph Ganner
	Edward Quennell
South Ward:	George Baker
	George Campbell
	Gilbert McKinnell

16 January 1893

Mayor Andrew Haslam

North Ward:	Richard Nightingale
	Ralph Craig
	William Keddy[924]
Middle Ward:	Edward Quennell
	William M. Hilbert
	Joseph Ganner
South Ward:	Gilbert McKinnell
	John H. Cocking
	John Frame

15 January 1894

Mayor Edward Quennell

North Ward:	Thomas Dobeson
	Ralph Craig[925]
	Murdoch Morrison
Middle Ward:	John H. Pleace
	Richard Nightingale
	Arthur Wilson
South Ward:	John H. Cocking
	George Churchill
	Thomas Wilks

21 January 1895

Mayor Edward Quennell

North Ward:	Thomas Dobeson
	Matthew Sinclair
	Albert E. Planta
Middle Ward:	John H. Pleace
	John E.R. Tagart
	Joseph H. Davison
South Ward:	John H. Cocking
	Duncan S. McDonald
	James Bradley

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[924] Declined to serve for that term, 24 January 1893. Thomas Dobeson, elected in his place, took seat 6 February 1893.

[925] Election to be held to fill vacancy caused by death of Alderman Craig, 22 May 1894. Jeremiah Agustine (sic) Callaghan reported elected, 28 May 1894.

20 January 1896

Mayor Joseph Davison

North Ward:	Albert E. Planta
	Coral N. Westwood
	Matthew Sinclair
Middle Ward:	John D. Foreman
	Arthur Wilson
	William H. Morton
South Ward:	James Bradley
	Duncan S. McDonald
	Joshua Martell

18 January 1897

Mayor Joseph Davison

North Ward:	Daniel A. Galbraith
	Henry McAdie
	Murdoch Morrison
Middle Ward:	George Campbell
	John Daniel Foreman
	William Henry Morton
South Ward:	Thomas Brown
	James Bradley
	Robert Brydon Lamb

17 January 1898

Mayor Mark Bate

North Ward:	William Manson, Jr.
	Albert E. Planta
	Henry McAdie
Middle Ward:	Edward Quennell
	James S. Knarston
	Frances B. LeFeuvre
South Ward:	Thomas Brown
	John H. Cocking[926]
	William E. Webb[927]

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[926] Appointed by Council as only one alderman had been elected for the South Ward.
[927] Also appointed by Council.

16 January 1899

Mayor Mark Bate

North Ward:	William Manson
	Albert E. Planta
	Richard Kenyon
Middle Ward:	James S. Knarston
	Frances B. LeFeuvre[928]
	Edward C. Barnes
South Ward:	John H. Cocking
	William E. Webb
	Henry McAdie

15 January 1900

Mayor Mark Bate

North Ward:	William Manson
	Albert E. Planta
	Charles Wilson[929]
Middle Ward:	Edward C. Barnes
	John K. Hickman
	James S. Knarston
South Ward:	John H. Cocking
	Henry McAdie
	Gilbert McKinnell[930]

21 January 1901

Mayor William Manson

North Ward:	Albert E. Planta
	Charles McCutcheon
	James Hodgkinson
Middle Ward:	James S. Knarston
	John K. Hickman
	Edward C. Barnes
South Ward:	John H. Cocking
	Charles Wilson
	George Johnson

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[928] Resignation accepted 19 June 1899, as he was disqualified by reason of having disposed of his real estate within City. John K. Hickman reported elected in his place, 10 July 1899.

[929] Appointed by Council as only two aldermen had been elected for the North Ward.

[930] Appointed by Council as only two aldermen had been elected for the South Ward.

20 January 1902

Mayor William Manson

North Ward:	Albert E. Planta
	James Hodgkinson
	Henry McAdie
Middle Ward:	James S. Knarston
	Edward C. Barnes
	Richard Booth
South Ward:	Charles Wilson
	Morgan Harris
	John W. Graham

19 January 1903

Mayor William Manson

North Ward:	Albert E. Planta
	John Nicholson
	William McGirr
Middle Ward:	James S. Knarston
	Edward C. Barnes
	Richard Booth
South Ward:	Charles Wilson
	Morgan Harris
	John W. Graham

18 January 1904

Mayor William Manson

North Ward:	John Nicholson
	Thomas Hodgson
	George D. Barlow
Middle Ward:	Edward C. Barnes
	Morgan Harris
	John Allan Macdonald
South Ward:	John W. Graham
	Charles Wilson
	John C. Stewart

APPENDIX G - NANAIMO: COUNCIL CHAMBERS AND CITY HALL

Initially, Nanaimo's Municipal Council held its meetings in the first provincial Court House on Front Street, which was situated in the vicinity of what is now the access to the waterfront side of the federal building. From 5 May 1875, its meetings were held in the Council Hall,[931] a stone building on Front Street rented from the VCMLC for five dollars per month and situated to the north of the Nanaimo Centre One building. The conditions in which the first councils worked appear to have been rather severe. The 1879 Council passed a resolution that a stove, presumably the first, be procured and erected in the council chambers,[932] and the 1886 Council appears finally to have installed hat and cloak hooks, and window blinds, just months before it vacated the premises.[933]

The construction of a City Hall proper was discussed from 1884.[934] In 1885, the ratepayers defeated a by-law to raise $2000 to purchase the Nanaimo Literary Institute property for that purpose.[935] The following year, a by-law[936] for the same purpose received the ratepayers' assent by one vote and $2200 was raised to purchase the Institute hall located at the corner of Bastion and Skinner Streets, now the site of the Bastion Building.

Repairs and improvements were made to the new City Hall, and Council decided that the upper front room would be most suitable for use as council chambers. The furniture in the Front Street building was moved to the new City Hall at the end of September; Council held its first meeting in the new chambers on 4 October 1886.[937] The City Clerk's office was also located on the second floor.

The Institute hall, with a lower floor capacity of 250 persons, was from its construction in 1864-1865 a centre of cultural activity and continued as such after the Corporation purchased it. From 1886-1902, the Corporation rented the lower floor of the City Hall, and occasionally some of the upper rooms, to various groups and organizations. Council established the rates to be charged for different events[938] and subsequently

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[931] CNA, CCN, CM, 5 May 1875, 28.
[932] CNA, CCN, CM, 17 November 1879, 295.
[933] CNA, CCN, CM, 25 January 1886, 45.
[934] CNA, CCN, CM, 21 January 1884, 537.
[935] CNA, CCN, CM, 30 March 1885, 607.
[936] App. J/215.
[937] CNA, CCN, CM, 4 October 1886, 110.
[938] CNA, CCN, CM, 15 November 1886, 121.

undertook considerable improvements to the lower portion of the hall.[939] The Nanaimo Gas Works connected City Hall with their gas lines in early-1887 and, thereafter, the gas consumed was charged for in addition to the rental fees.[940] From 1887-1892, City Clerk Gough recorded the engagement, and payment for rental, of the City Hall in a book containing the Nanaimo Literary Institute Debating and Elocution Class Minutes.[941] Council leased the premises to the Salvation Army from 1888-1894 at an annual rent of $240 to $300, provided that if required the hall be reserved for Council use three nights per week.[942] The Salvation Army was subsequently requested to withdraw its Monday evening services since use of the drum disrupted council meetings.[943] Portions of City Hall were also rented to the Kensington Club, 1886-1887, and the YMCA, 1895-1899. In addition, the hall was rented or granted free of charge for special events; it saw a wide variety of uses, including a concert for procuring literature for prison inmates, private dancing classes, a Bible Society Committee meeting, lectures sponsored by the Nanaimo Association for the investigation of Spiritualism, Nanaimo Board of Trade Council meetings, a Christian Temperance Cooperative Commonwealth lecture, a BC Tanning Company meeting, services held by the reorganized Church of Latter Day Saints, rehearsals of Handel's Messiah, Nanaimo Farmers' Institute meetings, and classes conducted by the School of Mines.[944]

In 1902, the ground floor of City Hall was renovated to accommodate the council chambers and City Offices, which were removed from the second floor.[945] On 9 June 1902, Council held its first meeting in the new council chambers. On that occasion, Mayor Manson remarked that the improved facilities "would prove a great public convenience"; Alderman Planta added that he in some way regretted "leaving the old 'Horse Shoe' around which the business of the Council had been transacted for over twenty seven years."[946] Thereafter, it is probable that the City Hall was not rented for such large gatherings as the Salvation Army and other groups had held. However, the

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[939] CNA, CCN, CM, 13 December 1886, 126, and 28 February 1887, 146.
[940] CNA, CCN, CM, 2 May 1887, 162.
[941] App. W/606, pp. 26-43.
[942] CNA, CCN, CM, 9 April 1888, 219, and 29 January 1894, 403.
[943] CNA, CCN, CM, 28 January 1889, 287.
[944] CNA, CCN, CM, 15 November 1886, 126; 23 January 1888, 203; 25 February 1889, 299; 13 May 1889, 321; 20 May 1889, 323; 23 September 1889, 360; 20 January 1890, 391; 4 December 1899, 406; 19 February 1900, 436; 13 January 1902, 670; and 27 January 1902, 676, respectively.
[945] CNA, CCN, CM, 17 February 1902, 683.
[946] CNA, CCN, CM, 9 June 1902, 722.

Corporation continued to rent the upper part of the building, charging $1.50 for each meeting. If a meeting was considered to be of a public or charitable nature, Council occasionally ordered that a group's money be refunded. Enoch Shakespeare was appointed caretaker of the upper rooms at the remuneration of 50 cents per meeting, and Council reserved the upper rear room for the exclusive use of the Board of Trade, which was to provide its own caretaker.[947]

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[947] CNA, CCN, CM, 25 August 1902, 746, and 1 December 1902, 775.

APPENDIX H - NANAIMO: MUNICIPAL OFFICERS AND EMPLOYEES

Until 1899, Nanaimo's Council did not recognize its officers as being permanent appointees. Therefore, from 1875-1899, municipal officers and employees were appointed or re-appointed annually, usually at the beginning of the incoming Council's term. The lists which follow are organized by position or group of positions and contain date of appointment, name of appointee, and salary or conditions of employment. Except where otherwise noted, dates refer to the council minutes.

H.1 Clerk of the Municipal Council, City Assessor, City Collector, and Clerk of the Mayor's Court

1 February 1875	Charles Newton Young[43]	at $87.50/month
18 February 1878		salary reduced to $720/annum
3 February 1880	Charles Newton Young[44]	at the salary mentioned in the report of the select committee, $400/annum plus a 10% commission upon all taxes collectable outside the City Offices
14 June 1880	Michael Manson[45]	his being the lowest tender
19 July 1880	Samuel Gough[46]	at the remuneration stated in his tender
4 April 1881		$400/annum plus 10% on all collectable taxes
26 February 1883[47]		$600/annum plus 10% on collectable taxes; in addition, from 1881-1886, Samuel Gough was allowed $5/month for lighting and cleaning the council chambers; for 1886, he was also allowed an additional $5/month for office cleaning; in 1888 and 1890-1891, he was allowed $5/month for office cleaning and $5/month for his services as City Hall caretaker.

H.2 City Clerk and City Collector

21 January 1889	Samuel Gough[48]	presumably at $600/annum plus 10% on collectable taxes
3 March 1890		$65/month plus 10% on collectable taxes
5 January 1891		allowed $15 for payment of assistance in the office
9 February 1891		salary increased to $75/month
5 October 1891		authorized to procure temporary office help following the resignation of H.W. Woodward

[43] Re-appointed 24 January 1876, 22 January 1877, 27 January 1878, and 20 January 1879.
[44] Dismissed 7 June 1880.
[45] Resigned 19 July 1880.
[46] Re-appointed 17 January 1881, 30 January 1882, 15 January 1883, 21 January 1884, 19 January 1885, 18 January 1886, 17 January 1887, and 16 January 1888.
[47] See "City Clerk's Amendment By-law, 1883" (App. J/223).
[48] Re-appointed 20 January 1890 and 19 January 1891.

H.3 City Clerk, City Collector, and City Treasurer

18 January 1892	Samuel Gough[49]	at $75/month
3 January 1893		allowed $140 for loss of commission due to change in statutory law regarding road tax
4 April 1895		position declared vacant and applications invited
15 April 1895	Adam Thompson, pro tempore	allowed $25 for extra services during April 1895[50]
6 May 1895	Samuel Gough	at previous salary[51]

H.4 City Assessor

18 March 1889	Donald Smith	at $89
19 May 1890	William K. Leighton	at $75
13 April 1891	William K. Leighton	at $100
14 March 1892	City Clerk Gough	
6 March 1893	City Clerk Gough	
7 May 1894	City Clerk Gough	
4 April 1895	William K. Leighton	at $105

H.5 Assistance in the City Clerk's office

3 September 1891	H.W. Woodward[52]	at $50/month for 2 months to collect revenue tax and help in the Clerk's office
28 March 1892	George Thomson[53]	at $50/month
18 July 1892	A.M. Booth	bill of $14 for temporary assistance in the Clerk's office
3 January 1893	Adam Thompson	bill of $183.25 for assistance in the Clerk's office

H.6 Assistant City Clerk

27 March 1893	Adam Thompson[54]	appointment to date from time employed by City Clerk

H.7 Assistant City Clerk and Clerk of the Police Court

6 May 1895	Adam Thompson	$75/month

[49] Re-appointed 16 January 1893, 15 January 1894, 21 January 1895 pro tempore.
[50] Thompson was at the time receiving a salary as Assistant City Clerk.
[51] See 4 April 1895. From 1895, when the Corporation held its first tax sale, the Collector received a 5% commission on the moneys collected; see "Nanaimo Real Estate Tax Sale By-law, 1895" (App. J/333).
[52] Resigned 5 October 1891.
[53] He had worked as temporary help in the Clerk's office in late-1891 and January 1892; see 4 January 1892. Resignation accepted 30 May 1892.
[54] Re-appointed 15 January 1894 and 21 January 1895, pro tempore.

H.8 City Clerk, Treasurer, and Caretaker

20 January 1896	Adam Thompson[55]	$83.33/month
1 March 1897		salary increased to $100/month[56]
6 December 1897	Edward Baines Irving[57]	at $83.33/month

H.9 City Clerk, Treasurer, and Cemetery Clerk

24 January 1898	Samuel Gough	at $1000/annum, of which $940 was to be paid from general revenue and $60 from the cemetery fund
16 January 1899	Gough considered a permanent officer; Mayor Bate stated that any officer who had been properly appointed (i.e., by the previous Council) would according to law hold office until he resigned, was removed from office, or died.	
6 March 1899[58]		at $85/month from general revenue and $5/month from cemetery fund
17 February 1902		at $95/month from general revenue (and $5/month from cemetery fund??)

H.10 City Assessor, Collector, and Police Court Clerk

20 January 1896	Samuel Gough	at $83.33/month
18 January 1897		at $75/month
1 February 1897	Edward Baines Irving	
6 December 1897	Robert Pollock[59]	at $75/month
24 January 1898	Edward Baines Irving	at $70/month
3 January 1899		allowance of $60 made to bring salary up to $1000/annum
16 January 1899	Irving considered a permanent officer	
23 January 1899		relieved from the performance of his duties as Police Court Clerk
6 March 1899[60]		at $75/month with commission on tax sale
2 January 1900		allowance of $100 made in lieu of tax sale commission in order to bring salary up to $1000/annum

[55] Re-appointed 18 January 1897, pro tempore, and 25 January 1897.
[56] See "Officials' Appointment By-law, 1897" (App. J/293).
[57] City Assessor, Collector, and Police Court Clerk Irving was appointed to this position following the suspension of City Clerk Thompson.
[58] Finance Committee report adopted. See 13 February 1899.
[59] Road Foreman Pollock was appointed to this position, provided that he would accept it, following the suspension of City Clerk Thompson and the appointment of Irving to the position of City Clerk.
[60] Finance Committee report adopted. See 13 February 1899.

H.11 City Auditor

The names of the individuals appointed to the position of City Auditor prior to 1895 may be determined from the itemized listing of the audited financial statements series in Appendix P.

6 May 1895	Tully Boyce[61]	at $10/month[62]
9 January 1896		allowance of $20 made for audit of January-February 1895 accounts
28 March 1898	Fred G. Peto	at $180/annum, payable $15/month
May/June 1898	Thomas W. Jones	performed the duties of Auditor during Peto's absence[63]
16 January 1899	Peto considered a permanent officer	
3 September 1901		salary increased to $25/month, in consequence of extra work imposed upon him by the acquisition of the waterworks

H.12 Returning Officer

24 December 1874[64]	Thomas Lea Fawcett	
30 December 1875	Thomas L. Fawcett	
2 January 1877	Thomas L. Fawcett	
7 January 1878	Thomas L. Fawcett	
6 January 1879	E.G. Prior	
5 January 1880	E.G. Prior	
7 June 1880	W.C. Berkeley	for election to fill vacancy occasioned by the resignation of Councillor Harvey
3 January 1881	W.C. Berkeley	
19 December 1881	Marshal Bray	
18 December 1882	Marshal Bray	
31 December 1883	Marshal Bray	
4 February 1884	Marshal Bray	for election to fill vacancy occasioned by the resignation of Councillor Dick
29 December 1884	Marshal Bray	
23 March 1885	Marshal Bray	for election to fill vacancy occasioned by the resignation of Councillor Lewis
?? December 1885	Marshal Bray	
28 December 1886	Marshal Bray	
27 December 1887	Marshal Bray	
26 December 1888	Marshal Bray	
30 December 1889	Marshal Bray	
22 December 1890	William K. Leighton	
21 December 1891	William K. Leighton	
26 December 1892	William K. Leighton	

[61] Re-appointed 20 January 1896, and 25 January 1897. Following the discovery of the defalcations by City Clerk Thompson, Boyce, whose health was failing, was not re-appointed.
[62] See 4 April 1895.
[63] See 18 July 1898.
[64] See letters patent (App. E/136, p. 304).

24 January 1893	Samuel Gough	for election to fill vacancy occasioned by the resignation of Alderman Keddy
26 December 1893	William K. Leighton	
?? May 1894	Samuel Gough	for election to fill vacancy occasioned by the death of Alderman Craig
28 December 1894	William K. Leighton	
23 December 1895	William K. Leighton	for the election of the Mayor, Aldermen, and School Trustees
7 December 1896	William K. Leighton	for the election of the Mayor, Aldermen, and School Trustees
?? December 1897	William K. Leighton	
19 December 1898	William K. Leighton	
?? July 1899	Samuel Gough	for election to fill vacancy occasioned by the resignation of Alderman LeFeuvre
26 December 1899	William K. Leighton	
24 December 1900	William K. Leighton	
16 December 1901	William K. Leighton	
22 December 1902	William K. Leighton	
21 December 1903	C.H. Barker	
19 December 1904	William K. Leighton	

H.13 Health Officer

From 1892, this position was called the Medical Officer of Health or simply Medical Health Officer.

2 March 1885	D. Cluness, MD	Corporation charged for the services he rendered
4 May 1885		to act without salary so long as the City was free from contagious diseases
28 March 1887	E.A. Praeger, MD[65]	to act without salary unless specifically employed for service
28 May 1894	Robert E. McKechnie, MD[66]	to act without salary
27 January 1902	W.F. Drysdale, MD	to act without salary

[65] Re-appointed 16 April 1888, 4 February 1889, 20 January 1890, 19 January 1891, 18 January 1892, 16 January 1893, and 15 January 1894. Resigned 28 May 1894 when he left the province to reside in California.

[66] Requested to accept the position, which he did on 25 June 1894. Re-appointed 20 January 1896, 30 January 1897 (See App. J/150, p. 411), 24 January 1898, and 6 February 1899. Resigned as of end of 1901 (See 8 July 1901 and 15 July 1901).

APPENDIX I - CITY OF NANAIMO ARCHIVES: INTRODUCTION

City of Nanaimo Archives Inventory, 1875-1904

Appendices J-Y provide a detailed descriptive inventory by record group of the archives consulted at the City of Nanaimo Archives--essentially, the surviving documentation created by the Corporation of the City of Nanaimo between 1875-1904. They were compiled for the purposes of this case study and are, in some ways, similar to a traditional archival inventory. However, they are best described as a combination inventory and finding aid for they contain elements of both. The essential difference is that materials are described in more detail in the CNA appendices than is most often practical or possible in the traditional inventory. Secondly, these appendices reflect, as near as it has been possible to establish, the provenance of the archives described, based upon the hierarchical structure of the Corporation's administration in 1904, as though only pre-1905 materials had survived and been accessioned at the CNA.[948] Finally, the brief organizational history which would normally be included at the beginning of each record group has been omitted.

The policy followed in creating this inventory has been to fully describe all archives dating from the period 1875-1904 which have been accessioned or are at least physically located in the archives vault. Although the inclusive dates of some record series post-date 1904, not all of the archives existing for the years after 1904 have been described, nor have materials which post-date 1904 been described in the same detail as those which pre-date 1905. To reiterate, only pre-1905 materials are described in detail.

Furthermore, the level of description within this inventory varies, but is indicated by the upper-case headings: RG, SUB-GROUP, SERIES, SUB-SERIES, UNIT, and ITEM. With the exception of the City Clerk's correspondence files sub-series, 1905-1948, all materials are described to the unit or item levels. This is of course only possible due to the relatively small quantity of materials which survive from this period. Such detailed description is largely an academic exercise, but provides for the purposes of this case study a solid framework for discussion or, in a sense, a primary source document. It also provides more insight into the nature of nineteenth-century municipal archives, and the functions of municipal government generally, than would the traditional series level description.

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[948] Most inventories would reflect the administrative structure and creating offices within each record group to the date of the most recent materials contained therein.

Several further exceptions to the general policy should be noted. Although the original copies of the municipal by-laws have been accessioned, they are stored in the City Hall administration vault. Secondly, the City Clerk's by-laws series and the City Auditor's audited financial statements series have, due to their significant value, been reconstructed, a task seldom undertaken in archival work. The itemized listings of those series are composite lists of archival items and references to other documents which may or may not have survived in printed sources. Lastly, materials which are known to exist from the 1875-1904 period but have yet to be transferred to the archives vault are identified in Appendix Y.

The format of this inventory is largely self-explanatory. The office of origin of each RG and SUB-GROUP is clearly stated. Each SERIES and SUB-SERIES title contains the inclusive years of the materials described therein. In addition, each SERIES' title includes the series' linear or other measurement. The UNIT level of description notes the general form of the materials in subsequent entries. The ITEM level simply indicates that the entries which follow describe individual items. An explanatory note about the form, condition, and sometimes scope and content of the records, as well as the system of description employed, is included at the appropriate level.

It must be stressed that the CNA appendices and their entry numbers provide a means of intellectual control internal to this case study which should not be confused with that extant at the CNA. In order to facilitate access to these materials, the CNA accession numbers and physical location references are noted following the level at which such control has been established. In addition, the record groups and series devised and described have, wherever possible, been linked by way of footnotes with the record groups and series identified by the survey of the City of Nanaimo's records conducted by the Vancouver Island Project (VIP) in 1983.[949] Cross-reference with the VIP is made in order to reveal the relationship of the administrative units of the Corporation in 1904, their functions, and the records they created, to the administrative structure of the City in 1983.

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[949] The VIP was conceived and initiated by Alan F.J. Artibise and its co-principal investigators, Peter A. Baskerville and Chad M. Gaffield, and is based at the University of Victoria. It has received substantial grants from the SSHRCC for 1982-83 and 1984-85 in order to survey the local records repositories on Vancouver Island and prepare a machine-readable data base descriptive of their holdings. The VIP has surveyed, among other agencies, municipal record offices.

Except where noted to the contrary, the materials described are originals. Entry titles have, wherever possible, been transcribed directly from the UNIT or ITEM, omitting redundant names, words, and dates. Inclusive dates follow the entry title. As many bound volumes were used for multiple purposes, or were only partially filled, the actual quantity of materials is also provided, indicated by actual page numbers or as a fraction (pages used/total pages).

Abbreviations:

[ ] = attributed information

Doc. = legal docket

Env. = envelope

MG = manuscript group

RG = record group

VIP = Vancouver Island Project

Vol. = volume

APPENDIX J - CNA: CITY CLERK

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL. CITY CLERK.[950]

SERIES: COUNCIL MINUTES, 1875-1911, 38 CM.[951]

UNIT: BOUND VOLUME.[952]

Accession No.: 1. Location: Open shelving.

The minutes of the municipal council are recorded in large volumes bound in leather. The volumes consulted vary slightly in style, binding, and size, the largest being 31x42x10 cm. The original volumes represent the only official copy of the minutes, although the council proceedings were reported in detail in the local newspapers.

Entry:	Vol.:	
138.	Ia	Record, Friday 22 January 1875 (1st Meeting of 1st Municipal Council) to Monday 8 June 1885 (20th Meeting of 11th Municipal Council), 621 pp.
139.	Ib	Record, Monday 15 June 1885 (21st Meeting of 11th Municipal Council) to Monday 1 September 1890 (33rd Meeting of 16th Municipal Council), 453 pp.
140.	Ic	Minute Book, Monday 8 September 1890 (34th Meeting of 16th Municipal Council) to Monday 3 August 1896 (26th Meeting of 22nd Municipal Council), 754 pp.
141.	Id	Record, Monday 10 August 1896 (27th Meeting of 22nd Municipal Council) to Monday 12 January 1903 (50th Meeting of 28th Municipal Council), 806 pp.
142.	Ie	Record, Monday 19 January 1903 (1st Meeting of 29th Municipal Council) to Monday 16 January 1911 (53rd Meeting of 36th Municipal Council), 806 pp.

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[950] Cf. VIP File: 01-03-01 000-000; Record Group: Nanaimo, Administrative Services Department.

[951] Cf. VIP File: 01-03-01 000-002; Minutes Series in Record Group: Nanaimo, Administrative Services Department.

[952] The VIP survey does not identify or describe materials below the series level. Therefore, a separate VIP file does not exist for what are termed here the sub-series, unit, and item levels of description.

UNIT: LOOSE MATERIAL.

Entry:

143. Rough draft of title page and format of council minutes, 1875, 1 sheet, located inside front cover of the Real Estate Assessment Roll, 1875-1880 (App. K/411).

144. Typed carbon copies of minutes of and/or resolutions passed at meetings of the 29th Municipal Council held on 26 January and 16 March 1903, 4 pp., located inside front pocket of volume Ie of the council minutes.

SERIES: CORRESPONDENCE, 1875-1948, 1.44 M.[953]

SUB-SERIES: CORRESPONDENCE INWARD, 1877-1879.

Surviving correspondence inward (1875-1904) is, with the exception of these few loose items, interfiled in the correspondence files sub-series, 1905-1948.

UNIT: LOOSE MATERIAL.

Entry:

145. Letter from T. Elwyn, Provincial Secretary's Department, Victoria, 26 March 1877, to Mark Bate, located between pp. 34-5 in volume 126.7 of Clerk's correspondence.

146. Notice of appeal from M. Bate for Vancouver Coal Mining and Land Company, Limited, on behalf of Mrs. Philip Parson, 10 April 1879, to C.N. Young, City Clerk; notices of appeal from J. Pawson, Mrs. E. Gough (her mark witnessed by Louis Page), J.W. Stirtan for James Abrams, John Hirst, Charles York, and James Gordon, all dated 12 April 1879, to C.N. Young, City Clerk; and miscellaneous calculations. Foregoing all located inside front cover of the Real Estate Assessment Roll, 1875-1880 (App. K/411).

SUB-SERIES: CORRESPONDENCE OUTWARD, 1875-1904.

UNIT: LETTERBOOK.

Accession No.: 18. Location: Boxes 126-127.

The dimensions of these volumes vary to 27x39x5 cm.

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[953] Cf. VIP File: 01-03-01 000-001; Correspondence Files Series in Record Group: Nanaimo, Administrative Services Department.

Volume 126.7 is in fact a copybook. The other volumes are letterpress copybooks. These special letterbooks contain tissue paper and were designed for taking impressions of correspondence outward with a copying press, through the application of moisture to the originals. They contain pages for indexing correspondence by the first letter of the addressee's name. The index pages of volume 127.2 also contain vertical divisions (A,E,I,O,U, and Y) for second letter indexing.

A considerable number of pages have been cut or torn from the letterpress copybooks, usually from the back. These pages may have contained copies of personal correspondence or specifications used in calling for tenders. It is also possible that some were blank and were removed to be used for other purposes. Some pages were removed to the new correspondence files established about 1905. The possibility that some pages may have been removed to destroy evidence of certain business transactions must also be entertained.

Correspondence was handwritten until 4 April 1902, from which time it was mostly typed. The impression made of copies of typed correspondence is a blue-purple colour, similar to that produced by the mimeograph process. Compared to the black impression made of copies of handwritten correspondence, it is considerably more difficult to read, especially where the impression has fanned out in the tissue paper.

Entry: Vol.:

147. 126.7 Letter Book, from prior to 10 February 1875 to 30 October 1886, 137/217 pp. used.

148. 126.8 [Letter Book], 18 December 1886 to at least 21 July 1891, 488 pp., some pages missing.

149. 126.9 Letter Book, 22 July 1891 to 24 December 1894, 482 pp., some pages missing.

150. 126.10 Letter Book, 29 December 1894 to 5 February 1897, 417 pp., some pages missing.

151. 127.1 Letter Book, 8 February 1897 to 7 January 1902, 962 pp., some pages missing.

Some correspondence from March 1898 to 2 November 1901 is to be found in reverse order on pp. 925-62.

152. 127.2 Letters, 7 January 1902 to 17 September 1904, 491/1000 pp. used, some pages missing.

Diverse correspondence for 1902 to 1903 is to be found on pp. 993-1000.

SUB-SERIES: CORRESPONDENCE FILES, 1905-1948.

Accession No.: 28. Location: Boxes 1-3.

This subject file system would appear to have been created about 1905 and to have been finally closed about 1948. The bulk of the material contained in this sub-series dates from the period 1919-1948, although there is considerable material from 1910, and individual items date back to at least 1882. It is possible that some of the "less important" 1905-1919 material has been purged. Arrangement is more or less chronological within subject file folders which are numbered 1-301.

It is apparent that some early materials considered to be of continuing value, at or after the creation of this system, were incorporated with it. See, for example, file no. 6 which contains oaths of allegiance and declarations dating from 1882, and file no. 53 which includes pages, removed from volume 127.2 of the letterpress copybooks, concerning by-laws deposited in the office of the County Court Registrar.

SERIES: ADDRESS, 1886, 1 ITEM.[954]

Not accessioned. Location: Open shelving.

ITEM:

Entry:

153. Address to the Right Honorable Sir John Alexander Macdonald, Member of Her Majesty's Privy Council, Premier of Canada, from his obediant servants M. Bate, Mayor, A.G. Horne, Charles Wilson, Walter Wilson, W.E. Webb, John Hilbert, James Knight, and Geo. Bevilockway, on behalf of the citizens of Nanaimo, n.d., 1 sheet.

This address was delivered to Sir J.A. and Lady Macdonald in August 1886, extending to them a cordial welcome to Nanaimo upon their visit to Nanaimo via the Canadian Pacific and Esquimalt and Nanaimo Railways. It is located inside the back cover of volume Ia of the council minutes.

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[954] A corresponding VIP series does not exist. This item is subsumed in VIP File: 01-03-01 000-002.

SERIES: BY-LAWS, 1875-1904, 21.5 CM.[955]

Accession No.: 28. Location: Diverse.

By-law Nos. 1-120, those interfiled therewith, and all other by-laws which became law during this period.

UNIT: SOFTCOVERED VOLUME.

Entry:

154. [By-laws Register], ca. 1919-1970, no pagination.

This volume is in an extremely deteriorated and brittle condition. It is probable that City Clerk Howard Hackwood began to keep the register about 1919, as the handwriting to that period is uniform and neat, which seems to indicate that by-laws passed between 1875-1919 were retrospectively entered. The register records the date of each by-law's deposit in the County Court Registrar's office which was the date on which it came into force.

UNIT: BOOK.

155. By-Laws of the Corporation of the City of Nanaimo, British Columbia: January, 1904. Nanaimo: Herald Printing & Publishing Co., 1904, 104 pp.

This softcovered volume reproduces municipal by-laws of a regulatory nature which were in effect in January 1904. They have been renumbered as by-laws 1-33.

For the purpose of cross-reference in the list of by-laws which follows, this volume is referred to by its short title, that is, Nanaimo City By-Laws, 1904.

UNIT: LEGAL DOCKET.

The original copies of the municipal by-laws are in most cases folded in four in the form of a legal docket, such that the back of the last page becomes the outside cover. In later years, the by-law was occasionally pinned to a separate protective cover. The by-law title and number, and the numbers of related by-laws, were noted on the cover. Most original by-laws are on legal-size paper which varies in size to about 22x35 cm. Those consulted vary in length from one to ten pages (most are from 1-4 pp.).

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[955] Cf. VIP File: 01-03-01 000-003; By-laws Series in Record Group: Nanaimo, Administrative Services Department.

Many of the original by-laws from the period 1875-1894 are missing. Thereafter, the series is far more complete. From 1875-1901, most originals were handwritten, signed, and sealed. From 1896-1901, at least some were typed; from 1902-1904, all were typed. There are, of course, anomalies, including some printed and carbon copies which have or have not been signed and sealed.

In the spring of 1901, the City Clerk's office established a system of numbering the by-laws.[956] Existing by-laws were organized to reflect their subject content and were numbered (1-94) in green pencil. Some numbers were split (1A, 1B, 36½, etc.) as more by-laws were interfiled. Red pen was used at that time to note the by-laws by which each was repealed or amended. Thereafter, by-laws were sequentially numbered. By the end of the 1904 Council's term, the numbers 1-120 had been assigned. Considering by-laws with split numbers and numbers assigned for which the originals no longer exist, 128 original by-laws have survived and are stored in the administration vault.

However, reference has been found in the council minutes to 237 different municipal by-laws which appear to have become law between 1875-1904. At times, it is difficult to establish whether or not a given enactment became law. Although each by-law was required to pass three readings before it passed the Municipal Council, the form and wording of passage varied over time and according to circumstances. For example, the Council's rules of order were often suspended upon plea of urgency so that a "housekeeping" or even a more significant by-law could be read three times during one meeting.

Initially, after receiving their third reading, by-laws were simply declared law and, most often, ordered published or printed. From 1881-1896, they were affirmed, sealed and ordered published at a meeting subsequent to that at which they received their third reading. From 1896-1904, by-laws were received, finally adopted, and ordered signed, sealed and published, or some variation of that wording. In addition, from 1896-1900, the wording in the council minutes included the names of the newspapers in which they were to be published. By-laws for the raising of special loans (1886-1900) required the assent of the municipal electors before being finally affirmed. Special rates reduction (1891-1893) and increase (1896) by-laws required the approval of the Lieutenant-Governor in Council.

Moreover, not all by-laws necessarily came into force or were enforced. It is clear that some were inoperable and, therefore, could not be enforced. Many were amended and/or subsequently repealed.

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[956] Some of the older by-laws bear numbers from an earlier system which was for some reason discontinued.

Reference will also be found in the council minutes to by-laws which received their first, second or even third readings, but were suddenly and "mysteriously" discontinued or abandoned. Such by-laws have not been included in the list which follows, although they are as much a part of Nanaimo's municipal history as those included, for they reflect attitudes or desire for social control and change. Copies of proposed legislation are rare, except in the case of defeated loan by-laws which were published prior to being submitted to the ratepayers.

Four by-laws of which the originals no longer exist are among those published in Nanaimo City By-Laws, 1904. Some of the 105 by-laws which are not available at the City of Nanaimo Archives are available in other sources. For example, from 1881, statutory law provided that municipal by-laws be published in local newspapers and, from 1884-1899, that they also be published in the British Columbia Gazette (BCG). Nanaimo's municipal by-laws were frequently published in the Nanaimo Free Press (NFP) from 1875 to at least 1900. Many were published in the BCG between 1884-1898. In 1885, the NFP lost its monopoly of Nanaimo's printing and publishing business. Thereafter, a number of small daily and semi-weekly newspapers were published in Nanaimo in quick succession. There follows a list of newspapers in which by-laws were ordered published as recorded in the council minutes: the Nanaimo (Morning) Courier (1888-9) which was awarded the advertising contract for 1889,[957] but ceased publication later that year; Nanaimo (Semi-Weekly) Mail (1895-7); The Review (1897-8); The Nanaimo Herald (1899-1901); and the The Daily Herald (1901-38). By-laws may have also been printed in the other newspapers published in Nanaimo between 1885-1904: Westward Ho (1885-6); Nanaimo (Morning) Daily Telegram (1893-4); and Nanaimo Clarion (1900-3). Copies of these smaller newspapers are not, however, readily accessible. The Legislative Library is the main repository in which these papers are available, although its holdings are often very incomplete.

As the BCG and NFP are the most accessible of these published sources, I have attempted to locate each by-law which is not available at the CNA first in the BCG and, if unsuccessful, then in the NFP. The results of this search are noted in the following composite list of municipal by-laws available at the CNA, of references to those located in the BCG or NFP, and of those which have not been located. It is, of course, possible that some by-laws were published considerably later than the period in which I searched for them. They may have been published in another newspaper or not at all. This list is by no means definitive.

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[957] CNA, CCN, CM, 4 March 1889, 301.

For each by-law described, the following information is noted: the by-law number assigned by the City Clerk, or other indication of location as explained in the abbreviations section below; the by-law's short title, omitting preceding articles and standardizing the spelling of "By-law," and the year of the Council by which it was enacted; and the date on which the by-law was last mentioned in the council minutes regarding its passage (i.e., became law, affirmed, or in a few cases mention of receipt of a communication regarding the approval of the Lieutenant-Governor in Council). Information regarding source of publication and/or disposition is noted on the next line. Disposition is noted only where it is not apparent from the context. For instance, it is obvious that an amendment by-law following a by-law of the same title amends that by-law. However, upon occasion, an amendment by-law refers to a previous amendment by-law, in which case I have made a notation to that effect. The repeal or supersedure of one by-law by another is, where it has been found, indicated. In noting disposition, I use the numbers assigned by the City Clerk or, where non-existent, the by-law year where the by-law referred to follows virtually immediately. Where the by-law number indicated is not located within five entries either side of the by-law it effects, the corresponding inventory entry number is noted in parentheses.

The short titles of by-laws which have not been located may be inaccurate. They are titles from the council minutes, or the short titles of similar by-laws preceding or following them. The by-laws noted as not having a short title have often been attributed a title from the by-law's preamble.

The arrangement of this list is by subject content. The keywords which describe the content of a group of by-laws passed on a given subject have been underscored in the title of the first by-law of the group. By-laws are arranged alphabetically by these underscored keywords; subsequent by-laws are arranged chronologically. These keywords, and other important access points as determined from the by-laws' titles and content, have been liberally cross-referenced.

Abbreviations:

NN = By-law not numbered, but available at CNA in Nanaimo City By-Laws, 1904.

BCG = Source: British Columbia Gazette.

NFP = Source: Nanaimo Free Press.

(Blank) = By-law not located.

ITEM:

Entry: By-law No.:

Aldermen's Remuneration - see Mayor

156. 20 Annual Loan By-law, 1893. 10 July 1893.

The annual loan by-laws had their effect and were not repealed.

157. 21 Annual Loan By-law, 1895. 22 April 1895.

158. 22 Annual Loan By-law, 1896. 2 March 1896.

Repealed by no. 23.

159. 23 Temporary Loan By-law, 1896. 30 March 1896.

160. 24 Annual Loan By-law, 1897. 15 February 1897.

161. 25 Annual Loan By-law, 1898. 28 March 1898.

162. 26 Annual Loan By-law, 1899. 5 June 1899.

163. 27 Annual Loan By-law, 1900. 26 February 1900.

164. 28 Annual Loan By-law, 1901. 25 February 1901.

165. 102 Annual Loan By-law, 1902. 24 March 1902.

166. 106 Nanaimo Temporary Loan By-law, 1903. 9 February 1903.

167. 114 Nanaimo Temporary Loan By-law, 1904. 8 February 1904.

Annual Loan - see also Bank Credit

168. NFP By-law fixing the date of hearing appeals against Real Estate Assessments, 1875. 13 May 1875.

See NFP, 15 May 1875, 2.

The appeals by-laws were enacted annually. They had their effect and were not repealed.

169. NFP By-law fixing the date of hearing appeals against Real Estate Assessments, 1876. 24 April 1876.

See NFP, 26 April 1876, 2.

170. NFP By-law fixing the date of hearing appeals against the Assessment Roll, 1878. 6 May 1878.

See NFP, 8 May 1878, 2.

171. NFP By-law fixing the date of hearing appeals against Real Estate Assessments for the year 1879. 14 April 1879.

See NFP, 16 April 1879, 2.

172. By-law to fix time for hearing appeals against Real Estate Assessments, 1882. 1 May 1882.

Not located.

173. NFP By-law fixing the date of hearing appeals against the Assessment Roll, 1883. 7 May 1883.

See NFP, 9 May 1883, 2.

174. NFP By-law fixing the date of hearing appeals against the Assessment Roll, 1884. 12 May 1884.

See NFP, 17 May 1884, 2.

175. NFP By-law fixing the date of hearing appeals against the Assessment Roll, 1885. 29 May 1885.

See NFP, 30 May 1885, 3.

176. NFP By-law fixing the date of hearing appeals against the Assessment Roll, 1886. 14 June 1886.

See NFP, 19 June 1886, 2.

177. BCG By-law fixing the date of hearing appeals against the Assessment Roll, 1887. 4 July 1887.

See BCG 27 (6 October 1887): 522.

178. NFP Appeal By-law, 1888. 25 June 1888.

See NFP, 27 June 1888, 2.

179. Appeal By-law, 1889. 10 June 1889.

Not located.

Appeals - see also Assessment Roll, Road Tax

180. Return of Assessment Roll By-law, 1875. 22 February 1875.

Not located.

Assessment roll by-laws were enacted annually and

had their effect. They were not repealed.

181. Return of Assessment Roll By-law, 1876. 28 February 1876.

Not located.

182. NFP By-law to fix the Return of the Assessment Roll for 1877, and the time for hearing complaints respecting assessments. 23 April 1877.

See NFP, 2 May 1877, 2.

183. NFP Return of Assessment Roll By-law, 1878. 1 April 1878.

See NFP, 3 April 1878, 2.

184. NFP Return of Assessment Roll By-law, 1879. 17 February 1879.

See NFP, 22 February 1879, 2.

185. Return of Assessment Roll By-law, 1880. 3 May 1880.

Not located.

186. Return of Assessment Roll By-law, 1881. 14 March 1881.

Not located.

187. NFP Return of Assessment By-law, 1882. 20 March 1882.

See NFP, 22 March 1882, 2.

188. NFP Return of Assessment By-law, 1883. 5 March 1883.

See NFP, 14 March 1883, 2.

189. NFP Return of Assessment By-law, 1884. 17 March 1884.

See NFP, 22 March 1884, 2.

190. NFP Return of Assessment By-law, 1885. 30 March 1885.

See NFP, 8 April 1885, 2.

191. NFP Return of Assessment By-law, 1886. 22 March 1886.

See NFP, 31 March 1886, 2.

192. BCG Return of Assessment By-law, 1887. 16 May 1887.

See BCG 27 (6 October 1887): 523.

193. NFP Return of Assessment By-law, 1888. 30 April 1888.

See NFP, 2 May 1888, 2.

194. Return of Assessment By-law, 1889. 6 May 1889.

Not located.

195. Return of Assessment By-law, 1890. 14 July 1890.

Not located.

196. BCG Assessment Roll By-law, 1891. 7 September 1891.

See BCG 31 (24 December 1891): 1165.

197. NFP Assessment Roll By-law, 1892. 20 June 1892.

See NFP, 25 June 1892, 1.

198. Assessment By-law, 1893. 13 March 1893.

Not located.

199. Assessment By-law, 1895. 22 April 1895.

Not located.

200. BCG Assessment By-law, 1896. 10 February 1896.

See BCG 36 (20 February 1896): 216.

Assessment Roll - see also Appeals, Road Tax

Awning - see Footpath

Ballot - see Municipal Election's Regulation

201. 19 Bank Credit By-law, 1887. 25 April 1887.

Bank Credit - see also Annual Loan

202. 50 Barber's Shop Sunday Closing By-law, 1899. 12 June 1899.

No. 1, p. 3, in Nanaimo City By-Laws, 1904.

203. 61 Bastion Street Bridge Loan By-law, 1889. 14 October 1889.

Amended by 1891 by-law, no. 87 (Entry 314), no. 91 (Entry 315), and no. 89 (Entry 260).

204. BCG Reduction of the special rate imposed by the "Bastion Street Bridge Loan By-law, 1889," 1891. 1 October 1891.

See BCG 31 (24 December 1891): 1165. Superseded by no. 87 (Entry 314).

Bate, Mark, Sr. - see Street Conveyance

205. 29 Bicycle Regulation By-law, 1896. 24 August 1896.

Copy also in archives vault. No. 2, pp. 4-5, in Nanaimo City By-Laws, 1904.

206. 30 Bicycle Regulation Amendment By-law, 1898. 25 April 1898.

No. 3, p. 6, in Nanaimo City By-Laws, 1904.

Board of Licensing Commissioners - see Liquor License Regulation

207. 51½ Regulation of Sale of Bread By-law, 1898. 19 September 1898.

Copy also in archives vault.

British Columbia Construction Company, Limited - see Gas Works

208. NFP Nanaimo Butchering and Nuisance By-law, 1876. 5 June 1876.

See NFP, 8 July 1876, 3. Repealed by 1881 by-law.

209. NFP Nanaimo Butchering and Nuisance Amendment By-law, 1877. 9 April 1877.

See NFP, 2 May 1877, 2. Repealed by 1881 by-law.

210. NFP Amendment to the Nanaimo Butchering and Nuisance By-law, 1879. 3 November 1879.

See NFP, 12 November 1879, 2. Repealed by 1881 by-law.

211. NFP Nanaimo Slaughterhouse and Nuisance By-law, 1881. 9 May 1881.

See NFP, 18 May 1881, 3.

212. NFP By-law to amend the "Slaughterhouse and Nuisance By-law, 1881," 1881. 28 November 1881.

See NFP, 7 December 1881, 2. Repealed by 1885 by-law.

213. NFP By-law repealing the "Slaughterhouse and Nuisance Amendment By-law, 1881," 1885. 30 March 1885.

See NFP, 8 April 1885, 2. No short title.

214. 71 Nuisance Prevention By-law, 1888. 8 October 1888.

No. 17, pp. 52-3, in Nanaimo City By-Laws, 1904.

By-law Enforcement - see By-laws

215. 59 By-law to authorize the raising of Two Thousand two hundred dollars, 1886. 17 May 1886.

This loan by-law provided for the purchase of the Nanaimo Literary Institute property.

216. 60 By-law to authorize the raising of $2500.00, 1887. 21 February 1887.

This loan by-law provided for the purchase of fire hydrants and equipment. Clerical error corrected by no. 90.

217. 90 Loan Amendment By-law, 1887. 28 March 1887.

218. NFP By-law to provide for enforcing the By-laws of the Municipality, 1880. 17 May 1880.

See NFP, 19 May 1880, 2.

Celebration - see Public Celebration

Cemetery - see Public Cemetery

219. NFP Chimney and Stovepipe By-law for the Prevention of Fires, 1876. 29 May 1876.

See NFP, 7 June 1876, 2.

220. City Clerk's Duties By-law, 1875. 15 February 1875.

Not located.

221. NFP Clerk's Amendment By-law, 1878. 18 February 1878.

See NFP, 2 March 1878, 2. Repealed by 1883 by-law.

222. City Clerk's Amendment By-law, 1880. 22 March 1880.

Not located. Repealed by 1883 by-law.

223. NFP City Clerk's Amendment By-law, 1883. 26 February 1883.

See NFP, 28 February 1883, 2.

224. BCG Nanaimo City Pound By-law, 1891. 6 April 1891.

See BCG 31 (11 June 1891): 396. Repealed by no. $115\frac{1}{2}$.

225. BCG Nanaimo City Pound Amendment By-law, 1892. 4 July 1892.

See BCG 32 (29 July 1892): 792. Repealed by no. $115\frac{1}{2}$.

226. City Pound Amendment By-law, 1893. 8 May 1893.

Not located. Repealed by no. $115\frac{1}{2}$.

227. $115\frac{1}{2}$ City Pound By-law, 1897. 22 November 1897.

No. 6, pp. 30-4, in Nanaimo City By-Laws, 1904.

228. 116 City Pound Amendment By-law, 1904. 18 July 1904.

City Pound - see also Dog Tax, Swine and Goat

229. City Surveyor By-law, 1875. 29 March 1875.

Not located.

Clerk - see City Clerk's Duties

230. 66 Commercial Street Filling By-law, 1894. 12 November 1894.

Amended by no. 89 (Entry 260).

Commercial Street Filling - see also Surplus Sinking Funds

231. NFP Contagious Diseases By-law, 1885. 3 March 1885.

See NFP, 7 March 1885, 3. Repealed by 1888 by-law.

232. NFP Contagious Diseases By-law, 1888. 17 September 1888.

See NFP, 26 September 1888, 2. Repealed by 1889 by-law.

233. BCG Contagious Diseases By-law, 1889. 29 July 1889.

See BCG 29 (29 August 1889): 548-9.

Contagious Diseases - see also Public Health

Conveyance - see Street Conveyance

Council - see Rules of Order

Court of Revision - see Appeals

234. 63 Crusher and Rock Drill By-law, 1891. 1 June 1891.

Amended by no. 87 (Entry 314) and no. 91 (Entry 315).

235. 84½ Nanaimo Curfew By-law, 1898. 12 December 1898.

No. 7, pp. 34-5, in Nanaimo City By-Laws, 1904.

236. 72 Dog Tax By-law, 1898. 14 March 1898.

No. 8, pp. 35-7, in Nanaimo City By-Laws, 1904.

Dog Tax - see also Revenue

Election - see Municipal Election's Regulation, Municipal Officers Election Regulation

Electors - see Municipal Electors

237. Nanaimo Electric Lighting By-law, 1891. 4 May 1891.

Not located after affirmed. This loan by-law was, however, published a number of times prior to being voted upon. See, for example, NFP, 2 May 1891, 2. Although it received the assent of the municipal electors, the loan was not raised.

238. Electric By-law, 1891. 22 June 1891.

Not located after affirmed. This by-law was, however, published a number of times prior to being voted upon by the municipal electors. See, for example, NFP, 17 June 1891, 4.

239. BCG Electric Light By-law, 1891. 19 October 1891.

See BCG 31 (24 December 1891): 1165-6. Agreement expired in 1896.

240. 105 Nanaimo Streets Lighting By-law, 1902. 8 December

1902.

Agreement expired in 1908.

241. 58 By-law for altering the Esplanade, 1884. 28 July 1884.

No. 9, pp. 37-8, in Nanaimo City By-Laws, 1904.

Esquimalt and Nanaimo Railway Company - see Railway

242. NFP Expenditure of Revenue By-law, 1881. 11 April 1881.

See NFP, 20 April 1881, 3.

Expenditure - see also Public Celebration, Public Reception, Water Survey

Explosives - see Gun-powder and other explosives

Fire Engine - see Steam Fire Engine

243. 65 Fire Hall and Hydrant By-law, 1892. 13 June 1892.

Amended by no. 85, no. 91 (Entry 315) and no. 89 (Entry 260).

244. 85 Fire Hall and Hydrant Rate Reduction By-law, 1892. 5 September 1892.

Superseded by no. 91 (Entry 315). Repealed by no. 89 (Entry 260).

Fire Hydrants and Equipment - see By-law

245. 13 Fire Insurance Companies' Tax By-law, 1897. 26 July 1897.

No. 11, p. 42, in Nanaimo City By-Laws, 1904.

246. 14 Fire Insurance Companies' Tax Amendment By-law, 1898. 7 March 1898.

No. 12, p. 43, in Nanaimo City By-Laws, 1904.

247. 16 Nanaimo Fire Limit By-law, 1894. 22 October 1894.

Repealed by no. 99.

248. 17 Fire Limit Amendment By-law, 1895. 30 December 1895.

Repealed by no. 99.

249. 99 Nanaimo Fire Limit Amendment By-law, 1901. 30 December 1901.

No. 10, pp. 38-41 in Nanaimo City By-Laws, 1904. Repealed by no. 118.

250. 118 Nanaimo Fire Limit By-law, 1904. 10 October 1904.

Fire Prevention - see Chimney

251. Fire Protection By-law, 1891. 14 July 1891.

Not located. This by-law may have been inoperable.

252. 7 Nanaimo Footpath and Awning By-law, 1875. 19 March 1875.

Repealed by no. 12 (Entry 369).

253. 10 Nanaimo Footpath and Awning Amendment By-law, 1883. 12 March 1883.

Repealed by no. 12 (Entry 369).

Gambling - see Sunday Observance

254. 1A Gas Works By-law, 1886. 1 March 1886.

Agreement dated 25 February 1886 between the Muncipal Council and the British Columbia Construction Company Limited is attached to the front of the by-law. Repealed by no. 1A (affirmed 18 October 1886).

255. 1A Gas Works By-law, 1886. 18 October 1886.

Agreement dated 18 September 1886 between the Municipal Council and the British Columbia Construction Company Limited is included with the by-law. This by-law re-enacted the previous by-law, which had expired.

256. NFP Gas Works Amendment By-law, 1887. 7 January 1887.

See NFP, 8 January 1887, 2.

Goat - see Swine and Goat

Governor General and Princess Louise - see Public Reception

257. 15 Regulation of the Storage, Carriage and Disposal of Gun-powder and other explosives By-law, 1896.

22 June 1896.

No. 26, pp. 78-9, in Nanaimo City By-Laws, 1904.

Health - see Public Health

Intoxicating Liquors - see Sunday Observance

Laundry Regulation - see Wash-house

Licenses - see Revenue, Trades License

258. 113 Nanaimo Liquor License Regulation By-law, 1903. 28 December 1903.

No. 13, pp. 44-5, in Nanaimo City By-Laws, 1904.

259. 120 Nanaimo Liquor License Regulation Amendment By-law, 1904. 21 December 1904.

Liquors, Sale of - see Sunday Observance

260. 89 Loan Rates By-law, 1896. 27 July 1896.

Loan Rates - see also Rate Reduction

Loans - see Annual Loan, Bastion Street Bridge, By-law, Commercial Street Filling, Crusher and Rock Drill, Electric Lighting, Fire Hall and Hydrant, Loan Rates, Public Schools, Rate Reduction, Steam Fire Engine, Streets Improvement, Surplus Sinking Funds, Water Works

261. 95 Market Regulation By-law, 1901. 2 July 1901.

262. Mayor and Alderman's Remuneration By-law, 1891. 6 April 1891.

Not located. Council affirmed this by-law, although its affirmation was probably not in order. A similar by-law subsequently passed Council; however, the municipal electors defeated it by a large majority.

263. 49 Mayor and Aldermen's Remuneration By-law, 1899. 26 December 1899.

No. 14, pp. 45-6, in Nanaimo City By-Laws, 1904.

264. 18 Milk Inspection By-law, 1895. 2 December 1895.

No. 15, pp. 46-50, in Nanaimo City By-Laws, 1904.

Monetary Grant - see Public Celebration, Public

Reception, Water Survey

Morals - see Public Morals

Municipal Council - see Rules of Order

265. 31 Municipal Election's Regulation and Ballot Act, 1875. 20 December 1875.

The municipal election by-laws were enacted annually. They had their effect and were not repealed.

266. 32 Municipal Election Regulation By-law, 1876. 18 December 1876.

267. Municipal Election Regulation By-law for the year 1878. 31 December 1877.

Not located.

268. 33 Municipal Election Regulation By-law for the year 1879. 30 December 1878.

269. 34 Municipal Election Regulations By-law for the year 1880. 29 December 1879.

270. 35 Municipal Election Regulation By-law for the year 1881. 20 December 1880.

271. 34½ By-law to Regulate the Municipal Election for the year 1882, in the City of Nanaimo. 2 January 1882.

No short title.

272. 36 By-law to regulate the Municipal Election for the year 1883 in the City of Nanaimo. 26 December 1882.

No short title.

273. 36½ By-law to Regulate the Municipal Election for the year 1884 in the City of Nanaimo. 31 December 1883.

274. 37 By-law to Regulate the Municipal Election for the year 1885 in the City of Nanaimo. 29 December 1884.

275. NFP By-law to regulate the Municipal Election for the year 1886 in the City of Nanaimo. 21 December 1885.

See NFP, 1 January 1886, 1.

276. 38 By-law to regulate the Municipal Election for the year 1887 in the City of Nanaimo. 28 December 1886.

277. 39 By-law to regulate the Municipal Election for the year 1888 in the City of Nanaimo. 19 December 1887.

278. 40 By-law to regulate the Municipal Election for the year 1889 in the City of Nanaimo. 26 December 1888.

279. 41 By-law to regulate the Municipal Election for the year 1890 in the City of Nanaimo. 30 December 1889.

280. 42 By-law to regulate the Municipal Election for the year 1891 in the City of Nanaimo. 29 December 1890.

281. 43 By-law to Regulate the Municipal Election for the year 1892 in the City of Nanaimo. 14 December 1891.

282. BCG By-law to Regulate the Municipal Election for the year 1893 in the City of Nanaimo. 19 December 1892.

See BCG 33 (5 January 1893): 18.

283. 44 By-law to regulate the Municipal Election for the year 1894 in the City of Nanaimo. 26 December 1893.

284. 45 By-law to regulate the Municipal Election for the year 1895 in the City of Nanaimo. 7 January 1895.

285. 46 By-law to regulate the Municipal Election for the year 1896. 30 December 1895.

286. 48 Election By-law, 1898. 27 December 1897.

287. 47 Municipal Electors By-law, 1896. 10 November 1896.

The municipal electors by-laws were enacted annually. They had their effect and were not repealed.

288. BCG Municipal Electors By-law, 1898. 12 December 1898.

See BCG 38 (22 December 1898): 2524.

289. Municipal Electors By-law, 1899. 26 December 1899.

Not located.

290. 93 Municipal Electors By-law, 1900. 17 December 1900.

291. 101 Municipal Electors By-law, 1901. 23 December 1901.

292. Municipal Officers Election Regulation By-law, 1887. 6 January 1888.

Not located.

293. BCG Officials' Appointment By-law, 1897. 1 March 1897.

See BCG 37 (4 March 1897): 927-8.

Nanaimo Electric Light, Power and Heating Company, Limited - see Electric Lighting

Nanaimo Electric Light-works Company - see Electric Lighting

Nanaimo Electric Tramway Company - see Streets Railway

Nanaimo Fire Company - see By-law, Fire Hall and Hydrant

Nanaimo Literary Institute - see By-law

Nanaimo Public Cemetery - see Public Cemetery

Nanaimo Trades Association - see Water Survey

Nanaimo Water Works Company, Limited - see Water Works

Noxious Weeds - see Thistle

Nuisance - see Butchering and Nuisance

Officials, Appointment of - see Municipal Officers Election Regulation

Pound - see City Pound

294. 92 Prevention of the Cruelty to Animals By-law, 1900. 19 November 1900.

Copy also in archives vault. No. 19, pp. 56-7, in Nanaimo City By-Laws, 1904.

295. NFP By-law to grant a portion of the Municipal Revenue in aid of the Public Celebration of the Anniversary of the Birth of Her Majesty the Queen, 1881.

20 May 1881.

See NFP, 21 May 1881, 3. No short title.

296. NFP By-law to grant a portion of the Municipal Revenue in aid of the Public Celebration of the Birth of Her Majesty the Queen, 1882. 22 May 1882.

See NFP, 24 May 1882, 2. No short title.

297. NFP By-law to grant a portion of the Municipal Revenue in aid of the Public Celebration of the Anniversary of the Birth of Her Majesty the Queen, 1883. 14 May 1883.

See NFP, 19 May 1883, 2. No short title.

298. By-law to authorize the expenditure of a sum of money not exceeding one hundred dollars in aid of the Celebration of the next anniversary of the birth of Her Majesty the Queen, 1884. 19 May 1884.

Not located.

299. 1B Nanaimo Public Cemetery By-law, 1881. 29 August 1881.

No. 23, pp. 69-73, in Nanaimo City By-Laws, 1904. Amended by 1882 by-law and no. 100.

300. NFP By-law to amend the "Nanaimo Public Cemetery By-law, 1881," 1882. 18 December 1882.

See NFP, 20 December 1882, 2. Amended by no. 94. Repealed by no. 115.

301. 94 Nanaimo Public Cemetery Amendment By-law, 1900. 13 August 1900.

No. 24, pp. 73-4, in Nanaimo City By-Laws, 1904. Repealed by no. 115.

302. 100 Nanaimo Public Cemetery Amendment By-law, 1901. 9 December 1901.

No. 25, pp. 75-8, in Nanaimo City By-Laws, 1904. Amended by no. 115.

303. 115 Nanaimo Public Cemetery Amendment By-law, 1904. 2 May 1904.

304. NN Public Health By-law of the City of Nanaimo, 1890. 7 April 1890.

Missing according to [By-laws Register]. No. 20, pp. 57-67, in Nanaimo City By-Laws, 1904.

305. NN Public Health Amendment By-law, 1890. 17 November 1890.

Missing according to [By-laws Register]. No. 21, pp. 67-8, in Nanaimo City By-Laws, 1904.

306. NN Public Health Amendment By-law, 1891. 27 April 1891.

Missing according to [By-laws Register]. No. 22, pp. 68-9, in Nanaimo City By-Laws, 1904. Amended by 1896 by-law.

307. BCG Public Health Amendment By-law, 1896. 17 February 1896.

See BCG 36 (27 February 1896): 245.

Public Health - see also Contagious Diseases, Swine and Goat

308. 70 Public Morals By-law, 1890. 8 December 1890.

Superseded by no. 56.

309. 56 Public Morals Amendment By-law, 1895. 9 January 1896.

Copy also in archives vault. No. 18, pp. 53-6, in Nanaimo City By-Laws, 1904.

310. NFP By-law to grant a portion of the Municipal Revenue, in aid of the public reception of His Excellency the Governor General and Princess Louise, 1882. 18 September 1882.

See NFP, 23 September 1882, 2. No short title.

311. 64 Erection of Public Schools By-law, 1892. 13 June 1892.

Amended by no. 86, no. 91 (Entry 315) and no. 89 (Entry 260).

312. 86 Schools' Rate reduction By-law, 1892. 5 September 1892.

Superseded by no. 91 (Entry 315). Repealed by no. 89 (Entry 260).

Queen's Birthday Celebration - see Public

Celebration

313. 57 Nanaimo Railway By-law, 1884. 27 October 1884.

Railway - see also Streets Railway

314. 87 Rate reduction By-law, 1892. 5 September 1892.

Superseded by no. 91. Repealed by no. 89 (Entry 260).

315. 91 Rate Reduction By-law, 1893. 28 August 1893.

Superseded by no. 89 (Entry 260).

Rate Reduction - see also Bastion Street Bridge, Fire Hall and Hydrant, Public Schools, Street Improvements

Rates - see Taxation

Real Estate Assessments - see Appeals, Assessment Roll

316. 75 Real Estate Tax By-law, 1890. 29 September 1890.

The real estate tax by-laws were enacted annually. They had their effect and were not repealed.

317. 76 Real Estate Tax By-law, 1891. 14 September 1891.

318. BCG Real Estate Tax By-law, 1892. 3 October 1892.

See BCG 32 (13 October 1892): 1031.

319. 77 Real Estate Tax By-law, 1893. 21 August 1893.

320. BCG Real Estate Tax By-law, 1894. 30 July 1894.

See BCG 34 (2 August 1894): 713.

321. 78 Real Estate Tax By-law, 1895. 26 August 1895.

322. 79 Real Estate Tax By-law, 1896. 22 June 1896.

323. 80 Real Estate Tax Amendment By-law, 1896. 10 November 1896.

324. 81 Real Estate Tax By-law, 1897. 28 June 1897.

325. BCG Real Estate Tax Amendment By-law, 1897. 26 October 1897.

See BCG 37 (28 October 1897): 3304-5.

326. 82 Real Estate Tax By-law, 1898. 1 August 1898.

327. 83 Real Estate Tax By-law, 1899. 17 July 1899.

328. 84 Real Estate Tax By-law, 1900. 23 July 1900.

329. Real Estate Tax By-law, 1901. 5 August 1901.

Not located.

330. 103 Real Estate Tax By-law, 1902. 21 July 1902.

331. 108 Real Estate Tax By-law, 1903. 29 June 1903.

332. 117 Real Estate Tax By-law, 1904. 18 July 1904.

Real Estate Tax - see also Revenue

333. BCG Nanaimo Real Estate Tax Sale By-law, 1895. 3 September 1895.

See BCG 35 (12 September 1895): 842-3.

The real estate tax sale by-laws were enacted annually. They had their effect and were not repealed.

334. BCG Nanaimo Real Estate Tax Sale By-law, 1896. 31 August 1896.

See BCG 36 (10 September 1896): 1286-7.

335. BCG Nanaimo Real Estate Tax Sale By-law, 1897. 28 June 1897.

See BCG 37 (2 July 1897): 2664.

336. BCG Nanaimo Real Estate Tax Sale By-law, 1898. 15 August 1898.

See BCG 38 (13 October 1898): 2096.

337. Nanaimo Real Estate Tax Sale By-law, 1899. 6 November 1899.

Not located.

338. 97 Nanaimo Real Estate Tax Sale By-law, 1901. 21 October 1901.

339. 110 Nanaimo Real Estate Tax Sale By-law, 1903. 2 November 1903.

340. 119 Nanaimo Real Estate Tax Sale By-law, 1904. 31 October 1904.

Reception - see Public Reception

Referendum - see Scavengering, Wards

Remuneration, Mayor and Aldermen's - see Mayor

341. NFP Nanaimo Revenue By-law, 1875. 10 June 1875.

See NFP, 12 June 1875, 2. This by-law would appear to have been repealed by the 1876 by-law.

342. NFP Nanaimo Revenue By-law, 1876. 28 June 1876.

See NFP, 26 July 1876, 2. Amended by 1877 by-laws and 1879 by-law. This by-law would appear to have been first repealed by the 1878 by-law.

343. NFP Nanaimo Revenue Amendment By-law, 1877. 21 May 1877.

See NFP, 30 May 1877, 2. Repealed by 1877 by-law.

344. NFP Nanaimo Revenue Amendment By-law, 1877. 2 July 1877.

See NFP, 7 July 1877, 2.

345. Revenue By-law, 1878. 8 April 1878.

Not located. This by-law would appear to have been first repealed by the 1881 by-law.

346. NFP Nanaimo Revenue Amendment By-law, 1879. 30 June 1879.

See NFP, 5 July 1879, 2.

347. NFP Nanaimo Revenue By-law, 1881. 27 June 1881.

See NFP, 25 June 1881, 4. Repealed by 1882 by-law.

348. NFP Nanaimo Revenue By-law, 1882. 3 July 1882.

See NFP, 1 July 1882, 1. Repealed by 1885 by-law.

349. BCG Nanaimo Revenue By-law, 1885. 6 July 1885.

See BCG 25 (20 August 1885): 308. Repealed by 1887 by-law.

350. Revenue By-law, 1887. 25 April 1887.

Not located. Although affirmed, this by-law would not appear to have become law, as it was not repealed by the 1887 by-law affirmed on 29 August.

351. BCG Nanaimo Revenue By-law, 1887. 29 August 1887.

See BCG 27 (6 October 1887): 521-2. Repealed by 1888 by-law.

352. NFP Nanaimo Revenue By-law, 1888. 20 August 1888.

See NFP, 25 August 1888, 2. Repealed by 1889 by-law.

353. BCG Nanaimo Revenue By-law, 1889. 13 August 1889.

See BCG 29 (29 August 1889): 547-8. Repealed by 1890 by-law.

354. BCG Nanaimo Revenue By-law, 1890. 9 June 1890.

See BCG 30 (12 June 1890): 546-7. Repealed by 1893 by-law.

355. BCG Nanaimo Revenue By-law, 1893. 31 July 1893.

See BCG 33 (10 August 1893): 622-3. Repealed by no. 73 (Entry 382).

Revenue - see also Expenditure, Trades License

356. NFP Return of the Road Tax Assessment Roll By-law, 1887. 11 November 1887.

See NFP, 12 November 1887, 2.

357. NFP By-law fixing the date of hearing appeals against the Road Tax Assessment Roll for the year 1887. 28 November 1887.

See NFP, 3 December 1887, 2.

358. 107 Nanaimo Road Tax By-law, 1903. 15 June 1903.

No. 27, pp. 79-80, in Nanaimo City By-Laws, 1904.

Road Tax - see also Revenue, Statute Labour

Rock Drill - see Crusher

359. 1 Rules of Order By-law, 1875. 8 February 1875.

Repealed by no. 2.

360. 2 By-law for the regulation and general conduct of business of the Municipal Council, 1891. 22 June 1891.

A copy of this by-law as it was published in pamphlet form is filed with the original by-law: Rules of Order for Regulating the Meetings and General Business of the Municipal Council. Nanaimo: Free Press Steam Print, 1891, 6 pp. Repealed by no. 109.

361. NN Council By-law, 1903. 21 September 1903.

Although the original of this by-law is missing, the [By-laws Register] indicates that it was by-law no. 109. No. 4, pp. 6-28, in Nanaimo City By-Laws, 1904.

362. Scavengering By-law, 1903. 21 September 1903.

Not located. This by-law was affirmed before the municipal electors voted upon the question of the undertaking of such work by the Council. The by-law did not receive their assent, so did not become law.

363. Referendum By-law, 1903. 4 January 1904.

Not located. This by-law provided for a referendum on the question of the city scavengering being undertaken by the Municipal Council.

School Buildings - see Public Schools

School Sites - see Public Schools

Sinking Funds - see Surplus Sinking Funds

Slaughterhouse - see Butchering and Nuisance

Society for the Prevention of Cruelty to Animals - see Prevention of the Cruelty to Animals

Special Rates - see Loan Rates, Rate Reduction

364. Statute Labour By-law, 1880. 29 March 1880.

Not located.

Statute Labour - see also Road Tax

365. 67 Steam Fire Engine Loan By-law, 1899. 12 June 1899.

Stovepipe - see Chimney

366. 8 Nanaimo Street By-law, 1875. 5 March 1875.

Repealed by no. 12.

367. 9 Nanaimo Streets Amendment By-law, 1879. 12 May 1879.

Repealed by no. 12.

368. 11 Nanaimo Street By-law, 1888. 26 December 1888.

Repealed by no. 12.

369. 12 Streets By-law, 1894. 9 April 1894.

No. 28, pp. 81-5, in Nanaimo City By-Laws, 1904.

370. 51 Street Conveyance and Exchange By-law No. 1 of 1893. 5 June 1893.

371. 62 Streets Improvement Loan By-law, 1890. 5 May 1890.

Copy also in archives vault. Amended by no. 88, no. 87 (Entry 314), no. 91 (Entry 315), and no. 89 (Entry 260).

372. 88 Reduction of the Special Rate imposed by the "Streets Improvement Loan By-law, 1890," 1891. 1 October 1891.

Superseded by no. 87 (Entry 314).

Streets Lighting - see Electric Lighting

373. Nanaimo Streets Railway By-law, 1890. 9 January 1891.

Not located.

Sunday Closing - see Barber's Shop Sunday Closing

374. 3 Nanaimo Sunday Observance, Regulation of Sale of Liquors, Suppression of Gambling By-law, 1876. 4 September 1876.

Repealed by no. 4.

375. 6 City of Nanaimo By-law for Regulation of the sale of intoxicating Liquors by retail of 1880. 22 March 1880.

Repealed by no. 4.

376. 4 Sunday Observance and Regulation of the Sale of Intoxicating Liquors By-law, 1888. 9 July 1888.

Repealed by no. 5.

377. 5 Sunday Observance By-law, 1895. 30 December 1895.

378. 96 By-law to Authorize the using of Surplus Sinking Funds, 1901. 26 August 1901.

A copy of a printed advertisement regarding the voting to be held on this by-law is filed with the by-law.

Surveyor - see City Surveyor

379. 55 Nanaimo Swine and Goat By-law, 1876. 13 November 1876.

Superseded by the Public Health By-law of the City of Nanaimo, 1890 (Entry 304).

Tax Sale - see Real Estate Tax Sale

Taxation - see Dog Tax, Fire Insurance Companies' Tax, Loan Rates, Loans, Rate Reduction, Real Estate Tax, Real Estate Tax Sale, Revenue, Road Tax

Temporary Loans - see Annual Loan

380. 52 Thistle By-law, 1883. 24 September 1883.

Copy also in archives vault. Superseded by no. 53.

381. 53 Noxious Weeds By-law, 1898. 6 June 1898.

Copy also in archives vault. No. 16, pp. 51-2, in Nanaimo City By-Laws, 1904.

382. 73 Trades License By-law, 1897. 5 July 1897.

No. 29, pp. 85-90, in Nanaimo City By-Laws, 1904.

383. 74½ Trades License Amendment By-law, 1898. 7 March 1898.

No. 30, pp. 90-1, in Nanaimo City By-Laws, 1904.

384. 74 License Amendment By-law, 1898. 4 July 1898.

No. 31, pp. 91-2, in Nanaimo City By-Laws, 1904.

Trades License - see also Revenue

Vancouver Coal Mining and Land Company, Limited - see Esplanade

385. 54 Nanaimo City Wards By-law, 1878. 16 December 1878.

No. 5, pp. 28-9, in Nanaimo City By-Laws, 1904.

386. 104 Nanaimo Referendum By-law, 1902. 5 January 1903.

This by-law provided for a referendum on the question of the abolition of the ward system.

387. 98 Wash-house and Laundry Regulation By-law, 1901. 18 November 1901.

Copy also in archives vault. No. 32, pp. 92-5, in Nanaimo City By-Laws, 1904.

388. NFP Water Survey By-law, 1884. 29 September 1884.

See NFP, 1 October 1884, 2.

Water Works Improvements - see Surplus Sinking Funds

389. 68 Water Works Purchase Loan By-law, 1899. 18 September 1899.

Amended by no. 69. Superseded by no. 69½.

390. 69 Nanaimo Waterworks Purchase By-law, 1900. 10 September 1900.

Superseded by no. 69½.

391. 69½ Water Works Purchase By-law, 1900. 17 December 1900.

392. 112 Water-Works Regulation By-law, 1903. 28 December 1903.

No. 33, pp. 96-103, in Nanaimo City By-Laws, 1904.

Weeds - see Thistle

SERIES: CONTRACTS, 1899, 2 ITEMS.[958]

UNIT: LEGAL DOCKET.

Accession No.: 28. Location: Boxes 77, 79.

The items described below are proposals and contracts for the procurement of equipment.

ITEM:

Entry: Doc.:

393. 77.32 Tender by the Waterous Engine Works Ltd., 13 June 1899, to supply to the Corporation of the City of Nanaimo one Buffalo Pitts Double Cylinder Engine Steam Road Roller, 4 pp.

394. 79.41 Carbon copy of a proposal made by the Waterous Engine Works Co., Ltd., Brantford, Canada, 1899, to supply to the Board of Fire Wardens, Victoria, BC, one Waterous Patent Vertical Piston Steam Fire Engine, 3 pp.

SERIES: LEGAL AGREEMENTS, 1891-1899, 4 ENVELOPES.[959]

UNIT: LEGAL DOCKET.

Accession No.: 28?. Location: Boxes 75, 79.

This series consists of agreements and contracts for services; and memorandums of agreement and a court order regarding the acquisition of the property of the Nanaimo Water Works Company, Limited.

Entry: Env.:

395. 79.38 Contract between the Corporation of the City of Nanaimo and the Electric Works (Alexander Shaw, Nanaimo, proprietor), 22 September 1891, to provide electric street lighting as stipulated for a period of five years, 2 pp.

396. 75.135 Agreement between the Corporation of the City of Nanaimo and the Nanaimo Electric Light Works (Joseph Hunter, Victoria, proprietor), 1 February

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[958] Cf. VIP File: 01-03-01 000-006; Contracts Series in Record Group: Nanaimo, Administrative Services Department.

[959] Cf. VIP File: 01-03-01 000-007; Legal Agreements Series in Record Group: Nanaimo, Administrative Services Department.

1893, regarding arc and incandescent light plants, to have effect for a period of five years, 3 pp.

397. 75.141 Agreement between the Corporation of the City of Nanaimo and A.R. Heyland, Civil Engineer, Nanaimo, 11 September 1893, regarding the re-survey of the City.

Envelope also contains bonds.

398. 79.32 Memorandum of agreement between the Corporation of the City of Nanaimo and the Nanaimo Water Works Company, Limited, 12 December 1899, regarding settlement of waterworks purchase price by arbitration, 6 pp.

Envelope also contains similar memorandums of agreement dated 11 April 1900 and 24 April 1900 extending the period in which the arbitrators had to publish award, and a SCBC court order in Pimbury vs. Corporation of the City of Nanaimo, 19 April 1901, served upon the Corporation of the City of Nanaimo and R. Wilson Smith by Edwin Pimbury and Thomas D. Jones on behalf of themselves and all other ratepayers of the Corporation of the City of Nanaimo, except the Mayor and Aldermen named.

SERIES: DEEDS, 1890-1893, 2 ENVELOPES.[960]

UNIT: LEGAL DOCKET.

Accession No.: 28. Location: Boxes 75, 84.

This series contains documents regarding land conveyances, the surrender of a lease, and bonds.

Entry: Env.:

399. 75.55 Deed from Lord Bishop of Columbia and the Vancouver Coal Mining and Land Company, Limited to the Corporation of the City of Nanaimo, 9 August 1890, conveying a part of the Episcopal Church property for the Church Street widening, 6 pp.

Envelope also contains a surrender of lease from Thomas W. Glaholm and Angus R. Johnston to the Corporation of the City of Nanaimo, 6 September 1890, regarding the Church Street widening, 6 pp.,

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[960] Cf. VIP File: 01-03-01 000-009; Deeds Series in Record Group: Nanaimo, Administrative Services Department.

and a related deed made in 1916.

400. 84.18 Copy of a bond made between the Corporation of the City of Nanaimo and Richard Gibson in consideration of $200, 30 September 1893, regarding a portion of lot 3, block 59, required for the widening of Commercial Street.

A drawing by A.R. Heyland dated May 1893 is attached.

SERIES: UNDERMINING DOCUMENTS, 1895-1901, 9 ENVELOPES.[961]

UNIT: LEGAL DOCKET.

Accession No.: 28?. Location: Box 84.

This series consists of statutory declarations, correspondence, maps, profile plans, and sketches made by old-time residents and miners, regarding the undermining of parts of Nanaimo by coal workings and the danger of constructing brick or stone buildings over those areas. The "Nanaimo Fire Limit By-law, 1894," and subsequent by-laws,[962] prohibited the further construction of wooden buildings within defined limits, unless it could be proved that the erection of a stone building would be dangerous due to the undermining of the property.

Entry: Env.:

401. 84.26 Statutory declaration of Adam Grant Horne, 16 August 1895, regarding the undermining of lots 1, 2, and 3, block 58, 2 pp.

402. 84.23 Affidavit of Mark Bate, JP, 17 August 1895, regarding the undermining of lots 1, 2, and 3, block 58, 2 pp.

403. 84.25 Letter from Barker and Potts, Barristers, Nanaimo, 19 August 1895, to the Mayor and Council to inquire on behalf of A.R. Johnston and Company regarding the improvement and erection of buildings on lots 1, 2, and 3, block 58, which are undermined, 1 p.

404. 84.32 Affidavit of Alfred Rowley Heyland, 19 August 1895, regarding the undermining of lots 1, 2, and 3, block 58, 2 pp.

Envelope also contains a sketch plan by

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[961] A corresponding VIP series does not exist.
[962] App. J/247-250.

A.R. Heyland.

405. 84.28 Letter from C.N. Westwood, Receiver, Hirst's Estate, Nanaimo, 19 August 1895, to Mayor and Aldermen, requesting permission to construct a wooden building on lots 5 and 6, block 61, to accommodate the license of the late Nanaimo Hotel, 1 p.

Envelope also contains related documents: Letter from A.R. Heyland, 18 August 1895, to C.N. Westwood, regarding undermining of property; profile plan by A.R. Heyland, 13 September 1895, showing undermining; and affidavit of John Thompson, 23 September 1895, regarding undermining.

406. 84.24 Letter from George Cavalsky, Secretary, Nanaimo Fire Department, 9 March 1896, to the City Council, asking permission to erect on the site of the old fire hall (part of lot 7, corner of Commercial and Wharf Streets, adjoining the Hirst Estate) a wooden building for the purpose of holding fire apparatus, 1 p.

407. 84.27 Affidavit of John Thompson, 16 March 1896, regarding the undermining of lot 7, block 61, 1 p.

408. 84.30 Affidavit of John Thompson, 2 July 1900, regarding the undermining of lot 8, block 57, 1 p.

409. 84.29 Affidavit of Jesse Sage, 11 March 1901, regarding the undermining of property on which is erected the building known as the "old Methodist Church" in block 55 facing Chapel and Front Streets, 1 p.

SERIES: TAX SALE DEEDS, 1900-1906, 2 CM.[963]

UNIT: SOFTCOVERED VOLUME.

Accession No.: ?. Location: Open shelving.

These conveyances were executed by the Mayor and City Clerk to the purchasers of property at tax sale auctions, after all of the conditions required by statutory law had been fulfilled.

Entry:

410. Form of Tax Deed Book, 6 July 1900 to 28 March 1906, indentures 1-24 completed.

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[963] This series is subsumed in VIP File: 01-03-02 006-005; Tax Sales Series in Sub-group: Nanaimo, Finance Department, Taxation and Utilities Division.

APPENDIX K - CNA: CITY ASSESSOR

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL. CITY ASSESSOR.[964]

SERIES: REAL ESTATE ASSESSMENT ROLLS, 1875-1905, 41 CM.[965]

UNIT: BOUND VOLUME.

Accession No.: 29. Location: Open shelving.

The dimensions of these rolls vary to 38x51x5 cm.

From at least 1881, the assessment roll was arranged by city ward.

The assessment rolls for 1875-1891 contain columns for these items: block, lot, admeasurement, street, names, land assessment, improvements assessment, alteration by court of revision, total, arrears, tax, receipts, amount paid, amount due, and remarks. Improvements were only assessed in 1887. The court of revision column is blank throughout the rolls for several years. The remarks column was most extensively used in 1875, when the type of improvements on each city lot was noted there.

The 1892-1895 rolls contain additional columns for rate, amount if paid by 1st December . . ., date of notice, and address. They omit the improvements assessment column. The 1894-1895 rolls further refine date of notice to date of notices sent by assessor and collector. The 1895 roll splits amount due into that due for 1894 and that due for 1895, and refines rate to general, schools, and sanitary rates.

The 1896-1899 rolls contain the same items as found in the 1895 roll, with the exception that the sanitary rate is called the board of health rate. The columns of the 1896-1897 rolls are very incomplete; those rolls were reconstructed after the originals were, together with a number of collection rolls, mutilated in the City Collector's office in November 1897. The 1898-1899 rolls are very complete, with page totals and a recapitulation of outstanding taxes and page additions at the end of each roll.

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[964] Cf. VIP File: 01-03-02 000-000; Record Group: Nanaimo, Finance Department.

[965] Cf. VIP File: 01-03-02 006-008; Assessment Rolls Series in Sub-group: Nanaimo, Finance Department, Taxation and Utilities Division.

The 1900-1905 rolls contain essentially the same columns as those for 1896-1899, with the exception of an additional amount due column. The address column of the 1901 roll appears to have been used as an improvements assessment column, but the amounts entered therein were subsequently erased; addresses were sometimes noted in the remarks column. In the 1904-1905 rolls, the land assessment column is clearly divided into land assessment and improvements assessment, although improvements were not assessed during those years. The 1900-1905 rolls are very complete, with page totals, and a balance synopsis and recapitulation of page additions at the end of each roll.

Postal addresses were usually only noted where notices were to be sent to an individual other than the land owner and in the case of absentee owners.

Entry:

411. Real Estate Assessment Roll, 1875-1880, 193 pp.

412. Real Estate Assessment Roll, 1881-1886, 214 pp.

413. Assessment Roll, 1887-1891, 249 pp.

414. Assessment Roll, 1892-1893, 101 pp.

415. Assessment Roll, 1894-1895, 127 pp.

416. Assessment Roll, 1896-1897, 113 pp.

417. Assessment Roll, 1898-1899, 109 pp.

418. Real Estate Assessment Roll, 1900-1901, 123 pp.

419. Assessment Roll, 1902-1903, 131 pp.

420. Real Estate Assessment Roll, 1904-1905, 131 pp.

APPENDIX L - CNA: CITY COLLECTOR

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL. CITY COLLECTOR.[966]

SERIES: CASH BOOKS, 1874-1888, 9 CM.[967]

UNIT: BOUND VOLUME.

Accession No.: 3. Location: Open shelving.

The first entry in the 1874-1881 volume notes moneys collected and handed over to the Corporation by Mr. T.L. Fawcett, Government Agent, in January 1875.

These general cash books record the receipts and expenditures of the Corporation. The license fees, and real estate, dog, horse, and road taxes collected are recorded in detail. A monthly recapitulation was made on the receipts page. A cemetery cash recapitulation was often also made.

In the 1881-1888 volume, cemetery cash would appear to continue to 1888 year end.

Entry:

421. Cash Book, 14 December 1874 to November 1881, 458 pp.

422. [Cash Book], December 1881 to August 1888, 641 pp.

SERIES: TAX SALE RECORDS, 1895-1912, 2 CM.[968]

Accession No.: ?. Location: Open shelving.

SUB-SERIES: TAX SALES SUMMARY, 1895-1912.

UNIT: LOOSE MATERIAL.

This handwritten summary is arranged by tax sale and includes

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[966] This record group is subsumed in VIP File: 01-03-02 000-000; Record Group: Nanaimo, Finance Department.

[967] Cf. VIP File: 01-03-02 001-007; Cash Books Series in Sub-group: Nanaimo, Finance Department, Accounts Payable Division.

[968] Cf. VIP File: 01-03-02 006-005; Tax Sales Series in Sub-group: Nanaimo, Finance Department, Taxation and Utilities Division.

columns for the following items: date of tax sale; lot; block; portion sold; amount of taxes; costs; date to which taxes were due; name of person to whom sold; date of confirmation of sale; if redeemed, by whom; date of such redemption; if deed issued, to whom; and date of deed issue.

Entry:

423. Tax Sales, 28 December 1895 to 14 September 1912, 4 sheets, located inside the front cover of the softcovered volume described in Entry 424.

SUB-SERIES: TAX SALE CERTIFICATES, 1895-1905.

UNIT: SOFTCOVERED VOLUME.

These certificates conform to the requirements of section 181 of the "Municipal Act, 1892."[969] They record the date of the tax sale held by the City Collector, the legal description of the land sold, the total arrears of taxes for which it was sold, and the expenses of the sale. They note that if the property was not redeemed a deed would be executed on demand one year from the date of confirmation of the sale by a Judge of the SCBC.

Entry:

424. Certificate of Sale of Land for Taxes Due the Corporation of the City of Nanaimo, 28 December 1895 to 8 March 1901, 83/100 certificates issued, some certificates missing.

UNIT: LOOSE MATERIAL.

These certificates record land sold at the 1903-1905 tax sales. They conform to the requirements of the "Municipal Clauses Act," RSBC, 1897,[970] and amending acts. In addition to the information which the 1895-1901 tax sale certificates record, these certificates record the amount of interest on arrears of taxes. They also note certain costs which had to be paid before a deed would be issued.

Entry:

425. Certificate of Sale of Land for Taxes. Due and in Arrear to the Corporation of the City of Nanaimo, 31 March 1904 to 1 February 1905, 6 sheets, located inside the front cover of the softcovered volume described in Entry 424.

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[969] App. B/72.
[970] App. B/76.

APPENDIX M - CNA: CITY TREASURER

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL. CITY TREASURER.[971]

SERIES: SINKING FUND ACCOUNTS, 1894-1900, 4 CM.[972]

UNIT: BOUND VOLUME.

Accession No.: ?. Location: Open shelving.

In order to provide better access to the contents of this volume, the separate accounts are itemized below. The accounts have columns for date, explanation, amount, and total. An evaluation of business improvements was subsequently recorded in this volume, as noted below.

Entry: Vol.:

426. 7 Separate Accounts of the Consolidated Special Rates' Sinking Fund Account, Folio 23 of Ledger, Showing the Deposits to each Account and Withdrawals, 28 July 1894 to 31 December 1900, some of first 75/700 pp. used.

This volume also contains:

[Business improvements evaluation sheets], ca. 1930-1933, pp. 80-101. Liz Giovando referred to this as a "List of Businesses, ca. 1930."

ITEM:

Entry:

427. Streets' Improvement Loan Account 1890, payable June 2nd 1940, 31 December 1894 to 31 December 1900, folio 2, pp. 2-3.

428. Bastion Street Bridge Loan Account 1890, payable 15th November 1901, 28 July 1894 to 31 December 1900, folio 30, pp. 30-1.

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[971] This record group is subsumed in VIP File: 01-03-02 000-000; Record Group: Nanaimo, Finance Department.

[972] It is not clear where this volume is included in the VIP survey.

429. Erection of Fire Hall and Hydrant Loan By-law Account 1892, payable 1st July 1902, 29 July 1894 to 31 December 1900, folio 40, pp. 40-1.

430. Erection of Public Schools' Loan By-law Account 1892, payable 1st July 1902, 28 July 1894 to 31 December 1900, folio 50, pp. 50-1.

431. Rock Drill and Crusher Loan By-law Account 1892, payable 1st January 1895, 31 December 1894 to 30 June 1895, folio 60, pp. 60-1.

432. Commercial Street Filling By-law Loan Account 1894, payable November 15th 1914, 31 December 1895 to 31 December 1900, folio 64, pp. 64-5.

433. Steam Fire Engine Loan By-law Account 1899, payable 1st July 1904, 31 December 1899 to 31 December 1900, folio 70, pp. 70-1.

434. Special Rates' Sinking Fund Account of Interest Accruing to it, 31 March 1895 to 30 September 1897, folio 74, pp. 74-5.

SERIES: GENERAL JOURNAL, 1896-1926, 5 CM.[973]

UNIT: BOUND VOLUME.

Accession No.: ?. Location: Open shelving.

This volume provides a month-end financial summary for the years 1896-1897 during which time it was audited monthly by Tully Boyce, City Auditor. Thereafter, financial summaries are sporadic (i.e., not all months).

Lists of receipts and expenditures are often detailed. They give, for example, the aggregate amounts of police court fees, and road and dog taxes collected; they explain payments on loans; and they provide a summary of departmental expenses. Assets and liabilities accounts indicate depreciation on municipal property. Transfers between various accounts illustrate the municipal accounting system.

Entry:

435. Journal, 1 January 1896 to 31 December 1926, 600 pp.

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[973] Cf. VIP File: 01-03-02 001-004; Journal Voucher Proofs Series in Sub-group: Nanaimo, Finance Department, Accounts Payable Division.

SERIES: DEBENTURE RECORDS, 1905-1929, 11 CM.[974]

UNIT: BINDER.

Accession No.: ?. Location: Open shelving.

Cancelled interest coupons from three loan debenture issues are glued to the pages of this binder.

The first half of the binder contains coupons 72 to 25 (bearing interest semi-annually from 1 January 1905 to 1 July 1928) from debentures 1-90 issued under the "Streets Improvement Loan By-law, 1890."[975] Although the by-law title is not indicated on the interest coupons, nor elsewhere in the binder, it has been determined from the signatures of the Mayor and City Clerk on the coupons, the amount of interest, etc.

This binder also contains redeemed debenture coupons issued under the "High School Debenture By-law, 1921," bearing interest from 15 December 1921 to 15 December 1928, and the "Public Schools Erection By-law, 1911," bearing interest from 1 August 1912 to 1 August 1928.

For each debenture issue, coupons are arranged by debenture number and then chronologically.

This binder is very dusty due to deterioration of the glue used to fasten the coupons.

Entry:

436. Cancelled Coupons: General, 1 January 1905 to ca. 1929, no pagination.

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[974] Cf. VIP File: 01-03-02 001-009; Debenture Records Series in Sub-group: Nanaimo, Finance Department, Accounts Payable Division.

[975] App. J/371.

APPENDIX N - CNA: FINANCE COMMITTEE

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL. FINANCE COMMITTEE.[976]

SERIES: ESTIMATES, 1895, 2 ITEMS.[977]

UNIT: FILE FOLDER.

Not accessioned. Location: Open shelving.

File: Estimates, 1895.

ITEM:

Entry:

437. Estimated Receipts and Expenditure, n.d., 1 sheet.

438. Estimated Office Expenses, Detailed, n.d., 1 sheet.

SERIES: ANNUAL FINANCIAL REPORTS, 1901-1904, 1 CM.[978]

UNIT: PAMPHLET.

Accession No.: ?. Location: Box 121.

The annual financial statements for 1901 were the first to be printed in pamphlet form for distribution to the ratepayers. Although the City Clerk was involved in the actual printing of the pamphlet, the Finance Committee would appear to have been responsible for its preparation and presentation to Council.[979] The printed report for 1901 contained lists of the mayor, aldermen and city officials, and statements of receipts and expenditure, viz.: Streets and Bridges, Police Department, Fire Department, City Offices, Board of Health, Court House and Jail, Waterworks Department, Schools, Nanaimo City School Trustees, Nanaimo Cemetery, and Miscellaneous. From 1902, the written reports of the Street Committee, Fire Wardens, Chief of the Fire Department, Chief of Police, Waterworks Committee, Medical Health Officer, and other individuals and committees were

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[976] Cf. VIP File: 01-03-02 000-000; Record Group: Nanaimo, Finance Department.
[977] These items are not identified by the VIP survey.
[978] Cf. VIP File: 01-03-02 000-002; Annual Financial Statements Series in Record Group: Nanaimo, Finance Department.
[979] CNA, CCN, CM, 29 February 1904, 123.

incorporated into the annual printed reports.

Entry:

439. Annual Financial Report of the Corporation of the City of Nanaimo, British Columbia, for the Year Ending December 31st, 1901. Nanaimo: Fress Press, 1902, no pagination.

440. Annual Financial Report of the Corporation of the City of Nanaimo, British Columbia. For the Year Ending December 31st, 1902. Nanaimo: Free Press Print, [1903], 24 pp.

441. Annual Financial Report of the Corporation of the City of Nanaimo, British Columbia, for the Year Ending December 31st, 1903. Nanaimo: Free Press Print, [1904], 20 pp.

442. Corporation of the City of Nanaimo. Annual Financial Report for Year Ending Dec. 31st, 1904. N.p., n.d., 24 pp.

APPENDIX O - CNA: WATERWORKS DEPARTMENT

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL. WATERWORKS DEPARTMENT.[980]

SERIES: SERVICE BOOK, 1899-1906, 1 CM.[981]

UNIT: BOUND VOLUME.

Accession No.: 7?. Location: Open shelving.

This book was opened by the Nanaimo Water Works Company, Limited, and was subsequently used by the City after it took over the waterworks in June 1901. It lists day by day the services performed and supplies used for each customer, and includes a detailed list of charges and a job total.

Entry:

443. Service Book, 1 August 1899 to April 1906, 200 pp.

SERIES: LEDGER, 1901-1916, 4 CM.[982]

UNIT: BOUND VOLUME.

Accession No.: 7?. Location: Open shelving.

This ledger was probably opened by the City Water Collector to record initially, it would seem, new water services and water rates on those accounts. For later accounts (post-1904), customer address is often noted. Pages previous to p. 51 are unnumbered and consist of a first letter index to household and business customer accounts.

This volume would appear to have been used to about 1916; unpaid balances were transferred to a new ledger or to the journal from that year. The last page notes the balance not transferred as of January 1919. There are entries to 31 December 1920, when final balances owing were transferred to the journal.

Entry:

444. Ledger, 4 July 1901 to ca. 1916, 497 pp.

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[980] This record group is subsumed in VIP File: 01-03-02 000-000; Record Group: Nanaimo, Finance Department.
[981] Cf. VIP File: 01-03-02 000-005; Service Record Books Series in Record Group: Nanaimo, Finance Department.
[982] Ibid.

APPENDIX P - CNA: CITY AUDITOR

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL. CITY AUDITOR.[983]

SERIES: AUDITED FINANCIAL STATEMENTS, 1875-1904, 14 CM.[984]

UNIT: FILE FOLDER.

Accession No.: ?. Location: Open shelving.

The provenance of this series is of interest. From 1875-1879, the annual financial statements were prepared by the City Auditor. However, from the 1880 year-end audit, they were prepared by the City Clerk, the Secretary of the Board of Cemetery Trustees and, from 1893, the Secretary of the Board of School Trustees for examination and certification by the City Auditor. The City Treasurer, instead of the City Clerk, first compiled them in 1895, although the same individual held both positions. Each officer signed his respective statement(s).

This series, which provides a year-end summary of the financial situation of the Corporation and the various Boards related to it, is for many fiscal years the only comprehensive source of financial information, since the more detailed daily and monthly records have not survived. I have, therefore, compiled a composite list of the items contained in each file, together with reference to documents which have seemingly only survived in the Auditor's reports published in the local newspapers (here, specifically, the Nanaimo Free Press). As the statements were from 1901 printed as an annual report in pamphlet form,[985] the list enumerates, from that year, original documentation only.

Entry titles have, wherever possible, been transcribed directly from the individual item, omitting redundant words, dates, etc. Unless indicated to the contrary, items consist of one sheet each, refer to the Corporation of the City of Nanaimo, and are for the fiscal year ending 31 December indicated by the file title under which they are listed. The date noted is that on which the statements were certified and signed by the City Auditor appointed for that year; that individual's name is included in the first entry under each file title (usually the

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[983] This record group is subsumed in VIP File: 01-03-02 000-000; Record Group: Nanaimo, Finance Department.

[984] Cf. VIP File: 01-03-02 000-002; Annual Financial Statements Series in Record Group: Nanaimo, Finance Department.

[985] App. N/439-442.

Auditor's report). Where the Auditor's report proper has not been located or may not have, in the case of special audits, existed as a separate document, the Auditor's name is indicated at the end of the first entry. Documents available only in printed form are, with the exception of the Auditor's report which is usually without title, cited in quotation marks and their source noted.

Although most of these financial statements consist of only one sheet, they are fairly large. Many consist of a number of pages glued together. To exemplify by reference to an extreme case, the 1902 Statement of Receipts and Expenditure (Entry 582), which appears to combine the general and water statements, measures 41x150 cm., that is, nearly five feet in length. Indicative of what was then Nanaimo's principal industry, the edges of the statements from about 1900, and the legal-size envelopes in which they were for many years stored, are covered in coal dust.

Abbreviations:

NFP = Nanaimo Free Press. 1880 to 1901.

File: Financial Statements, 1875.

ITEM:

Entry:

445. W.F. Herre Report on Books, 29 December 1875, 2 pp.

446. List of Tools and Utensils on hand this day, according to a specification from T. Cornish, 29 December 1875.

447. Recapitulation of the Cash Account, 29 December 1875.

There are also two draft copies containing erasures.

448. Situation of the Nanaimo Corporation, 29 December 1875.

There is also another similar copy.

File: Financial Statements, 1876.

449. Report of W.F. Herre, Auditor, 4 January 1877, 3 pp.

450. Report No. 1: Extracts from Ledger, Receipts and Expenditures, 30 December 1876.

451. Report No. 2: Statement on the situation of the Nanaimo Corporation, 30 December 1876.

There are also two similar copies, one of which contains corrections.

452. Report No. 3: Statement comparing the corporation's receipts of 1876 with those of 1875, n.d.

453. Report No. 4: Justification or prove (sic) in behalf of report No. 1 compared with Cash Account in Ledger fo. 69 and 70, n.d.

File: Financial Statements, 1877.

454. No. 1 Report: Extracts of Cash Account taken from Ledger, Receipts and Expenditures, 31 December 1877, W.F. Herre, Auditor.

455. No. 2 Report: Statement on Assets and Liabilities, 31 December 1877.

456. No. 3 Report: Statement comparing the Corporation's Receipts of 1875 and 1876 with those of 1877, NB, Provincial claim for Liquor Licences deducted, n.d.

457. No. 4 Report: Statement on Cemetery's Accounts, 31 December 1877.

File: Financial Statements, 1878.

458. Report of W.J. Goepel, Auditor, 6 January 1879, 4 pp.

459. Lists of Persons who have not paid their various Taxes up to 31 December 1878, n.d., 2 pp.

This document covers horse, road, dog, and real estate taxes, and teamster's and conveyancer's licenses.

460. Report No. 1: Statement Showing Expenditures and Receipts, n.d.

461. Report No. 2: Balance Sheet showing Liabilities and Assets, n.d.

462. Report No. 3: Statement showing Expenditures and Receipts of the Nanaimo Cemetery Trustee Board; Balance Sheet showing Liabilities and Assets, n.d.

File: Financial Statements, 1879.

463. Report of W.C. Berkeley, Auditor, January 1880.

See "Auditor's Report," NFP, 14 January 1880, 3.

464. Statement No. 1: Statement of Account, 31 December 1879.

465. Statement No. 2: Balance Sheet, 31 December 1879.

466. Statement No. 3: Cemetery Receipts and Expenditures; Balance Sheet, 31 December 1879.

File: Financial Statements, 1880.

467. Statement of Account, 1 January to 12 June 1880, n.d., W.C. Berkeley, Auditor.

468. Revenue and Expenditure, Nanaimo Cemetery Trustee Board, 1 January to 12 June 1880; Assets and Liabilities, 21 June 1880, W.C. Berkeley, Auditor.

469. Statement No. 1: Statement of Account, 7 January 1881, W.C. Berkeley, Auditor.

470. Statement No. 2: Balance Sheet, 7 January 1881.

471. Memorandum: Arrears of Revenue of 1879 collected in 1880; Arrears of Expenditure paid in 1880, n.d.

472. Statement showing Receipts and Expenditure, Nanaimo Cemetery, n.d.

File: Financial Statements, 1881.

473. Report of W.C. Berkeley, Auditor, 6 January 1882.

See "Municipal Accounts," NFP, 7 January 1882, 3.

474. Statement No. 1: Statement of Account, n.d.

475. Statement No. 2: Balance Sheet, n.d.

476. Statement showing Receipts and Expenditure, Nanaimo Cemetery, n.d.

File: Financial Statements, 1882.

477. Report of Marshal Bray, Auditor, 5 January 1883, 1 p.

478. Statement No. 1: Of Account, n.d.

479. Statement No. 2: Balance Sheet, n.d.

480. Statement No. 2 [sic, should read 3]: Showing Receipts and Expenditure, Nanaimo Public Cemetery, n.d.

File: Financial Statements, 1883.

481. Report of Marshal Bray, Auditor, 8 January 1884, 1 p.

482. Statement No. 1: Statement of Account, n.d.

483. Statement No. 2: Balance Sheet, n.d.

484. Statement No. 3: Showing Receipts and Expenditure, Nanaimo Public Cemetery, n.d.

File: Financial Statements, 1884.

485. Report of C.C. McKenzie, Auditor, 9 January 1885. 1 p.

486. Statement No. 1: Statement of Account, 9 January 1885.

487. Statement No. 2: Balance Sheet, 9 January 1885.

488. Statement No. 3: Showing Receipts and Expenditure, Nanaimo Public Cemetery, 9 January 1885.

File: Financial Statements, 1885.

489. Report of C.C. McKenzie, Auditor, 8 January 1886, 1 p.

490. Statement No. 1: Statement of Account, 8 January 1886.

491. Statement No. 2: Balance Sheet, 8 January 1886.

492. Statement No. 3: Showing Receipts and Expenditure, Nanaimo Public Cemetery, 8 January 1886.

File: Financial Statements, 1886.

493. Report of Donald Smith, Auditor, 7 January 1887.

See "Municipal Accounts," NFP, 8 January 1887, 3.

494. Statement No. 1: Statement of Account, 7 January 1887.

495. Statement No. 2: Balance Sheet, 7 January 1887.

496. Statement No. 3: Showing Receipts and Expenditure, Nanaimo Public Cemetery, 7 January 1887.

File: Financial Statements, 1887.

497. Report of Donald Smith, Auditor, 6 January 1888.

See "Municipal Accounts," NFP, 7 January 1888, 3.

498. Statement No. 1: Statement of Account, 6 January 1888.

499. Statement No. 2: Balance Sheet, 6 January 1888.

500. Statement No. 3: Showing Receipts and Expenditure, Nanaimo Public Cemetery, 6 January 1888.

File: Financial Statements, 1888.

501. Report of C.C. McKenzie, Auditor, n.d.

See "Municipal Accounts," NFP, 12 January 1889, 3.

502. Statement No. 1: Statement of Account, n.d.

503. Statement No. 2: Balance Sheet, n.d.

504. Statement No. 3: Showing Receipts and Expenditure, Nanaimo Public Cemetery, n.d.

File: Financial Statements, 1889.

505. Report of Donald Smith, Auditor, 10 January 1890.

See "Municipal Accounts," NFP, 11 January 1890, 3.

506. Statement No. 1: Statement of Account, 10 January 1890.

507. Statement No. 2: Balance Sheet, 10 January 1890.

508. Statement No. 3: Statement of Account of the Nanaimo Public Cemetery, 10 January 1890.

File: Financial Statements, 1890.

509. Report of C.C. McKenzie, Auditor, 9 January 1891.

See "Municipal Accounts," NFP, 10 January 1891, 2.

510. No. 1: Statement of Account, n.d.

511. No. 2: Balance Sheet, n.d.

512. No. 3: Statement of Account of the Nanaimo Public Cemetery, n.d.

File: Financial Statements, 1891.

513. Report of Donald Smith, Auditor, 8 January 1892.

See NFP, 9 January 1892, 1.

514. No. 1: Statement of Account, 8 January 1892.

515. No. 2: Balance Sheet, 8 January 1892.

There is also a draft copy with corrections.

516. No. 3: Statement of Account, Nanaimo Public Cemetery, 8 January 1892.

File: Financial Statements, 1892.

517. Report of C.C. McKenzie, Auditor, 6 January 1893.

See "Municipal Accounts," NFP, 7 January 1893, 3.

518. Statement of Account, 6 January 1893.

519. Balance Sheet, 6 January 1893.

520. Statement of Account of the Nanaimo Public Cemetery, 6 January 1893.

521. [Nanaimo Public Schools and Building Accounts for the North and South Ward Schools: Receipts and Expenditure], W.K. Leighton, Auditor, 27 February 1893.

See "Auditor's Report," NFP, 1 March 1893, 3.

File: Financial Statements, 1893.

522. Report of A.A. Richardson, Auditor, 6 January 1894.

See "Municipal Accounts," NFP, 8 January 1894, 2.

523. Statement of Account, n.d.

524. Balance Sheet, n.d.

525. "Nanaimo City Public School Trustee Board, statement of account for the year 1893: Receipts and Expenditure."

See "Municipal Accounts," NFP, 8 January 1894, 2.

526. Statement of Account of the Nanaimo Public Cemetery, n.d.

File: Financial Statements, 1894.

527. Report of A.A. Richardson, Auditor, 14 January 1895.

See "Municipal Accounts," NFP, 15 January 1895, 4.

528. Statement of Account, n.d.

529. Balance Sheet, n.d.

530. "Nanaimo City Public School Trustee Board, statement of account for the year 1894."

See "Municipal Accounts," NFP, 15 January 1895, 4.

531. Statement of Account of the Nanaimo Public Cemetery, n.d.

File: Re-audit of 1893 and 1894 Accounts.

532. Report of Joseph Peirson, Government Auditor, [March 1895], 6 pp.

Includes mention of real estate, moveable property, insurance, taxes, licenses, passing of accounts, outstanding liabilities, police department, and cemetery.

533. Balance Sheet, 31 December 1894; Appendix A, Outstanding Accounts payable; Appendix B, Overdue Licenses, n.d., 6 pp.

File: Financial Statements, 1895.

534. Statement of Receipts and Expenditures for Quarter Ending 31 March 1895, 26 April 1895, Tully Boyce, Auditor.

535. Statement of Receipts and Expenditures for Quarter ending 30 June 1895, 10 July 1895, Tully Boyce, Auditor.

536. Statement of Receipts and Expenditure for Quarter ending 30 September 1895, n.d., Tully Boyce, Auditor.

537. Report of Tully Boyce, Auditor, 9 January 1896.

See "Municipal Accounts," NFP, 10 January 1896, 4.

538. "Statement of Accounts for the Corporation of the City of Nanaimo for the Year 1895," 9 January 1896.

See "Municipal Accounts," NFP, 10 January 1896, 4.

539. "Balance Sheet, 31st December, 1895," 9 January 1896.

See "Municipal Accounts," NFP, 10 January 1896, 4.

540. Statement of Account of the Nanaimo Public Cemetery, 9 January 1896.

There is also an unsigned duplicate copy, with slight variations.

541. "Special Rates Accounts," 9 January 1896.

See "Municipal Accounts," NFP, 10 January 1896, 4.

542. "Nanaimo City Public School Trustee Board, Statement of Account for the Year 1895," 9 January 1896.

See "Municipal Accounts," NFP, 10 January 1896, 4.

File: Financial Statements, 1896.

543. Statement of Receipts and Expenditure from 1 January to 31 March 1896, 7 April 1896, Tully Boyce, Auditor.

544. Statement of Receipts and Expenditure from 1 January to 30 June 1896, 3 July 1896, Tully Boyce, Auditor.

545. Statement of Receipts and Expenditure from 1 January to 30 September 1896, 5 October 1896, Tully Boyce, Auditor.

546. Report of Tully Boyce, Auditor, 7 January 1897.

See "Municipal Accounts," NFP, 8 January 1897, 4.

547. Statement of Account, 4 January 1897.

548. Balance Sheet, 7 January 1897.

549. Special Rates' Sinking Fund Account, 7 January 1897.

550. Memo: Special Rates Outstanding to End of 1896; Moveable Property, 7 January 1897.

551. Statement of Account of the Nanaimo Public Cemetery, 6 January 1897.

There is also a duplicate signed copy containing erasures.

File: Financial Statements, 1897.

552. Statement of Receipts and Expenditure from 1 January to 31 March 1897, 9 April 1897, Tully Boyce, Auditor.

There is also a printed copy cut from the NFP, 9 April 1897, 4.

553. Statement of Receipts and Expenditure from 1 January to 30 June 1897, 3 July 1897, Tully Boyce, Auditor.

There are also two printed copies cut from The Review, 3 July 1897.

554. Statement of Receipts and Expenditure from 1 January to 30 September 1897, in accordance with Section 62 of the Municipal Clauses Act, 7 October 1897, Tully Boyce, Auditor.

555. Report of Tully Boyce, Auditor, 10 January 1898.

Printed copy from "Municipal Accounts," NFP, 11 January 1898, 4, which included the 1897 statements (Entries 556-559).

556. Statement of Account, 8 January 1898.

557. Balance Sheet, 10 January 1898.

558. Special Rates Sinking Fund Account, 10 January 1898.

559. Statement of Account of the Nanaimo Public Cemetery, 10 January 1898.

560. Statement of account between A. Thompson and the Corporation City of Nanaimo, [1897-1898].

561. Statement of account between A. Thompson and the City of Nanaimo, Re Late Defalcations, [1898].

File: Re-audit of 1896 and 1897 Accounts.

562. Preliminary statement of Adam Thompson's shortages in his Accounts as City Clerk made by Fred G. Peto and C.C. McKenzie, Auditors, 2 March 1898, 2 pp.

563. Report of Fred G. Peto and C.C. McKenzie, Auditors, March 1898, regarding re-audit of 1896 and 1897 accounts and defalcations of Adam Thompson, late City Clerk, 17 pp.

Includes list of books examined, statement of discrepancies in road paysheets and cemetery paysheets, general recapitulation, and correspondence with the Land Registry Office.

File: Financial Statements, 1898.

564. "Statement of Receipts and Expenditure from 1st January to 30th September, 1898," Fred G. Peto, Auditor.

See NFP, 11 November 1898, 4.

The City Treasurer's statements for the first and second quarters in 1898 were also audited, but have not been located.

565. Report of Fred G. Peto, Auditor, 13 January 1899.

See "Municipal Accounts," NFP, 17 January 1899, 4.

566. Statement of Receipts and Expenditures, 9 January 1899.

567. "Corporation of the City of Nanaimo: Balance Sheet, 31st December, 1898," n.d.

See "Municipal Accounts," NFP, 17 January 1899, 4.

568. "Nanaimo Cemetery: Statement of Receipts and Expenditures for the Year 1898," n.d.

See "Municipal Accounts," NFP, 17 January 1899, 4.

File: Financial Statements, 1899.

569. The City Treasurer's audited statement of receipts and expenditure for the first quarter of 1899 was by order of Council (24 April 1899) published in the NFP and The Review, but has not been located.

570. Report of Fred G. Peto, Auditor, 11 January 1900.

See "Municipal Accounts," NFP, 15 January 1900, 2.

571. Statement of Receipts and Expenditures, 11 January 1900.

There is also an unsigned copy.

572. Balance Sheet, 11 January 1900.

573. Nanaimo Cemetery, Statement of Receipts and Expenditures, 11 January 1900.

File: Financial Statements, 1900.

574. Report of Fred G. Peto, Auditor, 15 January 1901.

See "Municipal Accounts," NFP, 19 January 1901, 2.

575. Statement of Receipts and Expenditures, 16 January 1901.

576. Balance Sheet, 16 January 1901.

577. "Nanaimo Cemetery: Statement of Receipts and Expenditure for the Year 1900," n.d.

See "Municipal Accounts," NFP, 19 January 1901, 2.

File: Financial Statements, 1901.

578. Statement of Receipts and Expenditure, 13 January 1902, Fred G. Peto, Auditor.

579. Balance Sheet, 15 January 1902, 2 sheets.

580. Nanaimo City Water Works Balance Sheet, 15 January 1902.

581. Nanaimo Cemetery, Statement of Receipts and Expenditures, 9 January 1902.

File: Financial Statements, 1902.

582. Statement of Receipts and Expenditure, 12 January 1903, Fred G. Peto, Auditor.

583. Balance Sheet, 12 January 1903.

584. Nanaimo Cemetery, Statement of Receipts and Expenditure, 13 January 1903.

585. Nanaimo City Public School Trustees, Statement of Expenditures, 3 January 1903.

File: Financial Statements, 1903.

586. Statement of Receipts and Expenditure, 15 January 1904, Fred G. Peto, Auditor.

587. Balance Sheet, 15 January 1904.

588. Nanaimo Cemetery, Statement of Receipts and Expenditures, 15 January 1904.

File: Financial Statements, 1904.

589. Report of Fred G. Peto, Auditor, 14 January 1905, 1 p.

590. Statement of Receipts and Expenditure, 14 January 1905.

591. Balance Sheet, 14 January 1905.

592. Nanaimo Cemetery, Statement of Receipts and Expenditure, 14 January 1905.

593. Nanaimo City Public Schools, Statement of Expenditures, 10 January 1905.

APPENDIX Q - CNA: CEMETERY TRUSTEES

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL AS BOARD OF CEMETERY TRUSTEES.

SECRETARY.[986]

SERIES: MINUTES, 1897-1924, 2 CM.

UNIT: BOUND VOLUME.

Accession No.: ?. Location: Open shelving.

This volume contains minutes of meetings held in 1897-1898, 1912-1914, 1919, and 1924.

Entry: Vol.:

594. 11 Minute Book, 25 January 1897 to 26 March 1924, 22/200 pp. used.

SERIES: CEMETERY PLOTS, 1879-1897, 4 CM.

UNIT: BOUND VOLUME.

Accession No.: ?. Location: Open shelving.

This volume records cemetery plot purchases from 1879-1897 and burials in those plots from 1877-1897. Arrangement is by range and plot numbers. Information is recorded by plot concerning the date and method of payment and, in many instances, the name of the person paying for the plot, the names of persons buried therein and burial dates, and receipt number. There are columns for plot and grave opening fees, and for payment thereof. Miscellaneous comments are made throughout.

This volume, along with other cemetery records, was audited by Tully Boyce, City Auditor, in 1897. It is probable that the handwriting in green ink noting the names of individuals buried in each plot to 1897 is that of Boyce. Some of the writing in

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[986] There does not exist a corresponding VIP record group. Cf. VIP File: 01-03-02 000-006; Cemetery Records Series in Record Group: Nanaimo, Finance Department.
Some cemetery records for the 1875-1904 period are still actively used for reference purposes and have not yet been transferred to the archives vault. Thus, the archives listed here give a far from complete picture of the record group.

red ink is also his and is initialed "T.B."

Purple ink was used to note plots that were short, small, non-existent, or in the "Broadway." Boyce's audit appears to have resulted in the transfer of some bodies to other graves. Reference is also made to the cemetery extension shown on the new map. Confusion would seem to have arisen because of discrepancies between the new plans and the inaccurate original drawing.

This is a source in which women's and girls' names are to be found, either as persons buried or purchasers of grave plots. One native Indian, it may be noted, was buried in a plot purchased by one John Wilson; no Orientals were noted.

Entry: Vol.:

595. 12 Journal [of Cemetery Plot Purchases], Ranges VI-XXIV, ca. 1879-1897, 363/495 pp. used.

APPENDIX R - CNA: MUNICIPAL COURT OF REVISION

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COURT OF REVISION. CLERK.[987]

SERIES: MINUTES, 1891-1949, 4 CM.

UNIT: BOUND VOLUME.

Accession No.: 15. Location: Box 102.

During the period 1891-1904, the Municipal Court of Revision only sat upon the revision and correction (i.e., transfer of property) of the real estate assessment roll and upon real estate assessment appeals. Eventually, it also deliberated upon the revision of the voters' list and upon the assessment of local improvements.

Entry: Vol.:

596. 102.1 Minutes, 21 August 1891 to 22 February 1949, pp. 2-399.

See also volume 102.2 (App. S/597.).

This volume also contains minutes of the:

Board of Appeal constituted under the Town Planning Act, 9 April 1937 to 29 December 1948, pp. 268-395. See also volume 102.2 (App. S/597).

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[987] A corresponding VIP record group does not exist. This volume is presumably subsumed in VIP File: 01-03-01 000-002; Minutes Series in Record Group: Nanaimo, Administrative Services Department.

APPENDIX S - CNA: LOCAL BOARD OF HEALTH

RG: CORPORATION OF THE CITY OF NANAIMO.

MUNICIPAL COUNCIL AS LOCAL BOARD OF HEALTH. SECRETARY.[988]

SERIES: MINUTES, 1896-1932, 3 CM.

UNIT: BOUND VOLUME.

Not accessioned. Location: Box 102.

This volume is in a very deteriorated and brittle condition. It contains minutes of meetings held in 1896-1897, 1900, 1909, 1917-1921, 1923-1924, 1926-1927 and 1932, and was subsequently used for other purposes, as the title on its spine indicates: Minutes Board of Appeal, Court of Revision.

Entry: Vol.:

597. 102.2 Minutes, 14 September 1896 to 8 August 1932, pp. 1-59.

This volume also contains minutes of other meetings, as follows:

Market Committee, 17 April 1945, pp. 65-6.

Board of Appeal constituted under the Town Planning Act, 15 March 1949 to 12 April 1957, pp. 67-201.

Municipal Court of Revision, 15 November 1949 to 10 November 1969, pp. 74-376.

Waterworks Committee, 24 May 1955 to 15 June 1955, pp. 162-8.

Public Hearings pursuant to the Town Planning Act and various Zoning By-laws, 24 May 1955 to 20 August 1956, pp. 182-3.

Zoning Board of Appeal constituted under the Municipal Act, 27 July 1957 to 15 November 1967, pp. 202-387.

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[988] A corresponding VIP record group does not exist. This volume is presumably subsumed in VIP File: 01-03-01 000-002; Minutes Series in Record Group: Nanaimo, Administrative Services Department.

Board of Variance, 23 February 1968 to 6 February 1969, pp. 388-96.

APPENDIX T - CNA: LICENSING COURT

RG: NANAIMO CITY.

LICENSING COURT.[989]

UNIT: LEGAL DOCKET.

Accession No.: 28. Location: Box 84.

Entry: Doc.:

598. 84.17 Writ of Mandamus issued by Mr. Justice Crease in Supreme Court of British Columbia (Domenico Mozelle vs. The Licensing Court of the City of Nanaimo), 26 April 1889, to Joseph Phrys Planta, James Abrams, Samuel Robins, and Harry Cooper, witnessed Sir Matthew Baillie Begbie, Knight, Chief Justice, 30 April 1889, 2 pp.

Filed therewith is an affidavit to the effect that, in compliance with said writ, the appellants granted to Domenico Mozelle a license to vend spirituous and fermented liquors by retail upon premises lately built by him on Skinner Street, Nanaimo, known as the "Palace Hotel," signed and sealed by them, 1 May 1889, 2 pp.

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[989] A corresponding VIP record group does not exist.

APPENDIX U - CNA: SCHOOL TRUSTEES

RG: NANAIMO CITY SCHOOL DISTRICT.

BOARD OF SCHOOL TRUSTEES. SECRETARY.[990]

SERIES: CORRESPONDENCE, 1893-1904, 5 CM.

SUB-SERIES: CORRESPONDENCE INWARD, 1897.

ITEM:

Entry:

599. Letter from Thomas W. Jones, Secretary, Nanaimo Water Works Company, Limited, 4 December 1897, to S. Gough, Secretary, Nanaimo City School Trustee Board, 1 p.

This item is located inside the back cover of volume 126.4.

SUB-SERIES: CORRESPONDENCE OUTWARD, 1893-1904.

UNIT: LETTERBOOK.

Accession No.: 19. Location: Box 126.

The dimensions of these volumes vary to 24x29x3 cm.

Each letterpress copybook[991] contains an index at the front. The pages removed from the back of volume 126.5 were presumably blank.

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[990] A corresponding VIP record group does not exist. These volumes are subsumed in VIP File: 01-03-01 000-001; Correspondence Files Series in Record Group: Nanaimo, Administrative Services Department.
Most records created by the Board of School Trustees during this period are under the control of the Nanaimo School Board Office, 395 Wakesiah Avenue, Nanaimo. See VIP File: 05-07-02 000-000 (Record Group: Nanaimo School District, Secretary-Treasurer's Department), especially Minute Books Series, dating from 1891 (VIP File: 05-07-02 000-001), Record Books Series, dating from 1901 (VIP File: 05-07-02 000-005), Visitors' Books Series, dating from 1893 (VIP File: 05-07-02 000-007), and Register Books Series, dating from 1890 (VIP File: 05-07-02 000-009).

[991] See descriptive paragraphs preceding App. J/147-152.

Entry: Vol.:

600. 126.4 Letter Book, 4 March 1893 to 4 February 1898, 250 pp.

601. 126.5 Letter Book, 14 February 1898 to 23 December 1904, 240/499 pp. used, pp. 241-497 removed from book.

APPENDIX V - CNA: POLICE COMMISSIONERS

RG: NANAIMO CITY.

BOARD OF POLICE COMMISSIONERS. SECRETARY/CLERK.[992]

SERIES: MINUTES, 1894-1935, 3 CM.[993]

UNIT: BOUND VOLUME.

Accession No.: 16. Location: Box 127.

Concerning the pre-1905 period, this volume does not contain record of any meetings having been held between 12 August 1897 and 7 July 1899. The book was subsequently used for other purposes, as noted below.

Entry: Vol.:

602. 127.3 Minute Book, 1 January 1894 to 13 May 1935, 310/397 pp. used.

This volume also contains the minutes of meetings of the Food Conservation and Increased Food Production Committees held in March 1918, pp. 383-5, at which the Municipal Council and representatives of various groups, such as the Imperial Order of Daughters of the Empire, Next of Kin Association, and Red Cross Society, were present.

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[992] A corresponding VIP record group does not exist. These volumes are subsumed in VIP File: 01-03-01 000-000; Record Group: Nanaimo, Administrative Services Department.

[993] This series is subsumed in VIP File: 01-03-01 000-002; Minutes Series in Record Group: Nanaimo, Administrative Services Department.

SERIES: CORRESPONDENCE, 1894-1904, 3 CM.[994]

SUB-SERIES: CORRESPONDENCE OUTWARD, 1894-1904.

UNIT: LETTERBOOK.

Accession No.: 21. Location: Box 126.

This letterpress copybook[995] contains an index at the front. There is no correspondence for the years 1898, 1900 and 1903; most is for the years 1896-1897. The pages removed from the back of the volume were presumably blank.

Entry: Vol.:

603. 126.6 Letter Book, 21 November 1894 to 2 March 1904, 52 pp., rest of pages cut from book.

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[994] This series is subsumed in VIP File: 01-03-01 000-001; Correspondence Files Series in Record Group: Nanaimo, Administrative Services Department.

[995] See descriptive paragraphs preceding App. J/147-152.

APPENDIX W - CNA: NANAIMO LITERARY INSTITUTE

RG: NANAIMO LITERARY INSTITUTE.[996]

Accession No.: 21. Location: Box 126.

SUB-GROUP: SECRETARY-LIBRARIAN.

SERIES: MINUTES, 1880-1885, 2 CM.

UNIT: BOUND VOLUME.

Entry: Vol.:

604. 126.2 Minute Book, 2 March 1880 to 7 May 1885, 57/193 pp. used, plus some loose pages.

SUB-GROUP: TREASURER.

SERIES: CASH BOOK, 1878-1886, 2 CM.

UNIT: BOUND VOLUME.

The 1877 balance is brought forward to this book.

Various bills and receipts from booksellers, fire insurance companies, and the Vancouver Coal Mining and Land Company, Limited, are glued to or lie loose between the pages of this volume. Included in cash received is payment for rental of the Institute hall by various groups for entertainments, lectures, balls, dances, and concerts.

Entry: Vol.:

605. 126.1 Treasurer's Book, 31 January 1878 to 2 June 1886, 17/129 pp. used.

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[996] A corresponding VIP record group does not exist. These bound volumes would appear to be subsumed in VIP File: 01-03-01 000-001; Correspondence Files Series in Record Group: Nanaimo, Administrative Services Department.

SUB-GROUP: DEBATING AND ELOCUTION CLASS.

SERIES: CONSTITUTION AND MINUTES, 1880, 1 CM.

UNIT: BOUND VOLUME.

This volume contains the class' constitution; roll of members, listing name and turn for reading or recitation; and minutes. After the Institute property was purchased by the Corporation of the City of Nanaimo in 1886, this volume was used by the City Clerk to record the engagement and payment for rental of the City Hall, and other purposes, as noted below.

Entry: Vol.:

606. 126.3 Debating and Elecution [sic] Class Minutes, 1 November 1880 to ca. December 1880, 22/185 pp. used, some pages missing.

This volume also contains the following records:

Account sheet showing engagement of City Hall and payment of rental fee, 1 October 1887 to 9 August 1888, pp. 26-9.

Engagements and Rents of Hall, 15 January 1889 to 3 August 1892, pp. 30-43.

Two newspaper clippings regarding Appropriations and Expenditures of the $50,000.00 Loan, 1890, were glued to the back cover for reference purposes.

APPENDIX X - CNA: McGREGOR FAMILY

MG: McGREGOR FAMILY.[997]

UNIT: BOOK.

Not Accessioned. Location: Open shelving.

This scrapbook would appear to have been compiled by John Charles (Jack) McGregor, who was a Parks Commissioner and secretary of the Nanaimo Pioneer Society. A note inside its front cover indicates that it belongs to W.C. [William?] McGregor, [son of J.C. McGregor]. It contains McGregor and Meakin family souvenirs; various newspaper clippings including the 1895-1896 audited accounts of the Corporation of the City of Nanaimo; and placer mining licenses issued to John C. McGregor.

Entry:

607. Newspaper Cuttings, Ready Reference Receptacle for Scraps of Print, from Our Chief Sources of Knowledge, the Newspapers; with Patent Alphabetical Index, and Spaces for Marginal Notes. London: Marcus Ward and Co., Limited, n.d., 3 January 1896 to ca. 1955, 200 pp., book only partially filled.

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[997] The VIP survey does not identify a separate record group for private records. Cf. VIP File: 01-03-01 000-016; Scrapbooks and Press Files Series in Record Group: Nanaimo, Administrative Services Department.

APPENDIX Y - CNA: MISCELLANEOUS

In this appendix, I list materials from the 1875-1904 period which are not yet under physical control. By this, I mean records which have not yet been transferred to the archives vault. To repeat, the policy followed in the CNA appendices has been to describe, with the exception of the original by-law copies in the administration vault, records already transferred to the archives vault, for it would be pointless to describe those still "floating about" the city administration. Miscellaneous materials are referred to here by the VIP survey file number and the name of the series in which they have been identified. I indicate but briefly their content.

Entry:

608. See VIP File: 01-03-02 000-006; Cemetery Records Series in Record Group: Nanaimo, Finance Department.

This series contains cemetery registers dating from 1876, and other records dealing with cemetery matters, most of which post-date 1904.

609. See VIP File: 01-03-04 001-015; Legal Plans Series in Sub-group: Nanaimo, Public Works Department, Engineering Services Division.

This series contains legal plans, the earliest of which dates from 1875.

610. See VIP File: 01-03-04 001-018; Old City Map Series in Sub-group: Nanaimo, Public Works Department, Engineering Services Division.

This series contains old city maps dating from the nineteenth-century.

611. See VIP File: 01-03-04 002-003; Parks Plans Files Series in Sub-group: Nanaimo, Public Works Department, Engineering Services Division, Rights-of-Way Section.

This series contains park plans, surveys, maps, legal documents, drawings and correspondence, some of which date from 1895.

612. See VIP File: 01-03-05 000-006; Minute Book Series in Record Group: Nanaimo, Fire Department.

This series is comprised of a single bound volume which contains the minutes of the Nanaimo volunteer fire companies from 1878-1937.

613. See VIP File: 01-03-05 000-007; Fire Reports Series in Record Group: Nanaimo, Fire Department.

This series contains reports on fires from 1894, arranged chronologically by fire, giving the date and time of fire, owner and value of building, damage, and name of fire insurance company.

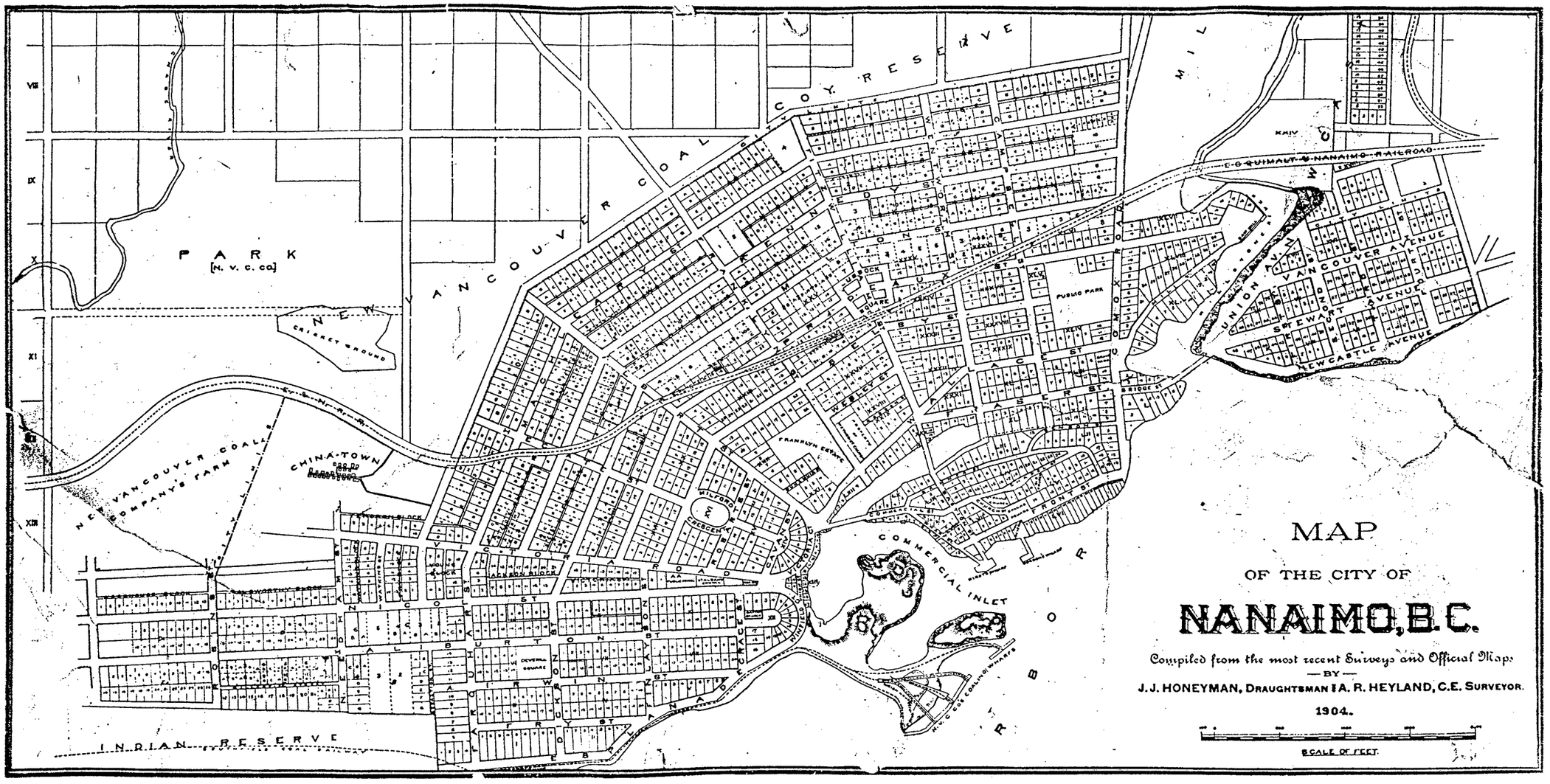
614. See VIP File: 01-03-05 000-012; General Book Series in Record Group: Nanaimo, Fire Department.

This series consists of a single bound volume which contains, among other items, roll calls (1893-1899), fire reports (1900-1914), and a record of equipment and of platoon members (1899-1946).

615. See VIP File: 01-03-05 000-013; Roll Call Book Series in Record Group: Nanaimo, Fire Department.

This series contains roll call books of the Nanaimo volunteer fire companies dating from 1880.

Figure 5 - Map of the City of Nanaimo


PARK
[N. V. C. CO.]
NEW CRICKET GROUND
VANCOUVER COAL COMPANY'S FARM
CHINA-TOWN
INDIAN RESERVE
COAL HARBOUR
COMMERCIAL INLET
PUGSLEY'S MILL
E. & N. RAILWAY
E. & N. RAILWAY
E. & N. RAILWAY

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AWARDS: