

# BILL

No. 33 OF 1908.

An Act to amend Ordinances and Statutes respecting the City of Calgary.

*(Assented to*

WHEREAS the corporation of the City of Calgary has prayed for amendments to the Ordinances, Chapter 33 of 1893 and other Ordinances of the late the North-West Territories, and to the Statutes of the Province of Alberta of 1906 and 1907 affecting its incorporation, and

Whereas it is expedient to grant such prayer;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Section 5 of chapter 33 of the Ordinances of the North-West Territories of 1893 is hereby amended by adding thereto the following paragraph:

"(4) Partners assessed in the partnership name shall be entitled to vote and to be placed on the voters' list, if the property assessed is of sufficient value to give each partner a vote on the basis of the qualification referred to in this section for one voter."

2. Section 42 of the Ordinances of the North-West Territories for 1893, chapter 33, is hereby amended by inserting after the words "and for school purposes" in the second to last line thereof the following words "and the amount of not exceeding one mill on the dollar to be levied for hospital maintenance purposes."

3. Section 94 of chapter 33 of the Ordinances of the North-West Territories of 1903 is hereby amended by striking out the words "and within thirty days after the revision of the assessment roll," appearing in the second and third lines of said section.

4. Section 110, chapter 33, of the Ordinances of 1893 of the North-West Territories, is hereby amended by adding the following after section 110 thereof:

"110a. The council may however from time to time pass by-laws consolidating the debentures issued or authorized to be issued or any portion thereof under any by-law or by-laws, provided that the debentures to be consolidated shall run for a similar period or term and the debentures to be issued under the consolidation shall run for a similar term and that the rate or average rate of interest of the debentures consolidated and this without having to obtain any further assent of the electors."

5. Subsection 17 of section 1 of the Statutes of the Province of Alberta for 1906, chapter 55, is hereby amended by striking out the words "signed by the mayor and clerk" at the end thereof and adding instead thereof the words "they bear the lithographed or stamped or printed signature of the mayor



and clerk or of the person or persons authorized to sign the debenture."

**6.** Section 114, chapter 33, of the Ordinances of 1893 of the North-West Territories, is hereby amended by adding thereto the following subsection:

"(4) The principal and interest and coupons of any bond or debt, or debenture issued under any provision of this Ordinance, or any Ordinance or Statute affecting the City of Calgary, may be made payable in currency or in sterling and at any place within or without Canada or in any part of the United Kingdom of Great Britain and Ireland."

**7.** Section 115 of chapter 33 of the Ordinances of the North-West Territories 1893 is hereby amended by striking out all the words after "sinking fund" in the sixth line thereof to the end and by adding thereafter the following section, to wit:

"**115a.** Any such money so appropriated towards a sinking fund, as mentioned in the last preceding section, and any and all other moneys received, levied, raised or collected by the city for the purpose of a sinking fund or for sinking funds shall be invested from time to time by the city in such manner and on such security or in such securities, even in securities, bonds and debentures of the corporation of the City of Calgary or of the corporation of the school trustees as the council may from time to time determine, provided that the amounts of such sinking fund or sinking funds, or the investments thereof, or the proceeds thereof, shall be used only for the redemption of debentures of the city and for no other purpose, not even temporarily."

**8.** Section 117, chapter 33, of the Ordinances of the North-West Territories of 1893 is hereby amended by inserting the following subsection (4a) after subsection (4) thereof:

"(4a) To levy annually upon all rateable property, real, personal and income, on the assessment roll a special tax, not exceeding one mill on the dollar, to constitute a hospital fund to be applied towards the maintenance of patients from the City of Calgary at a sum and rate not exceeding twenty-five cents per day per head and distributed among the various hospitals within the limits of the city under government inspection, treating such patients according to the conditions to be determined and regulated by the by-law, and to provide that such tax be a charge on real property, personal and income, and to be collected in the same manner as the general taxes, and even by the sale of lands as for arrears of taxes."

**9.** Section 18 of the Statutes of the Province of Alberta for the year 1907, chapter 32, is hereby amended by striking out the words "subsection 25" in the first line thereof and substituting therefor the words "subsection 26."

**10.** Section 117 of chapter 33 of the Ordinances of the North-West Territories is hereby amended by adding the following to subsection 56:

"And to buy, sell, deal in, exchange, distribute and convey electric light, current, energy or power and to make contracts therefor for a period not exceeding five years."

**11.** Section 117, chapter 33, of the Ordinances of the North-West Territories 1893 is hereby amended by adding thereto the following subsection:



“(89) To provide for the payment of and to pay the mayor and any or all or either of the aldermen and chairmen of the standing committees of the council such yearly remuneration or indemnity as the council may think fit.”

**12.** Section 22 of chapter 35 of the Statutes of the Province of Alberta for 1907 is hereby amended by adding after the words “shall be necessary” at the end thereof the following, “excepting however in the cases of ditches, drains or sewers, where the assent of the electors shall not at any time be required.”

**13.** Subsection marked 136, section 2, of chapter 55 of the Statutes of the Province of Alberta 1906 is hereby amended by adding thereto the following words:

“However from time to time after any definite portion of any local improvement has been completed and so certified to by the city engineer, or other official appointed by the council, and the cost thereof ascertained and assessed for the council may pass a by-law or by-laws to borrow the necessary money by issuing debentures to pay for the cost of such part, or to repay any temporary loan or part thereof made in connection with such part.”

**14.** Section 24 of the Statutes of the Province of Alberta for the year 1907, chapter 32, is hereby amended by striking out the words “time and place” in the eighth line of said section and substituting therefor the words “times or places.”



No. .33

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THIRD SESSION  
FIRST LEGISLATURE  
8 EDWARD VII  
1908

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BILL

An Act to Amend Ordinances and Statutes  
respecting City of Calgary.

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Received and read the

First time .....

Second time .....

Third time.....

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HON. MR. CUSHING.

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EDMONTON  
JAS. E. RICHARDS, Government Printer  
A.D. 1908



~~Section~~ 15. Section 94 of Chapter 33 of the Ordinances of the North-West Territories of 1893 is hereby amended by adding the following sub~~sections~~ after section 94:

(a) If any person in such request states that he was possessed of sufficient qualification to have been on the ~~Assessment Roll~~ at the time of the revision and establishes the same to the satisfaction of the ~~City Clerk~~ then the latter may add such persons name to the list and strike off the name of such other person appearing on the ~~Roll~~ as qualified for the same property on giving five days' notice to such latter party by registered letter mailed prepaid to his address in the Calgary ~~Post Office~~.

(b) To verify such request the ~~City Clerk~~ shall have authority to take the affidavit or statutory declaration from such party or others or take evidence under oath of any person whom he sees fit and for such purpose is hereby authorized to administer such oath.

(c) In case any such party above mentioned is dissatisfied with the decision of the ~~City Clerk~~ he may give the ~~City Clerk~~ notice of appeal to a ~~Judge~~ of the Supreme Court.

Sections 95, 96, 97 & 100 of said Ordinance of 1893, Chapter 33, are also hereby amended by substituting the word "appeals" and "appellants" for the words "complaints" and "complainant" wherever they respectively appear in such sections.



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P A R T 2

134. The foregoing two members of the ~~Board~~ shall possess the same qualifications as that required for ~~mayo~~, and shall be nominated and elected at the same time and place and in the same manner and under the same formalities and procedure as is



required for the election of ~~Mayor~~, and by the same returning officer and deputies and each and all of the provisions of the ordinances and statutes affecting the City of Calgary respecting the election of ~~Mayor~~, qualifications, nomination, and the time for holding, opening and closing of polls, mode of voting, counting, accepting and rejecting of ballots, corrupt practices, contestation of election, vacancies, new elections and declarations and all other matters shall, except as otherwise provided herein, apply mutatis mutandis to the election of said two members of the ~~Board of Control~~.

(1) The same voters' list shall be used as if for the election of mayor, and in case of contest there shall be separate ballot papers for such members and every voter shall vote and mark his ballot paper for as many candidates as there are vacancies otherwise his ballot paper shall be rejected.

(2) The first election for the two members aforesaid shall take place in December, 1908, and the one receiving the lowest number of votes shall retire from office on the 31st day of December, 1909, but be eligible for re-election. In the event of there being a tie vote of such two members the ~~Mayor~~ on or before the first of November, A. . 1908, shall in their presence or after notice to them draw lots to decide which one shall retire on the said 31st December, 1909, and give notice of his decision forthwith.

135. In the case of vacancy in the office of a member of the ~~Board of Control~~ through death, judicial decision, resignation, dismissal or absence of one of such two members for more than one month from the City of Calgary without leave of the ~~Council~~, a new election shall be forthwith held to fill the unexpired term of the member causing such vacancy, but if such vacancy arises in the case of a member whose term of office would expire within three months the ~~Council~~ may order that such election be postponed.



poned until the regular time, and instead thereof appoint some person qualified as for a member to act with all the powers of a member for such last mentioned unexpired term.

136. The salaries of the members of the Board per year shall be \$1500.00 each for the first term of office, \$2000.00 each for the second term and \$2500.00 each for the third or further terms.

137. On a petition signed by at least ten per cent. of the duly qualified voters and electors, according to the then last voters' list in force requesting that any member of the Board be relieved from his office or dismissed and filed with the City Clerk, and accompanied with a deposit of five hundred dollars in cash, a meeting of the Council shall be forthwith called and held immediately, and such member's office be declared vacant, and an election ordered to fill the vacancy for the unexpired term subject, however, to the provisions of

(sec) 135. Should the member whose office has been declared vacant be re-elected then said sum so deposited shall be forfeited and belong to the City; should he not be re-elected then said deposit shall be returned to the person who actually delivered the same to the City Clerk.

138. The powers and duties of the Commissioners shall be save as hereinafter excepted:

(a) To carry out and enforce all orders, resolutions and by-laws of the Council and all reports of committees as approved of by Council;

(b) To have general supervision, administration and care of all the departments of the City, the collection of taxes, of licenses and of all revenues or monies payable or pertaining to the City, the care and management of the Police Force, Fire Brigade and other public services and of all property and



works, improvements, roads, streets, and public places owned or controlled by the ~~City~~, and

(c) To prepare estimates and supplementary estimates of the proposed general expenditure of the year, and of all expenditures proposed under money by-laws, and submit the same to the ~~Council~~ for its consideration. The ~~Council~~ after consideration may vary, alter, change, annul or modify such proposed estimates by a two thirds vote of the members present, and thereupon approve of the same, and after such approval the same shall not be varied except on a recommendation from the ~~Board of Control~~ and approved of by two-thirds vote of the members of the ~~Council~~ present and voting. The ~~Council~~ shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum or sums not included in or provided for by such estimates approved of or in or by any special or supplementary estimates similarly approved of. But this prohibition shall not extend to the payment of any debentures or other debt or liability lawfully contracted and payable, nor to the interest thereon;

(d) To prepare specifications for and recommend the awarding of all contracts and for that purpose to call for all tenders for works, material and supplies, implements or machinery or any other goods or property required and which may lawfully be purchased for the use of the ~~Corporation~~, and to report the same to the ~~Council~~ at its next meeting. Upon the opening of any tenders, the ~~Chairman~~ of the ~~Board~~ shall require the presence of the head of the department or sub<sup>2</sup>department with which the subject matter of such tender is connected, and of the ~~City Solicitor~~ when required. Such head of department, may take part in any discussion at the board relating to such tenders, but shall not be entitled to vote. The ~~Council~~ shall not, unless upon an affirmative vote of at least two-thirds of the members of the ~~Council~~ present and voting, reverse or vary the



~~WHEREAS~~ the Corporation of the City of Calgary has prayed for amendments to the Ordinances, Chapter 33 of 1893 and other Ordinances of the late ~~The~~ North-West Territories, and to the Statutes of the province of Alberta of 1906 and 1907 affecting its incorporation, and

~~WHEREAS~~ it is expedient to grant such prayer;

~~THEREFORE~~ HIS MAJESTY, by and with the advice of the Legislative Assembly of the province of Alberta, enacts as follows:

1. (Sec.) 5 of Chapter 33 of the Ordinances of The North-West Territories of 1893 is hereby amended by adding thereto the following paragraph:

"(4) Partners assessed in the partnership name shall be entitled to vote and to be placed on the voters' list, if the property assessed is of sufficient value to give each partner a vote on the basis of the qualification referred to in this section for one voter."

2. (Sec.) 42 of the Ordinances of The North-West Territories for 1893, Chapter 33, is hereby amended by inserting after the words "and for school purposes" in the second to last line thereof the following words "and the amount of not exceeding one mill on the dollar to be levied for Hospital Maintenance purposes".

3. (Sec.) 94 of Chapter 33 of the Ordinances of The North-West Territories of 1903 is hereby amended by striking out the words "and within thirty days after the revision of the Assessment Roll," appearing in the second and third lines of said section.

4. (Sec.) 110, Chapter 33 of the Ordinances of 1893 of



~~The North-West Territories~~, is hereby amended by adding the following after section 110 thereof:—

110 A. The ~~C~~ouncil may however from time to time pass ~~By-Laws~~ consolidating the debentures issued or authorized to be issued or any portion thereof under any ~~By-Law~~ or ~~By-Laws~~, provided that the debentures to be consolidated shall run for a similar period ~~or~~ term and the debentures to be issued under the consolidation shall run for a similar term and that the rate or average rate of interest of the debentures consolidated and this without having to obtain any further assent of the electors."

5. Sub~~+~~section 17 of section 1 of the Statutes of the province of Alberta for 1906, ~~C~~hapter 55, is hereby amended by striking out the words "signed by the ~~M~~ayor and ~~C~~lerk" at the end thereof and adding instead thereof the words "they bear the lithographed or stamped or printed signature of the ~~M~~ayor and ~~C~~lerk or of the person or persons authorized to sign the debenture,"

6. Section 114, ~~C~~hapter 33 of the Ordinances of 1893 of ~~The North-West Territories~~ is hereby amended by adding thereto the following sub~~+~~section:—

"(4) The principal and interest and coupons of any bond or debt, or debenture issued under any provision of this Ordinance, or any Ordinance or Statute affecting the City of Calgary, may be made payable in currency or in sterling and at any place within or without Canada or in any part of the United Kingdom of Great Britain and Ireland."

7. Section 115 of ~~C~~hapter 33 of the Ordinances of ~~The North-West Territories~~ 1893 is hereby amended by striking out all the words after "sinking fund" in the sixth line thereof to the end and by adding thereafter the following section, to wit:—



" ~~Section 115A~~. Any such money so appropriated towards a sinking fund, as mentioned in the last preceding section, and any and all other ~~moneys~~ received, levied, raised or collected by the City for the purpose of a sinking fund or for sinking funds shall be invested from time to time by the City in such manner and on such security or in such securities, even in securities, bonds and debentures of the Corporation of the City of Calgary or of the Corporation of the School Trustees as the Council may from time to time determine, provided that the amounts of such sinking fund or sinking funds, or the investments thereof, or the proceeds thereof, shall be used only for the redemption of debentures of the City and for no other purpose, not even temporarily."

8. Section 117, Chapter 33 of the Ordinances of the North-West Territories of 1893 is hereby amended by inserting the following sub~~+~~section (4A) after sub~~+~~section (4) thereof:

"(4A) To levy annually upon all rateable property, real, personal and income, on the assessment roll a special tax, not exceeding one mill on the dollar, to constitute a hospital fund to be applied towards the maintenance of patients from the City of Calgary at a sum and rate not exceeding twenty-five cents per day, per head, and distributed among the various hospitals within the limits of the City under Government inspection, treating such patients according to the conditions to be determined and regulated by the By-law, and to provide that such tax be a charge on real property, personal and income, and to be collected in the same manner as the general taxes, and even by the sale of lands as for arrears of taxes."

9. Section 18 of the Statutes of the Province of Alberta for the year 1907, Chapter 32, is hereby amended by



striking out the words "sub<sup>4</sup>section 25" in the first line thereof and substituting therefor the words "sub<sup>4</sup>section 26".

10. Section 117 of Chapetr 33 of the Ordinances of ~~The~~ North-West Territories is hereby amended by adding the following to sub<sup>4</sup>section 56:

"And to buy, sell, deal in, exchange, distribute and convey electric light, current, energy or power and to make contracts therefor for a period not exceeding five years."

11. Section 117, ~~Chapter~~ 33 of the Ordinances of ~~The~~ North-West Territories 1893 is hereby amended by adding thereto the following sub<sup>4</sup>section:

"(89) To provide for the payment of and to pay the ~~Mayor~~ and any or all or either of the ~~Aldermen~~ and ~~Chairmen~~ of the standing committees of the ~~Council~~ such yearly remuneration or indemnity as the ~~Council~~ may think fit."

12. Section 22 of ~~Chapter~~ 35 of the Statutes of the Province of Alberta for 1907 is hereby amended by adding after the words "shall be necessary" at the end thereof, the following, "excepting however in the cases of ditches, drains or sewers, where the assent of the electors shall not at any time be required".

13. Sub<sup>4</sup>section marked 136, section 2, of ~~Chapter~~ 55 of the Statutes of the Province of Alberta 1906 is hereby amended by adding thereto the following words:4

"However from time to time after any definite portion of any local improvement has been completed and so certified to by the ~~City Engineer~~, or other official appointed by the ~~Council~~, and the cost thereof ascertained and assessed



for the ~~C~~council may pass a ~~By-Law~~ or ~~By-Laws~~ to borrow the necessary money by issuing debentures to pay for the cost of such part, or to repay any temporary loan or part thereof made in connection with such part."

14.           Section 24 of the Statutes of the Province of Alberta for the year 1907, ~~C~~hapter 32, is hereby amended by striking out the words "time and place" in the eighth line of said section and substituting therefor the words "times or places".