

1909

CHAPTER

An Act to further amend the Edmonton Charter,
the various Acts amending the same, and the
Edmonton Radial Tramway Act.

(Assented to 1909.)

WHEREAS a petition has been presented by the City
of Edmonton praying for the amendment of said
Acts and it is expedient to grant the prayer of
the said petition:

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

Edmonton Charter
and amending acts
amended.

1. The Edmonton Charter (Ordinance 19 of
1904 as amended by 76 of the Statutes of Alberta,
1906, chapter 35 of the Statutes of Alberta, 1907,
and chapter 32 of the Statutes of Alberta, 1908)
is hereby further amended as follows:-

1. Title II, section 1, by adding thereto
the following subsection:

Collection of taxes
within extended
limits to be under-
taken by City.

(a) In the event of any part of the locality
(exclusive of that contained in the town of
Edmonton) made part of the City of Edmonton by
section 1, Title II of the Edmonton Charter or by
subsection B, of section 1, chapter 27 of the
Statutes of Alberta, 1908, having been before
being or being when, taken in to the City wholly
or partly within the boundaries of any school or
local improvement district, the person or persons

having the custody of all rolls shewing any arrears of taxes or assessments against any such lands shall forthwith, upon demand by the Assessor or of the City of Edmonton, furnish him with a copy of so much of said roll or rolls as shews such arrears. Upon receipt whereof the Assessor shall add the same to the City rolls shewing arrears of taxes. And the amounts so shewn to be in arrear shall thereupon be and become taxes due to the City, and all the provisions of this Charter in relation to the collection of taxes and sale of land for arrears of taxes shall apply and the City alone shall have the right and authority to collect the same. And the City shall upon receipt of such taxes or any part thereof pay the same over to the person or body by law entitled to receive the same.

Article IV.
2 amended.

the following subsections:

Right of joint owners
of land to vote.

(a) Where real property is owned by two or more persons, and is assessed in their names for an amount sufficient, if equally divided between them, to give a qualification to each, then each of them shall be deemed to be assessed within the meaning of this Act; otherwise none of them shall be deemed to be assessed for voting purposes (or for the purpose of qualifying to hold office).

Right of joint owners
of business to vote.

(b) Where two or more persons are named and assessed in the business assessment roll, and

the amount of the assessment is a sum sufficient, if divided equally between them, to give a qualification to each of them, then each shall be deemed to be assessed so as to permit of them being upon the voters' list; otherwise none of them shall be hereby qualified.

Title IV, section 10
repealed and
substituted.

Procedure in case of
voters entitled to
vote but not on
list.

3. Title IV, by striking out section 10 thereof and substituting therefor the following:

The deputy returning officer in charge of any polling place shall, while the poll is open, if required by any person whose name is not on the revised voters' list and who shall present to him a certificate signed by the Assessor stating that such person is assessed on the last revised assessment roll for two hundred dollars or upwards, administer to such person the following oath, and such oath having been taken the deputy returning officer shall at once cause such person's name to be added to the voters' list, with the words "Certificate," "Sworn," written thereafter:

Oath.

You do swear that you are the person named in the Assessor's certificate now produced by you, and that you are entitled to have your name placed in the revised voters' list of the City for the present year (and, if the electors are to be from wards, upon the list of electors for this ward as an elector entitled to vote for aldermen or for aldermen and mayor, as the case may be).
So help you God.

Title V, section 3
repealed and sub-
stituted.

Nominations.

4. Title V, section 3 is hereby repealed and the following is substituted therefor:

Nominations shall be held at the time and place mentioned in the notice. All nominations shall be in writing and signed by two or more duly qualified voters whose names appear on the last revised Assessment Roll. If the number of persons nominated to serve as Mayor and Aldermen does not exceed the requisite number the returning officer shall declare the person or persons so nominated duly elected.

5. Title V, section 17, subsection 2, is hereby amended by adding to the first of the directions for the guidance of voters in voting, the following:

Prevention of
Plumping.

And every voter will vote for the full or total number of candidates to which he is entitled to vote;

and by striking out the 4th of such directions and substituting therefor the following: "If the voter votes for a greater or less number of candidates for any office than he is entitled to vote for, his ballot paper will be void as far as related to that office and will not be counted for any of the candidates for that office.

Title VI, section
21 repealed.

6. Title VI, section 21, is hereby repealed and the following is substituted therefor:

Prevention of
Plumping.

In every polling place the officer presiding at the poll shall immediately after the

closing of the poll in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box and proceed to count the votes as follows:

He shall examine the ballot papers and any ballot paper which has not on its back his initials or on which a greater or less number of votes are given than the elector is entitled to give or on which anything except the initials of the said officer on the back is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted. A ballot paper on which votes are given for a greater or less number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for that office but shall be good as regards the votes for any other offices in respect to which the voter has not voted for a greater or less number of candidates than he is entitled to vote for.

Title VII, section 4, amended.

7. Title VII, section 4, is hereby amended by striking out "Secretary-Treasurer" in the third line thereof, and substituting "Assessor," and striking out "S.S.S." in the sixth line thereof and substituting "S."

Title XVII, section
4 amended.

8. Title XVII, section 4, is hereby amended by inserting between the words "commissioners" and "and" in line 2 the words "including the Mayor."

Title XXII, section
2 amended.

9. Title XXII, section 2, is hereby amended by adding thereto the following:

Defining powers of
City.

Provided the powers hereby granted shall be construed as extending and not limiting the powers granted to municipalities under the Municipal Ordinance and amendments thereto.

Title XXII, section
2 further amended.

10. Title XXII, section 2, is hereby also further amended by adding thereto the following:

Council may fix
assessment of land used
for manufacturing
purposes for 6
years.

2a. Notwithstanding anything to the contrary contained in this Charter, the Council may pass by-laws fixing the assessed value of the land in actual use and occupation, owned by any person, firm or corporation carrying on a manufacturing industry exclusively on such land, at the amount shown on the last revised assessment roll for such land, for a period not exceeding six years, without submitting such by-law to the electors, but the buildings erected or to be erected on such land shall be assessed in such manner as assessable buildings which are not used for manufacturing purposes are assessed under this Charter. If before the expiration of the said period of limited assessment, the person firm or corporation ceases to carry on a manufacturing industry on such land,

then the limitation or exemption shall cease.
The Council may embody in any by-law passed here-
under such further conditions respecting such
industry as it may deem expedient or necessary
as a condition of such exemption, and may enter
into any contract respecting the same which
may be registered as an encumbrance under the
provisions of the Land Titles Act.

Repeal of Section
11a, Title XXVI,
and sections 7 and
8, Title XXVII.

11. Section 11a of Title XXVI and sections
7 and 8 of Title XXVII are hereby repealed.

Title XXVI amended.

12. Title XXVI is hereby amended by adding
thereto the following:

Temporary loans
Power to make.

18. The Council may authorize the Mayor and
Secretary-Treasurer under the seal of the City
to borrow such sums as may be required,

What purposes.

- (a) to meet the current expenditure of
the City
- (b) to meet wholly or in part the moneys
required by the trustees of any
public or separate school within the
City
- (c) to carry on any and all properly
authorized public works or local
improvements.

By by-law.

And the Council shall by by-law regulate the
amounts to be so borrowed, and the promissory
note or notes, covenant or agreement or agree-
ment to be given therefor:

Limit.

Provided that under (a) and (b) the amount so

borrowed shall not exceed eighty per cent of the estimated amount of taxes for the current year together with the full amount of all arrears; and if the Council authorizes the borrowing of any larger sum than the amount aforesaid every member of the Council who votes therefor shall be disqualified from holding any municipal office for two years:

Provided also that under (c) the amount so borrowed shall not exceed in the aggregate the total principal authorized by the by-law or referred by-law providing for the issue of debentures and all such temporary loans shall be a special charge upon the debentures in anticipation of the sale whereof such temporary loans were made: and where any such work or improvement is in progress the Council may agree with the undertaker thereof or contractor therefor to give the City's note or bill in payment or part payment until the money required for the same is raised by the sale of debentures.

Title XXXI, Sections 3 and 8, Form of assessment and notice of appeal amended.

13. Title XXXI, section 3 is hereby amended by striking out "No. of assessment" in the Form of Assessment Roll therein provided. And the form of notice of appeal set out in section 8 of this Title is hereby struck out and the following substituted therefor:

To the Commissioners of the City of Edmonton.

Sirs,-

I hereby appeal against my assessment
respecting (here state description of property ,
business, income etc.) in ward No. on
the following grounds (here state grounds of
appeal.)

Dated this day of 19 .

C. D.

Appellant.

Title XXXI, section 20
amended.

14. Title XXXI, section 20 is hereby amended
by adding thereto the following subsection:

Assessor may add
to revised assess-
ment roll omitted
names.

20a. In case the Assessor inadvertently omits
to assess any person for business or income and
the omission is not discovered until after the
revision of the Assessment Roll or Rolls, the
Assessor is hereby empowered to assess the said
persons within the current year who were omitted
and notify such persons of their assessment
forthwith.

Appeals of such persons can be made to
the Commissioners and dealt with in the same
manner as general assessment appeals.

Title XXXI
amended.

15. Title XXXI is hereby amended by adding
thereto the following:

Council may pro-
vide for separate
assessment and tax
rolls respecting
taxes not a charge
on lands.

31. The Council may by by-law provide; that
the Assessor shall make separate assessment and
tax rolls for businesses, income and special
franchise taxes, as distinguished from land taxes;
and that the same may be returned at a different

time from that fixed for the return of the land roll. A separate court of revision may be held at a time fixed by resolution of the Council, and the hearing of appeals from the Court of Revision by the Judge may be also at a different time from the hearing of appeals in respect of land assessment; [^]two assessments being treated for all purposes separate and distinct; and the Council may by by-law make the time for payment of such taxes separate from taxes which are a charge on lands and make the same payable without discount or with different rates of discount from that charged on land.

Title XXXII

16. Title XXXII, is hereby amended by adding thereto the following section:

Minimum rate to be 25¢.

7. Where the assessable value of any parcel or parcels of land according to the Assessment Roll is so small that the rate imposed will not subject such parcel or parcels of land to the payment of as high a tax as the sum of Twenty-five Cents, each and every of such parcel or parcels of land shall be taxed the sum of Twenty-five Cents and such sum shall be placed on the tax Roll against such parcel or parcels of land.

Title XXXIII,
Sections 2 and 3
amended.

17. By striking out all words after the words "4. Local improvement or other special tax" in section 2 and all of section 3 in Title XXXIII and by substituting therefor the following:

Tax notices to be
sent by Assessor.

As soon as the Tax Rolls are completed the Assessor shall with all due despatch and at least thirty days prior to the last day upon which discount is allowed for payment when any discount is allowed by the Council and in any case not later than the first day of November in each year, transmit by mail a notice containing a statement and demand of taxes to each person whose name appears on said Rolls or to the agent of such person whose address has been transmitted to him; and such statement and demand shall mention the time when such taxes are required to be paid and when the discounts and additional percentage charges will be allowed or charged; and the said Assessor shall enter or cause to be entered the date of mailing such notice in said Rolls opposite the name of the person taxed and such entry shall be prima facie evidence of the mailing of such notice and demand but any omission or error in such notice or failing to mail the same within the time specified shall not invalidate any taxes levied or relieve any person from the payment thereof.

Title XXXIII, section
5 amended.

18. The section substituted by section (16), chapter 27 of 1908 for section 5 of Title XXXIII is hereby amended by adding thereto the follow-

Current taxes may
be refused if
arrears not paid.

"and may also provide that no such taxes or instalments shall be received by the Assessor unless and until all arrears in respect to the

lands for which such taxes are tendered are paid.

Title XXXII, section 10 amended.

19. Title XXXII, section 10, is hereby amended by striking out the words "after notice given under section 3", by inserting the words "and demand" between the words "statement" and "provided" in line , and by striking out the figure "4" in line and substituting therefor the figure "2."

20. Title XXXIII, section 13 as amended by section 20 of chapter 27 of the Statutes of 1908, is hereby repealed and the following substituted therefor:

13. In case taxes which are not a lien on land remain unpaid in the case of a resident of the City for fourteen days or in case of a non-resident for one month after the mailing of the statement and demand provided for by section 2 of this Title, the Assessor may levy the same with costs by distress either -

1. Upon the goods or chattels of the person taxed wherever found within the City; or
2. upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or
3. upon the goods and chattels of the person taxed or of the occupant of the premises in

respect to which such taxes are imposed where title to the same is claimed in any of the ways following -

- (a) By virtue of an execution against the person taxed;
- (b) By purchase, gift, transfer, or assignment from the person taxed or from any person claiming by chain of title from or through the person taxed, whether absolute or in trust or by way of mortgage or otherwise; or
- (c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or by any relative of his in case such relative lives with him as a member of his family.

Title XXXIV, section
1 amended.

21. Title XXXIV, section 1, is hereby amended by inserting "as well as all taxes imposed" after the word "arrears" in the fifth line thereof.

2. Ordinance No. 35 of 1900, printed as amended as schedule A to The Edmonton Charter, is hereby amended by adding thereto the following section:

57. The expressions "works constructed or maintained under this ordinance," "works constructed or acquired under this ordinance," "work provided for in this ordinance," or any similar expression shall be construed to mean and include all other municipal public works

or utilities now undertaken or which may be hereafter undertaken by the City of Edmonton under this or any other Statute or Ordinance.

3. The Edmonton Radial Tramway Act, being chapter 33 of the Statutes of Alberta of 1908 is hereby amended by adding thereto the following:

8. The Corporation may, subject to the provisions, in this Act contained, issue bonds, debentures or other securities: and such bonds, debentures and other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and bear such rate of interest not exceeding six per centum per annum as the Corporation may deem proper: but the whole amount of the issue of such bonds, debentures or other securities shall not exceed \$10,000 for each mile of railway, which mileage shall be deemed to include all mileage both within or without the City of Edmonton and whether owned by the Corporation under this Act or otherwise howsoever.

9. No such bond, debenture or other security shall be for a less sum than one hundred dollars.

10. The power of issuing bonds, debentures and other securities shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the

bonds, debentures or other securities constituting such issue being withdrawn or paid off and duly cancelled.

11. The Corporation may secure such bonds, debentures or other securities by a mortgage deed, creating such mortgages, charges or encumbrances upon the whole of such present and future or both present and future property, assets, rents and revenues, owned or accruing to the Corporation by or through its tramway system whether acquired under this Act or otherwise howsoever, as are described in said deed.

12. By the said deed the Corporation may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

13. Every such mortgage deed shall be deposited in the office of the Provincial Secretary,

of which deposit notice shall be given by the Corporation in the Alberta Gazette.

14. The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the franchise, undertaking, tolls and income, rents and revenues, and real and personal property at any time acquired by the Corporation in connection with its tramway or tramways acquired under this Act or otherwise howsoever.

15. Each holder of the bonds, debentures or other securities shall be deemed to be a mortgagee or encumbrancee upon the said securities pro rata with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

16. It shall not be necessary in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued or mortgage deed executed under authority of this Act that such bond or deed be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid.

17. The borrowing powers hereby conferred upon the Corporation respecting its tramway system or systems are not to be accounted as diminishing or interfering with the powers of the Corporation conferred by any other Act or ordinance, nor are they to be taken as restricting the power of the Corporation to borrow and issue debentures on the credit of the municipality at large within the limits provided by law, nor shall loans so obtained form a part of the general debt of the Corporation within the meaning of the Edmonton Charter and amendments thereto.