

BILL

No. 38 of 1911.

An Act to further amend The Edmonton Charter and to confirm certain By-laws of the City of Edmonton.

(Assented to 1911.)

WHEREAS a petition has been presented by the City of Edmonton praying for the amendment of said charter, 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:

1. Title IV of said charter and all amendments thereto are hereby repealed and the following is substituted therefor:

"TITLE IV.

"VOTERS' LIST.

"1. The persons qualified to vote at elections shall be all persons both male and female of the full age of twenty-one years being subjects of His Majesty by birth or naturalization whose names appear on the last revised voters' list.

"2. The assessor shall on or before the first day of September in each year prepare a voters' list in alphabetical form. He shall place thereon--

"(a) The names of all persons both male and female of the full age of twenty-one years who are assessed on the last revised assessment rolls;

"(b) The names of all persons to whom business licenses have been issued for the current year, who have paid a license fee of \$5.00 or more and are not otherwise qualified to vote, the assessor being first satisfied that, if not licensed, they would be liable to assessment for business under the provisions of title XXXII hereof. And the officer charged with the issue of licenses shall, when required by the assessor, furnish him with a list of licensees paying a license fee of \$5.00 or more;

"(c) The names of all banks, incorporated companies and corporations assessed on the last revised assessment roll, and the vote of such bank, company or corporation may be given by the chief officer thereof present in the city at the time of voting. And whenever it is necessary to administer to such officer any oath under the provisions of title VI the form set out in title XXIV shall be used. And the assessor shall indicate on the said list the names of all burgesses and the number of votes to which in voting upon referred by-laws they are respectively entitled; and the assessor shall cause such voters' list to be printed with the next following two sections hereof prefixed thereto. Copies thereof shall be posted up in the office of the secretary-treasurer and in three other conspicuous and public places in the city on or before the 15th day of September; and notice of such posting shall be

published once in each week for three successive weeks in a newspaper published in the city.

"3. Any person who is otherwise duly qualified, but whose name does not appear on the voters' list, may either by himself or herself or his or her agent apply to have the voters' list amended by giving to the assessor a notice in the following form:

"To the assessor of the City of Edmonton:

"Take notice that I intend to apply to the commissioners to have my name added to the voters' list (*or as the case may be*) for the following reasons (*here state the grounds according to the facts*).

(*Signature of Appellant*),

Appellant,

or (*Signature of Appellant*),
Appellant by his Agent.

(*Signature of Agent*).

"4. Notices served upon the assessor under the preceding section shall be served on or before the first day of November.

"5. On or before the fifth day of November the assessor shall make a list of all applicants for amendments to the voters' list, stating names and grounds of each of such applications; and shall post the same in a conspicuous place in his office; and he shall immediately thereafter notify the parties interested of the time and place fixed by the commissioners for hearing such applications.

"6. On or before the fifteenth day of November in each year the commissioners shall meet as a court of revision on the voters' list and shall then hear and determine all applications of which notice has been given to the assessor as hereinbefore provided; and the assessor shall thereupon amend the voters' list in all cases provided for by section 3 of this title, as may be right, and the list so amended shall be the voters' list for the ensuing year or until a new voters' list has been finally revised; and forthwith thereafter, if the elections are to be from wards, the assessor shall prepare a list of the electors entitled to vote in each ward designated thereon those not entitled to vote for mayor in each ward. An elector shall be not entitled to vote for mayor in each ward. An elector shall be entitled to vote (except for mayor) once in each ward in which is situate any land or business in respect of which he is assessed and once in the ward in which he resides, if he is assessed in respect of a special franchise, and shall be entitled to vote for mayor in the ward in which he resides and not elsewhere:

"Provided always that an appeal may be taken by any person dissatisfied with the decision of the commissioners to the council by delivering to the assessor a written notice within five days from the decision of the commissioners and the council shall decide the matter of the said appeal at its next meeting thereafter.

"7. As to the attendance of witnesses and the imposition and recovery of penalties and as to procedure the council when sitting as a final court of revision on the voters' list as aforesaid shall have the powers and privileges conferred by this Ordinance upon the council in relation to the assessment roll.

"8. The deputy returning officer in charge of any polling place shall, while the poll is open, if required by any person whose name or the name of any bank, incorporated company or corporation for which he is entitled to vote is not on the revised voters' list and who shall present to him a certificate signed by the assessor stating that such person, bank, incorporated company or corporation is assessed on the last revised

assessment roll, administer to him one of the following oaths, and such oath having been taken the deputy returning officer shall at once cause the name of such person, bank, incorporated company or corporation 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 on the revised voters' list of the city for the present year (and, *if elections 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.

“ ‘You do swear that you are the chief officer now present in the city of the (*naming the corporation*) named in the assessor's certificate now produced by you, and that the said (*naming the corporation*) is entitled to have its name placed upon the revised voters' list of the city for the present year (and, *if the elections are to be from wards*, upon the list of the electors for this ward as an elector entitled to vote for aldermen or for aldermen and mayor, *as the case may be*). So help me God.’ ”

2. Subsection (4) of section 11 of title VI is hereby amended by inserting after the word “affirm” in line three thereof the following words: “that you are a natural born (*or naturalized*) subject of His Majesty of the full age of twenty-one years and.”

3. Title VIII is hereby amended by inserting therein the following section:

“1a. Every person who furnishes or supplies to or for any person any ensign, standard, or set of colours or any other flag with intent that it be carried or used within the city upon any polling day provided for by this charter or within eight days before any such day by any person as a party flag to distinguish the bearer thereof or those who follow it as supporters of any candidate, or of the persons supporting or opposing the passing of any by-law or of the opinions entertained or supposed to be entertained by any such candidate or persons;

“(2) Every person who, for any reason, carries or uses any such ensign, standard, set of colours, or other flag within the city during or within the times above mentioned or any of them;

“(3) Every person who furnishes or supplies any ribbon, label or like favour to or for any person with intent that it shall be worn or used within the city during or within the times above mentioned or any of them;

“(4) Every person who uses or wears any such ribbon, label or other favour within the city during or within the times above mentioned or any of them;

“(5) Every person, other than the returning officer and others engaged in performing the duties herein prescribed who upon or during any polling day, furnishes or supplies to any person whomsoever any dodger, card, ticket or similar device conveying or maintaining any intimation or request in regard to the manner in which any elector or burgess should cast his vote;

“(6) Every person who upon any polling day within one hund-

red feet of any polling place molests, hinders, interferes with or canvasses any elector or burgess;

shall be deemed guilty of an offence and shall be liable to the penalties prescribed in section 6 of this title, and the provisions of sections 7, 8, 9, 10, 11, 12, 13 and 14 of this title shall apply to all matters arising under this section."

4. Title XVII is hereby amended as follows:

1. By inserting after section 2 the following section:

"**2a.** The council may by by-law, carried by a vote of not less than two-thirds of all the members of the council, at any time, assume any of the powers, duties or works vested in the commissioners by the two preceding sections, and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioners in respect of the matter so assumed shall be transferred to and be vested in the council."

2. By striking out of section 3 the words "for cause satisfactory to the council and" where they occur therein.

5. Title XXII is hereby amended as follows:

1. By inserting after section 2 thereof the following section:

"**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 manufacturing industries exclusively on said land at the amount shown on the last revised assessment roll for said land for a period not exceeding five years without submitting such by-law to the burgesses. If before the expiration of the said period of limited assessment the person, firm or corporation ceases to carry on manufacturing industries on the said land, then the limitation of assessment shall cease. The council may embody in any by-law passed hereunder such further conditions respecting said industries as they 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*."

2. By adding to section 3 thereof the following subsection:

"(5) Where under the provisions of any Statute the corporation is required to construct any work or works or do any act or acts for the purpose of carrying out the provisions of such Statute it shall not be necessary to obtain the assent of the burgesses to the passing of a by-law for borrowing the moneys required for the purpose of carrying out the provisions of such Statute but the council shall have full power to pass by-laws in that behalf."

3. By inserting after section 3 the following section:

"**3a.** Whenever the council or commissioners desire to undertake any work or enterprise authorized by this or any Ordinance or Act and for such purpose it may become necessary to acquire any land the council or commissioners should they deem it expedient to acquire adjoining lands may do so and the surplus of any lands so acquired over and above that required for the work or enterprise to hold, sell or otherwise dispose of."

6. Title XXIV is hereby amended by inserting between the words "are" and "of" in line four of section 21 the words "a natural born (or naturalized) subject of His Majesty."

7. Title XXIX is hereby amended as follows:

1. By adding to section 2 thereof the following: "And every such action shall be brought within one month of the date of the quashing or repeal of such by-law or resolution, otherwise the right of action shall be barred and extinguished."

2. By adding thereto the following sections:

"2a. Save as otherwise provided no action shall be brought by reason of the injury of any person or the property of any person arising out of the alleged negligence of the city, its officers, employees or agents, unless notice in writing of the accident and the cause thereof has been served upon the secretary-treasurer or commissioners within ten days of the happening of the accident, and any action brought for damages in connection therewith shall be commenced within three months from the receiving of such notice, otherwise the right of action shall be barred and extinguished.

"2b. In case of the death of the person injured the want of notice shall not be a bar to the maintenance of the action, and in other cases the want or insufficiency of the notice hereby required shall not be a bar to an action if the court or judge before whom the action is tried considers there is reasonable excuse for the want of such notice or for insufficiency and that the city has not thereby been prejudiced in its defence.

"2c. The city may at any time after it has received notice of any such claim or action or has become aware that an accident has taken place, unless some duly qualified medical practitioner certifies that such claimant is not in a fit condition to be examined in the case of personal injuries, examine the claimant or person or persons who met with an accident before the clerk of the Supreme Court at Edmonton, upon appointment in the same manner as a defendant may be examined for discovery, concerning the alleged negligence and all the particulars of accident or matter complained of, and no person shall bring or maintain an action against the city who has refused or declined to give such evidence or answer any question or questions pertaining to any alleged negligence or as to the damage or injury complained of unless the court or a judge considers that there is reasonable excuse for such refusal.

"2d. The form of oath to be administered as hereinbefore referred to shall be as follows:

"I, A.B., swear that I will true answer make to all questions put to me touching the matters in question in the claim made by me against the City of Edmonton and will tell the truth, the whole truth and nothing but the truth. So help me God."

8. Title XXX is hereby amended as follows:

1. By striking out in subsection 1 of section 4 thereof the words: "The closing and selling or leasing of any public highway the fee whereof is not vested in the Crown," and by substituting therefor the following: "The closing, and using, selling, leasing or otherwise disposing of and conveying any public highway or portion thereof or any street lane or alley or portion thereof."

2. By adding to said section 4 the following subsections:

"4. No application to quash a by-law authorized under this section shall be entertained unless the application be made within twenty days after the passage of the by-law;

"5. A certified copy of every such by-law may after the expiration of said period of twenty days be registered in the land titles office and the registrar shall thereupon register the city as owner of the highway or portion thereof so closed."

9. Sections 5 and 6 of title XXXII are hereby repealed.

10. Title XXXIV is hereby amended as follows:

1. By repealing sections 1 and 2 thereof and by substituting therefor the following:

“1. Whenever any portion of any taxes on any land has been due for one year calculated from the 31st day of December of the year in which the same was imposed the assessor shall, as often as directed by resolution of the council, cause a notice in the form following:

“ ‘Sale of lands in the City of Edmonton for arrears of taxes.

“ ‘Notice is hereby given that the City of Edmonton proposes to hold a sale of lands for arrears of taxes, at said city, on or about, unless such arrears and costs are sooner paid.

.....
Assessor City of Edmonton.’

“to be published once a week for four consecutive weeks in one newspaper published in the city; and the assessor shall at least ten days before the final publication of such notice prepare and deliver to the secretary-treasurer a list of all lands then liable to be sold for taxes with the amount of the arrears as well as all taxes then imposed against each lot or parcel set opposite the same, and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot or parcel for advertising and the sum of fifty cents for each lot or parcel to be advertised for sale for the city’s expenses, and the mayor and secretary-treasurer shall authenticate such list by affixing thereto their signatures and the seal of the city and the secretary-treasurer shall cause the said list to be published once a week for the next following four consecutive issues of the newspaper, containing the said assessor’s notice, preceding the day of sale.

“2. The secretary-treasurer’s advertisement shall contain a notification that unless the arrears of taxes as well as all taxes imposed and costs are sooner paid the secretary-treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement.”

2. By striking out the word “notice” where it occurs in section 3, and by substituting therefor the word “advertisement.”

11. Section 9 of schedule A to *The Edmonton Charter* is hereby amended by inserting between the words “required” and “shall” in line 1 thereof the following: “for domestic purposes only.”

12. *The Edmonton Railway Tramway Act*, being chapter 33 of the Statutes of Alberta, 1909, is hereby amended as follows:

1. By striking out the word “two” where it occurs in the first proviso to section 2 and by substituting therefor the word “five.”

2. By striking out the word “five” where it occurs in the second proviso to section 2, and by substituting therefor the word “seven.”

13. The council may by by-law declare that the property known as the market square, namely, lots thirty to forty-six, inclusive, in river lot eight in the Edmonton settlement, shall instead of being used for market purposes be used for the purpose of a public square for the erection of a city hall and other civic buildings.

14. The council may enter into such agreement as it may deem advisable with the Government of Canada for the removal of the penitentiary to without the limits of the city and also for the removal of the rifle range from its present location and for such purpose to purchase from the Government of Canada the lands comprised in said penitentiary site and rifle range or either of them or to purchase any other lands and exchange the same for said sites or either of them and for purposes aforesaid or any of them to incur debts by by-law or by-laws assented to by a majority of the burgesses voting thereon.

15. The following by-laws of the City of Edmonton creating debts and authorizing the issue of debentures for the repayment of such debts, namely:

By-law No. 280.—Finally passed the 21st day of June, 1910, a by-law to provide the sum of \$75,000.00 to supplement the sum of \$75,000.00 granted by By-law No. 248 for the purpose of improving and laying out the East End Park and erecting exhibition buildings thereon.

By-law No. 281.—Finally passed the 21st day of June, 1910, a by-law to provide for the raising of the further sum of \$175,000.00 to be paid to the City Hospital by way of bonus.

By-law No. 299.—Finally passed the 31st day of January, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$164,000.00 to pay the costs of a bridge over the North Saskatchewan River in the eastern end of the city.

By-law No. 300.—Finally passed the 31st day of January, 1911, a by-law to provide by the issue of debentures of the sum of \$175,000.00 for further improving the Exhibition Park and erecting additional buildings thereon.

By-law No. 301.—Finally passed the 31st day of January, 1911, a by-law to provide for the raising by the issue of debentures the further sum of \$10,000.00 to pay the cost of widening a bridge across the Groat Ravine on Athabasca Avenue extension.

By-law No. 302.—Finally passed the 31st day of January, 1911, a by-law to provide the sum of \$12,450.00, being the amount required to pay the city's share of the subway on Jasper Avenue under the lines of the Calgary and Edmonton Railway Company.

By-law No. 303.—Finally passed the 31st day of January, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$91,250.00 for the purpose of acquiring certain lands for industrial sites.

By-law No. 304.—Finally passed the 31st day of January, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$3,500.00 to supplement the sum of \$4,000.00 already provided to pay the cost of an addition to the City Hall.

By-law No. 312.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$36,000.00 to purchase the City Hospital site for park purposes.

By-law No. 313.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$25,000.00 to provide for further Fire Department equipment and furnishings.

By-law No. 314.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$10,000.00 for the erection and equipping of civic stables.

By-law No. 315.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures

tures the sum of \$2,700.00 for the City Waterworks Department.

By-law No. 316.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$1,000 for the purchase of additional fire hall sites.

By-law No. 317.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$104,000.00 for the purpose of extending and improving the Municipal Telephone System.

By-law No. 318.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$2,300.00 for the purchase of machinery and an addition to the city warehouse.

By-law No. 319.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$40,000.00 to pay the city's share of paving of certain streets.

By-law No. 320.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$12,000.00 for the cost of a subway under the tracks of the Edmonton, Yukon and Pacific Railway on Twenty-fourth Street.

By-law No. 321.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$7,000.00 for park purposes.

By-law No. 322.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$4,000.00 to provide for the purchase of further engineering instruments, tools, equipment, office furniture and road machinery for the department of the city engineer.

By-law No. 323.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$50,000.00 for the installing of water, plumbing and other sanitary improvements.

By-law No. 324.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$5,000.00 to investigate, provide plans and estimate cost of preventing the further sliding of part of the high bank of the North Saskatchewan River.

By-law No. 325.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$28,000.00 for the purpose of extending the Municipal Electric Lighting System.

By-law No. 326.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$7,500.00 for the purchase of additional lands to be used in connection with the Municipal Power House.

By-law No. 327.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$22,000.00 for the purchase of a Drill Hall and Armoury site.

By-law No. 328.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$18,000.00 for the purpose of extending the warehouse and storage yards.

By-law No. 329.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures the sum of \$50,000.00 for the purpose of making extensions to the Municipal Street Railway System.

By-law No. 330.—Finally passed the 19th day of May, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$250,000.00 for the completion and further extensions of the Municipal Power House and Plant.

By-law No. 331.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$3,875.00 to further improve the Isolation Hospital.

By-law No. 332.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$4,000.00 to purchase sites for sub-police stations.

By-law No. 333.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$9,000.00 for the purpose of providing horses, vehicles and harness for civic purposes.

By-law No. 334.—Finally passed the 27th day of April, 1911, a by-law to provide for the raising by the issue of debentures of the sum of \$12,250.00 for the erection of a Public Utilities warehouse;

are and each of them is hereby declared legal, valid and binding on the City of Edmonton notwithstanding any informalities, irregularities or defects therein either in substance or in form and each and all of the debentures and the coupons thereto attached, issued or to be issued thereunder are hereby declared legal and valid, and the said City of Edmonton shall be bound to pay each and all of the said debentures and coupons as therein respectively stated; and all assessments made or to be made for the payment of any and all of the same are confirmed and declared to be legal, valid and binding.

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

“**32.** Upon any appeal upon any ground against an assessment the commissioners, council or judge of the District Court may re-open the whole question of the assessment, so that omissions from, or errors in, the assessment roll may be corrected and the accurate amount for which the assessment should be made and the person or persons who should be assessed therefor may be placed upon the roll by the commissioners, council or judge.

No. 38

THIRD SESSION

~~SECOND LEGISLATURE~~

2 GEORGE V

1911

BILL

An Act to further amend The Edmon-
monton Charter and to confirm certain
By-laws of the City of Edmonton.

Received and read the

First time

Second time

Third time

JOHN A. McDUGALL

EDMONTON:
JAMES E RICHARDS, Government Printer
A.D 1911