

BILL

No. 32 of 1913.

An Act to incorporate the City of Lethbridge.

(Assented to 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

TITLE I.

PRELIMINARY.

1. This Act may be cited as "*The Lethbridge Charter*."
2. In this Act the word—
 1. "Elector" means a person entitled to vote at municipal and school elections in the said city;
 2. "Council" means the municipal council of the said city;
 3. "Burgess" means an elector who is qualified in respect of freehold property to vote on money by-laws;
 4. "Felony" means any indictable offence which since the passing of *The Criminal Code of Canada*, 1892, is punishable with death or imprisonment for a period of five years or over, and "misdemeanor" any offence for which under the said Code the extreme penalty is imprisonment for a term less than five years and two years or over;
 5. "Income" means the profit or gain, whether ascertained and capable of computation as being wages, salary or other fixed amount or unascertained as being fees or emoluments or profits from a trade or commercial or financial or other business or calling, directly or indirectly received by a person from any office or employment or from any profession or calling or from any trade, manufacture, or business, and includes the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security or from stocks or from any other investment and also profit or gain from any other source whatever;
 6. "Business" shall include any trade, profession, calling, occupation or employment;
 7. "Special franchise" shall mean every right, authority or permission to construct, maintain or operate within the city, in, under, above, on or through any highway, road, street, lane, public place or public water within the jurisdiction of the city any poles, wires, tracks, pipes, conduits, buildings, erections, structures, or other things for the purpose of bridges, railways, tramways, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, light, power, transportation, telegraphic, telephonic or other service;

8. "Judge" shall mean any judge of the District Court of the District of Lethbridge or any judge acting in his place;

9. "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same, and—

(a) Land covered with water;

(b) Mines, minerals, gas, oil, salt quarries and fossils in and under land; and

(c) In case of special franchises, machinery, fixtures, buildings, structures, and other thing existing, erected, or placed upon, in, over, under, or affixed to land or any highway, road, street, lane or public place or water, but not the rolling stock of any railways or street railway;

10. "Municipality" or "City" means the City of Lethbridge as herein incorporated;

11. "Person" includes a corporation or partnership;

12. "Resident" means a person residing within the limits of the City of Lethbridge;

13. "Revised Assessment Roll" means the assessment roll of the city or any part thereof as finally adopted by the council;

14. "Tenant" is one who holds, uses or enjoys the property of another with his consent or by his permission or letting;

15. "Occupant" means the person or corporation in actual occupation of any land or premises within the city, either being the owner or tenant thereof, for a year or any longer term. Husband and wife living together shall not be considered separate occupants, but the husband shall be considered the occupant;

16. "City Clerk" means the city clerk of the City of Lethbridge;

17. "Treasurer" means the treasurer of the City of Lethbridge.

3. Wherever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only.

4. Where anything is required to be done on a day which falls on any holiday such thing may be done on the next judicial day, but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor or commissioners.

5. Where forms are prescribed, deviations therefrom not affecting the substance nor calculated to mislead shall not vitiate the same, and forms to the like effect shall suffice.

6. Where power to make by-laws, regulations, rules or orders is conferred, it shall include the power to alter or revoke the same from time to time and to make others.

7. All Ordinances inconsistent with this Act are hereby repealed in so far as they relate to the City of Lethbridge; and where any matter or thing is provided for by this Act

the provisions of any other Act or Ordinance in relation thereto shall be deemed to be superseded so far as they relate to the said city.

8. *The Municipal Ordinance of the North-West Territories and any amendments thereto in force on the first day of September, 1905, shall no longer apply to the City of Lethbridge; nor shall any municipal legislation of the Province of Alberta apply to the said city unless it is specially mentioned therein and whenever any Ordinance of the North-West Territories is referred to herein, such reference shall be deemed to include any Act of the Province of Alberta amending or superseding such Ordinance.*

9. Chapter 64 of the Statutes of Alberta, 1906, being an Act to incorporate the City of Lethbridge with any amendments made thereto, is hereby repealed, but such repeal shall not be held to take away or affect any rights to which any person or corporation other than the City of Lethbridge would have been entitled had the same continued in force.

TITLE II.

INCORPORATION, ANNEXATION.

1. The inhabitants of the locality described as follows, that is to say:

All of sections twenty-eight (28), twenty-nine (29), thirty-one (31) and thirty-two (32); that portion of section thirty (30) lying east of the Belly River; the west half of section thirty-three (33); and that portion of the east half of section thirty-three (33) lying to the south and west of the Canadian Pacific Railway Company's line from Lethbridge to Coutts, all in township eight (8) range twenty-one (21) west of the fourth meridian; that portion of sections twenty-five (25) and thirty-six (36) lying to the east of the Belly River in township eight (8) range twenty-two (22) west of the fourth meridian; the south-west quarter of section four (4); all of sections five (5) and eight (8) and all of section six (6) saving and excepting thereout legal subdivision thirteen (13) and the west half of legal subdivision fourteen (14), all in township nine (9) range twenty-one (21) west of the fourth meridian; and that portion of the south half of section one (1) township nine (9) range twenty-two (22) west of the fourth meridian lying to the east of the Belly River and such persons as shall thereafter become inhabitants of such area, are hereby incorporated into the municipal corporation under the name of the City of Lethbridge.

2. The powers of the said corporation shall be exercised by the council of the city, which shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the council for the next year, such council shall take up and carry on to completion all proceedings commenced but not completed by the last year's council.

3. Until a new council is elected under this Act the mayor and members of the council of the existing City of Lethbridge shall be deemed and taken for all purposes to be the mayor and members of the council of the corporation hereby created and until altered under the authority of this Act all by-laws, contracts, property, assets, rights and liabilities of the existing City of Lethbridge shall be deemed and taken for all purposes to be the by-laws, contracts, property, assets, rights and liabilities of the City of Lethbridge.

4. Whenever one-half of the owners of any territory adjacent to the city whose names appear on the last revised school assessment roll, whether public or separate, desire annexation thereto, they may present a petition to the council to that effect and if the council agree the said territory may be made part of the city by proclamation of the Lieutenant Governor in Council on such date and on such terms and conditions as the Lieutenant Governor in Council may think fit.

5. By the name of the "City of Lethbridge," the city—

(a) Shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed, or held by the said City of Lethbridge, and shall assume, manage, and dispose of all trusts, in any way connected therewith;

(b) Shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said City of Lethbridge;

(c) May sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings;

(d) May have and use a common seal and alter the same at pleasure;

(e) May purchase, receive, hold and enjoy, or sell and dispose of, real and personal property.

TITLE IIA

1. The council of the city shall consist of three commissioners; the mayor who shall be commissioner of finance and public safety; whose department shall include the property of the city, health and relief license and police, fire department, publicity and immigration; a commissioner of public works whose department shall include the general work of the city done under the engineering department, and public buildings; a commissioner of public utilities which shall include all income bearing municipally owned utilities of the city; who shall all be elected by the electors in the manner hereinbefore provided and the number of commissioners or their salary may be from time to time increased by the electors in accordance with the provisions of title initiative and the salaries of the commissioners shall be as follows: Mayor, four thousand (\$4,000) dollars; commissioner of public works, three thousand five hundred (\$3,500) dollars; commissioner of public utilities, three thousand five hundred (\$3,500) dollars.

2. All commissioners shall hold office for a period of three years from the date of their election except at the first election when the mayor shall be elected for four (4) years, the commissioner of public works for three (3) years, and the commissioner of public utilities for two (2) years.

3. In the event of any vacancy occurring in the office of commissioner his place shall be filled by another commissioner elected according to the procedure herein for the election of commissioners provided.

4. No person shall be eligible for election as commissioner unless he is a natural born or naturalized subject of His Majesty, is a male of the full age of twenty-one years, is able to read and write, and is not subject to any disqualification under this Act.

5. No judge of any court of civil jurisdiction, sheriff, no gaoler or keeper of any house of correction, no constable, assessor, secretary-treasurer, auditor or other paid official of the city, no bailiff, no inspector of licenses, no person having by himself or his partner an interest in any contract with or on behalf of the city or being indebted to the city, no surety for an officer or an employee of the city, and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for more than five years, shall be qualified to be a member of the council.

6. No person shall be disqualified from being elected a commissioner by reason of his being a shareholder in any incorporated company having dealings or contracts with the city or by his having a lease of twenty-one years or upwards of any property from the city; but no such leaseholder shall vote in the council on any question affecting any lease from the city and no such shareholder on any question affecting the company.

TITLE III.

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 and whose name appears on the last revised voters' list.

2. The city clerk 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 in their own right on the last revised assessment roll for real property of the value of \$200. Where the real property is owned by two or more persons and is assessed in their names, each shall be entitled to a vote if the total assessed value of the property is sufficient when divided to give each person a rating of \$200; if otherwise none of such persons shall be entitled to vote;

(b) 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;

(c) The names of all persons who have and during one month prior to the first day of December in the previous year has been a resident of the city and a tenant of real property of the assessed value of at least \$400, and when more tenants than one occupy separate portions of the same building or of different buildings on the same property, each shall be entitled to vote if the total assessed value of the property so occupied is sufficient when divided to give each occupant a rating of \$400; if otherwise, none of such occupants shall be entitled to vote.

3. The city clerk shall on or before the first day of September in each year and every year prepare a voters' list which shall be an alphabetical list of electors and shall comprise the names of those qualified to vote at municipal elections in the city, and he shall post the same in a conspicuous place in his office. The list shall contain opposite the name of each elector a short description of the property in respect of which he is entitled to vote.

4. Any tenant who has been a resident in the city one month prior to the first day of December in the previous year, and any other person who has been resident in the city in the then current year prior to the first day of July and continuously since and who is otherwise duly qualified but whose name does not appear on the voters' list or who by error is not assessed on the roll high enough to be qualified as a voter, or whose name is put down in error, or whose name has been omitted from the last revised assessment roll, provided that the year's taxes have first been paid on the property in respect of which he claims a vote, may either by himself or his agent apply to have the voters' list amended upon giving to the city clerk a notice in the following form:

"To the City Clerk of the City of Lethbridge:

"Take notice that I intend to apply to the Council 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

.....
Name of Appellant.)
Appellant by his Agent.

.....
((Signature of Agent.)

5. If any person who has qualified as a voter on income has left the city or if before the first day of October in the then current year a person has disposed of the property for which he was qualified as a voter or if any person's name is wrongfully put down he shall be disqualified as a voter and any elector may supply to the council to have the name of the person so or otherwise disqualified struck off the voters' list and the name of the proper person, if any, substituted therefor. The person so applying shall

give six days' clear notice to the city clerk of his intention of applying to the council for that purpose as provided in the preceding section.

6. Notices served upon the city clerk under the two preceding sections shall be served on or before the 25th day of October.

7. On or before the fifth day of November the city clerk shall make a list of all applicants for amendments to the voters' list, stating names and grounds of each such application, 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 council for hearing such application.

8. On or before the fifteenth day of November in each and every year the council shall meet as a final court of revision on the voters' list and shall then hear and determine all applications of which notice has been given to the city clerk as hereinbefore provided; and the city clerk shall thereupon amend the voters' list in all cases provided for in sections four and five of this title as may be right, and the list so amended shall be the voters' list of the city for the ensuing year or until a new voters' list has been finally revised; and forthwith thereafter the city clerk shall in case the city is divided into wards, prepare a list of the electors entitled to vote in each ward designating thereon those not entitled to vote for mayor in each ward.

9. 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 Act upon the council in relation to the assessment roll.

10. If any by-law had been passed by the council disenfranchising persons for arrears of taxes, the city clerk shall on or before the day fixed for nomination of candidates for mayor and commissioners, prepare and verify on oath a correct alphabetical list of the names of all persons so disenfranchised, which list shall be called "The Defaulters' List."

TITLE IV.

ELECTIONS.

1. A municipal election shall be held in the city on the second Monday in December in each alternate year, and shall be known as the general municipal election, the first of which shall take place on the second Monday in December, 1913. All other municipal elections that may be held shall be known as "Special Municipal Elections."

2. The city clerk or the person acting as city clerk for the time being, shall be the returning officer in all elections held by virtue of this Act including all votes on money by-laws and all votes taken in accordance with the titles

on initiative, referendum and recall; and he shall have the power to appoint such deputy returning officers, assistant deputy returning officers and poll clerks as shall be required by this Act.

4. The returning officer shall at least six days previous to the first Monday in December insert in three different issues of one or more local newspapers published in the City of Lethbridge a notice in the following form or one corresponding as closely thereto as the circumstances of the case will admit of.

"NOTICE.

"City of Lethbridge, Municipal Elections 19.....

"Public notice is hereby given that a meeting of the electors of the City of Lethbridge will be held in (*description of place*) on Monday the.....day of December, 19...., from 11 a.m. until noon, for the purpose of receiving petitions of nominations of candidates for the office of commissioner of the city.

"Given under my hand at Lethbridge this..... day of, A.D. 19..

.....
Returning Officer."

5. At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving petitions of nominations; the meeting shall remain open until noon when, if the number of persons nominated to serve as commissioners does not exceed the requisite number, the returning officer shall declare the persons so nominated duly elected.

6. Every nomination for commissioner shall be accompanied by a written consent from the person named in each nomination to accept the office if elected.

7. The petition of nomination shall consist of not less than two individual certificates, which shall read substantially as follows:

"PETITION OF NOMINATION.

Province of Alberta }
City of Lethbridge }
To Wit:

"I, the undersigned, certify that I do hereby join in a petition for the nomination of..... whose place of residence is at No.....Street, Lethbridge, for the office of....., to be voted for at the municipal election to be held in the City of Lethbridge on the.....day of.....19...., and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No.....Street, Lethbridge, and that my occupation is.....

"(Signed.....

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to.
 at No. Street,
 Lethbridge, Alberta."

8. Each commissioner shall be nominated to fill the position of either mayor, commissioner of public works or commissioner of public utilities, and when elected shall fill that position.

9. It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

10. Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at any time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each certificate shall further contain the name and address of the signer in case said petition is found insufficient.

11. When a petition of nomination is presented to the returning officer, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate why such petition cannot be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the returning officer as in the first instance. The returning officer shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the returning officer to perform satisfactorily and promptly the duties imposed by this section.

12. Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the returning officer a revocation of his signature before the filing of the petition by the returning officer, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

13. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

14. In the event of more than the required number of persons being nominated for any office the returning officer shall declare that a poll will be held and shall name the time, which shall be on the same day of the week as the nomination but in the following week, the place or places where the votes are to be polled and the deputy returning officer

and assistant returning officers, if any, appointed to receive the same: and also the time and place at which the result of the polling will be declared.

15. If only one person is nominated for one office that person shall be declared by the returning officer to be elected to that office and a poll may be declared for the other office or offices for which more than one person is nominated.

16. Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nomination cause to be posted up in at least ten conspicuous places within the city a notice in the following form:

“NOTICE.

“City of Lethbridge, Municipal Elections 19....

“Public notice is hereby given that a poll has been granted for the election of commissioners of the City of Lethbridge for the year 19.... and that the polling will take place on (*here insert date of polling*) the... day of19...., from nine a.m. till five p.m. at the following places (*here insert or specify polling places*).

“And that I will at (*description of the place*) on (*day of the week*) the.....day of.....19...., at o'clock sum up the votes and declare the result of the election.

“Given under my hand at Lethbridge this. day of.19.

.....
“*Returning Officer.*”

17. Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer or deputy returning officer, as the case may be, a declaration in writing to that effect, signed by himself in the presence of the returning officer, a justice of the peace or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void.

18. If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected for such office the polling for such office shall not take place; and the returning officer shall forthwith post up in ten conspicuous places in the city a notice to the following effect:

“NOTICE.

“City of Lethbridge, Municipal Elections 19....

“Whereas Mr.....nominated for the office of commissioner has withdrawn his candidature for the said office, leaving Mr.....the only candidate therefor, I hereby give notice that no voting for the said office will take place on the.....day of (*date of polling*).

“Dated under my hand at Lethbridge this.....day of.....19.

.....
“*Returning Officer.*”

19. In case of a poll at a municipal election the votes shall be given by ballot.

20. When a poll is required the city clerk shall procure as many ballot boxes as there are polling subdivisions.

21. The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box is unlocked.

22. When it becomes necessary for the purposes of an election to use the ballot boxes it shall be the duty of the returning officer to deliver at least the day before the polling day, one of the ballot boxes to every deputy returning officer, or assistant deputy returning officer, appointed for the purpose of the election.

23. When a poll is required the returning officer shall cause ballots for each general and special election to be printed, bound, endorsed and authenticated. The ballots shall contain the full list and correct name of all the respective offices to be filled, and the names of the candidates nominated therefor. It shall be in substantially the following form when there are four or more candidates for any office. When there are three and not more candidates for any office, then the ballot shall give first and second choice only; when there are less than three candidates for any office all distinguishing columns as to choice and all reference to choice may be omitted.

The voter will go into one of the compartments and with the pencil provided in the compartment make a cross (X) in the square in the appropriate column according to his choice, at the right of the name voted for. The voter must vote first choice in the first column; vote second choice in the second column; vote any other choice in the third column; vote only one first and only one second and one third choice. Do not vote more than one choice for one person, as only one choice will count for any candidate by this ballot. All distinguishing marks make the ballot void.

COMMISSIONER OF	FIRST CHOICE	SECOND CHOICE	THIRD CHOICE
JOHN DOE . .			X
JAMES FOE	X		
DICK JOE .			X
RICHARD ROE . . .			
LOUIS HOE		X	
COMMISSIONER OF			
MARY BROWN . .	X		
HARRY JONES . .		X	
FRED SMITH			
COMMISSIONER OF			
JOE BLACK	X		
ROBERT WHITE . .			

Each voter shall vote for as many candidates as there are offices to fill and for as many choices as they are entitled to under the Act, and if he do not vote for as many candidates or as many choices as he is entitled to under this Act, his vote shall be invalid and shall not be counted.

The voter shall fold up the ballot papers so as to show the name or initial of the deputy returning officer, or assistant deputy returning officer, as the case may be, signed on the back and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the deputy returning officer, as the case may be, and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the deputy returning officer (or assistant deputy returning officer, as the case may be) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given him by the officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

24. All ballots printed shall be identical, so that it would be impossible to distinguish one ballot from another. The names of candidates for each office shall be arranged in alphabetical order of the surnames. Nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have

printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

25. The city clerk shall at least five days before the election cause to be printed not less than five hundred sample ballots, upon paper of different colour, but otherwise identical with the ballot, to be used at the election, and shall distribute the same, upon application of the candidates, to the registered voters at his office.

26. The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy returning officer such number of printed directions for the guidance of voters in voting, as he may deem sufficient.

27. Every deputy returning officer, or assistant deputy returning officer, shall before the opening of the poll or immediately after he has received the printed directions from the returning officer, if he did not receive the same before the opening of the poll, cause the said printed directions to be placarded outside the polling place for which he is appointed to act and also in every voting compartment of the polling place and shall see that they remain so placarded until the closing of the poll.

28. Every polling place shall be furnished with a compartment or compartments in which the voters can mark their votes screened from observation and it shall be the duty of the returning officer to see that a proper compartment or compartments for that purpose is provided at each polling place.

29. The returning officer shall before the poll is opened deliver to every deputy returning officer and assistant deputy returning officer a copy certified by the city clerk to be a correct copy of the voters' list for the polling subdivision for which such deputy returning officer or assistant deputy returning officer is to act together with a copy certified by the city clerk of the defaulters' list for the polling subdivision and a blank poll book in which to record the names and qualifications of the electors who vote.

30. The poll book shall be in the following form:

NAME		
Qualification		
Residence		
Legal Addition		
Commissioner		
School Trustee		
Objected to		
Sworn		
Refused to swear		
REMARKS		

31. The city clerk on the request of any elector who has been appointed deputy returning officer or assistant deputy returning officer or poll clerk or constable or as agent of a candidate to attend at any polling place other than the one where he is entitled to vote shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

32. On the production of the certificate the deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent shall have the right to vote at the polling place where he is stationed during the polling day instead of the polling place where he would otherwise have been entitled to vote and the deputy returning officer, or assistant deputy returning officer shall attach the certificate to the voters' list; but no certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent during the whole of the day of polling.

33. In case a deputy returning officer (or assistant deputy returning officer) votes at the polling place to which he has been appointed as such poll clerk appointed to act at the polling place or (in the absence of the poll clerk) any elector authorized to be present may administer to the deputy returning officer (or assistant deputy returning officer) any of the oaths required by law to be taken by voters.

TITLE VI

ELECTIONS: PROCEDURE.

1. In this title the deputy returning officer (or assistant deputy returning officer) acting as such at any polling place at any municipal election is referred to as "officer presiding at the poll."

2. The officer presiding or appointed to preside at any poll at an election may by writing under his hand appoint a poll clerk who, in the absence of the deputy returning officer (or assistant deputy returning officer) or in the case of his illness or inability to fulfil the duties required of him by this Act shall have the powers of the officer by whom he was appointed.

3. The deputy returning officer (or assistant deputy returning officer) may also appoint a constable to maintain order at the polling place or he may summon to his assistance for the purpose of maintaining order or of preserving the public peace or preventing any breach thereof or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating this Act.

4. Every returning officer, deputy returning officer, assistant deputy returning officer, poll clerk, constable, candidate or agent authorized to be present at any polling place before exercising at any polling place any of the rights or functions of the office for which he has been so appointed shall take and subscribe before a notary public or commissioner or a justice of the peace or (in the case of a poll clerk or constable or agent) before the deputy returning officer or assistant deputy returning officer at whose polling place he is appointed to act, an oath in the form following:

"I, A.B., do swear that I will not at any time disclose to any one the name of any person who will vote at the election to be held in the City of Lethbridge on the..... day of.....A.D.; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted. So help me God."

(2) The polls shall be kept open from nine o'clock in the forenoon until eight o'clock in the afternoon of the same day.

5. Any person producing to the officer presiding at the poll at any time a written authority to represent a candidate as his agent at a polling place shall be recognized as such by the said officer.

6. Every elector shall vote once for such number of commissioners as are to be elected, or if the city shall have been divided into polling divisions in each polling division for such number of commissioners as are to be elected therefor, if his name appears on the voters' list in the polling division but not otherwise.

7. Any person who votes more often than he is entitled to under the provisions of this Act shall incur a penalty of \$50 and costs.

8. The receipt of any voter or a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

9. The officer presiding at the poll shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in view and locked and sealed during the hours of polling.

10. When a person claiming to be entitled to vote presents himself for the purpose of voting the officer presiding at the poll shall proceed as follows:

(1) He shall ascertain that the name of such person (or a name apparently intended therefor) is entered upon the voters' list for the polling subdivision for which the said officer is appointed to act.

(2) He shall record (or cause to be recorded by the poll clerk) in the proper columns of the poll book, the name, qualification, residence and legal addition of such person.

(3) Where the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "Objected to," noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate.

(4) If the voter asks to be sworn, the returning officer shall administer to him the following oath:

"You swear (or solemnly affirm) that you are the person named (or intended to be named by the name of.....) in the voters' list now shown to you (*showing the list to the voter*);

"That you have not voted before at this election, either at this or any other polling place;

"That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you tender at this election;

"That you have not received anything nor has anything been promised you directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team or any other services connected with this election;

"And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.

"So help you God."

(5) If the voter takes any one of the said oaths the officer presiding at the poll shall receive the vote and shall enter (or cause to be entered) opposite such person's name in the proper column of the poll book the word "Sworn" or "Affirmed" according to facts.

(6) Where the voter has been required to take the oath or affirmation and refuses to take the same the officer presiding at the poll shall enter (or cause to be entered) opposite the name of such voter in the proper column of the poll book the words "Refused to swear" or "Refused to affirm," according to the fact and the vote of such person shall not be taken or received; and if the deputy returning officer or assistant deputy returning officer takes or receives such vote or causes the same to be taken or received he shall incur a penalty of \$100 and costs.

(7) When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper.

(8) Except in the case mentioned in subsection 6, the ballot paper shall then be delivered to the voter.

11. The officer presiding at the poll may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

12. Every deputy returning officer (or assistant deputy returning officer) who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by subsection 7 of section 10 of this title, shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 and costs in respect of every ballot paper deposited in the ballot box at his polling subdivision upon which the said deputy returning officer (or assistant deputy returning officer) has not signed his initials as aforesaid.

13. The officer presiding at the poll shall place in the column of the poll book headed "Commissioner," and "School Trustee," as the case may be, his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for commissioner or school trustee as the case may be.

14. Upon receiving from the officer presiding at the poll the ballot paper prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in subsection (a) in section 23 of title IV of this Act by placing a cross—thus X—on the right hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidate. He shall then fold the ballot paper across so as to conceal the names of the candidates and the marks upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without delay and without showing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidate for whom he has or has not marked his ballot paper, deliver the ballot paper folded so, to the officer presiding at the poll who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

15. While a voter is in a compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

16. No person who has received a ballot paper from the officer presiding at the poll shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote, and the said officer shall make an entry in the poll book in the column for "remarks" to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be, and in the latter case the said officer shall immediately write the words "declined" upon such ballot paper and shall preserve the same.

17. In the case of any application by a person claiming to be entitled to vote who is incapacitated by blindness or any other physical cause from marking his ballot paper or in the case of a person claiming to be entitled to vote who makes declaration that he is unable to read or (where voting on a Saturday) that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by subsection (a) in section 23 of title IV the proceedings shall be as follows:

(1) The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box.

(2) The officer presiding at the poll shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper columns of the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked.

(3) The declaration aforesaid may be in the following form:

"I, A.B., of the.....being numbered on the voters' list for polling subdivision No. of the City of Lethbridge,.....being a duly qualified elector of the said City of Lethbridge do hereby declare that I am unable to read (or that I am from physical incapacity unable to mark a voting paper, or that I object on religious grounds to mark a ballot paper, *as the case may be*).

"Dated this.....day of.....A.D. 19..

A.B., his (X) Mark."

(4) In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to that effect and such declaration shall at the time of the polling be made by a person claiming to be entitled to vote before the officer presiding at the poll who shall attest the same according to the following form:

"I, C.D., the undersigned, being the deputy returning officer (or assistant deputy returning officer) for polling subdivision No.....of the City of Lethbridge do hereby certify that the above (or *as the case may be*) declaration, having been first read to the above named A.B., was signed by him in my presence with his mark (or *in the case of one who objects on religious grounds to mark a ballot paper*) was orally made before me.

"(\$gd.) C. D.,

Deputy Returning Officer.

(or Assistant Deputy Returning Officer).

"Dated this.....day of.....A.D. 19...."

18. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the officer presiding at the poll the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer receive another ballot paper in the place of the ballot paper so delivered up and the said officer shall immediately write the word "Cancelled" upon the ballot paper so delivered to him; and he shall preserve the same until he makes his return under section 28 of this title.

19. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorized to attend at the polling place, and the voter who is for the time being actually engaged in voting.

20. 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 more 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 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 more candidates than he is entitled to vote for.

21. The officer presiding at the poll shall take a note of any objection made by the candidate or his agent or any elector authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

22. Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the officer presiding at the poll.

23. The officer presiding at the poll shall indorse "rejected" on any ballot paper which he rejects as invalid and shall indorse "rejection objected to" if any objection is made to his decision.

24. The officer presiding at the poll shall then count the ballots, and enter the total number thereof in the poll book provided therefor. He shall also carefully enter the number of the first, second, and third choice votes for each candidate in said poll book.

The person receiving more than one-half of the total number of ballots cast at such election as the first choice of the electors for any office shall be elected to that office; provided, that if no candidate shall receive such a major-

ity of the first choice votes for such office, then and in that event, the name of the candidate printed on the ballot having the smallest number of first choice votes, and all names written on the ballot having a less number of votes, then such last named candidate shall be excluded from the count, and votes for such candidates or persons so excluded shall not thereafter be counted. A canvass shall then be made of the second choice votes received by the remaining candidates for said office; said second choice votes shall then be added to the first choice votes received by each remaining candidate for such office, and the candidate receiving the largest number of said first and second choice votes, if such votes constitute a majority of all ballots cast at such election, shall be elected thereto; and provided further that if no such candidates shall receive such a majority after adding the first and second choice votes, and then in that event the name of the candidate then having the smallest number of first and second choice votes shall be excluded from the count, and no votes for such candidate so excluded shall thereafter be counted. A canvass shall then be made of the third choice votes received by the remaining candidates for such office; said third choice votes shall then be added to the first and second choice votes received by each remaining candidate receiving the highest number of first, second and third choice votes shall be elected thereto. When the name of but one person remains as a candidate for any office, such person shall be elected thereto regardless of the number of votes received.

A tie between two or more candidates is to be decided in favour of the one having the greatest number of first choice votes. If all are equal in that respect, then the greatest number of second choice votes shall determine the result. If this will not decide, then the tie shall be determined by lot, under the direction of the returning officer.

Whenever the word "Majority" is used in this section it shall mean more than one-half of the total number of ballots cast at such election.

25. Upon the completion of the written statement it shall be signed by the officer presiding at the poll, the poll clerk (if any) and such of the candidates or their agents as are present and desire to sign such statement.

26. Not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or the counting of the votes.

27. Every officer presiding at a poll upon being requested to do so shall deliver to each of the persons authorized to attend at his polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers.

28. Every officer presiding at a poll shall at the close of the poll certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside; and shall, at the completion of the counting of votes in the presence of the candidates (or agents of the candidates) make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals and marked upon the

outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding at the poll and of the polling subdivision:

- (a) The statement of first, second and third choice votes given for each candidate for each office and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to but which have been counted by him;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of voters whose votes have been marked by the officer presiding at the poll under section 17 of this Title with the declarations of inability and the notes taken of objections made to ballot papers found in the ballot box.

29. Before returning the voters' list and poll book to the returning officer, the officer presiding at the poll shall make and subscribe before a justice of the peace or before the poll clerk, his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made; which declaration may be in the following form:

"I, C.D., the undersigned deputy returning officer (or assistant deputy returning officer) for polling division No.....of the City of Lethbridge, do solemnly swear (or if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the annexed voters' list and poll book used in and for the said polling division at the election held on the..... day of.....19...., were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

"(Sgd.) C.D.,

Deputy Returning Officer.

(or Assistant Deputy Returning Officer).

"Sworn (or affirmed) before me.....
at this..... day of.....
A.D. 19.

"(Signed), K.Y.,

Commissioner, Notary Public, Justice of the Peace.
(or as the case may be)"

and shall thereafter be annexed to the voters' list and such voters' list, poll book and declaration may be inspected at any time in the presence of the city clerk by any elector.

30. The deputy returning officer (or assistant deputy returning officer) shall forthwith deliver such packets personally to the returning officer; and if owing to illness or other cause he is unable to do so he shall deliver such packets to a person chosen by him for that purpose; and shall write on the outside of the cover of each of the packets the name of the person to whom the same has been so delivered and shall take a proper receipt therefor. He shall also forthwith return the ballot box to the returning officer.

31. The packets shall be accompanied by a statement made by the deputy returning officer (or assistant deputy returning officer) showing the number of ballot papers entrusted to him and accounting for them under the heads of—

- (1) Counted;
 - (2) Rejected;
 - (3) Unused;
 - (4) Spoiled;
 - (5) Ballot papers given to voters who afterwards returned the same declining to vote; and
 - (6) Ballot papers taken from the polling place;
- which statement shall give the number of papers under each head and is in this Act referred to as "The Ballot Paper Account."

32. The returning officer after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place shall without opening any of the sealed packets or ballot papers cast up form the statements the number of votes for each candidate, and shall at the city hall or at some other public place at noon on the day following the return of such ballot papers and statements publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; he shall also put up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

33. In case it appears upon the casting up of the votes aforesaid that two or more candidates for any office have an equal number of votes the returning officer whether otherwise qualified or not shall at the time when he declares the result of the poll give a casting vote so as to decide the election.

34. Except in such case no returning officer shall vote at any election.

35. All deputy returning officers, assistant deputy returning officers, poll clerks and constables shall if otherwise qualified be entitled to vote.

36. The person or persons elected as aforesaid shall make the necessary declaration of office and qualifications and shall assume office accordingly.

37. Forthwith after the election the returning officer shall deliver to the city clerk the ballot boxes, packets and returns and the city clerk shall thereafter be responsible for their safe-keeping and for their delivery when required.

38. The city clerk shall retain for one month all ballot papers received by him as aforesaid and shall then unless otherwise ordered by a judge cause them to be destroyed in the presence of two witnesses whose affidavit that they have witnessed the destruction of the said papers shall be taken before a justice of the peace or notary public and filed by the city clerk among the records of the city.

39. No person shall be allowed to inspect any ballot papers in the custody of the city clerk except under order of a judge to be granted by the judge upon satisfactory evi-

dence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under this Act to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the city clerk.

40. The order shall state the time and place for inspection of such papers and shall name the persons to be present at such inspection and shall be made subject to such condition as the judge thinks expedient.

41. In case at any time within fourteen days from the time when the ballot papers used at an election have been received by the city clerk, it is on the affidavit of a credible person made to appear to a judge that a deputy returning officer (or assistant deputy returning officer) in counting the votes given at any election has improperly counted or rejected any ballot papers, the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same.

42. At the time of the application for a recount the applicant shall deposit with the clerk or deputy clerk of the court the sum of \$25 security for the payment of costs and expenses and the said sum shall not be paid out by the clerk without the order of the judge.

43. The judge, city clerk with the ballot boxes and each candidate and his agent and counsel notified to attend the recount of votes and representatives of the press and no other person (except with the sanction of the judge) shall be entitled to be present at such recount of the votes,

44. At the time and place appointed the judge shall proceed to recount all the ballot papers received by the city clerk from the returning officer as having been given in the election complained of and he shall in the presence of such parties aforesaid if they attend or in the presence of such of them as do attend open the sealed packets containing (a) the used ballot papers which have not been objected to but which have been counted, (b) the ballot papers which have been objected to but which have been counted by the deputy returning officer (or assistant deputy returning officer), (c) the rejected ballot papers, (d) the spoiled ballot papers, (e) the unused ballot papers. In recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

45. The judge shall as far as practicable proceed continuously with the recount of the votes, allowing only time for refreshments, excluding only Sundays and no other days (except as far as he and the said parties agree) the hours between five o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

46. The judge shall proceed to recount the votes as follows:

Firstly: He shall examine the ballot papers. Any ballot paper on which anything except the initials of the deputy returning officer (or assistant deputy returning officer) or the cross or crosses made by the voter written or marked by which the voter can be identified and any ballot paper 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 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 office in respect to which the voter has not voted for more candidates than he is entitled;

Secondly: He shall make a note of any objection made by a candidate or his agent to any ballot paper and shall decide any question arising out of the objection; and the decision of the judge shall be final;

Thirdly: He shall count up the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:

- (a) Names of candidates;
- (b) Number of first, second and third choice votes for each candidate and total thereof;
- (c) Ballot papers wanting initials of deputy returning officer (or assistant deputy returning officer);
- (d) Ballot papers rejected as marked for more candidates than were to be elected;
- (e) Ballot papers rejected as having upon them a writing or mark by which the voter can be identified, or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) Ballot papers rejected as unmarked or void for uncertainty.

(2) Upon the completion of the recount or as soon as he has thus ascertained the result of the voting the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the city clerk who shall thereupon by notice to be posted in his office declare elected the candidate having the highest number of votes; and in case of an equality of votes the city clerk shall have the casting vote.

(3) Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions herein contained by proceedings in the nature of *quo warranto* or otherwise.

47. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereto shall be defrayed by the parties to the application in such manner and in such proportions as the judge may determine regard being had to any costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part of either the applicant or respondent.

(2) The costs shall be on the Supreme Court scale and may (if the judge so orders) be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the nonpayment thereof.

48. No person shall—

(a) Without due authority supply any ballot paper to any person; or

(b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or

(c) Fraudulently take out of the polling place any ballot paper; or

(d) Without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or

(e) Apply for a ballot paper in the name of some other person whether such name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do (but this provision shall not be construed as including a person who applies for a ballot paper believing he is the person intended by the name entered on the voters' list in respect of which he so applies); or

(f) Having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name or advise or abet or counsel or procure any other person so to do;

(g) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of any violation of this section shall be liable if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months with or without hard labour.

49. Every returning officer, deputy returning officer, assistant deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 9 to 34 inclusive of this title shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$200.

50. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling places.

(2) No officer, clerk and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk or agent or other person shall communicate at any time to any person any information ob-

tained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate nor attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of a candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

51. No person who has voted at an election shall in any legal proceeding to question the election or return or otherwise relating thereto be required to state for whom he has voted.

52. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend but no candidate shall be present at the marking of a ballot for a voter under section 17 of this title.

53. When in this title expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates such expression shall be deemed to refer to the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done the non-attendance of any agent at such time and place shall not invalidate it.

54. No election shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the holding of the poll or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such noncompliance, mistake or irregularity did not affect the result of the election.

55. All reasonable expenses incurred at any election under this Act shall be paid by the city clerk out of the funds of the city upon the production to him of proper accounts verified in such manner as the council may direct.

56. The city council may by by-law authorize the use of voting machines, provided said machines are so constructed to carry out the provisions of this charter in reference to Preferential Voting; provided, however, said by-law may be adopted only upon vote of the qualified electors of the city.

TITLE VI.

SCHOOLS AND SCHOOL TRUSTEES.

1. The boards of public and separate school trustees of any district of which the city forms part shall give notice to the city clerk before the 15th day of November in each year of the number of vacancies required to be filled to make the school board complete.

2. When notice has been given to the city clerk provided in the next preceding section the nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and commissioners.

3. All the provisions in this Act contained respecting election and qualification of commissioners and the qualification of electors shall *mutatis mutandis* apply to the election of school trustees, except that a school trustee may be either male or female.

4. In the lists of qualified voters to be delivered to the returning officer by the city clerk before the opening of the polls the city clerk shall place opposite the names of any persons on the said list who are assessed on the last revised assessment roll as supporters of separate schools the letters "S.S.S." and no deputy returning officer (or assistant deputy returning officer) shall deliver to any such person a ballot paper for the public school trustees.

5. In case any objection is made to the right of any person to vote at an election of school trustees the officer presiding at the poll shall require the person whose right of voting is objected to, to take the oaths required by section 4 of title V.

6. A separate set of ballot papers shall be prepared by the returning officer at each election containing the names of the candidates nominated for school trustees in the same form as those used for the election of commissioners except that the words "public or separate school trustee" shall be substituted for the word "commissioner" thereon.

7. The boards of school trustees of all school districts of which the city forms part, shall give notice to the city clerk, on or before the 30th day of June in each year, of the amount required by them for the purposes of their schools during the current year, but such sums shall not exceed an amount equal to fifteen mills on the dollar, according to the last revised assessment roll of the city on the property liable to assessment for ordinary school purposes with such additional amount as may be necessary to meet any debenture debt that may have been incurred and may be coming due and for the purposes of this section all land and personal property and income in any portion of any such district not within the limits of the city shall be deemed to be within the limits thereon, and be assessed and taxes collected thereon as if the same were in such limits.

TITLE VII.

CORRUPT PRACTICES.

1. The following persons shall be deemed guilty of bribery and shall be punished accordingly:

(a) Every person who directly or indirectly by himself or by any other person on his behalf gives, lends or agrees to give or lend or offers or promises money or valuable considerations or gives or procures or agrees to give or procure or offers or promises any office, place or employment to or for any elector or to or for any person in order to induce any elector to vote or to refrain from voting at an election in order to induce any burgess to vote or refrain from voting upon a by-law for raising money or creating a debt or who corruptly does any such act as aforesaid on account of such elector or burgess having voted or having refrained from voting at such election or upon such by-law.

(b) Every person who directly or indirectly by himself or by any other person on his behalf makes any gift, loan, offer, promise, or agreement as aforesaid to or for any person in order to induce such person to procure or defeat or endeavour to procure or defeat the return of any person to serve in the council or to procure or defeat the passing of any by-law as aforesaid or the vote of any elector at an election or of any burgess at the voting upon any by-law.

(c) Every person who by reason of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure or defeat the return of any person in an election or to procure or defeat the passing of any by-law as aforesaid or the vote of any elector at an election or the vote of any burgess at the voting upon a by-law.

(d) Every person who advances or pays or causes to be paid money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at an election or at any voting upon any such by-law as aforesaid or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election or at the voting upon any such by-law.

(e) Every elector or burgess who before or during an election or before or during the voting on any such by-law directly or indirectly by himself or any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at any such election or upon any such by-law.

(f) Every person who after any such election or the voting upon any such by-law directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon any such by-law.

(g) Every person who hires horses, teams, carriages, or other vehicles for the purpose of conveying electors or burgesses to or from the polls and every person who receives

pay for the use of any horse, team, carriage or other vehicle for the purpose of conveying electors or burgesses to or from any polls as aforesaid.

2. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage, harm, or loss, or in any manner practise intimidation upon or against any person in order to induce or compel any such person to vote or to refrain from voting at any election or at the voting upon any such by-law or on account of any such person having voted or refrained from voting thereat or who by abduction, duress or any fraudulent device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the franchise of an elector or burgess or thereby compels induces or prevails upon an elector or burgess to give or refrain from giving his vote at an election or at the vote upon any by-law shall be deemed to have committed the offence of undue influence and shall incur a penalty of \$100 and shall be disqualified from voting at any election or upon any by-law for the next succeeding two years.

3. The actual personal expenses of a candidate, his expenses for actual professional services performed and all *bona fide* payments for the fair costs of printing and advertising shall be held to be expenses lawfully incurred and the payment thereof shall not be a contravention of this Act.

4. When, on a motion in the nature of a *quo warranto*, a question is raised as to whether the candidate or any voter has been guilty of any violation of section 1 or section 2 of this title, affidavit evidence shall not be used to prove the offence but it shall be proved by *viva voce* evidence.

5. Any candidate elected at an election who is found guilty by a judge upon the hearing of a motion in the nature of a *quo warranto* of any act of bribery or of using undue influence as aforesaid shall forfeit his seat and shall be ineligible as a candidate at any election for four years thereafter.

6. Any person who is adjudged guilty of any offence within the meaning of sections 1 or 2 of this title shall incur a penalty of \$100 and shall be disqualified from voting at any election or upon any by-law for the next succeeding two years.

7. The money penalty imposed by the preceding section shall be recoverable with full costs of suit (Class A) by any person who sues for the same in the Supreme Court and any person against whom judgment is rendered shall be ineligible either as a candidate or an elector until the amount so recovered against him has been fully paid and satisfied.

8. The judge may direct that in default of payment of the said penalty and costs within the time fixed by the judge the offender shall be imprisoned for such period not exceeding thirty days as is directed by the said judgment and in case of such default of payment the judge may issue a warrant for the arrest and imprisonment of the offender

in accordance with the said judgment until the penalty and costs are fully paid or for such other period as the order may direct.

9. The judge who finds any candidate guilty of a contravention of section 1 or section 2 of this title or who condemns any person to pay any penalty imposed under sections 6 or 7 of this title shall report the same forthwith to the city clerk.

10. The city clerk shall enter in a book to be kept for that purpose the names of all persons who have been so adjudged guilty of any offence within the meaning of section 1 or section 2 of this title and whose names have been reported to him by the judge aforesaid.

11. Every witness shall be bound to attend before the judge upon being served with the order of the judge directing his attendance and upon payment of the necessary witness fees and conduct money as if he had been directed by a subpoena to attend and in default thereof he may be punished for contempt and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena.

12. No person shall be excused from answering any question put to him upon the hearing of any motion in the nature of a *quo warranto* or in any proceeding touching or concerning any election or the voting upon any by-law or the conduct of any person in relation thereto on the ground of any privilege or on the ground that the answer to the question will intimidate him or will tend to incriminate him; but no answer to any such question shall be used in any proceeding under this Act against such person if the judge gives to him a certificate that he made full and true answers to the satisfaction of the judge.

13. All proceedings under this title other than an application in the nature of a *quo warranto* against any person for any violation of section 1 or section 2 of this title shall be commenced within four weeks after the election at which the offence is alleged to have been committed or within four weeks after the day of the voting upon a by-law as aforesaid.

14. No pecuniary penalty or forfeiture imposed by this Act shall be recoverable for any act of bribery or corrupt practice at an election or at the voting upon a by-law in case it appears that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices or otherwise and that the person charged has previously *bona fide* prosecuted the other person or persons or any of them for the said act; but this provision shall not apply in case the judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged and was in fact the principal offender.

15. The city clerk shall prior to every election or the voting upon any by-law furnish every deputy returning officer and assistant deputy returning officer with at least

two copies of the sections of this title numbered from 1 to 14, inclusive, and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and to see that they are kept so posted up during the hours of polling.

TITLE VIII.

INITIATIVE.

1. Any proposed new by-law may be submitted to the council by petition signed by duly qualified voters, entitled to vote and equal in number to not less than twenty per cent. of the total number of persons who voted at the final election then last held. If such petition be filed in the office of the city clerk and contain a request that the proposed new by-law if not passed by the council, shall be submitted to a vote of the people, the council, provided said by-law be one which it has a right to pass, shall—

(a) Pass said by-law without alteration, within twenty days after the attachment of the city clerk's certificate of sufficiency to such petition; or

(b) Forthwith, after the city clerk shall attach to the petition accompanying such by-law his certificate of sufficiency, the council shall call a special election, unless a civic election is to be held within thirty days thereafter, and at such special or civic election, if one is so to be held, such by-law shall be submitted without alteration to the vote of the electors of said city.

2. The ballots used when voting upon said by-law shall contain these words "for the by-law," "against the by-law" (stating the nature of the proposed by-law). If a majority of the qualified electors voting on the proposed by-law shall vote in favour thereof, such by-law shall thereupon become a valid and binding by-law of the city; and any by-law proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

3. Any number of proposed by-laws may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

4. The council may submit a proposition for the repeal of any such by-law or for amendment thereto, to be voted upon at any succeeding general civic election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such by-law shall thereby be repealed or amended accordingly. Whenever any by-law or proposition is required by this Act to be submitted to the voters of the city at any election, the city clerk shall cause such by-law or proposition to be published once in each of the daily newspapers published in the said city; such publication to be not more than twenty or less than five days before the submission of such by-law or proposition to be voted on.

5. Petitions under the provisions of this section may consist of one or more distinct papers. In each of such

papers the by-law, the passage of which is requested, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section 11, title IV, of this Act. Any by-laws passed under the provisions of this section by the council, or by the voters, may prescribe such penalty for its violation as the council shall have a right to affix to a like by-law for a breach thereof.

TITLE IX.

REFERENDUM.

1. No new by-law passed by the council, except such as relates to the immediate preservation of the public health, safety or peace and which contains a statement of its urgency, shall go into effect until the expiration of twenty days from the time of its final passage by the council, during which time it shall be on file in the office of the city clerk, open for public inspection. If during the said twenty days, a petition signed by duly qualified voters entitled to vote and equal in number to twenty per cent. of the total number of persons who voted at the final election then last held, and protesting against the passage of such by-law shall be filed in the office of the city clerk, such by-law shall be suspended from going into operation, and it shall be the duty of the council to reconsider the same, and if it is not entirely repealed the council shall submit it, as is provided in subdivision (b) of the preceding section to the duly qualified voters of the city, entitled to vote and the said by-law shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid voting on the same shall vote in favour thereof. The vote upon such by-law at a general election shall be taken by ballot in answer to the question "Shall the by-law (stating the nature of the same) take effect?" which shall be printed on the ballot after the list of candidates, if there be any. Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the by-law, the passage of which is protested, shall be set forth or referred to, and all such papers filed in any one day shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signature, examined, re-examined, presented to the council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto.

TITLE X.

RECALL.

The mayor or any commissioner may be removed from office at any time by the voters qualified and entitled to vote at civic elections, and the procedure to effect his removal shall be as follows:

A petition signed by duly qualified voters, entitled to vote and equal in number to not less than fifteen per cent. of the total number of persons who voted at the final election then last held, demanding an election of a successor to the person sought to be removed, shall be filed in the office of the city clerk. Such petition shall contain a general statement of the grounds upon which the removal is sought. It need not be on one paper, but may consist of several distinct papers, each containing the said demand and substantially upon the same grounds, and all papers containing the said demand and statement which, in any one day, shall be filed at the office of the city clerk, shall be deemed parts of the same petition. Every signer shall add to his signature his place of residence, giving the street and number, if any. One signer of every such paper shall make oath upon his information and belief, before a notary public, or a justice of the peace, that the statements therein made are true, and that each signature to such paper is a genuine signature of the person whose name it purports to be. Within ten days after the date of the filing of such petition, the city clerk, for whom the council shall provide such assistance as may be necessary, shall examine the petition to ascertain whether or not it is signed by the requisite number of voters, as above prescribed, and shall attach to said petition his certificate showing the result of his examination. If, from the city clerk's certificate the petition appears not to be signed by the requisite number of voters, it may be supplemented, within ten days after the date of such certificate, by other papers, signed and sworn to as aforesaid, and all other papers containing a like demand and statement, and signed and sworn to as aforesaid, shall be deemed supplemental to the original petition. The city clerk shall, within ten days after the expiration of the time allowed for filing the supplementary petition, make a like examination of such petition, if any is filed, and shall attach thereto a new certificate, and, if it appears from such new certificate, that the petition is still insufficient as to the number of signers as aforesaid, it shall be returned to the person or persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition as originally filed or as supplemented, shall be certified by the city clerk to be sufficient, he shall present the same to the council without delay, and the council shall order the election so demanded, and shall fix a date for holding the same, which shall not be less than thirty nor more than forty days after the date when the petition was presented by the city clerk to the council. The council shall make or cause to be made all arrangements for holding such election, and the same shall be held and conducted, returns thereof made and the results thereof declared in all respects as in the case of other civic elections. The successor of any person removed shall hold office during the unexpired term of his predecessor.

Any person sought to be removed may be a candidate at such election, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballots without nomination. The person receiving the highest number of votes shall be declared elected. If a person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed to be removed from office. In case a person other than the incumbent receives the highest number of votes he shall be sworn

into office within one week after his election. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of such election, unless sooner removed therefrom by new and like proceedings. The name of no candidates other than the persons sought to be removed shall be printed on the official ballots to be used at such election, unless such candidates be nominated as hereinbefore provided at a preliminary election.

TITLE XI.

VACANCIES.

1. The mayor or any commissioner may resign his seat in the council at any meeting of the council with the consent of the majority of the members present.

2. In case of the resignation, death or removal of any member of the council or in the event of a vacancy occurring in the council from any cause whatsoever the council at its next meeting shall order an election and the member so elected shall hold office for the unexpired period of the member whose place he was elected to fill:

Provided always that if such unexpired period shall be less than two months the council may instead of ordering an election may appoint some person to complete such term.

3. If after the election of any person as a member of the council he is convicted of felony or infamous crime or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered upon its minutes, his seat in the council shall *ipso facto* become vacant and the council shall forthwith declare the seat vacant.

4. In the event of a member of the council forfeiting his seat at the council or his right thereto or becoming disqualified to hold his seat or of his seat becoming vacant by disqualifications or otherwise he shall forthwith resign his seat and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat him as hereinafter provided.

5. In case the validity of the election of the mayor or a commissioner or his right to hold the seat is contested the same may be tried by a judge. Any candidate at the election or any elector who gave or tendered his vote thereat or in case of an election by acclamation or in case the right to sit is contested on the ground that a member of the council has become disqualified or has forfeited his seat since his election, any elector may be the relator for the purpose.

6. If within six weeks after the election a relator shows by affidavit to a judge reasonable ground for supposing that the election was not legal or was not conducted according to law or that the person declared elected thereat was not duly elected or for contesting the validity of the election of the mayor or of any commissioner or in case at any

time a relator shows by affidavit to a judge reasonable ground for supposing that a member of the council has forfeited his seat or has become disqualified since his election and has not resigned his seat, the judge may grant his fiat authorizing the relator upon entering into a sufficient recognizance as hereinafter provided to serve a notice of motion in the nature of a *quo warranto* to determine the matter.

(a) The recognizance shall be entered into before the judge or before a commissioner for taking affidavits by the relator in the sum of \$200 and by two sureties, to be allowed as sufficient by the judge upon affidavits of justification, each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the party against whom the motion is made, who is herein called "the respondent," and costs which may be adjudged to him against the relator.

(b) When the sufficiency of the said sureties has been determined and the said recognizance has been allowed as sufficient by the judge, he shall note or indorse thereon and upon the fiat allowing service of the motion of motion the words "recognizance allowed" and shall initial the same.

7. The notice of motion shall be at least a seven clear days' notice and it may either state the return of the motion or may state that the motion will be made on the eighth day after the day of service of the notice excluding the day of service.

(a) The relator in his notice of motion shall set forth his name in full, his occupation, place of residence and the interest which he has in the election as a candidate or an elector and shall also state specifically under distinct heads all the grounds of objection to the validity of the election complained against and in favour of the validity of the election of the relator or of any other person or persons where the relator claims that he or they or any of them have been duly elected or on the grounds of forfeiture or disqualification of the respondent or as the case may be.

8. Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to rely except where *viva voce* evidence is to be taken. In that case he shall name in his notice the witnesses whom he proposes to examine.

9. The notice of motion shall be served personally unless the person to be served keeps out of the way to avoid personal service in which case the judge upon being satisfied thereof by affidavit or otherwise may make an order for such substitutional service as he thinks fit.

10. Service of the notice of motion shall be made within two weeks from the date of the fiat so granted by the judge unless otherwise ordered by the judge.

11. In case the relator alleges that he himself or some other person has been duly elected the motion shall be to try the validity both of the election complained of and of the alleged election of the relator or other person or persons.

12. In case any of the grounds of objection apply equally to two or more persons elected the relator may proceed by one motion against such persons.

13. Upon hearing of the motion the relator shall not be allowed to object to the election of the respondent or to attack his right to sit or to support the election of any person alleged to have been duly elected upon any ground not specified in the notice of motion; but the judge in his discretion may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties as may appear in the evidence before him.

14. The judge may require the city clerk to produce before him such ballot papers, books, voters' and other lists and such other records of the election and papers in his hands connected therewith as to the judge may from time to time seem fit.

15. The judge may if he thinks proper at any stage of the proceedings make an order adding the returning officer or any deputy returning officer or assistant deputy returning officer or any person as a party thereto.

16. The judge may allow any persons entitled to be a relator to intervene and prosecute or defend and may grant a reasonable time for that purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings.

17. The judge shall in a summary manner without formal pleadings hear and determine the validity of the election or the right of the respondent to sit, and may enquire into the facts on affidavit or affirmation or by oral testimony.

18. In case the election complained of is adjudged invalid the judge shall by the judgment order the respondent to be removed and his seat shall *ipso facto* be vacated; and in case the judge determines that any other person was duly elected, the judge shall forthwith order such other person to be admitted to the office.

19. Where an election has been held invalid owing to the improper refusal of any returning officer or deputy returning officer or assistant deputy returning officer to receive ballot papers tendered by duly qualified electors or to give ballot papers to duly qualified electors the judge may in his discretion order the costs of the proceedings to unseat the person declared elected or any part thereof or any other costs to be paid by such returning officer, deputy returning officer or assistant deputy returning officer.

(a) Nothing herein contained shall affect any right of action against a returning officer, deputy returning officer, or assistant deputy returning officer, or shall be deemed to relieve such returning officer, deputy returning officer or assistant deputy returning officer from any other penalty or punishment to which he may be liable under the provisions of this Act.

20. After the adjudication upon the case an order shall be drawn up in the usual manner which shall state concisely the ground and effect of the decision which order may be at any time amended by the judge in regard to any matter of form and the order shall have the same force and effect as a writ of mandamus formerly had in the like case.

21. The judge shall immediately after his decision return his order with all things had before him touching the same to the proper office of the court in which the proceedings are entitled there to remain on record as a judgment of the court; and as occasion requires the judgment may be enforced in the same manner as an ordinary order of mandamus and for the costs awarded by writs of execution.

22. Any person whose election is complained of, unless such election is complained of on the ground of corrupt practises on the part of such person, or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat may within one week after service on him of a notice of motion as aforesaid transmit postpaid through the post office directed to the "Clerk of the Supreme Court, Lethbridge," and also to the relator or his advocate or he may cause to be delivered to the said clerk or deputy clerk and to the relator or his advocate a disclaimer signed by him in the form or to the effect following:

"I, A.B., upon whom a notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of mayor (or commissioner) of the City of Lethbridge, do hereby disclaim the said office and all defence to any right I may have to same.

"Dated this. . . . day of. . . . ;
"(Signed) A.B."

23. The disclaimer or the envelope containing the same shall be endorsed on the outside thereof with the word "disclaimer" and shall be registered at the post office where it is mailed.

24. Where there has been a contested election the person elected may at any time after the election and before his election is complained of deliver to the city clerk a disclaimer signed by him as follows:

"I, A.B., do hereby disclaim all right to the office of mayor (or commissioner) for the City of Lethbridge and all defence of any right I may have to the same.

"Dated this. . . . day of. . . . ;
"(Signed) A.B."

25. A disclaimer filed under section 24 of this title shall relieve the person making it from all liability to costs and where a disclaimer has been made in accordance with sections 22 or 24 of this title it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by section 2 of this title.

26. Every person disclaiming under section 22 of this title shall deliver a duplicate of his disclaimer to the city clerk and the city clerk shall forthwith communicate the same to the council.

27. The procedure in any proceeding under this Act shall be that of the Supreme Court in like cases as far as the same is applicable.

TITLE XII.

MEETINGS OF COUNCIL.

1. The first meeting of the council in each year shall be held on the third day of January except when that day is a public holiday, in which case the meeting shall take place on the next subsequent day which is not a holiday, and the council shall hold regular meetings at least once a week.

2. A majority of the whole council shall be necessary to form a quorum.

3. The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct, but the person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting.

TITLE XIII.

MAYOR.

1. The mayor shall be the chief executive officer of the city and it shall be his duty to be vigilant and active in causing the laws governing the city to be duly executed, to inspect the conduct of all civic officers and so far as is in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the city.

2. The mayor may suspend any municipal officer and he shall thereupon report such suspension and the reason therefor to the council who may either dismiss or reinstate the suspended officer and in case he is afterwards dismissed such officer shall receive no salary or remuneration from the date of such suspension unless the council by a resolution to be passed by a three-fourths vote otherwise determine.

3. The mayor shall preside at all meetings of the council. He shall preserve order, and enforce the rules of the council and he shall sign, jointly with the city clerk, all the cheques issued by the city.

4. At the first meeting of the council in each year, the council shall appoint a vice-mayor to act in the absence or illness of the mayor, and who shall have all the power of the mayor during such absence or illness. Such appointment shall be for six months, and a new vice-mayor shall be appointed each six months.

5. If the person who ought to preside at any meetings of the council does not attend within fifteen minutes after the hour appointed for the meeting the members of the council who are present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had.

6. The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise and, save as otherwise provided herein, any question upon which there is an equality of votes shall be deemed to be negatived.

7. The mayor shall call special meetings of the council whenever requested in writing so to do by a majority of the council and all the members of the council shall be duly notified of the meeting of at least eight hours prior thereto and in general terms of the business to be transacted thereat.

8. If so requested at any time by the written petition of fifty electors the mayor shall by a printed public notice conspicuously posted up in at least ten places in the city call a public meeting of the electors for the discussion of the municipal affairs of the city or of any matters relating thereto.

TITLE XIV

OFFICIALS.

1. The council shall appoint a city clerk, treasurer, a city solicitor, a city engineer, a sanitary health officer, a liquor license inspector, an assessor, and one or more auditors and appoint such other officers as they deem necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or of any by-law of the city.

2. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender.

3. All officers appointed by the council shall hold office during the pleasure of the council or according to the terms expressed in the by-law by which they are appointed and in addition to the duties assigned to them by this Act or by the general law of the Province of Alberta shall perform such other duties as may be required of them by the by-laws of the council.

4. In addition to defining the duties of any officer the council may by by-law require him to give such security as they deem expedient for the faithful performance of his duties, and during the month of January in each year all such securities shall be produced to the mayor and shall be laid by him before the council.

5. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or ser-

vants occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the city.

6. Every officer, servant and agent of the city shall be personally liable for any damage arising from his acts or by defaults or from his refusal or neglect to discharge the duties imposed upon him by law or by this Act or by the by-laws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

7. The council may grant any officer who has been in the service of the city including its previous existence as a town for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

TITLE XV.

CITY CLERK'S OFFICE AND DUTIES.

1. The city clerk shall attend all meetings of the council and shall truly record in a book without note or comment all resolutions, decisions and other proceedings of the council and if required by any member present shall record the name and vote of every member voting on any matter submitted. He shall safely keep all books, documents, records and accounts of the council, the originals of duly certified copies of all by-laws thereof.

2. In case the city clerk is absent or is incapable of performing his duties the council may by resolution appoint some person to act in his stead during the period of such absence or incapability; and during such period the person so appointed shall have all the powers of the city clerk.

3. Any elector may at all reasonable times inspect any books, records, documents or accounts in the possession of the city clerk including minutes of proceedings of the council or of committees of the council, assessment rolls, voters' lists, poll books, and all other documents in the possession of the city clerk and the city clerk shall within a reasonable time furnish copies of any such documents or extracts therefrom to any such applicant at the rate of ten cents per hundred words.

4. A copy of any such book, record, document or account certified under the hand of the city clerk and the city seal may, after the original thereof has been produced, be filed in court in lieu of such original and shall be received in evidence without proof of the seal of the city or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders.

TITLE XVI.

TREASURER'S OFFICE AND DUTIES.

1. The treasurer shall receive and safely keep all moneys belonging or accruing due to the city from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by by-laws or by resolutions of the council.

2. The treasurer shall daily or as often as the council may direct deposit in the name of the city in some chartered bank designated by resolution of the council all moneys received by him in excess of \$100, and he shall jointly with the mayor sign all necessary cheques.

3. In addition to any other books which the council may require him to keep the treasurer shall keep a book to be known as the "Cash Book" on the left hand page of which he shall enter in consecutive order all sums of money received by him, the date of the receipt thereof, and the names of the persons from whom and on what account the same were received and the amounts thereof; and on the right hand page he shall in like order enter all moneys paid out by him, the date of the payment thereof, the persons to whom and on what account the same were paid and the amount thereof.

(b) The "Cash Book" shall at all times be open for inspection by any member of the council and by the auditors and shall be produced and exhibited by the treasurer at all meetings of the council at which he shall be directed to produce it; and at the times of such meetings it shall show the balance on hand in two items, namely: (1) the balance deposited to the credit of the city and (2) the balance remaining in the hands of the treasurer.

(c) No entry other than a cash entry shall be made in the "Cash Book" but the treasurer shall keep a book to be known as the "Journal," in which he shall duly enter all debits and credits not consisting of cash.

(d) The term "Cash" shall mean lawful currency of Canada, cheques and other representatives of cash as are usually received and credited as cash by the chartered banks of Canada.

(e) The "Cash Book" and "Journal" shall be provided at the expense of and shall be the property of the city.

(f) The treasurer shall also prepare and submit to the council half-yearly or oftener if required by the council a correct statement of the financial affairs of the city.

TITLE XVII.

PLAN OF CITY.

1. The council may appoint a city engineer whose duty it shall be to prepare such plans or books of reference as the council may direct and perform such other duties as are required of him by any by-law of the city.

2. No building shall be hereafter erected in the City of Lethbridge unless and until plans and specifications thereof have been filed with the city engineer or some other officer appointed by the council therefor and approved by him and any person contravening the provisions of this subsection shall be liable to a penalty of \$100.

TITLE XVIII.

CITY SOLICITOR.

1. The council may appoint a member of the law society of the Province of Alberta as city solicitor and may determine his duties and the terms and period of his employment.

2. In case the remuneration of the city solicitor so appointed is to be wholly or partly by salary the city shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the city is a party; provided such costs are by terms of the engagement of the city solicitor payable to him as part of his remuneration in addition to his salary.

TITLE XIX.

AUDIT.

1. The council shall at its first meeting in each year or within one month thereafter appoint one or more auditors who shall be members of the institute of chartered accountants of Alberta, but no one who then or during the preceding year is or was a member or is or was city clerk or who has had during the preceding year directly or indirectly, alone, or with any other person a share or interest in any contract or employment with or in behalf of the city, except as auditor, shall be so appointed.

2. The auditor or auditors so appointed shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the city or relating to any matter under its control or within its jurisdiction and after the examination of every account, voucher, receipt and paid debenture shall initial the same.

3. The council may by by-law provide that the auditor or auditors shall audit all accounts before they are paid.

4. On or before the first day of March in each year the auditor or auditors shall prepare, in such form as the council may by resolution direct, an abstract of the receipts, expenditures, assets and liabilities of the city up to the 31st of December of the preceding year, including a statement showing the total amount of debentures authorized to be issued and the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand and shall make a special report respecting any expenditure made contrary to law and shall deliver the said abstract and report to the mayor, who shall lay the same before the council at its next meeting.

5. Any elector may inspect the said abstract and report and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

6. On or before the first day of April each year the council shall cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the city, such newspaper to be designated by resolution of the council.

TITLE XX.

ASSESSORS AND CONSTABLES.

1. The council may appoint such assessor or assessors as they deem necessary to make the assessment of the assessable property of the city annually, biennially or triennially as the council may determine; who shall have the powers and perform the duties hereinafter specified.

2. The council may appoint, remove and prescribe the duties of a chief constable and other members of the police force, a chief and other members of the fire brigade and such other officers, servants and agents as they may from time to time consider it necessary to appoint or employ for the purpose of any of the duties herein imposed or conferred upon them.

3. The council shall fix and provide the salaries of all persons so appointed.

TITLE XXI.

OATHS OF OFFICE.

1. Every member of the council, the city clerk, every assessor, the city solicitor, city engineer, and every other civic officer who may by the terms of his appointment be required so to do, shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

"I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), (*or if in the case of a person who has been appointed to two or more offices, which he may lawfully hold at the same time*) that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the offices of (*as the case may be*) to which I have been elected (*or appointed*) in this city, and that I have not received, and will not receive, any payment or reward or promise thereof, for the exercise of any impartiality or malversation or undue execution of the said office (*or offices*) and that I have not by myself or partner, either directly or indirectly any interest in any contract with or on behalf of the said city, save and except that arising out of my office as (*naming the office*). So help me God."

2. Any person who has been elected or appointed to two or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

3. Every returning officer, deputy returning officer, assistant deputy returning officer, poll clerk, constable, or other officer appointed to act at an election shall, before entering upon the duties of his office make and subscribe a solemn declaration to the following effect:

"I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been appointed in this city, and that I have not received, and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office. So help me God."

4. When any oath or affirmation or declaration is required to be taken or made by a deputy returning officer or assistant deputy returning officer and no special provision is herein made therefor the same may be made and subscribed before the returning officer or before the poll clerk, or any justice of the peace, and the returning officer or any justice of the peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

5. The declaration of office to be made and subscribed by every auditor shall be as follows.

"I, A.B., having been appointed to the office of auditor for the City of Lethbridge, do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability, and I do solemnly declare that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, if re-appointed) with, by, or on behalf of the city, during the preceding year, and that I have no any such contract or employment except that of auditor for the present year. So help me God."

6. The mayor and aldermen and the other civic officers except the city clerk who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some justice of the peace or other person to administer oaths, or before the city clerk; the declaration of the city clerk shall be made and subscribed before a justice of the peace and the person before whom the declaration is made shall give the necessary certificate of its having been duly so made and subscribed.

7. The mayor or any justice of the peace may administer any oath, affirmation or declaration relating to the business of the city except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

8. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the city clerk who shall preserve it among the city records.

9. The mayor or in his absence the presiding officer of the council may administer an oath or affirmation to any person concerning any account or other matter submitted to the council.

TITLE XXII.

GOVERNMENTAL COMMISSION OF INQUIRY.

1. In case one-third of the members of the council or sixty burgesses of the city petition the Lieutenant Governor in Council for a commission to issue under the Great Seal to enquire into the financial affairs of the city, the Lieutenant Governor in Council may issue a commission accordingly and the commissioner or commissioners shall have all the powers of commissioners appointed under chapter 12 of The Consolidated Ordinances, 1898, intituled "*An Ordinance respecting Inquiries concerning Public Matters.*"

TITLE XXIII.

JUDICIAL COMMISSION OF INQUIRY.

1. In case the council pass a resolution requesting a judge to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the council or commissioner or other officer, servant or agent of the city or of any person having a contract therewith in relation to the duties or obligation of such person to the city or in case the council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the city or the conduct of any part of the public business thereof and pass a resolution requesting a judge to make the inquiry the judge shall inquire into the same and thereupon he shall for that purpose have all the power which may be conferred upon commissioners under chapter 12 of The Consolidated Ordinances, 1898, intituled "*An Ordinance respecting Inquiries concerning Public Matters,*" and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon.

2. The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 11 of title of this Act.

3. The council requesting any such investigation may engage and pay counsel to represent the city therein and may pay all proper witness fees to persons summoned to give evidence at the instance of the city and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by counsel thereon.

4. The council may at any time by resolution appoint a committee of its members to investigate any charge which may be made against any employee of the city and the com-

mittee so appointed may summon such employee before it to answer the charge and shall have power to summon witnesses and to take evidence under oath and may pay all proper witness fees to persons summoned to give evidence and the committee shall report the result of its inquiry to the council.

TITLE XXIV.

LEGISLATIVE JURISDICTION.

1. The jurisdiction of the council shall be confined to the limits of the city except where authority beyond the same is expressly given by this Act.

2. From and after the passing of this Ordinance, the inhabitants of the City of Lethbridge as hereinafter described and their successors shall be, and are hereby declared to be, a body politic and corporate in fact and law, by the name of "The City of Lethbridge," and the said corporation by the same name shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law or in equity whatsoever. And shall have a common seal with power to alter and modify the same at their will and pleasure. And shall be in law capable of receiving by donation, acquiring, holding and disposing of and conveying any property real or personal for the use of the said city; of becoming parties to any contract or agreements in the management of the affairs of the city, of giving or accepting of any note, treasury bills, bills of exchange, bonds, obligations or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, executing or guaranteeing the execution of any duty, right or thing whatsoever, and for the payment, or securing the payment of any money borrowed, or of paying loans made or debts owing by the said "The City of Lethbridge," or of taking up bonds that may become due, or of making a loan or loans or any other legitimate and sufficient purpose whatsoever. And for any of the purposes aforesaid the said corporation may grant and issue bonds for the sum or sums of money therein to be specified, under the provisions hereafter set forth, payable at such time and times after the granting and issuing thereof and in such place or places, either in the Dominion of Canada or elsewhere, or either in the currency of Canada or of the country where the same are respectively payable as by the said corporation may be thought advantageous or expedient; provided always that the said corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than one hundred dollars, and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void; provided always that nothing herein contained shall be construed to authorize the said corporation to issue notes or bills of exchange payable to bearer or to issue notes to circulate as those of a bank.

3. The council may make by-laws for the peace, order, good government and welfare of the City of Lethbridge and for the issue of licenses and payment of license fees

in respect of any business, for prohibiting the keeping of hogs or carrying on within the city any business which may be deemed prejudicial to the public health, and for establishing public slaughter houses, and for preventing, regulating and inspecting the erection or continuance of slaughter houses and prohibiting the slaughter of animals intended for food, excepting any animals slaughtered solely for the use of the person killing the same or of his family excepting in slaughter houses established by the city and approved by the Health Officer and for the preservation of public health, and for from time to time defining by by-law areas within which no junk shop, livery stable, slaughter or packing house, tannery, laundry, soap factory or other business or industry likely to be prejudicial to the public health shall hereafter be maintained or established:

Provided that no such by-law shall be contrary to the general law of the Province of Alberta and shall be passed *bona fide* in the interests of the said City of Lethbridge.

And the council may repeal or amend any such by-law except where the same has received the assent of the burgesses of the city and in such case only when the repeal of the by-law is similarly assented to by the said burgesses.

4. The council may also make by-laws for—

(a) Acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating, and acquiring sufficient land, whether within or without the city for the convenient carrying on of brick works, bridges, cemeteries, parks, nuisance grounds, gravel pits, coal areas, coal pits, crematories, exhibitions, elevators, ferries, jails, gas (natural or manufactured), or electric light or power works, hospitals, lock-up houses, manufactories, markets, mills, poor-houses, roads, road or street construction plant and machinery, sewerage or drainage works, street railways, telephone systems, water powers, or water works;

(b) Exempting from taxation beyond the current year and granting to any person, syndicate, or company, water, gas, light or power for use in connection with any such undertaking at a reduced rate;

(c) Granting to any telephone syndicate or company or gas or electric light or power syndicate or company or street railway syndicate or company any special franchise but no such franchise shall be exclusive;

(d) Contracting debts not payable within the current year;

But any such by-law shall before the final passing thereof receive the assent of two-thirds of the burgesses voting thereon in accordance with the provisions of title

(2) No by-law for any of the purposes mentioned in clauses (b) and (c) shall be passed if the city has a similar system, undertaking or business in operation as a municipal public work nor shall any special franchise be granted for a longer period than twenty years.

(3) A debt contracted pursuant to a by-law and not payable within the current year shall be made payable within a period not in any case to exceed fifty years from the date of the issue of the debentures issued thereunder.

5. The council may by by-law require that during the whole or any part or parts of the year all or any class or

classes of shops within the city shall be closed, and remain closed on each or any day of the week at and during any time or hour between six of the clock in the afternoon of any day and five of the clock on the forenoon of the next following day.

(a) The council having passed any by-law in pursuance of the provisions of this Act may from time to time, by by-law amend the said by-law, changing the hours when the said shops shall be closed and remain closed, and substituting such other hours in the place and stead of the hours mentioned in the by-law, and may repeal any by-law passed, or to be passed, and may pass any new by-law for closing the same or any other shops, either with or without any petition therefor being presented to the council.

(b) Every such by-law shall take effect on a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing a by-law may appear best fitted to insure the publicity thereof.

(c) A shop in which more than one class of trade is carried on shall be closed in so far as relates to each class of trade at the hour during the time at and during which any such by-law requires shops in which the class of trade in question is carried on to be closed.

(d) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason or because of an emergency arising from sickness, ailment or death; but nothing herein contained shall be deemed to authorize any person whomsoever to keep his shop open after the hour appointed by such by-law for the closing of shops.

(e) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same penalty, fine or punishment as if he were the occupier.

(f) Where the occupier of a shop is charged with an offence against any such by-law he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the original charge; and the charges upon both informations shall be tried together and if after the commission of the offence has been proved, the said occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect, or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

(g) Nothing in the preceding sections of this Act or in any by-law passed under the authority thereof shall be deemed to render unlawful the continuance in a shop, after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, and of the serving of customers during their continuance therein.

(h) Notwithstanding that a by-law passed or purporting to be passed under or pursuant to the provisions of this Act, may be invalid or ineffectual as to some shops or to some class or classes of shops, every such by-law shall, nevertheless, and to all intents and for all purposes, be held and deemed to be valid and effectual as respects any other shop or class or classes of shops, and the occupiers of any other shop or class or classes of shops, thereby required to be closed.

(i) In the foregoing subsections the expression "shops" means any barber shop or any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, but not where the only trade or business carried on is that of a tobacconist, news agent, victualling house, or refreshment house, nor any premises wherein under license, spirituous or fermented liquors are sold and for the purpose of this Act sale by retail shall be deemed to include sale by auction; and the expression "closed" means not open for the serving of any customer.

(j) This section shall not apply to pharmaceutical chemists or to chemists and druggists.

6. Every by-law under this Act shall be under the seal of the city and shall be signed by the mayor, or other person who presided at the meeting at which the by-law was finally passed, and countersigned by the city clerk and every by-law shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at one meeting of the council except by the unanimous vote of the members present thereat.

7. A copy of any by-law written or printed and under the seal of the city and certified to be a true copy by the mayor or city clerk shall be received as *prima facie* evidence of its due passing and of the contents thereof and that the same is an existing by-law and has not been repealed or altered without further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the mayor or the city clerk has been forged.

8. In case no application to quash a by-law is made within two months next after the final passing thereof the by-law shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof.

9. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

10. The City of Lethbridge shall have the right and power—

(a) To acquire by purchase, expropriation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, parks, play-grounds, places of recreation, fountains, baths, public toilets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, waterways, canals, sewerage and drainage works, manu-

factories, mills, road and street construction plants, elevators, brick works, bridges, gravel pits, coal areas, coal mines, exhibition grounds and buildings and all other public buildings, places, works and institutions;

(b) To acquire by purchase, expropriation or otherwise any land required for public purposes, and if the whole lot or lots, parcel or parcels are not required for a particular purpose the city may purchase, expropriate or otherwise acquire the whole of such lot or lots, parcel or parcels of land and may hold or resell the balance of said land not required either at private or public sale, but no sale shall be made until a notice of intention to sell has been published in at least three issues of one or more papers published in the city;

(c) To acquire by purchase, expropriation or otherwise and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas, heat, power and electricity;

(d) To acquire by purchase, expropriation or otherwise, and to establish, maintain, equip, own and operate within or without the city telephone and cable, electric or other railways, ferries and transportation service of any kind, but no railway operated by steam shall extend beyond the city limits;

(e) To sell gas, water, electric current and all products of any public utility operated by the city;

(f) To acquire by purchase, expropriation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit;

(g) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city;

(h) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional;

(i) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor;

(j) To join with one or more cities, towns or villages incorporated under the laws of the Province of Alberta in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor;

(k) Where the council decides to undertake or assist any of the enterprises mentioned in this title it may do so notwithstanding that the same may be wholly or partly without the limits of the city;

(l) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any by-law; but no penalty shall exceed five hundred dollars or six months' imprisonment, or both;

(m) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance;

(n) To offer rewards not exceeding five hundred dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof;

(o) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety or damage to public property;

(p) To regulate the speed, of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the makings up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets, bridges or highways of the city;

(q) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal;

(r) To prevent or regulate the running at large of any animals, and to establish and maintain a pound or pounds and authorize the destruction or other disposition of any animals running at large;

(s) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products;

(t) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city whether within or without the city;

(u) To regulate and license lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition;

(v) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise;

(w) The power of license shall include power to fix the fees to be paid for licenses, to specify the qualifications of the person to whom and the conditions upon which such

licenses shall be granted, to regulate the manner in which any licensed business shall be carried on, to specify the fees or prices to be paid by the licensee, to impose penalties upon unlicensed persons or for breach of the conditions upon which any license has been issued or of any regulations made in relation thereto and generally to provide for the protection of licensees; and such power shall within the city extend to persons who carry on business partly within and partly without the city limits, provided that Chinese laundries or laundries where Chinese are employed may be licensed and regulated as a distinct class or business;

(x) The imposing or collecting of license fees shall in no case be held to prevent the assessment of any property held or used by the license holders or the collection of any taxes lawfully imposed thereon;

(y) To establish stands for hacks, public carriages, automobiles, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedule of such charges to be posted in or upon such public vehicles;

(z) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided;

(aa) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected;

(bb) To fix the fees and charges for all official services not otherwise provided for in this charter;

(cc) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor;

(dd) To provide for the lease of any lands or tenements now or hereafter owned by the city, but all leases except those for a portion of the street or for rights under the streets shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof at least three times in one newspaper in the city stating explicitly the time and conditions of the proposed lease; provided, that the council may, in its discretion reject any and all bids, and may by private agreement lease to any person at a price higher than the highest bid;

(ee) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs;

(ff) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city;

(gg) To provide for the execution of all trusts confided to the city;

(hh) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city, and to expropriate and acquire any and all property necessary or convenient for that purpose.

Whenever in the judgment of the council or of the people the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the provisions of this charter in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto;

(ii) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any

railroad and regulate and to prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless a by-law to that effect shall have been duly passed by popular vote, as provided in section . . . ;

(jj) Whenever any street or portion of a street shall be abandoned or closed by by-law, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires;

(kk) To fix and determine by by-law the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service;

(ll) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them;

(mm) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company;

(nn) To permit the laying down of spur tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council;

(oo) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, lanes, highways and public places in the city;

(pp) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets, lanes and public places, and to require the filing of charts and maps of such pipes and conduits;

(qq) To make all rules and regulations governing elections not inconsistent with this charter;

(rr) When the council has authority to direct that any matter or thing shall be done by any person the council may so direct that in default of its being done by such person it shall be done at the expense of the person in default and the city may recover the expense thereof with costs by action or in like manner as municipal taxes;

(ss) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, and for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record;

(tt) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council;

(uu) To establish a park commission, and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council;

(vv) To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council;

(ww) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council;

(xx) To establish a hospital commission to serve without compensation with such powers and duties as the council may fix, such commissioners to be elected in the same manner as members of the school board;

(yy) To establish a police commission and to appoint commissioners thereon, to serve without compensation or with such compensation and with such powers and duties as the council may fix;

(zz) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities;

(aaa) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the laws of the Province of Alberta, with this charter or with ordinance adopted by the people of the city.

TITLE XXV.

MONEY BY-LAWS.

1. By-laws for contracting debts shall provide for the issuing of debentures and the levying of annual rates for the payment of such debts.

2. All by-laws whether for local improvements or other money by-laws which the council desire to have passed at the same time may be incorporated in one by-law so long as each proposition is distinctly set out and the amount of money mentioned in each proposition, and provided the ballots are so prepared that the burgesses may vote for or against each proposition. And if any proposition is voted down, that proposition only shall be defeated and the balance of the by-law shall be carried.

3. The amount of debenture debt of the city at any time outstanding shall not, after deducting the amount issued for income bearing public utilities owned by the city, exceed twenty per centum of the assessed value of all assessable property in the city according to the last revised assessment roll.

4. The amount of any funds or securities held by the city to the credit of a sinking fund shall be deducted in calculating the total amount of the debenture debt of the city at any time outstanding.

5. The by-law creating debt shall state by recital or otherwise:—

(a) the amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;

(b) The period of the debt over which the indebtedness is to be spread and the amount of the debt to be paid in each of such years or the period at the end of which the same is to be paid;

(c) The rate of interest and whether the same is to be paid annually or semi-annually;

(d) The amount of assessable property in the city according to the last revised assessment roll, and showing the rateable proportion thereof;

(e) The amount of the existing debenture debt of the city and how much, if any, of the principal or interest thereof is in arrear.

6. The by-law shall name a day when it is to take effect which day shall not be more than three months after the day on which the voting is to take place; and if no day is named in the by-law it shall take effect on the day of the final passing thereof.

7. The by-law may provide that the indebtedness shall be made payable in one or other of the modes hereinafter mentioned or that it be made payable in either of such modes as the council may deem expedient, that is to say:

(1) In such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run;

(2) In such manner that the principal shall be repayable at the end of the said period, an equal sum by way of sinking fund being raised annually during the said period, sufficient with the accumulated interest thereon to meet the principal at maturity and the interest thereon annually or semi-annually.

And if such provision is contained in any by-law of the city or the town of Lethbridge heretofore or hereafter to be passed the debt and the debentures issued in respect thereof may be made payable in whichever of the above modes the council may by by-law determine.

8. The debentures to be issued shall be in the following form or to the like effect:

"CITY OF LETHBRIDGE.

"\$. Debenture No.
 "Under the authority of Lethbridge Charter and of
 by-law No. of the City of Lethbridge, passed on the
 day of 19, the said city promises to
 pay the bearer at the sum of
 Dollars, (*if issued in accordance with clause 1, section 6,*
proceed as follows): with interest at the rate of
 per centum per annum in consecutive
 annual instalments, according to the terms of the several
 coupons hereto attached.

.
Mayor.

.
City Clerk."

"Corporate seal of the city
 "Coupon No.
 "Debenture No.

"The City of Lethbridge will pay to the bearer at
 on the day of, 19, the sum of
 dollars, being the interest, together
 with the first payment of principal on above bond.

.
City Clerk."

"(*If issued under Paragraph 2 of section 7, proceed as*
follows). and in the meantime pay to the bearer interest at
 the rate of per centum per annum, as set
 out in the coupon hereto attached.

.
Mayor.

.
City Clerk."

"Corporate seal of the city.
 "Coupon No.
 "Debenture No.

"The City of Lethbridge will pay to bearer at
 on the day of, 19
 the sum of dollars, being the annual
 interest due on above debenture.

.
City Clerk."

9. In case of debentures issued for local improvements
 the words "Local Improvement Debenture" shall also be
 printed on the face of any debenture issued for that portion
 of the cost of any local improvement to be paid for by special
 assessment.

10. Every debenture issued as aforesaid shall be sealed
 with the seal of the city and signed by either the Mayor
 or by some person authorized by by-law to sign the same
 instead and by the city clerk or by some person authorized
 by by-law to sign in his stead and the coupons shall be
 lithographed by the city clerk.

11. Debentures authorized by any such by-law may be
 issued either all at one time or in instalments at such times
 as the council deems expedient; but no debentures shall be

issued after the expiration of four years after the final passing of the by-law; and all debentures shall be issued as of the actual date of the issue thereof.

12. Any debenture issued under this Act shall be valid and binding upon the City notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the city in respect thereof; provided that the by-law not being a local improvement by-law has received the assent of two thirds of the burgesses voting thereon and that no successful application has been made to quash it within two months after its final passing.

13. Every by-law which has received the assent of the required number of burgesses who have voted thereon may be passed by the council within four weeks of the voting thereon but not thereafter.

TITLES XXVI.

ASSENT OF BURGESSES TO BY-LAW.

1. For the purpose of this title any bank or other corporation assessed on the last revised assessment roll as the freeholder of real property which if held by an individual would entitle him to vote shall be entitled to one vote only which may be given by the chief resident officer of such corporation.

2. In case a by-law requires the assent of the burgesses before the final passing thereof the following proceedings shall, except in cases herein otherwise provided for, be taken for obtaining such assent:

(1) The city clerk shall perform the duties of the returning officer.

(2) The council shall by the by-law fix the day and hour for taking the votes of the burgesses and the places in the city where polls shall be opened and where the votes are to be taken at more than one place shall name a deputy returning officer to take the votes at every such place. The day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed by-law.

(3) The council shall before the final passing of the proposed by-law publish a copy thereof in some newspaper published in the city; and the publication for the purpose aforesaid shall be continued in at least one number of such paper each week for three successive weeks. The city clerk shall also post up a printed copy of the proposed by-law at ten or more conspicuous places in the city.

(4) To each copy so published and posted shall be appended a notice over the printed signature of the city clerk stating that the above is a true copy of a proposed by-law which has been introduced and which may be finally passed by the council, in the event of the assent of the burgesses being obtained thereto, after one month from the first publication in the newspaper stating the date of such first publication and the name of the newspaper and that upon the day and at the place or places fixed for taking the votes of the burgesses the voting thereon will be held between the hours of 9 a.m. and 8 p.m.

3. Forthwith after the day has been fixed as aforesaid for taking the votes of the burgesses upon a by-law the city clerk shall cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purpose of voting.

4. The ballot papers shall be in the following form:

Voting on by-law (here insert object of the by-law) to be submitted to the burgesses of the city of Lethbridge this (date)	FOR THE BY-LAW.
	AGAINST THE BY-LAW.

5. The council shall by the by-law fix a time when and a place where the city clerk shall sum up the number of votes for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the city clerk on behalf of the persons respectively interested in promoting or opposing the passing of the by-law respectively.

6. At the time and place named the mayor if requested shall appoint by writing signed by him two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in promoting the passing of the by-law and a like number on behalf of the persons interested in opposing the passing of the by-law.

7. Before any person is so appointed he shall make and subscribe before the mayor or the city clerk a declaration in the following form:—

“I, the undersigned, A.B., do solemnly declare that I am a burgess of the city of Lethbridge and that I am interested in the promoting (or opposing *as the case may be*) the passing of the by-law (*here insert the object of the by-law*) to be submitted to the burgesses of the said city on the day of 19..,

(signature.)

A.B.

“Declared before me this.....day of
.....A.D. 19..

C.D.

Mayor.

or

E.F.

City Clerk.”

8. Every person so appointed before being admitted to the polling place or to the summing up of the votes as the case may be shall produce his written appointment to the deputy returning officer presiding at the poll.

9. In the absence of any person authorized as aforesaid to attend at a polling place or at the final summing up of the votes any burgess in the same interest as the person so absent may, upon making and subscribing before the deputy return-

ing officer or to the city clerk a declaration in the following form, to be admitted to the polling place to act for the person so absent:

"I, the undersigned, *A.B.*, do solemnly declare that I am a burgess of the City of Lethbridge, and that I am interested in the promoting (*or opposing, as the case may be*) the passing of the by-law (*here insert the object of the by-law*) to be submitted to the burgesses of the said city on the day of 19...

(Signature) *A.B.*

Declared before me this day of 19...

C.D.

Deputy Returning Officer."

10. During the time appointed for polling no person shall be entitled to be present in any polling place other than the officers, clerks, and persons or burgesses authorized to attend as aforesaid at the polling place.

11. The city clerk on the request of any burgess entitled to vote at one of the polling places who has been appointed deputy returning officer, poll clerk, or constable, or who has been named as the person to attend at a polling place other than the one where he is entitled to vote shall give to such a burgess a certificate that he is entitled to vote for or against the by-law, at the polling place where he is stationed during the polling day; and the certificates shall also state the property or other qualification in respect to which such burgess is entitled so to vote.

(b) Upon the production of the certificate such deputy returning officer, poll clerk, constable or other person shall have the right to vote at the polling place where he is stationed during the polling day instead of at the polling place of the ward or polling subdivision where he would otherwise have been entitled to vote, and the deputy returning officer shall attach the certificate to the voter's list; but no such certificate shall entitle any such burgess to vote at such polling place unless he has been actually engaged as such deputy returning officer, poll clerk, constable or other person aforesaid during the whole day of the polling.

(c) In case of a deputy returning officer or constable voting as aforesaid at the place at which he is appointed to act under a certificate granted under subsection 1 of this section the poll clerk or in the absence of the poll clerk any one authorized to be present at the polling place may administer any of the oaths required to be taken by a burgess in order to establish his right to vote on the by-law.

12. The city clerk before the poll is opened shall prepare and deliver to the deputy returning officer for every ward or polling subdivision a voter's list containing the names arranged alphabetically of all the burgesses entitled to vote on the by-law in that polling subdivision, a brief description of the property in respect of which each is entitled to vote, and he shall attest the said list by writing under his hand.

(2) Such list shall be prepared by the city clerk from the last revised assessment roll of the city, but the council may up to the eighth day before the date fixed for the voting on the by-law and upon the application of any person who has

ceased to have the necessary qualification remove his name therefrom and substitute therefor the name of any person who has since the final revision of the said roll acquired such qualification.

13. The person entitled to vote as burgess on any by-law requiring the assent of the burgesses shall be any person, male or female, who at the time of tendering the vote is of the full age of twenty-one years and is named on the last voter's list of the city and who is at the time of the tender of the vote a freeholder in his or her own right, of real property within the city and is rated on the last revised assessment roll as such freeholder for not less than \$400.00, and who has not directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders.

14. At the time and hour fixed as aforesaid the polls shall be held and the votes shall be taken by ballot.

15. The polls shall be kept open from nine o'clock in the forenoon until eight o'clock in the afternoon of the same day or to such later hour not later than nine o'clock as the council may by resolution appoint.

16. Every deputy returning officer, poll clerk, constable or agent authorized to be present at any polling place at the voting on a by-law shall before exercising any of the rights or functions of his office take and subscribe before a Justice of the Peace or, in the case of a poll clerk, constable or agent, before the deputy returning officer presiding at the poll an affidavit in the following form:

"I, A.B., do solemnly promise and declare that at the voting on the by-law submitted to the burgesses of the City of Lethbridge, the voting on which has been appointed for this day, I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any burgess shall vote or has voted, and that I will not in any way whatsoever aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the manner in which any burgess has voted on the by-law.

"Declared before me this day of
A.D. 19 . . .

Justice of the Peace or (the City Clerk.)"

17. The directions to be delivered to the deputy returning officer shall be in the same form as that used for the guidance of voters at city elections, except that for the first paragraph thereof the following will be substituted: The voter will go into one of the compartments and with a pencil provided in the compartment will place a cross (thus X) on the right hand side in the upper space if he votes for the passing of the by-law and in the lower place if he voted against the passing of the by-law.

18. No burgess shall be entitled to vote more than once on any by-law.

19. Every burgess tendering a vote on the by-law may be required by the deputy returning officer or by any rate payer entitled to vote on the by-law to make before his vote is recorded the following oath or affirmation or any part thereof or to the effect following:

"You swear that you are of the full age of twenty-one years; that you are a freeholder in your own right in this city;

"That you have not voted before on the by-law;

"That you are according to law entitled to vote on the by-law;

"That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you now tender;

"That you are the person named or intended to be named in the voter's list (showing the voter's list to the voter);

"That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith;

"And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting."

And no inquiries shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

20. The chief resident officer of any corporation tendering a vote on the by-law may be required by the deputy returning officer or by any burgess to make before his vote is recorded the following oath or affirmation or any part thereof:

"That you are the chief resident officer of the (naming the corporation);

"That the said corporation is a freeholder in this ward;

"That you have not cast any vote on the by-law on behalf of the corporation;

"That you are according to law entitled to vote on the by-law as chief resident officer of said corporation;

"That the said corporation is the corporation named (or intended to be named in the voter's list) (showing the voter's list);

"That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly received any reward or gift for the vote which you now tender nor do you or to the best of your knowledge and belief the said corporation expect to receive any;

"That neither you nor to the best of your knowledge or belief the said corporation has received anything or been promised anything directly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith;

"That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting."

And no inquiries shall be made of any voter except with respect to the facts specified in the oath or affirmation.

21. The written statement to be made by every deputy returning officer at the close of the polling shall be made under the following heads:—

1. Name or number of polling subdivision and date of voting.

2. Number of votes for and against the by-law.

3. Rejected ballot papers.

22. The deputy returning officer shall take a note of any objection made by any person authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer.

23. Every deputy returning officer at a completion of the counting of the votes shall in the presence of the persons authorized to attend make up into separate packets sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet and the date of voting, the name of the deputy returning officer and of the ward or polling subdivision.

(a) The statement of votes given for and against the by-law and of the rejected ballot papers.

(b) The used ballot papers which have not been objected to and have not been counted.

(c) The ballot papers which have been objected to but which have been counted by the deputy returning officer.

(d) The rejected ballot papers.

(e) The spoiled ballot papers.

(f) The unused ballot papers.

(g) The voter's list and poll book with the oath in form prescribed by section 29 of Title V annexed thereto, a statement of the number of burgesses whose votes are marked by the deputy returning officer under section 17 of title V with their declaration and the notes taken of objections made to ballot papers found in the ballot box.

24. Every deputy returning officer shall at the close of the poll certify under his signature on the poll book in full words the total number of burgesses who have voted at the polling place at which he has been appointed to preside; and before placing the voter's list and poll book in their proper package as aforesaid he shall make and subscribe before the city clerk or before a justice of the peace or the poll clerk his declaration under oath that the voter's list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made. The declaration shall be in the form prescribed by section 29 of Title V of this Act and shall thereafter be annexed to the voter's list. The deputy returning officer shall then forthwith return the ballot box to city clerk.

25. Every deputy returning officer upon being requested so to do shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law and of the number of rejected ballot papers.

26. The city clerk after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place shall at the time and place appointed by the by-law in the presence of the persons authorized to attend or of such of them as may be present without opening any of the sealed packets of ballot papers sum up from such statements the number of votes for and against the by-law; and shall then and there declare the

result and shall forthwith certify to the council under his hand whether the majority of the burgesses voting upon the by-law have approved or disapproved of the by-law.

27. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, or other person shall interfere with or attempt to interfere with a burgess when marking his vote or otherwise attempt to obtain at the polling place information as to the manner in which any burgess at any polling place is about to vote or has voted on a by-law.

(3) No officer, clerk, or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any burgess is about to vote or has voted on a by-law.

(4) Every officer, clerk, and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which the burgess has voted on a by-law.

(5) No person shall directly or indirectly induce any burgess to display his ballot paper after he has marked the same on any by-law so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to a penalty of one hundred dollars and in default of payment forthwith to imprisonment for any term not exceeding six months with or without hard labor.

28. If within two weeks after the city clerk has declared the result of the voting on a by-law any person who was entitled to vote thereon applies upon petition to a judge after giving notice of the application to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petitioner enters into recognizance before the judge in the sum of \$100 with two sureties, to be allowed as sufficient by the judge upon affidavits of justification, the sum of \$50.00 each, conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the judge may if he thinks fit appoint a day and place for entering into scrutiny.

29. At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to such person as the judge directs and to the city clerk.

30. At the time appointed the city clerk shall attend before the judge with the ballot papers, and the judge upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine whether the majority of the votes given were for or against the by-law, and shall forthwith certify the result to the council.

31. The judge upon such scrutiny shall possess the like power and authority to all matters arising upon the scrutiny as he possesses upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge as in the case of applications to quash a by-law, and he may apportion the costs as to him seems just.

32. All the provisions of titles 4, 5, and 7 so far as not inconsistent with the provisions of this title shall *mutatis mutandis* apply to proceedings under this title.

TITLE XXVII.

QUASHING BY-LAWS, ETC.

1. Any elector of the city may within two months after the passing of any motion of any by-laws or resolution of the council apply to a judge upon motion to quash the same in whole or part for illegality; and the judge upon such motion may quash the by-law or resolution in whole or part and may according to the result of the application award costs for or against the city and may determine the scale of such costs.

2. Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

3. The by-law or resolution may be proved by the production of a copy thereof certified under the hand of the city clerk and the city seal; and the city clerk shall deliver such copy upon payment of a fee therefor at the rate of ten cents a folio.

4. Before any such motion is made the applicant, or in case the applicant is a company, some person on its behalf, shall enter into a recognizance before the judge himself in the sum of \$100.00 and two sureties each in the sum of \$50.00, conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

5. The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the Supreme Court with other papers relating to the motion.

6. In lieu of the recognizance mentioned in subsections 4 and 5 of this section the applicant may pay into the court the sum of \$100.00 as security for any costs which may be awarded against him; and the certificate of such payment into Court having been made shall be filed in the Supreme Court with the other papers relating to the motion.

7. Upon the determination of the proceedings the judge may order the money so paid into the court to be applied in the payment of costs and to be paid out to the applicant in the discretion of the judge according to the result of the application.

8. All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys paid into and out of court in actions pending in said court.

(b) Any by-law which has been procured to pass through or by means of any violation of the provisions of sections 1 and 2 of Title VII of this Act may be quashed upon an application made in conformity with the provisions herein contained.

TITLE XXVIII.

FINANCE.

1. The treasurer shall keep in his books two separate accounts of every debt, one for the special rate and one for the sinking fund or for installments of principal, both to be distinguished from all other accounts in the books by some prefix, designating the purpose for which the debt was contracted and he 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 moneys raised, obtained and appropriated for payment thereof.

2. If after paying the interest of a debt for any financial year and appropriating the necessary sum for the sinking fund of such debt or in payment of any instalment of principal there is a surplus at the credit of the special rate account of such debt such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of the next year's interest the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt.

3. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the city save as otherwise ordered by this Act.

4. The council may by by-law direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debentures debt instead of being invested as hereinbefore provided shall, from time to time as the same occurs, be applied to payment or redemption at such value as the council may fix or of any part of such debt or of the debentures representing or constituting such debt or any part of it though not then payable, to be selected as provided by such by-law, and the council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner directed by such by-law.

5. In the event of the council diverting any of the said moneys for current or other expenditure save as aforesaid the members of the Council who vote for the diverting of the said moneys shall be personally liable for the amount so diverted and the said money may be recovered by action in the Supreme Court.

(b) The members of the council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the council upon the request of any elector refuse or neglect for one month

thereafter to bring an action therefor in the name of the city the action may be brought by any elector on behalf of himself and the other electors of the city.

6. In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund on the instalment on principal necessary for the payment of any debenture debt of the city every member of the council shall be disqualified from holding any municipal office for the next two years; but no member of the council shall be liable to the rate for the said sinking fund.

7. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied toward paying the debt by reason of no part thereof being yet payable the council shall from time to time invest the same in Government securities, municipal or school debentures or in local improvement debentures of the city or in any other debentures of the city or in the first mortgage on real estate to an amount not exceeding one-half of the sworn cash valuation of an independent appraiser, or by way of the temporary use of an amount not exceeding seventy-five per centum of the estimated amount of the municipal taxes to be levied by the general rate of the current year; provided that such amount shall be replaced by the end of the current year; and from time to time as such securities mature may invest in other like securities.

(b) The council may regulate by by-law the manner which such investments shall be made.

(c) It shall not be necessary that any of the debentures referred to in this section shall have been disposed of by the Council; but they may apply the sinking fund to an amount equal to the amount of such debentures for the purpose to which the proceeds of such debentures are properly applicable; and they shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

(d) The council may direct by by-law that any surplus moneys in the hands of the treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund account of any debentures debt and may invest such sinking fund in any other security named in and according to the provisions of this section.

8. The council may appropriate to the payment of any debt the surplus income derived from any civic work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or reserve fund as the case may be or may be applied in payment of any instalment thereof accruing due; or the council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any civic work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith.

9. No member of the council shall take part in or be a party to the investment of any moneys referred to in

section 7 of this Title otherwise than is therein authorized; and any person so doing shall be held personally liable for any loss thereby sustained by the city.

10. After the passing of any by-law covering the several amounts required for local improvements the council may without in any way affecting the liens on the property therein described in order to affect the issue of debentures for small or broken amounts pass a collective or accumulative by-law consolidating the several amounts of the said debentures in a general consecutive issue under such consolidating by-law, apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual by-law passed in the first instance.

11. Instead of passing separate by-laws the council may pass one by-law for several local improvement works giving the same information concerning each such works as would be given in the separate by-laws relating to each work and the passing of one by-law covering several distinct works shall not affect the validity of the by-law.

(b) The provisions of this and the next preceding section shall apply to by-laws heretofore passed by the City of Lethbridge.

12. The city clerk shall open and keep a book to be known as the "Debenture Register." In the said book there shall be entered particulars of every by-law authorizing the issue of debentures, and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the city clerk with the proper form.

"Registered in the Debenture Register as No.
under by-law No. this, 19.."

13. In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the city or of any *bona fide* purchaser for value notwithstanding defect in form or substance therein; and it shall not be held or deemed to have been the duty of any such purchaser to have enquired into the authority, other than the by-law, of the city to issue the debentures or into the title of the city thereto or into the proposed or actual application of the purchase price thereof.

14. A certificate signed by the Mayor and city clerk and sealed with the corporate seal of the city that any debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

15. In case any debenture issued under the authority of any by-law has been sold, mortgaged, pledged or hypothecated the city may upon again acquiring the same or at the request of the holder thereof cancel the same and the entry in the debenture register of the issue thereof, and thereupon issue one or more new debentures payable by the same or a different mode of payment, provided that neither the period over which the indebtedness was originally spread of the term at the end of which the same was made payable as the case may be, nor the rate of interest is increased and

and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal remaining owing upon the original debenture.

16. And any debenture issued by the council may contain a provision in the following words:

"This debenture or any interest therein shall not after certificate of ownership has been endorsed thereon by the city clerk of this city be transferable except by entry by the city clerk or his deputy in the debenture register of the said city."

17. In case of the issue of any debenture containing the provision in the last section mentioned the city clerk shall open and keep a debenture register in which he shall enter a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of such debenture. No such entry shall be made except upon the written authority of the person last entered in such book as the owner of such debentures or his executors or administrators or of his or their lawful attorney which authority shall be retained and duly filed by the city clerk.

(b) After a certificate of ownership has been endorsed as aforesaid the debentures shall only be transferable by entry by the city clerk or his deputy in such debenture register from time to time as transfers of such debentures are authorized by the then owner thereof or his lawful attorney.

TITLE XXIX.

RATES.

1. The council shall in each year assess and levy on the whole rateable property within its jurisdiction a sufficient sum to pay all valid debts of the city falling due within the year, making due allowances for the cost of collection and the abatement and losses which may occur in the collection thereof, but the council shall not levy in any one year more than an aggregate rate of two cents on the dollar, exclusive of school rates and local improvement rates, upon the total value of the assessable property within the city according to the last revised assessment roll thereof.

2. The council may pass one by-law or several by-laws authorizing the levying and collecting of a rate or rates of so much on the dollar upon the assessed value of the rateable property according to such estimate.

3. If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any unappropriated fund belonging to the city.

4. If there is no unappropriated fund the deficiency may be equally deducted from the sums estimated as required or from any one or more of them.

5. If the sums collected exceed the estimates the balance shall form part of the general funds of the city and shall be at the disposal of the council unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular

locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

6. The rates or taxes imposed or levied for any year shall be considered to have been imposed and to be due on and from the first day of January of the then current year ending with the 31st day of December thereof unless otherwise expressly provided for by by-law under which the same are directed to be levied.

7. The council may authorize the mayor and treasurer to borrow, either before or after the passing of the by-law levying the taxes for the current year, from any person or bank such sums as the council deem necessary to meet the current expenditures of the city until the taxes levied or to be levied for the year can be collected.

8. The amount so borrowed shall not exceed eighty per centum of the estimated amount of the taxes and other revenue of the city for the then current year; 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.

TITLE XXX.

EXPROPRIATION.

1. In case the council desires to acquire land for any purpose authorized in this Act it may in case it cannot acquire the land at a fair price by agreements therein acquire the same by expropriation in the name and on behalf of the city.

2. The said council shall make to the owners or occupants of or other person interested in any land taken by the city in the exercise of any of the powers conferred by this Act due compensation therefor and pay damages for any land or interest injuriously affected by the exercise of such powers the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Act.

3. Before taking any land the council shall deposit with the city clerk plans and specifications showing the land to be taken or used and the work to be done thereon and names of the owners or occupants thereof according to the last revised assessment roll.

(b) The city clerk shall thereupon notify such owners or occupiers of the deposit of the said plans and specifications and of the date of such deposit and that all claims for compensation for the land so to be taken, and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications which date shall be that with reference to which the amount of the compensation for such lands shall be ascertained.

(c) If any claimant under this section has not filed his claim within the period hereinbefore limited it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

4. In case any land not taken for work or undertaking constructed, made or done by the council under the authority of this Act is injuriously affected by such work or undertaking the owner or occupier or other persons interested therein shall file with the city clerk within fifteen days after notice has been given in a local newspaper of the completion of the work his claim for damages in respect thereof stating the amount and particulars of such claim.

(b) Such notice shall be given by the city clerk forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which any claim under this section may be filed.

(c) The date of the publication of such notice shall be the date in respect of which the damages shall be ascertained.

(d) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

5. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land and shall pass by any transfer or conveyance thereof.

6. In the case of land which the city has authority under this Act to take without the owner's consent corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors, and heirs respectively and on behalf of those whom they represent, whether infants, issue born, lunatics, idiots, or others, have power to act as well in reference to any arbitration notice and action, under this Act as in contracting for and conveying to the city any such land or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

(b) In case there is no such person who can so act in respect to such land or in case any person interested in respect to any such land is absent from the Province of Alberta or is unknown, or in case his residence is unknown or he himself cannot be found, a judge may appoint a person to act in respect to the same for all or any of the said purposes.

(c) In case any person acting as aforesaid has not the absolute estate in the property the city shall pay the amount to be paid in respect to such property as a judge shall direct into court and the city shall not be bound to see to the application of any sum so paid.

7. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as aforesaid shall stand in the stead of such lands and shall be subject to the limitations and charges if any to which the said lands were subject and any claim to or encumbrance upon the said lands or to or upon any portion thereof shall as against the said city be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

8. If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer or discharge or other instrument or cannot be found or is unknown the city may pay such compensation or damages into court and thereupon the judge on the application of the city may grant an order vesting in the city the absolute title to the lands in respect whereof such compensation or damages have been paid into court.

(b) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper in the City of Lethbridge calling upon persons entitled to compensation or damages or injuriously affected to file their claim to the said compensation or damages or any part thereof and all such claims shall be received and adjudicated upon by said judge.

(c) Any judgment or such proceedings shall forever bar all claim to or in respect of the lands or any part thereof and all interest therein and to the compensation or damages therefor and the judge shall make such order for distribution payment or investment of the money and for securing the rights of all persons interested therein as may be deemed necessary.

9. The council of the city of Lethbridge in all cases where claims for compensation or damages are made against the city, which under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree may tender to any person making such claim such amount as they consider proper compensation for the land taken and in the event of the non-acceptance by the claimant of the amount so tendered and of the arbitration being proceeded with if any reward is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the city and set off against any amount awarded against them.

10. Where a claim is made for compensation or damages by the owner or occupier of or other person interested in lands taken by the council or which is alleged to have been injuriously affected in the exercise of any of the powers of the council in the event of the council not being able to agree with the claimant as to the amount of compensation or damages, the same shall be settled and determined by the award of a Judge or of an advocate to be appointed by him.

11. The fees to be paid to the judge or the arbitrator appointed by him upon any arbitration shall be as follows: For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party, \$3.00; for every day sitting to consist of not less than six hours, \$20.00; for every sitting not extended to six hours, fractional parts of hours being excluded, where the arbitration is actually proceeded with for each hour occupied, \$3.00.

12. The reference of any such claim to a judge shall not be deemed to be an admission of any liability on the part of the city and all defences and objections shall be open to either party as if an action had been brought.

13. The judge or other arbitrator may award the payment by any of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which such costs shall be taxed in which case the costs shall be taxed by the officer of the court without any further order and the amount so determined shall be payable within one week after taxation.

14. In case of any award under this Act the judge or other arbitrator shall take and immediately after the making of the award shall file with the city clerk for the inspection of all parties interested full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof and in case he proceeds partly on a view or any knowledge or skill possessed by him he shall also put in writing a statement thereof.

15. The award shall not be binding on the city unless it is adopted by the city by-law within one month after the making of the award and if not so adopted the property shall stand as if no arbitration had been held and the city shall pay the costs of the arbitration.

TITLE XXXI.

ACTION BY AND AGAINST THE CITY.

1. Where duties, obligations or liabilities are imposed by contracts or agreements and have heretofore been created, enacted, or validated by any statute imposing such duties, obligation, or liabilities the city shall have the right by action to enforce such duties or obligations and the payment of such liabilities, and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

2. In case a by-law or resolution is illegal in whole or in part or in case anything has been done under it, which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the by-law or resolution has been quashed or repealed or until one month's notice in writing of the intention to bring the action has been given to the city and every such action shall be brought against the city alone and not against any person acting under the by-law or resolution.

3. In case the city or the council tender amends to the plaintiff or his solicitor, if such tender is pleaded and if traversed and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge shall direct and shall be set off against the amount recovered and the balance due either party may be recovered as in ordinary cases.

4. No action from any damages alleged to have been sustained by reason of the negligence or default of the city shall be commenced after the expiration of twelve months from the date when such damages shall have been sustained.

XXII.

HIGHWAYS AND PUBLIC PLACES.

1. The jurisdiction over every public road, street, lane, alley, square or other public place in the city of Lethbridge is hereby vested in the corporation of the said city.

2. The Lieutenant Governor in Council may by order in council vest in the city jurisdiction over any highway, bridge, or stream not wholly within the city limits or of any part of such highway, bridge or stream.

3. The city may make by-laws for:—

(a) Closing, selling or leasing the whole or any portion of any street, road, lane or public highway, the fee whereof is not vested in the Crown, provided that no such by-law shall be passed unless at least two weeks' notice of the intention of the council to pass the same be served upon the persons registered or assessed as the owners of the lands abutting upon that portion of such street, lane or highway proposed to be closed, sold or leased, and published previous to the passing of the by-law in at least two weekly issues of a newspaper published in the city. Nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been offered an opportunity to be heard by himself or his agent in relation to the proposed by-law and any such person so claiming, petitioning and appearing shall be entitled to compensation as in title 27 of this Act provided;

(b) Providing for planting and protecting trees on highways and other public places and regulating the width of the travelled portion of the streets and avenues and the distance at which sidewalks may be laid from the property line and for allowing the planting of trees and protection of the same by fencing or otherwise on the sides of such streets and avenues by the city or the owners of the property adjoining the same.

(c) Every public road, street, bridge, highway, square, alley or other public place belonging to the city, including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the city or by any person with the permission of the council shall be kept in repair by the city and in default of the city keeping the same in repair the city, besides being subject to any punishment provided by law, shall be civilly responsible for all damages sustained by any person by reason of such default.

4. The last preceding section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by by-law or has been assumed for public purposes by the Council or by the commissioners of the City of Lethbridge.

5. In case an action is brought against the city to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street, bridge, alley, square or other public place, placed, made, left or maintained by any person other than a servant or agent of the city or to recover damages sustained by reason of any

negligent or wrongful act or omission of any person other than a servant or agent of the city, the city shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the city.

6. The city shall be entitled to such remedy over in the same action if the other person is made a party to the action and if it is established in the action as against the other person that the damages were sustained by reason of any obstructions, excavations or opening as aforesaid placed, made, left or maintained by such person and the city may in such action have the other person added as a party defendant or third party for the purposes hereof, if not already a defendant in the action jointly with the city, and the other person may defend such action as well against the plaintiffs' claim as against the claim of the city to a remedy over and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

7. If such other person be not a party defendant to such action or be not added as a party defendant or third party or if the city has paid the claim for such damages before any action is brought to recover the same or before the recovery of the damages or costs against the city therein the city shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

8. Such other person shall be deemed to admit the validity of the judgment, if any, obtained against such city in cases only where a notice has been served on such person pursuant to the provisions of the Judicature Ordinance or of any rules of court made thereunder or where such other person has admitted or is estopped from denying the validity of such judgment.

9. Where no such notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the city or where damages have been paid without action or without recovery of judgment against the city the liability of the city for such damages and the fact that damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person must be established in the action against such other person in order to entitle the city to recover in such action.

10. Nothing contained in subsection 3 of section 3 and section 4 of this Title shall cast upon the city any obligation or liability in respect of acts done or omitted to be done by other persons or authorities conferred upon them by law and over which the city has no control and where the city is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a by-law, resolution or license of the council.

11. Where an action may be brought against the city by any person who has suffered damage by reason of the default of the city in keeping in proper repair any public road,

street, bridge, highway, square, alley or other public place, no action shall be brought in respect of such damage against any member of the Council or officer or employee thereof personally but the remedy therefor shall be wholly against the city.

(b) This section shall not affect the liability of a mere contractor with the city nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

TITLE XXXIII.

ASSESSMENT.

1. The council may divide the city into assessment districts, for each of which one or more assessors may be appointed.

2. The work of each assessor shall be revised by an assessment committee composed of such assessor or assessors with the Mayor and city clerk or two other persons to be appointed by the council and such revision shall be completed by the 30th day of April.

3. On or before the 1st day of May in each year the assessor or assessors shall deliver to the city clerk the assessment roll for the city in the following form with its affidavit thereto endorsed thereon made before some person authorized to take affidavits, in the following form:

"I,, do swear that I have in the annexed assessment roll and statement attached assessed the City of Lethbridge according to law to the best of my skill and ability and without favor.

"Sworn before me at Lethbridge
this day of A.D., 19 . . ."

FORM OF ASSESSMENT ROLL.

Assessment Roll for the year 19...., City of Lethbridge.	No. of assessment.	
	The name in full (if same can be ascertained) of every person taxable in the city whether owner or occupant.	
	Post Office Address.	
	Owner or Occupant.	
	Public or Separate school Supporter.	
	Brief description of taxable property.	
	Frontage and Depth.	
	Actual cash value of each parcel or lot of real property.	
	Value of Buildings.	
	Value of personal property	
	Income.	
	Total Amount of Assessment.	
	Date of Assessment.	
	Date of delivery or posting of notice.	

4. The assessor shall accept the statement of any ratepayer or a statement made on behalf of any ratepayer by his authority that he is a supporter of Public Schools or of Separate Schools as the case may be and such statement shall be sufficient *prima facie* evidence for entering opposite the name of such person in the assessment roll the words "P.S.S." or "S.S.S." as the case may be and in the absence of any such statements the assessor shall make such entries in accordance with his belief.

5. It shall be the duty of every assessable person to give to the assessor all information necessary to enable him to make up the roll, no statement made by any such person shall bind the assessor or shall excuse him from making inquiry to its correctness.

6. It shall be the duty of every person employing any other person in his trade, manufacture, business or calling to give information concerning the names and places of residence of all persons employed by him, whose wages, salary or remuneration exceed \$200 per annum.

7. If any assessor makes fraudulent assessment or wilfully and fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100.00.

8. The city clerk forthwith after receiving the said roll shall publish in a newspaper published in the city a notice in the following form:

TITLE XXIV.

ASSESSMENT ROLL.

“*Assessment Roll, 19...*”

“Notice is hereby given that the assessment roll of the city for the year 19..., has been prepared and is now open to inspection at my office in the city hall from 10 a.m. to 4 p.m. on every judicial day except Saturday and on that day from 10 a.m. to mid-day, and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing at my office.

“Dated this. . . . day of. . . . 19...

A.B.

City Clerk.”

9. The city clerk shall also within ten days after the receipt by him of the assessment roll transmit by post to every person named thereon an assessment slip containing the particulars appearing in the roll with respect to such person.

(b) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 8 of this Title and there shall be endorsed thereon a written or printed form of complaint stating the grounds thereof.

(c) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of the non-transmission or non-receipt thereof by the person to whom it was addressed.

10. If any person named in the said roll thinks that he or any other person has been assessed too low or too high or that his name has been wrongfully inserted or omitted from the roll or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa* he may within the time limited as aforesaid give notice in writing to the city clerk that he appeals to the Court of Revision to correct the said error and in such notice he shall give a name and address where notices may be served upon him.

11. The city clerk shall forthwith notify every such appellant and every other person so affected or may be affected thereby of the time and place of the sittings of the court of revision, which notice shall be given at least three days before the date fixed therefor.

12. The council shall fix a date when it will sit as a court of revision to hear appeals to add to, strike off, or alter the assessment roll as returned by the assessors and the city clerk shall forthwith prepare, a list of the appeals in the following form, which list shall be posted up on a notice board on the outside of the building used for the time being as the city council chamber and shall continue so posted until conclusion of the court of revision.

Court of Revision of the City of Lethbridge.

Appellant	Respecting Whom	Matter complained of
A.B. C.D. G.H.	Self E.F. J.K.	Overcharged on land Name omitted Not bona fide owner or tenant.
L.M. etc. etc.	self etc. etc.	Income overcharged etc. etc.

13. The council shall be the court of revision and the majority thereof shall be a quorum for the transaction of all business.

14. The city clerk shall be the clerk of such court of revision and shall record all the proceedings thereof.

15. The court may meet and adjourn from time to time and may be summoned to meet at any time by the Mayor or chairman thereof for the time being, and all the duties of such court shall be completed before the first day of July in each year.

16. All evidence before the Court of revision shall be taken on oath and any member shall be competent to administer the oath to any person giving evidence before the court and the clerk of the court may when required issue summons to any witness to attend such court and if any person so summoned as a witness fails without good and sufficient reason to attend, having been tendered compensation for his time at the rate of \$1.00 per day and mileage at the rate of 10 cents per mile where a railway is not available, or actual railway fare, he shall on summary conviction therefor incur a penalty not exceeding \$50.

17. The court shall try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low or in regard to any property of any person which has been misdescribed or omitted from the roll or in regard to any assessment which has not been performed in accordance with the provisions and requirements of this Act as the case may be.

18. If at any time before the first day of December it shall be discovered that the property or income of any taxable person or part thereof has been omitted from the roll the city clerk shall notify such taxable person if he resides or has a place of business within the city that at a meeting of the council to be held at least six days after such notice an application will be made to the said council to assess such taxable property for such sum as may be deemed right and

that such taxable person is required to attend such meeting to show cause why the said taxable property should not be assessed and as to the amount the same shall be assessed for.

(b) If such taxable person does not reside or have a place of business in the city then such notice shall be posted by registered letter to the post office address of such person fifteen days before such meeting of the council.

(c) After such notices have been served or posted as aforesaid and after the expiration of the time mentioned therein or if such taxable person be not known then without any notice the council may assess such taxable property and direct the city clerk to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known:

Provided always that the provisions of the sections hereof as to appeal shall apply to any such assessment.

19. If any complaintant fails to appear either in person or by agent before the court of revision the court may proceed *ex parte*.

20. If upon the hearing of any such appeal it appears that the assessment of persons other than those already notified may be affected by the result of the appeal, the council may direct notice to be given to such persons by the appellant and may adjourn the hearing from time to time but all appeals to the council shall be determined on or before the 30th day of June after which date the council shall have no power to hear an appeal.

21. Any amendments to the roll which are rendered necessary by the decisions of the council shall be made by the city clerk and initialled by the Mayor.

22. The council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialled by the city clerk.

23. The roll with any amendments made as aforesaid shall be adopted by the council on or before the 2nd day of July in each year and shall be subject to any right of appeal thereupon become and be the revised assessment roll of the city and such roll certified by the city clerk shall be valid and bind all parties with regard to such roll or any omission in connection with any notice required thereto and a copy of such roll or any portion thereof written or printed without any erasure or interlineation and under the seal of the city certified to be a true copy by the city clerk shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

24. If at any time it appears to any assessor that land liable to assessment has not been assessed for the current year or for either or both of the next two preceding years he shall report the same to the city clerk who shall enter such land on the next roll as well for the arrears of the preceding year or years, if any, as for the taxes of the current year and the valuation of the land shall be the average of the three preceding years if the land has been assessed in any of the said years; if it has not been so assessed the city clerk shall require the assessor of the current year to value the land and it shall be the duty of the assessor to do so and to certify his valuation thereof in writing to the city clerk.

25. An appeal to a judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect, or refusal of the said court to hear or decide an appeal.

26. In all cases of appeals under the provisions of the preceding section the proceedings shall be as follows:

(a) The person appealing shall in person or by agent serve upon the city clerk of the city within eight days after the decision of the court of revision shall have been mailed or delivered to him a written notice of his intention to appeal to a Judge.

(b) The city clerk shall immediately after the time limited for filing notice of appeals forward a list of the same to the judge usually exercising jurisdiction in the judicial district of which such city forms a part or if such city forms part of more than one judicial district then to the judge whose official residence is nearest the city and such judge shall fix a day for the hearing of such appeal.

(c) The city clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the court of revision but in the event of failure by the city clerk to have the required service in any appeal made or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

(d) The city clerk of the city shall cause a conspicuous notice to be posted up in his office or in the place where the council of the city holds its sittings, containing the names of all appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which court will be held to hear appeals.

(e) The city clerk of the city shall be the clerk of such court.

(f) At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals may be determined before the first day of September.

(g) At the court to be holden by the judge to hear the appeals hereinbefore provided for the person having charge of the assessment roll, passed by the court of revision, shall appear and produce such roll and all papers and writing in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied, and if the decision is not then given the city clerk of the city shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction.

(h) In all such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents, and for the enforcement of his order, decisions and judgments as belong to or might be exercised by him in the Supreme Court.

(i) All process or other proceedings in, about, or by way of appeal may be entitled as follows: "In the matter of appeal from the court of revision of the city of Lethbridge.

"A. B., Appellant;

"And C. D., Respondent."

(j) The cost of any proceedings before the judge as aforesaid shall be paid by or appropriated between the parties in such manner as the judge thinks proper and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the supreme court or in the same manner as upon ordinary judgment for costs recovered in such court.

(k) The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other the same to be taxed according to the allowance in a court for such costs, and in case execution issues the cost thereof as in the like court and of enforcing the same may also be collected thereunder.

(l) The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon and can only be appealed from by a unanimous vote of the council.

TITLE XXXV.

TAXATION.

1. Subject to the other provisions in this Act contained all city, local or direct taxes or rates shall be levied equally upon the whole rateable property, real and personal, and income of the city according to the assessed value of such property and income and not on any one or more kinds of property in particular or in different proportions.

2. All land and personal property and income in the city shall where no other express provision has been made in this respect, be liable for taxation subject to the exemptions hereinafter mentioned.

(a) Every inhabitant of the city of the age of twenty-one years and upwards who has resided in the said city for a period of two months or more and has not been assessed on the assessment roll of the city shall pay an annual poll tax of \$3.00, to be collected at any time after the first day of May, in manner hereinafter provided.

(b) Persons residing within two miles of the city who have a place of business therein and whose names are not on the assessment roll or who receive employment and are paid wages or salary therein are hereby liable to pay poll tax subject to the provisions of this Act.

(c) Any person liable to pay poll taxes as hereinbefore provided shall pay the same to a collector appointed by by-law of the council of the city to collect the same, within three days after the demand thereof by the said collector; and in case of neglect or refusal to pay the same within such time the said collector may levy the same by distress and sale of the goods and chattels of the defaulter with the costs of the distress and sale:

Provided that in case any person neglects or refuses to pay the poll tax when demanded by the collector the collector shall then demand from the employer or employers of the person so neglecting or refusing, the amount due

for such poll tax and the person paying the same shall deduct the same so paid from the salary or wages due to the person so neglecting or refusing and the said employer or employers are hereby rendered liable for the amount or amounts demanded by the collector if they fail to deduct the same from the salary or wages due to the person employed.

3. The real estate and personal property of all railway companies liable to assessment is to be assessed in the same way as the property of ratepayers' within the city.

4. The following property shall be exempt from taxation:

(a) All property held by His Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Province of Alberta; but where any such property is occupied by any other person otherwise than in an official capacity the occupant shall be assessed in respect thereof but the property itself shall not be liable;

(b) The lands not exceeding one acre and the buildings thereon of all public schools, universities, collegiate institutes or incorporated seminaries, being public property so long as such property is actually used or held for educational purposes;

(c) All property belonging to the city, except income bearing public utilities, when held or occupied or in use of the corporation and the personal property belonging to the same;

(d) The books of every public library;

(e) Household effects of every kind, except in unlicensed hotels and restaurants, books and wearing apparel in use;

(f) The income of every person up to the amount of \$1,000.00;

(g) Rental or other income derived from land except interest on mortgages;

(h) A building used for church purposes and not used for any other purpose or for hire, or reward, and the lot or lots whereon it stands not exceeding one-half acre except such part as may have any other buildings thereon;

(i) Buildings used by an institution mentioned in the schedule to *The Hospitals Ordinance* or added thereto under section 3 thereof for hospital purposes and not for any other purposes, or for hire or reward, and the lot or lots whereon they stand not exceeding two acres, except such part as may have any other building thereon;

(j) The buildings and grounds exempt under clauses (b), (h) and (i) hereof shall nevertheless be liable to be assessed for local improvements.

5. Land shall be assessed at its fair actual value. In estimating its value regard shall be had to its situation and the purpose for which it is used and, if sold by the present owner, it could and would probably be used in the next succeeding twelve months.

In case the value at which any specified land has been assessed appears to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be gross, if the value at which it is assessed bears a fair and just proportion to the value at which the lands in the immediate vicinity of the land

are assessed, but the council may from time to time set apart certain portions of the city to be known as improvement districts and land therein, not *bona fide*, held in connection with a store, warehouse, or dwelling, which shall in addition to any other assessment which might be made against it herein be subject to a super-assessment bearing such proportion to the value at which such land would otherwise be assessed not exceeding fifty per centum of such assessed value, as the council may decide, and such super-assessment shall be added to the assessment of such land and taxes shall be collected thereon accordingly.

6. The council may from time to time pass by-laws providing that all buildings within the city shall be wholly or partially exempt from taxation on any amount assessed over an amount or amounts specified in such by-law and total assessment of the owner of any building affected by such by-law shall be accordingly reduced prior to the preparation of the tax roll, and any such by-law shall continue in force from year to year until repealed or amended.

TITLE XXXVI.

TAXES.

1. On or before the first day of October in each year the city clerk shall prepare a tax roll and thereon proceed to collect the taxes specified.

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain—

- (a) The name of every person assessed;
- (b) His residence;
- (c) The nature of the property in respect to which he is assessed;
- (d) The total amount for which he is assessed and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which such person is chargeable by way of taxes on account of (1) the general rate which may include the general debenture rate (2) special rates (3) school rates and (4) arrears, and the total thereof.

2. If a taxable person is a resident of the city the city clerk shall transmit to him by post a written or printed notice showing the amount of the taxes payable by such person and distinguishing between—

- (a) Municipal taxes;
 - (b) School taxes;
 - (c) Local improvement or other special tax;
- Or serve such notice upon any grown up person at the residence or business office of the person taxed and the city clerk shall immediately enter upon the roll a memorandum of the date of the service or posting of such notice and shall verify it by his initials and such entry shall be *prima facie* evidence that the notice was served or posted as aforesaid and of the date thereof.

3. In case the taxable person is a non-resident the city clerk shall submit to him by post a similar statement of the taxes charged against him in the roll; and the city clerk shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials; and such entry shall be *prima facie* evidence that the said notice was transmitted and of the date of such transmission.

4. The council may require payment of taxes including local improvement rates, sewer rates, school rates and all other rates to be made by the taxable person at the office of the city clerk on any day or days and in bulk or by instalments and they may also provide that on punctual payment of any instalment the time for payment of the remainder may be extended to a day or days to be named in the by-law.

5. The council may by by-law allow a discount for payment of the aforesaid taxes or any part thereof or any instalment thereof on or before the day or days therein named, and may impose an additional percentage charge, not exceeding five per centum, for non-payment by the 31st day of December in the year on which the same were imposed; and such additional percentage shall be added to any unpaid amount of taxes or assessments or rate or instalment and collected by the city clerk or by distraint or otherwise as if it had been originally imposed by by-law.

6. The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and such taxes shall be a special lien upon the land and shall be collectable by action or distraint in priority to every claim, privilege, lien or encumbrance of every person except the King; and the lien in its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city.

7. The production of a copy of so much of the roll as relates to the taxes payable by any person in the city certified as a true copy by the city clerk shall be conclusive evidence of the debt.

8. Any tenant may deduct from his rent any taxes paid by him, which, as between him and his landlord, the latter ought to pay.

9. Where taxes are due on any land occupied by a tenant the city clerk may give such tenant notice in writing requiring him to pay the city clerk the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid including costs, and the city clerk shall have the same authority as the landlord of the premises would have had to collect such rent by distress or otherwise to the amount of the unpaid taxes and costs, but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

10. In case taxes which are a lien upon land remain unpaid in the case of a resident of the city for fourteen days after notice given under section 2 or in case of non-

residents for one month after the posting of the statement provided for by section 3 of this title the city clerk may levy the same with costs by distress either—

(1) Upon the goods or chattels belonging to or in the possession of the owner or tenant of the land whose name appears upon the roll and who is hereinafter called the person taxed; or

(2) Upon the interest of the person taxed in any goods found on the land including his interest in any goods in the possession of which he is entitled under a contract for the purchase or under contract by which he may become the owner thereof upon performance of any condition; or

(3) Upon any goods or chattels of the owner of the land although the name of such owner does not appear upon the roll; or

(4) Upon any goods and chattels upon the land where title to such goods and chattels is claimed in any of the ways following: (a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; (b) by purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or other wise; (c) by the wife, husband, daughter, son, daughter-in-law of the person taxed or of such owner or by any relative of his in case such relative lives on the land as a member of the family; (d) by virtue of any assignment or transfer made for the purpose of defeating distress.

11. Where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belonged to him.

12. No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant.

13. In case taxes which are not a lien on land remain unpaid in case of a resident of the city for fourteen days after notice given under section 2, in the case of a non-resident for one month after the posting of the statement and demand provided for by section 3 of this title, the city clerk may levy the same with costs by distress either—

(a) Upon the goods or chattels of the person taxed wherever found within the city; or

(b) 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;

(c) Upon the goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by subclauses (a), (b), (c), of section 10 and with the words "Or against the owner though his name does not appear on the roll" and the words "Or such owner" and the words "on the land" omitted therefrom.

14. Notwithstanding anything herein contained no goods in the possession of the person liable to pay such taxes for

the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

15. Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

16. Any goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner though his name does not appear on the roll.

17. The person who claims such exemption shall select and point out the goods and chattels to which he claims exemption.

18. If at any time after demand has been made or notice given pursuant to sections 2 and 3 of this title and before the expiration of the time for payment of the taxes the city clerk has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the city, and if he makes affidavit to that effect before any justice of the peace, the justice may issue a warrant to the city clerk authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the city clerk may levy accordingly.

19. The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under Chapter 14 of the Consolidated Ordinances 1898, intituled "*An Ordinance respecting Distress for Rent and Extra Judicial Seizure.*"

20. No defect, error or omission in the form or substance of the notice or statement required by sections 2 or 3 of this title or in the service, transmission or receipt thereof, shall invalidate any subsequent proceedings for the recovery of the taxes.

21. The city clerk shall by advertisement posted up in at least three public places in the city near to the distrained property give at least seven days' public notice of the time and place of sale and of the name of the person whose property is to be sold, and at the time named in the notice the city clerk shall sell by public auction the goods and chattels distrained or so much thereof as may be necessary.

22. If the property distrained has been sold for more than the amount of the taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus the said surplus shall be returned to the person in whose possession the property was when the distress was made.

23. If the claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

24. If the claim is contested the surplus shall be retained by the city clerk until the respective rights of the parties have been determined by action or otherwise.

25. If any of the taxes mentioned in the roll remain unpaid on the 31st day of December in any year and the city clerk is not able to collect the same he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words "Non-resident" or "Not sufficient property to distrain," or instructed by council not to collect or as the case may be.

TITLE XXXVII.

SALE OF LAND FOR TAXES.

1. Whenever any portion of taxes on any land has been due for one year calculated from the 31st day of December of the year on which the same were imposed the city clerk shall prepare a list of all the lands in his books on which taxes are so due with the amount of arrears against each lot set opposite to the same and the name and address of the owner if known, and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising, and the sum of twenty-five cents for each parcel advertised for sale, and the mayor and city clerk shall authenticate such list by affixing thereto their signatures and the seal of the city, and the city clerk shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the city and for the next following five consecutive weekly issues of said newspaper preceding the day of sale therein named and shall publish a notice therein in form following:

"SALE OF LANDS IN THE CITY OF LETHBRIDGE FOR ARREARS OF TAXES.

"Notice is hereby given that certain lands in the city of Lethbridge will be offered for the arrears of taxes (*stating the day, time and place where, and when the said lands are to be sold and the dates of the issues of said newspapers in which a full list of said lands may be found*)."

2. The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid the city clerk will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement.

3. Every such notice shall specify the place, day and hour at which the sale shall commence and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes.

4. All the lots liable for sale shall be included in the same statement and notice but any neglect or omission to include any lands liable for sale in said list shall not be

held to invalidate the sale or prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon.

5. The day of sale shall not be more than four days after the last publication as hereinbefore provided and the sale shall take place at such place in the city as the council shall from time to time by resolution appoint and in the absence of such appointment at such place in the city as the city clerk in his said notice shall name.

6. The city clerk may adjourn the sale from time to time provided always that no such adjournment shall be for a period exceeding fifteen days.

7. At the place, day and hour appointed for the sale of lands if the taxes thereon including costs and charges have not previously been paid the city clerk shall offer the lands for sale by public auction and in so doing shall make and declare the amount stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price, there being no higher bidder, but subject to redemption as hereinafter provided for.

8. If no bid is made for any land for the full amount of arrears of taxes, costs and charges the city clerk shall there and then sell the same to the city at the upset price.

9. If the land sells for a greater sum than the taxes due together with all charges thereon, the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of the said land shall have expired without the same having been redeemed within the time limited and if the said balance of purchase money shall not be so paid by the purchaser or his assigns within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale.

10. If the purchaser of any parcel of land fails immediately to pay the treasurer on account of the said purchase the amount claimed for arrears of taxes and charges the city clerk shall again forthwith offer the property for sale.

11. The city clerk after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the city clerk on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed and upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2.00 for said transfer.

12. The purchaser shall on receipt of the city clerk's certificate of sale become the owner of the land so far as to

have all necessary rights and powers for protecting the same from spoilation or waste until the expiration of the term during which the lands may be redeemed. But he shall not knowingly permit any person to cut any trees or underwood growing upon the land or otherwise injure the same, nor shall he do so himself, but he may make any other use of the land which will not depreciate its value. The purchaser shall not be liable for any damage done to the land without his knowledge while a certificate of sale is in force.

13. A statement of the lands so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem sale, within thirty days of the date of sale or adjourned sale, be made and signed by the city clerk in duplicate and may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired.

14. The owner of any land which may hereafter be sold for taxes or his assigns or any other person on his or their behalf but in his or their name only may at any time within one year from the date of sale exclusive of that date redeem the land sold by paying to the treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per centum thereon and any further sum which shall have been levied against said land and paid by the purchaser before date of redemption and the treasurer shall give the party paying such redemption money a receipt stating the sum paid and the objects thereof and such receipts shall be evidence of the redemption.

15. For the purpose of this Act the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day.

16. From the time of payment to the treasurer of the full amount of redemption money required by this Act all rights and interests of the purchaser shall cease.

17. Whenever such redemption is effected by a person not specially authorized by the owner or his assigns the treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same and the name of the person on whose behalf the payment is made; and every redemption receipt shall be made out in duplicate; one copy shall be given to the person paying the redemption money and one shall remain on file in the office of the treasurer.

18. The treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same, apprising him of the fact of such redemption and of the amount of money paid in for such purpose.

19. If the land be not redeemed within the period allowed by this Act, then on demand of the purchaser or his assigns at any time within one month after the expiration of the

time limited for the redemption, upon payment of the balance of purchase money as aforesaid and of the further sum of \$2.00, the city clerk shall prepare and execute and deliver to him or them a transfer of the land sold; provided that any land sold to the city under the provisions of this Act as hereinbefore provided shall be transferred to the city by the city clerk immediately on the expiration of the time allowed for the redemption without charge; such transfer shall state the date and cause of sale and the price and shall have the effect of vesting the land in the purchaser or his assigns in fee simple or otherwise according to the nature of the estate sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrears. Such transfer shall be in the form provided in *The Land Titles Act* or to the like effect.

20. Such transfer shall not only vest in the purchaser or his assigns as the case may be all rights of property which the original holder had therein; but shall also purge and disencumber the land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the city or crown; and whenever lands are sold for arrears of taxes and the city clerk shall have given a transfer thereof, such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except as against the Crown; and every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land therein described, also that all steps and formalities necessary for a valid sale had been taken and observed as provided by this Act in that behalf; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other:

(a) That the sale was not concluded in a fair, open and proper manner;

(b) That there were no taxes whatever in arrear for which the said land could be sold;

(c) That the said land was not liable to be assessed for taxes.

21. When the title of any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognize or admit that any person possesses under any colour of right whatever; and

(a) The city in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the treasurer and legal interest thereon as for damages or otherwise, but the tax purchaser or his assigns shall have a lien on the lands for the purchase money paid by the purchaser with interest thereon at ten per centum per annum, and also for any rates or taxes paid by him or his assigns since the sale with interest at the rate aforesaid from the date when the same was so paid.

22. The treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in the account the amount received over the taxes and

charges from the purchaser of any lots sold by him against said lot with date of sale and of receipt of balance, and the aggregate amount so received shall form a fund to be called "The Tax Sales Fund," and the treasurer shall in the month of January in each year and on request at any other time furnish a statement to the council giving particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the treasurer for six years from the day of sale of the land of the purchase money of which it forms a part, without any notice of claim or order for payment having been served on him as hereinafter provided said portion or sum so remaining unclaimed shall be forfeited and thereafter be the absolute property of the city and the said city shall forever be discharged from any claim on account thereof.

23. Any person claiming to have been the owner or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realized more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned, provided that written notice is served upon the treasurer previous to the time limited for forfeiture and upon producing and leaving with the treasurer within six months from the date of the service of such notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the legal representative of the said owner or otherwise interested in the said land and requiring the city to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of said tax sale fund shall be kept by the treasurer and shall be the warrant and authority for making such payment.

24. In seeking to obtain a judge's order any claimant upon said fund shall in person or by advocate petition the judge in writing to that purpose describing the lands sold and setting forth the particulars of said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his interest or title to the satisfaction of the judge, and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim and the said judge may in his discretion require the claimant to serve a notice of his application upon the city or publish the same in any other manner he may deem proper or to substantiate his claim in any other manner; and the judge may in his discretion order the said money to be paid into the Supreme Court; there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the treasurer.

25. The same fee shall be paid upon an application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or procedure.

26. In any case where the judge deems it advisable to order notice to be served upon the city he shall in the final decision of the question, if the claimant is successful, order the costs of the city to be paid out of the fund in question and in case the claimant fails shall order execution to issue against him from the said court after taxation for the costs of the city

27. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be considered an admission of the validity of the sale of the land in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through or under him as aforesaid.

28. In case of any action or proceedings to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of said sale, being the time only within which any such action can be brought or proceeding taken for that purpose, the plaintiff shall within ten days after commencing his action or proceeding cause the treasurer to be notified in writing of the fact of his action or proceeding having commenced and the treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of any judge or court before whom the said action proceeding shall or may be tried and in case the plaintiff succeeds the judge or court shall order said surplus repaid to defendant, the tax sale purchaser or his proper representative and in case the plaintiff fails in such action or proceedings to set such sale aside but proves to the satisfaction of the judge or court that he was at the time of sale the lawful owner of the said land and a person entitled to the said surplus money according to the true intent and meaning of this Act, then in such case the judge or court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by said plaintiff of such costs of the defendant as he may have been ordered to pay.

(b) The provisions of this and the next preceding section are hereby declared applicable only to lands for which certificates of title have not been granted.

29. In no case shall the city be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom in any way further than in case of sale held void by a competent court refunding to the purchaser the amount of money actually received with legal interest.

TITLE XXVIII.

LOCAL IMPROVEMENTS.

1. The term "Local Improvement" shall be taken to mean—

(a) The opening, widening, straightening, extending, grading, levelling, macadamizing, paving or planking of any street or public lane, alley, way or place; or

(b) The constructing of any sidewalk, bridge, culvert or embankment forming part of a highway; or

(c) The curbing, sodding, boulevarding, or planting of any street or public lane, alley, square or other public place; or

(d) The making, deepening, enlarging or prolonging of any common ditch, drain or sewer; or

(e) The construction of any conduit for wires or pipes along any roadway, street, lane, alley, square or other public place; or

(f) The sweeping or watering of any street, park, alley, or other public place; or

(g) The cutting of grass or weeds or the trimming of trees or shrubbery within any defined area of the city;

(h) The reconstructing but not the mere repair and maintenance of any of the said works during the originally estimated lifetime thereof; or

(i) The repair and maintenance thereof after the lapse of the originally estimated lifetime thereof.

(2) The term "Special Frontage Assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made according to the number of lineal feet, measured along the front or other abutting portions of the said several lands to the amount of such share of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvements are to be made:

(a) Provided that where the street or place whereon or wherein the local improvement is made abutts on several parcels of land some of which appear to call for a smaller or a larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement, such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each parcel of land abutting on the local improvement bears a fair, just, and equitable proportion of the cost of the improvement; and

(b) Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along the street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel or parcels of land fronting or abutting thereon, or to the absence of buildings thereon, such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid, such lot or lots, parcel or parcels of land

may be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances,

(c) Provided that in case of sewers, if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith, there may be assessed against such land the same amount per foot frontage as was assessed against the land actually abutting on the street or place whereon or wherein the sewer was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of a municipal account relating to sewers, but any land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place where or wherein such land abutts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption; and

(3) The term "Special Local Benefit Assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement whether or not such land abutts on the street or place whereon or wherein such local improvement is made as is increased or likely to be increased in market value or is otherwise benefitted by reason of the local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion, having regard to all other parcels of land benefitted by the local improvement to such total charge.

(4) The term "Cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expenses of engineering surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing the work and raising the moneys to pay the costs thereon including discounts and interests.

(5) The cost of extensions from time to time of local improvements shall be borne by the city at large and by the lots or parcels of land fronting or abutting on the street or place whereon or wherein the extension runs in the same proportion as nearly as the circumstances will admit as obtained in the case of the original establishment of the system.

2. The amount assessed against any parcel of land either by special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands affected and the several amounts so assessed against the land shall with interest at the rate not exceeding six per centum per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal

and interest during each of the other years of such period; and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable and shall be payable in the same manner and collectable in the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general municipal taxes; provided that the owner of any land so especially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof, less any amount previously paid on account thereof.

3. The council may pass by-laws:

(a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion, if any, shall be borne by the municipality at large and in the case of special frontage assessment what lands shall be assessed in an exceptional mode as hereinbefore provided, and the mode to be adopted, and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected and of assessing a cost or a portion of the cost as the case may be either by way of special frontage assessment or by way of special local benefit assessment, and it is hereby declared that a by-law or by-laws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special by-law in each particular instance;

(b) For borrowing by the issue of debentures upon credit of the municipality at large, the moneys required to meet the whole or any part of the cost of any local improvement provided (1) that by-laws for the purpose of raising moneys in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof although a portion thereof is to be borne by the municipality at large and a portion is to be payable by special assessment or comprising the whole or a part of any portion of that part of the cost which is borne by the municipality at large, or of that part of the cost which is payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of rate-payers to the passing of any by-law for raising such portion of the cost of a local improvement as is or is to be levied by special assessment nor of any by-law for raising such portion of the costs as is to be borne by the municipality at large of any extension of a municipal system of sewerage originally constructed as a local improvement or of any other local improvement unless in the case of such other local improvement the share of the cost to be borne by the municipality at large shall be greater than can be properly paid out of the current revenue of the city for the current year; and (4) that nothing herein contained shall be construed as authorizing an extension of the general debt of the city beyond the limits thereof fixed by this Act;

(c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the municipality at large the whole or any part of the costs of a local improvement provided that clause (d) of subsection (1) of section

4 of Title IV shall not apply to the case of such temporary loans. And it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the city within the meaning of this Act and it shall not be necessary to recite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money, but it shall be sufficient to state in any such by-law that the amount of the general debt of the city as therein set forth is exclusive of local improvement debts secured by special assessment.

4. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice hereinafter provided.

(a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is made or of lands to be benefited by local improvement as the case may be and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll, whose signatures are verified by the affidavit of at least one attesting witness, the council may take all proper and necessary proceedings for undertakings and completing the local improvement on a special frontage assessment system, or special local benefit assessment system as the case may be and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition.

(b) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part; provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed, having regard only to the lands abutting on or benefitted by, as the case may be, the part of the local improvement which is made.

(c) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid unless the majority of the owners of the lands to be affected, representing at least one-third in value thereof as aforesaid, petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement; such notice to be inserted once in each week for two weeks in at least one newspaper published in the city.

(d) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council no second notice for the same shall be given by the council within the then current calendar year.

(e) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment it shall be lawful for the council of the same or next succeeding year to undertake the proposed local improvement.

5. Any local improvement may, in the discretion of the council, be undertaken either before or after the costs thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

6. If in any case the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded rateably to those by whom it was paid.

7. There shall be a right of appeal against every assessment made under the authority of any by-law passed under this title to a court of revision to be composed of the mayor and council of the city, and from such court of revision to a judge in the same manner and by the same procedure as nearly as may be in the case of an appeal from an ordinary assessment.

8. Notice of every proposed special assessment shall be given by the city clerk to each person registered or assessed as owner of any parcel of land to be charged thereby, either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth:—

(a) A description in general terms of the local improvement.

(b) The probable lifetime of the local improvement as being the period over which the cost will be spread.

(c) The probable or actual cost of local improvement;

(d) The portion, if any, of the cost to be borne by the municipality at large;

(e) The portion of the cost to be provided by special assessment; and the system of special assessment under which the special assessment is proposed to be made;

(f) The time fixed for the sitting of the court of revision for the hearing of appeals in respect of the special assessment; such sittings not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

9. A memorandum in any proper book or roll kept for that purpose, of the service or mailing of such notices and of the date thereof shall be *prima facie* evidence of the service or mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.

10. No assessment under the provisions of this part of this Act shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends, unless an application to quash the same shall have been made in accordance with the provisions of title XXVII of this Act and before the date fixed for the sittings of the court of revision.

11. The decision of the court of revision, subject to an appeal to a judge as in section 7 hereof provided, shall be final and conclusive upon all matters respecting the assessment and special rate and the court of revision and judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

12. Every by-law for borrowing money for local improvements by the issue of debentures shall recite or otherwise state:—

(1) The amount of the debt which such by-law is intended to create and the object in general terms for which it is to be created;

(2) The total amount required to be raised annually for paying the debt and interest under this by-law and whether whole, or if not, what portion thereof is payable by way of special assessment and the system of special assessment applicable;

(3) The total value of the land charged with the special assessment, and if any portion of the debt created by such by-law is to be borne by the municipality at large, the value of the whole rateable property of the city according to the last revised assessment roll;

(4) That the debt is contracted on the credit and security of the municipality at large, but as to so much as is not to be paid by the municipality at large the city is to collect the same only by way of special assessment as aforesaid.

13. In the case of any by-law heretofore passed by the city of Lethbridge or hereafter passed by the city for the purpose of borrowing by way of debentures the money required to pay the cost or part of the cost of a local improvement, the same shall be valid and binding notwithstanding any defect of form or substance therein or in the proceedings prior thereto or in the passing thereof, except upon an application to quash the same made within two months of the passing thereof, and any debentures purporting to be issued under the authority thereof shall be valid and binding notwithstanding any defect of form or substance therein provided that the amount of the principal and the rate of interest be as set forth in the by-law and that the payment of the principal or instalment thereof or sinking fund therefor as the case may be with the accrued interest be not deferred longer than one year beyond the period originally fixed as the estimated lifetime of the local improvement.

TITLE XXXIX.

PUBLIC WORKS.

1. The city shall have the power to construct, build, purchase, drill, explore for, improve, extend, hold, maintain, manage and conduct waterways, telephone systems, street railways or tramways, irrigation ditches, sewers, either storm or sanitary, gas (including natural gas) electric or any other artificial light or power either in connection with gas or otherwise; and all buildings, materials machinery and appurtenances necessary in connection therewith.

2. The city may sell, lease or dispose of all fittings, machines, apparatus, meters or other things used in connection with any public utility carried on by it together with every product, refuse or residue resulting from the conduct of any such business.

3. The city shall have the power to enter upon or purchase such lands and buildings as they may deem necessary or advantageous for the purposes aforesaid;

(a) The city shall have the power to employ such commissioners of Public Works, Engineers, Surveyors and other persons as may from time to time in the opinion of the council be necessary or expedient to enable the powers of the city to be properly exercised;

(b) The council may from time to time make and enforce by-laws, rules and regulations for the general maintenance or management or conduct of any public works constructed or maintained under this Act; and of the officers or others employed in connection with them and for the collection of the rates and charges for supplying water, whether by waterworks or irrigation ditches, telephone, street railways or tramways, gas or electricity or other means of providing light or power hereunder, and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents, and the times and place where the same shall be payable, and may allow such discount as they may deem expedient for prepayment or punctual payment.

(c) And for enforcing payment of such rates, charges or rents by action in any court of competent jurisdiction, or shutting off the water, gas or electricity, disconnecting or discontinuing the service, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the city such distress and sale to be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under the *Ordinance respecting Distress for Rent and Extra-Judicial Seizures*; but an attempt to collect the rates or rents by any such process shall not in any way invalidate any lien which the city is entitled to upon the premises in respect of which the indebtedness has incurred.

4. Any official authorized by the city for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made or in the case of the written authority of the Mayor given in respect of the special case without notice to all parts of every building or other premises in which water, gas, or electricity is delivered and consumed, or which is served by a sewer for the purpose of inspecting or repairing as aforesaid or for placing meters upon any service pipe or connection within or without any house or buildings as they may deem expedient; and for this purpose or for the purpose of protecting or regulating the use of such meter may set or alter the position of the same or of any pipe, connection or tap; and may fix the price to be paid for the use of such meter and the times when and the manner in which the same shall be payable and may also charge for and recover the expenses of such alterations; and such price and expense of such alterations may be collected in the same manner as water rates.

5. Where any consumer discontinues the use of water, telephone, gas, or any other utility furnished by the city under this Act, or the city lawfully refuses to continue any longer to supply the same, the officers and servants of the city may at all reasonable times enter the premises in or upon which such consumer was supplied with water, gas or other means of providing light or heat or power for the purpose or removing therefrom any fittings, machines, apparatus,

meters; pipes or other things being the property of the city in or upon such premises and may remove the same therefrom, doing no unnecessary damage.

6. The city, their engineers, servants and workmen from time to time and at such times as the city shall see fit may enter into and upon, take or use the land of any person, bodies politic or corporate in the city or within ten miles thereof and may survey, set out and ascertain such parts thereof as are required for the purposes of waterworks, gas, telephones, sewers, electric light or power or any other public works which it is under this Title empowered to construct or operate, and may contract with the owners or occupants of the said land and any person having a right or interest therein for the purchase or renting thereof, or of any part thereof or of any privilege that may be required for the purpose of any such waterworks, or other works, at the option of the city.

7. The city may construct, erect and maintain in and upon any land acquired under the provisions of this Act all reservoirs, waterworks, gas works or wells and shafts, dams, buildings, machinery or other things requisite for the undertakings authorized under this Act, and for conveying water, gas, electricity or power through the same by such lines of pipes, ditches, poles or wires as may from time to time be found necessary or expedient.

8. The city and its servants under its authority may for the said purposes enter and pass upon and over any such lands, and the same may cut and dig up, if necessary, and may lay down pipes, excavate ditches, erect poles and wires through the same, and in, upon, through, over and under the highways, streets, lanes, roads, squares, bridges or other passages, whether the same be within the city or not, and for such purposes may break up, dig, and trench the same, and for the purposes of taking up, examining or keeping in repair and otherwise maintaining any public works, may exercise the same power, and any power given to the city under this section covering lands vested in the city as may with the consent of the owner thereof be exercised in regard to private property;

(b) All lands not being the property of the city and all highways, streets, lanes, roads, squares, bridges or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.

(c) The city may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the said city may think necessary and proper for the making and maintaining of the said works or for the purchasing of said lands required for the protection and improvement of the said works, or for the taking up, moving, altering or repairing the same and for enabling the same to be used by the inhabitants of the community or the city or for the proprietors or occupants of the land through or near which the same may pass.

9. For the purpose of any such public works the city may sink and lay down pipes, wells, tanks, reservoirs and erect poles, wires, and buildings and other conveniences and may from time to time alter all or any of the said works as well in the position as in the construction thereof as they may deem advisable.

10. All works, wells, pipes, poles, erections and machinery requisite for any public works shall be vested in and be the property of the city.

11. Service pipes which may be required shall be constructed and laid down up to the outer line of the street by the city, and the city shall be solely responsible for keeping the same in repair, but connections between private property and sewers shall be made by the city on payment by the owner of the charges therefor to the outer line of the street, at a point to be designated by the owner and the owner shall be solely responsible for the repair thereof.

(b) In cases where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected, the city may with the consent of the owner lay the service pipes or sewer connections across such vacant space and charge the cost thereof to the premises or the owner himself may lay service pipes or sewers provided the same is done to the satisfaction of the city or person appointed by them in that behalf.

(c) The expense incidental to the laying and repairing as hereinafter provided of the service pipes or sewers if laid or repaired by the city (except the laying or repairing of the service pipes from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the city) or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the city or if not paid may be collected forthwith in the same manner as water rates; provided that in no case shall the expense of superintending the laying or repairing of such service if laid or repaired by any other person as aforesaid exceed \$5.00.

12. All service pipes or sewers to the interior face of the outer walls of the building supplied together with all branches, couplings, stop-cocks and apparatus placed therein by the city shall be under its control; and if any damage is done to this portion of the service pipes or sewer or its fittings either by neglect or otherwise the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the city, and in default of his so doing whether notified or not the city may enter upon the lands where the service pipes or sewers are and by its officers, agents or servants repair the same and charge the same to the owner of the premises as hereinbefore provided.

(b) The stop-cock placed by the city inside the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent the flooding of the premises.

(c) Parties supplied with water by the city may be required to place only such taps for drawing and shutting off the water as are approved of by the city.

13. The city shall regulate the distribution and use of water in all places and for all purposes where the same may be required and from time to time may fix the prices for the use thereof and the times of payments; and they may erect such number of public hydrants and in such places as they shall see fit and direct in what manner and for what purposes the same shall be used, all which they may change

at their discretion and may fix the rate or rent to be paid for the use of water by hydrants or fire plugs and public buildings.

(b) The sum payable by the owner or occupant of a house, tenement, lot or part of a lot for the water or gas supplied to him there or for the use thereof and all rates, costs and charges imposed under any by-law passed in pursuance of this Act shall be a preferential lien and charge on the house, tenement, lot or part of a lot; and may be levied and collected in like manner as municipal rates and taxes are by law coverable.

14. In the event of the rate or rent remaining uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the collector shall make a return showing the amount of the rent or rate so in arrears together with all costs and charges in connection therewith; and the same shall be returned by the collector to the city clerk of the city at least once in every year and on such day or days as may be fixed by the council or by the by-law, in that behalf, and the same together with interest at the rate of ten per centum per annum thereon shall be collected by the Treasurer by the sale of the land and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.

15. The city shall have power to employ the ordinary collectors and assessors and such other persons as in its opinion may be necessary to carry out the objects of this Act and to specify their duties and to fix their compensation, and all such persons shall hold their offices at the pleasure of the council or as the council shall determine by by-law in that behalf; and shall give security as the council shall from time to time require; and such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the city may by law possess and enjoy in respect of municipal taxes.

16. The city shall not be liable for damages caused by the breaking of any gas or water main service pipes or attachments or the bursting of any ditches or for any interference with the supply of water, gas or electricity necessary for the repair or proper maintenance of any public work, or generally for any accident due to the operation of any public work unless such accident is shown to be directly due to the negligence of the city or its employees.

17. The said city shall have power and authority to supply with water, gas, light and heat, power or telephone service, street railways, or tramways upon special terms any person or corporation outside the city and may exercise all other powers necessary to the carrying out of their agreement with such city or person as well within the suburbs as within the city; and they may also from time to time make and carry out any agreement which it may deem expedient for the supply thereof to any railway company or manufactory; provided that where such supply is to be made in another municipality which itself possesses any similar public work no pipes, poles or wires for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without

the consent of the council of such municipality in such case the agreement may be for a term of years or otherwise as may be agreed upon.

18. The city may make such by-laws as to the council may seem requisite for the prohibiting by fine not exceeding \$20.00 and costs any person being tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks from lending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away or from using or applying it to the use or benefit of others or to any other than his, her or their own use and benefit, or from increasing the supply of water agreed for with the city or from wrongfully neglecting or improperly wasting the water.

(b) And may also make by-laws regulating the time, manner, extent and nature of the supply by the works to the tenement or parties to which and to whom the same shall be furnished, the price and prices to be exacted therefrom and each and every other matter or thing related to or connected with which it may be necessary or proper to direct, regulate or determine in order to secure the inhabitants of the municipality a continued and abundant supply of pure and wholesome water and to prevent the practising of frauds upon the city with regard to the water so supplied.

19. Where there are buildings within the municipality different parts thereof belonging to different tenants or lessees, the city may carry pipes, wires or rods to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants to convey gas, electricity or other means of providing light or heat or power to the property of another or in the possession of another.

(b) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

20. The city shall construct all public works and all apparatus and appurtenances thereunto belonging or appertaining or therewith connected and wheresoever situated so as not to endanger the public health or safety.

21. Where the city has constructed any works for supplying the inhabitants with water, gas, light, heat or power, as hereinbefore provided and where there is a sufficient supply thereof, it shall be the duty to supply all buildings within the city situate upon land lying along the line of supplies, upon the same being requested by the owner or occupant or other person in charge of any such buildings, at the customary charges and on the customary terms.

22. The council may by by-law provide that any building heretofore or hereafter erected within the city situated upon property fronting or abutting on any street in which both a sewer and water main exists shall be connected with the sewer and water main and the necessary piping and fixtures including water closet and basin shall be placed in such building so that the cellar drains and privies may be properly drained into said sewer.

23. In addition to any other taxes which the city may lawfully impose it shall have the right to levy a special

waterworks tax annually against every lot fronting or abutting on any street, lane or public highway, which is traversed by the waterworks system, of an amount not exceeding five cents per lineal foot which shall be known as a waterworks charge but any by-law providing for exceptional assessment which the council may pass for the purpose of local improvement shall regulate and control the extent of the frontage on which such charge shall be imposed.

24. In case a petition signed by two-thirds of the resident burgesses is presented to the council asking for the construction of public works under the powers conferred by this Act:

(a) It shall be the duty of such council to submit a by-law for the construction of such public works to the vote of the burgesses and such council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petitioners or in such form as may be approved by the vote of two-thirds of the members of such council and shall submit the same to the vote of the burgesses within six weeks after receipt of the petition by the council.

(b) The power of the council shall not be deemed to be abridged by this Act except as expressly stated herein.

(c) The proceedings in taking the vote and the persons having a right to vote shall be the same as required under title XXVI hereof.

25. If the by-law be approved by two-thirds of the burgesses voting thereon it shall be the duty of the council to pass the by-law and forthwith to proceed in the construction of the works, provided always that the council may for any good cause if deemed expedient by a vote of two-thirds of its members hold the works in abeyance until after next general municipal election.

26. The city shall do as little damage as may be in the execution of the powers by this Act granted to them and shall make reasonable and adequate satisfaction to the owners, occupants or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the city or injuriously affected by the exercise of its powers and in case of disagreement the compensation or damages shall be ascertained as provided in like cases in title XXX hereof.

27. The city, its officers, agents and servants shall have the like protection in the exercise of it and their respective offices and the execution of it and their duties as public officers have under the laws of the Province of Alberta.

28. All materials procured under contract with the city and upon which the city shall have made advances in accordance with such contract shall be exempt from execution.

29. The lands, buildings, machinery, reservoirs, pipes, poles, wires, rods, meters, fittings and all other real or personal property connected with or appertaining or belonging to any work under this Act shall be exempt from taxation for municipal school or other purposes.

30. No property owned by the city under the authority of this Act shall be liable to seizure by way of distress for rent.

31. The city may dispose of any real or personal property acquired by them for the purpose of this Act when no longer required and until sold may rent or lease the same; any property so sold shall be free from any charge or lien on account of any mortgage, bonds, debentures or other securities issued by the city; but the proceeds of sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon; but may be reinvested in similar property under the authority of this Act, which substituted property shall immediately upon its being acquired be and become subject to such securities as the property sold was subject to; or should no such securities then exist then the said proceeds shall form part of the general funds of the city and may be supplied accordingly.

(b) In case credit is given for any portion of the purchase money of such real property the city may take security by way of mortgage to secure the same; and the city shall have all rights, powers or remedies, expressed in or implied by any mortgage given as fully as if the mortgage and the proceeds thereof shall be subject to the provision of this section.

32. No member of the council of the city shall personally have or hold any contract in connection with any works under this Act or be directly or indirectly interested in the same or any of them; but no person shall be held to be disqualified from being elected or sitting as a member of the council of the city by reason of his being a taker or consumer of water, light, heat or power supplied by the city or by reason of any dealing or contract with the city with reference to the supply of water, light, heat or power to such person.

33. All persons and corporations who shall by themselves, their servants or agents by act, default, neglect or omission occasion any loss, damage or injury to the public works constructed under the provisions of this Act or to any plant, machinery, fitting or appurtenance thereof shall be liable to the city for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the city in any court of competent jurisdiction.

34. The city may purchase or lease any works constructed for the supply of water, gas, light, heat and power within or in the neighbourhood of the city and being the property of any person or company and under the provisions of this Act may improve or extend such works.

35. If any person does or commits any of the following acts:—

(a) Wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted, the said city or its manager, contractors, servants, agents, workmen or any of them in the exercise of any of the powers and authorities in this Act authorized and contained;

(b) Wilfully or maliciously lets off or discharges water or gas so that the same runs waste or useless;

(c) Not being in the employment of the city and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber pipe or hydrant chamber by placing on it any building material, rubbish or other obstruction;

(d) Throws or deposits any injurious, noisome or offensive matter into the water or waterworks or upon the ice in case such water is frozen or in any way fouls the water or commits any wilful damage or injury to the works, pipes or water or encourages the same to be done.;

(e) Wilfully alters any meter placed upon any service pipe or connected therewith within or without any house, building or other place so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specially authorized by the city for that particular purpose and occasion;

(f) Lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or rod of the works or in any way obtains or uses any water, gas or electricity thereof without the consent of the city;

(g) Washes or cleanses cloth, wool, leather, skin or animals or places any nuisance or offensive thing within the distance of one mile above the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained or conveys, casts, throws or puts any filth, dirt, dead carcass or other noisome or offensive thing therein or within the distance as above set forth: causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same or causes any other thing to be done whereby the water therein may be in any way tainted or fouled.

And if such person is convicted of such act before a justice of the peace he shall for every such offence forfeit any pay a sum not exceeding twenty dollars and not less than one dollars together with the costs and charges attending the proceedings and conviction.

36. The penalties in money under the last preceding section or any portion of them, which may be recovered shall be paid to the convicting justice; and by him paid one-half to the treasurer of the city and the other half to the prosecutor unless the prosecutor is the officer or servant of the city, in which case the whole of the penalty shall be paid to the city.

37. Any public work provided for in this Act may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately as distinct undertakings or in conjunction as one entire undertaking.

38. It is hereby provided that any public work or works constructed or acquired for the purpose thereof and every matter and thing appertaining thereto, and all revenues derived therefrom shall be held to be entirely separate from all other assets of the municipality and shall not be liable for any debt of the municipality heretofore or hereafter contracted by the municipality on the credit of the municipality at large, and such public work or works, lands, appurtenances and revenues shall be and are hereby specially charged with the repayment of any sum or sums of money which may be borrowed at the credit thereof by the city for the purposes thereof and for any debentures which may be issued therefor; and the holders of such securities shall have a preferential lien and charge on the said works, lands, appurtenances and revenues arising from and out of the supplying of water, gas, light, heat or power or from the real and personal property connected with the works to be acquired

by the city under this Act, shall, after providing for the expense attendant upon the maintenance of the works and after payment of the amount payable for principal and interest or a sinking fund and interest up to the end of the then current year, year by year be transferred to and form a part of the general funds of the city and may be applied accordingly.

40. In the event of default being made in the payment of any portion of the moneys so borrowed or the interest thereon, the holder or holders of such default shall happen and shall have continued for the space of twelve months but without prejudice to the jurisdiction of any competent court to interfere before the expiration of such period, to enter upon and take possession of the public work or works, lands and appurtenances and operate the same until all arrears of principal and interest and the reasonable costs and expenses of taking possession and of operating the same shall be fully paid and may on such terms as any competent court or a judge thereof may order, advertise and sell the said public work or works, lands and appurtenances by public auction and apply the proceeds of such sale in repayment of the moneys so borrowed and interest and costs and expenses and the balance, if any, remaining after such payment shall be paid over to the municipality.

41. The purchaser or purchasers on any such sale and their assigns shall have and possess and may exercise all the rights, powers, privileges and franchises relating to the construction, maintenance, working and conduct of the work or works which are by this Act conferred upon the city subject to the right of the city to resume the ownership thereof at the expiration of ten years from such sale on giving six months' notice and on payment within six months after such period of ten years at a valuation to be ascertained by arbitration, subject to the assent of the burgesses as in the case of the original construction or purchase of said works.

42. In case the city fails to exercise the right of resuming the ownership of the public work or works at the expiration of the said period, the city may similarly exercise such right at the expiration of any fifth year thereafter upon giving one year's notice to the purchasers or their assigns.

43. Debentures issued in pursuance of a by-law passed under the authority of this Act may be dated as of the actual date of the issue thereof; provided such date be within four years from the date of the final passing of the by-law and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

44. For the purpose of assisting in the payment of any debentures issued for the purpose of waterworks constructed or acquired under the provisions of this Act to provide by by-law for the assessment and collection of a special tax or rate in each year, not exceeding four mills on the dollar, upon the several properties according to the assessed value thereof fronting or abutting upon the street in, through and along which the waterworks mains are laid as well as all other properties which may enjoy the advantage of the use of water from the said main distant not more than 300 feet therefrom for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general

purposes, to meet the yearly interest on any debentures issued for the purposes of said waterworks and the annual instalment of principal or the annual amount of payment to the sinking fund for the payment of the principal thereof provided that the collector of taxes upon the production by the owner or occupant using said water of the receipt for payment of the rent chargeable for the use thereof during the year or such proportion thereof as equal such special tax, shall remit or allow such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorized to be levied by this section.

45. The council may itself or by its officers exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon the city or such council may either before the commencement of the works or at any time while they are in the course of construction or after their completion by by-law provide for the appointment of one or more commissioners for such purpose.

(b) Upon the appointment of a commissioner or commissioners all the powers, rights, authorities or immunities which under this Act might have been exercised or enjoyed by the council and the officers of the city acting therefor shall and may be exercised by the commissioner or commissioners who shall be deemed for the purpose of such works to be clothed with the full authority of the council in regular meetings assembled. The commissioners shall have power to appoint or remove any officer or employee required in or about any public works, for whose service provision has been made by the council.

(c) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works and the treasurer of the city shall upon the written certificate of the commissioner or commissioners pay out any moneys so provided.

46. The commissioner or commissioners shall be appointed from time to time by by-law of the council on such terms and at such salary as the council may deem expedient, and each such commissioner shall hold office for the term stated in such by-law unless previously removed for misconduct.

47. Every commissioner shall before taking office give such security for the performance of his duties as the council shall require.

48. No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works or be directly or indirectly interested in the same or any of them.

49. The council of the city, in case the construction of the works be entrusted to a commissioner or commissioners, may by by-law at any time assume the work, remove the commissioner or commissioners, apportion their current year's salary and proceed with and manage the works and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioner or commissioners shall be transferred to and vested in the council; but any officer or commissioner in or about the construction or management of the works shall be continued until removed by the council unless his engagement be sooner terminated.

50. The commissioner or commissioners shall keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the works distinct from the books and accounts relating to the other property, funds or assets belonging to the works; and all such books shall be open to the examination of any person appointed for that purpose by the council.

(b) The commissioner or commissioners on or before the 15th day of January in each year or upon such other day as the council may name shall cause a return to be made to the council containing a statement of the affairs of the works which shall show the amount of the rents, issues, and profits arising from the works and the number of the consumers during the previous year; the extent and value of the moveable and immoveable property belonging to the works; the amount of debentures then issued and remaining unredeemed and uncanceled and the interest paid thereon or yet due and unpaid and the state of the sinking fund; the expenses of collecting and management and all other contingencies; the salaries of officers and servants, the costs of repairs, improvements and alterations; the prices paid for the acquisition of any real estate that may have been acquired for the use of the works; and generally such a statement of the revenue and expenditure of the works as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the works.

(c) The commissioner or commissioners shall also from time to time furnish such information as may be required by the council.

(d) All accounts relating to the works shall be audited by the auditor for the corporation in regular course and the commissioner or commissioners and all the officers shall furnish to the auditor or auditors such information and assistance as may be in their power to enable the auditor or auditors to properly audit such account.

51. The commissioner or commissioners and the clerks employed in their departments shall be sworn before a justice of the peace for the faithful performance of their duties. The commissioner or commissioners shall keep a book for the purpose of recording the whole of their official proceedings and such book shall be open for the inspection in the same manner as the books mentioned in the next preceding section.

TITLE XL.

PENALTIES.

1. Where any fine or penalty is imposed by this Act then if the provisions of part LVIII of *The Criminal Code*, 1892, do not apply and if no other mode is prescribed for the recovery thereof the same may be recovered with full costs by civil action in the Supreme Court at the suit of the city.

2. The council may by any by-law:—

(1) Impose a penalty not exceeding \$100.00, exclusive of costs for breach of any provision of any by-law;

(2) Enact that in case the conviction be for non-payment of any license fee payable to the city under the provisions of any by-law of the city the convicting magistrate may adjudge payment thereof in addition to the penalty.

3. Any such penalty or license fee may (unless other provision is specially made in respect thereof) be recovered and enforced with costs by summary conviction before any justice of the peace having jurisdiction in the city and upon default of payment the person convicted may be committed to any jail or to any public lock-up for any time determined by the said justice unless such penalty, license fee and costs, including the costs of the committal and of the conveyance of the person convicted to the said jail, guard-room or lock-up are sooner paid.

The following form in any such case shall be sufficient:

"City of Lethbridge { Be it remembered that on the
To Wit: { day of
 { A.D., 19... ,

at the City of Lethbridge, C.D., is convicted before under-
signed, one of His Majesty's justices of the peace, for that
the said C.D., (*stating the offence and the time and place
thereof*) day of A.D., 19 . . . , and
instituted (*reciting the title of the by-law*), and I adjudge the
said C.D. for his offence to forfeit and pay to the City of
Lethbridge the sum of dollars to be
paid and applied according to law and also to pay to the said
city the sum of dollars for the license
fee payable by the said C.D. under by-law No. and
to E.F. (the prosecutor) the sum of
dollars for his costs in this behalf.

"And unless the said several sums are paid on or before the day of 19.., I do order that the said C.D. be imprisoned in the city lock-up (or as *he case may be*) for the space of days unless the said several sums together with the costs of the committal and conveyance are sooner paid.

"Given under my hand and seal at the City of Lethbridge
the day and year first above written.
(L.S.) *A.B., J.P.*"

TITLE XLI.

MISCELLANEOUS.

1. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had, if it appears that such date was fixed having regard to an earlier date fixed on or by which certain other things are to be done or proceedings had, then notwithstanding anything hereinbefore contained, if default be made in respect of the earlier date, a like delay shall be allowed in respect of the later date.