

# BILL

No. 68 of 1913.

An Act to Consolidate and Amend the Edmonton Charter.

(Assented to 1913.)

WHEREAS a petition has been presented by the City of Edmonton praying for the consolidation of *The Edmonton Charter* with the amendments thereto and for the inclusion therein of the further amendments hereinafter contained;

And whereas it is reasonable that the prayer of the said petition should be granted;

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

## PART I.

### PRELIMINARY.

1. This Act may be cited as "*The Edmonton Charter*." Short title
2. This Act shall come into operation on the first day of \_\_\_\_\_, 1913. Commencement of Act
3. In this Act the words—Interpretation
  - (1) "City" or "municipality" means the City of Edmonton, as hereby incorporated. City Municipality
  - (2) "Council" and "commissioners" means the municipal council and the commissioners respectively of the said city; Council Commissioners
  - (3) "Elector" or "voter" means a person entitled to vote at municipal and school elections in the said city; Elector Voter
  - (4) "Burgess" means an elector who is such in respect of freehold property; Burgess
  - (5) "Owner" includes any person who has any right, title or estate whatever or interest in land in the city other than that of a mere occupant; Owner
  - (6) "Occupier" or "occupant" means any person who occupies any land in the city under any title whatsoever; Occupier Occupant
  - (7) "Resident" means a person having his fixed or permanent residence within the city; Resident
  - (8) "Person" includes a corporation or partnership; Person
  - (9) "Assessor," "city clerk," "treasurer" means the persons who for the time being hold or occupy the offices of assessor, city clerk, and treasurer, as the case may be, of the City of Edmonton; Assessor City Clerk Treasurer
  - (10) "Special franchise" shall mean every right, authority or permission, whether exclusive or otherwise, to construct, maintain or operate within the city, in, under, above, on, or through any highway, road, street, lane, square, public

place or public water under the jurisdiction of the city, any poles, wires, rails, 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, natural gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, power, transportation, telegraphic, telephonic or other service;

(11) "Judge" means a judge of the Supreme Court of the Province of Alberta; and "court" or "supreme court" means the said court;

(12) "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same, and also includes—

- (a) Land covered with water, and water thereon;
- (b) Trees, bushes, underwood, brush, and other natural products growing upon land, and also crops, sown or planted thereon;
- (c) Mines, minerals, gas, oil, salt, gravel, quarries, and fossils in and under land; and
- (d) In case of special franchises, but in no other cases, machinery, fixtures, buildings, structures, and other things existing, erected or placed upon, in, over, under or affixed to land, or any highway, road, street, lane, square or public place or water, but not the rolling stock of any railway or street railway.

(13) "Referred by-law" means a by-law referred to the vote of the burgesses and assented to by them, as provided by this Act.

(14) "Revised assessment roll" means the assessment roll of the city as finally adopted by the council.

(15) "Revised voters' list" means the voters' list of the city or of any ward thereof as finally revised by the council.

(16) 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, unless the context otherwise requires.

4. Where anything is required to be done on a day which falls on any holiday, such thing may be done on the next day which is not a holiday; 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 aldermen.

5. Where in this Act a certain day is fixed on or by which certain things are to be done or proceedings taken, 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 taken, then notwithstanding anything herein contained, if default be made in respect of the earlier date, a like delay shall be allowed in respect of the later date.

6. Where forms are in this Act prescribed, deviations therefrom not affecting the substance nor calculated to mislead, shall not vitiate the same, and forms to the like effect and in substantial compliance with the provisions of this Act shall suffice.

7. Where power to make by-laws, regulations, rules or orders is conferred, it shall, subject to the provisions of section 243 hereof, include the power to alter or revoke the same from time to time and make others, excepting where by-laws are made for the purpose of raising money, levying assessments or striking rates.

Power to  
alter or  
revoke  
by-laws etc.

## PART II.

### INCORPORATION, BOUNDARIES, ETC,

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

Incorporation  
of city  
boundaries

Commencing at the north-east corner of section twenty-three in township fifty-three in range twenty-four west of the fourth meridian; thence west along the north boundaries of sections twenty-two, twenty-one, twenty and nineteen in said township and range and of sections twenty-four and twenty-three in township fifty-three in range twenty-five west of the fourth meridian to the north-west corner of said section twenty-three; thence south along the west boundaries of the east halves of sections twenty-three, fourteen, eleven and two in township fifty-three, range twenty-five, west of the fourth meridian and of sections thirty-five, twenty-six and twenty-three in township fifty-two in said range twenty-five, to the centre of the North Saskatchewan River; thence following the sinuosities of the centre line of the said river up stream to its intersection with the south boundary of section fourteen in said township fifty-two in range twenty-five; thence east along the south boundaries of sections fourteen and thirteen in said township fifty-two in range twenty-five, and sections eighteen, seventeen, sixteen and fifteen in township fifty-two in range twenty-four, to the north-east corner of said section fifteen; thence north along the east boundaries of sections fifteen, twenty-two, twenty-seven and thirty-four in township fifty-two in range twenty-four, and of river lot twenty-nine in the Edmonton Settlement and the production thereof to the centre of the North Saskatchewan River; thence following the sinuosities of the centre line of the said river down stream to its intersection with the east boundary of river lot thirty-four in the said Edmonton Settlement, produced south; thence north along said production and the east boundaries of said river lot thirty-four and sections fourteen and twenty-three in township fifty-three in range twenty-four to the point of commencement; but excepting and excluding from the locality above described the Village of Calder;

and such persons as shall hereafter become inhabitants of the said locality, are hereby declared to be a municipal corporation and body corporate under the name of "The City of Edmonton," with full power to acquire, hold and alienate both real and personal estate for all municipal purposes, and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever; and they shall have a common seal, with power to alter and modify the same at pleasure; and they shall be in law capable of

receiving by donation, acquiring, holding, disposing of and conveying any property, real or personal, for the use of the city, and of becoming parties to any contracts or agreements in the management of the affairs of the city.

9. The powers of the said corporation shall be vested in and be exercised by the council of the city, subject to the provisions hereinafter contained as to commissioners. <sup>Powers of corporation vested in council</sup>

10. Upon the coming into force of this Act, the several Ordinances, Statutes and enactments specified in schedule A to this Act shall be and are hereby repealed to the extents set forth in the third column of that schedule; and all other Acts and Ordinances inconsistent with this Act, in so far as they relate to the City of Edmonton, shall no longer apply to the said city; 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: <sup>Repeal of previous statutes</sup>

Provided, however, that such repeal shall not be construed as depriving the city of any of its real or personal property or any part thereof, or as in any way affecting its existing rights therein or thereto, nor shall such repeal be deemed in any way to affect, modify or abrogate any by-laws, contracts, rights or property, or other rights and liabilities of, affecting or relating to the city now existing and in force, all of which are hereby saved and reserved entire unless otherwise provided in this Act; and until altered under the authority of this Act all by-laws now existing and in force in the city shall continue in operation:

Provided further that nothing herein contained shall affect the legality of any works undertaken or any proceedings begun, had or taken under the authority of and pursuant to any of the enactments and others hereby repealed, but such works and proceedings may be continued and concluded under the authority of this Act notwithstanding such repeal.

11. Wherever two-thirds of the adult inhabitants who are householders of and in any territory adjacent to the city desire annexation thereto, and present a petition to that effect to the council, and if the council agrees to such annexation or any part thereof, the Lieutenant Governor in Council may by proclamation annex the said territory, or part thereof, to and make it part of the city, from and after such date and on such terms and conditions as the Lieutenant Governor in council may provide; but no such annexation shall be made under this section except on condition that an area of at least five per cent. of the territory proposed to be annexed shall be contributed or allotted by the owners of the lands in such territory or by some of them to the city, to be used as public parks or open spaces or for such other civic purposes as the council may deem most expedient; and in the event of such owners failing to agree as to the area so to be contributed or allotted, the city may purchase such area from any part of the said territory, or may expropriate the same in accordance with the provisions of part X of this Act, and may charge and assess the price or compensation payable therefor against the whole of the owners of lands, in the said territory rateably in proportion to their several interests <sup>Annexations at instance of outside inhabitants</sup>

as appearing from the next ensuing assessment roll, and may collect the several amounts so charged and assessed in the same manner in all respects as the other municipal taxes.

**12.** The Lieutenant Governor in Council may upon the petition of the council of the city and after such inquiry as he may think fit, annex to and include within the city any territory adjacent thereto which from the proximity of streets or buildings or from the probable future exigencies of the city it may be deemed advisable to annex thereto or to include therein. Such annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

**13.** The council, subject to the provisions of the Edmonton-Strathcona Amalgamation Act, may at any time and from time to time by a referred by-law, provide that the city shall be divided into wards, and that of the aldermen to be elected, a number not exceeding six shall be elected from each ward, and shall provide for the retirement of one or more at the expiration of one year and the remainder at the expiration of two years; or for the retirement of all either at the expiration of one year or two years; provided that the number of wards and the number of aldermen to be elected from each ward shall be such that the total number of aldermen to be elected shall be an even number. Such by-law shall take effect so as to be applicable to the then next ensuing election, and the aldermen then in office shall hold office only until the new council so elected meets as hereinafter provided, notwithstanding that the term of office for which they were elected shall not have elapsed.

### PART III.

#### GOVERNMENT OF THE CITY.

##### CITY COUNCIL.

**14.** The council of the city shall consist of the mayor, who shall be at the head thereof, and of such even number of aldermen, not less than ten, nor more than twenty, as the council by by-law shall determine.

**15.** The council 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, it may take up and carry on to completion all proceedings commenced but not completed by the last year's council. Upon the coming into force of this Act the existing mayor and aldermen shall continue to hold office for the full terms for which they have been elected respectively, as if this Act had not been passed.

**16.** The mayor shall be elected annually by a general vote of the electors of the city, in the manner hereinafter provided. He shall hold office for one year, being the calendar year then next following the year in which the election is held, but he may be re-elected.

17. The portion of the city south of the Saskatchewan River shall be represented in the council by such number of aldermen, elected by the votes of the electors of the whole city as herein defined, as shall bear to the total number of aldermen composing the council the proportion which the population of the portion of the city south of the Saskatchewan River bears to the population of the whole city, but in any event by not less than three aldermen exclusive of the mayor.

Representation  
by aldermen  
south of river

18. For the purpose of ascertaining the number of representatives to which the portion of the city south of the Saskatchewan River is entitled, a census shall be taken once in each year. In computing the number of aldermen, any fraction less than one-half shall be disregarded, and any fraction equal to or exceeding one-half shall be considered a whole unit.

Annual  
census to be  
taken

19. At each annual election of aldermen there shall be first declared elected the proper number of candidates to which the portion of the city south of the Saskatchewan River is entitled, under the terms hereof who reside and have more than one-half in assessed value of the property for which they are assessed in the City of Edmonton in that portion of the city south of the Saskatchewan River, who receive the highest number of votes; and there shall be declared elected a sufficient number of the remainder of the candidates having the highest number of votes to make up the number required to complete the council irrespective of their places of residence and of the situation of the property for which they are assessed.

Election of  
aldermen

20. Subject to the provisions of the three immediately preceding sections, there shall be an annual election of aldermen, in manner hereinafter provided, one-half the number of aldermen retiring each year and others being elected in their place, but with right of re-election of all or any of the retiring aldermen. At the next ensuing election after the passing of this Act, of the aldermen representing that portion of the city south of the Saskatchewan River, two shall retire, and of the others three shall retire; and in like manner at the election to be held in the year 1914, of the aldermen representing that portion of the city south of the said river one shall retire, and of the others four shall retire, and so on in alternate years thereafter. The term for which an alderman shall be elected shall be in all cases two years, being the two calendar years next following the year in which the election is held.

Rotation  
of aldermen

21. No person shall be eligible for election as mayor, or alderman, 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 the English language, is not subject to any disqualification under this Act, is resident within the city, and is at the time of the nomination owner of free-hold estate within the city of the value of \$500 over and above charges, liens and encumbrances affecting the same, and has his name on the last revised assessment roll.

Persons  
eligible  
for election  
to council

22. No judge of any court of civil jurisdiction, no sheriff, no deputy sheriff, no gaoler, or keeper or any house of correction, no constable, assessor, auditor or other paid

Disqualifica-  
tions

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 any officer or employee of the city and no person who has been convicted of treason or felony, or who is at the time of the nomination, bankrupt or insolvent within the meaning of any insolvency Act, in force in the province, shall be qualified to be a member of the council.

(2) No person shall be disqualified from being elected a member of the council by reason of his having a contract for the publication of any advertisement for the city in any public newspaper, or 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 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 such company.

**23.** It shall not be competent for the council to appoint any member of the council to any office or place of profit in their gift or disposal <sup>Offices of profit</sup>

#### VACANCIES.

**24.** The mayor or any alderman may resign his seat in the council at any time by giving written notice to the city clerk, who shall bring the same to the notice of the council at its next meeting, and the said resignation shall take effect, and the seat shall become vacant upon the receipt of the said notice by the city clerk. <sup>Resignations from council</sup>

**25.** If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any insolvency Act in force in Alberta, or assigns his property for the benefit of his creditors, or absents himself from the meetings of the council for three consecutive 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. <sup>Forfeiture of seat</sup>

**26.** In the event of a member of the council forfeiting his seat at the council or his right thereto as before provided, or of his becoming disqualified to hold his seat or of his seat becoming vacant by disqualification or otherwise, he shall forthwith resign his seat, and in the event of his refusing or omitting to do so within ten days thereafter, proceedings may be taken to unseat him as hereinafter provided. <sup>Compulsory resignation</sup>

**27.** If a seat in the council becomes vacant by death, resignation or otherwise, an election to fill the vacancy shall forthwith be held in the manner as nearly as may be as other elections under this Act, and if the seat in the council of the mayor or an alderman whose term would not otherwise have expired at the end of the then current year become vacant after the first day of November in any year, then such vacancy may be filled by the election of a mayor or an extra alderman at the next general election, and the person obtaining the next highest number of votes after the regular number of aldermen or mayor and aldermen shall be elected to fill the vacancy. <sup>Casual vacancies, how to be filled:</sup>

as the case may be, have been elected, shall be the person to fill such vacancy, and in such cases every elector shall be entitled to vote for one extra candidate for each vacancy to be filled, and in case no more candidates are nominated than the number required to be elected, the candidate last nominated shall be deemed to be elected to fill such vacancy.

#### MEETINGS OF COUNCIL.

28. The first meeting of the council in each year shall be held on the first Monday in 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 public holiday; and the council of the previous year shall hold office until the new council meets.

29. The regular subsequent meetings of the council shall be held on such days as the council may fix and determine, whether by by-law or otherwise.

30. The council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the mayor or other person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting; provided, however, that the council may, before entering on the discussion of any business which they are of the opinion should in the public interest be considered in private, resolve that the public be excluded, and the mayor or other person presiding at the meeting may thereupon direct such exclusion.

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

#### MAYOR.

32. 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 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.

33. The mayor may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the city for such time not exceeding fifteen days as shall be stated in the appointment. Such special constable shall for the time being form a part of the police force of the city.

34. The mayor may suspend any municipal officer, other than a commissioner of the city, and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is dismissed, such officer shall receive no salary or remuneration from the date of such suspension, unless the council by resolution otherwise determine.



35. The mayor shall preside at all meetings of the council. <sup>To preside at meetings</sup>  
He shall preserve order and enforce the rules of the council.

36. The council may at its first meeting and every three months thereafter from amongst its members appoint a deputy mayor, who shall hold office for three months and until his successor is appointed, and who in case the mayor through illness, absence, or any other cause is unable to perform the duties of his office, or in case his office is vacant, shall have all the powers of the mayor, and shall discharge his duties during such inability or vacancy. <sup>Deputy mayor</sup>

37. If the person who ought to preside at any meeting 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. <sup>Chairman</sup>

38. 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. <sup>Vote</sup>

39. The mayor may call special meetings of the council whenever he deems it expedient, and shall do so whenever requested in writing so to do by a majority of the council, and all members of the council shall be duly notified of the meeting at least twenty-four hours prior thereto and (in general terms) of the business to be transacted thereat. <sup>Special meetings</sup>

40. If so requested at any time by the written petition of thirty electors, the mayor shall, by a printed public notice conspicuously posted at the city hall and in at least ten public 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. <sup>Public meetings</sup>

#### COMMISSIONERS.

41. Subject to the legislative jurisdiction of the council as set forth in part V of this Act, there shall be vested in commissioners to be appointed as herein provided, and to be called "The Commissioners of the City of Edmonton," a general executive jurisdiction over the affairs of the city, including the care, management and control of the police force, fire brigade and other public services, and the public works and utilities of the city, and of all property, works, improvements, roads, streets and public places owned or controlled by the city or over which its jurisdiction extends, and such other powers and duties as may be delegated to them by the council. In so far as the jurisdiction of the commissioners extend, the executive jurisdiction of the council shall be excluded. <sup>Powers and duties of commissioners</sup>

(2) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of any matters under the jurisdiction and control of the commissioners, and the city treasurer shall upon the written certificate of any commissioner or commissioners pay out any moneys so provided.

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

43. In addition to the mayor, who shall be *ex officio* a commissioner, there shall be one or more commissioners appointed by the council. No person shall be appointed a commissioner except by a vote of not less than three-fourths of all the members of the council, and the appointed commissioner shall hold office during the pleasure of the council, but shall not be dismissed except by a vote of not less than two-thirds of all the members of the council. Appointment and tenure of office

44. The council shall fix the annual salary to be paid to each of the commissioners, including the mayor, and the salary so fixed shall not be decreased during the tenure of office of each commissioner. Salaries

45. Every commissioner shall before taking office give such security for the performance of his duties as the council shall require. Security to be given

46. No commissioner shall, after and during his appointment, have any personal interest, direct or indirect, in any contract with the city. Not to be interested in contracts

47. In case any appointed commissioner is incapable through illness or other cause of performing the duties of his office, the council may appoint a substitute, who during such illness, absence or other incapacity shall have and exercise all the powers of such commissioner. Incapacity

48. The commissioners shall annually submit to the council at its first meeting after the annual election recommendations and estimates for the expenditure which in their opinion should be made by the city during the then ensuing year. The council shall thereupon deal with the same and shall provide the necessary funds for such expenditures as they determine to make. Annual estimates

49. The commissioners shall keep books for the purpose of recording the whole of their official proceedings, and also regular books and accounts of and relating to each separate public work or public utility under their charge and control, and such books shall be open to the examination of any member of the council or any person appointed for that purpose by the council. The accounts of the commissioners shall be subject to the provisions hereinafter contained relating to the audit of the city accounts. Books to be kept by commissioners

50. The commissioners shall also from time to time furnish such information as may be required by the council or any member thereof regarding the matters and affairs under their management and control. Information to be given to council

## OFFICIALS.

51. The council may appoint a city clerk, a city treasurer, <sup>City officials</sup> a city solicitor, an assessor and one or more auditors, and they may also appoint such other officials as they deem necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any by-law of the city. The same persons may be appointed to more than one of such offices. Any such officials so appointed shall, in addition to the duties herein prescribed, perform such other duties as the council may from time to time prescribe.

52. The council shall not make any appointment to office <sup>Appointments not to be by tender</sup> or any arrangement for the discharge of the duties of any municipal office by tender or to applicants at the lowest remuneration.

53. All officers appointed by the council shall hold office <sup>Tenure of office</sup> during the pleasure of the council, or according to the terms expressed in the resolution or by-law by which they are appointed, and in addition to the duties assigned to them by this Act or by general law of the province shall perform such other duties as may be required of them by the by-laws of the city.

54. In addition to defining the duties of any officer, the <sup>Security to be given</sup> council may by by-law require him to give such security as they may 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.

55. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for <sup>Bonds of guarantee companies</sup> the integrity and faithful accounting of public officers or servants or persons occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the city.

56. Every officer, servant and agent of the city shall be <sup>Liabilities</sup> personally liable for any damage arising from his acts or default, 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 city, in addition to any penalties otherwise imposed for the said acts or defaults.

57. The council may grant any officer who has been in <sup>Gratuities for long service</sup> 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.

## CITY CLERK.

58. The city clerk shall attend all meetings of the council, <sup>Duties of city clerk</sup> 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 the books,

documents, records and securities of the council, and the originals, or duly certified copies, of all the by-laws thereof. It shall be his duty to summon all meetings of the council, to communicate the resolutions or instructions of the council to the parties concerned therein, and to conduct the general official correspondence of the council and the city.

59. 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 incapacity, and during such period the person so appointed shall have all the powers of the city clerk. <sup>Abandon</sup>

60. Any elector may at all reasonable times inspect any account or claim presented to the commissioners or the council, any contract, any by-law, any report of the commissioners, or of any committee, or of any officer of the city (other than a report of the city solicitor or of any counsel engaged by the city) after the same has been submitted to the council, and the minutes of any regular or special meeting of the council, and also assessment rolls, voters' lists, poll books and other documents relating to any election of voting upon any referred by-law, and the city clerk shall within a reasonable time after demand by such elector furnish him with copies of any such documents or extracts therefrom on payment of a charge at the rate of ten cents per hundred words. <sup>Records open to inspection</sup>

61. A copy of any such book, record, document or account, certified under the hand of the city clerk and the city seal, 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. <sup>Copies of records</sup>

#### CITY TREASURER.

62. The city treasurer shall collect, 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 the by-laws of the council. <sup>Duties of city treasurer</sup>

63. 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, or such other person as the council shall from time to time appoint, sign all necessary cheques. <sup>Deposits and cheques</sup>

64. The council by resolution may authorize any and all superintendents of departments to deposit all moneys daily received by them direct in the city's bank to the credit of the city. <sup>Banking by heads of departments</sup>

65. The treasurer shall keep and make use of such books of record and account as the council shall from time to time require him to keep and use, including the debenture register required by the provisions of this Act, and he shall also prepare and submit to the council half-yearly a correct statement of the moneys at the credit of the city. <sup>Books</sup>

66. The financial year of the city shall commence on the first day of January, and shall close on the thirty-first day of December in each year. <sup>Financial year</sup>

#### CITY SOLICITOR.

67. The council may appoint a member of the Law Society of Alberta as city solicitor, and may determine his duties and the terms and period of his employment. <sup>Appointment</sup>

68. In case the remuneration of the city solicitor so appointed is to be paid 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 the terms of the engagement of the city solicitor payable to him as part of his remuneration in addition to his salary. <sup>Remuneration</sup>

#### AUDITOR.

69. The council shall at its first meeting in each year, or within two months thereafter, appoint one or more auditors, but no one who then or during the preceding year is or was a member of the council, or is or was city clerk or city treasurer, or who has or 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 on behalf of the city (except as auditor) shall be so appointed. A partnership or an incorporated company may be appointed as auditor. <sup>Appointment of auditor</sup>

70. 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 stamp thereon in indelible letters the word "Audited" and initial the same. <sup>Audit</sup>

71. The auditor shall on every occasion write a special report on and regarding all expenditures contrary to law, by-law or resolution, and shall deliver the said report to the mayor, who shall lay the same before the council at its next meeting. <sup>Special reports</sup>

72. The council may by by-law provide that the auditors shall audit all accounts before they are paid. <sup>Audit before payment</sup>

73. On or before the first day of March in each year the auditor shall prepare in such form as the council may by resolution direct, an abstract of the receipts, expenditures, assets and liabilities of the city for the financial year ending on the thirty-first day of December of the preceding year, including a statement showing the total amount of debentures, authorized to be issued, the debentures actually issued, those actually sold or otherwise disposed of, and how disposed of, and those remaining on hand, together with a special report on and regarding any illegal or improper expenditures or matters of account. The said abstract and report shall be delivered forthwith or as soon as may be to the mayor, and laid by him before the next meeting of the council, and the council shall on or before the first day of April in each year cause the said abstract and report, <sup>Auditor's actual abstract of city accounts</sup>

with a copy of the auditor's certificate, to be printed in full, and a reasonable number of copies to be kept at the offices of the treasurer for the information and inspection of the electors.

74. Any elector may inspect the said abstract and report, <sup>Inspection of abstract</sup> and may by himself or his agent and at his own expense take a copy thereof or extract therefrom, and any elector shall be entitled to be supplied with printed copies, if there are sufficient prints available, on payment of a charge of fifty cents per copy.

75. On or before the fifteenth day of April each year the <sup>Publication of abstract</sup> 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.

#### OATHS OF OFFICE.

76. Every member of the council, every commissioner <sup>Oaths to be taken</sup> appointed by the council, the city clerk, city treasurer, city solicitor, city assessor, city engineer, and every other civic officer who may by the terms of his employment 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 offices in case of a person who has been appointed to two or more offices which he may lawfully hold at the same time)* to which I have been elected *(or appointed)* in the 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 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."

77. Any person who has been elected or appointed to <sup>Holders of more than one office</sup> 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.

78. The declaration of office to be made and subscribed <sup>Oath of auditor</sup> by every auditor shall be as follows:

"I, A.B., having been appointed to the office of auditor for the City of Edmonton, 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 during the preceding year directly or indirectly, any share or interest whatever in any contract or employment *(except that of auditor, if reappointed)* with, by, or on behalf of the city, and that I have not now any such contract or employment except that of auditor for the present year. So help me God."

79. The mayor and aldermen and the other civic officers <sup>Before whom oaths to be taken</sup> who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some notary public, commissioner for taking affidavits or justice of the peace.

80. The mayor or any notary public, commissioner for <sup>Power to administer oaths</sup> taking affidavits or justice of the peace may administer any oath, affirmation or declaration herein provided for in any way relating to the business of the city, except where otherwise specially provided, and except where he is the person required to make the oath, affirmation or declaration.

81. The deponent, affirmant or declarant shall subscribe <sup>Deposit of oath</sup> 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.

82. The mayor, or in his absence the presiding officer <sup>Other oaths</sup> of the council, or of any committee thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council or any committee thereof.

## PART IV.

### MUNICIPAL ELECTIONS.

#### VOTERS' LIST.

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

84. The council may by <sup>Non payment of taxes.</sup> by-law declare that no person shall be entitled to vote who has not on or before a day to be named therein paid all taxes due by him to the city, either for the current year, or all arrears of taxes, or both.

85. Where such by-law has been adopted, on or before <sup>Defaulters' list</sup> the day of nomination of candidates the assessor shall prepare and verify on oath a correct alphabetical list of the names of all persons who have not complied with the terms of any such by-law, such list to be called "the defaulters' list."

(2) Any person named in such defaulters' list may vote at an election, if at the time of tendering his vote he produces and leaves with the officer presiding at such election a certificate from the assessor showing that the taxes in respect of which default has been made have been paid, and such officer shall file such certificate, receive the vote, and note the same on the defaulters' list.

86. The assessor shall on or before the seventh day <sup>Preparation of voters' list</sup> of July, in each year, prepare a voters' list in alphabetical form. He shall place thereon—

- (a) The names of all persons, both male and female, of the full age of twenty-one years who are assessed on the last revised assessment roll. Where real property is owned by two or more persons and is assessed in their names, each of them shall be deemed to be assessed within the meaning of this Act.
- (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. And whenever it is necessary to administer to such officer any oath under the provisions of this part of this Act, the form set out in section 271 of this Act shall be used.
- (c) The name of every person who on or before the first day of June in each year shall make written application to the assessor to have his name placed on the voters' list as a tenant, and shall in such application make affidavit, duly sworn before a commissioner for taking affidavits, that the applicant is a subject of His Majesty by birth or naturalization, is of the full age of twenty-one years, and has since the first day of January last preceding, by himself or by himself and his family, occupied a house or a portion of a house in the city as his fixed residence, and has paid or is liable to pay rent therefor at a rate of not less than \$100 per annum.

And the assessor shall distinguish on the said list the names of all burgesses, and shall specify the number of votes to which in voting upon referred by-laws, they are respectively entitled; and the assessor shall cause such voters' list to be printed with the next following two sections hereof prefixed thereto. Copies thereof shall be posted up in the office of the assessor and in three other conspicuous and public places in the city on or before the thirty-first day of July; and notice of such posting shall be published once in each week for two successive weeks in a newspaper published in the city.

87. Any person who is otherwise duly qualified, but whose name does not appear on the voters' list, or whose name has by reason of any error, omission or inadvertence been omitted from the assessment roll, may either by himself or his agent apply to have the voters' list amended by giving to the assessor a notice that he intends to apply to the commissioners to have his name added to the voters' list, and stating his qualifications; any person whose name appears on the voters' list as prepared by the assessor, and who challenges or takes objection to the name of any other person appearing on such list, on the ground that such other person is not duly qualified to be a voter, in terms of this Act, may apply by similar notice to the assessor to have the voters' list amended by striking out the name of such other person, stating in such notice the grounds of his challenge or objection to the qualifications of such other person.



88. Notices may be given to the assessor under the preceding section by sending the same to him by registered post, or serving the same upon him in the way service is usually effected and such notices may be so given on or before the fourteenth day of August in any year.

89. On or before the fifteenth day of August the assessor shall make a list of all applicants for amendments of or to the voters' list, stating the names and grounds of each of such applications; and shall post the same in a conspicuous place in his office; and he shall immediately thereafter, by advertisement in one or more newspapers published in the city, give public notice of the time and place fixed by the commissioners for hearing such applications.

90. Not later than the twentieth day of August in each year, the commissioners shall meet as a court of revision on the voters' list, and shall then hear and determine all applications of which notice has been given to the assessor as hereinbefore provided; and the assessor shall thereupon amend the voters' list in all cases provided for by section 87 hereof, as may be right, and the list so amended shall be the voters' list for the ensuing year or until a new voters' list has been finally revised; and forthwith thereafter, if the elections are to be from wards, the assessor shall prepare a list of the electors entitled to vote in each ward, designating thereon those not entitled to vote for mayor in each ward. An elector shall be entitled to vote (except for mayor) once in each ward in which is situate any land or business in respect of which he is assessed, and once in the ward in which he resides, if he is assessed in respect of a special franchise, and shall be entitled to vote for mayor in that ward only in which he resides and not elsewhere:

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

The voters' list shall be finally revised and shall be corrected by the assessor in accordance with the decisions of the commissioners and shall when so revised and corrected by the voters' list of the city, and shall remain in force until a new voters' list has been prepared.

91. The commissioners and council respectively when sitting as a court of revision on the voters' list, shall have the power of taking all requisite evidence on oath.

92. The deputy returning officer in charge of any polling place shall while the poll is open, if required by any person whose name, or by the chief resident officer of any bank, incorporated company or corporation for which he is entitled to vote the name of which is not on the revised voters' list, and who shall present to him a certificate signed by the assessor stating that such person, bank, incorporated company or corporation is assessed on the last revised assessment roll, administer to him one of the following oaths, and such oath having been taken the deputy returning officer shall at once cause the name of such person, bank, incorporated company or corporation, to be added to the voters' list, with the words "Certificate," "Sworn" written thereafter.

OATH.

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

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

ELECTIONS: GENERAL PROVISIONS.

93. The council may from time to time by by-law— <sup>Polling subdivisions</sup>
- (a) Divide the city into polling subdivisions for the purpose of elections or votings of the burgesses;
  - (b) Appoint the places at which polls shall be opened in case a poll or vote is required: provided that the boundaries of the subdivisions for elections and votings may be different.

94. In all elections and votings required under any of <sup>Returning officer</sup> the provisions of this Act, the city clerk shall, unless the council shall otherwise specially provide by by-law, be *ex officio* returning officer; and he shall unless the council shall otherwise specially provide by by-law, appoint such deputies, polling clerks, constables and other persons, provide all necessary means and do all acts that may be required for the purpose of holding the election or taking the votes; and in case any polling place named in any by-law be not available, he shall provide a convenient place in the vicinity and shall post a notice at the regular polling place stating the place to which the poll is removed or station some person thereat for the purpose of directing voters.

(2) In case the council shall determine to make special provision, it shall at least one week prior to the last Monday in November in any year by by-law, appoint a returning officer for the next municipal elections in which case the returning officer so appointed shall have all the powers of the city clerk in his capacity of returning officer.

95. Every returning officer, deputy returning officer <sup>Returning officers to be sworn</sup> and assistant deputy returning officer appointed to act at an election shall before entering upon the duties of his office, make and subscribe a solemn declaration to the effect following:

"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 (*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."

**96.** When any oath or affirmation or declaration is required <sup>Before whom</sup> to be taken or made by a deputy returning officer or assist- <sup>oaths to be</sup> ant deputy returning officer, and no special provision is taken herein made therefor, the same may be made before the poll clerk or before any justice of the peace or commissioner for affidavits, and the returning officer or any justice of the peace or commissioner for affidavits may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

**97.** The returning officer shall at least six days previous <sup>Notice of</sup> to the first Monday in December, post up at the city hall <sup>election</sup> and in ten conspicuous places in the city, and shall advertise at least twice in one or more newspapers published in the city, a notice in the following form:

“NOTICE.

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

“Public notice is hereby given that a meeting of the electors of the City of Edmonton will be held at (*description of place*) on Monday the.....day of December, 19.... (*here fill in the date on which the first Monday in December falls*) from eleven a.m. until noon, for the purpose of nominating candidates for the office of mayor of the city and of aldermen for the next ensuing two years.

“Given under my hand at Edmonton this..... day of....., 19....

G.H.,  
Returning Officer.”

**98.** Nominations shall be made and received during the <sup>Nominations</sup> time and at the place mentioned in the notice. All nominations shall be in writing and signed by two or more duly qualified voters whose names appear on the last revised assessment roll. If the number of persons nominated to serve as mayor and aldermen does not exceed the requisite number, the returning officer shall declare the person or persons so nominated duly elected.

**99.** Every nomination for mayor or aldermen shall be <sup>Consent of</sup> accompanied by a written consent from the person named <sup>nominee</sup> in such nomination to accept the office if elected.

**100.** In the event of more than the required number of <sup>Poll, if</sup> persons being nominated, the returning officer shall declare <sup>more</sup> that a poll will be held, and shall name the time (which <sup>candidates</sup> shall be on the same day of the week as the nomination <sup>than</sup> but in the next following week), the place or places where <sup>vacancies</sup> the votes are to be polled, and the deputy returning officer and the assistant deputy 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.

**101.** Whenever a poll has to be taken, the returning officer shall without any unreasonable delay after the nominations <sup>Notice of</sup> cause to be posted at the city hall and in at least ten con- <sup>poll</sup> spicuous places within the city, and shall advertise at least twice in one or more newspapers circulating in the city, a notice in the following form:

## "NOTICE.

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

"Public notice is hereby given that a poll has been granted for the election of mayor of the City of Edmonton and of alderman for ward No. 3 (*or as the case may be*) for the year 19...., and that the polling will take place on (*here insert the date of polling*) the.....day of December, 19...., from nine a.m. till five p.m., at the following places: (*here specify polling places*).

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

"Given under my hand at Edmonton this.....day of December, 19....

G.H.,  
Returning Officer."

102. 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 or deputy 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.

Withdrawal of  
candidate

103. 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 any such office, the polling for such office shall not take place; and the returning officer shall forthwith post up at the city hall and in ten conspicuous places in the city, and shall advertise at least once in one or more newspapers published in the city, a notice to the following effect:

Abandonment  
of poll if  
sufficient  
withdrawals

## "NOTICE.

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

"Whereas, Mr.....nominated for the office of alderman for ward No....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 Edmonton this..... day of December, 19....

G.H.,  
Returning Officer."

104. In case of a poll, the votes shall be given by ballot.

Vote by  
ballot

105. Where a poll is required, the city clerk shall procure as many ballot boxes as appear to be required.

Ballot boxes  
to be  
supplied

106. 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 be unlocked.

Their  
construction

**107.** When it becomes necessary for the purpose of an election to use the ballot boxes, it shall be the duty of the city clerk (if a separate officer) to deliver the same to the returning officer who shall at least two days before the polling day deliver a sufficient number of ballot boxes to every deputy returning officer (or assistant deputy returning officer) appointed for the purposes of the election. <sup>Their distribution</sup>

**108.** Where a poll is required, the returning officer shall forthwith cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purposes of the election. <sup>Ballot papers to be printed</sup>

**109.** Every ballot paper shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames, and when there are two or more candidates with the same surname, in the order of their Christian names. <sup>Contents of ballot paper</sup>

(2) The names of the candidates for mayor shall not be included in the same ballot paper with the names of the candidates for aldermen; but one kind or set of ballot papers shall be prepared for all the wards containing the names of the candidates for mayor; and another kind or set shall be prepared for each ward containing the names of candidates for aldermen in the ward:

Provided that until a ward system is established the names of the mayor and aldermen may be included in the same ballot paper.

**110.** The ballot papers shall be in the following forms: <sup>Form of ballot paper</sup>

FORM FOR MAYOR.

Election for members of the Council of the City of Edmonton for 19 . . .	FOR MAYOR	ALLAN, Charles Allan, of the City of Edmonton, Merchant.
		BROWN, William Brown, of the City of Edmonton, Banker.

FORM FOR ALDERMEN.

Election for members of the Council of the City of Edmonton for 19 . . .	FOR ALDERMAN.	ARGO, James Argo, of the City of Edmonton, Gentleman.
		BAKER, Samuel Baker, of the City of Edmonton, Baker.
		DUNCAN, Robert Duncan, of the City of Edmonton, Printer.

111. Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the ward or polling subdivision for which such deputy returning officer has been appointed to act, and such other materials as are necessary in order to enable the electors to mark their ballot papers; and such ballot papers and other materials shall be delivered by the deputy returning officer of the ward or polling subdivision to his assistant deputy returning officer if any has been appointed.

112. 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.

(2) Such directions shall be printed in conspicuous characters and may be according to the following form:

“DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

“The voter will go into one of the compartments, and with the pencil provided in the compartment place a cross, thus (X), on the right hand side opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates.

“The voter will fold up the ballot paper so as to show the name or initials 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 paper so folded to the deputy returning officer (or assistant 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 paper.

“If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void, so far as relates to that office, and will not be counted for any of the candidates for that office.

“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 the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

“In the following forms of ballot paper given for illustration the candidates are for mayor, Jacob Thompson and Robert Walker, for aldermen, John Bull and Morgan Jones, and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor, and the second ballot paper in favour of John Bull for alderman.”

Election for members of the Council of the City of Edmonton for 19....	FOR MAYOR	THOMPSON, Jacob Thompson, of the City of Edmonton, Merchant. X
		WALKER, Robert Walker, of the City of Edmonton, Physician.
Election for the mem- bers of the Council of the City of Edmon- ton for 19...	FOR ALDERMAN	BULL, John Bull, of the City of Edmonton, Butcher. X
		JONES, Morgan Jones, of the City of Edmonton, Grocer.

113. Every polling place shall be furnished with a com-<sup>Voting</sup>partment or compartments in which the voters can mark<sup>compartments</sup> 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 or are provided at each polling place.

114. Every deputy returning officer (or assistant deputy<sup>Poling up</sup> returning officer) shall before the opening of the poll, or<sup>of directions</sup> 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 close of the polling.

115. The returning officer shall before the poll is opened<sup>Copy of</sup> deliver to every deputy returning officer and assistant<sup>voters' list</sup> deputy returning officer a copy certified by the assessor to be a correct copy of the voters' list for the ward or polling subdivision for which such deputy returning officer or assistant deputy returning officer is to act, and a blank poll book in which to record the names and qualifications of the electors who vote.

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

Poll book

REMARKS		
Refused to swear.		
Sworn.		
Objected to.		
Voted for	School Trustee.	
	Alderman.	
	Mayor.	
Legal addition.		
Residence.		
Qualifications.		
NAME.		

117. 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 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

Certificate to  
persons  
attending  
other than  
their own poll



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.

**118.** 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 at 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 such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent during the whole of the day of polling, nor to vote for alderman or aldermen except in the ward where he would otherwise be entitled to vote.

**119.** In case a deputy returning officer (or assistant deputy returning officer) votes at the polling place to which he has been appointed as such, the 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.

#### ELECTIONS: PROCEDURE.

**120.** In the following sections 121 to 175 both inclusive the deputy returning officer, or assistant deputy returning officer, acting as such at any polling place at a municipal election, is referred to "as the officer presiding at the poll."

**121.** In the event of the returning officer not having made the necessary appointments, the officer presiding or appointed to preside at any poll at an election may by writing under his hand appoint such number of poll clerks as he shall deem necessary who in the absence of the deputy returning officer, or assistant deputy returning officer, or in case of his illness or inability to fulfill the duties required of him by this Act, shall have the powers of the officer by whom he was appointed.

**122.** In the event of the returning officer not having already done so, the officer presiding at the poll may also appoint a constable or constables to maintain order at the polling place, or he may summon to his assistance in the polling place any police constable or peace officer 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 the provisions of this Act.

**123.** 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 justice of the peace or before the city clerk, or (in the case of a poll clerk or con-

stable 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 has voted at the election to be held in the City of Edmonton on the . . . . . day of . . . . ., A.D. 19 . . . ., 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."

**124.** The polls shall be kept open in any event from nine o'clock in the forenoon until five o'clock in the afternoon of the same day; provided that the council may at any time extend the time for keeping open the polls until not later than eight o'clock in the afternoon. <sup>Polling hours</sup>

**125.** 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. <sup>Agents</sup>

**126.** Every elector may vote once only for mayor. <sup>One vote for mayor</sup>

**127.** Every elector may vote for alderman (or aldermen) once in each ward, if his name (or a name intended for his) appears upon the voters' list for the ward, but not otherwise; and where an elector is entitled to vote for aldermen in more than one ward, the returning officer shall, having regard to the elector's request, if any, determine one ward in which only he may vote for mayor. <sup>Vote in each ward for aldermen</sup>

**128.** Any person who votes more often than he is entitled to do under the provisions of this Act shall incur a penalty of \$50. <sup>Penalty</sup>

**129.** The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. <sup>Evidence of voting</sup>

**130.** 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 his view and locked and sealed during the hours of polling. <sup>Exhibition of ballot box</sup>

**131.** Where 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: <sup>Presiding officer's duties</sup>

(1) He shall ascertain that the name of such person (or a name apparently intended therefor) is entered upon the voters' list for the ward or 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 column of the poll book, the name, qualification, residence and occupation or 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 any candidate or his agent demands that the voter be sworn, the officer presiding at the poll shall administer to him the following oath:

"You swear (*or solemnly affirm*) that you are a natural born (*or naturalized*) subject of His Majesty, of the full age of twenty-one years, and 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 in this ward (*or, if the elector is tendering his vote for mayor, or if there be no wards*) that you have not voted before or elsewhere for mayor at this election (*if there be no wards leave out the words "for mayor"*);

"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 to you, either 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 the said oath, 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 the fact.

(6) Where the voter has been required to take 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 officer presiding at the poll takes or receives such vote or causes the said to be taken or received, he shall incur a penalty of \$100.

(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.

**132.** 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. Explanations to voter

**133.** Every officer presiding at the poll who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by subsection 7 of section 131 hereof, shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling subdivision upon which the said officer presiding at the poll has not signed his initials as aforesaid. Breach of duty by presiding officer

**134.** The officer presiding at the poll shall place in the columns of the poll book headed "mayor," "alderman," 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 mayor, alderman or school trustee, as the case may be. Initialing poll book

**135.** 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 section 112 hereof by placing a cross 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 immediately after leaving the compartment shall without delay and without showing the front to any one or so displaying the ballot paper so as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper, deliver the ballot paper so folded to the officer presiding at the poll, who shall without unfolding the same or in any way disclosing the names of the candidate 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. Procedure in voting

**136.** While a voter is in a voting 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. Secrecy of vote

**137.** 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 Ballot papers not used

the said officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same.

138. In the case of an application by a person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper, or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, or (where the voting is on a Saturday) that he is of the Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 135 hereof, 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 the ballot paper in the manner directed by such person, and shall immediately place the ballot paper in the ballot box.

2. The officer presiding at the polls shall state or cause to be stated in the poll book, by an entry opposite the name of such person, 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 . . . . ., being numbered . . . . . on the voters' list for polling subdivision No. . . . . in ward No. . . . . of the City of Edmonton, and being a duly qualified elector of the City of Edmonton, do hereby declare that I am unable to read (or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, as the case may be).  
"A.B., his (X) mark.

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

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 the 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 ward No. . . . . (or polling subdivision No. . . . . in ward No. . . . .) of the City of Edmonton, 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.

"(Signed)

C.D.

"Deputy Returning Officer,  
(or Assistant Deputy Returning Officer).

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

139. 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 till he makes his return under section 152 hereof.

**140.** 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 voters who are for the time being actually engaged in voting. Persons entitled to be in polling place

**141.** 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: Procedure at close of poll

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 be 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 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.

**142.** The officer presiding at the poll shall take a note of any objection made by a 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. Objections to be noted

**143.** 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. Ballot papers objected to to be numbered and initialed

**144.** 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. Rejected ballot papers

**145.** The officer presiding at the poll shall then 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 following heads: Counting the votes

- (a) Name or number of ward or polling subdivision, and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

**146.** 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. Signed statement

**147.** Not more than one agent 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. <sup>Number of agents</sup>

**148.** Every officer presiding at a poll, upon being requested so to do, 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. <sup>Certificate of count</sup>

**149.** 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 the 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 ward or polling subdivision: <sup>Certificate on poll book and sealing up of packages</sup>

- (a) The statement of votes given for each candidate 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 not 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 138 hereof, with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box.

**150.** 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: <sup>Presiding officer's oath on return</sup>

"I, C.D., the undersigned deputy returning officer (or assistant deputy returning officer) for ward No. .... (or for polling subdivision No. .... of ward No. ....) of the City of Edmonton, 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 ward (or polling subdivision) at the election held on the ..... day of December, 19.., were so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

C.D.

Deputy Returning Officer.

(or Assistant Deputy Returning Officer)"

"Sworn (Or affirmed) before me at the City of Edmonton this..... day of..... A.D., 19..

K.Y.

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.

**151.** The deputy returning officer (or assistant deputy returning officer) shall forthwith deliver such packets <sup>Delivery to returning officer</sup> 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 the 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.

**152.** The packets shall be accompanied by a statement <sup>Ballot paper account</sup> 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."

**153.** 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 of ballot papers, cast up from 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, but subject always to the provisions of section 19 of this Act. He shall also post up at the city hall a statement under his hand showing the number of votes polled for each candidate. <sup>Declaration of election by returning officer</sup>

**154.** In case it appears upon the casting up of the votes as <sup>Returning officer's casting vote in case of tie</sup> 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.

**155.** Except in such case no returning officer shall vote at <sup>No vote in any other case</sup> any election.

**156.** All deputy returning officers, assistant deputy returning officers, poll clerks and constables shall, if otherwise <sup>Other officers not disqualified</sup> qualified, be entitled to vote.



**157.** The person or persons elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly. Assumption of office by persons elected

**158.** When in the sections of this part of this Act 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 expressions 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. Candidates and agents

**159.** 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 138 hereof. Candidate acting on his own behalf

**160.** No election shall be declared invalid by reason of a non-compliance with the provisions of this Act as to the holding of a poll or the counting of the votes, or by reason of a 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 non-compliance, mistake or irregularity did not affect the result of the election. Errors not affecting results

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

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

**163.** 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 evidence 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. Inspection of ballot papers with city clerk

**164.** The order shall state the time and place for inspecting such papers, and shall name the persons to be present at such inspection, and shall be made subject to such conditions as the judge thinks expedient. Order for inspection

**165.** 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 Destruction of ballot papers

have witnessed the destruction of the said papers shall be taken before the mayor or a justice of the peace and filed by the city clerk among the records of the city.

RECOUNTS.

**166.** In case at any time within fourteen days from the time when the ballot papers used at any 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 or seats may be affected of the time and place at which he will proceed to recount the same. <sup>Order for recount</sup>

**167.** At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of \$25 as 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. <sup>Deposit</sup>

**168.** The judge, the city clerk with the ballot boxes, and each candidate and his agent 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 the recount of the votes. <sup>Attendance</sup>

**169.** 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 the 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 and 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; and (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. <sup>Procedure at recount</sup>

**170.** The judge shall as far as practicable proceed continuously with the recount of the votes, allowing only time for refreshment, excluding only Sundays and on other days (except so far as he and the parties aforesaid agree) the hours between six 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. <sup>Time for counting</sup>

**171.** The judge shall proceed to recount the votes as follows: <sup>Mode of counting</sup>

1. He shall examine the ballot papers.
2. Any ballot paper on which votes are given for more candidates than are to be elected for the office in question, or on which anything except the initials of the deputy

returning officer, or assistant deputy returning officer, on the back is written or marked by which the voter can be identified, and any ballot paper which has been torn, defaced or otherwise dealt 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 to vote for, but no word or mark written or made or omitted to be written or made by the deputy returning officer or assistant deputy returning officer, on the ballot paper, shall affect the vote.

3. The judge shall take note of any objection made by a candidate or by 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.

4. The judge shall then count 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 the candidates;
- (b) Number of votes for each candidate;
- (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.

5. 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, subject to the provisions of section 19 of this Act the candidate having the highest number of votes; and in case of an equality of votes, the city clerk shall have the casting vote.

**172.** All costs, charges and expenses of and incidental <sup>Costs.</sup> to an application for a recount and to the proceedings consequent thereon 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 either of the applicant or the 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.

PENALTIES.

173. No person shall—

Offences;  
General

- (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 that 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, counsel or procure any other person so to do.

(2) 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 on summary conviction, 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, or to a fine of not less than \$50 nor more than \$500, or to both fine and imprisonment.

174. 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 121 to 175 inclusive hereof, 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.

Case of  
returning  
officer, etc.

175. 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 place.

Case of  
officers and  
agents at  
polling places

(2) No officer, clerk or agent, or 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, agent or other person shall communicate at any time to any person any information obtained 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 or 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 any 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 to summary conviction before a justice of the peace or magistrate of police to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500, or to both fine and imprisonment.

#### CORRUPT PRACTICES.

**176.** The following persons shall be deemed guilty of Bribery and shall be punishable accordingly:

1. 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 consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place or employment to or for any voter, whether at any election or in voting upon a by-law, or to or for any person on behalf of any voter or any person, in order to induce any voter to vote or to refrain from voting at an election or 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 voter having voted or having refrained from voting at such election or upon such by-law;

2. 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 voter at an election or at the voting upon any by-law;

3. 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 voter at an election or at the voting upon a by-law;

4. 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 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;

5. Every voter who before or during an election or before or during the voting on any such by-law directly or indirectly or 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;

6. 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.

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying voters to or from the polls, and every person who receives pay for the use of any horses, teams, carriages or other vehicles for the purpose of conveying voters to or from any poll as aforesaid;

177. 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, or any injury, damage, harm or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel any such person to vote or refrain from voting at any election or at the voting upon any by-law, or on account of any such person having voted or refrained from voting thereat or thereon, or who by abduction, duress or any fraudulent device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to give or refrain from giving his vote at any election or at the voting upon any by-law, shall be deemed to have committed the offence of undue influence.

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

179. Where upon 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 176 or section 177 hereof, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence.

180. 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.

181. Any person who is adjudged guilty of any offence within the meaning of section 176 or section 177 hereof

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.

182. 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 such judgment is rendered shall be ineligible either as a candidate or as an elector until the amount so recovered against him has been fully paid and satisfied. <sup>Recovery of penalties</sup>

183. The judge shall 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 shall 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. <sup>Imprisonment</sup>

184. The judge who finds any candidate guilty of a contravention of section 176 or section 177 hereof, or who adjudges any person to pay any penalty imposed under section 181 hereof, shall report the same forthwith to the city clerk. <sup>Report to city clerk</sup>

185. The city clerk shall enter in a book to be kept for the purpose the names of all persons who have been so adjudged guilty of any offence within the meaning of section 176 or section 177 hereof and whose names have been reported to him by the judge aforesaid. <sup>Record of disqualified persons</sup>

186. Every witness shall be bound to attend before the judge upon being served with a subpoena directing his attendance and upon payment of the necessary witness fees and conduct money, and in default thereof, he may be punished for contempt. <sup>Attendance of witnesses</sup>

187. 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 tend to criminate 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 has made full and true answers to the satisfaction of the judge. <sup>Privilege of witnesses</sup>

188. All proceedings under this part of this Act other than an application in the nature of a *quo warranto* against any person for any violation of section 176 or section 177 hereof 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. <sup>Time limit for proceedings</sup>

189. 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 <sup>Exemption from penalties</sup>

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.

**190.** 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 numbered 176 to 189 inclusive hereof; 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 posted up during the hours of polling. Publication of above clauses at polling place

#### CONTESTED ELECTIONS.

**191.** In case the validity of the election of the mayor or of an alderman, 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 number of the council has become disqualified or has forfeited his seat since his election) any elector may be the relator for the purpose. Trial of contested elections

**192.** If within six weeks after an 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 alderman, 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. Notice of motion

(2) 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") any costs which may be adjudged to him against the relator.

(3) 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 notice of motion the words "recognizance allowed" and shall initail the same.



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

(2) 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 as 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.

**194.** 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. Affidavits

**195.** The notice shall be served in such manner as the judge shall direct. Service of notice

**196.** 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. Time of service

**197.** 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. Claim to seat

**198.** 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. Combination of motions

**199.** Upon the 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. Grounds of claim to be set forth

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

**201.** 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. Returning officer, etc., may be added as party

**202.** The judge may allow any person entitled to be a relator to intervene and prosecute or defend and may grant Intervention of other parties

a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings.

203. The judge shall in a summary manner, without <sup>Hearing</sup> formal pleadings, hear and determine the validity of the election and the right of the respondent to sit; and may inquire into the facts on affidavit or affirmation or by oral testimony.

204. No person who has voted at an election shall in any legal proceedings to question the election or return or otherwise relating thereto be required to state for whom he has voted. <sup>Secrecy of</sup>

205. In case the election complained of is adjudged <sup>Judgment</sup> 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.

206. 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. <sup>Liability of returning officer, etc., for costs</sup>

(2) 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.

207. After the adjudication upon the case an order shall be drawn up in the usual manner, which shall state concisely the grounds and effect of the decision, which order may at any time be 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. <sup>Form and effect of order</sup>

208. 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 of 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 writ of execution. <sup>Return of order</sup>

209. Any person whose election is complained of (unless such election is complained of on the ground of corrupt practices 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 <sup>Disclaimer after motion</sup>

transmit post paid through the post office directed to "The Clerk of the Supreme Court, Edmonton," and also to the relator or his advocate, or he may cause to be delivered to the said 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 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 alderman) of the City of Edmonton, do hereby disclaim the said office and all defence of any right I may have to the same.

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

210. The disclaimer or the envelope containing the same shall be endorsed on the outside thereof with the word "Disclaimer," and if posted shall be registered at the post office where it is posted. A duplicate of the disclaimer shall also be delivered to the city clerk, who shall forthwith communicate the same to the council. <sup>Transmission</sup>

211. 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: <sup>Disclaimer before motion</sup>

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

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

212. A disclaimer filed under section 211 hereof shall relieve the person making it from all liability to costs, and where a disclaimer has been made in accordance with section 209 or section 211 hereof, it shall operate as a resignation, and the vacancy so created shall be filled in the manner provided by section 27 of this Act. <sup>Effect of disclaimer</sup>

213. The procedure in any proceedings under sections 191 to 208 inclusive of this Act shall be that of the supreme court in like cases so far as the same is applicable. <sup>Procedure</sup>

#### SCHOOL TRUSTEES.

214. The board of public and separate school trustees of the City of Edmonton shall give notice to the city clerk on or before the fifteenth day of November in each year of the number of vacancies required to be filled to make the school boards complete. <sup>Notice from board</sup>

215. When notice has been given to the city clerk as 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 aldermen. <sup>Nomination and election</sup>

216. All the provisions in this Act contained respecting the election and qualification of aldermen and the qualification of electors shall *mutatis mutandis* apply to the election of school trustees, except that women shall be eligible to be elected as school trustees. <sup>Same procedure as for aldermen</sup>

**217.** In the lists of qualified voters to be delivered to the returning officer by the city clerk before the opening of the polls, the assessor 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 letter "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. <sup>Separate School supporter</sup>

**218.** In case any objection is made to the right of any person to vote at any 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 131 hereof. <sup>Oaths</sup>

**219.** 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 aldermen, except that the words "Public (or Separate) School Trustee" shall be substituted for the word "Alderman" thereon. <sup>Form of ballot</sup>

## PART V

### POWERS AND DUTIES OF THE COUNCIL.

#### LEGISLATIVE JURISDICTION.

**220.** 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 or any other Act. <sup>Local extent</sup>

**221.** The council may make by-laws and regulations for the peace, order, good government and welfare of the City of Edmonton, and for the construction, maintenance and operation of ferries running within or without the city, and for the issue of licenses and payment of license fees in respect of any business; and for inspecting and regulating slaughter-houses, dairies and other places outside the limits of the city from or through which food is brought for sale within the city, and making building and sanitary regulations for said slaughter-houses, dairies and other places: <sup>Power to make by laws</sup>

Provided that no such by-law or regulation shall be contrary to the general law of the province, and shall be passed *bona fide* in the interests of the City of Edmonton; provided also that the council shall not have the power of constituting courts or appointing judicial officers; provided further that no by-law prescribing areas within which no business or particular business shall be carried on, or to prohibit the carrying on within the city of any business in the opinion of the council likely to become a nuisance, shall have more than one reading at any one meeting of the council.

**222.** The council may establish a fund for working capital or as an emergency fund, and may from time to time raise moneys therefor, and they may regulate the mode in which such fund shall be used, paid out and recouped; provided always that the using of any part of said fund for any specific purpose shall in no way limit the right of the <sup>Working capital</sup>

council to raise separate funds for such purpose in any manner provided for in this Act, in which case the council shall recoup said working capital or emergency fund.

**223.** The council may by by-law, assented to by a majority <sup>Acquiring land</sup> of the burgesses voting thereon from time to time, contract debts for acquiring for any purposes whatsoever such lands as the council shall deem it expedient to acquire.

(2) It shall not be necessary in any such by-law to state by recital or otherwise the lands or lands proposed to be acquired or the purpose or purposes for which it is intended to acquire the same; but a statement that the purpose of creating the debt is "for acquiring land for general unspecified purposes" shall be sufficient.

(3) Any land or lands so acquired may be held, improved, used, leased, sold or otherwise disposed of without the matter being referred to the burgesses, as the council shall from time to time see fit.

(4) The proceeds of the sale of any lands so acquired may be used for acquiring other lands or invested in the same manner as sinking funds, or be used for or loaned to any of the city's public utilities, upon such terms as the council may deem proper.

(5) All income derived from said lands, or from the investment of the proceeds arising from the sale thereof, may be appropriated by the council as if it were money raised by general rate for general municipal purposes.

**224.** The council may, subject to the assent of the majority <sup>Land for industrial undertakings</sup> of the burgesses voting as hereinafter provided, acquire land within or without the city with the object of selling, leasing or otherwise disposing of the same or any part thereof to or for any industrial, commercial or engineering undertaking; but no gift of any part thereof or lease for a nominal consideration shall be made except the same be assented to as hereinafter provided in the case of "Bonusing."

**225.** Whenever the council or commissioners desire to <sup>Further powers as to land</sup> undertake any work or enterprise authorized by this or any other Act or Ordinance, and for the purpose of carrying out the same it may become necessary to acquire any land, or any land may become injuriously affected thereby, the council or commissioners, if they deem it expedient, may acquire any adjoining land, or the land that may become injuriously affected, and the surplus of any land so acquired, over and above the land required for the work or enterprise, they may hold, lease, sell or otherwise dispose of.

**226.** Where the council decides to undertake or assist <sup>Jurisdiction in certain cases beyond city limits</sup> any of the enterprises mentioned in any of the foregoing sections, it may do so notwithstanding that the same may be wholly or partly without the limits of the city.

**227.** In the event of the council acquiring land for the <sup>Civic centre</sup> establishment of a civic centre, with a view to grouping together in some central location the civic offices and other buildings of a public character, it shall be in the power of the council to pass by-laws or regulations prescribing the height, structural character and architectural features of all buildings on lands fronting on or adjoining such civic centre and the uses to which such buildings may be put and prohibiting the use of any such buildings or such

fronting or adjoining lands for the exhibition of advertisement boardings, or the holding of travelling shows, or for any other purpose which the council may deem aesthetically offensive or obnoxious, having regard to the character of the locality as a civic centre; provided always that the council shall not be liable, in respect of any such by-laws or regulations or the enforcement thereof, to make compensation to the owners or occupiers of any lands or buildings affected thereby, excepting only in the event of any building having to be taken down, removed or altered in consequence of such by-laws or regulations, in which case the amount of compensation shall, failing agreement, be determined by arbitration in the manner provided for by Part X of this Act.

228. Every by-law for,

(1) Acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating and acquiring sufficient land for the convenient carrying on of brick works, bridges, cemeteries, coal or gravel areas, coal or gravel pits, crematories, elevators, exhibitions, ferries, jails, lock-up houses, prison farms, reformatories, poorhouses, municipal lodging houses, gas or electric light or power works, hospitals, public libraries, civic centres, manufactories, markets, mills, parks, roads, road or street construction, plant or machinery, sewerage or drainage works, street railways, telephone systems, water powers or water works, where it is not intended that the cost shall be borne out of the municipal revenues for the then current year;

Restrictions  
in legislation  
in certain cases

(2) Bonusing, whether by way of the payment of a lump sum or of periodical payments or otherwise, exempting from taxation beyond the current year, subscribing for stock in or guaranteeing the payment of debentures issued by any person, syndicate or corporation in respect of any industrial, commercial or engineering or charitable undertaking;

(3) 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 whether exclusive or not;

(4) Contracting debts not payable within the current year, or for raising funds for working capital or as an emergency fund; shall, in the case of by-laws provided for in clauses 2 and 3 hereof, receive the assent of two-thirds of the burgesses voting thereon in accordance with the provisions of this Act, and in other cases a majority of the burgesses so voting:

Provided that in the case of a bonus to any undertaking or institution by way of supplying the same with water, electricity or gas, free of charge, or at a rate which is estimated by the commissioners as less than the actual cost of supply, the amount of such bonus shall be ascertained by the commissioners annually and shall be debited against the general revenues of the city, and credited to the revenues of the municipal public work from which the supply was furnished, and if the term during which the supply is to be furnished does not exceed five years, the bonus may be granted without the assent of the burgesses.

229. Where under the provisions of any statute the corporation is required to construct any work or works or do any act or acts for the purpose of carrying out the provisions of such statute, it shall be necessary to obtain

Construction  
works under  
statutory  
powers

the assent of the burgesses to the passing of a by-law for borrowing the moneys required for the purpose of carrying out the provisions of such statute, but the council shall have full power to pass by-laws in that behalf.

**230.** The council may dispose of or devote to some other <sup>Civic property</sup> municipal purposes in whole or in part any property acquired by the city for a specific purpose when such property is in the opinion of the council no longer required or not required for the time being for the purpose for which it was originally acquired or to which it has been subsequently devoted.

**231.** The council may by by-law establish a board, to be <sup>Hospitals</sup> known as the City Hospital Board, for the administration and control of civic hospitals, such boards to consist of not more than fifteen members, eight of whom shall be appointed by the council to include three representatives of the University of Alberta, and the members of such board shall hold office for such term as the by-laws appointing them shall determine, and the board shall have such powers in relation to the administration, control and management of such hospitals as the council may by by-law determine.

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

**233.** The power to license shall include power to fix the <sup>Powers incidental to licenses</sup> fees to be paid for licenses, to specify the qualifications of the persons to whom and the conditions upon which such licenses shall be granted, to regulate the manner in which and specify the parts of the city within which, and the days and hours during which any licensed business shall be carried on, to specify the fees or prices to be charged by the licensees, 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, to cancel or provide for the cancellation of any license for non-observance of any such conditions or regulations, 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 of business.

(2) The council may also license as a class by themselves travelling salesmen, transient traders, or other persons selling directly to the consumer goods, wares, merchandise and other effects of any kind whatsoever, or offering the same for sale by sample cards, specimen or otherwise, for or on account of any merchant, manufacturer, corporation or other person selling or supplying directly to the consumer goods, wares, merchandise or other effects of any kind whatsoever, and not having his or its principal place of

business within the city. In any prosecution for a violation of any such by-law it shall not be necessary to allege or prove that any such principal place of business is not within the city, but the proof that the same is within the city shall be upon the person charged.

234. The imposing of collecting of license fees shall in no case be deemed to prevent the assessment of any land owned or occupied by the license holders, or the collection of any taxes lawfully imposed thereon. Licenses not to exclude taxes

235. The council may direct that the owner of any building situate upon land abutting upon any street or public place wherein there is a sewer and water main shall install in such building connections with such sewer and water mains, and such apparatus and appliances as shall insure the proper sanitary condition of the building and premises. Sewer connection:

236. Notwithstanding anything in this Act contained, upon the report of the city engineer or the city medical officer of health recommending the same, the council shall have power by resolution or by-law to direct water and plumbing, or other sanitary improvements to be made in any such building, and the city may with or without the consent of the owner, occupant or tenant thereof enter, make, construct and install such water, plumbing or other sanitary improvements or cause the same to be done, and after the completion thereof the city engineer shall grant a certificate, stating therein the number and description of the parcel of land whereon such work has been done and the actual costs of the work, and shall file such certificate with the assessor, and the amount of such costs so certified shall be divided into such number of instalments as shall be directed by the resolution or by-law directing the work and such costs, together with interest on the sinking fund or equal annual instalment plan, shall, as in the case of local improvements, be added to the taxes on such lot or parcel of land in the collector's roll for the proper number of years, beginning with the rolls prepared next after the filing of said certificate, and the said costs shall thereupon become and be treated in all respects as ordinary taxes due upon the said land. And for the purposes aforesaid the council by referred by-law, to be assented to by a majority of the burgesses voting thereupon, may from time to time before actually directing any such works, borrow such sum or sums as they shall estimate to be necessary for carrying out the same. Instalment of plumbin etc., by the city

237. When the council has authority to direct that any matter or thing shall be done by any person, the council may also direct that in default of its being done by such person it shall be done by the city at the expense of the person in default, and the city may recover the expense thereof with costs, by action, or may by resolution order that the same shall be added to the taxes for the then current year payable by the person in default, and the amount when so added shall become taxes due to the city for such year. Recovery of costs, at taxes

238. When any such matter or thing is done at the expense of the city upon or in respect of any land, the council may by resolution charge the cost thereof against the said land, and the amount with interest shall be payable in the same Council may do omitted w

Cost may be charged on land



manner as if it had been assessed against the land as a special assessment for local improvement, and the period over which the payment of the amount and interest shall be extended shall be fixed by resolution of the council.

**239.** 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 or 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 in the forenoon of the next following day. <sup>By-laws for closing of shops</sup>

(2) The council having passed any by-law in pursuance of this section, 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 former 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.

(3) Every such by-law shall take effect at 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 the by-law may appear best suited to insure the publicity thereof.

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

(5) Nothing in any such by-laws 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 any 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.

(6) Where any 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 fine, penalty or punishment as if he were the occupier, but the master or employer shall also be responsible for the acts of such agent or servant, if done in the course of the employment, subject to the provisions of the next subsection.

(7) 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 willful neglect or default, the said occupier shall be exempt from any fine, penalty or punish-

ment; 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.

(8) Nothing in this section or in any by-law passed under authority of this Act 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, or the serving of such customers during their continuance therein.

(9) Notwithstanding that a by-law passed or purporting to be passed, under or pursuant to the provisions of this section, may be invalid or ineffectual as to some shops or 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.

(10) 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.

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

**240.** Subject to the other provisions of this Act, the council shall have no power to give any person an <sup>Restrictions on exclusive franchise</sup> exclusive right of exercising any business or special franchise within the city.

**241.** Every by-law of the city under this or any other Act shall be under the seal of the city, and shall be signed by <sup>Passing and attesting by laws</sup> 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.

**242.** 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 without further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the mayor or city clerk has been forged. <sup>Evidence of by laws-</sup>

**243.** The council may appeal or amend any by-law, except where the same has received the assent of the burgesses of the city, and in such case only when the repeal or amendment of the by-law is similarly assented to by the burgesses: <sup>Power to repeal or amend by-laws</sup>

Provided that no by-law relating to the procedure of the council when in session shall be repealed, amended or suspended (except so far as the terms thereof shall themselves permit), unless (1) by a by-law unanimously passed by a regular or special meeting of the council at which all the

members thereof are present, or (2) by a by-law passed at a regular meeting of the council in pursuance of a notice in writing given and openly announced at the next preceding regular meeting of the council, and setting forth the terms or substantial effect of the proposed by-law.

**244.** In case no application to quash the 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. <sup>Validity of by laws</sup>

#### MONEY BY-LAWS

**245.** The council may, subject to the provisions of this Act, pass by-laws for contracting debts by borrowing money or otherwise, for any purpose within the jurisdiction of the city, or for the execution of public works outside the limits of the city by or for and for the purposes of the city. <sup>By-laws for contracting debts</sup>

**246.** By-laws for contracting debts shall provide for the issuing of debentures, and need not provide for the levying of any rate, but a rate sufficient to raise the amount required to pay the annual instalment of principal and interest, or the annual interest and the annual amount by way of sinking fund, as the case may be, shall be levied in each year during the currency of the debentures; and this provision shall apply to debenture by-laws, hitherto passed. <sup>To provide for issue of debentures</sup>

**247.** The by-law providing for contracting or creating a debt shall state by recital or otherwise: <sup>Contents of by-law</sup>

- (a) The amount of the debt intended to be created, and in brief and general terms the object for which it is to be created.
- (b) The period over which the indebtedness is to be spread, 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 rateable property in the city according to the last revised assessment roll.
- (e) The amount of the existing debenture debt of the city, and how much, if any, of the principal or interest thereof is in arrears.

It shall not be necessary to recite or specify the exact location of the work or local improvement in respect of which the debt is intended to be created, but it shall be sufficient to state that it is intended to spend a certain sum for the purpose of certain work generally, such as "street railway extensions" or "city's share of street pavement."

**248.** The by-law shall name a day when it is to come into operation, which day shall be not 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 that day of the final passing thereof. <sup>Date of operation</sup>

**249.** 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 it shall be payable (1) In such manner that each instalment <sup>Optional mode of payment</sup>

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; or (2) In such manner that the principal shall be repayable at the end of the period of years during which the debentures are to run, together with interest on such debentures to be paid annually or semi-annually as the council may by the by-law provide; provided that if the debentures are to be made payable in the manner set forth in this clause, there shall be raised annually by way of sinking fund a sum sufficient, with interest thereon compounded yearly at four per cent. per annum to retire the debentures at maturity, and any such sum shall be added each year to the amount of the other rates and taxes of the city and collected along therewith.

And if such provision is contained in any by-law of the town or City of Edmonton heretofore passed or hereafter to be passed, the debt to be incurred and the debentures to be issued in respect thereof may be made payable in which every of the above modes the council may by by-law determine.

**250.** Every by-law which under the provisions of this or any other Act requires the assent of the burgesses, and has received the assent of the required number of the burgesses voting thereon, may be passed by the council within six weeks of the voting thereon, but not thereafter.

#### ASSENT OF BURGESSES TO BY-LAWS.

**251.** Where a by-law requires the assent of the burgesses before the final passing thereof, any bank, incorporated company or other corporation assessed on the last revised assessment roll as the freeholder of real property in the city shall have the same number of votes according to the value of the property for which it is assessed as an individual would have if assessed for the same property, which vote or votes may be given by the chief resident officer thereof.

**252.** In case a by-law requires the assent of the burgesses as hereinbefore provided before the final passing thereof the following proceedings shall (except in cases herein otherwise provided for) be taken for obtaining such assent:

(1) The council shall publish a notice in some newspaper in the city in at least one number of such paper once a week for three weeks which notice shall contain the following information in some brief and general terms;

- (a) The object of the debt or debts intended to be created by the by-law or by-laws and the amount thereof.
- (b) The period over which the indebtedness is to be spread.
- (c) The rate of interest and whether the same is to be paid annually or semi-annually.
- (d) Whether the indebtedness is repayable in equal annual payments or on the sinking fund plan.
- (e) The day and hour between which the voting shall take place.
- (f) The amount of the whole rateable property in the city according to the last revised assessment roll.
- (g) The existing debenture debt of the city.

- (h) In case the granting of a franchise or the ratifying of any agreement is proposed, a copy of the proposed franchise or agreement shall also be published.
- (2) The notice may be in the following form or to the like effect, and any number of matters may be included in one notice.

"PUBLIC NOTICE.

"Notice is hereby given that the municipal council of the City of Edmonton hereby refers to the burgesses for their approval of the following questions: "

"(a) Creating a debenture debt in the sum of . . . . . dollars for street railway extensions;  
 "Twenty year debentures, interest 5% semi-annually;

"Sinking fund plan.

"(b) Creating a debenture debt in the sum of . . . . . dollars for purchasing land for certain several new fire hall sites.

"Forty year debentures, interest 5% annually;

"Equal Annual payment plan;

"Rateable property according to last revised assessment roll . . . . . dollars.

"Total debenture debt. . . . .

"Local improvement and other debts not affecting 20% borrowing power. . . . .

"Debenture affected by 20% limit. . . . .

"(c) No amount of the principal or interest is in arrear  
*(or as the case may be).*

"(d) Or shall the council pass a by-law granting to . . . . . the franchise specified in the following agreement or shall the council pass a by-law authorizing the execution of the following agreement.

"The mayor will attend at . . . . . on . . . . . for appointment of agents to attend polls on behalf of persons opposing or promoting the said questions. The vote will be held on . . . . day, the . . . . day of . . . . . 19. . . between the hours of . . . . . a.m. and . . . . . p.m.,  
*(hours to be fixed by resolution of council)* at the places named in By-law No. . . . . The result of poll will be declared at . . . . . at the hour of noon on . . . . .

City Clerk."

Have franchise or agreement here set out in full.

253. Forthwith after the day has been fixed as aforesaid <sup>Ballot papers</sup> for taking the votes of the burgesses, the returning officer shall cause to be printed at the expense of the city such number of ballot papers as will be sufficient for the purpose of the voting.

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

Form of  
ballot paper

19..... Voting on by-law to (here insert object of the by-law) submitted to the burgesses of the City of Edmonton this (date), .....	FOR THE BY-LAW
	AGAINST THE BY-LAW.

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

256. 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.

257. Before any person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in the following form:

"I, the undersigned *A.B.*, do solemnly declare that I am a burgess of the City of Edmonton, and that I am interested in 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....

*A.B.*

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

*C.D.*,  
Mayor."

or

*E.F.*  
Returning Officer."

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

259. 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 attend in the place of such person, upon making and subscribing before the officer presiding at the poll, or the returning officer, as the case may be, a similar declaration to that above provided for.

**260.** During the time appointed for polling no person shall be entitled or permitted 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. <sup>Persons allowed in polling place</sup>

**261.** The returning officer, on the request of any burgess who has been appointed deputy returning officer, poll clerk or constable at any polling place, or who has been named as the person to attend at any polling place, other than the one where he is entitled to vote, shall give to such burgess 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 such burgess is entitled so to vote. <sup>Certificates to certain persons</sup>

(2) 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 officer presiding at the poll shall attach the certificate to the voters' 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 of the day of polling.

(3) In the case of a deputy returning officer, poll clerk, constable or other person voting as aforesaid at the place at which he is appointed to act under a certificate granted under subsection 1 of this section, the officer presiding at the poll or the poll clerk 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.

**262.** The returning officer, before the poll is opened, shall prepare and deliver to the deputy returning officer for every ward or polling subdivision a certified copy of the last revised voters' list. <sup>Voters' lists</sup>

**263.** The poll book shall be in the following form:

<sup>Poll book</sup>

REMARKS.

Refused to swear or affirm.

Sworn or affirmed.

Objection.

No. of votes to which the voter is entitled.

Names of the burgesses.

Column for mark indicating that the burgess has voted.

**264.** At the day and hour fixed as aforesaid the polls <sup>Poll by ballot</sup> shall be held and the votes shall be taken by ballot.

**265.** The polls shall be kept open in any event from nine <sup>Hours of poll</sup> o'clock in the forenoon until five o'clock in the afternoon of the same day; provided that the council may at any time extend the time for keeping open the polls until not later than eight o'clock in the afternoon.

**266.** Every deputy returning officer, poll clerk, constable <sup>Officers to be sworn</sup> 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 a commissioner for taking affidavits, 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 (*state briefly the object of the by-law*) submitted to the burgesses of the City of Edmonton, 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.

A.B."

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

"C.D.,

*Justice of the Peace, Commissioner or Deputy Returning Officer."*

**267.** The printed directions to be delivered to the deputy <sup>Directions to voters</sup> returning officers shall be in the following form:

"DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

"The voter shall go into one of the compartments, and with the pencil provided in the compartment shall 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 space if he votes against the passing of the by-law.

"The voter shall then fold up his ballot paper or ballot papers so as to show the name or initials of the deputy returning officer signed on the back, and immediately after leaving the compartment shall, without showing the front of the paper to any person, deliver such ballot paper or papers so folded to the deputy returning officer, and shall forthwith quit the polling place.

"If the voter inadvertently spoils a ballot paper he may return it to the deputy returning officer, who will, if satisfied of such inadvertence, give him another ballot paper.

"If the voter places on any ballot paper more than one mark or any mark by which he may be afterwards identified, or if any 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 the voter takes a ballot paper out of the polling place, and deposits in the ballot box any ballot paper or papers



except those given to him by the deputy returning officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of \$200, or to both.

In the following form of ballot paper (*given for illustration*) the voter has marked his paper in favour of the passing of the by-law."

19. Voting on by-law to (here insert object of the by-law) submitted to the burgesses of the City of Edmonton this (date).	FOR THE BY-LAW.	X
	AGAINST THE BY-LAW.	

**268.** In voting upon referred by-laws a burgess who is assessed on the last revised assessment roll in respect of land for \$200 or upwards to \$1,999, shall be entitled to one vote; a burgess so assessed for \$2,000 or upwards to \$4,999, to two votes; a burgess so assessed for \$5,000 or upwards to \$7,999, to three votes; and a burgess so assessed for \$8,000 or upwards, to four votes. The assessor in preparing the voters' list shall insert in the column headed "No. of votes to which the voter is entitled," the number of votes to which each burgess is entitled under the provisions of this section; and every officer presiding at the poll shall deliver to each voter at the poll a separate ballot paper for each vote to which he is entitled.

**269.** Every burgess shall be entitled to vote on the by-law in each ward in which his name appears in the voters' list.

**270.** Every burgess tendering a vote on the by-law may be required by the officer residing at the poll, or by any burgess 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 thereof:

"You swear that you are a natural born (*or naturalized*) subject of His Majesty, of the full age of twenty-one years:

"That you are a freeholder in your own right in the City of Edmonton in this ward;

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

"That you are according to law entitled to vote on this by-law in this ward;

"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 voters' list (*showing the voters' 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;

"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;

"So help you God."

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

**271.** The chief resident officer of any corporation tendering a vote on the by-law may be required by the officer <sup>Oath on behalf of corporations</sup> presiding at the poll, 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 said corporation;

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

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

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

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

"So help you God."

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

**272.** The written statement to be made by every officer <sup>Presiding officers' statement</sup> presiding at the poll at the close of the polling shall be made under the following heads:

1. Name or number of ward or polling subdivision, and date of voting;
2. Number of votes for and against the by-law;
3. Rejected ballot papers;

**273.** The officer presiding at the poll shall take a note <sup>Objections</sup> 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.

**274.** Every officer presiding at the poll on the completion of the counting of the votes shall, in the presence <sup>Making up packages and statement</sup> 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, the date of the voting, the name of the officer presiding at the poll, and of the ward or polling subdivision;

1. The statement of votes given for and against the by-law and of the rejected ballot papers;
2. The used ballot papers which have not been objected to and have been counted;
3. The ballot papers which have been objected to, but which have been counted;
4. The rejected ballot papers;
5. The spoiled ballot papers;
6. The unused ballot papers;
7. The voters' list and poll book, with the oath in the form prescribed by section 150 of this Act, annexed thereto, a statement of the number of burgesses whose votes are marked by the deputy returning officer under section 146 of this Act with their declarations of inability, and the notes taken of objections made to ballot papers found in the ballot box.

**275.** Every officer presiding at the poll 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 voters' 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 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. The declaration shall be in the form prescribed by section 158 of this Act, and shall thereafter be annexed to the voters' list. He shall then forthwith return the ballot box to the returning officer.

**276.** Every officer presiding at the poll upon being requested so to do shall deliver to the person 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.

**277.** The returning officer, after he has received the ballot papers and the statement 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 of the poll, and shall forthwith certify to the council under his hand whether the required majority of the burgesses voting upon the by-law have approved or disapproved thereof.

**278.** 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 or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the manner in which any voter 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 voter 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 any voter has voted on a by-law.

(5) No person shall directly or indirectly induce any voter 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 imprisonment for any term not exceeding six months with or without hard labour, or to a fine of \$200, or to both.

**279.** If within two weeks after the returning officer has <sup>Scrutiny</sup> 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 such notice of the application and 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) in the sum of \$50 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 the scrutiny.

**280.** At least seven clear days' notice of the day appointed <sup>Notice of</sup> for the scrutiny shall be given by the petitioner to such persons as the judge directs and to the returning officer.

**281.** At the time appointed the returning officer shall <sup>Hearing by</sup> 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 the number of votes given for and against the by-law, and shall forthwith certify the result to the council.

**282.** The judge upon such scrutiny shall possess the like <sup>Powers of</sup> powers and authority as 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.

**283.** All the provisions of sections 120 to 190 inclusive of part IV of this Act, so far as not inconsistent with the foregoing provisions, shall *mutatis mutandis* apply to proceedings in voting on by-laws under this part of this Act. Provisions of Part IV to apply

#### QUASHING BY-LAWS.

**284.** Any elector of the city may apply to a judge upon motion to quash any by-law or resolution of the council in whole or in part for illegality; and the judge upon such motion may, after inquiry as he shall think proper, quash the by-law or resolution in whole or in part, and may according to the result of the application award costs for or against the city and determine the scale of such costs. Motion to quash

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

**286.** The by-law or resolution may be proved by the production of a copy thereof certified under the hand of the city clerk and sealed with the city seal; and the city clerk shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words. Proof of by-laws

**287.** 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, and two sureties, each in the sum of \$50, conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant. The judge may allow the said recognizance upon the surities entering into proper affidavits of justification, and thereupon the same shall be filed in the court with the other papers relating to the motion. Security for costs

(2) In lieu of such recognizance the applicant may pay into the court the sum of \$100 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 court with the other papers relating to the motion.

**288.** Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs, or to be paid out to the applicant in the discretion of the judge, according to the results of the application. Disposal of costs

(2) All moneys required to be paid into or out of court under this or the preceding section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in such court.

**289.** No application to quash any by-law or resolution in whole or in part shall be entertained unless the application is made within two months from the passing of such by-law or resolution, except in the case of a by-law requiring the assent of the burgesses where the by-law has not been submitted to or has not received the assent of the burgesses, in which case an application to quash the by-law may be made at any time. Time limit for quashing

**290.** Any by-law which has been passed or procured to be passed through or by means of any violation of the provisions of sections 176 and 177 of this Act, may be quashed upon the application made in conformity with the provisions herein contained. By-laws in violation of Act

## PART VI.

## BORROWING POWERS.

## DEBENTURES.

**291.** The amount of the debenture debt of the city at any time outstanding shall not exceed twenty per cent. of the total amount of the assessment in respect of lands and special franchise according to the last revised assessment roll.

**292.** 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.

**293.** The debentures to be issued under any by-law shall be in the form following or to the like effect:

## "FORM 1.

## "CITY OF EDMONTON.

"\$..... Debenture No.....  
 "Under the authority of the Edmonton Charter, and of by-law No..... of the City of Edmonton, passed on the..... day of..... A.D. 19...., the said city promises to pay the bearer at..... on the..... day of..... 19...., the sum of..... dollars, with interest at the rate of..... per cent. per annum, in..... consecutive annual or semi-annual instalments, according to the terms of the several coupons hereto attached.

.....  
*Mayor.*

"Corporate seal of the city." .....  
*City Treasurer."*

"Coupons.....  
 "Coupon No.....  
 "Debenture No.....  
 "The City of Edmonton will pay to the bearer at..... on the..... day of..... 19...., the sum of..... dollars.  
 .....  
*Mayor.*  
 .....  
*City Treasurer."*

## "FORM 2.

## "CITY OF EDMONTON.

"\$..... Debenture No.....  
 "Under the authority of the Edmonton Charter, and of By-law No..... of the City of Edmonton, passed on the..... day of....., 19...., the said city hereby promises to pay to the bearer at..... the sum of..... dollars, on

the.....day of.....19.....  
 (if interest is payable in the meantime add) and to pay to  
 the bearer the amount of each of the several interest cou-  
 pons hereto attached as the same shall respectively become  
 due.

.....  
*Mayor.*

“Corporate seal  
 of the city.”

.....  
*City Treasurer.”*

And the coupons may be in the following form:

“Coupon No.....

“Debenture No.....

“The City of Edmonton will pay to the bearer at  
 .....on the.....day of.....  
 19...., the sum of.....dollars.

.....  
*Mayor.*

.....  
*City Treasurer.”*

A debenture for the full amount or for a less amount than  
 that mentioned in the by-law, or a series of debentures  
 aggregating such full amount or less amount than is so  
 mentioned, may be issued, but whenever a series of debentures  
 of the same denomination is so issued at the same  
 time, each of the series shall be distinguished by a mark  
 or symbol different from the mark or symbol appearing  
 on the other debentures of the same issue, and the said  
 marks or symbols shall appear on the coupons attached  
 to the debentures respectively bearing the like mark or  
 symbol.

**294.** In the case of debentures issued for local improve-  
 ments, the words “Local Improvement Debenture” shall  
 also be printed on the face of the debentures issued in respect  
 of the part of the cost which is to be raised by special  
 assessment.

**295.** Every debenture issued as aforesaid shall be sealed  
 with the seal of the city, and signed either by the mayor  
 or by some person authorized by by-law to sign the same  
 in his stead, and by the treasurer or by some person auth-  
 orized by by-law to sign in his stead; and every coupon  
 issued as aforesaid shall be signed by the mayor or such  
 person authorized to sign in his stead, and by the treasurer  
 or such person authorized to sign in his stead. The sig-  
 natures on such coupons may be engraved or lithographed.

**296.** Debentures authorized by any such by-law may be  
 issued, either all at one time or in instalments, at such time  
 as the council deems expedient; but no debenture shall  
 be issued after the expiration of four years after the final  
 passing of the by-law; and any debenture may, provided  
 it be actually issued within the said period of four years,  
 bear any date within the said period.

**297.** The council shall have power, where they deem  
 it expedient or advantageous, at any time before the sale  
 or disposal of any debentures or series of debentures, to  
 pass a by-law changing the rate of interest provided for  
 in the original by-law or by-laws authorizing the issue

of such debentures to such other rate of interest as they may judge proper without the necessity of obtaining the assent of the burgesses to such change.

**298.** Any debenture issued under this Act, or heretofore <sup>Validity of debentures</sup> issued under any other Act or Ordinance relating to the city or the town of Edmonton shall be valid and binding upon the city, and the legality of the issue of such debenture shall be conclusively established, and its validity shall not be open to question in any court, notwithstanding any insufficiency or defect in form, substance or otherwise of the by-law or proceedings prior to the passing thereof, or the authority of the city to create the debt, pass the by-law or issue the debenture; provided that the by-law, not being a local improvement by-law, has received the assent of the burgesses as in this Act provided and that no successful application has been made to quash it within two months after its final passing.

**299.** In order to secure the advantages of homogeneous <sup>Power to consolidate debentures</sup> long term securities, the council may from time to time after the passing of by-law covering the several amounts required, whether for local improvements or otherwise, and without in any way affecting the provision for the levy of the annual rates, or in the case of local improvements, the liens on the property described in such by-laws, pass a by-law consolidating the amounts covered by such by-laws, and issue consolidated debentures therefor. When the sinking fund and the special assessment levied under any by-law so consolidated shall have reached the amount sufficient to discharge the debt created under that by-law, the amount may pending maturity of the consolidated debentures be invested in any of the securities authorized for the investment of the sinking fund, or it may be applied directly to the extinguishing of a corresponding amount of the outstanding debt of the city by the purchase and cancellation of debentures.

**300.** The council may from time to time, after the passing of separate by-laws covering the several amounts <sup>Consolidation of by-laws for local improvement debts</sup> required for particular local improvements, and without in any way affecting the liens on the property therein described, pass a collective or cumulative by-law consolidating the several amounts of the debentures for such local improvements, and may issue the new consolidated 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-laws passed in the first instance.

(2) Instead of passing separate by-laws, the council may pass one by-law for several local improvement works, giving the same information concerning each of 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 effect the validity of the by-law.

(3) The provisions of this section shall apply to by-laws heretofore passed by the city or the town of Edmonton.

**301.** The council shall have power, in the case of any <sup>Powers of redemption</sup> debentures payable at a date more than twenty years after the date of issue, to redeem the same on the expiry of twenty years from the date of issue or at any time there-



after, upon giving six months' notice of their intention so to do to the debenture holder or holders; provided that such debentures bear an endorsement to the effect that they are issued subject to such power.

**302.** The treasurer 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 treasurer, with the proper particulars inserted therein, in the following form:

"Registered in the Debenture Register as No. ....  
under By-law No. .... this ... day  
of. ...., 19. . ."

**303.** A certificate, signed by the mayor and treasurer, 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.

**304.** When any debenture is registered in the debenture register, the same shall be valid and binding on the hands of the city or of any *bona fide* purchaser for value, notwithstanding any defect in form or substance therein; and it shall nor be held or deemed to have been the duty of any such purchaser to have inquired into the authority (other than the by-law) of the city to issue such debenture, or into the title of the city thereto or into the proposed or actual application of the purchase price thereof.

**305.** 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 in substitution therefor; and may make such new debenture or debentures payable by the same or a different mode of payment; provided that neither the period over which the indebtedness was originally spread nor 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 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.

**306.** Any debenture issued by the council may contain a provision in the following words:

"This debenture or any interest therein shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this city, be transferable except by entry by the treasurer in the debenture register of the city."

**307.** In case of the issue of any debentures containing the provision in the last section mentioned, the treasurer shall open and keep a separate 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 debentures. No such entry shall be made except upon the written authority of the person last entered in such book as the owner of any such debenture or of his

executors or administrators or of his or their lawful attorney, which authority shall be retained and duly filed by the treasurer.

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

308. Pending the sale of any debentures issued under a by-law or in lieu of selling and disposing of the same, the council may by resolution authorize the mayor and treasurer to raise money by way of loan on such debentures and to hypothecate the same for any such loan; provided that the proceeds of every such loan shall be applied to the purpose for which such debentures were issued, and should such debentures be subsequently sold and disposed of, the proceeds thereof shall first be applied in a payment of such loan, but the lender shall not be bound to see to the application of the proceeds of any such loan.

309. The council may authorize the mayor and treasurer under the seal of the city to borrow such sums as may be required—

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

and the council shall by by-law regulate the amounts to be so borrowed, and the promissory note or notes, covenant or covenants, or agreement or agreements to be given therefor:

Provided that under (a) and (b) the amount so borrowed shall not exceed eighty per cent. of the estimated amount of taxes for municipal or school purposes, as the case may be, for the current year, together with the full amount of all arrears; and if the council authorizes the borrowing of any larger sums than the amount aforesaid, every member of the council who votes therefor shall be disqualified from holding any municipal office for two years:

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

#### SINKING FUND.

310. The city 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 instalments 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.

**311.** If after paying the interest of a debt for any financial year, and appropriating the necessary sum to 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.

**312.** 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.

**313.** In the event of the council diverting any of the said moneys for current or other expenditure, the members of the council who vote for the diverting of said moneys shall be personally liable for the amount so diverted, and the said amount may be recovered by the city by action against them in the supreme court.

(2) The members of the council who vote for the same shall be disqualified from holding any municipal office for the period of two years, and in case the council upon 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 an elector on behalf of himself and the other electors of the city.

**314.** In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund or the instalment of 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 penalty hereby imposed who shows to the satisfaction of a judge before whom the question of such member's qualification arises, that he made reasonable efforts to procure the levying of the rate for such purposes.

**315.** 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 towards paying the debt by reason that no part thereof is then payable, the council shall from time to time invest the same in government securities, municipal or school debentures, local improvement debentures of the city or any other debentures of the city, or in first mortgage on freehold real estate within the city to an amount not exceeding one-half of the sworn valuation of an independent appraiser, or by way of the temporary use of an amount not exceeding seventy-five per cent. 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, they may invest in other the like securities.

(2) The council may regulate the manner in which such investments shall be made.

(3) 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 purposes 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.

(4) 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 debenture debt, and may invest such sinking fund in any of the securities named in and according to the provisions of this section.

**316.** No member of the council shall take part in or be a party to the investment of any moneys referred to in the preceding section, otherwise than as is therein authorized; and any person so doing shall be held personally liable for any loss thereby sustained by the city. <sup>Prohibition as to investment</sup>

**317.** The council may appropriate to the payment of any debt the surplus income derived from any civic work or utility, or from any share or interest therein, after paying the annual expenses thereof, or may so appropriate any unappropriated money in the city treasury or any money raised by a general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, 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. <sup>Surplus income from civic works</sup> <sup>Reserve fund</sup>

**318.** 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 debenture debt, instead of being invested as hereinbefore provided, shall from time to time as the same accrues, be applied towards payment or redemption, at such price as the council may fix, of any part of such debt or any of the debentures representing or constituting such debt or any part of it, though not then payable, to be selected as provided in such by-law; and the council shall thereupon apply and continue to apply such part of the proceeds 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. <sup>Redemption of debentures before maturity</sup>

## PART VII.

## ASSESSMENT AND TAXATION.

**319.** Subject to the other provisions of this Act, the municipal and school taxes of the City of Edmonton shall be levied upon (1) land and (2) special franchises within the said city and it shall be the duty of the assessor to make an assessment of all the rateable land and special franchises in the city in manner hereinafter provided. Subjects of assessment

**320.** All lands in the city shall be liable to assessment and taxation for both municipal and school purposes, subject to the following exemptions: Exemptions

1. The interest of the Crown in any land, including any land held by any person in trust for the Crown;

2. Land specially exempted by law or held for the public use of the province of Alberta;

3. If any land mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed therefor, but the land itself shall not be liable;

4. The land upon which there is erected any building used as a place of worship, and not used for any other purpose for hire or profit, and the lands attached thereto or *bona fide* used in connection therewith not exceeding one-half acre, and also public burying grounds;

5. The land not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of any university, college, high school, public or separate school, seminary of learning or hospital owned by a corporation, whether vested in a trustee or otherwise, and of the associations known as "The Young Men's Christian Association" and "The Young Women's Christian Association," so long as such land is actually used and occupied by such institution, but not if otherwise occupied;

6. The land exempted under the two preceding clauses shall nevertheless be liable to be assessed for local improvements;

7. All land belonging to the city and used only for civic purposes.

8. The land vested in any library board established under the provisions of *The Public Libraries Act*.

**321.** Land shall be assessed at its fair actual value exclusive of the value of any buildings thereon. In estimating its value regard may be had to its situation and the purpose for which it is used or for which, if sold by the owner, it could and probably would 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 in question are assessed. Mode of assessment

(2) The owner of a special franchise shall, in addition to an assessment on any land owned or occupied by him, be assessed on the actual cost of the plant and apparatus used in operating the special franchise, subject to a reasonable deduction for depreciation.

(3) No person who is assessed in respect of any special franchise shall be liable to pay a license fee in respect of such special franchise.

322. The council may by by-law divide the city into <sup>Assessment districts</sup> assessment districts, and may appoint one or more assistant assessors to aid the city assessor in the work of assessment.

#### ASSESSMENT ROLL.

323. As soon as may be, but not later than the thirtieth <sup>Preparation of roll</sup> day of April in each year, the assessor shall assess all assessable land in the city, and shall prepare an assessment roll which shall set out as accurately as possible—

- (a) The name of the person having an interest in each lot or parcel of land in the city which is not exempt from assessment, and the post office address, if known, of every such person;
- (b) A brief description of each such lot or parcel of land and of the interest of each person therein, and of the assessed value of such interest.

324. The assessment roll shall be in the following form: <sup>Form of roll</sup>

CITY OF EDMONTON: ASSESSMENT ROLL FOR YEAR 19....	Date of delivery or posting of notice.	
	Value of property exempt from taxation.	
	Date of assessment.	
	Public or separate school supporter.	
	Total amount of assessment.	
	Special franchise.	
	The actual cash value of each parcel or lot of real property or of the interest of the taxable person therein exclusive of buildings.	
	Frontage and depth.	
	Brief description of taxable property.	
	Owner.	
	Post Office address.	
	The names in full (if same can be ascertained) of every person taxable in the city.	
	No. of Assessment.	

**325.** If any assessor makes fraudulent assessments, 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.

**326.** After the assessor shall have completed the assessment roll, the council shall appoint a committee, who shall examine the roll and report to the council such alterations therein, if any, as the committee deems it desirable to make, and the council shall, on consideration of such report, direct the assessor to make such alterations in the roll as the council shall deem expedient, and the roll shall be amended accordingly.

**327.** The assessor, within three weeks after the completion of the assessment roll to the approval of the council, shall publish in a newspaper published in the city, and post up in his office at the city hall, a notice in the following form:

“CITY OF EDMONTON.

“ASSESSMENT ROLL, 19....

“Notice is hereby given that the assessment roll of the City of Edmonton for the year 19...., has been prepared and is now open for inspection at my office in the city hall from ten a.m. to four p.m. on every day which is not a public holiday, except Saturday (and on that day from ten a.m. to twelve o'clock noon), and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty-one days after the date of this notice lodge his complaint in writing at my office.

“Dated this. .... day of. .... 19....  
A.B.,  
Assessor.”

**328.** The assessor shall also, within three weeks after the completion of the assessment roll to the approval of the council, transmit by post to every person named therein an assessment slip containing the particulars appearing in the roll with respect to such person.

(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints or appeals may be lodged, as fixed by the notice under the preceding section, and there shall be endorsed thereon a written or printed form of complaint or appeal as given in section 330.

(3) 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.

(4) If by mistake of the assessor any person be assessed as the owner of land who is not in fact the owner thereof, taxes levied against the land shall nevertheless be a valid charge against the same.

329. 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 or the name of any other person has been wrongfully inserted in 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 assessor that he appeals to the commissioners to correct such error, and in such notice he shall give an address where notices may be served upon him.

330. Every such complaint or appeal may be in the following form:

"TO THE COMMISSIONERS OF THE CITY OF EDMONTON—

"Sir,—I hereby appeal against assessment No. . . . . in ward No. . . . . (or as the case may be) on the following grounds (here state grounds of appeal).

"Dated this . . . . . day of . . . . . 19 . . . .

C.D.,

Appellant."

(Address for service of notice.)

331. The assessor shall forthwith notify every such appellant, and every other person whose assessment is affected, or may be affected by such appeal, of the time and place of the sittings of the commissioners to hear the said appeal. Every such notice shall be mailed to the post office address of the appellant as given in his notice of appeal at least seven days before the sittings of the commissioners.

332. Before the sitting of the commissioners the assessor shall prepare a list of the appeals in the following form which list shall be posted up on a notice board at the door of the city hall and shall continue so posted during the sittings of the commissioners:

"Appeals to be heard by the Commissioners of the City of Edmonton on the . . . . . day of . . . . . 19 . . . .

"APPELLANT.      RESPECTING WHOM.      MATTER COMPLAINED OF.

"A.B.	Self.	Overcharged on land
"C.D.	E.F.	Name omitted.
"G.H.	J.K.	Not <i>bona fide</i> owner or tenant."

333. The assessor shall be the clerk and secretary of the commissioners when they are sitting upon assessment appeals.

334. The appeals shall be heard as far as possible in the order in which they stand upon the said list, but the commissioners may adjourn or expedite the hearing of any appeal as they think fit.

335. If the appellant or any other person whose assessment is effected or may be effected by the result of the appeal, fails to appear in person or by an agent, the commissioners may proceed *ex parte*.



**336.** It shall not be necessary to hear upon oath the <sup>Evidence</sup> appellant or assessor or the person complained against, except where the commissioners deem it necessary or proper, or where the evidence of the person is tendered on his own behalf or is required by the opposite party. All oaths required to be administered to witnesses giving evidence may be administered by the chairman presiding at the hearing.

**337.** All the duties of the commissioners under the <sup>Close of sittings</sup> foregoing sections shall be completed by the fifteenth day of June, and no appeal to the commissioners shall be heard after that date.

**338.** Forthwith after the conclusion of the sittings the <sup>Amendment of roll</sup> assessor shall amend the assessment roll in accordance with the decisions of the commissioners. Every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of one of the commissioners.

**339.** An appeal to the council may be taken within three <sup>Appeal to council</sup> days after the close of the commissioners' sittings either by the assessor or by any person entitled to appeal to the commissioners, not only against any decision of the commissioners, but also against any omission, neglect or refusal of the commissioners to hear or decide an assessment appeal. Such appeal to the council may be in the form given in section 330, and shall be delivered or posted to the city clerk, who shall bring the same before the first meeting of the council after the receipt thereof, and the council shall then fix a date for the hearing of the appeals.

**340.** Notice of such appeal and of the time and place <sup>Notice of hearing</sup> at which the appeal will be heard shall be served by the assessor on the parties concerned therein in manner provided for in section 331.

**341.** At the time and place appointed the council shall <sup>Hearing by council</sup> hear the said appeal, and if the appellant or any person notified as aforesaid fails to appear in person or by his agent, the council may proceed *ex parte*.

**342.** If upon the hearing of any such appeal it appears <sup>Notice to other persons</sup> that the assessment of persons other than those already notified may be affected by the result of the appeal, the council may direct notices 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 thirtieth day of June, after which date the <sup>Close of time for appeals</sup> council shall have no power to hear an appeal.

**343.** Upon any appeal upon any ground against an assess- <sup>Amendment of roll</sup> ment the commissioners or council may re-open the whole question of the assessment, so that omissions from, or errors in the assessment roll may be corrected, and the amount for which the assessment should be made, and the person or persons who should be assessed therefor may be placed upon the roll by the commissioners or council. Any amendments in the roll which are rendered necessary by the decision of the council shall be made by the assessor and initialled by the mayor.

344. The roll with any amendments made as aforesaid shall be adopted by the council and certified by the assessor on or before the second day of July, and shall thereupon become and be the revised assessment roll of the city.

Adoption of roll by council

345. The roll as finally passed by the council and certified by the assessor shall be valid and binding on all parties concerned, notwithstanding any defect or error therein or with regard thereto, or any defect, error or misstatement in the notice required by section 331, or any omission to deliver or transmit such notice; provided that there shall be a right of appeal from the decision of the council to the judge, as provided by and according to the procedure hereinafter prescribed.

Amended roll binding

346. An appeal to a judge of the district court of the Judicial District of Edmonton shall lie not only against the decision of the council on an appeal, but also against the omission, neglect or refusal of the council to hear or decide an appeal to them.

Appeal to judge

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

Proceedings on appeal

(1) The appellant shall in person or by agent serve upon the Assessor within eight days after the decision of the council a written notice of his intention to appeal to the judge;

Proceedings on appeal

(2) The assessor shall immediately after the time limited for service of such notice forward a list of all appeals to the judge, and the judge shall fix a day for the hearing of such appeals;

Notice of appeal

(3) The assessor shall immediately upon the judge fixing the day for the hearing of such appeals give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same;

Assessor to notify parties interested in appeals

(4) Every such notice shall be mailed by registered letter to the post office address of the appellant or his agent, as entered on the assessment roll at least seven days before the day fixed by the judge for hearing the appeals:

Time of notice

Provided however that in the event of failure by the assessor to have the required service of notice made or to have the same made as required by this Act, the judge may direct the service to be made for some subsequent day then to be fixed by him for the hearing of the appeal;

(5) The city clerk shall be the clerk of the court to be held by the judge for hearing the appeals, and may issue subpoenas for the attendance of witnesses and the production of documents at said court;

City clerk to be clerk of court

(6) 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 all appeals shall be determined before the fifteenth day of September; all deferred judgments shall be in writing and when given shall be filed with the city clerk.

Hearing and determination of appeals

(7) At the court to be holden by the judge to hear the appeals, the assessor shall appear and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be confirmed, altered or 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

Proceedings before judge

omission is corrected or supplied and if the judge reserves his judgment the assessor shall when the same is given forthwith alter and amend the roll according to the terms of the judgment, and shall write his own name opposite every such alteration or correction;

(8) In such proceedings the judge shall possess all such <sup>Judge's powers</sup> 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 orders, decisions and judgments as belong to or might be exercised by a judge of the district court in respect of any civil proceedings in said court;

(9) All process or other proceedings in, about or by way of appeal may be entitled as follows:

"In the matter of appeal from the council of the city of Edmonton,

"Between,

A.B.

Appellant,

and

C.D.

Respondent."

(10) The costs of any proceedings before the judge as <sup>Cost of proceeding</sup> aforesaid shall be paid by or apportioned 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 District Court or in the same manner as upon an ordinary judgment for costs recovered in such court;

(11) The costs chargeable or to be awarded in any case <sup>Taxation</sup> may be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in court for such costs; and in cases where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

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

**348.** A copy of the roll or of any portion thereof written <sup>Evidence of roll</sup> or printed, without any erasure or interlineation, under the seal of the city, and certified to be a true copy by the assessor, shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

**349.** If at any time it appears to the assessor that any <sup>Omissions from roll</sup> 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 enter an assessment of such land on the next roll in respect of the year or years omitted, and the valuation of the land for each of such years shall be the average assessed value of the immediately adjacent land. Appeals by any person so assessed in respect of such land shall be made and dealt with in the same manner as general assessment appeals.

**350.** Where a person claims to be assessed or claims that another person should be assessed or named in the assess- <sup>Duties of assessor as to entries</sup> ment roll so as to be entitled to be an elector, and the asses-

sor has reason to suspect that the person so claiming, or the person on whose behalf the claim is made, has not a just right to be so assessed or to be named in the roll so as to be entitled to be an elector, the assessor shall make reasonable enquiries before assessing or naming any such person in the assessment roll.

(2) Any person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted upon his request in that behalf; and a person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted therein as the other person would or could have had personally, unless such other person actually dissents therefrom.

(3) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll, and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll, and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll, or assesses or procures the assessment of a person at too low an amount, with intent in any such case to deprive that person of his right to be an elector, shall upon summary conviction be liable to a penalty of \$25 with costs, and to imprisonment for a period not exceeding thirty days unless said penalty and costs are sooner paid.

(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 statement the assessor shall enter the ratepayer as a supporter of public schools.

**351.** 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, but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness. Information to be given

**352.** The commissioners or council may at any time correct any gross and palpable errors in the roll, and any corrections so made shall be initialled by the assessor. Corrections of omissions or errors

#### RATES.

**353.** The council shall in each year fix by by-law and levy upon all lands assessed upon the last revised assessment roll such rate or rates as shall be sufficient to pay all the debts of the city falling due within the year, and such sums as shall be annually required by the school trustees having jurisdiction within the city for school purposes, making due allowance for the cost of collection thereof; but the council shall not levy in any one year for municipal purposes, exclusive of debenture rates, school rates and local improvement rates, more than an aggregate rate of two cents on the dollar upon the total value of the assessable property within the city according to the last revised assessment roll thereof. Fixing of rates

**354.** The council shall pass a by-law or several by-laws <sup>By-law authorizing levy</sup> authorizing the levying and collecting of a rate or rates fixed in pursuance of the preceding section, of so much on the dollar upon the assessed value of the assessable property in the city as shall be sufficient to raise the sums required according to such estimate.

**355.** If the amount collected falls short of the sum re- <sup>Deficiency</sup> quired the council may direct the deficiency to be made up from any unappropriated fund belonging to the city.

**356.** If there is no unappropriated fund, the deficiency <sup>Equal deduction</sup> may be equally deducted from the sums estimated as required or from any one or more of them.

**357.** If the sums collected exceed the estimates, the <sup>Surplus</sup> balance shall form part of the general funds of the city, and shall be at the disposal of the council unless otherwise especially 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 collected.

**358.** The rates or taxes imposed or levied for any year <sup>Date of maturity of taxes</sup> 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 thirty-first day of December thereof, unless otherwise expressly provided for by the by-law under which the same are directed to be levied.

**359.** The council may in addition to all other rates and <sup>Special rate for park</sup> assessments levy in each year a special rate to furnish the amount estimated by the commissioners to be required for the year and decided upon by the council to be spent for the improving and maintenance of the public parks, squares, places and recreation grounds in the city, and such money shall be known as the "Park Fund"; but the rate of such assessment shall not in any year exceed three-quarters of a mill on the dollar on all property liable to assessment for general municipal purposes.

#### TAXES.

**360.** On or before the first day of September in each year, <sup>Tax roll</sup> the assessor shall prepare a tax roll, and shall proceed to collect the taxes specified therein.

**361.** The council may, if they think it expedient, appoint <sup>Collectors of taxes</sup> a collector or collectors of taxes to assist the assessor in the work of collection, or to collect the taxes independently of the assessor's office, as may be by-law determined, and may by such by-law apportion the duties of the assessor under this part of this Act, and transfer such portion thereof as may be most convenient to any collector or collectors so appointed.

**362.** The tax roll may be a continuation of the assessment <sup>Contents of tax roll</sup> roll, and shall in that way or independently contain:—

(a) The name of every person assessed;

- (b) His residence, or in the case of a company its place of business;
- (c) The nature of the property in respect of which he is assessed;
- (d) The total amount for which he is assessed and taxed; 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 taxes, which may include general debenture tax; (2) special taxes; (3) school taxes; and (4) arrears, and the total thereof.

**363.** In the event of any part of the territory comprised within the limits of the City of Edmonton as bounded and defined in this Act, or within the limits of any future extension of the city, having been before inclusion in the city wholly or partly within the boundaries of any school or local improvement district or any previously separate and independent municipality, the person or persons having the custody of all rolls showing any taxes or assessments against the lands in any such territory shall forthwith, upon demand by the assessor of the city of Edmonton, furnish him with a copy of so much of said roll or rolls as shows such taxes or assessments. Upon receipt thereof the assessor shall add the same to the city tax rolls, and the amounts so shown shall thereupon be and become taxes due to the city, and all the provisions of this Act in relation to the collection of taxes shall apply thereto, and the city alone shall have the right and authority to collect the same, and shall upon receipt of such taxes or any part thereof pay the same over to the person or body by law entitled to receive the same.

School  
and other  
taxes  
without  
original  
city limits

**364.** Where the assessable value of any parcel or parcels of land according to the assessment roll is so small that the rate imposed would not subject such parcel or parcels of land to the payment of as high a tax as the sum of fifty cents each and every such parcel or parcels of land shall be taxed the sum of fifty cents, and such sum shall be placed on the tax roll against such parcel or parcels of land.

Provision for  
small values

**365.** The assessor shall on demand give to any person requesting the same, a certificate showing whether or not there are any arrears of taxes, and if so to what amount owing, in respect of any land or any lot or parcel thereof, and he may charge twenty-five cents for the search in respect of each separate lot or parcel not exceeding four, and for every additional ten lots or parcels, or less number, if there be less than ten, twenty-five cents; and the council may by by-law provide that the assessor may for searches regarding any entry upon the assessment roll or tax roll, charge fees at a rate not exceeding ten cents for the first entry, and five cents for each subsequent entry in respect whereof a search is made at the same time.

Search fees  
and certificates

**366.** As soon as the tax rolls are completed the assessor shall with all due despatch, and at least thirty days prior to the last day upon which discount is allowed for payment, when any discount is allowed by the council, and in any case not later than the first day of November in each year, transmit by post a notice containing a statement and demand

Tax notices

of taxes to each person whose name appears on said rolls, or to the agent of such person whose address has been transmitted to him distinguishing between:—

- (1) Taxes on land,
- (2) Taxes on special franchise,
- (3) School taxes, and
- (4) Local improvement or other special tax;

and such statement and demand shall specify the time when such taxes are required to be paid, and when the discounts and additional percentage charges will be allowed or charged; and the assessor shall enter or cause to be entered in said rolls, opposite the name of the person taxed the date of posting such notice, and such entry shall be *prima facie* evidence of the postage of such notice, but any omission or error in such notice or failing to post the same within the time specified, shall not invalidate any taxes levied or relieve any person from the payment thereof.

**367.** The council may by by-law require payment of taxes, <sup>Payment by instalments</sup> 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 assessor on any day or days and in bulk or by instalment, 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.

**368.** The council may by by-law allow a discount for <sup>Discount and penalties</sup> payment of the aforesaid taxes or any part thereof or any instalment thereof on or before the day or days therein provided as the dates for payment, and may by way of penalty impose an additional percentage charge not exceeding five per cent. for non-payment of such taxes by the first day of January in the next ensuing year to that on which the same were imposed, and in the event of such taxes not being paid before the first day of July in such next ensuing year, a further percentage charge not exceeding a further five per cent; and such additional percentage or percentages shall be added to any unpaid amount of taxes or assessments or rate or instalment and collected by the assessor by distraint or otherwise as if originally imposed by by-law; and they may also provide that no such taxes, or instalments shall be received by the assessor unless and until all arrears in respect to the lands for which such taxes are tendered are paid.

**369.** The taxes due upon any land may be recovered with <sup>Land tax a lien</sup> costs 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 incumbrance of every person except the King; and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city.

**370.** The production of a copy of so much of the roll as <sup>Evidence of taxes</sup> relates to the taxes payable by any person in the city, certified as a true copy by the assessor, shall be conclusive evidence of the debt.

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

**372.** Where any taxes are due upon any land occupied by a tenant, the assessor may give such tenant notice in writing requiring him to pay the assessor 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 assessor 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. Collection from tenant

**373.** In case taxes which are a lien upon land remain unpaid in the case of a resident of the city for fourteen days, or in case of non-residents for one month after the posting of the statement and demand provided for by section 366 hereof, the assessor may levy the same with costs by distress either— Distress for taxes where lien

(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 to the possession of which he is entitled under a contract for purchase, or under a 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 on the land, where the 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; or

(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 otherwise; or

(c) By the wife, husband, daughter, son, daughter-in-law or son-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.

**374.** 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 such goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him. Goods of taxed person only seizable



**375.** No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant. <sup>Tenant's goods</sup>

**376.** In case taxes which are not a lien on land remain unpaid in the case of a resident of the city for fourteen days, or in the case of a non-resident for one month after the postage of the statement and demand provided for by section 366 hereof, the assessor may levy the same with costs by distress, either— <sup>Distress where no lien</sup>

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

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

(3) Upon the goods and chattels of the person taxed or of the occupant of the premises in respect of which such taxes are imposed, where the title to the same is claimed in any of the ways following—

(a) By virtue of an execution against the person taxed;

(b) By purchase, gift, transfer or assignment from the person taxed, or from any person claiming by chain of title from or through the person taxed, whether absolute or in trust, or by way of mortgage or otherwise; or

(c) By the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed, or by any relative of his in case such relative lives with him as a member of his family; or

(d) By virtue of any assignment or transfer made for the purpose of defeating distress.

**377.** 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. <sup>Stranger's goods</sup>

**378.** 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. <sup>Assignee or liquidator</sup>

**379.** 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. <sup>Exemptions</sup>

**380.** The person who claims such exemption shall select and point out the goods and chattels as to which he claims exemption. <sup>Selection of goods</sup>

**381.** If at any time after demand has been made or notice given pursuant to section 366 hereof, and before the expiration of the time for payment of the taxes, the assessor <sup>Anticipatory distress</sup>

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 assessor 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 assessor may levy accordingly.

**382.** The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under chapter 34 of *The Consolidated Ordinances, 1898*, intituled "*An Ordinance respecting Distress for Rent and Extra Judicial Seizure*" or any Act passed in amendment or substitution thereof. <sup>Costs</sup>

**383.** No defect, error, or omission in the form or substance of the notice or statement required by section 366 hereof, or in the service, transmission, or receipt thereof, shall invalidate any subsequent proceedings for the recovery of the taxes. <sup>Errors</sup>

**384.** The assessor 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 assessor shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary. <sup>Sale</sup>

**385.** If the property distrained has been sold for more than the amount of 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. <sup>Return of surplus</sup>

**386.** 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. <sup>Claim to surplus</sup>

**387.** If the claim is contested, the surplus shall be returned by the assessor until the respective rights of the parties have been determined by action or otherwise. <sup>Contested claim</sup>

**388.** The net proceeds of the school taxes collected by the assessor shall be paid over by him from time to time as the same are collected to the school trustees having right thereto, or their duly authorized officers. <sup>Payment over of school taxes</sup>

#### FORFEITURE OF LAND FOR NON-PAYMENT OF TAXES.

**389.** The city assessor shall from time to time when required by the council, prepare a separate statement to be known as "The Tax Enforcement Return;" and the assessor shall enter in such return the following information in the columns provided for the purpose— <sup>Tax enforcement return</sup>

(1) The name and post office address of each person whose name appears on the last revised assessment roll

of the city, and who has not paid all taxes due by him to the city for the year next preceding the preparation of the said return or for any former year;

(2) A description of each lot or parcel of land for which each such person is assessed;

(3) A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed, including the taxes of the next preceding year, and showing the years for which all such taxes were levied.

390. When duly prepared as provided in the next preceding section the assessor shall submit the tax enforcement return to the auditor, who, upon auditing the same and upon being satisfied that the said return is correct, shall endorse thereon the following statutory declaration:

"I, . . . . ., auditor of the City of Edmonton, hereby solemnly declare that I have audited the above return, and that to the best of my knowledge and belief, it is correct in every particular.

"And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

"Declared before me at Edmonton  
this . . . day of . . . 19 . . . } . . . Auditor.

"A Comr., J.P., or N.P. "

391. The said return thus verified by the auditor shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein, and that all steps and formalities prescribed by this Act have been taken and observed.

392. The land shown on the said return shall continue liable to assessment and taxation in the same manner as other lands in the city unless and until they become vested in the city as hereinafter provided, and the assessor shall continue to collect arrears of taxes due to the city as shown by the said return and all taxes accruing due after such date, including any penalties imposed under the provisions of section 368 hereof, and upon receipt of any such payment he shall enter in the return the amount paid followed by his initials and the date of payment.

393. On the application of the assessor, the city solicitor, or other person authorized by the council, a judge may appoint a time and place for holding a court of confirmation of the said return, notice of which shall be published in every issue of *The Alberta Gazette* for two months and once each week for at least eight weeks in such newspaper published in the city as the judge may direct.

394. A notice of the time and place fixed for confirmation of such return shall be sent by registered mail by the assessor at least sixty days prior to the time so fixed to each person who appears by the said return, or the last revised assessment roll, or by the records of the Land Titles Office, to have any interest in the lands mentioned in the said return, in respect of which confirmation is desired, and whose post office address is shown by the said return, assessment roll

or records; and the entry against such lands in the said return of the date of mailing such notice, together with the signature or initials of the assessor, shall without proof of the appointment or signature or initials of the assessor, be *prima facie* evidence that the required notice was duly mailed on the date so entered.

**395.** If after the date for confirmation has been fixed as provided in section 393 hereof any person interested in any parcel of land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return, such person may do so on condition that he pays, in addition to the said taxes, the sum of two dollars for each parcel of land for costs of application to the judge and advertising and postage, in connection with such proceedings; and any sums so paid shall form part of the general revenue of the city.

**396.** At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him under oath, and shall thereupon adjudge and determine whether or not the several taxes imposed upon each lot or parcel of land included in the tax enforcement return were either wholly or in part in default, and report the adjudication to the assessor, and he shall also confirm the said return as to those lands on which any taxes are determined to be in arrears, naming the amounts of such arrears, and adding thereto a reasonable amount for the expenses of advertising, together with such sums as he may fix for costs of the application; and the effect of such adjudication when registered as hereinafter provided shall be to vest in the city the said lands freed from all liens, mortgages and encumbrances of every nature and kind whatsoever, subject however to redemption by the respective owners of the said lands at any time within three years from the date of the adjudication by the payment to the assessor of the city of the amounts named, including expenses as aforesaid, together with a redemption fee of five cents per lot or parcel for each and every lot or parcel so redeemed, and any taxes which may have accrued due on the said land since the date of such adjudication, including any penalties imposed under the provisions of section 368 hereof; but no such redemption fee shall be less than \$2.

(2) For the purposes of this section all taxes shall be deemed to be due on the first day of January of the calendar year within which they are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested, the judge may order an allowance to him for costs to be paid by the city.

**397.** A copy of such adjudication certified by the assessor shall be forwarded by registered mail to the registrar of Land Titles of the land registration district in which the lands named in the adjudication or any of them are situated, and it shall be the duty of the registrar to register the same against the lands therein named.

**398.** A copy of such adjudication shall also be sent by registered mail to the person to whom by section 394

hereof notice of the time and place fixed for confirmation of the return is required to be sent, and such persons or any of them shall be entitled to redeem the lands as hereinafter provided.

399. The assessor shall, after the expiration of two years and ten months and before the expiration of two years and eleven months from the date of such adjudication, cause to be published in The Alberta Gazette and also in a newspaper published within the city a notice stating that the lands named therein have been forfeited for non-payment of taxes, and stating the time at which the period of redemption herein provided will expire, and shall also not less than sixty days and not more than ninety days before the expiration of the period of redemption herein provided, send a copy of such notice by registered mail to the persons to whom by section 394 hereof notice of the time and place fixed for confirmation of the return is required to be sent.

Publication  
of notice  
of forfeiture

400. When the taxes on any lot or parcel of land, together with the expenses and redemption fee provided for in section 396 hereof, have been paid to the assessor within three years from the date of the said adjudication, the assessor shall issue to the person paying the taxes a certificate in the form following, verified by an affidavit of attestation in the form following, which certificate shall on presentation to the registrar of the land registration district in which the lands named are situated be registered by him free of charge, and the said certificate when so registered shall discharge and release the said lands from the said adjudication and the effect thereof.

Power to  
redeem lands

"CITY OF EDMONTON.

"CERTIFICATE OF REDEMPTION.

"This is to certify that the following lands, viz.: . . . . .  
as to which adjudication under the provisions of section 400 of The Edmonton Charter, bearing date the . . . . .  
day of . . . . ., was made by His Honour . . . . .  
Judge of the . . . . . Court of . . . . . have been  
under the provisions of the said section, redeemed, and  
the said lands are therefore discharged and released from  
the said adjudication and the effect thereof.

"Dated at Edmonton this . . . . . day of . . . . . 19 . . . . .

Assessor of the City of Edmonton."

"Witness,  
. . . . .

"AFFIDAVIT OF ATTESTATION.

"Canada  
Province of Alberta  
To Wit:

"I, . . . . ., of the City of Edmonton in the Province of Alberta (*occupation*) make oath and say:

"1. That I was personally present and did see . . . . .  
. . . . . named in the within instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

"2. That the said instrument was executed at the City of Edmonton in the Province of Alberta, and that I am the subscribing witness thereto.

"Sworn before me at the City of  
Edmonton, in the Province of  
Alberta this .....  
day of ..... A.D. 19.....

A J.P., Comr., or N.P.  
(or as the case may be.)"

401. If after the expiration of three years from the date of the said adjudication the taxes which have accrued due to that date, both before and after the date of adjudication, together with any penalties imposed under the provisions of section 368 hereof and the expenses and redemption fee as provided in section 396 hereof have not been paid to the assessor, the registrar on the written application of the assessor shall issue a certificate of title under the provisions of *The Land Titles Act* in favour of the City of Edmonton, freed from all lien mortgages and encumbrances of every nature and kind whatsoever.

402. So soon as the said return has been confirmed by the judge as provided by section 396 hereof, the assessor shall out of the general revenues of the city pay all taxes levied for school purposes which are shown to be due on the several parcels of land in the confirmed return, and at the expiration of the period fixed for redemption, if such lands have not been redeemed, shall out of the general revenues of the city pay all taxes for school purposes which have since accrued.

403. Any lot or parcel of land which becomes the property of the city in the manner provided by sections 396 and 401 hereof may be sold, leased or otherwise disposed of by the council on such terms and conditions as they may fix.

## PART VIII.

### LOCAL IMPROVEMENTS.

404. The term "local improvements" shall be taken to mean—

(a) The opening, widening, straightening, extending, grading, levelling, macadamizing, paving or planking of any street or public lane, alley, square or other public 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 water main or common 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 construction and erection of any poles, standards, wires and pipes and all other necessary work for the lighting of any roadway, street, lane, alley, square or other public place; or

(g) The laying of any pipes or wires for carrying gas, electric light or telephones along, in, upon, over or under any road, street, lane or other public place; or

(h) The construction or extension of any tramway or street railway along any highway; or

(i) The sweeping or watering of any street, lane, alley, square or other public place; or

(j) The cutting of grass or weeds or the trimming of trees or shrubbery within any defined area of the city; or

(k) The reconstructing but not the mere repair and maintenance of any of the said works during the originally estimated lifetime thereof; or

(l) The repair and maintenance thereof after the lapse of the originally estimated lifetime thereof;

(m) The establishment of a civic centre in any part of the city in pursuance of the provisions of section 227 hereof.

(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 portion of the said several lands against which the total charge is 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 improvement is 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 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 such parcel of land abutting on the local improvement shall bear 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 a 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 shall 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 the 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 lands 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 the municipal account relating to sewers; but land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts, 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.

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 abuts on the street or place whereon or wherein such local improvement is made, as is increased or is likely to be increased in market value or is otherwise benefited 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 benefited 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 including damage to land incidental to the entering on, carrying out and completing of the work and raising the moneys to pay the cost thereof, including discounts and interests.

5. The cost of extensions from time to time of waterworks or sewers shall be borne by the municipality 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 proportions as nearly as the circumstances will admit of as obtained in the case of the original establishment of the system.

405. The amount assessed against any parcel of land, either by way of 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, shall, with interest at a rate not exceeding six per cent. 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 by 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 specially 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 amounts previously paid on account thereof.

**406. 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 the 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 purpose shall be sufficient, and it shall not be necessary to pass a special by-law in each particular instance.

Procedure;  
By-laws

(b) For assessing and imposing such assessments in manner before mentioned and charging the same against the several lands affected.

(c) For borrowing by the issue of debentures upon the 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 to be borne by the municipality at large 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 the ratepayers to the passing of any by-law for raising such portion of the cost of a local improvement as 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 an 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 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.

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 assessment therefor, shall 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 for borrowing money that the amount of the general debt of the city as herein set forth, is exclusive of local improvement debts secured by special assessments.

**407.** 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 as hereinafter provided. Petition by owners or notice by council

1. (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 the 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, the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the 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 the 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 benefited by, as the case may be, the part of the local improvement which is to be made.

2. (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid by the council after resolution to that effect, upon notice thereof served upon the owners of all lands abutting on or affected by the proposed improvement whose names appear on the last revised assessment roll, at least one month before the commencement of the proposed local improvement, and after similar notice within the said period (by advertisement to be inserted once in each week for two weeks in at least one newspaper published in the city), unless the majority of the owners of the lands to be affected, representing at least one-half in value thereof as aforesaid, petition the council against the proposed improvement within two weeks after the last publication of notice of the intention of the council to undertake the local improvement.

(b) 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.

(c) When a 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 the next succeeding year to undertake the proposed local improvement.

**408.** Any local improvement may in the discretion of the council be undertaken and the necessary by-laws passed and debentures issued thereunder either before or after the cost 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. Time for making improvements

**409.** 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. Insufficient or invalid assessment

**410.** Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed on the last revised assessment roll 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:— Notice of assessment

- (a) A description in general terms of the local improvement;
- (b) The probable life time of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of the 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 Commissioners for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices:

Provided that in all cases of any special assessment, where the rate shall be an annual rate of a specified amount according to the frontage of the property abutting upon the street, lane or place or portion thereof whereon or wherein the work or improvement is done or made or proposed to be done or made; it shall not be necessary to send out the notice above mentioned; but the assessor shall publish by three advertisements in each of two newspapers published in the City a notice stating the place where and the day upon which the court of revision regarding such special assessment will be held, notifying all persons concerned to attend for the purpose of inspecting the rolls and entering complaints. The first advertisement of such notice shall be at least ten days prior to the sitting of said court. It shall not be necessary to give any other notice to the individual owners to be affected or benefited by such work or improvement, and all owners of the property affected or benefited by such work or improvement shall be deemed to have received the notice above mentioned.

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.

## PART IX.

### MUNICIPAL UTILITIES.

#### TRAMWAYS.

417. The city shall have power,—

1. To lay out, construct and operate, as part of its municipal street railway system, a single or double track tramway, radial railway or street railway, with all necessary switches, side-tracks and turnouts, for the passage of cars, carriages and other vehicles upon and along any roads, road allowances, streets, highways or lands within the city, acquired or permitted to be used for the purpose and also from a point or points within the boundaries of the city. Power to construct tramways

(a) To a point or points within the village of Stony Plain, and thence westerly to a point or points at or near White Whale Lake, and thence to a point or points at or near Lac Ste. Anne;

(b) To a point or points within the town of St. Albert and thence to a point within the village of Morinville in a northerly direction and in a north-westerly direction to a point at or near Edson;

(c) To a point or points at or near Namao;

(d) To a point or points within the village of Athabasca Landing;

(e) To a point or points within the town of Fort Saskatchewan, and thence to Pakan and Saddle Lake;

(f) To a point or points within the town of Lacombe and thence to Gull Lake;

(g) To a point or points within the town of Daysland;

(h) To any point in the Province of Alberta not more than eighty miles from the said boundary; and subject to *The Railway Act of Alberta*;

2. To carry passengers and freight on such tramways by the power of electricity, or by such other motive power except steam as the council may from time to time deem expedient;

3. To levy and collect tolls from all persons and freight passing or travelling over the same;

4. To establish works (in addition to the ordinary municipal works) to supply electricity or other motive power or for the sale of the same within or without the limits of the city;

5. To construct, erect and maintain all necessary buildings, machinery, appliances and convenience for the purposes of such tramways and works, including the erection of

poles upon any and all roads, road allowances, streets, highways and lands upon which the Council deems it expedient to construct its tramways for the carrying on of its business;

6. To construct and operate bridges or ferries across the North Saskatchewan River and other rivers and streams for the purposes of said tramways;

7. With the consent of the Minister of Public Works of the Dominion of Canada or of the Province of Alberta or of the municipal council of any municipality or by agreement with any company or corporation, to construct and operate such tramways over and along any bridge which is now or shall hereafter be erected across the said North Saskatchewan River or any other river or stream, and which may be under the management or control of such ministers, municipal council, company or corporation respectively; and

8. To acquire, lease, open, improve, equip and operate coal mines and stone quarries for the purposes of the city:

Provided that after the lapse of five years from the date of the passing of this Act all powers granted by this section shall absolutely cease unless at least fifteen miles of line shall have then been constructed; and

Provided further that after the lapse of seven years from the date of the passing of this Act the powers granted by this section shall absolutely cease with regard to all tramway lines (not being necessary switches, side-tracks or turn-outs) not then actually constructed.

418. No tramway of the city or works in connection therewith shall be constructed or operated along or upon any street or highway in a municipality now existing or which may hereafter be established (save within the boundaries of the city of Edmonton as now existing or hereafter extended) unless first authorized by an agreement in respect thereof made between the said city and the municipal council of such municipality, nor in the case of roads, trails, road allowances, streets, highways, bridges or ferries, not within a municipality, unless first authorized by the Minister of Public Works or other authority having control of the same.

419. The city may enter into agreements with any person or company having right and authority to construct and operate street railways or tramways within eighty miles of the city of Edmonton, for conveying or leasing to such person or company the whole or any part of the tramways of the city constructed under this or any former Act or forming part of its municipal system, or any rights or powers acquired under this or any former Act; as also the surveys, plans, works, plants, materials, machinery and other property to it belonging, acquired under this or any former Act, or for an amalgamation with such company, or for leasing, hiring or purchasing the plant, rolling stock or other property of such person or company, or for running arrangements by such person or company, over the lines of the city.

420. Such agreements may be on such terms as may be agreed upon by and between the contracting parties:

Provided that any such agreement must first be sanctioned by a vote of the burgesses of the city in the same manner as if it were referred by-law, and further that such agreement has received the approval of the Lieutenant-Governor in Council.

**421.** The cars or other vehicles of the city shall have the right to use the tracks of the city as against all other vehicles whatever; and all other vehicles using the said tracks shall turn out of the said tracks and permit the cars and vehicles of the city to pass, and shall in no case and under no pretence whatever obstruct or hinder the passage on or along and the free use of the said tracks for the cars and vehicles of the city.

City's cars  
and vehicles  
to have use  
of tracks

**422.** The fare shall be due and payable by every passenger on entering the car; and any person who refuses to pay the fare when demanded by the conductor or collector, and refuses to leave the car when requested to do so by said conductor or collector, shall on summary conviction thereto before any justice of the peace be liable to a fine of not less than two dollars nor more than ten dollars.

Fares

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

Power to  
issue bonds  
and debentures

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

Not to be  
under \$100

**425.** The power of issuing bonds, debentures and other securities shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds, debentures or other securities constituting such issue being withdrawn or paid off and duly cancelled.

When issue  
may be made

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

May be secured  
by mortgage  
on tramway  
franchise, etc.

**427.** By the said deed the council may grant to the holders of such bonds, debentures, or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restructure the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the

Rights  
conferred  
on bond holders

**411.** A memorandum in any proper book or roll kept for that purpose of the service or mailing of such notices and of the date whereof shall be *prima facie* evidence of the service or mailing of such notice in accordance with the last preceding section on the date mentioned in the memorandum.

**412.** 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 such assessment is appealed against as provided in the new following section.

**413.** There shall be a right of appeal against every assessment made under the authority of any by-law passed under this part of this Act to the commissioners, and from them to the council in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.

**414.** The decision of the council on any such appeal shall be final and conclusive upon all matters respecting the the assessment and special rate, and the council shall 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.

**415.** The moneys required to pay the cost of local improvements may be borrowed under the authority of one or more by-laws; and the portion payable by way of special assessment and the portion to be borne by the municipality at large may be provided for in one or more separate by-laws; and every by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise:

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 the by-law, and whether the 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 and the city is to collect the same only by way of special assessment as aforesaid.

**416.** In the case of any by-law heretofore 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 defects 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

powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

**428.** Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given to the council in the Alberta Gazette.

Mortgages  
to be registered  
with  
Provincial  
Secretary

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

Bonds and  
debentures  
to be a  
preferential  
lien on  
franchise, etc.

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

Bond holders  
to be mort-  
gagees  
*pro rata*

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

Other  
registration  
unnecessary  
to secure lien

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

Borrowing  
powers not  
to interfere  
with general  
borrowing  
powers of city

#### WATERWORKS AND SEWERS.

**433.** The corporation shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct waterworks and all buildings, materials, machinery and appurtenances thereto belonging in the city and in the neighbourhood thereof as hereinafter provided, and either in connection with waterworks or not a system of storm sewers or sanitary sewers or both.

City may  
construct  
waterworks  
and sewers

**434.** The corporation shall have power to employ such engineers, surveyors and other persons, and to rent with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or to purchase at the option of the corporation such lands and buildings, waters and privileges as in their opinion may during the construction or at any future time be necessary or expedient to enable them properly to carry out the purposes of this part of this Act.

General powers



**435.** The corporation, their engineers, servants and workmen from time to time and at such times as the corporation shall see fit may enter into and upon, take or use the land of any person, body 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 the said waterworks or sewers, and may contract with the owner or occupier of such lands and any person having a right or interest in any water for the purchase or renting thereof or any part thereof, or of any privilege that may be required for the purpose of the said waterworks or sewers at the option of the corporation.

Power to enter upon and acquire land

**446.** The corporation may construct, erect and maintain in and upon any lands acquired under the provisions of this Act all reservoirs, waterworks and machinery requisite for the undertaking, and for conveying the water thereto and therefrom in, upon and through any lands lying intermediate between said reservoirs and waterworks and the rivers, ponds and springs, streams or waters from which the same are procured and the city, by one or more lines of pipes as may from time to time be found necessary or expedient

Construction of necessary works

**447.** The corporation and their servants under their authority may for the said purposes enter and pass upon and over the said lands intermediate as aforesaid, and they may cut and dig up if necessary and may lay down the said pipes through the same and in, upon, through, over and under the highways, streets, lanes, roads or other passages intermediate as aforesaid, and may for the purpose of such waterworks enter and pass upon and over such lands as the corporation may deem expedient, and they may cut and dig up if necessary and may lay sewers through the same and in, through, over and under highways, streets, lanes, roads and other passages.

Power to enter upon intermediate lands

(2) All lands not being the property of the corporation and all highways, roads, streets, lanes or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.

(3) The corporation may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the corporation may think necessary and proper for the making and maintaining of the said works or for the opening of new streets required for the same, and also such lands as may be required for the protection of any of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing any of the said works, and for distributing water to the inhabitants of the community, or for the uses of the corporation, or for the proprietors or occupiers of the lands through or near which the same may pass.

**438.** For the purpose of distributing water or for the purpose of sewerage as aforesaid the corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time after all or any of the said works, whether during or after construction, as they may deem advisable.

Power to lay pipes

**439.** All such works, pipes, erections and machinery requisite for the undertaking shall be vested in and be the property of the city.

Property vested in council

**440.** Service pipes or sewers which may be required shall be constructed and laid down by the corporation up to the outer line of the streets, and the corporation shall be solely responsible for keeping the same in repair. <sup>Service pipes or sewers</sup>

(2) In cases where vacant spaces intervene 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 corporation may with the consent of the owner lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or the owner himself may lay service pipes or sewers provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing as herein provided of the service pipes or sewers, if laid or repaired by the corporation (except the repairing of the service pipes or sewers from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation) 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 corporation, 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 pipes or sewers, if laid or repaired by any other person as aforesaid, exceed \$2.

**441.** The service pipes or sewers from the line of street to the interior face of the outer walls of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the corporation, shall be under their control; and if any damage is done to this portion of the service pipe 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 corporation; and in default of his so doing whether notified or not, the corporation may enter upon the lands where the service pipes or sewers are, and by their officers, agents, or servants repair the same, and charge the same to the owner of the premises as hereinbefore provided. <sup>Service pipes and sewers to be under control of city</sup>

(2) The stopcock placed by the corporation 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.

(3) Parties supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation.

**442.** Any person authorized by the corporation for that purpose shall have free access at proper hours of the day, and upon reasonable notice given and request made, or in case of the written authority of a commissioner given in respect of the special case without notice, to all parts of every building or other premises in which water 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 in connection within or without any house or building as they 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 <sup>Inspection of premises</sup>

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.

443. The corporation shall regulate the distribution and use of the 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 time 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.

Regulation  
of use of  
water and  
charging of  
rates

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot for the water supplied to him there or for the use thereof, and all rates, costs, and charges authorized by this Act to be collected in the same manner as water rates, shall be a preferential lien and charge on such house, tenement, lot or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are recoverable.

444. The corporation may from time to time make and enforce by-laws, rules and regulations for the general maintenance, management or conduct of the waterworks, and for the collection of the water rates, and for fixing the time and times when and the places where such rates may be payable; and they may allow a discount for prepayment of such rates and may impose penalties in respect of failure in the punctual payment thereof as in the case of the general municipal taxes; and in case of default in payment they may enforce payment thereof by shutting off the water, or by action in any court of competent jurisdiction, or by distress and sale of the goods and chattles of the owner or occupant as in the case of other rates and taxes in accordance with the provisions of part VII of this Act.

Power to make  
and enforce  
by-laws for  
maintenance  
and manage-  
ment of works  
and collection  
of rates

445. For the purpose of collection of such rates, and also for the purpose of collection of the rates authorized under section 457 of this Act, the corporation may employ or appoint such collectors and others and may specify their duties in such manner as may from time to time by resolution or by-law determine.

Collectors  
of rates

446. The corporation shall not be liable for damages caused by the breaking of any service pipe, or attachment, or for shutting off of any water to repair mains; provided that reasonable notice of the intention to shut off the water shall be given whenever the same is intended to be shut off for more than six hours at any one time.

Non-liability  
for breakage  
or stoppage

447. The corporation shall have power and authority to supply with water upon special terms any person or corporation outside the municipality, and may exercise all other powers necessary to the carrying out of the agreement with such person or corporation as well within as without the municipality; and they may also from time to time make and carry out any agreement which they may deem

Power to  
supply  
water outside  
the city

expedient for the supply of water to any railway company or manufactory; provided that where such water is to be supplied in another municipality which itself possesses waterworks, no pipes for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road, or passage within such water 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.

448. The council may make such by-laws as they may think proper for prohibiting by fine, not exceeding \$20 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, giving it away or permitting it to be taken or carried away, or using or applying it to the use or benefit of others or to any other than his own use and benefit, or from increasing the supply of water agreed for with the corporation, or wrongfully neglecting or improperly wasting the supply.

Power to make by-laws prohibiting wrongful use of water and regulating supply

(2) They may also make by-laws regulating the time, manner, extent and nature of the supply from the works to the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith, 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 corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment, shall be in the discretion of the justice of the peace before whom any proceedings may be taken for the enforcement of such by-law.

449. In case a petition signed by two-thirds of the resident ratepayers of the city qualified to vote on by-laws requiring the assent of the burgesses is presented to the council asking for the construction of waterworks under the powers conferred by this Act:

Petition for construction of waterworks

(1) It shall be the duty of the council to submit a by-law for the construction of such waterworks to the vote of the burgesses, and the 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 the council, and shall submit the same to the vote of the burgesses within six weeks after the receipt of the petition by the council.

(2) The powers of the council shall not be deemed to be abridged by this Act except as expressly stated herein.

(3) The proceedings in taking the vote and the persons having the right to vote shall be the same as nearly as may be as are required by this Act in case of by-laws creating debts.

450. If the by-law be approved of by two-thirds of the duly qualified burgesses voting thereon, it shall be the duty

If by-law approved council to construct works

of the council to pass the by-law, and forthwith to proceed with 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 the next general municipal election.

#### LIGHTING, HEATING AND POWER WORKS.

**451.** The corporation shall have power to manufacture and supply for the use of the corporation and of all persons gas (including natural gas) for heating, cooking and all other purposes for which gas can be used, and to manufacture and supply electric, galvanic or any other artificial light or heat or power, either in connection with gas or otherwise; and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite; and shall have power to acquire any patent or other rights for the manufacture or production of any artificial light or heat or power; and also to supply, sell or lease all fittings, machines, apparatus, meters or other things for the purposes aforesaid. City may construct gas, electric light and power works

(2) The corporation may sell or dispose of coke, tar and every product, refuse or residue obtained in or from their said works, and any surplus coal, which they may have on hand.

(3) The corporation shall have power to rent or purchase such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

**452.** The corporation or their servants under their authority may, for the purpose of laying down, taking up, examining or keeping in repair the pipes or wires used for conducting the gas, electricity or other means of producing light or heat or power, break up, dig and trench in, upon, through, over and under the highways, streets, lanes, roads, squares and other public passages and places in the city, or with the consent of the owner in, upon, through, over or under any private property; or may erect upon poles or otherwise such wires and rods as may be necessary for the conduct of such light, heat or power over, along and across such streets, lanes, roads, squares and other public passages and places, or with the consent of the owner over, along and across private property. Power to break up streets

**453.** Where there are buildings within the city different parts whereof belong to different proprietors or are in possession of different tenants or lessees, the corporation may carry such 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 the gas, electricity or other means of providing light or heat or power to the property of another or in the possession of another. Power to carry pipes and wires through parts of buildings

(2) 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.

**454.** The corporation may also break up and light all passages common to neighbouring proprietors or tenants, Power to break up passages

and dig or cut trenches therein, for the purpose of laying down pipes or wires, or taking up or repairing or examining the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay.

**455.** The corporation shall construct their gas, electric light, heat, power, or other works, and all apparatus and appurtenances thereto belonging, or appertaining therewith connected and wheresoever situated, so as not to endanger the public health or safety. Public health and safety not to be endangered

**456.** Where the corporation have constructed any works for supplying the city with light, heat or power as herein before provided, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply all buildings within the city situate upon land lying along the line of supply, upon request of the owner, occupants or other person in charge of any such building, at the customary charges and on the customary terms. City to supply buildings on request

**457.** The council may from time to time make and enforce all necessary by-laws, rules and regulations for the general maintenance and management of all the works constructed or maintained under this or any former Act or Ordinance, and for fixing the rates and charges for supplying gas or electricity or other means of providing light or heat or power as aforesaid, and the rent of fittings, machines, apparatus, meters or other things leased to consumers; and for the collection of such rates, charges and rents, and determining the times and places when and where the same shall be payable, and they may allow for prepayment of punctual payment such discounts as they may deem expedient, and may impose penalties for failure in punctual payment as in the case of the general municipal taxes. Power to make by-laws for maintenance and management of works and collection of rates

**458.** The corporation may enforce payment of such rates, charges or rents by cutting off the light or power supplied under any of the preceding provisions, or by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents as in the case of other rates and taxes in accordance with the provisions of part VII of this Act. Power to enforce payment of rates

**459.** Where any consumer discontinues the use of gas or electric or other light or heat or power furnished by the corporation, or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such consumer was supplied with such gas or electric or other light or heat or power, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation in or upon such premises, and may remove the same therefrom doing no unnecessary damage. Power to remove apparatus

**460.** The corporation may under a by-law of any adjoining municipality exercise the like powers within such adjoining municipality as they may under this Act exercise within the city, upon such terms as may be agreed upon; Powers to extend works beyond city

and the corporation of the adjoining municipality may either require to be paid a sum in gross or annually for such privilege, or may pay a sum in gross or annually therefor.

**461.** In case any person, firm or company has laid down main pipes for the supply of gas or electric or other light, heat or power in or through any of the roads, streets, lanes, squares or other public places of the city, the corporation shall not, without the consent of such person, firm or company first had and obtained, nor otherwise than upon payment to such person, firm or company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas or electric or other light, heat or power, within six feet of the main pipes of such person, firm or company, or if it be impracticable to cut drains, for any such main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between such person, firm or company and the corporation.

Restrictions  
when mains  
already  
existing

**462.** The above provisions, from section 451 to section 461 inclusive, shall *mutatis mutandis* apply to the municipal telephone system, and especially as to the powers to collect telephone rates and recover telephone property and fixtures.

Municipal  
telephone  
system

#### GENERAL.

**463.** The corporation shall do as little damage as may be in the execution of the powers by this Act granted, and shall make reasonable and adequate satisfaction to the owners occupiers or other persons interested in the land, waters, rights, or privileges entered upon, taken or used by the corporation, or injuriously affected by the exercise of such powers; and in case of a disagreement the compensation or damages shall be ascertained by arbitration in the manner provided in part X of this Act.

No unneces-  
sary damage  
to be done

**464.** The attempt to collect any rates by any process herein authorized shall not in any way invalidate any lien on the premises where such lien has been herein provided.

Attempts  
to collect  
rates not  
to invalidate  
lien

(2) In the event of such rates being a lien upon the said premises as aforesaid and remaining uncollected and unpaid, the amount of the rates so in arrears shall be returned by the collectors to the assessor annually on or before the eighth day of April in each and every year, or such other time as may be fixed by the council by by-laws in that behalf; and the same, together with interest at the rate or ten per cent. per annum thereon, may thereupon, if directed by the council, be enforced by the assessor in the same manner and subject to the same provisions as in case of the forfeiture of lands for arrears of municipal taxes for the time being.

**465.** The corporation and their officers, agents and servants shall have the like protection in the exercise of their respective offices and the execution of their duties as public officers have under the laws of the province, and the watchmen and other officers of the corporation when in the discharge of their duties shall be *ex officio* possessed of all the powers and authorities of constables.

Protection  
and power  
of officers

**466.** All materials procured or partly procured under contract with the corporation, and upon when the corporation shall have made advances in accordance with such contract, shall be exempt from execution.

**467.** The lands, buildings, plant, machinery, reservoirs, pipes, poles, wires, rods, meters, fittings and all other real or personal property connected with or appertaining or belonging to any works executed under this Act shall be exempt from taxation for municipal, school or other purposes.

**468.** No property owned by the corporation under the authority of this Act shall be liable to seizure by way of distress for rent.

**469.** The corporation may dispose of any real or personal property acquired by them for the purpose of this part 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 security issued by the corporation; but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon, or they may be reinvested in similar property under the authority of this Act, when constituted 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 corporation and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property, the corporation may take security by way of mortgage to secure the same, and the corporation shall have all the rights, powers and remedies expressed in or implied by any mortgage given as fully as if the mortgage had been given to a private person; and every such mortgage and the proceeds thereof shall be subject to the provisions of the first subsection of this section.

**470.** No member of the council and no commissioner shall personally have or hold any contract in connection with any works authorized by or executed 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 or from being a commissioner by reason of his being a taker or consumer of water, light, heat or power supplied by the corporation, or by reason of any dealing or contract with the corporation with reference to the supply of water, light, heat or power to such person.

**471.** 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 any public works constructed under the provisions of this Act, or to any plant, machinery, fittings or appurtenances thereof, shall be liable to the corporation for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the corporation in any court of competent jurisdiction.



**472.** The corporation may purchase or lease any works <sup>Power to purchase or lease existing works</sup> constructed for the supply of water, light, heat and power within or in the neighbourhood of the city, being the property of any person or company, and under the provisions of this Act may improve or extend such works.

**473.** If any person does or commits any of the following <sup>Penalties</sup> acts—

(1) Wilfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted the corporation or their managers, contractors, servants, agents, workmen or any of them in the exercise of any of the powers and authorities in this Act authorized and contained;

(2) Wilfully or maliciously lets off or discharges water, gas or electricity, so that the same runs waste or useless;

(3) Not being in the employment of the corporation 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;

(4) 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 or pollutes the water, or commits any wilful damage or injury to the works, pipes or water, or encourages the same to be done;

(5) 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 specifically authorized by the corporation for that particular purpose and occasion;

(6) 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 to obtain or use any water, gas or electricity thereof without the consent of the corporation;

(7) Washes or cleanses cloth, wool, leather, skin, or animals, or places any nuisance or offensive thing within the distance of one mile from 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 carcase 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 to be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way polluted, tainted or fouled;

And if any such person is convicted of such act before a justice of the peace, he shall for every such offence forfeit and pay a sum not exceeding \$20 and not less than \$1, together with the costs and charges attending the proceedings and conviction.

**474.** The penalties in money under the last preceding <sup>Application of penalties</sup> 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 city treasurer and the other half to the prosecutor, unless the prosecutor is the officer or servant of the corporation, in which case the whole of the penalty shall be paid to the city treasurer.

**475.** Any municipal public work provided for in this part of 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. May be constructed as separate undertaking

**476.** It is hereby provided that any public work or works constructed or acquired under this part of this Act and all lands 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 corporation and shall not be liable for any debt of the corporation heretofore or hereafter contracted by the corporation for other purposes, 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 for the purpose of paying the cost or part of the cost thereof, and for any debentures which may be issued therefor; and the holders of such securities shall, in addition to the liability of the city to pay the same as a liability contracted on the credit of the city at large, as they are hereby declared to be, have a preferential lien and charge on the said works, lands, appurtenances and revenues for securing repayment of the same, and the interest thereon irrespective of the order in which the same are issued. Money borrowed to be a charge on works

(2) It is hereby declared that the debentures of the city of Edmonton numbered 1 to 110 inclusive, and being a re-issue of a certain other debenture numbered 45, constitute a special charge upon the municipal waterworks system of the city, with all the rights, powers and privileges set forth in sections 475 to 478 hereof, both inclusive, as well as a charge upon the credit of the city at large, and constitute good, valid, incontrovertible securities charged as aforesaid for the principal purporting to be secured thereby and interest at four and one-half per centum payable as therein provided.

**477.** After the construction of any of the said works, all the revenues therefrom or from the real and personal property connected therewith shall, after providing for the expenses attendant upon the maintenance of the works and after payment of the amount payable for principal and interest or sinking fund and interest up to the end of the then current year, be year by year transferred to and form part of the general funds of the corporation and may be applied accordingly. Revenues from works

**478.** 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 debentures shall be at liberty, as often as 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, appurtenances, and operate the same until all arrears of principal and interest and the reasonable cost and expenses of taking possession and of operating the same shall be fully paid, and may on such terms as any competent court or judge thereof may order advertise and sell the said public work or works, lands and appurtenances, by public Rights of debenture holders on default in payment of moneys borrowed or interest

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 corporation.

479. The purchaser or purchasers on any such sale and their assigns shall have and possess and may exercise all the rights, powers, privileges and franchise relating to the construction, maintenance, working and conduct of the work or works which are by this Act conferred upon the corporation, subject to the right of the corporation 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 ratepayers as in the case of the original construction or purchase of said works.

Rights of purchasers

Right of corporation to resume ownership of works

(2) In case the corporation fails to exercise the right of resuming the ownership of the public work or works at the expiration of the said period the corporation 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.

480. It is hereby declared that the powers of borrowing and issuing of debentures in this part of this Act provided for are not to be accounted as diminishing the powers of the corporation to borrow and issue debentures conferred by any other part of this Act, nor are they to be taken as restricting the power of the corporation to borrow and issue debentures on the credit of the city at large within the limit of amount hereinbefore provided for, for the purpose of constructing or purchasing any such public work or works or assisting therein, and the corporation in borrowing for the purpose of any such public works may notwithstanding any other provision of this Act extend the time of repayment for any term up to fifty years.

Powers to be in addition to other statutory powers

(2) Debentures issued in pursuance of a by-law passed under the authority of this part of this Act may be dated as of the actual date of the issue thereof, provided that 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.

(3) Where a system of waterworks has already been established and it is proposed to extend the said system, it shall not be necessary to obtain the assent of the burgesses to the passing of a by-law for raising the cost of such extension, though such cost is to be wholly or partially borne by the city at large.

481. The corporation may assess, levy and collect a frontage rate on all properties fronting or abutting on the streets, lanes, squares, and other public places in, through or along which the water works mains have been or shall hereafter be laid. Such rate shall be a uniform rate of so much (not exceeding ten cents) per foot of the frontage to be assessed, levied and collected as part of and along with the ordinary municipal taxes, and shall form a lien upon the lands affected in the same way as such ordinary taxes. The amount of such rates, the lands to be

Special frontage rate

affected, the mode of adjustment, of the rate in respect to lands of peculiar shape or size, of different depth, or lands fronting or abutting on more than one such street, lane, square or place, shall be ascertained and determined by such authority and in such manner as shall be directed by the council. A copy of the report of such authority shall be filed with the official in whose charge the collector's rolls are prepared. The latter shall enter the amount of such rates in such rolls against the respective lands affected in the same manner as and as part of the ordinary municipal rates and taxes. Such rates may be so assessed, levied and collected irrespective of whether such lands are vacant, or are not connected with the water mains, or do not use or receive water from the same. And such frontage rate shall be a charge separate and apart from the rate or price charged for water actually furnished or supplied or agreed to be furnished or supplied by the corporation.

482. The expression "works," "public works," "utility," "utilities," or any similar expression in this part of this Act shall be construed to mean and include all other municipal revenue-earning works or utilities, including the municipal telephone system of the city, now undertaken and operated or which may hereafter be undertaken and operated either under this or any other Statute, and so far as applicable thereto the provisions of this part of this Act shall apply to all such works or utilities.

Other  
municipal  
utilities

## PART X.

### EXPROPRIATION OF LANDS.

483. If the council desires to acquire land, either within or without the city, for any purpose authorized by this Act, or for the purpose of preventing the working of any coal mine within, upon or under any portion of the land comprised within the city, the commissioners, upon a resolution by the council authorizing them so to do, may negotiate with the owners and occupiers of such land or other persons interested therein for the acquisition of the land by agreement, and in case they cannot acquire the land at a fair price by agreement, the Commissioners may take steps to acquire the same by expropriation in name and on behalf of the city.

Expropriation  
of land

484. The commissioners shall make to the owners or occupiers of or other persons interested in any land taken by the city in the exercise of any of the powers conferred by this Act due compensation, and pay damages for any land or interest therein 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.

Compensation.

485. Before taking any land the commissioners shall deposit with the city clerk plans showing the land to be taken or used, and specifications of the work to be done

Deposit of  
plan of  
land taken

thereon, and the names of the owners or occupiers thereof according to the last revised assessment roll and in case the land to be taken is required for the opening, extending or widening of any highway they shall also deposit copies thereof in the office of the registrar of the land registration district within which the city is situate and the registrar shall receive and preserve the same in like manner as railway plans are received and preserved under the provisions of "*The Railway Act of Alberta*;" and in the event of transfers of land to be taken being required the lands taken by the city may be described according to said plan.

486. The city clerk shall thereupon notify such owners and occupiers of the deposit of 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 land shall be ascertained. <sup>Notice to owners, etc.</sup>

(2) 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.

487. In case any land not taken for any work or undertaking constructed, made or done by the commissioners under the authority of this Act is injuriously affected by such work or undertaking, the owner or occupier or other person 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. <sup>Claims for damage</sup>

(2) 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.

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

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

488. 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. <sup>Compensation appurtenant to land</sup>

489. 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 these whom they represent (whether infants, issue unborn, 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 commissioners of any powers in respect thereof. <sup>Trustees and other persons under disability</sup>

(2) If there is no such person who can so act in respect of such land, or if any person interested in respect of any such land is absent from the Province of Alberta or is unknown, or if 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.

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

490. The compensation or damages which may be agreed upon or awarded as after provided for any lands 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 city be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

Compensation  
and damages  
to stand  
in lieu of land

491. If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer, conveyance, discharge or other instrument, or cannot be found or is unknown to the council, or if the city has any reason to fear any claim, mortgage or encumbrance, or if for any other reason the city deems it advisable, the city may pay such compensation or damages into court, and thereupon a judge upon 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.

Vesting order

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper of the city of Edmonton calling upon persons entitled to compensation or damages in respect of any lands or any part thereof so taken or injuriously affected to file their claims to the said compensation or damages or any part thereof; and all such claims shall be received and adjudicated upon by the said judge.

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interests 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 necessary.

492. The commissioners, in all cases where claims for compensation or damages are made against the city 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 an award 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 it.

Tender

**493.** Where a claim is made for compensation or damages <sup>Arbitration</sup> by owner or occupier of or other person interested in lands taken by the commissioners, or which is alleged to have been injuriously affected by the exercise of any of the powers of the commissioners, in the event of the commissioners 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 a barrister to be appointed by him, as arbitrator.

**494.** The fees to be paid to such arbitrator in any such <sup>Arbitrator's fees</sup> 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's sitting to consist of not less than six hours, \$20.00.

For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied, \$3.00.

**495.** The reference of any such claim to an arbitrator <sup>Effect of reference</sup> shall not be deemed to be an admission of 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.

**496.** The arbitrator may award the payment by any of <sup>Costs</sup> 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.

**497.** In case of an award under this Act the arbitrator <sup>Notes of evidence and view</sup> shall take and immediately after 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 the documentary evidence so given or a copy thereof, and in case he proceeds partly on a view or on any knowledge or skill possessed by him, he shall also put in writing a statement thereof.

**498.** The award shall not be binding on the city unless it <sup>Effect of award</sup> is adopted by the city by by-law within two months 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. And notwithstanding anything in this Act contained the city need not provisionally pass or submit to the burgesses a by-law for providing the sum awarded until after the date of the award.

**499.** On affidavit by any of the commissioners or the city <sup>Warrant for immediate possession</sup> engineer that immediate possession of any land desired to be taken for any purpose is necessary, having regard to the purpose for which it is required, a judge may grant warrant to place the city in immediate possession of such land; provided that—

(1) Ten days' previous notice of the time when and the place where the application for such warrant is to be made shall have been served upon the owner and occupier of the land sought to be taken, or the person empowered to convey or interested in the same; and

(2) The city gives security to the satisfaction of the judge by payment into court of a sum sufficient in his estimation to cover the probable compensation and costs of the arbitration, and not less than fifty per cent. above the amount mentioned in the notice served upon the party or parties stating the compensation offered.

**500.** The costs of such application and of the hearing <sup>Costs of application</sup> before the judge in terms of the preceding section shall be borne by the city, unless the compensation awarded is not more than the city had offered to pay.

(2) No part of the deposit mentioned in the preceding section shall be repaid to the city, or paid to the owner or other person interested, without an order from the judge, which he may make in accordance with the terms of the award.

**501.** Upon registration in the Lands Titles Office for the <sup>Completion of city's title to land</sup> registration district in which the land taken by the city is situated of the conveyance of transfer of such land, or in the event of the refusal or inability for any cause to grant a transfer or conveyance on the part of the owner or other person in right of the land or entitled to convey or deal with the same as owner, upon registration of the order of the judge vesting in the city the title to the land in pursuance of section 490, the city shall have an absolute and indefeasible title to such land, freed and disencumbered of all mortgages, liens and other encumbrances thereon.

## PART XI.

### HIGHWAYS AND PUBLIC PLACES.

**502.** In this part of this Act, the expression "highway" <sup>Highways</sup> shall mean any public highway, road, street, lane, alley, park, square, bridge, river, stream or other public place.

**503.** Every highway within the limits of the city, except <sup>Within the city</sup> so far as excluded by any special act or agreement, shall be vested in the city.

**504.** The Lieutenant Governor in Council may by order <sup>Without the city</sup> in council vest in the city any highway not wholly within the city limits, or any part thereof.

**505.** All rights, powers, authority, duties and privileges <sup>Ferries</sup> of the Lieutenant Governor in Council, or of the Lieutenant Governor or of the clerk of the legislative assembly under and by virtue of *The Ferries Ordinance* and any other Act now in force or hereafter to be passed in relation thereto, shall become and be vested in the city in so far as regards any ferry or ferries now or at any time hereafter operated to or from any place or places on the banks of the North Saskatchewan River, so far as within the boundaries of the city.

**506.** The council may pass by-laws for—

(1) The closing and selling, leasing or holding of any public highway, provided that no such by-law shall be passed unless at least two weeks' notice of the intention of the

<sup>Closing, etc., of streets</sup>



council to pass the same be served upon the persons registered or assessed as the owners of the lands abutting upon the portion of highway so proposed to be closed and 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 afforded an opportunity of being heard by himself or his agent in relation to the proposed by-law.

(2) Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damages to his land by reason of anything done under such by-law; such compensation to be determined in the same manner and subject to the same conditions as in the case provided for by part X of this Act.

(3) In case it shall appear that the amount of the compensation, after deducting the selling price in case a sale is contemplated, will be so large that the amount ought not to be paid out of current revenue, the by-law shall be referred for the assent of the burgesses, and if the same be finally passed, the amount necessary to be raised to pay the compensation and any costs may be raised by the issue of debentures for the amount payable, on such terms and with such rate of interest as the council by by-law shall determine.

**507.** The city shall keep every highway, 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 city, in a reasonable state of repair, having regard to the character of the highway and the locality in which the same is situated or through which it passes. <sup>Repairs</sup>

**508.** 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 use by the council or by the commissioners. <sup>Private dedication</sup>

**509.** In case an action is brought against the city to recover damages sustained by reason of any obstruction, excavation, or opening in, upon or near to a public highway, 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 such other person for the damages and costs, if any, which the plaintiff in the action may recover against the city, and may enforce payment accordingly against such other person. <sup>City's remedy over in action of damages</sup>

**510.** The city shall be entitled to such remedy over in the same action, if such 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 an obstruction, excavation or opening as aforesaid, placed, made, left or maintained by such other person; and the city may in any such action have the other person added as a party defendant or third party for the purposes <sup>Remedy in same action</sup>

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 plaintiff's 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.

**511.** If such other person is 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 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. Remedy in separate action

**512.** Such other person shall be deemed to admit the validity of the judgment, if any, obtained against the 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. Admission of third party's liability

**513.** 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 the 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. Non-admission of liability

**514.** Where the city and any adjacent municipality or adjacent municipalities are jointly responsible for the keeping in repair of any public highway, and liable in damages for failure to do so, there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair, and any action brought by any such person shall be brought against all of such municipalities jointly, and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined therein, and in settling such proportions either in the action or otherwise regard shall be had to the extent to which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered, and the damages and costs shall be apportioned between them accordingly. Joint liability

**515.** Nothing contained in sections 506 or 507 hereof shall cast upon the city any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law, and over which the city has no control, where the Limitation of liability

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.

**516.** 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 highway, 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 against the city only. <sup>No liability on officers of city</sup>

(2) 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.

## PART XII.

### MISCELLANEOUS.

#### ACTIONS BY AND AGAINST THE CITY.

**517.** Where duties, obligations or liabilities are imposed by law upon any person, company or corporation, or where contracts or agreements are or have heretofore been created, enacted or validated by any statute imposing such duties, obligations or liabilities, the city shall have the right by action to enforce such duties or obligations and the payment or discharge 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. <sup>Right of action by city</sup>

**518.** In case any by-law, order 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, order or resolution has been quashed or repealed, nor 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, order or resolution; and every such action shall be brought within three months of the date of the quashing or repeal of such by-law, order or resolution, otherwise the right or repeal of such by-law, order or resolution, otherwise the right of action shall be barred and extinguished. <sup>Actions against city under illegal by-laws; Notice required</sup>

**519.** Save as otherwise by law provided, no action shall be brought by reason of the death of or any injury to any person or any injury to the property of any person arising out of any accident alleged to be due to the negligence of the city, its officers, employees or agents, unless notice in writing of the accident and the cause thereof has been served upon the city clerk, or the commissioners, within sixty days of the happening of the accident, and any action for damages brought in respect thereof shall be commenced within six months after such right of action has arisen, otherwise the right of action shall be barred and extinguished. <sup>Action of damages against city; Notice; Time limit</sup>

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

**520.** Upon any claim being made or action brought for damages for alleged negligence on the part of the city, the council or commissioners may tender or pay into court such amount as they may consider proper compensation for any damage sustained or said to have been sustained; and in the event of the non-acceptance by the plaintiff of such tender or of the amount paid into court, as the case may be, and of the action being proceeded with, and no greater amount being adjudged or awarded to the plaintiff than the amount so tendered or paid into court, the costs of the suit shall be awarded to the defendants, and set off against any amount recovered against them. <sup>Tender of  
amends</sup>

#### PENALTIES.

**521.** Where any fine or penalty is imposed by this Act, then if the provisions of part XV of *The Criminal Code* relating to summary convictions 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 or at the suit of a private party (suing as well for city as for himself) and unless other provision is made for the appropriation of the penalty, one-half thereof shall belong to the city and the other half to the private plaintiff, if any there be, and, if there be none, the whole shall belong to the city. <sup>Recovery  
by civil  
action</sup>

**522.** The council may by any by-law,—

- (1) Impose a penalty not exceeding \$100, exclusive of costs; for breach of any provision of any by-law; <sup>Imposition  
of penalties</sup>
- (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 judge or magistrate may adjudge payment thereof in addition to the penalty;
- (3) Notwithstanding subsection 1 hereof, in cases where the breach of any by-law is of a continuing nature, or where by the provisions of this Act or of any by-law it is provided that any person shall do or perform any act, or cease doing any act, or cease maintaining anything, impose a penalty not exceeding \$25 for each day such default is continued;
- (4) Enact that any building or erection put up, constructed or maintained, or being put up or constructed, in contravention of any by-laws, may be pulled down and removed by the city, and the cost thereof may be collected by suit from the owner of the property, or may be placed on the collector's roll against any lands of such person, and shall thereupon become and be collected along with the ordinary taxes; provided always that before the pulling down and removal of any such building or erection by the city, the owner thereof shall have been convicted of a breach of the by-law, and shall have ten days' notice from the city requiring him to pull down or remove such building or erection.

**523.** Any such penalty and 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 in payment the person convicted may be committed to jail, or to the guardroom of the North-west Mounted Police force, or to any public lockup, for any time determined by the said justice not exceeding thirty days, and with or without hard labour, 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, guardroom or lockup, are sooner paid.

(1) In every case the whole of the penalty and license fee (if any) shall be adjudged to the city.

(2) The following form in any such case shall be sufficient:

"City of Edmonton } Be it remembered that on the day  
To Wit: } of ..... A.D., 19.., at the  
City of Edmonton, C.D. is convicted before the undersigned one of His Majesty's Justices of the Peace, for that the said C.D. (*stating the offence and the time and place thereof*) contrary to a certain by-law of the said city, passed on the day of ..... A.D., 19..., and intituled (*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 Edmonton the sum of ..... dollars to be paid and applied according to law, and also to pay to the 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 ....., A.D., 19.., I do order that the said C.D. be imprisoned in the city lockup (*or as the case may be*) for the space of ..... days, unless the said several sums, together with the costs of the committal and conveyance of the said C.D. to the said lockup (*or as the case may be*), are sooner paid.

"Given under my hand and seal at the City of Edmonton the ..... day and year first above written.

A.B.

J.P."

[L.S.]

**524.** In case any conviction founded upon the breach of any by-law of the city is appealed to the court or tribunal by law empowered to hear and determine appeals against summary convictions, and any question shall, upon the hearing of such appeal, arise in regard to the validity of the by-law or the right of the city or council to pass the same, any person aggrieved by the decision of such court or tribunal may require such court or tribunal to state and sign a case setting forth the facts of the case, and the grounds upon which the validity of the by-law or the right of the council to pass the same is questioned, to the Supreme Court of Alberta, *en banc*, which court shall hear and determine the question of the validity of the by-law and the right of the council to pass the same, and shall thereupon affirm, reverse, or modify the decision, order or determination in respect of which the case has been stated, or remit the matters to the court below with the opinion of the court thereon, and may make such other order in relation to the matter and such orders as to costs as to the court seems fit; and all such orders shall be final conclusive as against all parties.

## SPECIAL ENQUIRIES.

**525.** In case one-third of the members of the council or thirty electors 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 so appointed shall have all the powers of commissioners appointed under chapter 12 of *The Consolidated Ordinance, 1898*, intituled "*An Ordinance Respecting Inquiries Concerning Public Matters.*" <sup>Enquiry by Government</sup>

**526.** In case the council pass a resolution requesting a judge to investigate any matter mentioned in the resolution and relating to any 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 obligations 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 powers 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 thereof. <sup>Enquiry by judge</sup>

(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 493 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.

**527.** The council may at any time by resolution appoint a committee of its members to investigate and make enquiry into or concerning any matter connected with the good government of the city, or with the administration of any of the public utilities under the control of the city, whether such matter involves any charge against any employee of the city or not; and the council by said resolution may authorize the said committee to engage counsel, and such other skilled persons and clerical assistants as the committee may deem necessary to assist them in their investigation, and every such committee so appointed may in case the matter to be investigated or enquired into concerns any charge against any employee of the city, or in case during the investigation any charge against any such employee arises, the committee may summon such employee before it to answer the charge, and the committee shall have power to <sup>Investigation by committee of council</sup>

summon witnesses and take evidence under oath, and may pay all costs, charges and expenses incurred by them in and about such investigation, and the committee shall report the result of the enquiry to the council.

#### CITY AMALGAMATION.

528. *The Edmonton-Strathcona Amalgamation Act*, except so far as any of the provisions thereof are replaced by corresponding provisions of this Act, and as contained in schedule B of this Act, is hereby confirmed.

529. Any debentures authorized by referred by-law of the city of Strathcona, as previously existing, and not issued at the time of the coming into force of *The Edmonton-Strathcona Amalgamation Act*, may be issued by the city of Edmonton, and shall in all respects be as binding as if the by-law or by-laws authorizing the issue of the same were by-laws of the city of Edmonton.

530. By-law No. 436 of the city of Strathcona, intituled "A by-law to provide for borrowing \$25,000 to be expended in erecting and equipping a public library building," assented to by the burgesses of the city of Strathcona and finally passed by the council of said city on the twelfth day of January, 1912, is hereby declared legal, valid and binding on the city of Edmonton, notwithstanding any informalities, irregularities or defects therein, or by reason of the debt to be created thereby not being payable in the manner by law prescribed, or in any of the proceedings prior to the final passing thereof either in substance or form, and all debentures and coupons thereto attached, issued or to be issued thereunder, are hereby declared legal and valid, and the city of Edmonton shall be bound to pay each and all of the said debentures and coupons as therein respectively stated; and all assessments made or to be made for the payment of any and all of the same are confirmed and declared to be legal, valid and binding.

531. The council may pass a by-law providing for only one library board, and upon the passing thereof the Strathcona library board shall become dissolved and cease to be a body politic and corporate, and all its powers, authorities, liabilities and property shall thereupon be transferred to and become vested in the Edmonton library board.

532. The council, with the assent of the Grand Trunk Pacific Railway Company, may without resubmitting the matter to the burgesses vary clause 5 of the agreement entered into between the city and the company, dated the 6th day of March, 1906, and confirmed by chapter 36 of the Statutes of Alberta 1907, by granting to said company the right to lay down, maintain and use for the purpose of its railway system such tracks on and along the north forty feet of McKenzie Avenue in place of on and along the south forty feet thereof as in said agreement provided.

## SCHEDULE A.

## ENACTMENTS REPEALED.

SESSION AND CHAPTER.	TITLE OF ACT.	EXTENT OF REPEAL.
Ordinances of the North-West Territories, 1891-92, Cap. 7, and all amendments thereof.....	An Ordinance to incorporate the Town of Edmonton.....	The whole.
Ordinances of the North-West Territories, 1900, Cap. 35	The Edmonton Municipal Public Works Ordinance.....	The whole.
Ordinances of the North-West Territories, 1904, Cap. 19	The Edmonton Charter.....	The whole.
Statutes of Alberta, 1906, Cap. 76.....	An Act to amend the Edmonton Charter.	The whole.
Statutes of Alberta, 1907, Cap. 35.....	An Act to further amend the Edmonton Charter.....	The whole.
Statutes of Alberta, 1908, Cap. 32.....	An Act to further amend the Edmonton Charter.....	The whole.
Statutes of Alberta, 1908, Cap. 33.....	The Edmonton Radial Tramway Act.....	The whole.
Statutes of Alberta, 1909, Cap. 28.....	An Act to further amend the Edmonton Charter, the various Acts amending the same, and the Edmonton Radial Tramway Act.....	The whole.
Statutes of Alberta, 1910, Cap. 29.....	An Act to further amend the Edmonton Charter and to confirm By-law No. 261 of the City of Edmonton.....	The whole Act, except section 21 thereof.
Statutes of Alberta, 1911-12, Cap. 66.....	The Edmonton-Strathcona Amalgamation Act.....	Secs. 2, 10, 11, 12, 13 and 14 section 9 being amended as printed in schedule B.
Statutes of Alberta, 1911-12, Cap. 68.....	An Act to further amend the Edmonton Charter and to confirm certain by-laws of the City of Edmonton.....	The whole Act, except section 14.



## SCHEDULE B.

*An Act respecting the city of Edmonton and the city of Strathcona and other matters relating to the union thereof.*

**W**HEREAS the municipal corporation of the cities of <sup>Preamble</sup> Edmonton and Strathcona by their joint petition have represented that it is desirable to unite the two corporations under the name of "The City of Edmonton" and to provide for the extension of the limits of the said "The City of Edmonton";

And whereas it is expedient to grant the prayer of the said petition;

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

1. From and after the coming into force of this Act <sup>Strathcona Charter repealed</sup> The Strathcona Charter, being chapter 34 of the Statutes of Alberta, 1907, and all amendments thereto shall be and the same are hereby repealed.

2. Repealed section 8 of The Edmonton Charter substituted.

3. The assessment rolls and voters' lists for the year <sup>Assessment rolls, voters' lists, notices and proceedings re taxes of City of Strathcona validated and made part of the rolls, etc., of the City of Edmonton</sup> one thousand nine hundred and eleven as finally revised, the collectors' roll and all notices regarding taxes and special assessments and all proceedings respecting sales of land for arrears of taxes of the city of Strathcona are and each of them is hereby validated and confirmed and all and every of them upon the coming into force of this Act, become part of the assessment rolls, voters' lists, collectors' rolls and notices regarding taxes and special assessments and proceedings respecting sales of land for arrears of taxes of the "City of Edmonton."

(2) And the collectors' notices, showing the amount of taxes payable by taxable persons for the year one thousand nine hundred and eleven, of the city of Strathcona, are hereby confirmed and the same shall be good and valid notices in that behalf notwithstanding the same or some of them may have been transmitted, posted, delivered or sent prior to the passing by the council of the city of Strathcona of the by-law of the council fixing and levying the rates for the year one thousand nine hundred and eleven.

4. All property, both real and personal, of whatsoever <sup>Property and documents to be transferred</sup> nature and kind and wheresoever situate, belonging to or under the control of the corporation of the city of Strathcona, is hereby declared to be the property of the corporation of the "City of Edmonton" and all such property and all deeds, books, papers, writings and other documents relating thereto or to the affairs of the city of Strathcona in the possession or under the control of the council of the corporation of the city of Strathcona or of any officer, servant or agent of the said corporation shall forthwith be delivered to such persons or officials as the council of the corporation of the "City of Edmonton" shall appoint for that purpose.

(2) The filing of a copy of this Act in the land titles <sup>Provision as to registration</sup> office for the North Alberta Land Registration District shall operate as a transfer to the corporation of the "City of Edmonton" of all lands, mortgages, encumbrances, leases and other instruments standing in the name of the

city of Strathcona or corporation of the city of Strathcona and the registrar of said district shall upon payment of the proper fees register the corporation of the "City of Edmonton" as owner thereof.

5. All existing liabilities, lawful debts and obligations of the corporation of the city of Strathcona are hereby declared to be the liabilities, debts and obligations of the corporation of the "City of Edmonton," and shall be met, discharged, observed and kept by the corporation of the "City of Edmonton," according to the nature thereof, as if the same had been originally incurred or entered into by the corporation of the city of Edmonton. <sup>Liabilities assumed</sup>

6. All sureties for the several officials of the corporation of the city of Strathcona shall be and remain liable to the "City of Edmonton," as if they had become sureties for such officials to the corporation of the "City of Edmonton" in the first instance; and all bonds and securities (whether on behalf of officials or others) which shall have been given to the said city of Strathcona at any time before the passing of this Act shall enure to the benefit of the corporation of the "City of Edmonton," and the said corporation shall have all the rights and remedies thereto and thereunder and be entitled to recover thereon to the same extent and under the like circumstances as the said corporation of the city of Strathcona could have done if it had remained a separate municipal corporation. <sup>Sureties to be liable</sup>

7. The by-laws and regulations of the city of Edmonton for the peace, order, good government and welfare of the city shall from and after the coming into force of this Act be in force throughout the whole of the "City of Edmonton" as hereby constituted and the by-laws and regulations of the city of Strathcona for these purposes shall hereafter cease to have any force or effect. <sup>By-laws of City of Edmonton to be in force</sup>

8. The mayor and aldermen of the city of Strathcona shall upon coming into force of this Act cease to hold office. <sup>Mayor and aldermen of Strathcona to cease to hold office</sup>

9. Forthwith after the coming into force of this Act the Minister of Education of the Province of Alberta shall issue such order or orders as shall be necessary under the provisions of *The School Ordinance* to so rearrange the boundaries of all school districts affected so that the city of Edmonton as herein defined shall contain but one public school district and one Roman Catholic separate school district; and there shall be elected at the same time as mayor and aldermen, seven trustees for each district who shall hold office for the several terms of office as hereinafter provided. <sup>Boundaries of school districts to be rearranged</sup>

(2) At the first election after the coming into force of this Act, the two candidates for election as school trustees for each school district residing and having more than one-half in assessed value of the property for which they are assessed in that portion of the city south of the Saskatchewan River, who receive the greatest number of votes, shall be declared elected (the one of such two in each case receiving the greatest number of votes being elected for the term of two years, and the remaining one for one year). The remainder of the trustees in each school district shall be composed of the five remaining candidates receiving the greatest number of votes irrespective of their place <sup>Election of school trustees</sup>

of residence or the situation of the property within the city for which they are assessed, the three receiving the greatest number of votes for two years, and the remaining two for one year.

(3) The portion of the city of Edmonton south of the Saskatchewan River in each school district shall be represented on each school board by not less than two trustees, and at each election of school trustees subsequent to the first election there shall first be declared elected the proper number of candidates residing and having more than one-half in assessed value of the property for which they are assessed in that portion of the city south of the Saskatchewan River sufficient to complete the minimum representation to which the said portion of the city is entitled as herein provided, and there shall then be declared elected a sufficient number of the remaining candidates having the greatest number of votes to make up the number required to complete the number of the board, irrespective of their places of residence and the situation of the property for which they are assessed.

(4) *The School Ordinance* shall not apply to the city of Edmonton where the same is inconsistent herewith or repugnant thereto.

10. Repealed.

11. Repealed, section 17 of *The Edmonton Charter* substituted.

12. Repealed, section 18 of *The Edmonton Charter* substituted.

13. Repealed, section 19 of *The Edmonton Charter* substituted.

14. Repealed, section 20 of *The Edmonton Charter* substituted.

15. The present markets in the city of Strathcona shall be maintained and shall be enlarged as required.

Markets in  
Strathcona  
to be main-  
tained and  
enlarged

16. Civic sub-offices shall be maintained on the south side of the Saskatchewan River for the following purposes: assessment and collection of taxes, electric light and power rates, licenses, police office, police court, dog taxes, receiving applications for local improvements and water and sewer extensions, and all other rates affecting the resident of the south side of the river.

Civic offices

17. The system of opening and maintaining streets shall be uniform throughout the whole city.

Opening and  
maintenance  
of streets

18. Electric light and power rates, water rates, street car fares, telephone rates, after the city has acquired the telephone system in Strathcona, and all taxation, shall be uniform throughout the whole city.

Light, power,  
and water  
rates and  
street car  
fares to be  
uniform

19. Within one year after the coming into force of this Act the necessary land shall be purchased or otherwise acquired to extend and open up Saskatchewan Avenue, Strathcona, on the high bank on the south side of the Saskatchewan River towards the west and south as far as the boundary of the city, and be maintained out of the general funds of the city, subject to terms being arranged between the city and the University of Alberta in so far as the university property is concerned, provided that the city shall not be obliged to construct on such avenue any sidewalks out of the general funds.

Saskatchewan  
Avenue,  
Strathcona,  
to be extended

20. The park purchased by the city of Strathcona from the Strathcona Industrial Exhibition Association, Limited, shall be maintained as a public park and recreation ground, and a reasonable sum of money shall be granted for an athletic sports and horse race meet at least once a year. And all city parks of the city of Strathcona shall be maintained and improved.

21. The contract between the city of Strathcona and the Governors of the University of Alberta regarding the erection of a hospital shall be fulfilled.

22. The system of fire protection at present established in the city of Edmonton shall be extended to and include that portion of the city south of the river.

23. The "City of Edmonton" shall complete a low-level combined traffic and railway steel bridge across the Saskatchewan River at or near the foot of Fourth Street, Edmonton, within eighteen months from the coming into force of this Act.

24. The "City of Edmonton" shall have a common basis for future extensions of its street railway system over the entire city.

25. The present lines of the Edmonton municipal street railway south of the Saskatchewan River shall be maintained and operated.

26. The present service and lines of the Edmonton municipal street railway on the south side of the river shall be extended from the corner of Fifth Street East and Whyte Avenue along Whyte Avenue, in an easterly direction, to or near the present easterly boundary of the city of Strathcona, thence northerly along or near the said eastern boundary, a distance of eighteen hundred feet, more or less.

27. The present service and lines of the Edmonton municipal street railway on the south side of the river shall be extended so as to serve the University of Alberta with a line from Whyte Avenue, the location of such line to be determined by the board of governors of the University of Alberta and the council of the city of Strathcona.

28. The present lines and services of the Edmonton municipal street railway on the south side of the river shall be extended from Whyte Avenue along Main Street in a southerly direction to Sixth Avenue South.

29. The extension as outlined in section 26 shall be completed by December 31st, 1912, and the extensions as outlined in section 28 shall be completed within two years from the coming into force of this Act; the extensions as outlined in section 27 shall be completed by the first day of November, 1911.

30. The "City of Edmonton" shall within two years from the coming into force of this Act extend and bring into operation its street railway system from the corner of Main Street and Sixth Avenue South (Strathcona) west along Sixth Avenue South to Seventh Street West, and thence either—

- (a) North along Seventh Street West to University Avenue; thence north-westerly along University Avenue to Eighth Street West; thence northerly along Eighth Street West to Whyte Avenue or a street north thereof; thence east to connect with the lines operated on Whyte Avenue or Fifth Street West; or

- (b) Westerly along Sixth Avenue South for a distance of about two thousand nine hundred and sixty (2,960) feet, and the choice of routes to be determined by the superintendent of the street railway department.

31. The several sums of money necessary to be borrowed for the construction of said bridge near the foot of Fourth Street and said street railway extensions, and the purchase of the right-of-way to open up Saskatchewan Avenue, may be raised by by-law or by-laws passed by the municipal council, and the assent of the burgesses to any such by-law or by-laws shall not be required. Money required for low-level bridge how raised

32. For the purpose of computing the number of licenses to be issued under the provisions of *The Liquor License Ordinance* the portion of the city south of the Saskatchewan River shall be considered as a separate municipality. Computation of liquor licenses

33. In that portion of the city south of the Saskatchewan River all poles used for the purpose of supporting trolley wires which shall be placed in the centre of the street shall be of iron, and iron poles shall be substituted for the wooden poles at present in use, on the expiration of the lifetime thereof. Wooden poles to be replaced on street railway

34. The "City of Edmonton" shall furnish the best street car service to all parts of the city south of the Saskatchewan River that can be furnished consistent with the proper operation of the said system from a business standpoint, and in particular shall provide Whyte Avenue and other business districts or centres on the south side of the river with good service, either by running all cars through or to such business districts or centres, or when necessary providing by transfer close connection therewith. Street car service to be furnished

35. The "City of Edmonton" shall operate its street railway system on the line connecting Whyte Avenue and the present bridge between Edmonton and Strathcona along Fifth Street East by cars running at intervals of not more than thirty minutes both north and south. Along Fifth Street East

36. Any of the provisions of this Act may be repealed by the Lieutenant Governor in council upon its appearing to the satisfaction of the Lieutenant Governor in council that the question of such repeal has been submitted to the electors and has been carried by a two-thirds vote of the electors voting thereon on each side of the river. Provisions for repeal

37. Inasmuch as the city of Strathcona was heretofore included in the electoral district of Strathcona, therefore it is enacted that for the purpose of elections to the Legislative Assembly the electors of that part of the city of Edmonton as hereby constituted being within the limits of said electoral district of Strathcona shall vote in the said electoral district of Strathcona in the same manner and to the same effect as if this Act had not been passed and as if the said territory within said electoral district of Strathcona had not been added to the said city of Edmonton. Strathcona Electoral District continued

38. The unsold debentures authorized by by-law numbered 187 of the city of Strathcona, finally passed on the 30th day of May, 1907, intitled "A by-law to provide for raising \$70,000.00 to purchase block 172 and to erect thereon a City Hospital," may be issued as of the date July 1st, 1911, sealed with the seal of the city of Strathcona and signed by the mayor and secretary-treasurer, whose signatures upon the coupons thereto attached may be lithographed. Unsold debentures of Strathcona hospital

The principal of such debentures shall be repayable on the termination of the period of 40 years after the said date, 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 semi-annually.

39. The council and officials of the city of Edmonton may take all proceedings and do all acts which may be necessary for the purpose of completing and constructing under the provisions of The Edmonton Charter relating to local improvements any and all "local improvements" commenced, undertaken or constructed by the council of the former city of Strathcona, and for the purpose of the assessment by "special frontage assessment" of the cost of the same or the cost of any "local improvements" now completed, but as to which no assessment has been made, as fully as if the same had been undertaken, commenced, constructed and completed by the city of Edmonton; the council or officials thereof under the provisions of The Edmonton Charter.

40. The council of the city of Edmonton, may, without referring the matter to the burgesses for their assent amend by-law No. 402 of the city of Strathcona, intituled "A By-law to authorize the execution on behalf of the city of Strathcona of the lease made by the Board of Governors of the University of Alberta as lesser in favour of the municipality of the city of Strathcona as lessees," and the lease therein mentioned and annexed thereto, by amending the description of the lands thereby leased by adding to or rearranging or changing the boundaries of said lands as may be agreed upon by said council of the city of Edmonton and said board of governors, provided that the area of such land shall not be thereby decreased.

41. This Act shall come into force on the first day of February, 1912.

42. This Act may be cited as "*The Edmonton-Strathcona Amalgamation Act.*"

To come into  
force  
February 1,  
1912  
Short title

No. 68

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FOURTH SESSION  
SECOND LEGISLATURE  
3 GEORGE V  
1913

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BILL

An Act to Consolidate and Amend  
~~the Edmonton Charter.~~

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Received and read the

First time.....

Second time.....

Third time.....

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MR. McDougall

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EDMONTON:  
J. W. JEFFERY, Government Printer  
1913