

BILL

No. 13 of 1915.

An Act to amend The Edmonton Charter.

(Assented to 1915.)

WHEREAS a petition has been presented by the City of Edmonton praying for the amendment of *The Edmonton Charter*;

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:

1. There is hereby constituted and established a board for the control and management of the police force of the city, to be known as the Board of Police for the City of Edmonton. Such board shall consist of—

- (a) The senior judge of the District Court of the Judicial District of Edmonton;
- (b) The mayor of the City of Edmonton;
- (c) The police magistrate for the city, acting in the central police court.

(2) In case of the illness or absence of the said judge, the judge of the said court next in point of seniority shall during such illness or absence act in his place.

(3) In case of the illness or absence of the mayor, the deputy mayor of the city for the time being shall act in his place.

(4) In case of the illness or absence of the said police magistrate, the police magistrate acting in the South Edmonton police court shall fill his place.

(5) The council shall provide for payment to the members of the said board of an allowance of \$5.00 each for each meeting attended, but such allowance shall not exceed in the aggregate the sum of \$250 per member annually.

2. The board of police may employ a secretary or clerk, at a reasonable salary, to attend to the official business of the board, and such salary shall be provided and paid by the council.

3. The board of police shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties, and shall have the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any court of law in civil cases. A notice to attend before the board shall be sufficient if signed by any member of the board.

(2) No party or witness shall be compelled to answer any question his answering to which might render him liable to a criminal prosecution.

4. The board of police shall annually at its first meeting held after the mayor of the city has taken his oath of office elect its own chairman.

(2) A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board.

5. All meetings of the board of police shall be open to the press and public unless otherwise decided by the board.

6. The police force of the city shall consist of a chief constable and as many constables and other officers and assistants as the board may from time to time deem necessary.

7. The members of the police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe the following oath before one of the board who shall have power to administer the same:

"I, . . . , do swear that I will well and truly serve Our Sovereign Lord the King in the office of police constable of the City of Edmonton, without favour or affection, malice or illwill; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and the properties of His Majesty's subjects, and that while I continue to hold the said office I will to the best of my skill and knowledge faithfully discharge all the duties thereof according to law."

8. Every constable so appointed shall have all the powers of a constable appointed under the provisions of chapter 7 of the Statutes of Alberta, 1909, but it shall not be necessary for any constable appointed under the provisions of this Act to be reappointed annually but he shall be a constable so long as he remains a member of the said police force.

9. The board of police shall forthwith after appointing every constable or other member of the police force send a notice of such appointment containing the name and address of the person so appointed to the Attorney General of the Province of Alberta, and shall send a like notice of all retirements or dismissals of members from said force.

10. The board shall from time to time make such rules and regulations as they may deem expedient for the government of the police force, for preventing neglect or abuse, and for rendering the force efficient in the discharge of its duties, and may impose penalties and punishment for any breach or neglect of such regulations.

11. The constables and other members of the police force shall obey all lawful directions of and be subject to the government of the board; and they shall be charged with the special duties of preserving the peace, preventing robberies and other crimes and offences including offences against the city by-laws, and of apprehending offenders, and laying information before the proper tribunal and prosecuting and aiding in the prosecution of offenders, and shall have generally all the powers and privileges and be liable to the duties and responsibilities which belong by law to constables duly appointed.

12. The board shall annually in the beginning of January prepare and submit to the council detailed estimates of

its expenditure and revenue for the ensuing year, specifying in particular any expenditures which are met wholly or partly from other and from what sources, and the council shall take such estimates into consideration and after adjusting the same with the board shall provide for the payment of such sums as the council shall deem necessary, so far as the same are payable by the city.

13. The council may in its discretion appropriate any sums necessary and pay for the protection, defence or indemnification of members of the police force in proper cases where suits or prosecutions are brought against members of the force and costs are necessarily incurred and damages recovered, and where the board of police certifies to the council that the case is a proper one for such payment or indemnity.

14. All fees of office received or other emoluments payable to any salaried constable shall be paid to the treasurer of the city for the use of the city.

15. By striking out the words "police force, fire brigade and other," in the sixth line of section 41, and by adding after the word "services" in the seventh line thereof the words "of the city, with the exception of the police force."

16. By repealing sections 83 and 90 inclusive and substituting therefor the following provisions:

"LIST OF ELECTORS.

"**83.** The persons entitled to vote at any election shall ^{Electors} be those persons whose names appear on the last revised list of electors, which shall be prepared annually as hereinafter provided.

"**84.** The list of electors shall include:

"(a) All persons, both male and female, being British ^{Qualifications} subjects by birth or naturalization, of the full age of twenty-one years, who have, for the six months immediately preceding the first day of June in the year for which the list is being prepared, continuously resided or had their fixed and permanent domicile in the City of Edmonton;

"(b) All persons, both male and female, being British subjects by birth or naturalization, of the full age of twenty-one years, who are assessed on the revised assessment roll for that year; and

"(c) All banks, incorporated companies and corporations assessed on the said revised assessment roll: Provided that every such person, bank, company or corporation shall, before being enrolled and as a condition of enrolment on the list of electors, have been duly registered as an elector in terms of the provisions of the next following section; and provided also, that where real property is owned by two or more persons and is assessed in their joint names, each of them shall be deemed to be assessed within the meaning of this Act.

"**85.** The council shall, at or before its first meeting ^{Registration of electors} in May in each year, appoint a registrar of electors (who

may be the city assessor), and shall for the purpose of registration divide the city into as many registration districts as may be thought expedient.

“(2) The registrar shall, after notice thereof published on the principal door of the city hall or civic buildings during the last two weeks of May, and by advertisement in at least three issues of a daily newspaper or newspapers published in the city during the said two weeks, cause to be opened and to be kept open under the charge of a competent officer a booth or office for the registration of electors, in each registration district, and also a central registration office over which he himself shall preside, during the whole of the first week in June, between the hours of 9 a.m. and 9 p.m. of each day except Sunday.

“(3) All persons duly qualified under the provisions of the preceding sections who appear in person at the registration office for the registration district in which they reside, or in the case of nonresident property owners at the central registration office, during the period aforesaid, shall upon making before the officer in charge of such registration office (who is hereby authorized and empowered to administer the same) an oath, affirmation or solemn declaration that he or she is so qualified, be entitled to be registered as electors, and the registrar shall place or cause to be placed the names and addresses of all such persons on the list of electors for the registration district in which he or she resides, and in cases of nonresident property owners for any (but not more than one) registration district in which he or she is assessed, and in the case of banks, incorporated companies or corporations for the registration district in which such bank, company or corporation has its chief office or place of business in the city; provided that in the case of any bank, incorporated company or corporation the application for registration as an elector may be made by the chief officer thereof having his fixed residence in the city for the time being, and in voting the vote of such bank, company or corporation may be given by such chief officer; 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 may be used with such modifications as may be necessary.

“(4) Every day except Sunday during the last week of June between the hours of 9 a.m. and 9 p.m. the registrar, after due notice thereof published and advertised in manner above provided during the second and third weeks of June, shall keep open the said central registration office, and also a registration office in that part of the city which lies south of the North Saskatchewan River, for persons residing or assessed in that part of the city, at which persons duly qualified, who have previously failed to appear for registration, may upon making oath, affirmation or solemn declaration as above mentioned, be registered as electors for their appropriate registration districts in manner above provided.

“(5) As soon as the registration of electors has been completed, and not later than the seventh day of July, the registrar shall deliver or transmit to the city assessor the lists of registered electors arranged in their respective registration districts, together with the whole of the electors' declarations, and the assessor shall keep the said declarations filed so long as the list of electors to which they relate is in force.

“86. From the said lists the assessor shall prepare the list of electors, arranged in their appropriate polling subdivisions to be fixed by the council as hereinafter provided under section 93, each subdivision by itself in alphabetical order, stating the place of residence or address of each elector in the case of persons, and in the case of banks, incorporated companies and corporations the chief office or place of business in the city. ^{Preparation and publication of list of electors}

“(2) Typewritten copies of the list of electors with the next two following sections prefixed thereto shall thereupon be posted up at the principal door of the city hall or civic offices, and in five other conspicuous and public places in the city, on or before the thirty-first day of July. Notice of such posting shall be published once in each week for two successive weeks in a daily newspaper or newspapers published in the city.

“87. Any person who is otherwise duly qualified, but whose name does not appear on the list of electors, or whose name has by reason of any error, omission or inadvertence been omitted from the assessment roll, may either by himself, or in the case of a bank, company or corporation by its chief officer resident in the city, apply to have the list amended by giving to the assessor a notice that he intends to apply to the city commissioners to have his name added to the list of electors and stating his qualifications. Any person whose name appears on the list of electors 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 an elector in terms of this Act, may apply by similar notice to the assessor to have the list of electors 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. Notice of such challenge or objection shall be immediately sent by the assessor to the person challenged or objected to if living, and if dead or alleged to be dead he shall require adequate proof of the death to be furnished. ^{Corrections of list}

“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. ^{Notice to assessor}

“89. On or before the fifteenth day of August the assessor shall make a list of all applicants for amendments of or to the list of electors 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 daily newspapers published in the city, give public notice of the time and place fixed by the commissioners for hearing such applications. ^{List of applications}

“90. Not later than the twentieth day of August in each year, the commissioners shall meet as a court of revision on the list of electors and shall then hear and determine all applications of which notice has been given to the assessor as hereinbefore provided; and in which the applicants shall appear before them in person, and the assessor shall thereupon amend the list of electors in all ^{Court of revision}

cases provided for by section 87 hereof, as may be right:

“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 list of electors shall be finally revised and shall be corrected by the assessor in accordance with the decisions of the commissioners and the council, and shall when so revised and corrected be printed not later than the thirtieth day of September, and shall be the list of electors of the city, and shall remain in force until a new list of electors has been prepared and finally revised.”

17. By changing the words “voter” and “voters’ list” wherever they occur in part IV of the said charter to “elector” and “list of electors” respectively.

18. By striking out the words “ward or” in the fourth line of section 115.

19. By repealing sections 126 and 127 and substituting the following section therefor:

“**126.** Every elector may vote only in the polling subdivision in the electors’ list for which his name appears, or in the case of electors whose names are added at the poll on the assessor’s certificate in pursuance of section 92, in the polling subdivision in which he resides or is assessed, or in the case of such elector being assessed in more than one polling subdivision, in one only of such polling subdivisions. Each elector shall have one vote for mayor, and one vote for each alderman to be elected.”

20. By repealing section 251 of the said charter and substituting therefor the following new section, and by substituting the words “list of burgesses” for “voters’ list” wherever they occur in the sections of the said charter relating to voting on referred by-laws:

“**251.** For the purpose of taking the votes of the burgesses on any by-law requiring the assent of the burgesses, the assessor shall during the month of July in each year prepare a list of the burgesses entitled to vote, and shall place thereon all persons, both male and female, of the age of twenty-one years, and all banks, incorporated companies and corporations who are in each case assessed on the revised assessment roll for the year then current in respect of lands of the assessed value of \$200 and upwards; provided that any such bank, company or corporation 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 officer thereof in the city as in the case of voting in elections.

“(2) The provisions of sections 86 to 92 inclusive and regarding the preparation, publication, correction and printing of the list of electors, so far as the same are applicable, shall *mutatis mutandis* be applicable to the list of burgesses.”

21. By striking out the word “or” after “sweeping” in paragraph (1) of section 404 and inserting the words “or lighting” after the word “watering” therein.

No. 13

THIRD SESSION
THIRD LEGISLATURE
5 GEORGE V
1915

BILL

An Act to amend The Edmonton
Charter.

Received and read the

First time

Second time

Third time

HON. C. W. CROSS.

EDMONTON:
J. W. JEFFERY, Government Printer
A. D. 1915.