

BILL

No. 23 of 1916.

An Act to Amend the Edmonton Charter and to Validate
Certain By-laws of the City of Edmonton.

(Assented to , 1916.)

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 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:

The Edmonton Charter is hereby amended as follows:

1. By striking out of section 16 the words "being the
calendar year then next following the year in which the
election is held". Section 16
amended

2. By striking out at the end of section 20 the following
words: "Being the two calendar years next following the
year in which the election is held." Section 20
amended

3. By repealing section 28 and by substituting therefor
the following: Section 28
amended,

"28. The first meeting of the new council shall be held
at the hour of two o'clock in the afternoon on the third
day after the annual election, at which time the newly
elected members of the council shall take the declarations
of office hereinafter prescribed; and the old council shall
hold office until the new council meets." council to meet
after election

4. By adding to section 36 the following subsection:
"(2) In case the deputy mayor through illness, absence
or for any other cause, is unable or unwilling to perform
the duties of his office, the council may appoint an acting
mayor who shall for such time as the council shall determine
have all the powers of the mayor and shall discharge his
duties." During absence
of deputy
mayor, acting
mayor may be
appointed

5. By adding to section 92 the following subsection:
"(2) Where any person whose name is not on the list of
electors shall produce to the deputy returning officer in
charge of any polling place, while the poll is open, a certi-
ficate signed by the city assessor, to be issued by the city
assessor upon proof under affidavit before the assessor,
that such person is or would have been entitled to register
as an elector but was unable to register on account of
having been absent from the city during the period of
registration by reason of being on active service with
any of His Majesty's forces or those of his Allies, and
that such person is otherwise qualified, such person shall
be sworn by the deputy returning officer in manner above
provided and shall thereupon be entitled to have his
name added to the list of electors with the words 'certificate,'
'sworn,' written thereafter." Additions at
poll of men on
active service

6. By adding to section 93 the following subsection:

"(2) The council may by resolution delegate to the returning officer the appointment of polling places, and in the absence of the appointment of such polling places by the council it shall be the duty of the returning officer to appoint the various polling places in each polling subdivision."

Appointment
of polling
places by
returning
officer

7. By inserting after the word "by-law" in the fifth line of section 94, the words "appoint the polling places and", and by inserting after the word "persons" at the end of the sixth line thereof the words "as may be requisite".

Section 94
amended

8. By adding to section 99 the following subsection:

"(2) The nomination paper shall contain a statement, signed by the candidate, of his place of residence. and whether he has more than one-half in assessed value of the property for which he is assessed in the city on the south side of the Saskatchewan River or not, and whether he is a candidate for the representation of the portion of the city south of the Saskatchewan River. A similar statement shall also be made by candidates for the office of school trustee."

Nomination
paper to state
whether
candidate seeks
to represent
North or South
side of River

9. By striking out from the seventh and eighth lines of section 100 the following words: "And the deputy returning officer and the assistant deputy returning officers (if any) appointed to receive the same."

Section 100
amended

10. By striking out the word "not" in the second line of subsection (c) of section 149.

Section 149
amended

11. By striking out, in the seventh and eighth lines of section 153, the words "the day following the return of such ballot papers and statements", and by substituting therefor the words "the second day following the taking of the poll".

Declaration
of election to
be second day
after poll

12. By adding to section 173 the following:

"(g) without due authority prints or distributes or causes to be printed or distributed any circular, card, poster, bill or other paper whatsoever containing the name of any candidate for election in connection with the names of other candidates, for the purpose of soliciting or influencing votes for such candidate;

Prohibition of
issue of
circulars with
names of
candidates
at elections
without
authority

"(h) post up within or on the outside of any building used for a polling place or distribute within such building or within twenty-five feet thereof any election circular, card, poster, bill or other paper."

13. The council may take a plebiscite upon any question, matter or thing it shall see fit and may refer the same to either the electors or the burgesses, and all the provisions of this Act relating to the taking of votes at elections or votings of burgesses shall, as the case may be, apply so far as applicable to and regulate such plebiscite, including the provisions of sections 120 to 190.

Taking of
plebiscites

14. By adding to section 237 the following:

"(2) When under the provisions of any Statute or Ordinance or under any regulation having the force of law or under the order or direction of any board or other authority acting under such Statute, Ordinance or regulation,

Work done in
respect of land
under any
statute, etc.,
may be
recovered by
suit or added
to taxes.

any act or thing has been ordered to be done or work is directed to be carried out in respect of or upon any land within the city and in default of the performance thereof by the owner or occupant such act or thing has been done or such work has been carried out by or at the expense of the city, the city may recover the expense thereby incurred with costs from the owner or occupant of such land, or the council may by resolution order that the same shall be charged against the said land and added to the taxes due in respect of the said land for the then current year, and the amount when so added shall become taxes due to the city for such year."

15. By adding to section 251 the following:

"(2) Provided further that where the names of any executors, administrators, guardians or trustees appear on the assessment roll as owners of any real property, the name of only one of such executors, administrators, guardians or trustees, being the first in order in the grant of probate, letters of administration or other document from which they derive their title, or such other one of their number as shall be named in a writing signed by the whole of such executors, administrators, guardians or trustees and filed annually with the assessor before the date of the court of revision, shall be placed on the list of burgesses."

Voting of
executors, etc.

16. By repealing section 255 and by substituting therefor the following:

"The council shall fix a time when and a place where the returning officer shall declare the result of the voting."

Time and
place for
declaring
result

17. By repealing section 256 and by substituting therefor the following:

Section 256
amended

"The mayor, if requested, shall, not later than noon on the last lawful day preceding the day of voting, appoint by writing signed by him one person to attend at each polling place on behalf of the persons interested in promoting the passing of the proposed by-law and a like number on behalf of the persons interested in opposing the passing of the proposed by-law."

18. By adding to section 267 the following:

Section 267
amended

"In the event of the voter desiring to record his vote against the passing of the by-law, he shall mark his paper thus:

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. <div style="text-align: center; font-size: 2em; font-weight: bold;">X</div>

19. By repealing section 277 and by substituting therefor the following:

Section 277
amended

"The returning officer, after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place, shall 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 thereafter at the time and place appointed declare the result of the poll, and shall forthwith certify the result to the council under his hand."

20. By inserting between the words "proper" and "without" in the seventh line of section 297 the following words: "or changing the mode of payment from that fixed by the by-law under which the debentures are issued to the alternative mode of payment authorized by section 249." Section 297 amended

21. By repealing sections 315, 316 and 318 and by substituting therefor the following:

"315. The sinking fund to redeem the outstanding debentures of the city and all moneys carried to the credit of the same shall, in each and every year, when received by the treasurer, be deposited by him in some chartered bank to be designated by the council, to the credit of a special account to be called The Sinking Fund Account of the City of Edmonton, and the same shall be under the management and control of and shall from time to time be invested by three trustees, to be known as The Sinking Fund Trustees of the City of Edmonton, two of whom shall be appointed by a judge, on application by the city solicitor on behalf of the city, and the third to be the chairman from time to time of the finance committee of the city council. The said trustees shall hold office until removed by the court or by the council, as the case may be, according to the manner of their several appointments. Board of trustees for the investment of sinking fund constituted

"(2) Each of the said trustees shall be paid an amount not exceeding ten dollars for each meeting attended, but not to exceed two hundred dollars in any one year. Remuneration

"(3) The city council shall find office room for the meetings of the said trustees, but all other costs, charges and expenses, including legal expenses and necessary clerical assistance, shall be paid out of and from the sinking fund. City to supply office room, etc.

"(4) All meetings of the said trustees shall be called by the chairman, or, failing his doing so, by the other two trustees. Any two of the said trustees shall form a quorum at any such meeting and all acts done or performed for or on behalf of the said trustees by the said quorum shall be as effectual as if done or performed by the three trustees. Meetings Quorum

"(5) The moneys of the sinking fund account shall be invested by the said trustees for the advantage of the fund in securities of the Government of the Dominion of Canada or of any of the provinces of Canada or any debentures or securities the payment of which is guaranteed by the Government of the Dominion of Canada or of any province of Canada, or in the debentures of any municipality or school district in the Dominion of Canada or in local improvement debentures of the city or any other debentures of the city, or by way of temporary loan to the corporation of an amount not exceeding fifty per cent. of the estimated amount of the municipal taxes to be levied by the general rate of the current year, provided that in the event of such temporary loan 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 like securities. The said trustees shall regulate the manner Securities in which sinking funds may be invested

in which such investments shall be made and shall have as full power and authority to deal with the sinking fund as the council now has. The said trustees shall whenever required by the council give a detailed statement in writing of the said fund and the manner in which the same is invested.

"(6) The trustees may, if they think it expedient, instead of investing the moneys at the credit of the sinking fund account from time to time in the securities above mentioned, apply the same towards payment or redemption of any part of the debenture debt of the city or any of the debentures representing or constituting such debt or any part of it, though not then payable. ^{Redemption of debentures before maturity}

"(7) All moneys required for investment or for the redemption of the debentures of the City of Edmonton shall be paid out by cheque signed by the city treasurer and by one of the trustees, and no part of the sinking fund account shall be withdrawn by them or by any other person except by cheque signed as aforesaid, and except for the due carrying out of the said trust and for the just and proper administration of the same. ^{How funds are to be paid out}

"(8) The said trustees shall have full power, both at law and in equity, to collect all moneys due upon mortgages or other securities in which portions or all of the said fund have in the past been, or may in the future be, invested, and may take all steps in regard to the adjustment, compromise or collection of the same, and shall have full power to foreclose the said mortgages and the parties making the same and all parties having any interest or claim in or to the property or properties covered by the said mortgages; or they may sell the said properties under power of sale, or otherwise, and give good and valid title to the same, and the said properties, when foreclosed as aforesaid, shall, to all intents and purposes, be vested and remain vested in the city, with power to sell and transfer and deal with the same in as full and ample a manner as they could be dealt with by a private individual in his own name. The said properties may, by the trustees and at their discretion, be leased, rented, insured, occupied or otherwise dealt with from time to time for the benefit of the said sinking fund. When deeds of conveyance are made, of any or all of the said properties, they shall be signed by not less than two of the said trustees in their official capacity, one of whom shall be the representative of the city. When payments are made of the said mortgages or any part of the same, or of any other claim in favor of the said fund, the said trustees, or any two of them, one of whom shall be the representative of the city, shall sign such discharges or releases as may be necessary. The trustees shall also have power to sell, assign, transfer or deal with any of the said investments to the best advantage for the benefit of the said fund, the intention being that the said trustees shall have full power and authority to invest and re-invest the said funds or any part thereof, and to collect, compromise, transfer, assign or in any way deal in regard to the same for the benefit of the said fund." ^{Powers of trustees}

22. By adding to subsection (a) of section 323 the following:

"Provided that where such lot or parcel of land is held by any executor, administrator, guardian or trustee or body of executors, administrators, guardians or trustees, the name or names of such executor or executors, adminis- ^{Trustees to be placed on assessment roll}

trator or administrators, guardian or guardians, or trustee or trustees, shall be placed on the assessment roll as owner or owners of such lot or parcel of land; provided, however, that any such person shall be personally liable only when and to such extent as he has property as such executor, administrator, guardian or trustee."

23. By inserting the word "by" between the words "be" and "by-law" in the fourth line of section 361. Section 361 amended

24. By adding to section 406 the following subsection:
 "(d) For determining and assessing the share to be borne by the properties abutting on or benefited by any or all local improvements at a uniform frontage rate or rates varying according to the class or character of the improvement, with power to make any adjustment thereof in respect of properties of peculiar shape or size or of different depth." Unit system of doing local improvements

25. By striking out the word "thereto" in line five of section 422 and by substituting therefor the word "thereof." Verbal error

26. By repealing section 423 and by substituting therefor the following:

"**423.** The council may in the manner authorized by this Act issue bonds, debentures or other securities in connection with the tramway works hereby authorized to be constructed outside the city, and such bonds, debentures and other securities may be made payable at such times, in such manner and in such place or places in Canada or elsewhere and bear such rate of interest, not exceeding six per centum per annum, as the council may deem expedient; but the total amount of such bonds, debentures and other securities shall not exceed \$10,000 for each mile of tramway without the city." Issue of debentures, etc. as to tramway lines outside the city

"(2) Any bonds, debentures or other securities which have been issued prior to the passing of this Act and which may exceed the limit specified in section 423 in its original form prior to this repeal shall not thereby be invalidated."

27. By adding after the word "judge" in the eighth line of section 493 the words "of the Supreme Court of Alberta or of the District Court of the District of Edmonton." Section 493 amended

28. By adding to section 503a, added to said charter by section 10 of chapter 32 of the Statutes of Alberta, 1913 (Second Session), the following: "The rental charged for the privilege of excavation under any street or lane and for the use of such portion thereof shall be by way of a fixed and uniform rate universally applicable, and in default of payment of such rental within three months after the same has become due, the council may by resolution order the same to be charged against the property abutting on such excavation and the amount so charged shall thereupon become taxes due to the city for the year in which the same is so charged." Section 503a amended

29. By amending section 526 as follows:

1. By inserting between the words "judge" and "to" ^{Section 526 amended} in the second line thereof the following words: "either of the Supreme Court of Alberta or of the District Court of the District of Edmonton;"

2. By striking out the word "a" at the end of the eleventh line of said section and by substituting therefor the word "such";

3. By inserting between the words "thereof" and "and" in the eleventh line of said section the words "including the affairs or business of any public board, body or trustees to or for which the city contributes or is liable to contribute public moneys".

30. Section 451 is hereby repealed and the following is substituted therefor:

"The city shall have power to manufacture and supply, ^{City may construct gas, electric light and power works, manufacture, purchase or distribute such commodities} or purchase and supply, or manufacture and sell for the purpose of supplying 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, or purchase and supply, or manufacture and sell for the purpose of supplying 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 it may deem requisite; and further, shall have the power to acquire any patent or other rights for the manufacture, production or supply of any artificial light or heat or power, and also to supply, sell, lease or otherwise deal in all fittings, machines, apparatus, meters or other things for any of the purposes aforesaid.

"(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.

"(4) Every contract or agreement entered into for the purchase of any of the above commodities shall, if the term during which the city is to purchase be a longer period than five years, be deemed a special franchise and shall be submitted to and assented to by the burgesses as such; but if the period does not exceed five years it may be entered into by a vote of a majority of the whole council without being submitted to or receiving the assent of the burgesses."

31. The following by-laws of the City of Edmonton, By-laws 526, 578, 579 and 670 validated
namely:

(a) By-law No. 526, finally passed on the fifth day of August, 1913, and intituled "A By-law for creating a debt in the sum of \$137,240.00, to pay the cost of certain extensions to the Municipal System of Water Works in the City of Edmonton and for the issuing of debentures in the said sum";

(b) By-law No. 578, finally passed on the fifth day of May, 1914, and intituled "A By-law to create a debt in the sum of \$935,373.34 and for the issue of debentures in said sum, for the purpose of paying the cost of certain extensions to the Municipal System of Water Works";

(c) By-law No. 579, finally passed on the fifth day of May, 1914, and intituled "A By-law to create a debt in the sum of \$1,659,046.67, being the moneys required to pay the portion of the cost of sewer extensions to be constructed in the City of Edmonton in the year 1914, payable by the city at large, and for the issue of debentures in the said sum";

are and each of them is hereby declared legal, valid and binding on the City of Edmonton and the ratepayers thereof, and that the same shall not be open to question in any court on any ground whatever, and all debentures and coupons thereto attached, issued or to be issued or purporting to be issued under the same or any of them, are hereby declared legal, valid and binding on the City of Edmonton and the ratepayers thereof, and that the same shall not be open to question in any court on any ground whatever, and all assessments made or to be made for the payment of any and all of the same are hereby confirmed and declared to be legal, valid and binding.

(2) By-law No. 670 of the City of Edmonton, finally passed on the eleventh day of January, 1916, and intituled "A By-law to create a debt in the sum of \$310,980.01, for the purpose of paying, in so far as the same has been ascertained and determined, part of the portion of the cost of the entrance of the Calgary & Edmonton Railway into the former Cities of Edmonton and Strathcona, pursuant to the various Statutes and agreements in that behalf," is hereby declared legal, valid and binding on the City of Edmonton and the ratepayers thereof, and that the same shall not be open to question in any court on any ground whatever, and all debentures and coupons thereto attached, issued or to be issued or purporting to be issued under the same, are hereby declared legal, valid and binding on the City of Edmonton and the ratepayers thereof, and that the same shall not be open to question in any court on any ground whatever, and all assessments made or to be made for the payment of any and all of the same are hereby confirmed and declared to be legal, valid and binding; and it is further declared and provided that notwithstanding anything in the said by-law contained, any debentures issued or to be issued or purporting to be issued thereunder may be made payable at the end of thirty years from the time of the issue of any such debenture or debentures, and the council may pass any such amending by-law or by-laws, and that it shall not be necessary that any such by-law shall be submitted to or receive the assent of the burgesses.

32. By-law No. 677 of the City of Edmonton in the words and figures following: By-law 677
validated

“BY-LAW No. 677.

“A By-law to raise by the means of the issue of debentures, the sum of \$47,494.69 to pay the portion of the cost chargeable by way of special local benefit assessment of widening Fifth Street West from Whyte Avenue to Sixth Avenue North, done as a special local improvement, and for the assessing of such sum.

“Whereas pursuant to the provisions of *The Edmonton Charter* and a certain notice contained in the *Edmonton News Plaindealer* on the 5th and 12th days of November, 1912, the council of the City of Edmonton undertook as a local improvement to be paid for by way of special local benefit assessment, the widening from Whyte Avenue to Sixth Avenue North of Fifth Street West by acquiring the following lands: Lots 1 and 36, in each of blocks numbers 143, 144, 145, 146, 147 and 148, also lot 35 in said block 148; seventy-five per cent. of the total cost to be assessed as a special local benefit assessment on each parcel of land in the vicinity, whether or not said land abuts on the street;

“And whereas at the court of revision held in respect of said improvement by the commissioners of the city and appeal thereon to the council the said seventy-five per cent. of said total cost was assessed upon the lands abutting upon said street as widened and upon the adjoining lands so that the assessment was imposed upon the lands in the easterly halves of blocks 143, 144, 145, 146, 147, 148 and the westerly halves of blocks 170, 177, 178, 180, 186 and 187, being all the blocks bordering upon said street as widened;

“And whereas it has been made to appear to the council that the share of cost to be collected by way of local benefit assessment is excessive, that some of the abutting lands have been benefited more than others and that the said share of the cost should be assessed upon all lands within said blocks hereinafter mentioned;

“And whereas the said council has ascertained and determined that the total cost of said work is \$142,484.06 of which sum \$94,989.37 should be borne by the city at large and the balance \$47,494.69 should be assessed upon the properties hereby determined to be benefited as follows:

LOT	BLOCK	SUBDIVISION	PROPORTION OF CHARGE	ANNUAL CHARGE FOR FORTY YEARS
A	148	Garneau	\$395.79	\$23.07
B	"	"	395.79	23.07
C	"	"	395.79	23.07
D	"	"	395.79	23.07
E	"	"	395.79	23.07
F	"	"	395.79	23.07
G	"	"	395.79	23.07
H	"	"	395.79	23.07
6	"	"	60.89	3.55
7	"	"	60.89	3.55
8	"	"	60.89	3.55
9	"	"	60.89	3.55
10	"	"	60.89	3.55
11	"	"	60.89	3.55
12	"	"	60.89	3.55
13	"	"	60.89	3.55
14	"	"	60.89	3.55
15	"	"	60.89	3.55
16	"	"	60.89	3.55
17	"	"	60.89	3.55
18	"	"	60.89	3.55
19	"	"	60.89	3.55
20	"	"	60.89	3.55
21	"	"	60.89	3.55

LOT	BLOCK	SUBDIVISION	PROPORTION OF CHARGE	ANNUAL CHARGE FOR FORTY YEARS
22	148	Garneau	\$ 60.89	\$ 3.55
23	"	"	60.89	3.55
24	"	"	60.89	3.54
25	"	"	60.89	3.54
26	"	"	60.89	3.54
27	"	"	60.89	3.54
28	"	"	60.89	3.54
29	"	"	60.89	3.54
30	"	"	60.90	3.54
31	"	"	60.90	3.54
A	147	"	395.79	23.07
B	"	"	395.79	23.07
C	"	"	395.79	23.07
D	"	"	395.79	23.07
E	"	"	395.79	23.07
F	"	"	395.79	23.07
G	"	"	395.79	23.07
H	"	"	395.79	23.07
6	"	"	60.90	3.55
7	"	"	60.90	3.55
8	"	"	60.90	3.55
9	"	"	60.90	3.55
10	"	"	60.89	3.55
11	"	"	60.89	3.55
12	"	"	60.89	3.55
13	"	"	60.89	3.55
14	"	"	60.89	3.55
15	"	"	60.89	3.55
16	"	"	60.89	3.55
17	"	"	60.89	3.55
18	"	"	60.89	3.55
19	"	"	60.89	3.55
20	"	"	60.89	3.55
21	"	"	60.89	3.55
22	"	"	60.89	3.55
23	"	"	60.89	3.55
24	"	"	60.89	3.55
25	"	"	60.89	3.55
26	"	"	60.89	3.55
27	"	"	60.89	3.55
28	"	"	60.89	3.55
29	"	"	60.89	3.54
30	"	"	60.90	3.54
31	"	"	60.90	3.54
Unsubdivided portion of Block				
	146	"	1,583.16	92.27
6	145	"	60.89	3.55
7	"	"	60.89	3.55
8	"	"	60.89	3.55
9	"	"	60.89	3.55
10	"	"	60.89	3.55
11	"	"	60.89	3.55
12	"	"	60.89	3.55
13	"	"	60.89	3.55
14	"	"	60.89	3.55
15	"	"	60.89	3.55
16	"	"	60.89	3.55
17	"	"	60.89	3.55
18	"	"	60.89	3.55
19	"	"	60.89	3.55
20	"	"	60.89	3.55
21	"	"	60.89	3.55
22	"	"	60.89	3.55
23	"	"	60.89	3.55
24	"	"	60.89	3.55
25	"	"	60.89	3.55
26	"	"	60.89	3.55
27	"	"	60.89	3.55
28	"	"	60.89	3.54
29	"	"	60.89	3.54
30	"	"	60.89	3.54
31	"	"	60.90	3.54
6	144	"	60.89	3.55
7	"	"	60.89	3.55
8	"	"	60.89	3.55
9	"	"	60.89	3.55
10	"	"	60.89	3.55
11	"	"	60.89	3.55
12	"	"	60.89	3.55
13	"	"	60.89	3.55
14	"	"	60.89	3.55
15	"	"	60.89	3.55
16	"	"	60.89	3.55
17	"	"	60.89	3.55

LOT	BLOCK	SUBDIVISION	PROPORTION OF CHARGE	ANNUAL CHARGE FOR FORTY YEARS
18	144	Garneau	\$ 60.89	\$ 3.55
19	"	"	60.89	3.55
20	"	"	60.89	3.55
21	"	"	60.89	3.55
22	"	"	60.89	3.55
23	"	"	60.89	3.55
24	"	"	60.89	3.55
25	"	"	60.89	3.55
26	"	"	60.89	3.55
27	"	"	60.89	3.55
28	"	"	60.89	3.54
29	"	"	60.89	3.54
30	"	"	60.89	3.54
31	"	"	60.89	3.54
6	143	"	60.89	3.55
7	"	"	60.89	3.55
8	"	"	60.89	3.55
9	"	"	60.89	3.55
10	"	"	60.89	3.55
11	"	"	60.89	3.55
12	"	"	60.89	3.55
13	"	"	60.89	3.55
14	"	"	60.89	3.55
15	"	"	60.89	3.55
16	"	"	60.89	3.55
17	"	"	60.89	3.55
18	"	"	60.89	3.55
19	"	"	60.89	3.55
20	"	"	60.89	3.55
21	"	"	60.89	3.55
22	"	"	60.89	3.55
23	"	"	60.89	3.55
24	"	"	60.89	3.55
25	"	"	60.89	3.55
26	"	"	60.89	3.55
27	"	"	60.89	3.55
28	"	"	60.89	3.55
29	"	"	60.89	3.55
30	"	"	60.89	3.55
31	"	"	60.89	3.55
2	"	"	395.79	23.06
3	"	"	395.79	23.06
4	"	"	395.79	23.06
5	"	"	395.79	23.06
32	"	"	395.78	23.06
33	"	"	395.78	23.06
34	"	"	395.78	23.06
35	"	"	395.78	23.06
A	144	"	395.79	23.06
B	"	"	395.79	23.06
C	"	"	395.79	23.06
D	"	"	395.79	23.06
E	"	"	395.79	23.06
F	"	"	395.79	23.06
G	"	"	395.79	23.06
H	"	"	395.79	23.06
A	145	"	395.79	23.07
B	"	"	395.79	23.07
C	"	"	395.79	23.07
D	"	"	395.79	23.07
E	"	"	395.79	23.06
F	"	"	395.79	23.06
G	"	"	395.79	23.06
H	"	"	395.79	23.06
A	146	"	395.79	23.07
B	"	"	395.79	23.07
C	"	"	395.79	23.07
D	"	"	395.79	23.07
E	"	"	395.79	23.07
F	"	"	395.79	23.07
G	"	"	395.79	23.07
H	"	"	395.79	23.07
13	186	R.L. 9	197.90	11.54
14	"	"	197.90	11.54
15	"	"	197.90	11.54
16	"	"	197.90	11.54
17	"	"	197.90	11.54
18	"	"	197.90	11.54
19	"	"	197.90	11.54
20	"	"	197.90	11.54
21	"	"	197.90	11.54
22	"	"	197.90	11.54
23	"	"	197.90	11.54
24	"	"	197.90	11.54

LOT	BLOCK	SUBDIVISION	PROPORTION OF CHARGE	ANNUAL CHARGE FOR FORTY YEARS
25	186	R.L. 9	\$197.90	\$11.54
26	"	"	197.90	11.54
12	180	"	197.90	11.53
13	"	"	197.90	11.53
14	"	"	197.90	11.53
15	"	"	197.90	11.53
16	"	"	197.90	11.53
17	"	"	197.90	11.53
18	"	"	197.90	11.53
19	"	"	197.89	11.53
12	178	"	197.89	11.53
13	"	"	197.89	11.53
14	"	"	197.89	11.53
15	"	"	197.89	11.53
16	"	"	197.89	11.53
17	"	"	197.89	11.53
18	"	"	197.89	11.53
19	"	"	197.89	11.53
A	177	"	197.89	11.53
B	"	"	197.89	11.53
C	"	"	197.89	11.53
D	"	"	197.89	11.53
E	"	"	197.89	11.53
12	"	"	197.89	11.53
16	"	"	197.89	11.53
17	"	"	197.89	11.53
18	"	"	197.89	11.53
19	"	"	197.89	11.53
12	170	"	197.89	11.53
13	"	"	197.89	11.53
14	"	"	197.89	11.53
15	"	"	197.89	11.53
16	"	"	197.89	11.53
17	"	"	197.89	11.53
18	"	"	197.89	11.53
19	"	"	197.89	11.53
1	186	"	101.05	5.89
2	"	"	101.05	5.89
3	"	"	101.05	5.89
21	187	"	101.05	5.89
23	"	"	101.05	5.89
22	"	"	101.05	5.89
1	180	"	101.05	5.89
2	"	"	101.05	5.89
3	"	"	101.05	5.89
4	"	"	101.05	5.89
5	"	"	101.05	5.89
6	"	"	101.05	5.89
7	"	"	101.05	5.89
8	"	"	101.05	5.89
9	"	"	101.05	5.89
10	"	"	101.05	5.89
11	"	"	101.05	5.89
20	"	"	101.05	5.89
21	"	"	101.05	5.89
22	"	"	101.05	5.89
23	"	"	101.05	5.89
24	"	"	101.05	5.89
25	"	"	101.05	5.89
26	"	"	101.05	5.89
27	"	"	101.05	5.89
28	"	"	101.05	5.89
29	"	"	101.05	5.89
30	"	"	101.05	5.89
1	178	"	101.05	5.89
2	"	"	101.05	5.89
3	"	"	101.05	5.89
4	"	"	101.05	5.89
5	"	"	101.05	5.89
6	"	"	101.05	5.89
7	"	"	101.05	5.89
8	"	"	101.05	5.89
9	"	"	101.05	5.89
10	"	"	101.05	5.89
11	"	"	101.05	5.89
20	"	"	101.05	5.89
21	"	"	101.05	5.89
22	"	"	101.05	5.89
23	"	"	101.05	5.89
24	"	"	101.05	5.89
25	"	"	101.05	5.89
26	"	"	101.05	5.89
27	"	"	101.05	5.89
28	"	"	101.05	5.89

LOT	BLOCK	SUBDIVISION	PROPORTION OF CHARGE	ANNUAL CHARGE FOR FORTY YEARS
29	178	R.L. 9	\$101.05	\$5.89
30	"	"	101.05	5.89
1	177	"	101.05	5.89
2	"	"	101.05	5.89
3	"	"	101.05	5.89
4	"	"	101.05	5.89
5	"	"	101.05	5.89
6	"	"	101.05	5.89
7	"	"	101.05	5.89
8	"	"	101.05	5.89
9	"	"	101.05	5.89
10	"	"	101.05	5.89
11	"	"	101.05	5.89
20	"	"	101.05	5.89
21	"	"	101.05	5.89
22	"	"	101.05	5.89
23	"	"	101.05	5.89
24	"	"	101.05	5.89
25	"	"	101.05	5.89
26	"	"	101.05	5.89
27	"	"	101.05	5.89
28	"	"	101.05	5.89
29	"	"	101.06	5.89
30	"	"	101.06	5.89
1	170	"	101.06	5.89
2	"	"	101.06	5.89
3	"	"	101.06	5.89
4	"	"	101.06	5.89
5	"	"	101.06	5.89
6	"	"	101.06	5.89
7	"	"	101.06	5.89
8	"	"	101.06	5.89
9	"	"	101.06	5.89
10	"	"	101.06	5.89
11	"	"	101.06	5.89
20	"	"	101.06	5.89
21	"	"	101.06	5.89
22	"	"	101.06	5.89
23	"	"	101.06	5.88
24	"	"	101.06	5.88
25	"	"	101.06	5.88
26	"	"	101.06	5.88
27	"	"	101.06	5.88
28	"	"	101.06	5.88
29	"	"	101.06	5.88
30	"	"	101.06	5.88

"And whereas the said council deem it advisable that the said sum of \$47,494.69 should be borrowed by means of the sale of debentures as hereinafter provided for an amount not exceeding that sum and be met by means of the said local benefit assessment, and that the city shall collect the same;

"And whereas the total amount to be raised annually for paying the debt and interest under this by-law is the sum of \$2,767.90, the whole whereof is payable by way of local benefit assessment as aforesaid;

"And whereas the total value of the land, exclusive of all improvements thereon, chargeable with these special assessments is \$1,051,910.00;

"And whereas the value of all ratable property in the city according to the last revised assessment roll is \$168,973,190.00;

"Now therefore the municipal council of the City of Edmonton, duly assembled, enacts as follows:

"1. This by-law shall take effect on the day of the passing thereof.

"2. The mayor and treasurer of the City of Edmonton are hereby duly authorized and empowered to borrow, on behalf, in the name and on the credit of the City of Edmonton, for the purposes aforesaid, the said sum of \$47,494.69 and for that purpose to issue one or more debentures of the City of Edmonton aggregating said amount.

"3. The said indebtedness shall be paid and the said debentures shall be made payable at the expiration of the period of forty (40) years from the date of the issue of such debenture or debentures and shall bear interest payable semi-annually at the rate of five (5%) per centum per annum, and shall be repayable either in such manner that the principal shall be paid at the end of the said period of forty (40) years (an equal sum by way of sinking fund being raised annually during the said period sufficient with accumulated interest thereon to meet the principal at maturity) and the interest thereon semi-annually, or in such manner that each instalment of principal and interest shall be equal as nearly as may be in each year of the said period of forty (40) years.

"4. The debt hereby created is contracted on the credit of the city at large but the city shall collect the same only by way of local benefit assessment as aforesaid.

"5. The said amount to be raised annually shall be assessed commencing with the year 1916, for a period of forty (40) years, upon the properties determined to be benefited in the manner hereinbefore recited.

"Done and passed in council this seventh day of March, A.D. 1916."

(Sgd.) W. T. HENRY,
Mayor.

{ SEAL OF
THE CITY OF
EDMONTON }

(Sgd.) CHAS. ED. K. COX,
City Clerk."

and the assessments thereby imposed and each and every of them are validated and confirmed and declared to be legal, valid and binding upon the City of Edmonton and the ratepayers or burgesses thereof affected thereby and the same shall not be open to question in any court on any ground whatever; and all debentures and coupons thereto attached issued or to be issued or purporting to be issued under the same are hereby declared to be legal, valid and binding on the City of Edmonton and the ratepayers thereof and the same shall not be open to question in any court on any ground whatever; and the council may pass any by-law or by-laws for raising the share to be borne by the city at large and it shall not be necessary that any such by-law shall be submitted to or receive the assent of the burgesses.

33. By repealing sections 389 to 403 inclusive.

Sections 389 to
403 repealed

34. The assessor shall between the first day of October, 1916, and the first day of November, 1916, where any portion of the taxes on any land has been due prior to the thirty-first day of December, 1913, prepare and submit to the mayor a list in duplicate of all the lands in his books on which taxes are so due, with the amount of such arrears, including penalties and interest, against each lot, piece or parcel set opposite to the same, including the whole taxes due in respect of such lands down to the 31st day of December, 1915, and the mayor and city clerk shall authenticate such list by affixing thereto their signatures and the seal of the city, and one of such lists shall be retained by the city clerk and the other shall be given to the treasurer with a warrant thereto annexed under the hands of the mayor and city clerk and the seal of the city, commanding him to sell the lands for the arrears, including penalties and interest, due thereon with costs, which warrant may be in the following form:

"CITY OF EDMONTON.

"To.....

"You are hereby commanded to sell the lands mentioned in the list hereunto annexed for the arrears of taxes due thereon, including penalties and interest, with costs as therein set forth, and for so doing this shall be your sufficient authority.

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

(2) Where money has been borrowed against the arrears of taxes for any particular year (provided the time for repayment be not less than two years) as provided by section 77 hereof, and a sufficient amount of such particular arrears have not been paid to retire the indebtedness contracted four months before the maturity thereof, the treasurer shall notify the assessor and the assessor shall prepare and submit to the mayor a list in duplicate, as aforesaid, of all the lands in his books on which such particular arrears are due, with the amount of such arrears, including penalties and interest, against each lot or parcel set opposite the same, including the whole of the taxes due in respect of such lands down to the 31st day of December preceding the date of such list, and the mayor and city clerk shall authenticate such list by affixing thereto their signatures and the seal of the city, and one of such lists shall be retained by the city clerk and the other shall be given to the treasurer with a warrant thereto annexed under the hands of the mayor and city clerk and the seal of the city, commanding him to sell the lands for the arrears, including penalties and interest, due thereon with costs, which warrant may be in the following form:

"CITY OF EDMONTON.

"To.....

"You are hereby commanded to sell the lands mentioned in the list hereunto annexed for the arrears of taxes due thereon, including penalties and interest, with costs as therein set forth, and for so doing this shall be your sufficient authority.

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

35. The treasurer shall prepare a copy of the list of lands to be sold as authorized by this Act, including therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale, and shall cause the said list to be published at least once a week for four consecutive weeks in one or more daily newspapers published in the city, and for the next following four consecutive weeks preceding the day of sale therein named shall publish a notice therein in the form following:

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

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

36. The advertisement shall contain a notification that unless the arrears of taxes and costs as specified in such list are sooner paid, the treasurer will proceed to sell the said lands on the day and at the place mentioned in the advertisement, and every such notice shall specify the place, day and hour at which the sale shall commence, and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes, and the use of abbreviations for such descriptions shall be sufficient if the lot or parcel of land can be distinguished thereby. Contents of advertisement

(2) In every case where a plan of subdivision has been or is hereafter cancelled, all taxes, assessments or rates in arrear or due upon the individual lots or parcels of land within the area cancelled shall be added together and the same shall become taxes upon and in respect of the whole area in respect of which the plan is cancelled and such area may be sold as one parcel for the sum total of taxes, penalties and costs in arrears in respect of the individual lots or parcels. Cancellation of plans

(3) In every case where any lot or parcel of land or one or more lots or parcels of land is or are resubdivided, all taxes in arrear or due upon any part thereof shall be taxes due or in arrear upon all the lots or parcels contained in the resubdivision and may be sold as one parcel. Re-subdivision

37. Four copies of the list with such notice attached shall be hung up in the treasurer's office and shall be accessible to the public at all times during business hours up to and including the day of sale; and six copies shall be posted up in conspicuous places in the city, to remain there up to and including such day. Copies to be posted up 4 in treasurer's office 6 elsewhere

38. Any person tearing, defacing or destroying any of the said lists, or removing any of these posted up, shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$5 nor more than \$25 with costs, and in default of payment forthwith after conviction to imprisonment for a period not exceeding one month. Penalty for defacing, etc.

39. All the lands liable for sale in the city shall be included in the same advertisement and notice, but any neglect or omission to include in said list any lands liable to be sold for taxes shall not be held to invalidate the sale or to prevent the sale of such omitted land or lands on any future occasion for all arrears of taxes that may be due thereon. Omissions not to invalidate sale

40. The sale shall take place (subject to adjournment as hereinafter provided) at such place in the city as the treasurer in his said notice shall name. Sale to be annually before 1st Nov.

41. At the place, day and hour appointed for the sale the treasurer shall offer the lands for sale by public auction of the arrears of taxes thereon, including penalties, interest, cost, and charges have not previously been paid or collected, and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each lot or parcel offered for sale respectively, and shall there sell the same to the highest bidder or to such person as may be willing to take it at the upset price if there be no higher bidder but subject to redemption as hereinafter provided for. Treasurer to sell at appointed time if arrears not paid

42. The treasurer shall not sell or offer for sale any lands which have not been included in the list furnished to him as aforesaid; nor shall he sell or offer for sale any lands included in said list where the taxes due thereon, including penalties and interest, down (a) to the 31st day of December, 1913, or (b) down to the 31st day of December of the year against the arrears of taxes for which money has been borrowed as aforesaid, together with the costs and charges relating to such lands as specified in the said list, have been paid to the treasurer prior to the time when such lands are or would be actually put up for auction; and the treasurer is hereby authorized to accept payment of the taxes, costs and charges in this section mentioned, and upon such payment being made as hereinbefore provided to withdraw from the sale the lands covered by such payment.

43. The treasurer may adjourn the sale from time to time, provided always that no such adjournment shall be for a period exceeding fifteen days. Adjournment of sale

44. When two or more parcels of land have been assessed together, the same may be advertised and sold together; but the owner of any one such parcel may redeem the same within the time hereinafter provided, upon payment of a proportionate part of the taxes and charges for which the said parcels were sold, together with a proportionate part of the interest or penalty required to be paid on the redemption of same. Parcels assessed together

45. In any case in which land liable to be sold for taxes has been subdivided so that different persons are the owners of different portions of a single lot or parcel, the treasurer may offer the said lands for sale in accordance with the divisions of the same which represent the actual ownership, so that the land of each separate owner shall be separately offered for sale. How lands are to be offered for sale when different persons own different portions of one lot

46. When a single lot or parcel of land is owned by different parties and assessed in separate parts or portions each such separate part or portion may be sold for the taxes in arrear thereon respectively. Lots owned in separate parcels

47. If any lot or parcel of land when put up for sale will not sell for the full amount of arrears of taxes, costs and charges, the treasurer shall withdraw the same from sale and again put the same up for sale at the adjourned sale or sales (if any) and if the same shall not be sold at that sale the same shall be again put up for sale at the next annual sale and if not then sold at the next sale. If bid not equal to amount of taxes land to be withdrawn

(2) The treasurer after the close of each sale shall return to the collector a list of lands not sold together with the costs and charges of the abortive sale chargeable to each lot or parcel and the assessor shall add on his roll such costs and charges to the said lands and they shall thereupon become part of the arrears of taxes in respect of such lands. and treasurer to return to collector

48. If the said lands so returned shall not be sold at the third sale the treasurer shall sell the same to the city at the upset price. to be sold to city at third sale

(2) It shall not be necessary for any payment of the purchase money to be made, and in such case a certificate of sale shall be issued to the city by the treasurer, and so far as may be, the provisions of this Act with reference to redemption shall apply to such sales.

(3) The city may at any time sell and transfer such certificate.

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

50. If the purchaser of any parcel of land fails immediately to pay the treasurer on account of said purchase the amount claimed for arrears of taxes and charges, the treasurer shall forthwith again put up the property for sale. If arrears, etc. not paid, treasurer to put up land again

51. The treasurer after selling any land for taxes shall without any additional charge give to the purchaser a certificate under his hand and the seal of the city, in the following form: Treasurer to give purchaser certificate

"I hereby certify that, under the provisions of *The Edmonton Charter*, I have this day sold for arrears of taxes and costs to A.B., of the.....of..... in the.....of....., that certain piece

or parcel of land situate in the City of Edmonton and being (*describe the land*), for the price or sum ofdollars.

"I further certify that the sale was openly and fairly conducted.

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

"(*This must be the actual date of sale.*)

[L.S.] *Treasurer of the City of Edmonton.*"

NOTE.—For the purpose of redemption or obtaining title the day on which the sale was advertised, namely, theday of....., 19....., is to be taken, and a transfer of the same to the purchaser or his assigns will be executed by the treasurer, on his or their demand, within one month after the expiration of three years from said date, if the land be not previously redeemed, and upon payment of two dollars for said transfer.

(2) If the treasurer by whom any such sale has been made die, resign or otherwise vacate his office without having signed such certificate, the treasurer for the time being of the city may give a certificate under his hand and the seal of the city, certifying that the lands were sold, and when, and to whom, and at what price, and that the sale was openly and fairly conducted. Such certificate shall be as valid and effectual for the purposes of this Act as though made in the form above given.

52. If the lands have been sold for more than the amount of taxes as advertised, the above certificate shall be modified by leaving out all after the description of the lands and before the dating clause, and inserting instead thereof the following:

"for the price or sum of.....dollars, of which the sum of.....dollars, being the amount of arrears of taxes and costs for which the same were sold, has been received, and the balance shall be paid to the treasurer before the expiration of three years from the date of this sale; and in case such balance be not paid within the time required all claims to said lands and to the money already paid shall be forfeited by the holder hereof.

"I further certify that the said sale was openly and fairly conducted."

53. Any such certificate provided for by the two last preceding sections may be assigned by indorsement on the back thereof or on a paper attached thereto, in the following form or to the like effect:

"I hereby assign and transfer this certificate (*or the attached certificate*) to.....

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

"Witness:....."

which said assignment shall be signed by the person in whose favour the certificate is issued, or by any subsequent assignee. The production of a certificate so transferred with an affidavit as to the execution thereof by the transferor shall entitle the assignee to the redemption money, if paid.

54. The tax purchaser shall on receipt of the treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which the lands may be redeemed but shall not have any right to the possession of said lands; and he shall have the right to pay taxes upon said lands and to be reimbursed therefor as aforesaid as provided in sections 57 and 62.

Powers of tax purchaser to protect land until redeemed

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

Treasurer to prepare statement of lands sold and keep same for inspection

56. The owner of any land which has been or shall hereafter be sold for nonpayment of arrears of taxes or costs, or his heirs, executors, administrators or assigns, or any other person or any municipality on his or their behalf, but in his name only, may at any time within three years from the day of sale, exclusive of that day, redeem such land by paying or tendering to the treasurer of the municipality, before the hour of three o'clock in the afternoon, the amount of arrears of taxes and costs for which the same was advertised and sold, together with, as a penalty, a sum amounting to ten per cent. of such amount if redeemed at any time within one year after the date of sale, and, if not so redeemed within one year, but within two years, then with the addition, as a further penalty, of a further sum amounting to ten per cent. of such amount, and if not so redeemed within two years, but within three years, then with the addition, as a further penalty, of a further sum amounting to ten per cent. of such amount, together with, in any or either case, a fee of twenty-five cents for a tax redemption certificate.

Redemption how and when effected

(2) If the tax sale purchaser has paid any taxes accrued subsequently to the taxes for which such land was sold, the party redeeming such land shall also pay to the treasurer, if redeemed within the first year after the sale, the amount of such subsequent taxes so paid, and, as a penalty, an additional sum amounting to ten per cent. thereon. If such land be not redeemed within the first year after sale, then the party redeeming such land shall also pay to the treasurer the amount of such subsequent taxes so paid as aforesaid, and as a penalty an additional sum amounting to ten per cent. for each year the land remains unredeemed, and ten per cent. for the year during which the land is redeemed on all such subsequent taxes so paid during the first year after the said sale, together with ten per cent. on all such subsequent taxes so paid after the first year.

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

Date of sale

58. The treasurer shall give the party so redeeming a certificate of redemption under his hand and the seal of the municipality, which will be evidence of the redemption and may be registered in the proper land titles office without any affidavit of attestation, and may be in the following form:

"I hereby certify that (*describing the lands*) sold for taxes on the.....day of....., A.D. 19...., were this day fully redeemed by..... on behalf of....., and that I have received from said.....in full of said redemption, the sum of.....dollars.

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

"C.D.,

[L.S.]

"Treasurer for the....."

(2) Such certificate shall be made in duplicate, and one of the duplicates shall be kept in the office of the treasurer.

59. Any lot or parcel of the lands sold may be redeemed by payment of a proportionate amount of the arrears of taxes, costs and penalties, if the land sold was composed of more than one lot or parcel according to any survey of plan.

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

61. The treasurer, immediately after the redemption of the land, shall notify the purchaser or his assignee of such redemption by letter mailed, prepaid and registered, to him at his post office address as given either in the statement signed by the purchaser at the time of the sale or in a written notice given to the treasurer by the assignee.

(2) And the treasurer shall upon delivery to him of the certificate of sale for taxes and assignment thereof, pay over such redemption money or such portion thereof as the applicant may be entitled to.

(3) In the case of the loss of any certificate the redemption money may be paid over on security being given to the satisfaction of the council.

(4) Where a certificate covers more than one lot or parcel and one lot or parcel only is redeemed, the treasurer shall mark in the amount paid on the lot or parcel redeemed upon the certificate and duplicate and return the certificate to the holder.

62. If the land be not redeemed within the period allowed by this Act then on demand of the purchaser or his assigns at any time within one month after the expiration of the time limited for the redemption upon payment of the balance of purchase money as aforesaid and of the further sum of two dollars, the treasurer shall prepare and execute and deliver to him or them a transfer of the land sold; provided that any land sold to the city under the provisions of this Act as herein provided shall be transferred to the city by the treasurer immediately on the expiration of the time allowed for the redemption without charge;

such transfer shall state the date and cause of sale and the price and shall have the effect of vesting the land in the purchaser or his assigns in the fee simple or otherwise according to the nature of the estates sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear. Such transfer shall be in the form following or to the like effect:

“TRANSFER OF LAND ON SALE OF TAXES.

“I,....., of the....., in ^{Form of transfer}
the Province of Alberta, Treasurer of the City of.....
by virtue of the authority vested in me by *The Edmonton Charter* to sell lands for arrears of taxes, do hereby in consideration of the sum of.....dollars, paid to me by.....of....., being the price for which the said land was sold at a sale by me on the.....day of....., 19....., for arrears of taxes due on the said land to the said city, transfer to the said.....all that piece of land being.....

“In witness whereof I have hereunto set my hand and the corporate seal of the said city this.....day of....., 19.....

“Signed by the above named }
in the presence of..... }

“AFFIDAVIT OF WITNESS TO BE ENDORSED ON TRANSFER.

“CANADA, } I,.....
PROVINCE OF ALBERTA, } of (residence), in the Province of
To Wit: } Alberta, (occupation), make oath
and say:

“1. I was personally present and did see....., named in the within instrument, who is personally known to me, to be the person named therein, he being the treasurer of the City of Edmonton, duly sign and execute the within instrument for the purpose named therein;

“2. That the said instrument was executed at Edmonton in the said province, and that I am the subscribing witness thereto;

“3. That I personally know the said..... and he is in my belief of the full age of twenty-one years.

“Sworn before me at.....
in the Province of Alberta, }
this.....day }
of....., 19.....” }

.....”

63. Such transfer shall not only vest in the purchaser or his assigns, as the case may be, all rights of property which the original holder had therein, but shall also purge and disencumber such land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the city or Crown; and whenever lands are sold for arrears of taxes and the treasurer shall have given a transfer thereof such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except as against the Crown; and every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land therein described; also that all

the steps and formalities necessary for a valid sale had been taken and observed as provided by this Act in that behalf; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other:

- (a) That the sale was not conducted in a fair, open and proper manner;
- (b) That there were no taxes whatever in arrear for which the said land could be sold;
- (c) That the said land was not liable to be assessed for taxes.

Grounds upon which sale may be set aside

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

Transfer not to affect interest of the Crown

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

If sale invalid city liable for purchase money only

66. The treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed and deposit such sums with the city's bankers in a separate account, and shall enter in the account the amount received over the taxes and charges from the purchaser of any lots sold by him against said lot, with date of sale and receipt of balance, and the aggregate amount so received shall form a fund to be called the tax sales fund, and the treasurer shall in the month of January in each year and on request at any other time furnish a statement to the council giving the particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the city for six years from the day of sale of the land of the purchase money of which it forms a part without any notice of claim or order for payment having been served on him as hereinafter provided, said portion or sum so remaining unclaimed shall be forfeited and thereafter be the absolute property of the city and the said city shall forever be discharged from any claim on account thereof.

Separate account to be kept of balances of purchase moneys

and if not claimed within six years to become property of city

67. Any person claiming to have been the owner or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realized more than the amount due for taxes and charges, shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned, provided that written notice is served on the treasurer previous to the time limited for forfeiture and upon producing and leaving

Procedure for obtaining balances in tax sale fund

with the treasurer within six months from the date of service of such notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of the said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the legal representative of the said owner or otherwise interested in the said land and requiring the city to pay the said surplus or the portion thereof specified in the order to the said claimant, and such or any judge's order for payment of any part of said tax sale fund shall be kept by the treasurer and shall be the warrant and authority for making such payment.

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

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

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

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

72. In case of any action or proceeding to set aside or question a sale for arrears of taxes being commenced within three years and one month from the date of said

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

Surplus to be held pending result

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

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

Limit of city's liability if sale void

74. The council may by by-law provide that all or any of the duties or acts in regard to the sale of lands for taxes to be done or performed by the treasurer or the assessor may be done or performed by such other officer as the council may from time to time provide by by-law, and such acts shall be as valid as if performed by the assessor or treasurer as provided in this Act.

Council may provide other officers to conduct sale, etc.

75. The owner, or any person (other than a tax sale purchaser) having an interest in any parcel of land sold for arrears of taxes, shall have the first right to pay the amount of taxes levied thereon subsequent to such sale, up to but not inclusive of the tenth day before the last day provided for the first discount period, or the date fixed for the imposition of a penalty as the case may be; and in no case shall any tax sale purchaser be allowed any percentage upon the amount of such subsequent taxes, until the time during which such taxes are subject to a discount, as aforesaid, shall have expired.

Owner of persons interested in lands sold to have first right to pay subsequent taxes

76. No action, suit or other proceedings for the return by the city of any moneys paid to the city, whether under protest or otherwise, on account of a claim, whether valid or invalid, made by the city for taxes, shall be commenced after the expiration of six months after the payment of such moneys; and, after the expiration of such period of six months without any such action, suit or other proceedings having been commenced, the payment made to the city shall be deemed to have been a voluntary payment.

Limitation of 6 months for action to recover moneys paid city for taxes

77. By adding to section 309 the following:

"(5) The council may issue and sell special debentures, bills or other securities in such form and payable at such place or places either within or without Canada and for such period not exceeding five years from the issue of the same, as the council may by by-law provide, and make the same a first charge on all taxes including school taxes then in arrear, provided that the same shall not exceed the total amount of arrears due at the time of issue and that the rate of interest of such securities shall not exceed eight per centum per annum:

Borrowing on the arrears of taxes by the issue of debentures

"(a) All arrears of taxes against which any such borrowing takes place shall when and as collected be handed over to The Sinking Fund Trustees of the City of Edmonton, who shall deposit same in a savings bank account in some chartered bank or banks, and the monies so deposited shall be used for the sole purpose of redeeming the securities as they become due.

"(b) So soon as sufficient arrears of taxes have been deposited with said trustees to meet the principal upon all outstanding securities issued under this provision, all further arrears collected shall be paid to the treasurer of the city in the usual course."

78. By repealing section 305 and by substituting therefor 305 repealed the following:

"305. In the case of a by-law heretofore or hereafter passed, the council may by by-law, without the assent of the burgesses, authorize a change in the mode of issue of the debentures, or in the place or places where the same are payable or both; and may provide that the debentures be issued with interest coupons instead of in amounts of combined principal and interest or *vice versa*; or may change the interest from annual to semi-annual or *vice versa*; or provide that the debentures may be issued in a different currency or may be in different amounts from those authorized in the original by-law; and where any debentures issued under a by-law have been sold, pledged or hypothecated the council, upon again acquiring them, or at the request of any holder of them, may by by-law without such assent authorize the cancellation of the same and issue one or more debentures in substitution therefor, and may make such new debentures payable by the same or a different mode and at the same or a different place or places or provide that the interest shall be changed from annual to semi-annual or *vice versa*; or may provide that they may be issued in a different currency or may be in different amounts from those of the original debentures:

Substituted section
Council may change mode of issue of debentures, etc. without re-submission to burgesses

"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 principal of such new debentures does not exceed the amount of the principal owing upon the original debentures."

79. The council of the City of Edmonton is hereby authorized to prepare and submit to the electors of the city, qualified to vote at an election for Mayor or Aldermen, at a plebiscite to be held on such date as the council shall by resolution decide, and which said date shall not be less than thirty or more than sixty days from the date of passing said resolution, and notice of the holding of the said plebiscite shall be published in at least two daily

Proportional representation

newspapers of the city at least once each week for three weeks preceding the date of holding such plebiscite, a by-law providing for the election of the mayor and aldermen of the city by the proportional representation system of voting or the preferential system of voting or by any other system of voting, whether a modification of such systems or not, the proposed system of voting to be described in such by-law; And if at such plebiscite a majority of the valid ballots cast are in favor of adopting said by-law, the council shall pass same, and thereupon the system of election described therein shall come into force and effect, notwithstanding any other system or method of election heretofore in vogue in the city.

(2) The said by-law may contain all rules and provisions that may be deemed necessary or advantageous to render any such proposed system practicable and complete and may contain clauses or provisions that either expressly or by necessary implication repeal any clauses or provisions of *The Edmonton Charter* and amendments thereto, inconsistent with the said rules and provisions of any such proposed system.

80. All lost or unclaimed property in the possession of the city or any department thereof, shall be retained for six months and if not then claimed the city may dispose of the same by public auction and the purchaser at such auction shall become the owner thereof and any claim of the true owner shall be turned into a claim for the proceeds of sale (less expenses of sale) and if no claim is made to such proceeds within one year from the date of sale the same shall become part of the general revenue of the city.

81. Whereas in or about the year 1905 the City of Edmonton undertook the extension of Jasper Avenue through river lots 12, 14, 16 and 18, and purchased the lands required therefor, but no plan of such extension was registered or filed; and whereas in or about the year 1913 a plan of said extension was prepared by Messrs. Driscoll and Knight, D.L.S., but on account of the difficulty in obtaining the signatures thereto of all persons interested therein, said plan cannot be filed in the land titles office for the North Alberta Land Registration District: Therefore the registrar of said district is hereby authorized and required to receive and file or register the said plan notwithstanding the same does not conform to the rules and regulations provided; provided that the registration thereof shall not affect any right to compensation or damages any person or corporation may have against the said city.

FOURTH SESSION

THIRD LEGISLATURE

6 GEORGE V

1916

BILL

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

Received and read the

First time

Second time.

Third time.

HON. C. W. CROSS.

EDMONTON:
J. W. JEFFERY, GOVERNMENT PRINTER,
A.D. 1916