

# BILL

No. 7 of 1917.

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary, and to validate certain By-laws of the said city.

(Assented to 1917.)

WHEREAS a petition has been presented by the City of Calgary, praying for the amendment of *The Calgary 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. Ordinance 33 of 1893 of N.W.T. and amendments thereto is hereby amended by adding the following as section 57a thereto:

"57a. 1. For the purposes of this section all taxes and assessments levied or assessed on real property by the City of Calgary, prior to the passing of this Act, and remaining unpaid, are declared to be and to have been delinquent since the first day of January, 1916, and all taxes and assessments hereafter assessed or levied on real property shall be deemed to be and to have become delinquent on the first day of January of the year in which such taxes are levied and assessed.

"2. As soon as can be after the passing of this Act, and every year hereafter, as soon as can be after the first day of July of such year, the tax collector shall prepare and deliver to the mayor a complete list in duplicate of lands on which taxes or assessments have been delinquent for eighteen months or more, such list to show the total amount or amounts of all taxes and assessments, with interest and costs due and owing on each lot, parcel, or tract of land, or the total amount for each number of lots, parcels or tracts of land assessed together in one assessment, as the case may be, and the years for which such taxes were levied or assessed, and the mayor shall sign and attach the corporate seal of the city to each such list and deliver one copy thereof to the city clerk and the other copy to the city treasurer, and the city treasurer is hereby authorized on receipt of such list to issue and sell certificates of delinquency as provided by this Act.

"3. The treasurer shall cause one copy of such list to be published at least twice in at least one newspaper published in the City of Calgary, together with a notice in the form below:

#### "SALE OF TAX CERTIFICATES.

"Notice is hereby given that the treasurer of the City of Calgary; at his office at the city hall, Calgary, on or after (*insert a date four weeks after first publication of notice exclusive of the date of first publication*) will sell to the first applicant certificates of delinquency for unpaid taxes on the lands in the list published herewith if such taxes with interest and costs are not sooner paid.

“Dated at Calgary, Alberta, the.....day of.....  
19..’

“Such notice may contain any additional information the treasurer may deem advisable as an inducement to purchase such certificates including a request for sealed tenders, to be submitted as hereinafter provided for, and may be published separate from such list as often as the council may deem advisable.

“4. Any day after the expiration of the four weeks required for advertisement, which period shall be exclusive of the day such notice appears, the said treasurer shall have the right and it shall be his duty upon application therefor, and on payment to him of the taxes and assessments with interest and costs, including the amount which in the opinion of the city treasurer is the proper proportionate cost of publishing such list and notice, to make out and issue a certificate of delinquency against the real property comprised in each assessment as shown by such list, or by the assessor's and collector's roll or rolls, if any error appears in such list, and such certificate or certificates shall be numbered and have a stub, which shall be a summary of the certificate and shall contain a statement of:

“1. The name and residence of the person to whom issued;

“2. Description of the property assessed;

“3. The year or years for which assessed;

“4. The amount of taxes and interest due, and the cost of the certificate;

“5. The name of the person to whom last assessed, or if assessed as nonresident property, a statement to this effect;

“6. The rate of interest the certificate shall bear;

“7. The time when a sale or deed may be had if not sooner redeemed;

“8. When a certificate of any previous year is outstanding and unredeemed it shall be stated in subsequent certificates and the principal sum due, with date of issue;

“9. The guarantee of the City of Calgary that if for any reason such certificate is void, the said city will repay the holder the sum paid thereon, with interest at the rate of six per centum per annum from the date of its issuance, provided, that nothing herein contained shall prevent the running of interest at the rate of interest provided by law on taxes in arrear.

“5. (1) Any number of lots or parcels of land assessed to the same person, or assessed as nonresident property, may be included in one certificate, and in every case where the plan of subdivision has been, or is hereafter cancelled, all taxes, assessments or rates in arrear or due upon the individual lot 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 may be included in one certificate for the sum total of taxes, interest and costs in arrear, or owing in respect of the individual lots or parcels.

“(2) In every case where any lot or parcel of land, or one or more lots or parcels of land is, or are, subdivided or resubdivided, all taxes in arrear or due upon any part thereof shall be taxes due and in arrear upon all the lots or parcels contained in the subdivision or re-subdivision, each such lot or parcel of land to be charged with its proportionate share of such arrears on the basis of the

number of lots or parcels in the whole subdivision, if of uniform size, and if not, on the basis of the area, and may be included in one or more certificate.

“(3) In any case in which land on which taxes and assessments are delinquent has been subdivided subsequent to being assessed, so that different persons are the owners of different portions of a single lot or parcel, the treasurer may sell certificates of delinquency in accordance with the divisions of the same which represent the actual ownership, so that a certificate of delinquency in respect of the land of each separate owner shall be separately offered for sale.

“(4) When a single lot or parcel of land is owned by different parties and assessed in separate parts or portions a certificate of delinquency in respect of each such separate part or portion may be sold for the taxes or assessments, with interest and costs in arrears or owing thereon respectively.

“(5) In any case where two or more persons are tenants in common of any lot or parcel of land and any one or more of such persons desires to pay his proportionate share of the taxes and assessments in delinquency in respect of such land, he shall be entitled to make such payment, and a certificate or certificates of delinquency may issue for the delinquent taxes and assessments with interest and costs, on the undivided share or shares of the persons who have failed or neglected to pay their portion of such taxes, assessment, interest and costs.

“6. Certificates of delinquency shall bear interest from the date of issuance until redeemed at the rate stated in the certificate, not to exceed ten per centum per annum, and shall be sold and issued to any person in the order of priority in applying therefor upon the payment of the proper amount thereof; provided that the city treasurer need not issue any certificate of delinquency for taxes and assessments on any land where there is any doubt that such land is liable to taxation; provided, further, that when for any irregularity in assessing or taxing the property or in issuing such certificate, the same is declared void and the same is redeemed by the city, the city shall pay six per centum per annum to redeem same; provided, further, that if any certificate is redeemed at any time within one year from the date of issuance the total amount required for redemption shall be the full face value thereof, together with ten per cent. of such face value.

“7. Applications to purchase certificates of delinquency and the order or priority of such applications shall be dealt with in the following manner:

“(a) Sealed tenders shall be called for in the notice of sale of tax certificates, and shall be received at any time during a period to be fixed by such notice, which period shall not expire before the four weeks required for publication of such notice of sale. Such tenders shall be addressed to or delivered at the office of the city treasurer, city hall, Calgary, and the day and hour of receipt at such office shall be recorded. After the expiration of the period for receiving tenders the city treasurer shall open same, and shall allot certificates of delinquency in respect of any lot or parcel of land to the tenderer offering to purchase same at the lowest rate of interest, provided, that if more than one tender is for the same certificate of delinquency at the same rate of interest, the tender first received shall have

priority; provided, further, that if no difference in point of time exists between such tenders, the city treasurer may decide the question of priority.

“(b) After the expiration of such period fixed for receiving sealed tenders, the city treasurer may, subject to any directions of the city council, proceed to issue and sell such certificates of delinquency to persons offering to purchase same, either by written offer or by personal application at his office during office hours, all questions of priority to be decided as provided for above.

“8. The treasurer of the city shall prepare and keep in his office a revised list of the certificates of delinquency that have been issued by the city and are outstanding or unredeemed, showing the principal sum thereof, and a short description of the lots or parcels of land in respect of which each certificate was issued, and such list may be inspected by any person on payment to the treasurer of ten cents for each certificate with respect to which information is sought.

“9. Certificates of delinquency shall be *prima facie* evidence that—

“1. The property described was subject to taxation at the time the same was assessed;

“2. The property was assessed as required by law;

“3. The taxes or assessments were not paid at any time before the issuance of the certificate.

“10. Any time after the expiration of three years from the date of the issuance of any certificate of delinquency, if not sooner redeemed, the owner of any certificate of delinquency may give notice of intention to apply for an order for the sale of the land comprised in such certificate to the owner of the property and to all persons having any interest therein, as appears by the records of the land titles office in Calgary, in manner and form provided for by chapter 12, Ordinances N.W.T., 1901, as amended by section 1; chapter 9, Ordinances N.W.T., 1903 (First Session), intituled *An Ordinance with respect to the Confirmation of Sales of Land for Taxes*, and a judge in chambers may hear and dispose in a summary manner of any such application, on such material filed in the matter as he may deem necessary; or the judge to whom such application is made may direct that the matters in issue be tried by a judge in court and direct that pleadings be filed and the matter set down for trial therein. Every order or judgment in any such application or proceeding shall be entered in the office of the clerk of the proper court and an appeal may be taken therefrom to the appellate division of the Supreme Court of Alberta in the same manner as an appeal may be taken from an order of a judge in chambers or from a judgment in the trial of an action, as the case may be, under the Consolidated Rules of the Supreme Court of Alberta; provided, that such security shall first be given as a judge may decide.

“11. A copy of every notice in such application or proceeding shall be served on the treasurer of the City of Calgary, as the City of Calgary shall be entitled to appear and be heard thereon and may appeal from any order or judgment entered therein, as provided for herein without giving any security on such appeal.

“12. The Consolidated Rules of the Supreme Court of Alberta, except as herein expressly varied, shall govern all proceedings for the disposition of every such application including a sale of land comprised in the certificate of

delinquency, or so much thereof as a judge or the court may deem necessary, and including all proceedings for a vesting order in case the sale proves abortive, and the cost of all such proceedings shall be governed by the costs provided for in such rules; provided that a judge may, where in his opinion such costs are excessive, reduce the sum to such amount as he may deem proper; provided, further, that for each order or judgment entered with the clerk of the court in any such application or proceeding, the fee shall not exceed \$1.00 and the maximum fees of the clerk of the court shall not exceed \$5.00 for all entries including orders and judgments, in any one application or proceeding, unless an appeal is taken therein, and the fees of the sheriff for services rendered in any one application or proceeding, irrespective of the number of lots or parcels sold, shall in addition to his actual disbursements not exceed \$10.00 in case the sale proves abortive, and one per cent. of the purchase price in case the land is sold.

"13. In all applications or proceedings for an order or judgment authorizing a sale of the land comprised in any tax certificate, no assessment or taxation of property shall be considered illegal on account of any irregularity, defect or error in the assessment or tax roll or rolls of the city, or on account of the assessment or the tax roll or rolls not having been made, completed, or returned within the time required by law, or on account of the property having been assessed without any name or in any other name than that of the owner, and no irregularity, defect or error in the proceedings of any of the officers connected with the assessment, levy or collection of taxes shall vitiate or in any manner affect the taxation or assessment thereof, nor shall any irregularity, defect or error in the issue and sale of the certificate of delinquency, nor the omission of any land or lands in the list of lands required to be published, nor the failure to sell certificates of delinquency in respect of any lands on which taxes and assessments are delinquent, affect the validity thereof and any irregularity, defect, or error may, in the discretion of the judge or court be corrected, supplied, and made to conform to law by the judge or court.

"14. If such application be not made until after the expiration of four years from the date of the certificate, such certificate shall be conclusive evidence that all conditions have existed, and all acts been performed, and all requirements of the Ordinance in that behalf been complied with necessary to entitle the applicant to the order or judgment applied for, except on one of the following grounds:

"1. Fraud or collusion;

"2. That all taxes have been paid;

"3. That the land was not liable to assessment.

"15. The judge or court may order that judgment be entered or give judgment, as the case may be, for such taxes, assessments, interest and costs as shall appear to be due upon the land comprised in the certificate or certificates of delinquency in respect of which such application is made, and such judgment shall be a several judgment against each lot or tract, or part of a lot or tract, for each kind of tax or assessment included therein, including all interest and costs of the certificate of delinquency, as well as of the application and such order shall be authority for the sheriff of the Judicial District of Calgary, or his

deputy, to sell the lands described in such order in the same manner as lands may be sold under a writ of execution issued pursuant to judgment in a civil action; provided, that such sale may be held immediately after such order or judgment is entered and the necessary advertising or publication of the intended sale has been made.

"16. The upset price at which such land or lands shall be offered for sale by the said sheriff, or his deputy, shall be the full amount of the said judgment and costs of sale, together with all taxes and assessments of the City of Calgary on the said land or lands, whether assessed or levied prior to the issue of the said certificate of delinquency, or after the issue and sale of the said certificate of delinquency, and in the event of the said land or lands failing to sell at such sale for the said sum the said sheriff shall declare such sale to have been abortive, and thereupon the said applicant may apply to a judge or the court in the same proceeding for an order vesting the said land or lands in such applicant.

"17. Such application for a vesting order may be made *ex parte*, or on notice if a judge so directs, to a judge in chambers and on such application the judge shall review the proceedings resulting in the abortive sale, and if the proceedings were in his opinion regular he shall grant an order as aforesaid, or if such proceedings were in his opinion irregular he shall make an order to offer the property for sale again and give such directions as he may deem proper and just.

"18. Upon such vesting order being entered with the clerk of the court and a certified copy thereof filed in the land titles office at Calgary, the land or lands described therein shall vest in the applicant to be named in such order, purged and disencumbered of all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the Crown or of the city for unpaid taxes and assessments levied or assessed subsequent to the date of the issuance of the certificate of delinquency.

"19. If at any such sale of land or lands, any person offers to buy such land or lands offered for sale for at least the upset price, the said sheriff, or his deputy, shall declare the said land or lands to be sold, and shall on receipt of the said purchase price make out a transfer of the said lands in the form or to the same effect as the transfer of lands given by the sheriff at a sale of land under an execution issued pursuant to judgment of the court in a civil action, and such transfer shall be registered by the registrar of the said land titles office on being confirmed by a judge in the same manner as a transfer given by the sheriff at a sale of land under an execution issued pursuant to judgment in a civil action is confirmed and registered.

"20. Such transfer on being registered at the said land titles office shall vest in the transferee named therein not only all rights of property which the original holder had in such land or lands, but shall also purge and disencumber such land or lands from all assessments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the Crown or of the city.

"21. If any land comprised in any transfer, or in any vesting order, is vested in the Crown, the transfer or vesting order, as the case may be, 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 color of right whatever.

"22. The city, in case any certificate of delinquency is vacated and set aside, shall be liable only for the purchase price actually paid therefor to the treasurer and interest thereon at the rate of six per centum per annum as for damages or otherwise; but the purchaser of the certificate of delinquency, or his assigns, shall have a lien on the lands for any taxes or assessments, with interest and costs paid by him or his assigns since the purchase, with interest at the rate of ten per centum per annum from the date when the same were so paid.

"23. The balance of any moneys over and above the amount required to satisfy the judgment of the owner of the certificate of delinquency and costs, including the costs of sale, shall be paid by the sheriff into court and shall be paid out to the person entitled thereto, as provided for by the rules of court governing the payment out of moneys in court to the credit of any cause or action; provided, if there is no dispute or uncertainty as to the person entitled thereto and such person entitled applies to the sheriff for the balance, if any, of such moneys before payment into court and gives a receipt therefor, the sheriff may pay such moneys directly to such person and the acceptance thereof from the sheriff, or the payment thereof to such person by the court, as the case may be, shall estop such person, and all persons claiming by or through him for setting up or establishing any claim to any estate or interest in such lands so sold.

"24. The purchaser of any certificate of delinquency who shall suffer a subsequent tax or assessment to become delinquent and a subsequent certificate of delinquency to issue on the same property included in his certificate, shall forfeit his rights therein to the subsequent purchaser, and such subsequent purchaser shall at the time of obtaining his certificate redeem such first certificate of delinquency outstanding by depositing with the city treasurer the amount of such first certificate and interest and costs to the date of the said redemption, and the amount so paid in redemption shall become part of the said subsequent certificate of delinquency and shall draw interest at the rate of ten per centum per annum from the date of payment, and such holder of a certificate of delinquency prior to the subsequent certificate of delinquency, shall, on notice from the city treasurer, surrender such certificate of delinquency on payment to him of the redemption money paid by the subsequent purchaser.

"25. Real property upon which certificates of delinquency have been issued under the provisions of this act may be redeemed at any time before the sale by the sheriff, by payment to the city treasurer for the benefit of the owner of the certificate of delinquency against the said property, the amount for which the same was sold together with interest at the rate provided for in this act from the date of issuance of such certificate of delinquency until paid, and the costs incurred to the date of payment; provided, however, that if judgment has been entered in the court before such redemption the payment of the said amount required to redeem must be made to the clerk of the court instead of to the city treasurer, who shall at once notify the sheriff of such redemption and forward the redemption money to the city treasurer.

"26. Such land or lands may be redeemed by any person owning an interest therein upon payment of the proper amount to the proper person, as hereinbefore provided, and the person redeeming such property shall also pay the amount of all taxes and assessments with interest and costs accruing after the issuance of such certificate of delinquency and paid by the holder of the said certificate of delinquency or his assignee, together with ten per cent. interest on each such payment from the day the same was made.

"27. Tenants in common shall be allowed to redeem their individual interests in real property for which certificates of delinquency have been issued under this act.

"28. When two or more lots or parcels of land that have been assessed together are included in one certificate of delinquency, the owner of any one or more of such lots or parcels may redeem the same upon payment of the proportionate part of the taxes, assessments and charges, together with the proportionate part of the interest and costs required to be paid for the privilege of redemption.

"29. Persons enlisted in the expeditionary forces of the Dominion of Canada, or in the military forces of Great Britain or of any of the allies of Great Britain, in the war now being waged by Great Britain, or their heirs or legal representatives in case of their death, shall, notwithstanding anything in this Act contained, be entitled to redeem at any time within one year after the close of the present war, or within four years from the date of the issuance of the certificate, whichever is the longer period, upon payment to the owner of the said certificate of delinquency, the sum hereinbefore required to be paid for redemption; provided, that in the event of redemption by any such person, the City of Calgary shall pay for the purpose of such redemption the entire difference between the amount required to redeem and the amount such delinquent taxes would aggregate at the time of such redemption if this section authorizing the sale of certificates of delinquency had never been enacted; provided, however, that no order or judgment shall, notwithstanding anything contained in this Act, be made or entered under the provision of this Act against the estate or interest of any such person in any real property, until after the expiration of the period hereinbefore fixed within which such person may redeem.

"30. The receipt of the redemption money of any land or lands by any purchaser, or by the city treasurer for the benefit of such purchaser, or the return of the certificate of delinquency for cancellation, shall operate as a release of all the claims to such land or lands under or by virtue of the said certificate of delinquency and the city treasurer upon the return of the certificate of delinquency or upon the receipt of such redemption money, shall immediately endorse upon the proper records the fact that such taxes, assessments, interest and costs have been paid and the property therein described redeemed by the said payment and shall deliver to the person redeeming the same a certificate of redemption therefor.

"31. Such certificate of redemption shall be in the following form, and shall be signed by the city treasurer and under the seal of the city and may be registered in the office of the land titles office for the South Alberta land registration district:



“To the Registrar of the Land Titles Office at Calgary:

“I hereby certify that the certificate of delinquency issued and sold for delinquent taxes on (*describe the lands*) was this day fully redeemed by.....on payment of.....and that I have received from the said .....in full redemption the sum of \$.....

“Dated this.....day of.....A.D. 19....’

“Such certificate shall be made in duplicate and one copy thereof retained in the treasurer’s office and the treasurer shall be entitled to charge therefor a fee of 50 cents for the use of the city.

“32. (1) The treasurer immediately after the redemption of certificate of delinquency shall inform the purchaser or his assignee of such redemption by letter, mailed prepaid and registered to him at his address, as contained in the stub of the certificate on file in the treasurer’s office, or as given by written notice to the treasurer by the purchaser in case of a change of address, or in case of an assignment of the certificate.

“(2) The treasurer shall, upon delivery to him of the certificate of delinquency, pay over any redemption money that may have been paid to him for the purpose of redeeming any such certificate, or such portion thereof as the applicant may be entitled to. 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 upon the stub of such certificate on file in the treasurer’s office and return the certificate to the holder.

“33. Certificates of delinquency shall be assignable in law and the assignment thereof shall vest in the assignee or his legal representatives all the right and title of the original holder.

“34. If any property owner shall pay taxes on the property of another by mistake of any kind, and the owner of such property fails or refuses after thirty days’ demand to reimburse such payer before the date on which certificates of delinquency are issued, as provided in this Act, the payor or his assignee may surrender the tax receipt given for such tax payment to the city treasurer and take a certificate of delinquency in lieu thereof, on payment of any taxes and assessments with interest and costs that may have accrued due thereon since the date of such payment.

“35. In every case where, for the purpose of selling or redeeming any certificate of delinquency, any proportioning of taxes, assessments, and interest is necessary or expedient, such proportioning shall be made by the tax collector of the city and his apportionment thereof shall be final and conclusive; provided, however, that any person proposing to redeem any portion of lands included in any certificate under the provisions of this Act enabling such redemption shall pay the proper costs of the owner of the certificate incurred to the date of such redemption.

“36. Nothing in this section 57a contained shall be deemed to affect or lessen the rights and powers of the City of Calgary, or any officer thereof, to sell lands for arrears of taxes; provided that no such sale of any lot or parcel of land on which taxes or assessments are now delinquent shall be held unless and until the certificate or certificates of delinquency have been offered for sale for at least six months.

"1. In the event of any land being sold for arrears of taxes on which any certificate of delinquency has been issued and sold and is unredeemed, the upset price of such land at such tax sale shall be the full amount of such unredeemed certificate of delinquency, together with any taxes and assessments, with interest and costs the owner of any certificate of delinquency may have paid, and the taxes and assessments with interest and costs for which such land is being sold by the city at such tax sale.

"2. If such land is sold to the city at such tax sale on failure of any person to purchase at the said upset price, any unredeemed certificates of delinquency shall thereupon be cancelled, and the lien thereof shall cease, but the owner of any such certificate of delinquency shall have the same rights of redemption as are hereinbefore granted to any person owning or having any right or title to such land, and on so redeeming the certificate of delinquency shall immediately revive and he shall have a lien on the land for the amount thereof, and for the amount of any additional taxes, assessments, interests and costs, with interest at the rate of ten per centum per annum paid by him in redemption of such land."

2. Section 94 as enacted by subsection 7 of section 9, Statutes of Alberta, 1916, is amended by adding thereto the following subsections and by repealing subsections (a), (aa), (b) and (c) thereof:

(NOTE.—Section 94 reads as follows: "Immediately after the clerk has made the said list the clerk shall give public notice, either by printed posters or by advertisement, once a week for four successive weeks in not less than one newspaper published in the city, and by posting up one copy in the city hall, and other copies in at least four other places, should the council so decide and designate such places, that the said list is completed, and that the same will be kept in his office for thirty days from the first publication of such notice, for examination by all concerned and any person who shall claim to be added to such voters' list, or any elector who shall desire to have any name erased therefrom, shall prefer his request in writing, signed with his name, stating the ward to which he belongs and giving his reasons for his request, verified by his affidavit, and the said notice shall be delivered to the city clerk within the said period of thirty days.")

"(a) If any person in such request states that he is possessed of sufficient qualifications to be placed on the assessment roll and establishes the same to the satisfaction of the city clerk, then the latter may add such person's name to the list, and strike off the name of any other person appearing on the roll qualifying for the same property, by giving notice to such person in writing by registered letter, posted in the post office at Calgary.

"(b) If any person requests to have his or her name placed on the voters' list as an adult British subject, resident in the city for the required period, and establishes same to the satisfaction of the city clerk, the latter shall add such person's name to the voters' list.

"(c) In order to verify such request the city clerk shall have the authority to take the affidavit or statutory declaration from such party on oath, or take an affidavit under oath of any person whom he sees fit, or for such purposes as hereby authorized to administer such oath.

"(d) In case any such party above mentioned is dissatisfied with the decision of the city clerk, he may give the city clerk notice of the appeal to a judge of the Supreme Court.

"(e) The city clerk shall give public notice by printed posters, at least one affixed to the front of the city hall, on or before the first day of June, and by advertisement at least once each week during the month of June in two

newspapers published in the city, and in such other manner as the council may direct, that any person qualified to vote as a British subject, resident of the city, for the required period, may on personal application at the city clerk's office during the month of June in such year, and on proof to the satisfaction of the city clerk of such qualification, be entered on the voters' list as qualified to vote at the elections for mayor, aldermen or commissioners, and the city clerk shall keep open the registration of the names of such persons who prove to his satisfaction that they are qualified to vote as resident British subjects, and shall insert opposite the name of each such person his place of residence, and all other information required by the form hereinbefore provided; provided, that any soldier who has been absent from Calgary and has returned in time for any election or vote held or taken by the city may, if otherwise qualified to vote, register with the clerk as provided by this Act, and shall receive a certificate from the city clerk that he is entitled to vote, and may, on presentation of such certificate, cast his ballot at the polling subdivision named in such certificate."

3. By amending section 117 by adding thereto the following subsection 108:

"To create, organize and regulate a civic charities bureau, which shall have power to examine into the character and *bona fides* of all persons and charitable concerns seeking aid from the city or citizens, with power to prohibit such persons from seeking aid or to regulate the methods thereof."

4. By repealing section 18 of chapter 27, Statutes of Alberta, 1913 (First Session), and substituting therefor:

"Provided that the council may from time to time submit to the ratepayers entitled to vote on money by-laws, on the date of a civic election, the question of increasing or reducing the number of commissioners to the number stated in such question submitted and the council may thereupon by by-law reduce or increase, as the case may be, the number of commissioners to the number fixed by the majority of the votes cast at such plebiscite."

5. By adding the following section 208 thereto:

"208. The council may issue and sell special debentures, notes, bills or other securities, in such form and payable at such place or places either within or without Canada, and by such mode of payment of principal and interest, and for such period, not exceeding five years, from the issue of the same, as the council may by by-law provide, and may 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 on such security shall not exceed eight per centum per annum.

"(a) All such arrears of taxes shall as collected be deposited with a trustee to be appointed by the city council, and shall be used for the sole purpose of redeeming the principal of all such outstanding securities; provided that when a sufficient part of such taxes has been so deposited to pay the said principal at maturity all further taxes collected shall be paid to the treasurer of the city in the usual course."

6. By adding the following section 209 thereto:

"209. The council of the City of Calgary is hereby authorized, notwithstanding anything contained in the Acts and Ordinances constituting the charter of the City of Calgary, or in any other Act or Ordinance in force in the Province of Alberta, from time to time, to buy in any of the outstanding debentures of the City of Calgary and to issue other debentures in place thereof, or in substitution therefor, and such new debentures may be for a different period of time than the debentures bought in, and may bear a different rate of interest, but not to exceed six per centum per annum, and the principal and interest may be made payable in a different place, within or without Canada, and in different currency or by a different mode of payment than the debentures bought in.

"(a) Such powers may be exercised by by-laws without the assent of the ratepayers, and subject only to the approval of the Public Utilities Board, as provided for by *The Public Utilities Act*.

"(b) The council may enter into any arrangement or agreement for the buying in of such outstanding debentures as it may deem expedient, and for such purpose may secure temporary loans from time to time for such amounts as may be required.

"(c) Any margin of profits made on the redemption of any such debentures bought in by the city, together with the sinking fund levied and assessed for the purpose of repaying at maturity the debentures bought in, may be applied in payment of such debentures bought in, and the new issue of debentures may be for the balance required to pay for the debentures bought in, or such profits may be paid into the sinking fund of the city and placed to the credit of the sinking fund of the proposed new debentures; provided, that if such last mentioned method is followed the sinking fund assessed and levied to repay at maturity the principal sum of the debentures bought in, together with all moneys to the credit of the sinking fund of such debentures, shall be placed in an account to the credit of the proposed new issue of debenture and the annual assessments and levies to repay such new debentures and interest thereon, as provided in the by-law or by-laws authorizing their issue, may be in either of the following ways:

"(1) The sinking fund may be deemed as in lieu of the amount that would be required to be raised by assessments and levies for the period that such sinking fund with interest thereon estimated at four per centum per annum is sufficient to cover, and the assessments and levies under any such by-law or by-laws may be postponed to the expiration of such period and made to commence after the expiration thereof, and to continue annually until such new debentures have been redeemed; or,

"(2) The sinking fund, with interest computed thereon annually, at the rate of four per centum per annum during the period of the new debentures, may be deducted from the total amount required to be raised by annual assessments and levies, and each such annual assessment and levy proportionately reduced thereby."

7. By adding the following section 210 thereto:

"210. Whereas, the City of Calgary has incurred certain debts and liabilities for permanent improvements and has issued debentures for the payment thereof;

“And whereas, the debentures have been sold at a discount and by reason of the said discount and the expenses incurred in the flotation of the said debentures, the sums realized have been insufficient to meet the said debts and liabilities;

“And whereas, the amount of the said debts and liabilities incurred over and above any amount received from the sale of the said debentures to pay the said debts and liabilities is \$186,306.99;

“And whereas, it is expedient to consolidate and capitalize the said debt and authorize the city to issue debentures for the payment of same for the sum in all not to exceed the sum of \$186,306.99;

“Therefore it is enacted as follows:

“1. That the council of the City of Calgary may by by-law in the usual statutory form, without a vote of the ratepayers thereon, altered as circumstances may require, consolidate the said civic debt and liabilities of the city to an amount not exceeding \$186,306.99, and realize the said sum by way of a loan on the credit of the city at large, and issue debentures for the payment of the said loan at the expiration of thirty years from the date of issue and bearing interest at the rate of five per centum per annum, payable half-yearly, the said principal and interest to be payable in such currency and at such places and in such mode as the council in the said by-law may determine, and the city shall have power to levy a special rate over and above all other rates, to repay the principal and interest of the said debentures as provided for in the said by-law.

“2. The money shall be applied only to the payment of the said debts and liabilities and to or for no other purpose whatever.”

8. By adding the following section 211 thereto:

“**211.** The council of the City of Calgary shall have power to include as part of the aggregate amount of any debentures issued by the city under any by-law, an amount which in the opinion of the council is a reasonable amount for estimated loss on the sale of such debentures, or their discount below par value, having regard to the probable conditions of the money market at the time such debentures will be offered for sale.”

9. By adding the following section 212 thereto:

“**212.** The power and duty to collect taxes in arrear and to distrain for arrears of taxes shall continue in and devolve upon the tax collector of the city and his successors in office until the taxes in arrear are paid.”

10. By adding the following section 213 thereto:

“**213.** Any person liable to pay taxes on property against which there are taxes in arrear shall have the right to pay the current tax without paying taxes in arrear against the said property. In issuing the receipt for such current tax, the tax collector shall endorse upon the face of such receipt a memorandum of all taxes in arrear against the property therein described, showing the year for which each said tax is in arrear and the amount of each such tax for each and every year of such arrears.”

**11.** By adding the following section 214 thereto:

“**214.** The council of the City of Calgary is hereby authorized and empowered to pass a by-law regulating and governing the method or manner whereby passengers on the municipal railway of the said city shall pay their fares, or whereby such fares may be collected by the city.”

**12.** By repealing section 206 and substituting therefor:

“The City of Calgary may engage in or carry on the business of buying and selling natural products, and of handling or selling either natural or manufactured products on commission by an agent or agents of the city appointed by by-law for the said purpose, and may stipulate in such by-law the commission or charges of such agent or agents, and may define the terms and conditions on which any of such businesses shall be conducted or produce handled.”

**13.** Whereas, there are certain unexpended balances to the credit of certain by-laws of the City of Calgary, heretofore passed by the council of the said city, for the purpose of extending and enlarging the waterworks system of the City of Calgary;

And whereas, the said balances are not likely to be required for the exact purposes described in each such by-law;

Therefore, it is hereby enacted, that the council of the City of Calgary may expend such balances on capital account in the waterworks department of the City of Calgary, as the council may from time to time deem best.

**14.** By-law No. 1900 of the City of Calgary, intituled “A By-law respecting Municipal Elections of the City of Calgary,” as amended by by-law 1908, is hereby declared to be in full force and effect and to be legal, valid and binding notwithstanding any irregularity, informality or defect, either in substance or in form in the said by-law or in the passing thereof, and the method of election of city officials provided for in the said by-law is hereby declared to be the method in effect in the City of Calgary, any provisions of the Acts and Ordinances constituting the Charter of the City of Calgary to the contrary notwithstanding.

**15.** By-law 1907 of the City of Calgary, intituled “A By-law to authorize the Mayor and Clerk to sign and attach the corporate seal of the City of Calgary to the proposed Agreement between the City of Calgary, the Trusts and Guarantee Company, Limited, and the Bowness Estates, Limited, and the said agreement between the said parties executed thereunder and printed herewith,” is hereby declared to be legal, in full force and effect, and to be valid and binding on each of the parties thereto, notwithstanding any informality, irregularity or defect in the said by-law, either in substance or in form or any informality, irregularity or defect in the passing thereof, and notwithstanding that the said corporation may not have had the power to pass the said by-law or to enter into the said agreement, or to exercise the rights and powers undertaken to be exercised by the corporation of the City of Calgary, and the said corporation is hereby granted full power and authority to carry out and fulfil each and every of the terms of the said agreement.

MEMORANDUM OF AGREEMENT made in duplicate this 19th day of October, A.D. 1916.

Between:

The City of Calgary, hereinafter called "the city,"  
Of the first part,  
and

The Trusts and Guarantee Company, Ltd., of Calgary,  
Alberta, acting as administrator on behalf of the  
estate of John Hextall, deceased, hereinafter called  
"the party of the second part,"

and

Bowness Estates, Ltd., of London, England, hereinafter  
called "the company,"

Of the third part.

Whereas, the city and the said John Hextall, by a certain agreement, dated the 12th day of October, A.D. 1911, undertook and agreed to carry out certain mutual covenants and obligations therein contained;

And whereas, the city and the party of the second part have agreed to amend certain of the covenants and obligations of the said agreement in accordance with the terms and conditions hereinafter set forth;

And whereas, the company has agreed to join with the other parties hereto in these presents for the purpose of consenting to the amendment of the said agreement as the same may affect the interests of the company, and for the further purposes hereinafter appearing:

Therefore this agreement witnesseth, in consideration of the premises, and of the mutual covenants hereinafter contained that each of the parties hereto mutually covenants and agrees each with the other party hereto, its successors and assigns as follows:

The city shall continue to operate each way over the line of street railway track shown in red on the plan attached to the said agreement, dated the 12th October, 1911, from the easterly approach to the bridge across the Bow River, shown on the said plan, to the point marked "B" on the said plan, hereinafter referred to as "the said line" not less than seven street cars each and every day that the city may lawfully operate its street cars and, if the said cars are not operated as a through service to the city, the city shall operate other street cars between the said easterly approach to the said bridge and a point within the city at least as far east as Centre Street, so as to give passengers reasonable connection with or transfer to cars operating between the said last mentioned points and the cars operating on the said line, it being understood and agreed that the city is to have full right as between the parties hereto to fix and determine the time that the said cars or any of them shall be operated, and to decide whether the said service on the said line shall be a through service or a transfer service with the city as aforesaid, and the city may change its time-table for the operation of the said cars, or any of them, as occasion may demand or as it may deem advisable consistent with giving the said service on the said line to and from the city:

Provided, however, that if, during each respective period hereafter of six months, extending from the first day of November to the thirtieth day of April, both days included, the total fares collected by the city for carrying passengers

over the said line shall fall below the sum of \$90.00 for any one of the months included within the said period of time, the company shall, on receiving a statement in writing of the deficit between the sum so collected in fares and the said sum of \$90.00, pay to the city within fifteen days of the receipt of the said statement by the agent of the company at Calgary one-half of the said deficit;

And provided further, that the city shall, at the end of each said period of six months, ascertain the total amount so collected in fares on the said line during the said period and an adjustment of the account shall be made between the city and the company so as to ensure that the amount payable by the company to the city under the preceding clause hereof shall be one-half of the deficit, if any, between the sum so collected in fares for carrying passengers on the said line for the said period of six months, and the total sum of \$540.00, it being the intention of the city and the company, however, that the company shall pay one-half of the said deficit, if any, that may exist at the end of any month of the said period, subject to the adjustment of the account as aforesaid at the end of the whole period.

2. The city shall not charge more than a maximum fare of ten cents each way for all adult passengers carried by the city to and from the said easterly approach to the said bridge and the said point within the city as aforesaid and the minimum fare for carrying an adult passenger on the said line shall be not less than five cents each way or a regular ticket at six tickets for twenty-five cents, and the maximum fare shall be not more than ten cents each way.

3. In order to assist in apportioning the fares collected in the said line to the credit thereof, during the said period of six months, the city shall collect fares from passengers on outward bound cars on the said line at or after the car has passed the easterly end of the said line, and on inward bound cars before the car reaches the easterly end of the said line, and shall keep the said fares separate from all other fares collected from passengers until the said account has been properly credited therewith, and, on this method being followed by the city, the company shall not question nor dispute on any ground whatever the accuracy of any such statement submitted by the city to the company. If the city decides to operate during the said period of six months more than seven cars over the said line it shall follow the same method as hereinbefore described for collecting and accounting for fares collected thereon.

4. The company undertakes that it will appoint an agent at Calgary to whom such statements shall be given by the city, and will notify the city of the name and address of the said agent, and agrees that any such statement shall be deemed properly given to the company if delivered personally to the said agent, or if sent to him by mail properly addressed and postage prepaid, and the company further agrees that if it shall fail to make such appointment, or to notify the city thereof, the city need not send or deliver to the company any such statement.

5. If the company shall fail or neglect to pay to the city within the time limit herein fixed any of the said payments agreed to be paid by the company, the city may, notwithstanding anything hereinbefore contained, forthwith on such failure or neglect by the company, and without notice to the company, reduce the number of



cars agreed to be operated by the city over the said line to such number as the city may deem sufficient for the traffic on the said line, and the said reduction may continue until the company pays to the city the full amount due and owing by the company to the city under the terms of this agreement, and thereupon the city shall again operate the number of cars herein agreed to be operated until the company shall again be in default.

6. The city shall sell, assign, transfer and set over unto the company, its successors and assigns, the three span steel bridge, piers, abutments and superstructure crossing the Bow River in the north-east quarter of section twenty-six (26) township twenty-four (24) range two (2) west of the fifth meridian, together with all the interest of the city in the lands on which the said bridge is erected and its interest in the approaches to the said bridge together with all the right, title, interest, property, claim or demand whatsoever of the city of, in, to and out of the same and every part thereof, subject to the right of the city to maintain and operate its street railway line over, along and upon the said bridge and approaches thereto.

7. The city shall pay to the company the cost of all repairs required to be made to the said bridge and approaches thereto, generally known as reasonable wear and tear, caused by operating its street railway cars over, along and upon the said bridge and approaches thereto until such time as the said bridge and approaches may become a public highway.

8. The parties hereto mutually agree to unite in making a joint application to the Department of Public Works of the Province of Alberta, or other proper authorities of the said province, to have the said bridge and approaches thereto constituted a public highway with the right to the city to maintain and operate its said street railway line over, along and upon the said bridge and approaches thereto.

9. In order to lengthen the radii of the curves of the street railway track on either side of the approaches to the subway under the Canadian Pacific Railway tracks, thus safeguarding the operation of the street cars, and to enable the city to render efficient service on the said line, the company agrees to furnish free of cost to the city sufficient land and to grant to the city perpetual running rights over same for the purposes of its said line to enable the city to lengthen the radii of the said curves, in such manner as may meet with the requirements of any order of the Board of Railway Commissioners for Canada governing same, the cost of making the necessary alterations in the said curves to be borne by the city.

10. The company shall transfer to the city a roadway sixty-six (66) feet in width across lot eleven (11) in block thirty-nine (39) plan 5565, for a public highway to and from Bowness Park to be laid out and constructed according to law under the supervision of the city engineer, the contour of the said road to follow the present road so far as may be practicable.

11. The said hereinbefore referred to agreement, dated the 12th day of October, 1911, is hereby amended by striking out therefrom clauses three, four and five thereof, and in addition thereto, in order to give full effect to the intention of the parties hereto, it is hereby expressly declared that in case any inconsistency or conflict shall hereafter appear between any of the preceding clauses of these

presents and the remaining clauses of the said agreement, the provisions of the clauses of these presents shall prevail.

12. It is understood and agreed by and between the parties hereto that the provisions of this agreement are entered into subject to validation by an Act of the Legislature of the Province of Alberta, and the parties hereto mutually agree to make a joint application to the Legislature of the said province at its next session to have an Act passed validating and improving the said hereinbefore referred to agreement, dated the 12th day of October, A.D. 1911, as amended by these presents, and on such validating Act being passed, the provisions of clause eight of the said agreement shall cease to be of any force or effect.

In witness whereof, the city and company have caused these presents to be signed by their proper officers and their corporate seals to be affixed hereto, and the party of the second part has signed and sealed these presents after authority duly obtained from a judge authorized by law to grant same.

CITY OF CALGARY.

(Sgd.) M. C. COSTELLO, *Mayor*.

" J. M. MILLER, *City Clerk*.

THE TRUSTS & GUARANTEE CO., LTD.

(Sgd.) H. A. HOWARD,

*Manager for Alberta.*

Administrator of Estate of John  
Hextall, deceased.

Signed, sealed and delivered in the presence of

BOWNESS ESTATES LIMITED,  
by their Official Representative.  
(Sgd.) ERNEST G. PESCOD.

In the presence of

(Sgd.) CLIFFORD T. JONES.

No. 7.

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FIFTH SESSION  
THIRD LEGISLATURE  
7 GEORGE V  
1917

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**BILL**

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary, and to validate certain by-laws of the said city.

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER,  
A.D. 1917