

REPRINTED BILL.

BILL

No. 18 of 1919.

An Act to amend the Acts constituting The Edmonton Charter and to validate and confirm an Agreement made between the City of Edmonton and the Edmonton School District No. 7 and other agreements arising thereout, and to validate certain By-laws.

(Assented to , 1919.)

WHEREAS a petition has been presented by the City of Edmonton for the amendment of *The Edmonton Charter* and for the validating of a certain agreement between the City of Edmonton and the Edmonton School District No. 7 and certain other agreements arising thereout;

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:

The Edmonton Charter is hereby amended as follows:

1. By inserting after section 23 the following section:

“23a. There shall be paid to each member of the council out of the current revenue of the city the sum of ten dollars for each meeting of the council attended by him during his term of office and for each committee meeting so attended the sum of five dollars. Provided, however, that the total sum payable to any member shall not be greater than one thousand dollars during any year, nor more than one hundred dollars during any month.”

Indemnity
to members
of the council

“1. This section shall not come into force until the same has been submitted to the electors of the city and has been approved by a majority of the electors voting on the question.”

2. By striking out of section 291 the word “twenty” where it occurs therein and by substituting therefor the word “thirty”.

Section 291
amended

3. By striking out of section 296 the word “four” wherever the same occurs therein and by substituting therefor the word “six”.

Section 296
amended

4. By adding to section 347 the following:

“If the council be of opinion that as a result of any one or more appeals it is desirable to revise the whole or any

Council
may revise
assessment
roll and
re-assess
after appeal
to a judge

part of the assessment roll or rolls in regard to land, improvements or business, it may at any time before passing any by-law ordering the levy of the annual rates or taxes, order a new assessment to be made of the whole city or of any district, subdivision, block or portion thereof; such new assessment shall not be subject to any appeal except when the new assessment is beyond the amount of the former assessment or is above the amount at which it was fixed on appeal from the previous assessment."

5. By striking out of the section substituted for section 85 by section 2 of chapter 52 of the Statutes of Alberta, 1918, the words "Provided also that the application for registration as an elector of every person whose name does not appear on the land or business assessment rolls of the city or upon the list of persons liable to pay an income tax to the city must be made in person every year."

6. The section substituted by section 3, chapter 46, of the Statutes of Alberta, 1917, for section 321, is hereby amended as follows:

(a) By striking out the words "In estimating its value regard may be had to its situation and the purpose for which it is used or for which, if sold by the owner, it could and probably would be used in the next succeeding twelve months," where they occur therein.

(b) By striking out the words "unless the difference be gross," where they occur therein.

7. By striking out of subsection 4 of section 535 all the words after the words "fiscal year" in line six thereof. Section 535 amended

8. By striking out the word "three" in line six of section 16 of chapter 46 of the Statutes of Alberta, 1917, and by substituting therefor the word "five" Section 16, Chapter 46, 1917 amended

9. By adding to section 38 of chapter 52 of the Statutes of Alberta, 1918, the following subsection:

"(4) If default is made in the observance of any of the terms, conditions or provisions of any such agreement and such default is continued for the space of one calendar month, the treasurer may give to the person in default a notice in writing to pay within two months the moneys then due and owing or within said period to observe and perform the matters in respect to which default has arisen and stating that in default of the payment of said moneys or the performance of matters in default, the said lands will, after the expiration of ninety days from the service of said notice, be sold by public auction. A copy of said notice shall be served on all persons who appear from the records of the Provisions for sale in default of compliance with terms of agreement

land titles office to have any interest (including any charge thereon) in the said lands. In case any person required to be served cannot readily be found, a copy of such notice may be served by registered post to his last known address. In default of payment or other compliance with said notice the treasurer may sell said lands by public auction upon advertising the same for sale once a week for three consecutive weeks in some newspaper published in the city; and the treasurer may make and execute all instruments necessary for effecting the sale. The purchaser may, if the said lands are not redeemed by paying all moneys due and costs and a redemption fee of five per centum within one month, apply to the Registrar to be registered as owner, and the Registrar, upon being satisfied that the above provisions have been substantially complied with and upon payment of his proper fees, register the transfer and issue a new certificate of title to the purchaser. Any surplus over and above the amount due, together with interest and costs of sale, shall remain in the hands of the treasurer upon the same terms and conditions as if the said lands had been sold for arrears of taxes."

10. By striking out the word "on" in line eighteen of section 60 of chapter 52 of the Statutes of Alberta, 1918. Section 60, chapter 52, 1918, amended

11. Section 62 of chapter 52 of the Statutes of Alberta, 1918, is hereby amended— Section 62, chapter 52, 1918, repealed

1. By striking out of paragraph (aa) the words "or vaudeville theatre" where the same occur therein;

2. By striking out of paragraph (bb) the figures "20" where the same occur therein and by substituting therefor the figures "15";

3. By striking out of paragraph (cc) the figures "20" where the same occur therein and by substituting therefor the figures "15", and by striking out all the words after the word "centum" in the fourth line thereof;

4. By inserting the words "or vaudeville theatre" between the words "theatre" and "and" in the sixth line of paragraph (dd);

12. The agreement between the Edmonton School District No. 7 and the city printed as schedule A hereto, the lease from the city to John Alexander McDougall and others, trustees, printed as schedule B hereto and the agreement between the city, Harry Ransford and The Great War Veterans' Association of Canada, Edmonton District, printed as schedule C hereto, are each hereby ratified and confirmed and declared to be legal, valid and binding upon the respective parties thereto, notwithstanding any informalities, irregularities or defects therein either in substance

or form and notwithstanding that the respective parties thereto or any of them may not have had power to enter into the same or any of them.

13. The principal section of the section substituted by section 25 of chapter 52 of the Statutes of Alberta, 1918, for section 368, is hereby repealed and the following is substituted therefor:

"368. The council may by by-law fix and allow such discounts or reductions for the payment of all or any taxes or of any part or instalment thereof on or before the day or days provided for the payment thereof including the prepayment on account of any such taxes before the same are fixed or ascertained, provided that no discount or reduction shall exceed ten per centum."

14. Section 533 is hereby amended:

1. By striking out the word "copartnership" where it occurs in line two of subsection 1 thereof. Subsection 1
section 533
amended

2. By repealing paragraph (a) of subsection 5 thereof and by substituting therefor the following:

"(a) Such reasonable allowance as may be allowed by the collector or on appeal for depreciation or for any expenditure of a capital nature for renewals, and in the case of mines a reasonable allowance for the depletion thereof; but in the case of a mine leased on a royalty basis no deduction for depletion shall be allowed in addition to the sum paid as royalty; and including also interest (except interest on capital) paid during the year in the operation of the business from which the income is derived, provided the debtor reports the amount so paid, the form of the indebtedness, together with the names and addresses of the persons to whom interest was paid." Allowances
and deductions

3. And by adding thereto the following paragraph:

"(e) Federal, provincial and municipal taxes paid during the year (except income taxes) upon the property or business from which the income hereby taxed is derived."

4. By inserting immediately after subsection 4 thereof the following subsection:

"4a. A dependent child means a child under sixteen years of age and entirely dependent on the taxpayer for support, or over sixteen years of age and entirely dependent on the taxpayer for support on account of physical or mental incapacity."

5. By striking out paragraph (b) of subsection 5 thereof and by substituting therefor the following:

"(b) Two hundred dollars for each child who is entirely dependent upon the taxpayer for support, provided that such exemption shall not exceed five hundred dollars in any case."

15. Section 534 is amended by striking out all the words after the word "any" in line eight thereof, and by substituting therefor the following: "branch business where no separate profit and loss account is available, the net income shall be deemed to be ten per centum of the gross business of the Edmonton branch; if, however, the person assessed can show to the satisfaction of the collector that his or its net profit of the Edmonton branch is less than ten per centum of the gross business thereof, the net income shall be the actual profit shown by such person, but in no case shall it be deemed to be less than five per centum of the gross business."

Means of arriving at income of branch houses where no profit and loss account is kept

16. Section 535 is hereby amended—

1. By striking out the word "and" where it occurs between the figures "1918" and "1919" in the first line thereof and by inserting between the figures "1919" and the word "subject" in said first line the word and figures "and 1920";

2. By striking out paragraphs (a) and (b) of subsection 2 thereof and by substituting therefor the following:

"(a) Of an unmarried individual, a widow or widower without dependent children, \$1,000.00;

"(b) Of a husband and wife living together as a family unit, \$1,500.00;

"(c) Of all other individuals, \$1,500.00."

3. By striking out subsection 3 thereof and by substituting therefor the following:

Set off against land taxes

"Any individual having a taxable income not exceeding \$5,000.00 and having paid or being liable to pay to the city a tax on land for the same tax year or having paid an income tax for that year may, if he be chargeable with both of said taxes, at the time of payment of such tax on land set off the amount paid by him under the provisions of this part of this Act up to and including the tax payable upon a taxable income of \$3,000.00 or at the time of payment of his income tax set off against the same such part of his tax on land as shall be equal to his income tax on a taxable income of \$3,000.00; provided, however, that any such set off shall be allowed only upon taxes paid during the year in regard to which the same are imposed."

4. By adding thereto the following subsection:

"(6) Every person carrying on business in partnership shall be liable for the income tax only in his individual capacity, and for the purpose of the tax imposed under this Act, the income of a taxpayer shall include the share to which he would be entitled of the undivided or undistributed gains and profits made by any partnership if such gains and profits were divided or distributed."

Partnerships not taxable but share of partner taxable against him

"A partnership and any member thereof when requested

by the collector, shall render a correct return of the earnings, profits and income of the partnership and shall report to the collector the names and addresses of the individuals who would be entitled to the net earnings, profits and income if distributed, and shall also report to the collector the share or interest of each individual in such partnership.

"A partnership shall have the same privileges of fixing and making returns upon the basis of its own fiscal year as is accorded to corporations under this Act."

17. Section 536 is hereby amended by adding thereto the following: Section 536 amended

"(j) The income derived from any farming, market gardening or ranching operations carried on by the taxpayer without the City of Edmonton and the rent derived from land so used;

"(k) The income derived from any business permanently established and carried on by the taxpayer without the City of Edmonton which is not managed or controlled within or from the city."

18. Subsection 1 of section 537 is hereby repealed and the following substituted therefor:

"All employers shall make a return of all persons in their employ having any salary or other remuneration, any part of which is liable to taxation under this Act, and all corporations, associations and syndicates shall make a return of all dividends and bonuses paid to shareholders and members; and every person in whatever capacity acting, having the control, receipt, disposal or payment of fixed or determinable annual or periodical gains, profits or income of any taxpayer, shall make and render a separate and distinct return to the collector of such gains, profits or income, containing the name and address of each taxpayer; such returns shall be delivered to the collector on or before the first day of June in each year without any notice or demand being made therefor and in such form as may be prescribed. The collector may, at any time, enlarge the time for making any return."

19. Section 540 is hereby amended by striking out the word "or" between the words "branch" and "any" in the first section thereof, and by substituting therefor the word "of".

2. By striking out the word "September" where it occurs in line three of subsection 2 thereof, and by substituting therefor the word "June". Returns to be made in June

3. By adding thereto the following subsection:

"(3) And such form shall be delivered or mailed as aforesaid notwithstanding the person receiving the same Returns to be made notwithstanding person denies liability

shall be of opinion that he or his principal is not liable to taxation under this part of this Act, but shall state in his return the grounds upon which he claims exemption."

20. Section 541 is amended by repealing paragraphs (a) and (b) and by substituting therefor the following:

"(a) After receipt of any return from any person to cross-examine on oath the person or individual signing the same upon or touching the answers therein given, and require the production, or production on oath, by the taxpayer or by his agent or officer, or by any person or partnership holding, or paying, or liable to pay, any portion of the income of any taxpayer, of any letters, accounts, invoices, statements or other documents. To cross-examine under oath and require production

"(b) He may also by registered letter, require additional information, as he deems necessary, to be furnished him within fifteen days, and the person from whom the information is required shall furnish the same. To require further information

"(c) In the event of the collector or such officer not being satisfied as to the accuracy of any return or of any statement made on cross-examination, or upon refusal of any person to attend or produce the information required under the next two preceding subsections, or in the event of no return having been made by any person who has been requested by the collector to make a return, the collector or other officer may fix such sum as he shall see fit as the taxable income of any person and any sum so fixed shall not be varied except on appeal as hereinafter provided and upon appeal the burden of proof shall be upon the appellant to show that the sum fixed by the officer is more than his taxable income." Subject to appeal to fix income if dissatisfied with return or if no return made

21. By inserting immediately after section 646 the following section:

"**646a.** If at any time it appears to the collector or other officer that any person liable to taxation under this part of this Act has not been taxed in whole or in part for the current year or for either or both of the last two preceding years, he shall furnish such person with a form of return in respect of the omitted year or years, and all the provisions of this part of this Act shall apply in respect thereof." Omitted incomes may be taxed within two years

22. By inserting immediately after section 239 the following sections:

"**239a.** The council, in addition to the powers given it by the next preceding section or by *The Early Closing Act*, may pass a by-law to provide that all or any class or classes of factories or offices within the meaning of *The Factories Act* and all shops within the meaning of *The Early Closing Act* or any class or classes thereof and all or any class or classes of places wherein any business, trade, profession, Council may fix half holidays and for closing of business, etc., thereon

calling, occupation or means of livelihood is carried on, shall be closed or remain closed on any one specified day of the week at and from the hour of twelve o'clock noon or such later hour as the council shall decide; and may specify one such day for any one or more of any of said classes and some other day for some or any other or others of them:

"Provided that no such by-law shall apply to any place under the control of the Crown in the right of the Dominion of Canada or Province of Alberta or to any place which is required to be open during the whole or any part of the closing hours by any statute or other law of the Dominion of Canada or the Province of Alberta.

"**239b.** All stores, shops and places doing a commercial or other business, except such as the council may exempt, shall be closed at six o'clock in the afternoon of every week day, and remain closed for the remainder of the day, and any person being the proprietor or person in charge of any of the same who shall keep any such place open after said hour shall be liable to a penalty not exceeding one hundred dollars, which may be recovered in the manner provided by section 523."

23. Notwithstanding anything contained in *The Edmonton Charter* or amendments thereto, the council may upon such terms and conditions as it shall deem advisable, sell and convey to The Alberta Ladies College of Red Deer, all of block one hundred and seventy-two (172), in the City of Edmonton, as shown on a plan of parts of river lots seven (7) and nine (9) of record in the land titles office for the North Alberta Land Registration District as Plan 4400 R.

City may sell
and convey
certain lands
to The Alberta
Ladies College
of Red Deer

24. By repealing subsection (c) of section 84 as amended in chapter 24, 1915, and by substituting therefor the following:

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

25. By striking out of section 85 as amended by section 2, chapter 52, 1918, all the words after the word "electors" in line fourteen thereof.

26. By repealing section 92 and by substituting therefor the following:

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

"OATH.

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

27. Chapter 24 of the Statutes of Alberta, 1915, is hereby amended by inserting after section 10 thereof the following section:

"10a. The said board may establish and maintain a superannuation benefit fund for the members of the police force and their families, and for this purpose the board may from time to time make regulations for the providing for the payment of gratuities or pensions to the members of the force and to the widow, child or children of the members dying in the service.

"(2) The proceeds obtained from the sale of all lost or unclaimed property coming into the possession of the police department shall in place of becoming part of the general revenue of the city be paid into the credit of said fund, and the board may as a condition to the employment of any member of the force provide that his share of any penalty levied under any Statute shall become part of said fund, and all sums assessed by the said board against any member of the force for dereliction of duty or by way of punishment for breach of the regulations of the board shall also form part of said fund.

"(3) The board shall have the power to receive from the City of Edmonton or from any persons, corporations or institutions, donations or grants for the benefit of said fund."

28. The following by-laws of the City of Edmonton, namely:

- (a) By-law No. 553, finally passed on the 5th day of May, 1914, and intituled "A By-law to create a debt in the sum of \$29,200.00 for the purpose of

- making certain improvements in the various city storage and warehouse yards and for the issuing of debentures in said sum," as amended by By-law No. 6, 1919, finally passed on the 27th day of January, 1919, and intituled "A By-law to authorize the cancellation of certain debentures issued under By-law No. 553 and for the issue of certain other debentures in substitution therefor";
- (b) By-law No. 560, finally passed on the 5th day of May, 1914, and intituled "A By-law for the creating of a debt in the sum of \$59,860.00 for the purposes of completing and extending the present unit of the hospital situate on certain lands provided by the Governors of the University of Alberta and commonly known as 'The Strathcona Hospital' and providing certain necessary fixtures therefor and for the issuing of debentures in said sum," as amended by By-law No. 7, 1919, finally passed on the 27th day of January, 1919, and intituled "A By-law to authorize the cancellation of certain debentures issued under By-law No. 560 and for the issue of certain other debentures in substitution therefor";
- (c) By-law No. 8, 1918, finally passed on the 26th day of February, 1918, and intituled "A By-law to provide for the raising of the sum of \$10,359.41 by the issue of debentures, to pay the portion of the cost of certain local improvements (cement or concrete sidewalks and street paving with curb and gutter) made in the City of Edmonton during the years 1916 and 1917, which are to be paid for by way of special frontage assessment";
- (d) By-law No. 9, 1918, finally passed on the 26th day of February, 1918, and intituled "A By-law to provide for the raising of the sum of \$24,271.27 by the issue of debentures, to pay the portion of the cost of certain local improvements (street grading and plank sidewalks) made in the City of Edmonton during the year 1916, which are to be paid for by way of special frontage assessment";
- (e) By-law No. 10, 1918, finally passed on the 26th day of February, 1918, and intituled "A By-law to provide for the raising of the sum of \$3,287.00 by the issue of debentures to pay the estimated cost of certain plank sidewalks made in the City of Edmonton in the year 1916 and which are to be paid for as local improvements by way of special frontage assessment";
- (f) By-law No. 11, 1918, finally passed on the 26th day of February, 1918, and intituled "A By-law to

provide for the raising of the sum of \$89,805.70 by the issue of debentures to pay the portion of the cost of sewer extensions constructed as local improvements in the City of Edmonton during the years 1914 and 1915, payable by way of special frontage assessment”;

- (g) By-law No. 12, 1918, finally passed on the 26th day of February, 1918, and intituled “A By-law to provide for the raising of the sum of \$3,965.44, by the issue of debentures, to pay the portion of the cost of certain local improvements, namely, plank sidewalks made in the City of Edmonton during the years 1915 and 1916, which are to be paid for by way of special frontage assessment”;
- (h) By-law No. 14, 1918, finally passed on the 26th day of February, 1918, and intituled “A By-law to provide for the raising of the sum of \$3,212.46 by the issue of debentures, to pay the portion of the additional cost of certain local improvements, namely, boulevards, made in the City of Edmonton in the years 1913 and 1914, which are to be paid for by way of special frontage assessment”;
- (i) By-law No. 15, 1918, finally passed on the 26th day of February, 1918, and intituled “A By-law to provide for the raising of the sum of \$13,364.75, by the issue of debentures, to pay the portion of the cost of certain local improvements, namely, cement or concrete sidewalks made in the City of Edmonton during the year 1914, which are to be paid for by way of special frontage assessment, and were not included in the schedule to By-law No. 665”;
- (j) By-law No. 16, 1918, finally passed on the 26th day of February, 1918, and intituled “A By-law to provide for the raising of the sum of \$5,664.25 by the issue of debentures, to pay the portion of the cost of the opening of Third Street West, from University Avenue to Sixth Avenue South, in the City of Edmonton, undertaken in the year 1914 as a local improvement, which is to be paid for by way of special local benefit assessment”;
- (k) By-law No. 3, 1919, finally passed on the 3rd day of February, 1919, and intituled “A By-law of the City of Edmonton authorizing the borrowing of a sum not exceeding \$217,000.00 pending the sale of certain debentures and the issue of gold notes or treasury bills or other form of security in the said sum, and for the hypothecation of such debentures as security for the repayment of the same;

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.

SCHEDULE A.

Agreement made in triplicate this thirteenth day of May, A. D. 1918.

Between The City of Edmonton (hereinafter called "the City") of the First Part; and The Board of Trustees of The Edmonton School District No. 7, of the Province of Alberta (hereinafter called "the School Board"), of the Second Part.

Whereas the parties hereto have agreed for the exchange of certain parcels of land hereinafter respectively called "The College Avenue High School Site," and "Old City Hospital Site," and as part of the terms of said exchange, and for the purpose of equality of exchange, the city has agreed to lease to the School Board the parcels of land hereinafter called "Patricia Square," for the term and at the rental and containing such covenants and conditions as are set out in the form of lease hereto annexed and marked for the purpose of identification as schedule A and further that in the event of the city being unable within the period hereinafter limited to legally grant said lease to the school board, then the city shall, in lieu of granting said lease, as a part of the terms of said exchange, and for the purpose of equality of exchange, transfer and convey to the school board or its nominee, free from all registered encumbrances, the lands hereinafter called "The North Half of the First Street Market Site"; all of the foregoing to be subject to the terms and conditions herein appearing.

NOW IT IS HEREBY AGREED AS FOLLOWS:

1. The city shall, in pursuance of said above recited agreement, and in consideration of the transfer, by way of exchange hereinafter agreed to be made or caused to be made by the school board—

- (a) Transfer free from all registered encumbrances to the school board or its nominee, the following lands and premises (hereinafter called "Old City Hospital Site") described as follows:

Lots nine (9) to twenty-two (22), inclusive, and lots thirty-one (31) to forty-four (44), inclusive, in block twelve (12), river lots twelve (12) and fourteen (14), of the City of Edmonton;

To have and to hold the same unto and to the use of the school board or its nominee forever;

- (b) Execute and deliver to the school board or its nominee for the purpose of equality of exchange, for school purposes, a lease for the term and at the rental and containing such covenants and conditions as are set out in the said above recited form of lease hereto annexed and marked for the purpose of identification as schedule A of the following lands and premises, hereinafter called "Patricia Square Site," described as follows:

That block or parcel of land located, being and lying between 109A and 108A Avenues on the north and south respectively, and 94th and 95th Streets respectively on the east and west:

Provided always that in the event of the city, after using all reasonable efforts, being unable to secure the necessary consents within the time hereinafter limited to lease said Patricia Square Site, in manner as aforesaid, or unable to obtain legislation enabling it so to do, then and in such case the city shall transfer free from all registered encumbrances the following lands and premises herein called "The North Half of the First Street Market Site," described as follows:

Lots one hundred and seventy-four (174), one hundred and seventy-five (175), one hundred and seventy-six (176), one hundred and seventy-seven A (177A), one hundred and seventy-eight A (178A), and one hundred and seventy-nine A (179A), of river lot six (6), and lots L, M, N, O, and one hundred and twenty (120) of river lot ten (10) of Edmonton Settlement survey.

2. The school board shall in further pursuance of said above recited agreement, and in consideration of the transfer hereinbefore agreed to be made by the city, and of the lease, or in lieu thereof, of the transfer agreed to be given by the city for the purpose of equality of exchange, transfer to the city free from all registered encumbrances, forthwith upon the approval of the Minister of Education, the following lands and premises (herein called "The College Avenue High School Site") described as follows:

Lot B in river lot six (6), in the city of Edmonton, according to a map or plan of record in the North Alberta Land Registration Office as Plan No. II; and the city shall at the same time transfer to the school board the Old City Hospital Site hereinbefore described; To have and to hold the same unto and to the use of the city and the school board forever.

3. The parties hereto covenant and agree to do all acts, and execute all deeds and writings, which counsel shall advise to be necessary to carry out the terms and intentions of this agreement, and to assist and support each other in obtaining all necessary consents and legislative authority necessary to carry out the terms and intentions hereof.

4. All rates, taxes, charges, assessments and outgoings whatsoever, whether parliamentary, local or of any other description in respect of the respective properties herein agreed to be transferred will be discharged up to the date of the execution hereof by the present registered owner thereof, as and from which date the same shall in the event of said properties being transferred in manner as herein contemplated, be respectively paid by the party receiving such transfer.

5. Until such time as the building now on said "The College Avenue High School Site," shall require to be torn down for building purposes, or shall be deemed to interfere with the use of said site, for the purposes of the city or its lessee, the school board shall have the use of said building free from all charge, with the right of ingress, egress or regress.

6. This agreement shall be completed and carried out on or before the fifteenth (15th) day of May, A.D. 1919, by the execution and delivery by the respective parties, and all other necessary parties (if any) of proper assurances, transfers, leases and other documents.

7. The costs and expenses of and incidental to the carrying out and perfecting of said exchange, shall be borne and paid as to each of said above mentioned properties by the party now being registered owner thereof.

8. It is distinctly understood and agreed that this agreement shall not be binding upon the school board until the consent and approval of the Minister of Education, as to the terms hereof, has first been obtained, as provided by the Statute in that behalf.

In witness whereof the parties hereto have hereunto affixed their corporate seals under the hands of the proper officers in that behalf.

The corporate seal of the City of Edmonton was affixed this fifth day of September, A.D. 1918, in the presence of

[Seal of
The City of
Edmonton]

(Sgd.) H. M. E. EVANS,
Mayor.

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

The corporate seal of the Board of Trustees of The Edmonton School District No. 7 of the Province of Alberta, was affixed this fourth day of October, A.D. 1918.

[Seal of The
Edmonton School
District No. 7
of the Province
of Alberta]

(Sgd.) WILLIAM REA,
Chairman.

(Sgd.) W. H. BRADEY,
Secretary-Treasurer.

Approved as to form.

(Sgd.) JOHN C. F. BOWN,
City Solicitor.

(Sgd.) PARLEE, FREEMAN & CO.,
School Board's Solicitors.

SCHEDULE B

THE LAND TITLES ACT.

LEASE.

Whereas the City of Edmonton is desirous of commemorating the gallant services rendered and the noble sacrifices made by the citizen soldiers of Canada, and particularly those from the City of Edmonton, in the interests of liberty and justice, and in the cause of democracy in the present European War;

And whereas it has been represented to it by the Great War Veterans' Association of Canada, Edmonton District, a body corporate, incorporated under certificate of the Provincial Secretary of Alberta, by virtue of the provisions of Chapter 18 of the Statutes of Alberta, 1917, (hereinafter referred to as "the Association") and as such representing those of our soldiers who have already returned to Alberta from service overseas in the present war, that the object in view can best be obtained by the erection of a building suitable for the use of all who have served in the present great war, and have returned to Alberta from overseas, or who have come to reside in Alberta permanently,

as well as for a Memorial Hall in which the relics and archives of the various regiments which have left or may hereafter leave Alberta for service overseas, which would prove of historical interest and value in the future, can be gathered together, and the city is possessed of the property hereinafter referred to, and the said association has represented to it that the said property is the most desirable site in the city for the erection of such a building, and the council of the city is also of the opinion that this is so, and accordingly has decided to utilize the said property for such purpose, but on the terms and conditions hereinafter written;

And whereas in order to properly carry out such intention the council is of opinion that the said property should be leased for a period of ninety-nine years, to five trustees to be appointed from time to time as hereinafter provided, to be held by them in trust only for the purposes hereinafter specified;

And whereas it has been deemed expedient that there shall be five trustees and that the first trustees shall be the following persons, viz.: John Alexander McDougall, of the City of Edmonton, in the Province of Alberta, Esquire, who has been appointed by the Lieutenant Governor in Council of the Province of Alberta, and Harry Marshall Erskine Evans, of said City of Edmonton, financial broker and now mayor of said city, and William Henry Martin, of the same place, manufacturer, and now one of the aldermen of said city, who have been appointed by the city, and the Right Reverend Henry Allen Gray, D.D., LL.D., Bishop of Edmonton, and Robert Molloy, civil servant, of said City of Edmonton, who have been appointed by the said Association.

Therefore the City of Edmonton, being registered as owner, subject however to such encumbrances as are notified by memorandum on the certificate of title thereof, of that piece of land more particularly described as follows, viz.: lot B in river lot six (6), in the City of Edmonton, in the Province of Alberta, according to a map or plan of record in the Land Titles Office for the North Alberta Land Registration District at Edmonton as Plan No. II, doth hereby lease to the said Trustees and their successors in office, to be appointed as hereinafter provided, to be held by them as hereinafter mentioned, for the space of ninety-nine years from and after the first day of January, A.D. 1919, notwithstanding the date hereof, at the yearly rent of one dollar (\$1.00) per annum, payable on the first day of January in each and every year during the currency of this lease, in trust only, subject to the covenants and powers implied and subject always to the conditions and agreements hereinafter set forth, namely:

1. To hold generally for the use of all veterans of the present war as defined by paragraphs (a), (b), and (c) of

chapter 18 of the Statutes of Alberta, 1917, who have returned to Alberta or have come to Alberta to reside, and their dependents.

2. The said property shall be held free from all taxation whatsoever either now or hereafter to be imposed by the City of Edmonton, except assessments or taxes for local improvements. Provided, however, that the trustees shall not be personally liable therefor.

3. Subject in all things to the general supervision and control of the said trustees, to permit the said association to erect upon the said property such buildings or other erections as they may deem fit, and to do and make such improvements either to the said lands or to any building or buildings that may now or hereafter be erected thereupon, for the purposes following:

(a) Providing an auditorium for the use of the said association, and when not required for the purpose of the said association, then for the use of the general public, but subject in the latter case to such terms and conditions and rules and regulations governing the conduct of meetings to be held therein as the said association may from time to time prescribe;

(b) Providing a hall of archives for the record of all battalions that left Alberta for service overseas, and installing therein or elsewhere on said premises suitable memorial tablets as well as for the collection of the colors of the said battalions;

(c) Providing museums and libraries;

(d) Providing proper assemblage rooms, dormitories, gymnasiums, recreation rooms and all such other conveniences of whatsoever nature as the said association shall see fit, for the use of all soldiers and sailors as well as members of the association and the dependents of all such as defined in paragraph one hereof, subject, however, in all cases, to such terms and conditions, rules and regulations as may be laid down from time to time by the said association;

(e) Providing office or other accommodation for such federal, provincial, municipal or other boards or officers or any other bodies whatsoever that may from time to time be charged with or formed for the purpose of carrying out any undertakings pertaining to the welfare of all soldiers and sailors as well as members of the association and the dependents thereof, as referred to in paragraph one hereof, subject however, to such terms and conditions, rules and regulations as may from time to time be laid down by the said association;

(f) And generally providing such other and further accommodation and doing all such matters and things

as in the opinion of the said association shall from time to time enure to the benefit of and be helpful to all soldiers and sailors as well as members of the association and the dependents of all such as defined by paragraph one hereof;

(g) The said association shall have full control and management of the said land as well as of all buildings, erections or improvements whatsoever that may from time to time be made or constructed thereon, so long as the said association continues to have a membership, not including honorary members, of at least five hundred, and finances and maintains the said buildings, erections and improvements in such a manner as to insure that the purposes of this trust are being properly carried out.

Provided that all such buildings and improvements shall vest absolutely in the said trustees and their successors in office from time to time for the purposes of the trusts herein set forth.

4. Before undertaking the construction of any building, monument or any other erection or improvement whatsoever, either upon the said land or any buildings presently erected thereon, the said association shall, if so required by the said trustees, first submit to the trustees, the plans and specifications of all such proposed buildings, monuments or other erections or improvements whatsoever for the trustees' approval, and shall if so required by the said trustees, satisfy them of the financial ability of the association to complete the said undertaking before they commence the same. The said association shall, subject to the approval of the said trustees first had and obtained, have full power and that without the necessity of obtaining the consent of the City of Edmonton to raise by way of mortgage of the premises or otherwise, such sum or sums of money not exceeding one-third of the moneys paid up in cash or already invested by the trustees or the said association in permanent improvements on said lands, as they may think proper for the erection or improvement of all or any of such buildings as may from time to time be required for the purposes of this trust as herein specified, and no mortgagee or any other person dealing *bona fide* with the said association or trustees shall be bound or concerned to enquire whether the occasion of executing or exercising this power has arisen, or as to the disposal of the money so raised; provided, however, that all such mortgages and other instruments necessary for this purpose, shall be given in the name of the said trustees.

5. The said association shall, subject to the approval of the said trustees first had and obtained, and in the name of the said trustees, have full power to enter into such contracts and to employ such professional or other persons, and to do all such other acts and things (including pulling

down existing buildings, laying out gardens and yards, drainage, sanitary works and insuring against fire) incidental to or connected with the erection of the said building or altering, adapting or adding to any existing buildings, and furnishing and fitting up the same as the said association may think desirable.

6. The said association shall have full power to accept donations, either in money or in kind, and that either directly or indirectly, for the purpose of this trust and to apply the same as the donor may instruct, and failing any such instructions, then the said association shall have absolute discretion to apply the same for the purposes of this trust at such time and in such manner as it may think best.

7. All revenue whatsoever to be derived from the premises hereby leased, or any building or buildings or erections whatsoever, presently constructed or to be hereafter constructed on the same, shall first be employed in the maintenance and upkeep and management of the said lands and buildings or erections, including insurance and the payment of such assessments and taxes as are payable to the city under the terms hereof, and next in payment of the interest and principal of any mortgage or mortgages upon said premises, and any surplus thereafter shall be used for the benefit of all soldiers and sailors or of the dependents of all such as defined in paragraph one hereof, as the said association shall in its sole discretion think best.

8. The following provisions as to trustees shall apply to these presents:

(a) The trustee appointed by the Lieutenant Governor in Council of the Province of Alberta shall hold office for such period as shall be designated by the order in council appointing him.

(b) The said municipal council having appointed the said William Henry Martin as one trustee, to hold office until the first day of January, 1921, and the said Harry Marshall Erskine Evans as the other trustee, to hold office until the first day of January, 1923, it shall thereafter appoint a trustee to hold office for the term of four years to replace the retiring trustee, and so on from time to time during the continuance of this lease; Provided always that any retiring trustee may be re-appointed.

(c) No person shall be appointed a trustee by the municipal council of the City of Edmonton who has not been a resident of the City of Edmonton for a period of at least three years prior to his appointment.

(d) Any person appointed either by the Lieutenant Governor in Council of the Province of Alberta, or by the municipal council of the City of Edmonton, who ceases for three months to be a resident of the City of

Edmonton, or who becomes bankrupt, shall *ipso facto* cease to be a trustee of these presents.

(e) The said association shall have full power to lay down such rules and regulations governing the appointment, recall or removal of such of the trustees as are appointed by it from time to time as it in its sole discretion shall think fit. Provided that in the event of said association ceasing to control and manage the hereby demised premises under the provisions of paragraph 3 (g) hereof, the trustees appointed by it shall thereupon cease to hold office and the municipal council of the City of Edmonton shall make such appointments as it shall see fit to fill the vacancies thereby created.

(f) In the case of a vacancy occurring for any of the reasons above mentioned, or by reason of the death, retirement or resignation of any trustee or from any other reason whatsoever, the body appointing such trustee shall appoint a new trustee, who shall hold office until the remainder of the term of office of the trustee in whose place he is appointed.

(g) All the trusts, powers, discretions and authorities hereby given or vested in the trustees shall be exercisable by a majority or quorum of the trustees as fully and effectually in all respects as the same might have been exercised by the whole of the trustees, and a majority of the trustees remaining in office may so act notwithstanding any vacancy or vacancies.

9. All buildings, erections and fixtures placed upon the lands hereby demised shall be part thereof.

10. These presents shall enure to the benefit of and be binding upon the parties hereto and their successors.

We, the said John Alexander McDougall, Harry Marshall Erskine Evans, William Henry Martin, Henry Allen Gray and Robert Molloy, the above named trustees, do hereby accept this lease of the above described land to be held by us as trustees aforesaid, and subject to such conditions, restrictions and stipulations as are above set forth.

Dated this fifteenth day of November, A.D. 1918.

Sealed in quadruplicate by the City of Edmonton as lessor, in the presence of its proper officers;

[Seal of
The City of
Edmonton]

(Sgd.) H. M. E. EVANS,
Mayor.

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

And signed by the said John Alexander McDougall, Harry Marshall Erskine Evans, William Henry Martin, Henry Allen Gray and Robert Molloy, as lessees, in the presence of:

<p>(Sgd.) JOHN C. F. BOWN.</p>	<p>(Sgd.) JOHN A. MCDUGALL, (Sgd.) H. M. E. EVANS, (Sgd.) W. H. MARTIN, (Sgd.) H. ALLEN GRAY, (Sgd.) ROBERT MOLLOY.</p>
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SCHEDULE C.

This agreement made this twenty-seventh day of November, 1918.

Between The City of Edmonton, of the first part, and Harry Ransford, Manager of the Dominion Bank at Edmonton, of the second part, and The Great War Veterans' Association of Canada, Edmonton District, of the third part, Witnesseth:

1. The city hereby deposits with the party of the second part a certain lease dated the fifteenth day of November, 1918, to John Alexander McDougall, Harry Marshall Erskine Evans, William Henry Martin, The Right Reverend Henry Allen Gray and Robert Molloy, trustees, of lot lettered B, in river lot six (6), in the City of Edmonton, upon condition that the party of the second part shall hold the same in escrow to be delivered to the trustees upon the happening of both of the two following events:

(i) That the Great War Veterans' Association, named in said lease, shall have raised and actually deposited to an account in some chartered bank for the purpose of erection of buildings upon said lands in accordance with the terms of said lease, the sum of at least \$50,000.00 on or before the first day of January, 1921;

(ii) That the Legislative Assembly of the Province of Alberta shall have duly passed an Act ratifying and confirming the said lease.

2. The party of the second part, for himself and his successor in office, accepts the custody of said lease and agrees not to deliver the same until both of said events shall have happened, and further agrees that should both of said events not happen on or before the first day of January, 1921, he will re-deliver the said lease to the City Clerk of the City of Edmonton.

3. The party of the first part covenants with the party of the third part that it will apply, and if necessary re-apply to the Legislative Assembly of the Province of Alberta for an Act ratifying and confirming the above mentioned lease

and will use all reasonable endeavors to obtain the passing of such Act.

4. It is agreed and understood that in the event of the decease of the party of the second part or his removal from Edmonton, the manager or acting manager for the time being of the Dominion Bank at Edmonton shall act in the name, place and stead of the said party of the second part.

In witness whereof the said parties have executed these presents.

CITY OF EDMONTON
(*Sgd.*) H. M. E. EVANS,
Mayor.

[Seal of
The City of
Edmonton]

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

(*Sgd.*) H. RANSFORD.

Witness: (*Sgd.*) JOHN C. F. BOWN.

No. 18.

SECOND SESSION
FOURTH LEGISLATURE
9 GEORGE V
1919

BILL

An Act to amend the Acts constituting The Edmonton Charter and to validate and confirm an Agreement made between the City of Edmonton and the Edmonton School District No. 7 and other agreements arising thereout, and to validate certain By-laws.

Received and read the

First time

Second time

Third time

MR. A. F. EWING.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A. D. 1919