

AN ACT to amend and consolidate the LETHBRIDGE CITY
CHARTER.

HIS MAJESTY by and with the consent of the Legislative
Assembly of the Province of Alberta, enacts as follows:

THE LETHBRIDGE CITY CHARTER being Chapter 22 of the
Statutes of Alberta, 1913 and amendments thereto, is hereby
amended and consolidated as follows:

TITLE I.

PRELIMINARY.

1. This Act may be cited as "The Lethbridge Charter".

2. In this Act the word -

1. "Elector" means a person entitled to vote at municipal and school elections in the said city;

2. "Council" means the municipal council of the said city;

3. "Burgess" means an elector who is qualified in respect of freehold property to vote on money by-laws;

4. "Felony" means any indictable offence which since the passing of The Criminal Code of Canada, 1892, is punishable with death or imprisonment for a period of five years or over and "misdemeanor" any offence for which under the said Code the extreme penalty is imprisonment for a term less than five years and two years or over;

5. "Income" means the profit or gain, whether ascertained and capable of computation as being wages, salary or other fixed amount or unascertained as being fees or emoluments or profits from a trade or commercial or financial or other business, or calling, directly or indirectly received by a person from any office or employment or from any profession or calling or from any trade, manufacture, or business, and included the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security or from stocks or from any other investment and also profit or gain from any other source whatever;

6. "Business" shall include any trade, profession, calling, occupation or employment:

7. "Special franchise" shall mean every right, authority or permission to construct, maintain or operate within the city in, under, above, on or through any highway, road, street, lane public place or public water within the jurisdiction of the city any poles, wires, tracks, pipes, conduits, buildings, erections, structures or other things for the purpose of bridges, railways, tramways, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, light, power, transportation, telegraphic, telephonic or other service;

8. "Judge" shall mean any judge of the District Court of the District of Lethbridge or any judge acting in his place.

9. "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same, and -

- (a) Land covered with water;
- (b) Mines, minerals, gas, oil, salt quarries and fossils in and under land; and
- (c) In case of special franchises, machinery, fixtures, buildings, structures, and other thing existing, erected or placed upon, in, over, under, or affixed to land or any highway, road, street, lane or public place or water, but not the rolling stock of any railways or street railway;

10. "Municipality" or "City" means the City of Lethbridge as herein incorporated;

11. "Person" includes a corporation or partnership;

12. "Resident" means a person residing within the limits of the City of Lethbridge;

13. "Revised Assessment Roll" means the assessment roll of the City or any part thereof as finally adopted by the Council;

14. "Tenant" is one who holds, uses or enjoys the property of another with his consent or by his permission or letting;

15. "Occupant" means the person or corporation in actual occupation of any land or premises within the city, either being

the owner or tenant thereof, for a year or any longer term.

Husband and wife living together shall not be considered separate occupants, but the husband shall be considered the occupant;

16. "City Clerk" means the city clerk of the City of Lethbridge;

17. "Treasurer" means the treasurer of the City of Lethbridge,

18. Wherever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only.

19. Where anything is required to be done on a day which falls on any holiday such thing may be done on the next judicial day, but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates to the Council.

20. Where forms are prescribed, deviations therefrom not affecting the substance nor calculated to mislead shall not vitiate the same, and forms to the like effect shall suffice.

21. Where power to make By-laws, regulations, rules or orders is conferred, it shall include the power to alter or revoke the same from time to time and to make others.

22. All Ordinances inconsistent with this Act are hereby repealed in so far as they relate to the City of Lethbridge; and where any matter or thing is provided for by this Act the provisions of any other Act or Ordinance in relation thereto, shall be deemed to be superseded so far as they relate to the said city.

23. THE MUNICIPAL ORDINANCE of the North-West Territories and any amendments thereto in force on the first day of September, 1905, shall no longer apply to the City of Lethbridge, and whenever any Ordinance of the North-West Territories is

referred to herein, such reference shall be deemed to include any Act of the Province of Alberta amending or superseding such Ordinance.

9. Chapter 64 of the Statutes of Alberta, 1906, being an Act to incorporate the City of Lethbridge with any amendments made thereto, is hereby repealed, but such repeal shall not be held to take away or affect any rights to which any person or corporation other than the City of Lethbridge would have been entitled had the same continued in force.

TITLE 2.

INCORPORATION, ANNEXATION.

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

All of Sections Twenty-eight (28), Twenty-nine (29) Thirty-one (31), and Thirty-two (32); that portion of Section Thirty (30) lying East of the Belly River the West half of Section Thirty-three (33); and that portion of the East half of Section Thirty-three (33) lying South and West of the Canadian Pacific Railway Company's line from Lethbridge to Coutts, all in Township Eight (8), Range Twenty-one (21), West of the Fourth Meridian.

That portion of Sections Twenty-five (25) and Thirty-six (36), lying to the East of the Belly River in Township Eight (8), Range Twenty-two (22), West of the Fourth Meridian.

The South West quarter of Section Four (4), all of Sections Five (5) and Eight (8), and all of Section Six (6) saving and excepting thereout legal subdivision Thirteen (13) and the West half of legal subdivision fourteen (14), save and except the most easterly sixty-six (66) feet throughout of the most Northerly sixty-six

(66) feet of the West half of said legal subdivision Fourteen (14), all in Township Nine (9), range Twenty-one (21), West of the Fourth Meridian.

And that portion of the South half of Section One (1) in Township Nine (9), Range Twenty-two (22), West of the Fourth Meridian lying to the East of the Belly River.

And all of the East half of Section Seven (7), and the East half of legal subdivision Three (3) and Six (6) of said Section Seven (7), in Township Nine (9), Range Twenty-one (21), West of the Fourth Meridian.

The most Easterly Sixty-six (66) feet throughout of the West halves of legal subdivisions Three (3) and Six (6) in Section Seven (7), Township Nine (9), Range Twenty-one (21) West of the Fourth Meridian.

Together with all lands surveyed as Government road allowances bounding and abutting on such sections, excepting the road allowance surveyed and lying between Sections Twenty (20) and Twenty-nine (29), and Sections Twenty-one (21) and Twenty-eight (28), all in Township Eight (8), Range Twenty-one (21), West of the Fourth Meridian, in the Province of Alberta.

(b) And such persons as shall hereafter become inhabitants of such locality are hereby incorporated into a Municipal incorporation under the name of THE CITY OF LETHBRIDGE.

The powers of the said corporation shall be exercised by the Council of the City, which shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the council for the next year such council may take up and carry on to completion all proceedings commenced but not completed by the last year's council.

Until the new council is elected and takes office under this Act the Mayor and members of the Council of the existing City of Lethbridge shall be deemed and taken for all purposes to be the Mayor and members of the council of the corporation hereby created and until altered under the authority of this Act all By-laws, contracts, property, assets, rights and liabilities of the existing City of Lethbridge shall be deemed and taken for all purposes to be the By-laws, contracts, property assets, rights and liabilities of the City of Lethbridge.

Whenever one-half of the owners of any territory adjacent to the City whose names appear on the last revised school assessment roll, whether public or separate, desire annexation thereto they may present a petition to the Council to that effect and

If the Council agree the said territory may be made part of the City by proclamation of the Lieutenant Governor in Council on such date and on such terms and conditions as the Lieutenant Governor in Council may think fit.

By the name the "CITY OF LETHBRIDGE", the City--

(a) Shall have perpetual succession, and shall own possess and hold all property, real and personal, theretofore owned, possessed, or held by the said City of Lethbridge, and shall assume, manage, and dispose of all trusts, in any way connected therewith;

(b) Shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of the said City of Lethbridge;

(c) May sue and defend, plead and be impleaded, in all Courts and places, and in all matters and proceedings;

(d) May have and use a common seal and alter the same at pleasure;

(e) May purchase, receive, hold and enjoy, or sell and dispose of, real and personal property.

TITLE _____
CONSTITUTION OF COUNCIL

1. The powers and rights of the City of Lethbridge shall be exercised by the Council of the City subject to the provisions herein contained as to the Manager.
2. The Council of the City shall consist of a Council of seven Councillors, who shall be elected by the qualified electors of the City as hereinafter provided.
3. The Council shall at its first meeting after assuming office and thereafter at the first meeting in January of each year, elect one of the Councillors as Mayor, for the balance of the year or for the full year as the case may be and the same Councillor may be elected Mayor as many times as the Council may deem advisable.
4. The Mayor shall be paid such remuneration as the Council shall decide but in no case shall the remuneration exceed \$1,200.00 per annum.
5. Each Councillor shall be paid \$100.00 per year.
6. All Councillors shall hold office for a term of two years from the first day of January succeeding his or her election except in the case of the first election when the four Council-

lors receiving the largest number of first ~~chance~~ votes, shall hold office for the balance of the year in which he or she is elected and for the following year, the other three Councillors elected shall hold office for the balance of the year only in which he or she is elected. In the event of there being no poll required the four Councillors first nominated shall hold office for the balance of the year in which he or she is elected and for the following year, and the other three Councillors elected shall hold office for the balance of the year only in which they are elected.

7. Following the first election under this Act, three Councillors shall be elected annually and shall hold office for a term of two years from the first day of January succeeding their election.

8. In event of any vacancy occurring in the Council by death, resignation or otherwise, such vacancy shall be filled by electing another Councillor to fill such vacancy, in the manner herein provided for the election of Councillors; but if such vacancy occur within one month of a general election of councillors then such vacancy shall not be filled till such general election.

9. Every person shall be eligible for election as Councillor who is a British subject by birth or by naturalization; is of the full age of twenty-one years, is able to read and write; is not subject to any disqualification under this Act and has resided within the City for one year preceding the date of the election and whose name appears on the Voters' List for the last previous election.

10. No Judge of any Court of civil jurisdiction, no Sheriff, no gaoler or keeper of a house of correction, no constable, assessor, City Clerk, treasurer, auditor or other paid official of the City, no bailiff, no inspector of licenses, no person

having by himself, his partner or agent any interest in a contract with or on behalf of the City, or being indebted to the City, no surety for any officer or employee of the City, no person who is insolvent within the meaning of the Bankruptcy Act and no person who has been convicted of an offence punishable with death or imprisonment for five years or over, shall be qualified to be a member of the Council.

10. No persons shall be disqualified from being a member of the Council by reason of his having a contract for the publication of an advertisement in a newspaper, or by reason of his being a shareholder in an incorporated Company, or one engaged in business having dealings or contracts with the City or having a contract for the supply to him of public utility, or by his having a lease of property from the City for a term of twenty-one years or upwards; but he or she shall declare his or her interest forthwith and shall not vote in the Council on the question in which he or she is so interested, and no such shareholder shall vote on any question affecting the Company.

TITLE NO. 4

VOTERS LIST.

1. The persons qualified to vote at elections shall be all persons both male and female of the full age of twenty-one (21) years and whose name appeared on the last revised voters' list, but if any person whose name appears on the last revised assessment roll has his or her name omitted through error from the voters' list, he or she shall be entitled to vote by procuring from the Assessor a certificate that his or her name does so appear on the last revised assessment roll, and that he or she is entitled to vote, such certificate must be given to the Deputy Returning Officer or the person in charge of the Poll before voting.

2. The City Assessor shall on or before the First day of September in each year prepare a voters' list in alphabetical form. He shall place thereon,-

(a) The names of all persons both male and female of the full age of twenty-one (21) years who are assessed in their own right on the last revised assessment roll for real property, or for income or personal property of the value of Two Hundred(\$200.00)Dollars or upwards. Where the real property is owned by two or more persons and is assessed in their names, each person shall be entitled to vote, if the total assessed value of the property is sufficient when divided to give each person a rating of \$200.00 or more; if otherwise none of such persons shall be entitled to vote.

(b) The names of all persons who have paid the Poll Tax or the Service Tax for the current year, the said persons having resided in the said City for two (2) months prior to the 1st day of November in the current year and immediately on demand being made prior to the 1st day of November in each year, the said Assessor shall place the name of such person so paying the Poll Tax or Service Tax upon the voters' list, or supplementary voters' list, but if by error or omission the name of any person who has paid the Poll Tax or Service Tax in time to have his or her name placed on the list and their name has been omitted therefrom, such person may apply to the Treasurer for a certificate that he or she has paid the said Poll Tax or Service Tax, in time and the said Treasurer shall issue such certificate and upon presenting the said certificate to the Deputy Returning Officer the said person shall receive a ballot paper and be entitled to vote.

- (c) The names of all Banks, Incorporated Companies and Corporations assessed on the last revised voters' list, and the vote of such Bank, Company or Corporation may be given by the chief officer thereof present in the City at the time of voting.
- (d) The names of all persons who have and during one (1) month prior to the 1st day of December in the previous year, been a resident of the City and a tenant of real property of the assessed value of at least \$400.00, and when more tenants than one occupy separate portions of the same building or of different buildings on the said property, each shall be entitled to have his or her name on the voters' list, and to vote if the total assessed value of the property so occupied, is sufficient when divided to give each occupant a rating of \$400.00; if otherwise, none of such occupants shall be entitled to vote.
- (e) The names of all British subjects, natural born or naturalized, male or female, of twenty-one years of age or over, who have resided continuously in the City of Lethbridge for six months prior to the first day of June immediately preceding the making up of the voters' list and who have registered in accordance with the provisions for registration hereinafter provided; provided that the provisions of this subsection shall not come into effect until a majority of the electors shall have approved of said persons voting at such election, and for the purpose of obtaining the opinion of the electors thereon, the said question shall be submitted to the voters at a plebiscite to be held prior to the first day of June, 1927 at which all the electors of the City of Lethbridge shall be entitled to vote, and if a majority of the electors approve thereof, the said subsection shall upon the declaration of the City Clerk that the majority of the electors have so approved, immediately come into effect.
- (f) The City Clerk shall keep open during the months of June and July of each year at the City Hall or such other place or places as the Council may direct a registration booth so as to enable tenants and British subjects, who are not otherwise disqualified from voting, to register their names and addresses as tenants and British subjects qualified to vote at the election of commissioners and advisory commissioners.
- (g) The City Clerk shall require from any person proposing to register as tenant or British subject, proof satisfactory to him of the qualification as such, and for the purpose the City Clerk, or any deputy appointed by him, in writing, shall have authority to take from any such person a statutory declaration or affirmation proving any statement made by the said person.
- (h) There shall be a further period of not less than two weeks, nor more than four weeks, as the Council may decide, immediately prior to the 14th day of October in each year, when any person may apply to the City Clerk at his office at the City Hall, to have his name added to the voters' list, if improperly omitted therefrom, or to change his place of residence as entered, or to strike off the name of any other person claiming to be wrongly entered as a tenant or a British subject.

3. The City Assessor shall on or before the 1st day of September in each year, ~~prepare~~ a voters' list, which shall be an alphabetical list of electors and shall comprise the names of those qualified to vote at Municipal elections in the City, and he shall post the same in a conspicuous place in his office. The list shall contain opposite the name of each elector a short description of the property in respect of which he is entitled to vote, and the said list shall be handed to the City Clerk by the Assessor not later than the 1st day of September in each year.

4. The City Clerk shall on the first day of November in each year, prepare a supplementary voters' list which shall comprise the names of all persons who are not on the regular voters list, and who are entitled on that date to vote under the provisions of this Act. Application to be placed on such list shall be made to the City Clerk, in writing.

5. Any tenant who has been a resident in the City one month prior to the first day of December in the previous year, and any other person who has been resident in the City in the then current year prior to the first day of July and continuously since and who is otherwise duly qualified but whose name does not appear on the voters' list, or who by error is not assessed on the roll high enough to be qualified as a voter, or whose name is put down in error, or whose name has been omitted from the last revised assessment roll, provided that the year's taxes have first been paid on the property in respect of which he claims a vote, may either by himself or his agent apply to have the voters' list amended upon giving to the City Clerk a notice in the following form:

" TO THE CITY CLERK OF THE CITY OF LETHBRIDGE:

" Take notice that I intend to apply to the Council to have my name added to the voters' list (or as the case may be) for the following reasons (here state the grounds according to facts).

Signature of Appellant.)
Appellant.

or

Name of Appellant.)
Appellant by his Agent.

(Signature of Agent.)

6. If any person who has qualified as a voter on income has left the City or if before the first day of October in the then current year a person has disposed of the property for which he was qualified as a voter or if any person's name is wrongfully put down he shall be disqualified as a voter and any elector may apply to the Council to have the name of the person so, or otherwise disqualified struck off the voters' list and the name of the proper person, if any, substituted therefor. The person so applying shall give six days clear notice to the City Clerk of his intention of applying to the Council for that purpose as provided in the preceding section.

7. Notices served upon the City Clerk under the two preceding sections shall be served on or before the 1st day of October.

8. On or before the 10th day of October the City Clerk shall make a list of all applicants for amendments to the voters' list, stating names and grounds of each such application, and shall post the same in a conspicuous place in his office, and he shall immediately thereafter notify the parties interested of

the time and place fixed by the Council for hearing such application.

9. On or before the 20th day of October in each year the Council shall meet as a final Court of Revision on the voters' list and shall then hear and determine all applications of which notice has been given to the City Clerk as hereinbefore provided; and the City Clerk shall thereupon amend the voters' list in all cases provided for in Sections ~~Four (4)~~ and ~~Five (5)~~ of this title as may be right, and the list so amended shall be the voters' list of the City for the ensuing year, or until a new voters' list has been finally revised; and forthwith thereafter the City Clerk shall in case the City is divided into polling subdivisions, prepare a list of the electors entitled to vote in each polling subdivision designating those not entitled to vote for mayor in each polling subdivision.

10. On the eighth day of November, in each year the Council shall sit as a final Court of Revision on the supplementary voters' list, and shall revise the said list and determine all applications of which notice has been given the City Clerk, and the list so revised by the Council shall be the supplementary voters' list and be used as forming a part of the regular voters' list for the City.

11. As to the attendance of witnesses and the imposition and recovery of penalties and as to procedure the Council when sitting as a final Court of Revision on the voters' list as aforesaid shall have the powers and privileges conferred by this Act upon the Council in relation to the assessment roll.

12. If any By-law had been passed by the Council disenfranchising persons for arrears of taxes, the City Clerk shall on or before the day fixed for nomination of candidates for mayor and commissioners, prepare and verify on oath, a correct alphabetical list of the names of all persons so disenfranchised, which list shall be called "The Defaulters' List."

TITLE 5.
E L E C T I O N S

INTERPRETATION.

1. In this Act, unless the context otherwise requires,-
 - (a) "Advance Poll" shall mean a poll held as by Section 8 of this Title.
 - (b) "Candidate at an Election" or "Candidate" shall mean and include a person elected to serve in the Council, or a person who is nominated as a candidate at an election.
 - (c) "Court" shall mean the District Court of the Judicial District within which the City is situated, and "Judge" shall mean the Judge of the said Court;
 - (d) "Election" shall mean an election of a member to serve in the Council;
 - (e) "Elector" or "Voter" shall mean any person entitled to vote at an election under the provisions of this Act;
 - (f) "Election Officer" shall mean the returning officer, deputy returning officer, poll clerk, or other person having any duty to perform pursuant to this Act to the faithful performance of which duty he may be sworn;
 - (g) "Form" shall mean a form in this Act or in the schedule thereof;
 - (h) "Oath" shall include affirmation and statutory declaration;
 - (i) "Poll Book" shall mean the book or sheet or sheets containing the names of persons who have received ballots at an election;
 - (j) "Polling Day" shall mean the day fixed for voting at an election;
 - (k) "Polling Place" shall mean the place where votes are recorded at an election;

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- (l) "Voting" or "to vote" shall mean voting or to vote
at the election of a member to serve in the Council;
- (m) "Voters' list" or "List of Voters" shall mean the last
revised Voters' list of the City;

ELECTIONS

A Municipal election shall be held in the City on the eighth day after the first Monday in December in each year, and shall be known as the general municipal election. All other municipal elections that may be held shall be known as "Special Municipal Elections."

The City Clerk or the person acting as City Clerk for the time being, shall be the returning officer in all elections held by virtue of this Act including all votes on money By-laws and all votes taken in accordance with the titles on initiative, referendum and recall; and he shall have the power to appoint such deputy returning officers, assistant returning officers and poll clerks as shall be required by this Act.

The returning officer shall at least six days previous to the first Monday in December insert in three different issues of one or more local newspapers published in the City of Lethbridge a notice in the following form or one corresponding as closely thereto as the circumstances of the case will admit of.

"NOTICE

" City of Lethbridge, Municipal Elections 19

" Public notice is hereby given that a meeting of the electors of the City of Lethbridge will be held in (description of place on Monday the day of December, 19..... from 11 a.m., until noon, for the purpose of receiving petitions of nominations of candidates for the office of Councillor of the City.

"Given under my hand at Lethbridge thisday of.....
..... A.D.19.....

Returning Officer."

At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving petitions of nominations; the meeting shall remain open until noon when, if the number of persons nominated to serve as Councillors does not exceed the requisite number, the returning officer shall declare the persons so nominated duly elected for the office for which he was nominated.

Every nomination for Councillor shall be accompanied by a written consent from the person named in each nomination to accept the office if elected.

The petition of nomination shall consist of not less than two individual certificates, which shall read substantially as follows:

"PETITION OF NOMINATION

PROVINCE OF ALBERTA)
City of Lethbridge)
To Wit:)

"I, the undersigned, certify that I do hereby join in a petition for the nomination of whose place of residence is at No. Street, Lethbridge, for the office of to be voted for at the Municipal Election to be held in the City of Lethbridge on the day of 19...., and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. Street, Lethbridge, and that my occupation is

"Signed _____

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to at No. Street, Lethbridge, Alberta."

It shall be the duty of the City Clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the City Clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at any time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each certificate shall further contain the name and address of the signer in case said petition is found insufficient.

When a petition of nomination is presented to the returning officer, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate why such petition cannot be filed, and shall return the petition to the person named, as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the returning officer as in the first instance. The returning officer shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the Council shall provide extra help to enable the returning officer to perform satisfactorily and promptly the duties imposed by this section.

Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the returning officer a revocation of his signature before the filing of the petition by the returning officer, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

The City Clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

In the event of more than the required number of persons being nominated for any office the returning officer shall declare that a poll will be held and shall name the time being the eighth day after the nomination of candidates, the place or places where the votes are to be polled and the deputy returning officer and assistant returning officers, if any, appointed to receive the same; and also the time and place at which the result of the polling will be declared.

If only one person is nominated for one office that person shall be declared by the returning officer to be elected to that office and a poll may be declared for the other office or offices for which more than one person is nominated.

Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nomination cause to be posted up in at least ten conspicuous places within the City a notice in the following form:

" NOTICE.

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

"Public notice is hereby given that a poll has been granted for the election of Councillors of the City of Lethbridge for the year 19.... and that the polling will take place on the day of 19..... from nine a.m., till five p.m., at the following places

AND that I will at on the day of 19.... at o'clock sum up the votes and declare the result of the election.

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

"Returning Officer"

Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer or deputy returning officer, as the case may be, a declaration in writing to that effect, signed by himself in the presence of the returning officer, a justice of the peace or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void.

If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected for such office the polling for such office shall not take place; and the returning officer shall forthwith post up in ten conspicuous places in the City a notice to the following effect:

"NOTICE.

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

" WHEREAS Mr nominated for the office of Councillor has withdrawn his candidature for the said office, leaving Mr the only candidate therefor, I hereby give notice that no voting for the said office will take place on the day of (date of polling).

" DATED under my hand at Lethbridge thisday
of 19..

Returning Officer."

In case of a poll at a municipal election the votes shall be given by ballot.

When a poll is required the City Clerk shall procure as many ballot boxes as there are polling subdivisions.

The ballot boxes shall be made of some durable material shall be provided with a lock and key, and shall be so constructed that the Ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box is unlocked.

When it becomes necessary for the purposes of an election to use the ballot boxes it shall be the duty of the returning officer to deliver at least the day before the polling day one of the ballot boxes to every deputy returning officer, or assistant deputy returning officer, appointed for the purpose of the election.

-- BALLOT PAPERS --

The returning officer shall cause to be printed on good paper a sufficient number of ballot papers not being less than the number of voters on the Voters' List.

(2) The names of the candidates alphabetically arranged in order of their surnames with the address and occupation of each shall be printed on the ballot paper and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil, and between the counterfoil and the stub, the whole in Form ____.

(3) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil and shall be bound or stitched in books containing ten, fifteen, twenty-five, fifty or one hundred ballots as may be suitable for supplying the polling subdivisions proportionally to the number of voters on each.

(4) All ballot papers shall be of the same description and as nearly alike as possible.

(5) The ballot papers shall bear the name of the printer who prints them.

The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the Voters' List of his polling place or polling subdivision and he shall keep a record of the number and the serial numbers of such ballot papers.

The returning officer shall furnish each deputy returning officer with at least two copies of the printed directions in Form 1 for the guidance of voters in voting and the deputy returning officer shall before or at the opening of the poll on the day of polling cause such printed directions to be posted

up in conspicuous places, one outside and one inside of the polling place.

ADVANCE POLL

For the purpose of enabling electors who have reason to believe that they will be necessarily absent from their places of residence on the day fixed for the election to vote at an election held in the electoral division in which such electors reside, the Returning Officer shall establish one special polling place to be known as an "Advance Poll" in a central location in the City, in which advance poll votes may be given by such electors resident in any portion of the City.

(2) An advance poll shall be open and shall only be open between the hours of two and five, and seven and ten o'clock in the afternoon of the Friday, Saturday and Monday of the week preceding the election.

(3) Except as in this election provided, an advance poll shall be conducted and all things done in respect thereof in the same manner as is provided by this Act for the conduct of an election in the City.

(4) The Returning Officer shall publish the place, dates and time for the holding of an advance poll, by a notice published in a newspaper on Tuesday, Wednesday and Thursday of the week preceding the election.

(5) A qualified elector who deems it necessary to vote at an advance poll may at any time not more than three days prior to the opening of the Advance Poll, apply in person to the City Clerk for an "Advance Poll Voting Certificate", which shall be in Form ____.

" CERTIFICATE TO VOTE AT ADVANCE
POLL

" This is to certify (name, address and occupation in Voters' List) is a qualified voter of the City of Lethbridge, but on account of his having reason to believe that he will be necessarily absent on the day fixed for the election, he is entitled to vote at the advanced poll.

DATED at this day of
..... 19 .

City Clerk,"

Such **Certificate** shall be given by the City Clerk if the applicant's name appears on the list of voters for the poll and upon the granting of such certificate the City Clerk shall mark opposite the name of such elector on the Voters' List the words "Advance Poll" and the election officers at such Elector's poll on polling day shall deem such person to have already voted;

Provided that if an elector who has obtained an advance poll certificate does not vote at the advance poll, he shall be entitled to vote on polling day at the poll at which his name appears upon the list of voters. Before so voting such an elector shall surrender his advance poll certificate to the Deputy Returning Officer, who shall then and there cancel such certificate and the entry concerning same on the official voters

list and such elector shall then be entitled to vote as if such certificate had not been issued.

(6) An Elector presenting a certificate and applying to vote at an advance poll, before being permitted to do so shall be required by the deputy returning officer in charge of the poll and in addition to any other oath which may be required of voters under this Act, to make and sign the following declaration which shall be attached to the certificate and kept by the deputy returning officer with other records of the poll:

"DECLARATION OF AN ELECTOR VOTING AT AN
ADVANCE POLL.

"I, (name, address and occupation as on certificate) do hereby declare that my name, residence and occupation are correctly set out herein; that I personally applied for and obtained the advance poll certificate now presented and bearing my name; and that I believe that it will be necessary for me to be absent from the place where I am entitled to vote at this election on election day.

Name of Elector.

"Witness
Deputy Returning Officer".

- Any person who corruptly --**
- (a) for the purpose of obtaining from ~~an enumerator~~ an advance poll certificate makes to such officer any false statement; or
 - (b) forges or fabricates any such certificate or any name thereon, or not being the person named therein presents any such certificate to any deputy returning officer or poll clerk at any poll; or
 - (c) makes before any deputy returning officer a false declaration as to any statement contained therein;
or

- (d) after having **obtained** an advance poll certificate votes or attempts to vote at any other than the advance poll, except upon presentation on election day of such certificate as is provided for herein; or
- (e) in any other manner contravenes any of the provisions of this section --

is guilty of an offence against this Act and shall be liable on summary conviction to a penalty of not more than one hundred dollars.

(8) The poll clerk at an advance poll shall record in the poll book supplied for the recording of all such votes in a column headed "Remarks" after the name of each person who votes a notation that he has signed the declaration referred to in subsection (6) hereof.

(9) At the close of an advance poll on each day, the deputy returning officer and the poll clerk and also any candidate or agent of a candidate present who desires to do so, shall affix their seals to the ballot box in such a manner that the same cannot be opened or any ballot be deposited in it without breaking such seals.

(10) The deputy returning officer shall at all times after the opening of the advance poll take every precaution to prevent any person whatsoever other than the poll clerk during the polling to have access to the ballot box and no seals placed thereon shall be removed between the opening of the advance poll and the time fixed for the closing of the polls on election day, except only at the opening of the advance poll on the second and third days' polling, and then only such seals shall be removed as may be necessary to permit the insertion of ballots in the ballot box.

(11) At the close of an advance poll on the third day the deputy returning officer and the poll clerk and also any candidate or agent of a candidate present who desires to do so shall

affix their seals to the ballot box in such a manner that the same cannot be opened, or any ballots be deposited in it without breaking the seals and the Deputy Returning Officer shall take charge of and safely keep such ballot box until the closing of the poll on election day, when he and the poll clerk shall proceed as directed by Section , ~~Subsection~~ hereof.

PREPARATORY TO OPENING THE POLL.

The Deputy Returning Officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

(2) During the fifteen minutes agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll and to inspect such ballot papers and all other papers, forms and documents relating to the poll.

(3) Every candidate may appoint in writing not more than ~~three~~ voters of the ~~electoral~~ division as agents to represent him at each poll. In the absence of such appointments two voters

of the polling subdivision on the request of such voters may act as such agents. Each agent or voter acting as such on being admitted to the polling place shall take the oath of secrecy in form ____.

An agent bearing a written authorization from the candidate shall always be entitled to represent him in preference to and to the exclusion of any two voters not authorized in writing.

THOSE ENTITLED TO REMAIN IN THE POLLING PLACE.

The deputy returning officer, the poll clerk, the interpreter or interpreters, if any, the constable in the event of its being necessary to have one appointed, the candidates and their agents not exceeding two in number at any one time for each candidate and in the absence of agents, two voters to represent each candidate on the request of such voters, and no other person, shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes.

The deputy returning officer shall immediately before opening the poll show the ballot box to such persons as are present in the polling place, so that they may see that it is empty; and he shall then lock the empty box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place and thereafter keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all persons and shall keep the box so locked and sealed.

(2) Not more than one voter for each compartment shall at any time enter the room where the poll is held and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being fixed to each name.

When a person claiming to be entitled to vote presents himself for the purpose of voting the officer presiding at the poll shall proceed as follows:

(1) He shall ascertain that the name of such person (or a name apparently intended therefor) is entered upon the Voters' list for the polling subdivision for which the said officer is appointed to act.

(2) He shall record (or cause to be recorded by the poll clerk) in the proper columns of the poll book, the name, qualification, residence and legal addition of such person.

(3) Where the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "Objected to", noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate.

(4) If the voter asks to be sworn, the returning officer shall administer to him the following oath:

" You swear (or solemnly affirm) that you are the person named (or intended to be named by the name of) in the voters' list now shown to you (showing the list to the voter);

" That you have not voted before at this election, either at this, or any other polling place;

" That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you tender at this election;

" That you have not received anything nor has anything been promised you directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team or any other services connected with this election;

" And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.

" So help you God."

declared elected, the ballot papers placed in separate packages according to the final count shall be sealed with the seal of the returning officer and the seals of such of the candidates or their representatives as desire to affix their seals and safely kept along with the voters' lists, poll books, and other documents which served at the election to be further dealt with as by this Act provided.

5. In upon an appeal, recount or final additions of the votes --

- (a) any ballot paper counted by the supervisors of the returning officer are rejected as invalid; or
- (b) any ballot papers rejected by the supervisors or the returning officer are declared valid --

the Judge may direct the whole or any part of the ballot papers to be recounted and the result of the election ascertained in accordance with these regulations.

6. On any recount, subject to such modifications as may be necessary by reason of any error in the original count, each paper shall take the same course as at the original count.

7. If one of the members of a multi-member election, dies or resigns, or if a vacancy arises in any other way, a by-election to fill such vacancy shall be held under the provisions of this Act relating to the election of a member in an electoral division returning one member where there are two, or more than two candidates, as the case may be.

VOTER INCAPACITATED BY BLINDNESS

The deputy returning officer upon request of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act shall assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and of the agents of the candidates or of the voters representing the candidates in the polling place and of no other person.

The deputy returning officer shall require the voter making such application before voting to take before him the oath in Form 8.

The deputy returning officer shall direct the poll clerk to enter in the column for remarks in the poll book opposite the voters' name the reason why such ballot paper was marked by him.

MODE OF MARKING THE BALLOT.

Every voter shall have one vote only which may be transferable in the manner hereinafter provided.

The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there mark his ballot with the black lead pencil provided as follows:-

- (a) Shall place the figure 1 on the ballot paper within the white space containing the name of the candidate who is his first choice and every vote given by placing the said figure 1 in such white space shall be a "first preference vote".
- (b) May in addition to the figure 1 authorized by this section place on his ballot the figure 2, within the white space containing the name of his second choice, the figure 3 within the white space containing the name of his third choice and so on in the order of the candidates he would prefer if the candidate of his prior choice does not need his vote, or cannot be elected. He may thus express as many choices as there are candidates.
- (c) He shall then fold the ballot paper so that the initials and stamp on the back of it and the number on the counterfoil can be seen without opening it and hand it to the deputy returning officer, who shall without unfolding it ascertain by examining his initials and the stamp and the number of the counterfoil that it is the same ballot paper that he furnished to the voter and shall then in full view of all present including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box.

DECLINED BALLOTS

A person who has received a ballot paper shall not take it out of the polling place; and a person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer, or returns his ballot paper declining to vote, shall forfeit his right to vote and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took it out of the polling place or returned it declining to vote, as the case may be; and in the latter case the deputy

returning officer shall immediately write the word "Declined" upon the ballot paper and shall preserve it to be returned to the returning officer.

If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

The name of the voter shall be entered on the poll book and a note shall be made of his having voted on a second ballot paper and of the fact of the oath having been taken, and of the objections made on behalf of any and of which of the candidates.

CANCELLED BALLOTS

A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used shall upon returning it to the deputy returning officer be entitled to obtain another ballot paper and the deputy returning officer shall immediately write the word "Cancelled" upon the first mentioned ballot paper and preserve it to be returned to the returning officer.

A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted.

PROCEEDINGS AFTER CLOSING OF THE POLL

Immediately after the closing of the poll the deputy returning officer shall first place all cancelled and declined ballot papers in separate envelopes and seal them up.

(2) He shall then count the number of voters whose names appear on the Voters' List and the number of voters whose names appear by the poll book to have voted and shall make an entry thereof in the poll book on the line immediately below the name of the voter who voted last, thus:

"	Number of names on list-- Men	
	Number of names on list-- Women	
	Total on list	
	Number who voted-- Men	
	Number who voted-- Women	
	Total who voted.....	

"We hereby certify that the above statement is correct.

"DATED at 19

.....
Poll Clerk,	Deputy Returning Officer."

(Agents may also sign).

And he and the poll clerk shall sign their names thereto.

(3) The deputy returning officer shall then in the presence of the poll clerk and of such of the candidates or their agents as may then lawfully be present, open the ballot box and count the number of ballot papers therein. The result shall be recorded.

If there are more ballots in the box than there should be according to the poll book, any ballot paper which has not on its back the initials of the deputy returning officer or which is otherwise invalid according to the provisions of this Act shall be set aside.

(5) He shall reject any ballot papers --

- (a) which have not been supplied by him; or
- (b) on which a cross or X is marked; or
- (c) on which 1 is not marked; or
- (d) on which the figure 1 standing alone indicating a first preference is marked for more than one candidate; or
- (e) on which the figure 1 standing alone indicating a first preference and some other figure are marked for the same candidate;
- (f) on which there is any writing or mark by which the voter can be identified, but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on the ballot paper shall void the same or warrant its rejection.

(6) He shall make a note in the poll book of every objection taken to a ballot by an agent of any of the candidates or a voter present and shall decide any question arising out of such objection; but the decision of the deputy returning officer may be reversed or modified by the returning officer, whose decision shall be final, subject only to reversal on appeal recount or final addition of votes as hereinafter provided for. Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialed by the deputy returning officer.

(7) All the ballot papers remaining shall be examined and arranged in parcels according to the name of each candidate marked with the figure 1.

(8) The deputy returning officer shall then count the number of ballot papers in each parcel of valid ballot papers and credit each candidate with one vote in respect of each valid ballot on which a first preference has been recorded for him.

(9) After the number of votes recorded for each candidate as a first preference has been ascertained the result may be announced to the public.

(10) He shall make out a statement in triplicate in form 24 which statement shall forthwith be signed by him and the poll clerk and such of the agents of the candidates as may be present and desire to sign it. One copy of the statement shall be attached to the poll book, another shall be retained by him and the third shall be enclosed by him in a separate envelope supplied for the purpose, and placed in the ballot box. After making the statement last mentioned the deputy returning officer shall deliver to the agents of each of the candidates, or in the absence of agents, to the voters present representing the candidates, a certificate in Form 24.

(11) He shall then place the ballots having first preference votes for each of the candidates in a separate envelope provided, marking on the outside of the envelopes the names of each of the candidates respectively and ~~then~~ shall then place the said envelopes in a large envelope provided and shall indorse same so as to indicate the contents,

(12) // 7 He shall put the rejected and unused ballot papers into separate envelopes and shall indorse each so as to indicate the contents and shall seal same and any agent present may write his signature across the flap of the envelope or parcel and may affix his seal.

(13) // 8 The Voters' List, the different envelopes containing the ballot papers, the poll book and other documents which served at the election shall then be placed in a large envelope supplied for the purpose, sealed with the seal of the Deputy Returning Officer and the seals of such of the agents of the candidates as desire to affix their seals, and placed in the ballot box, which the Deputy Returning Officer shall immediately lock and seal.

(14) // 9 The Poll Clerk immediately after the completion of the counting of the votes shall take and subscribe the oath in form 35.

(15) // 10 At the hour fixed for the closing of the poll on election day the Deputy Returning Officer of an advance poll and his poll clerk shall attend with the ballot box at the place where the advance poll was held and then, and not sooner, in the presence of the candidates or their agents who may attend, shall open the ballot box, count the ballots showing the first preference votes for each of the candidates and take other proceedings as near as may be provided herein for the deputy returning officer in connection with the conduct of an election after the closing of the poll.

RETURN OF BALLOT BOXES

The Deputy Returning Officer after locking and sealing the ballot box shall enclose the key in an envelope supplied for the purpose and as soon as possible thereafter personally deliver the ballot box and key to the Returning Officer.

COUNT BY RETURNING OFFICER WHERE ONE MEMBER IS TO BE
ELECTED AND ONLY TWO CANDIDATES GO TO THE POLL.

The Returning Officer where one member is to be elected and only two candidates to to the poll shall at the place, day and hour appointed by the proclamation and after having received all the ballot boxes, open them and the sealed envelopes containing the statement of poll in each and the envelopes containing the ballots and shall in the presence of the election clerk or clerks and the candidates or their representatives if present check the statement of the Deputy Returning Officer with the ballots contained in the respective parcels, make a note in the poll book of every objection taken to a ballot paper by a candidate or his representative and decide any question arising out of such objection irrespective of whether such objection had been decided by the Deputy Returning Officer or not or of the nature of such decision, if given, and the decision of the Returning Officer shall be final subject to appeal, recount or final addition of votes as hereinafter provided for.

(2) He shall then add up the first preference votes given for each candidate and if one of the candidates is found to have received a majority of all the first preference votes cast, the Returning Officer shall at once declare such candidate duly elected.

(3) Where, on the addition of first preference votes, an equality of votes is found to exist between the two candidates and an additional vote would entitle one of them to be declared elected, the Returning Officer shall forthwith give the additional or casting vote to one of the candidates and shall thereupon declare such candidate duly elected.

The Returning Officer shall prepare a statement in duplicate in Form 3 of the votes counted for each candidate at each poll and such other information as may be required by said form, and shall deliver to the agent of each candidate or in the absence of agents, to the voters present representing the candidates a certificate in Form of the number of votes so counted for each candidate.

(2) The statement prepared by the returning officer shall be retained by him for ten days to allow an application to be made for an appeal, recount or final addition of the votes as hereinafter provided.

(3) After the counting of the votes has been completed the candidate declared, and the statement made out, the voters' list, the different envelopes containing the ballots, the poll book and other documents which served at the election shall be sealed with the seal of the Returning Officer and the seals of such of the candidates or their agents as desire to affix their seals, and placed in their respective ballot boxes which the Returning Officer shall immediately lock and seal.

COUNT BY RETURNING OFFICER WHERE ONE MEMBER IS TO
BE ELECTED AND MORE THAN TWO CANDIDATES GO TO THE
POLL.

The Returning Officer, where one member is to be elected and more than two candidates go to the poll shall at the place, day and hour appointed by the proclamation and after having received all the ballot boxes, open them and the sealed envelopes containing the statement of poll in each and the envelopes containing the ballots, and shall in the presence of the election clerk or clerks and the candidates or their representatives if present, check the statement of the deputy returning officer with the ballots contained in the respective parcels, making a note in the poll book of every objection taken to a ballot paper by a candidate or his representative and decide any question arising out of such objection irrespective of whether such objection has been decided by the deputy returning officer, or not, or of the nature of such decision, if any, and the decision of the returning officer shall be final, subject to appeal recount or final addition of votes as hereinafter provided for.

(2) He shall then add up the first preference votes given for each candidate and if any candidate is found to have received an absolute majority of all the first preference votes cast, the returning officer shall declare such candidates duly elected.

(3) The term "absolute majority" shall mean as respects any count made under this and the following subsections, the next whole number greater than one half of the total number of ballot papers reckoned at the closing of that count; no account being taken of "exhausted ballot papers" as defined herein.

(4) If the first preference votes cast for any one candidate exactly equals the total number of first preference votes cast for all the other candidates, the returning officer shall forthwith give the casting vote in favor of such first mentioned candidate and he shall then be declared duly elected.

(5) If no candidate has received an absolute majority of the number of ballots showing first preference votes given, including the casting vote of the returning officer, if one is given the returning officer shall forthwith proceed to a second count and shall exclude from the contest the candidate who received the lowest number of first preference votes.

(6) The returning officer shall examine all the ballot papers credited to such excluded candidate and shall transfer, subject to subsection 10 hereof, to each of the remaining candidates all the ballot papers in which such candidate has been given a second preference vote and those ballot papers having no second preference indicated thereon shall be set aside as being exhausted.

(7) If on the second count any candidate obtains an absolute majority of the votes reckoned in that count he shall be declared elected. In case of an equal final total at the second count of any subsequent count the returning officer shall give the casting vote to and declare elected that candidate who has the greater number of first preference votes, or where there is no difference in this respect, to that candidate who has the greater number of second preference votes and so on. Where there is an equality in all respects the returning officer at the final second count or any subsequent final count shall give the casting vote as provided in the case of the first count.

(8) If on the second count no candidate obtains an absolute majority of the votes reckoned on that count, the returning officer shall exclude the candidate with the smallest number of votes reckoned on that count and shall transfer subject to subsections 10 and 11 hereof the alternative vote shown on the ballot papers reckoned in favor of the excluded candidate on the second count and proceed as before to a third count and shall if necessary repeat the process until a candidate is found to have a majority on any count, and that candidate shall thereupon be declared elected.

(9) The votes reckoned in favor of a candidate on any count after the first shall be his first preference vote together with any votes transferred to him from the excluded candidates.

(10) It shall be deemed that a ballot paper of an excluded candidate is "exhausted" in any case in which --

- (a) no further preference for any candidate not exhausted is marked; or
- (b) the names of two or more candidates whether excluded or not are marked with the same figure and are next in order of preference; or
- (c) the name of the candidate next in order of preference whether excluded or not is marked: (i) by a figure not following consecutively after some other figure on the ballot paper, or (ii) by two or more figures indicating different preferences.

(11) The votes transferred from an excluded candidate after any count shall be votes, if any, indicated as next in order of preference on the ballot papers reckoned on that count in favor of the excluded candidate, but in no case shall a vote be transferred to a candidate who has already been excluded -- the vote transferred shall be the vote, if any, next in order of preference to that given to an excluded candidate.

(12) If at any time, two or more candidates, one of whom ought to be excluded, have an equal number of votes, that candidate shall be excluded the greater number of whose votes are transferred votes, but if there is no difference in this respect

between the candidates, or if none of the votes of either of the candidates are transferred votes, the returning officer shall determine which of the candidates is to be excluded.

(13) The returning officer shall prepare a statement in duplicate in form of the votes counted for each candidate at each poll and of such other information as may be required by said form and also a statement in duplicate in Form of the number of votes of first preference and the number of votes transferred under the foregoing subsection and of the total number of votes counted for each candidate after such transfer and shall deliver to the agents of each of the candidates or in the absence of the agents, to the voters present representing the candidates, a certificate in Form of the total number of votes so counted for each candidate.

(14) The statement prepared by the returning officer shall be retained by him for ten days to allow an application to be made for an appeal, recount or final addition of the votes as hereinafter provided.

(15) After the counting of the votes has been completed* the candidates declared elected and the statements made out, the voters' list, the different envelopes containing the ballots, the poll books and other documents which served at the election shall be sealed with the seal of the returning officer and the seal of such of the candidates or their agents as desire to affix their seals, and placed in their respective boxes which the returning officer shall immediately lock and seal:

Provided that where there has been such a transfer of ballots as would prevent their being restored to their original envelopes by polls, each of the parcels as shown by the last count shall be sealed with the seal of the returning officer and the seals of such of the candidates or their agents as desire to affix their seals, and placed in a ballot box or ballot boxes which the returning officer shall immediately lock and seal.

COUNT BY THE RETURNING OFFICER WHERE MORE THAN ONE MEMBER IS TO BE ELECTED AND MORE CANDIDATES GO TO THE POLL THAN THERE ARE MEMBERS TO BE ELECTED.

74. The Returning officer where more than one member is to be elected and where there are more candidates than there are members to be elected shall provide adequate quarters and facilities for counting the ballot papers received from all deputy returning officers of the electoral division.

75. For the purpose of making such count the Council shall appoint one or more supervisors and a staff of sorters, all of whom shall be under the supervision of the returning officer.

76. No person shall be allowed in the room where the counting of ballots is taking place, except --

- (a) the returning officer and supervisors, if any, and the sorting staff;
- (b) deputy returning officers in the discharge of their duties;
- (c) not more than two agents of each candidate, or not more than one agent and the candidate himself.

77. In every such election the counting of ballots and the proceedings subsequent thereto shall be according to the following regulations:

REGULATIONS.

Interpretation.

Regulation 1.

In these regulations --

(1) The expression "Ballot-paper", "Ballot", "Paper", mean ballot papers of the form provided by the returning officer.

(2) The expression "first preference" means the figure "1" the expression "second preference" means the figure "2"; and the expression "third preference" means the figure "3", set opposite the name of any candidate, and so on.

(3) The expression "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate.

(4) The expression "Transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent transferable preference is recorded for that candidate.

(5) The expression "surplus" means the number of votes by which the total number of the votes, original and transferred credited to any candidate, exceeds the quota, and the total of such credited to all candidates.

(6) The expression "continuing candidate" means any candidate not elected and not excluded from the poll.

(7) The expression "transferable paper" means a ballot paper on which a second or subsequent transferable preference is recorded for a continuing candidate.

(8) The expression "exhausted ballot paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate.

(9) A paper shall be deemed to be an exhausted ballot paper in any case in which --

(a) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether continuing or not) is marked --

(i) by a figure not following consecutively after some other figure on the ballot paper; or

(ii) by two or more figures indicating different preferences.

(10) "Supervisors" and "sorters" mean the persons appointed as such under the provisions of this Act.

(11) Whenever the returning officer is directed to do anything or take any proceeding, unless the direction is to the returning officer in his personal capacity, such thing may be done or proceeding taken by the supervisors or sorters, provided the same is done under the supervision of the returning officer.

REGULATION 2:

The returning officer or a supervisor in his presence shall personally open the ballot boxes as they are delivered to him by the deputy returning officers and shall record or cause to be recorded the total returns of first preference votes made by the deputy returning officers. The returning officer shall in the presence of the candidates or their agents if present personally examine all ballot papers including those rejected by the deputy returning officers, and shall decide upon the validity of each, irrespective of the decision of the deputy returning officers making a note in the poll book of every objection taken to a ballot paper by a candidate or his representative and changing the records where necessary, and the decision of the deputy returning officer shall be final, subject to appeal, recount or final addition of votes as hereinafter provided for. Such records and the respective parcels of ballot papers shall then be checked by the supervisors, who shall then deliver the parcels of ballot papers to the sorters to be sorted under the names of the respective candidates according to the first preference recorded for each, and the total number of valid ballots given in the entire electoral division ascertained. The supervisors shall have charge over and be responsible for the work of the sorters.

REGULATION 3:

The returning officer shall then divide the total number of valid papers polled in the whole electoral division by a number exceeding by one the number of members to be elected and the result increased by one, disregarding any fractional remainder shall be the number of votes sufficient to secure the return of a candidate (hereinafter called the "quota").

REGULATION 4:

If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed elected by the returning officer.

REGULATION 5:

(1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this regulation to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate as being the next in order of the voters' preference.

(2) (a) If the votes credited to an elected candidate consist of original votes only, the supervisors shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next transferable preference recorded therein.

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the supervisors shall examine the papers contained in the sub-parcel last received by the elected candidate and shall arrange the transferable papers therein in further sub-parcels according to the next transferable preference recorded therein.

(c) In either case the supervisors shall make a separate sub-parcel of the exhausted ballot papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcel of transferable papers is equal to or less than the surplus, the supervisors shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next preference.

(4) (a) If the total number of transferable papers is greater than the surplus, the returning officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers; a note shall be made of the fractional parts, if any, of each number so ascertained.

(c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

(d) The particular papers to be transferred from each sub-parcel shall be those drawn one at a time from several places in the sub-parcel.

(e) Each paper so transferred shall be clearly marked with the number of the count at which the transfer took place.

(5)(a) Subject to paragraph (d) of this sub-regulation (5) a surplus which arises on the completion of any count shall be transferred before a surplus which may arise at a subsequent count.

(b) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(c) If two or more candidates have each an equal surplus on the same count regard shall be had to the number of original votes obtained by each candidate and the surplus of the candidate credited with the largest number of original votes shall be first dealt with and, if the numbers of the original votes are equal, the returning officer shall decide which surplus they will first deal with.

(d) The supervisors need not transfer the surplus of an elected candidate when that surplus, together with any other surplus not transferred, is less than the difference between the totals of the votes credited to the two continuing candidates lowest in the poll.

REGULATION 6:

(1) If at any time no candidate has a surplus (or when under the preceding regulation any existing surplus need not be transferred), and one or more vacancies remain unfilled, the supervisors shall exclude from the poll the candidate credited with the lowest number of votes and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next transferable preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

(2) If the total of the two or more candidates lowest in the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the supervisors may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding sub-regulation.

(3) If, when a candidate has to be excluded under the regulation two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with fewest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the number of votes credited to those candidates were equal at all transfers, the returning officer shall decide which shall be excluded.

REGULATION 7:

(1) Whenever any transfer is made under any of the preceding regulations, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one

vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in regulation 8 before any other candidate is excluded.

REGULATION 8:

(1) When the number of continuing candidates is reduced to the number of vacancies unfilled, the continuing candidates shall be deemed elected by the returning officer.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be deemed elected by the returning officer.

(3) When the last vacancies can be filled under this regulation, no further transfer of votes need be made.

REGULATION 9:

(1) Any candidate or his agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the returning officer to examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the supervisors on the instructions of the returning officer shall forthwith re-examine and recount the same accordingly. The supervisors may also at their discretion recount votes either once or more often in any case in which they are not satisfied as to the accuracy of any previous count; provided that nothing herein shall make it obligatory on the supervisors to recount the same votes more than once.

REGULATION 10:

(1) If any question shall arise in relation to any transfer of votes, the decision of the supervisors or of the returning officer on their advice, whether expressed or implied by their or his acts, shall be final unless an objection is made by any candidate or his agent before the declaration of the poll, and in that event such decision may be reversed upon an appeal, recount or final addition of the votes as hereinafter provided.

(2) If any such decision is so reversed, the transfer in question and all operations subsequent thereto shall be void and the judge shall direct what transfer is to be made in the place of the transfer in question, and shall cause the subsequent operations to be carried out and the result of the election to be ascertained in accordance with these regulations.

(3) Upon completion of the count the supervisor or supervisors shall deliver to the returning officer a statement in duplicate in form ~~42~~ showing the number of first preference votes given to each candidate, the transfers made, the total number of votes credited to each candidate after each transfer and the final result, giving the names of the candidates elected and the order of their election.

(4) The returning officer shall prepare a statement in duplicate in form ~~39~~ of the first preference votes counted for each candidate at each poll and of such other information as may be required by such form and shall at the place, day and hour appointed by the proclamation and after having received the statement of the final/^{result of the}count, from the supervisors, officially announce the result of the election and declare the winning candidates duly elected and shall when required deliver to the candidates or their agents or voters present representing them a copy of said Form ~~42~~. After the count of the votes has been completed, the statement made out and the candidates

(5) If the voter takes any one of the said oaths the officer presiding at the poll shall receive the vote and shall enter (or cause to be entered) opposite such person's name in the proper column of the poll book the word "Sworn" or "Affirmed" according to facts.

(6) Where the voter has been required to take the oath or affirmation and refuses to take the same the officer presiding at the poll shall enter (or cause to be entered) opposite the name of such voter in the proper column of the poll book the words "Refused to swear" or "Refused to affirm", according to the fact and the vote of such person shall not be taken or received; and if the deputy returning officer or assistant deputy returning officer takes or received such vote or causes the same to be taken or received he shall incur a penalty of \$100. and costs.

(7) When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper.

(8) Except in the case mentioned in subsection 6, the ballot paper shall then be delivered to the voter.

RECOUNT OR FINAL ADDITION BY
JUDGE.

If within eight days after that on which the returning officer has renounced the result of the count of the ballots for the purpose of declaring any candidate or candidates elected, upon the application of a candidate or voter it is made to appear by affidavit to the judge that the returning officer has in counting the ballots --

- (a) Improperly counted any ballot paper; or
- (b) improperly rejected any ballot paper; or
- (c) made any incorrect statement of the number of ballots cast for or transferred to any candidate; or
- (d) improperly added up the votes --

and if the applicant deposits within the said time with the Clerk of the Court as security for costs the sum of One Hundred Dollars in legal tender or in the bills of any chartered bank doing business in Canada or a cheque for such amount drawn upon and accepted by such bank the judge may in writing appoint a time and place to hear and determine any appeal from any decision of the returning officer and where the same is asked to recount or finally add up the votes cast at the election.

Provided that where the application is limited to an appeal or appeals from any decision or decisions of the returning officer and does not involve a recount, the security for costs hereinbefore provided shall be ten dollars:

Provided further that any candidate served with the notice of an application limited to an appeal or appeals from any decision or decisions of the returning officer, as provided for in subsection 2 hereof, may within two days after being served with such notice and upon complying with the other provisions of this subsection make application for such further appeal or appeals or recount or final addition as is provided

for herein and shall proceed the same as if said application had been made within the said eight days.

(2) At least four days' notice in writing of the time and place appointed shall be given by the applicant to the candidates and to the returning officer ~~and the election clerk or clerks~~ and the notice so given shall state upon whose application the recount is being had, and the judge may at the time of the application or afterwards direct that service of the notice upon the returning officer ~~and election clerk or clerks~~ may be substitutional or may be made by mail or in such other manner as he thinks fit.

(3) The judge may require the clerk of the court to be present at the time and place required.

(4) The returning officer, his supervisor or supervisors, and his election clerk or clerks, shall attend at the time and place appointed with the ballot boxes and documents required for the appeal or recount.

(5) The ballot boxes and documents shall continue in the custody of the returning officer and he shall be responsible for them subject to any directions which the judge may give in respect thereto. The returning officer shall be present at the recount or final addition and each candidate shall be entitled to be represented by not more than two agents and may himself be present.

(6) Where a candidate is not represented any two voters who declare their desire to attend on his behalf shall be entitled to attend.

(7) Except with the sanction of the judge no other person shall be present.

(8) At the time and place appointed and in the presence of the said persons the judge shall --

- (a) hear and determine appeals from the decision of the returning officer in respect to any ballots;
- (b) recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be; and

(c) in the case of a recount open all the sealed envelopes containing --

- (i) the used ballot papers which have been counted;
- (ii) the rejected ballot papers;
- (iii) the cancelled ballot papers;
- (iv) the declined ballot papers;
- (v) the unused ballot papers.

(9) The judge shall as far as practicable proceed continuously allowing only time for refreshment and excluding except so far as he and the persons present agree the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

2. During such excluded time and time for refreshments the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the persons present as desire to affix their seals and shall otherwise take all necessary precautions for the security of such papers and documents.

(10) The judge shall in the case of a recount proceed according to the rules for ~~the~~ counting of the ballot papers at the close of the poll by a returning officer and shall verify and correct the statement of the poll.

(11) The judge may upon an appeal from the decision of the returning officer as hereinbefore provided receive such oral evidence as may be adduced by any of the parties to the appeal in respect of the ballot paper or ballot papers appealed against.

(12) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes and upon the completion of a final addition he shall seal up the original statements in their respective envelopes.

(13) Where either party requests him to do so the judge shall number on the back, the disputed ballots and enclose them in a separate envelope.

(14) The decision of the judge on all appeals from the

decision of the returning officer shall be final and if no recount or final addition has been demanded the judge shall forthwith certify the result to the returning officer, who shall then forthwith declare elected the candidate having the largest number of votes, taking into account the result of the appeals.

(15) In case of an equality of votes the returning officer shall determine the candidate to be declared elected by application of the proper regulations provided by this Act.

2. The costs of appeals and of the recount or final addition shall be in the discretion of the judge, who may order by whom, to whom, and in what manner the same shall be paid.

(16) The judge shall tax the costs and shall as nearly as may be follow the tariff of costs with respect to proceedings in the District Court.

(17) When costs are directed to be paid by the applicant the moneys deposited as security for costs shall be paid to the party entitled thereto so far as necessary.

(18) If the deposit is insufficient execution may issue out of the District Court upon the Judge's order for the balance.

SECRECY OF PROCEEDINGS.

Every person in attendance at a polling place or at a counting of votes shall maintain and aid in maintaining the secrecy of the voting.

No person shall interfere or attempt to interfere with a voter when marking his ballot paper or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted.

No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has

marked it so as to make known to any person the name of the candidate for whom he has voted.

Every returning officer and every officer, clerk, constable agent and other person authorized to attend at a polling place or at the counting of the votes shall before entering on his duties take the oath of secrecy in Form ____.

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

The provisions of the Contraverted Municipal Elections Act of Alberta, being Chapter 117, of the Revised Statutes of Alberta, 1922, shall apply to ^{all} elections held in the City of Lethbridge.

IRREGULARITIES IN CONDUCT OF ELECTION.

No Election shall be declared invalid by reason of --

- (a) any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll; or
- (b) a failure to hold a poll at any place appointed for holding a poll; or
- (c) non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes or as to limitations of time; or
- (d) any mistake in the use of the forms contained in the schedule hereto;

if it is shown to the satisfaction of the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such irregularity, failure, non-compliance or mistake did not materially affect the result of the election.

TITLE _____

SCHOOLS and SCHOOL TRUSTEES.

The boards of public and separate school trustees of any district of which the City forms part shall give notice to the City Clerk before the 15th day of November in each year of the number of vacancies required to be filled to make the school board complete.

When notice has been given to the City Clerk provided in the next preceding section the nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and commissioners.

All the provisions of this Act contained respecting election and qualification of commissioners and the qualification of electors shall mutatis mutandis apply to the election of school trustees, except that a school trustee may be either male or female.

In the list of qualified voters to be delivered to the returning officer by the City Clerk before the opening of the polls the City Clerk shall place opposite the names of any persons on the said list who are assessed on the last revised assessment roll as supporters of separate schools the letters "S.S.S" and no deputy returning officer (or assistant deputy returning officer) shall deliver to any such person a ballot paper for the public school trustees.

In case any objection is made to the right of any person to vote at an election of school trustees the officer presiding at the poll shall require the person whose right of voting is objected to, to take the oaths required by ~~section 4, of Title~~

A separate set of ballot papers shall be prepared by the returning officer at each election containing the names of the candidates nominated for school trustees in the same form as

those used for the election of commissioners except that the words "public" or separate school trustee" shall be substituted for the word "Commissioner" thereon.

The Boards of School Trustees of all school districts of which the City forms part, shall give notice to the City Clerk on or before the 30th day of June in each year, of the amount required by them for the purposes of their schools during the current year, but such sums shall not exceed an amount equal to fifteen mills on the dollar, according to the last revised assessment roll of the City on the property liable to assessment for ordinary school purposes with such additional amount as may be necessary to meet any debenture debt that may have been incurred and may be coming due and for the purposes of this section all land and personal property and income in any portion of any such district not within the limits of the City shall be deemed to be within the limits thereon, and be assessed and taxes collected thereon as if the same were in such limits.

Any debenture issued by a School District situated either wholly or in part in the City of Lethbridge, shall be valid and binding on the said district notwithstanding any insufficiency in form or substance or otherwise of the By-law or of the authority of the school district in respect thereof, provided that the By-law has received the assent of a majority of the qualified voters voting thereon and that no successful application has been made to quash it within one month after its final passing.

TITLE _____

INITIATIVE.

Any proposed By-law may be submitted to the Council by petition signed by duly qualified electors, entitled to vote on the said By-law, and equal in number to not less than twenty (20) per cent, of the total number of persons who voted at the last election for commissioner, if such petition be filed in the office of the City Clerk and contain a request that the proposed By-law if not passed by the Council shall be submitted to a vote of the electors qualified to vote thereon, the Council provided said By-law be one which it has a right to pass, shall -

- (a) Pass said By-law without alteration within twenty (20) days after the attachment of the City Clerk's certificate of sufficiency to such petition; or
- (b) Forthwith after the City Clerk shall attach to the petition accompanying such By-law his certificate of sufficiency, the Council shall call a special election, unless a civic election is held within thirty (30) days thereafter, and at such special or civic election, if one is to be held, such By-laws shall be submitted without alteration to the vote of the electors of the City qualified to vote thereon.

2 The ballots used when voting upon the said By-law shall contain these words: "For the By-law", "against the By-law" (stating the nature of the proposed By-law). If a majority of the qualified electors or burgesses voting upon the proposed By-law, shall vote in favour thereof, such By-law shall thereupon become^a valid and binding By-law of the City; and any By-law proposed by petition or which shall be adopted by a vote of the electors or burgesses cannot be repealed or amended except by a vote of the said electors or burgesses.

Any number of proposed By-laws may be voted upon at the same election, in accordance with the provisions of this section but there shall not be more than one special election in any period of three months for such purpose.

The Council may submit a By-law for the repeal of any such By-law, or for amendment thereto, to be voted upon at any succeeding general civic election; and should such By-law so submitted receive a majority of the votes cast thereon at such election such By-law shall thereby be repealed or amended accordingly. Whenever any By-law is required by this Act to be submitted to the electors of the City at any election, the City Clerk shall cause such By-law to be published once in a newspaper in the said City; such publication to be not more than twenty or less than five days before the submission of such By-law to be voted upon.

Petitions under provisions of this Title may consist of one or more distinct papers. In each of such papers a By-law, the passage of which is requested, shall be set forth or referred to and all such papers filed in any one day, in the office of the City Clerk, shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the Council, shall have the City Clerk's certificate of sufficiency, or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under Section __, Title __ of this Act. Any By-laws passed under the provisions of this Title by the Council, or by the electors, may prescribe such penalty for each violation as the Council shall have a right to affix to a like By-law for a breach thereof.

TITLE

--REFERENDUM--

No new By-law passed by the Council, except such as relates to the immediate preservation of the public health, safety or peace and which contains a statement of its urgency, shall go into effect until the expiration of twenty days from the time it shall be on file in the office of the City Clerk, open for public inspection.

If during the said twenty days, a petition signed by duly qualified voters entitled to vote on such By-law and equal in number to twenty per cent of the total number of persons who voted at the final election then last held, and protesting against the passage of such By-law, shall be filed in the office of the City Clerk, such By-law shall be suspended from going into operation, and it shall be the duty of the Council to reconsider the same, and if it is not entirely repealed the Council shall submit it, as is provided in the preceding Title to the duly qualified voters of the City, entitled to vote on such By-law and the said By-law shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid voting on the same shall vote in favor thereof.

The vote upon such By-law at a general election shall be taken by ballot in answer to the question "Shall the By-law (Stating the nature of the same) take effect?" which shall be printed on the ballot after the list of candidates, if there be any.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the By-law, the passage of which is protested, shall be set forth or referred to, and all such papers filed in any one day shall

be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signature, examined, re-examined presented to the Council, and shall have the City Clerk's certificate of sufficiency attached thereto.

T I T L E

RECALL.

The Mayor or any Councillor may be removed from office by the voters qualified and entitled to vote at civic elections, and the procedure to effect his removal shall be as follows:

A petition signed by duly qualified voters, entitled to vote and equal in number to not less than fifteen per cent of the total number of persons who voted at the final election then last held, demanding an election of a successor to the person sought to be removed, shall be filed in the office of the City Clerk.

Such petition shall contain a general statement of the grounds upon which the removal is sought.

It need not be on one paper, but may consist of several distinct papers, each containing the said demand and substantially upon the same grounds, and all papers containing the said demand and statement which, in any one day, shall be filed at the office of the City Clerk, shall be deemed parts of the same petition.

Every signer shall add to his signature his place of residence, giving the street and number, if any.

One signer of every such paper shall make oath upon his information and belief, before a Notary Public or a Justice of the Peace, that the statements therein made are true, and that each signature to such paper is a genuine signature of the person whose name it purports to be.

Within ten days after the date of the filing of such petition, the City Clerk, for whom the Council shall provide such assistance as may be necessary, shall examine the petition to ascertain whether or not it is signed by the requisite number

of voters as above prescribed, and shall attach to said petition his certificate showing the result of his examination.

If, from the City Clerk's certificate the petition appears not to be signed by the requisite number of voters, it may be supplemented, within ten days after the date of such certificate, by other papers, signed and sworn to as aforesaid, and all other papers containing a like demand and statement, and signed and sworn to as aforesaid, shall be deemed supplemental to the original petition.

The City Clerk shall, within ten days after the expiration of the time allowed for filing the supplementary petition, make a like examination of such petition, if any is filed, and shall attach thereto a new certificate, and, if it appears from such new certificate that the petition is still insufficient as to the number of signers as aforesaid, it shall be returned to the person or persons filing the same, without prejudice however, to the filing of a new petition to the same effect.

If the petition as originally filed or as supplemented, shall be certified by the City Clerk to be sufficient, he shall present the same to the Council without delay, and the Council shall order the election so demanded, and shall fix a date for holding the same, which shall not be less than thirty nor more than forty days after the date when the petition was presented by the City Clerk to the Council.

The City Clerk shall make or cause to be made all arrangements for holding such election, and the same shall be held and conducted, returns thereof made and the results thereof declared in all respects as in the case of other civic elections.

The successor of any person removed shall hold office during the unexpired term of his predecessor.

Any person sought to be removed may be a candidate at such election, and unless he requests otherwise in writing, the City Clerk shall place his name on the official ballots without nomination.

The person receiving the highest number of votes shall be declared elected.

If a person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed to be removed from office.

In case a person other than the incumbent receives the highest number of votes he shall be sworn into office within one week after his election.

If the incumbent receives the highest number of votes he shall continue in office until the end of the term which he was serving at the time of such election, unless sooner removed therefrom by new and like proceedings.

The name of no candidates other than the persons sought to be removed shall be printed on the official ballots to be used at such election, unless such candidates be nominated as hereinbefore provided at a preliminary election.

T I T L E _____

VACANCIES.

Any member of the Council may resign his or her seat in the Council at any meeting of the Council with the consent of the majority of the members present.

In case of the resignation, death or removal of any member of the council or in any event of a vacancy occurring in the Council from any cause whatsoever the Council at its next meeting shall order an election and the member so elected shall hold office for the unexpired period of the member whose place he was elected to fill:

Provided always that if such unexpired period shall be less than two months the Council may instead of ordering an election may appoint some person to complete such term.

If after the election of any person as a member of the Council he is convicted of felony or infamous crime or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the Council entered upon its minutes, his seat in the Council shall ipso facto become vacant and the council shall forthwith declare the seat vacant.

In the event of a member of the Council forfeiting his seat at the council or his right thereto or becoming disqualified to hold his seat or of his seat becoming vacant by disqualifications or otherwise he shall forthwith resign his seat and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat him as hereinafter provided.

In case the validity of the election of any Councillor or his right to hold the seat is contested the same may be tried by a judge. Any candidate at the election or any elector who gave or tendered his vote thereat or in case of an election by

acclamation or in case the right to sit is contested on the ground that a member of the council has become disqualified or has forfeited his seat since his election, any elector may be the relator for the purpose.

If within one month after the election a relator shows by affidavit to a judge reasonable ground for supposing that the election was not legal or was not conducted according to law or that the person declared elected thereat was not duly elected or for contesting the validity of the election of any Councillor or in case at any time a relator shows by affidavit to a judge reasonable ground for supposing that a member of the Council has forfeited his seat or has become disqualified since his election and has not resigned his seat, the Judge may grant his fiat authorizing the relator upon entering into a sufficient recognizance as hereinafter provided to serve a notice of motion in the nature of a quo warranto to determine the matter.

(a) The recognizance shall be entered into before the Judge or before a Commissioner for taking affidavits by the relator in the sum of \$200.00 and by two sureties, to be allowed as sufficient by the Judge upon affidavits of justification, each in the sum of \$100.00; and shall be conditioned to prosecute the motion with effect and to pay to the party against whom the motion is made, who is herein called "the respondent" and costs which maybe adjudged to him against the relator.

(b) When the sufficiency of the said sureties has been determined and the said recognizance has been allowed as sufficient by the Judge he shall vote or indorse thereon and upon the fiat allowing service of the notice of motion the words "recognizance allowed" and shall initial the same.

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

the day of service.

(a) The relator in his notice of motion shall set forth his name in full, his occupation, place of residence and the interest which he has in the election as a candidate or an elector and shall also state specifically under distinct heads all the grounds of objection to the validity of the election complained against and in favor of the validity of the election of the relator, or of any other person or persons where the relator claims that he or they or any of them have been duly elected or on the grounds of forfeiture or disqualification of the respondent or as the case may be.

Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to rely except where viva voce evidence is to be taken. In that case he shall name in his notice the witnesses whom he proposes to examine.

The notice of motion shall be served personally unless the person to be served keeps out of the way to avoid personal service in which case the judge upon being satisfied thereof by affidavit or otherwise may make an order for such substitutional service as he thinks fit.

Service of the notice of motion shall be made within two weeks from the date of the fiat so granted by the judge unless otherwise ordered by the judge.

In case the relator alleges that he himself or some other person has been duly elected the motion shall be to try the validity both of the election complained of and of the alleged election of the relator or other person or persons.

In case any of the grounds of objection apply equally to two or more persons elected the relator may proceed by one motion against such persons.

Upon hearing of the motion the relator shall not be allowed to object to the election of the respondent or to attack his right to sit or to support the election of any person alleged to have been duly elected upon any ground not specified in

the notice of motion; but the judge in his discretion may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties as may appear in the evidence before him.

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

The judge may if he thinks proper at any stage of the proceedings make an order adding the returning officer or any deputy returning officer or assistant deputy returning officer or any person as a party thereto.

The judge may allow any persons entitled to be a relator to intervene and prosecute or defend and may grant a reasonable time for that purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings.

The judge shall in a summary manner without formal pleadings hear and determine the validity of the election or the right of the respondent to sit, and may enquire into the facts on affidavit or affirmation or by oral testimony.

In case the election complained of is adjudged invalid the judge shall by the judgment order the respondent to be removed and his seat shall ipso facto be vacated; and in case the judge determines that any other person was duly elected, the judge shall forthwith order such other person to be admitted to the office.

Where an election has been held invalid owing to the improper refusal of any returning officer or deputy returning officer or assistant deputy returning officer to receive ballot

papers tendered by duly qualified electors or to give ballot papers to duly qualified electors the judge may in his discretion order the costs of the proceedings to unseat the person declared elected or any part thereof or any other costs to be paid by such returning officer, deputy returning officer or assistant deputy returning officer.

(a) Nothing herein contained shall affect any rights of action against a returning officer, deputy returning officer, or assistant deputy returning officer, or shall be deemed to relieve such returning officer, deputy returning officer, or assistant deputy returning officer from any other penalty or punishment to which he may be liable under the provisions of this Act.

After the adjudication upon the case an order shall be drawn up in the usual manner which shall state concisely the ground and effect of the decision which order may be at any time amended by the judge in regard to any matter of form and the order shall have the same force and effect as a writ of mandamus formerly had in the like case.

The judge shall immediately after his election return his order with all things had before him touching the same to the proper office of the Court in which the proceedings are entitled there to remain on record as a judgment of the Court; and as occasion requires the judgment may be enforced in the same manner as an ordinary order of mandamus and for the costs awarded by writs of execution.

Any person whose election is complained of, unless such election is complained of on the ground of corrupt practises on the part of such person, or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat may within one week after service on him of a notice of motion as aforesaid transmit postpaid through the post office direct-

ed to the "Clerk of the Supreme Court, Lethbridge," and also to the relator or his advocate or he may cause to be delivered to the said clerk or deputy clerk and to the relator or his advocate a disclaimer signed by him in the form or to the effect following:

"I, A.B., upon whom a notice of motion in the nature of a quo warranto has been served for the purpose of contesting my right to the office of Councillor of the City of Lethbridge, do hereby disclaim the said office and all defence to any right I may have to same.

"DATED this day of

"(Signed) A.B."

The disclaimer or the envelope containing the same shall be endorsed on the outside thereof with the word "disclaimer" and shall be registered at the post office where it is mailed.

Where there has been a contested election the person elected may at any time after the election and before his election is complained of deliver to the City Clerk a disclaimer signed by him as follows:

"I, A.B., do hereby disclaim all right to the office of Councillor for the City of Lethbridge and all defence of any right I may have to the same.

DATED this day of

"(Signed) A.B.,"

A disclaimer filed under Section 24 of this title shall relieve the person making it from all liability to costs and where a disclaimer has been made in accordance with sections and ____ of this title it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by section ____ of this title.

Every person disclaiming under Section ____ of this title shall deliver a duplicate of his disclaimer to the City Clerk shall forthwith communicate the same to the Council.

The procedure in any proceeding under this Act shall be that of the Supreme Court in like cases as far as the same is applicable.

TITLE _____
MEETINGS OF COUNCIL.

The first meeting of the Council in each year shall be held on the third day of January except when that day is a public holiday, in which case the meeting shall take place on the next subsequent day which is not a holiday, and the Council shall hold regular meetings at least once a week.

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

The Council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct, but the person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting.

TITLE _____
MAYOR

The Mayor shall be the chief executive officer of the City and it shall be his duty to be vigilant and active in causing the laws governing the City to be duly executed, to inspect the conduct of all civic officers and so far as is in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the Council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the City.

The Mayor may suspend any municipal officer, who has been appointed by the Council and he shall thereupon report such suspension and the reason therefor to the Council who may either

dismiss or reinstate the suspended officer and in case he is afterwards dismissed such officer shall receive no salary or remuneration from the date of such suspension unless the Council by a resolution to be passed by a two-thirds vote otherwise determine.

The Mayor shall preside at all meetings of the Council. He shall preserve order, and enforce the rules of the Council and he shall sign, jointly with the Treasurer all the cheques issued by the City.

At the first meeting of the Council in each year, the Council shall appoint a Vice-mayor to act in the absence or illness of the Mayor, and who shall have all the power of the Mayor during such absence or illness. Such appointment shall be for three months, and a new Vice-mayor shall be appointed each three months.

If the person who ought to preside at any meetings of the Council does not attend within fifteen minutes after the hour appointed for the meeting the members of the Council who are present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had.

The Mayor or other officer presiding at any meeting of the Council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise and, save as otherwise provided herein, any question upon which there is an equality of votes shall be deemed to be negatived.

The Mayor shall call special meetings of the Council whenever requested in writing, so to do by a majority of the Council and all members of the Council shall be duly notified

of the meeting of at least eight hours prior thereto and in general terms of the business to be transacted thereat.

If so requested at any time by the written petition of fifty electors the Mayor shall by a printed public notice conspicuously posted up in at least ten places in the City, call a public meeting of the electors for the discussion of the municipal affairs of the City or of any matters relating thereto.

TITLE 13.

MANAGER'S OFFICE AND DUTIES

1. SUBJECT to the Legislative Powers especially conferred on the Council there shall be vested in the Manager the following powers:

- (a) Collection of taxes, management of electric light and power system; the water works of the City, the street railway, City coal mines, streets, sidewalks, boulevards, parks, police and fire assessment departments and such other duties and powers as from time to time shall be vested in him by By-law or resolution of the Council, but his powers shall not include hospital and public library finance.
- (b) The Manager shall attend all Council meetings.
- (c) He shall submit estimates of revenue and expenditures for the year at such time as he may be required to do so by the Council.
- (d) He shall study and familiarize himself with every phase of the financial condition of the City and its commitments and requirements and bring to the Council such recommendations as he thinks advisable.
- (e) The Manager shall spend no money that has not been previously voted by the Council.
- (f) He shall submit reports to the Council on any work or matter under his management at any time when required so to do by resolution of the Council.
- (g) The Manager shall appoint all officers and engage employees of the City except such as the Council are authorized by the Act to appoint. He shall fix the salaries of such employees as he appoints and shall have power to dismiss them.
- (h) He shall be the purchasing agent for the City and shall purchase all material and supplies required by the City.
- (i) When the amount of any purchase will exceed the sum of \$50.00 he shall first obtain competitive tenders except in case of emergency, and if the amount of the purchase will exceed \$300.00, he shall report such tenders to the City Council before excepting or rejecting any of the tenders.
- (j) All powers not especially given to the Manager, in this Act, shall be exercised by the Council.

TITLE _____

OFFICIALS.

1. The Council shall appoint a City Manager, a City Clerk, Treasurer, a City Solicitor, a City Engineer, a Sanitary Health Officer, an Assessor, and one or more auditors.
2. The Council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender.
3. All officers appointed by the Council shall hold office during the pleasure of the Council or according to the terms expressed in the By-law by which they are appointed and in addition to the duties assigned to them by this Act or by the general law of the Province of Alberta shall perform such other duties as may be required of them by the By-laws of the Council.
4. In addition to defining the duties of any officer the Council may by By-law require him to give such security as they deem expedient for the faithful performance of his duties, and during the month of January in each year all such securities shall be produced to the Mayor and shall be laid by him before the Council.
5. The Bonds, or policies of guarantee of any corporation empowered to grant securities, bonds, or policies for the integrity and faithful accounting of public officers or servants occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the City.
6. Every officer, servant and agent of the City shall be personally liable for any damage arising from his acts or by defaults or from his refusal or neglect to discharge the duties imposed upon him by law or by this Act or by the By-laws

of the Council in addition to any penalties otherwise imposed for the said acts or defaults.

7. The Council may grant any officer who has been in the service of the City including its previous existence as a town for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

TITLE _____

CITY CLERK'S OFFICE AND DUTIES

The City Clerk shall attend all meetings of the Council and shall truly record in a book without note or comment all resolutions, decisions and other proceedings of the Council and if required by any member present shall record the name and vote of every member voting on any matter submitted. He shall safely keep all books, documents, records and accounts of the Council and the originals or duly certified copies of all By-laws entered.

In case the City Clerk is absent or is incapable of performing his duties the Council may by resolution appoint some person to act in his stead during the period of such absence or incapability; and during such period the person so appointed shall have all the powers of the City Clerk,

Any elector, may at all reasonable times inspect any books, records, documents or accounts in the possession of the City Clerk including minutes of proceedings of the Council or of committees of the Council, assessment rolls, voters' lists, poll books, and all other documents in the possession of the City Clerk, and the City Clerk shall within a reasonable time furnish copies of any such documents or extracts therefrom to any such applicant at the rate of ten cents per hundred words.

A copy of any such book, record, document or account certified under the hand of the City Clerk and the City Seal may, after the original thereof has been produced, be filed in Court in lieu of such original and shall be received in evidence without proof of the seal of the City or of the signature or official character of the person appearing to have signed the same unless the Court or a judge thereof otherwise orders.

TITLE _____

TREASURER'S OFFICE AND DUTIES.

The Treasurer shall receive and safely keep all moneys belonging or accruing due to the City from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by By-laws or by resolutions of the Council.

The Treasurer shall daily or as often as the Council may direct deposit in the name of the City in some chartered bank designated by resolution of the Council all moneys received by him in excess of \$100.00 and he shall jointly with the Mayor sign all necessary cheques.

In addition to any other books which the Council may require him to keep the treasurer shall keep a book to be known as the "Cash Book" on the left hand page of which he shall enter in consecutive order all sums of money received by him, the date of the receipt thereof, and the names of the persons from whom and on what account the same were received and the amounts thereof; and on the right hand page he shall in like order enter all moneys paid out by him, the date of payment thereof, the persons to whom and on what account the same were paid and the amount thereof.

(b) The "Cash Book" shall at all times be open for inspection by any member of the Council and by the auditors and shall be produced and exhibited by the Treasurer at all meetings of the Council at which he shall be directed to produce it; and at the times of such meetings it shall show the balance on hand in two items, namely: (1) the balance deposited to the credit of the City and (2) the balance remaining in the hands of the treasurer.

(c) No entry other than ^acash entry shall be made in the "Cash Book" but the Treasurer shall keep a book to be known

as the "Journal" in which he shall duly enter all debits and credits not consisting of cash.

(d) The term "Cash" shall mean lawful currency of Canada, cheques and other representatives of cash as are usually received and credited as cash by the chartered banks of Canada.

(e) The "Cash Book" and "Journal" shall be provided at the expense of and shall be the property of the City.

(f) The Treasurer shall also prepare and submit to the Council half-yearly or oftener if required by the Council a correct statement of the financial affairs of the City.

TITLE _____
PLAN OF CITY

The Council may appoint a City Engineer whose duty it shall be to prepare such plans or books of reference as the Council may direct and perform such other duties as are required of him by any By-law of the City.

No building shall be hereafter erected in the City of Lethbridge unless and until plans and specifications thereof have been filed with the City Engineer or some other officer appointed by the Council therefor and approved by him and any person contravening the provisions of this sub-section shall be liable to a penalty of \$100.00.

TITLE _____
CITY SOLICITOR.

The Council may appoint a member of the law society of the Province of Alberta as City Solicitor and may determine his duties and the terms and period of his employment.

In case the remuneration of the City Solicitor so appointed is to be wholly or partly by salary, the City shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the City is a party; provided such costs are by terms of the engagement of the City Solicitor payable to him as part of his remuneration in addition to his salary.

TITLE _____

AUDIT.

The Council shall at its first meeting in each year or within one month thereafter appoint one or more auditors who shall be members of the institute of chartered accountants of Alberta, but no one who then or during the preceding year is or was a member of the Council, or is or was City Clerk or who has had during the preceding year directly or indirectly, alone, or with any other person a share or interest in any contract or employment with or in behalf of the City, except as auditor, shall be so appointed.

The auditor or auditors so appointed shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the City or relating to any matter under its control or within its jurisdiction and after the examination of every account, voucher, receipt and paid debenture shall initial the same.

The Council may by By-law provide that the auditor or auditors shall audit all accounts before they are paid.

On or before the first day of March in each year the Auditor or auditors shall prepare, in such form as the Council may by resolution direct, an abstract of the receipts, expenditures, assets and liabilities of the City up to the 31st day of December of the preceding year, including a statement showing the total amount of debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand and shall make a special report respecting any expenditure made contrary to law and shall deliver the said abstract and report to the Mayor, who shall lay the same before the Council at its next meeting.

Any elector may inspect the said abstract and report and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

On or before the first day of April each year the Council shall cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the City, such newspaper to be designated by resolution of the Council.

TITLE 20

ASSESSORS AND CONSTABLES.

1. The Council may appoint such assessor or assessors as they deem necessary to make the assessment of the assessable property of the City annually, biennially or triennially as the Council may determine; who shall have the powers and perform the duties hereinafter specified.

2. The Manager may appoint, remove and prescribe the duties of a Chief Constable and other members of the Police Force, a Chief and other members of the Fire Brigade and such other officers, servants and agents as he may from time to time consider it necessary to appoint or employ for the purpose of any of the duties of policing or fire protection of the City.

TITLE _____

OATHS OF OFFICE

Every member of the Council, the Manager, the City Clerk every assessor, the City Solicitor, and every civic officer who may by the terms of his appointment be required so to do, shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

" I, A.B., DO SOLEMNLY PROMISE AND DECLARE that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (inserting the name of the office), (or if the case of a person who has been appointed to two or more offices, which he may lawfully hold at the same time) that I will truly, faithfully and impartially to the best of my knowledge and ability execute the offices of (as the case may be) to which I have been elected (or appointed) in this City, and that I have not received, and will not receive any payment or reward or promise thereof, for the exercise of any ~~impartiality~~ malversation or undue execution of the said office (of offices) and that I have not by myself or partner either directly or indirectly any interest in any contract with or on behalf of the said City, save and except that arising out of my office as (naming the office). SO HELP ME GOD.

Any person who has been elected or appointed to two or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

3 Every returning officer, deputy returning officer, assistant deputy returning officer, poll clerk, constable or other, officer appointed to act at an election, shall, before entering upon the duties of this office make and subscribe a solemn

declaration to the following effect:

" I, A.B., DO SOLEMNLY PROMISE AND DECLARE that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (inserting the name of the office) to which I have been appointed in this City, and that I have not received, and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office. SO HELP ME GOD."

When any oath or affirmation or declaration is required to be taken or made by a deputy returning officer or assistant deputy returning officer and no special provision is herein made therefor the same may be made and subscribed before the returning officer or before the poll clerk, or any Justice of the Peace, and the returning officer or any Justice of the Peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

The declaration of office to be made and subscribed by every auditor shall be as follows:

" I, A.B., having been appointed to the office of auditor for the City of Lethbridge, do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability, and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, if re-appointed) with, by, or on behalf of the City, during the preceding year, and that I have not any such contract or employment except that of auditor for the present year. SO HELP ME GOD."

The Mayor and Councillors and the civic officers who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some justice of the peace or other person to administer oaths or before the City Clerk; the declaration of the City Clerk shall be made and subscribed before a Justice of the Peace and the person before whom the declaration is made shall give the necessary certificate of its having been duly so made and subscribed.

The Mayor or any Justice of the Peace may administer any oath, affirmation or declaration relating to the business of the City except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the City Clerk who shall preserve it among the city records.

The Mayor or in his absence the presiding officer of the Council may administer an oath or affirmation to any person concerning any account or other matter submitted to the council.

TITLE _____

GOVERNMENTAL COMMISSION OF INQUIRY.

In case one-third of the members of the Council or sixty burgesses of the City petition the Lieutenant Governor in Council for a commission to issue under the Great Seal to enquire into the financial affairs of the City, the Lieutenant-Governor in Council may issue a commission accordingly and the Commissioner or Commissioners shall have all the powers of commissioners appointed under Chapter 12 of The Consolidated Ordinances, 1898, intituled "AN ORDINANCE RESPECTING INQUIRIES CONCERNING PUBLIC MATTERS."

TITLE _____

JUDICIAL COMMISSION OF INQUIRY.

In case the Council pass a resolution requesting a Judge to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the Council or Commissioner or other officer, servant or agent of the City or of any person having a contract therewith in relation to the duties or obligations of such person to the City or in case the Council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the City, or the conduct of any part of the public business thereof and pass a resolution requesting a judge to make the inquiry the judge shall inquire into the same and thereupon he shall for that purpose have all the power which may be conferred upon commissioners under Chapter 12, of The Consolidated Ordinances, 1898, intituled "AN ORDINANCE RESPECTING INQUIRIES CONCERNING PUBLIC MATTERS," and the Judge shall with all convenient speed report to the Council the result of the inquiry and the evidence taken thereon.

The Judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under Section 11, of Title ~~XXX~~ of this Act.

The Council requesting such investigation may engage and pay counsel to represent the City therein and may pay all proper witness fees to persons summoned to give evidence at the instance of the City and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by Counsel thereon.

The Council may at any time by resolution appoint a committee of its members to investigate any charge which may be made against any employee of the City and the Committee so appointed may summon such employee before it to answer the charge and shall have power to summon witnesses and to take evidence under oath and may pay all proper witness fees to persons summoned to give evidence and the committee shall report the result of its enquiry to the Council.

TITLE _____
LEGISLATIVE JURISDICTION

The jurisdiction of the Council shall be confined to the limits of the City except where authority beyond the same is expressly given by this Act.

From and after the passing of this Act the inhabitants of the City of Lethbridge as hereinbefore described and their successors shall be, and are hereby declared to be, a body politic and corporate in fact and law, by the name of "THE CITY OF LETHBRIDGE", and the said corporation by the same name shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law or in equity whatsoever. And shall have a common seal with power to alter and modify the same at their will and pleasure. And shall be in law capable of receiving by donation, acquiring, holding and disposing of and conveying any property real or personal for the use of the said City; of becoming parties to any contract or agreements in the management of the affairs of the City, of giving or accepting of any note, treasury bills, bills of exchange, bonds, obligations or other instruments or securities for the payment of, or securing the payment of any sum of money borrowed or loaned executing or guaranteeing the execution of any duty, right or thing whatsoever, and for the payment, or securing the payment of any money borrowed, or of paying loans made or debts owing by the said "The City of Lethbridge," or of taking up bonds that may become due, or of making a loan of loans or any other legitimate and sufficient purpose whatsoever. And for any of the purposes aforesaid the said corporation may grant and issue bonds for the sum or sums of money therein to

be specified, under the provisions hereafter set forth, payable at such time and times after the granting and issuing thereof and in such place or places, either in the Dominion of Canada or elsewhere, or either in the currency of Canada or of the country where the same are respectively payable as by the said Corporation may be thought advantageous or expedient; provided always that the said corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than one hundred dollars, and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void; provided always that nothing herein contained shall be construed to authorize the said Corporation to issue notes or bills of exchange payable to bearer or to issue notes to circulate as those of a Bank.

2-(a). The Council may by By-law raise money by way of city treasury notes upon any unpaid taxes due to the said City except the current year's taxes, and may issue such treasury notes to secure the said loan, such loan to be payable within a period not to exceed five (5) years, and the said notes shall be a good lien upon all unpaid taxes due at the time of the passing of the said by-law.

The Council may make By-laws for the peace, order, good government and welfare of the City of Lethbridge and for the issue of licenses and payment of license fees in respect of any business, for prohibiting the keeping of hogs or carrying on within the City any business which may be deemed prejudicial to the public health, and for establishing public slaughter houses, and for preventing, regulating and inspecting the erection or continuance of slaughter houses and prohibiting the slaughter of animals intended for food, excepting any animals slaughtered solely for the use of the person killing the same or of his family excepting in slaughter houses established by the City and approved by the Health Officer and for the preservation of public

health, and for from time to time defining by By-law areas within which no junk shop, livery stable, slaughter or packing house tannery, laundry, soap factory or other business or industry likely to be prejudicial to the public health shall hereafter be maintained or established.

Provided that no such by-law shall be contrary to the general law of the Province of Alberta, and shall be passed bona fide in the interests of the said City of Lethbridge.

And the Council may repeal or amend any such By-law except where the same has received the assent of the Burgesses of the City and in such case only when the repeal of the By-law is similarly assented to by the said Burgesses.

The Council may from time to time make By-laws for the purpose of making an assessment on all places of business and on all offices whether occupied for business or professional purposes, and such assessment shall be either on the rental value of the office or place of business occupied or upon the floor space occupied, and may levy a rate not exceeding twelve per cent on the rental value assessed, and the assessment on floor space may be made at different rates for the different businesses or professions according to the nature and importance thereof, and the Council may by the said By-law make all necessary regulations for making assessment and collecting the taxes as may be necessary.

The rate shall not exceed eight dollars per square foot except in the case of banks, loan companies or other financial institutions, in which case such rate shall not exceed fifteen dollars per square foot.

Wherever it is found by the Assessor that a business is being carried on, either wholly or partially, outside of any building, he shall fix a rate per square foot of the yard space used for such business, and shall as far as he deems practicable.

classify the various businesses, and hemay fix a different arte for each, but such rate shall not exceed four dollars per square foot.

All taxes authorized by any provision of THE LETHBRIDGE CHARTER or amendments thereto from time to time, shall when due be a special lien upon the goods and chattels and personal property of every kind and nature of the person liable to pay the same, except clothing, household furniture and furnishings, books of a professional man and the tools and necessary implements used by the person liable to pay the tax in thepractice of his trade or profession in priority to every claim, privilege, lien or encumbrance of every person except the King.

The said rental tax and floor space tax may be recovered by suit in any Court having competent jurisdiction in the name of the City of Lethbridge as an ordinary debt, from any person liabel to pay the same, and may also be recovered by distress and sale of any personal property belonging to such person at any time after such tax becomes due and payable.

That Section 2, of Chapter 54, of the Statutes of Alberta 1918, and Section 27, of Chapter 91 of the Statutes of Alberta 1922, and Section 12, of Chapter 44 of the Statutes of Alberta 1924, being amendments to Chapter 22 of the Statutes of Alberta 1913, are hereby repealed.

The foregoing provisions of this Act shallbe deemed to have been in operation on the 1st day of January, 1924, and any assessment or levy made on or after that date by vartue of the provisions of the sections repealed by paragraph ____ hereof, are hereby approved, ratified and confirmed and declared to be valid assessments and levies.

14. The Council may license as a special class the owners or operators of trucks propelled or moved by any motive power whatever, and may fix the license fee according to the tonnage width of tire or upon such other principle as it shall see fit. And may also license the owners or operators of motor vehicles used for hire and in so doing may impose a license for each vehicle used for hire. These powers shall be continuing powers and shall not be deemed to be revoked or suspended by Act of the Legislative Assembly of this Province unless the Act expressly revoked or suspends such powers.

15. The Council may license transient traders as a special class.

16. "Transient Trader" means a person doing business in the City of Lethbridge, who occupies premises for temporary purposes or who, not having resided in the City of Lethbridge for at least three (3) months, next preceding the time of the commencement by him of such business, offers goods, chattels or merchandise for sale by auction, or in any other manner and whether conducted by himself or a licensed auctioneer. The term shall include any person commencing business in the City of Lethbridge whose name is not entered on the assessment roll for the then current year in respect of any business.

17. The Council may license drays whether operating within the City or from within the City to without the City and may fix a license fee in accordance with the number of horses or other animals to be used for propelling the said dray, which fee shall be paid by the owner or the party operating such dray, and the City may define the meaning of the term "dray".

18. The City may license transient contractor, as a special class and fix such license fee and define the term

"Transient Contractor".

19. The Council may also license as a special class the owners or operators of trucks propelled by any motive power whatever and may fix the license fee according to the tonnage, width of tire, or upon any such other principle as it shall see fit. This special license fee shall not be set off against any business tax or any business tax against it.

20. The Council may also license as a special class the owners or operators of all automobiles owned and operated in the City of Lethbridge, such license not to exceed \$25.00 for each automobile, and may fix the license fee according to the weight of the car, the width of the tire, the length of the wheel base, or upon any other principle as shall seem fit. The license fee shall not be a set-off against any business taxes, or any business taxes against it. This license shall not be put into effect until the By-law providing therefor shall have first been approved by a two-thirds majority of a vote of the electors voting upon the said By-law.

21. The Council may by By-law license motor vehicles as defined under THE MOTOR VEHICLES ACT, being Chapter 195 of the Revised Statutes of Alberta, 1922, when used for hire and notwithstanding anything in the said Act.

2 The Council may by By-law prohibit any person or persons from removing or causing to be removed any building from one part of the City to another part thereof or from one lot to any other lot, ^{or} from within the City limits to any place outside the City limits or from tearing down or carrying away any building or any portion thereof without such person has first procured from the building inspector, for the City of Lethbridge, a permit to remove such building, and that the said inspector shall not issue such permit until such applicant shall have proven to him that all taxes levied on the said building and on the land, on which it is situated, have been paid, and may impose a penalty for infraction of such By-law, not exceeding One Hundred Dollars and costs, or in default of payment thereof, thirty days in jail.

The Council may also make By-laws for --

(a) Acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating and acquiring sufficient land, whether within or without the City for the convenient carrying on of brick works, bridges, cemeteries, parks, nuisance grounds, gravel pits, coal areas, coal pits, crematories, exhibitions, elevators, ferries, jails, gas (natural or manufactured), or electric light or power works, hospitals, lock-up houses, manufactories, markets, mills, poor-houses, roads, road or street construction plant and machinery, sewerage or drainage works, street railways, telephone systems, water powers, or water works;

(b) Granting to any telephone syndicate or company or gas or electric light or power syndicate or company or street railway syndicate or company any special franchise but no such franchise shall be exclusive;

(c) Contracting debts not payable within the current year

But any such By-law shall before the final passing thereof receive the assent of two thirds of the burgesses voting thereon.

(2) No by-law for any of the purposes mentioned in clauses (b) and (c) shall be passed if the City has a similar system undertaking or business in operation as a municipal public work nor shall any special franchise be granted for a longer period than twenty years.

(3) A debt contracted pursuant to a By-law and not payable within the current year shall be made payable within a period not in any case to exceed fifty years from the date of the issue of the debentures issued thereunder.

Notwithstanding any provision herein contained the City shall have no power -

(a) To grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill or railway or any other business or concern whatsoever either within or without the municipality.

(2) To exempt from taxation any such manufactory, mill or railway or other business or concern, nor subscribe for stock in or guarantee the bonds, debentures or other securities thereof:

Provided that the provisions in this section shall not apply to any agreement in existence at the time of the passing of this amendment between the City and any person, firm or corporation:

Provided also that if the Council of any City attempt to pass a By-law contrary to the above provisions in regard to bonus-ing, each member of the Council voting in favor of such By-law shall be liable on summary conviction to a penalty not exceeding One Hundred Dollars exclusive of costs, and such members of Council shall be disqualified from holding any municipal office for a period of two years;

And provided further that the City may sell to any person

firm or corporation, lands at any sum not less than the actual cost thereof to the City, plus interest at six per cent per annum, from the date of purchase or acquisition to the date of sale, or lease any lands, buildings or portion thereof to any person, firm or corporation at a rent equivalent to six per cent, per annum of the cost thereof to the City; and may also sell, distribute or deliver to any person, firm or corporation light, heat, power, water, gas, oil, electricity or coal at any price not less than the actual cost thereof to the City.

The Council may by By-law require that during the whole or any part of the year all or any class or classes of shops within the City shall be closed, and remain closed on each or any day of the week at and during any time or hour between six of the clock in the afternoon of any day and five o'clock on the forenoon of the next following day.

(a) The Council having passed any By-law in pursuance of the provisions of this Act may from time to time, by By-law amend the said By-law, changing the hours when the said shops shall be closed and remain closed, and substituting such other hours in the place and stead of the hours mentioned in the By-law and may repeal any By-law passed, or to be passed, and may pass any new By-law for closing the same or any other shops, either with or without any petition therefor being presented to the Council.

(b) Every such By-law shall take effect on a date named therein being not less than twenty nor more than thirty days after the passing thereof, and shall before that date be published in such manner as to the Council passing a By-law may appear best fitted to insure the publicity thereof.

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

(d) Nothing in any such By-law contained shall render the occupier of any premises liable to any fine, penalty or punishment, or for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason or because of an emergency arising from sickness, ailment or death; but nothing herein contained shall be deemed to authorize any person whomsoever to keep his shop open after the hour appointed by such By-law for the closing of shops.

(e) Where an offence for which the occupier of a shop is liable under any such By-law to any fine, penalty or punishment has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same penalty, fine or punishment as if he were the occupier.

(f) Where the occupier of a shop is charged with an offence against any such By-law he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the original charge; and the charges upon both informations shall be tried together and if after the commission of the offence has been proved, the said occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the By-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect, or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

(g) Nothing in the preceding sections of this Act or in any By-law passed under the authority thereof shall be deemed to render unlawful the continuance in a shop, after the hour

appointed for the closing thereof, of any customers who were in the shop immediately before that hour, and of the serving of customers during their continuance therein.

(h) Notwithstanding that a By-law passed or purporting to be passed under or pursuant to the provisions of this Act, may be invalid or ineffectual as to some shops or to some class or classes of shops, every such By-law shall, nevertheless, and to all intents and for all purposes, be held and deemed to be valid and effectual as respects any other shop or class or classes of shops, and the occupiers of any other shop or class or classes of shops, thereby required to be closed.

(i) In the foregoing subsections the expression "shops" means any barber shop or any building or portion of a building booth, stall or place where goods are exposed or offered for sale by retail, but not where the only trade or business carried on is that of a tobaccoist, news agent, victualling house, or refreshment house, nor any premises wherein under license spirituous or fermented liquors are sold and for the purpose of this Act sale by retail shall be deemed to include sale by auction; and the expression "closed" means not open for the serving of any customer.

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

Every By-law under this Act shall be under the seal of the City and shall be signed by the Mayor, or other person who presided at the meeting at which the By-law was finally passed, and countersigned by the City Clerk and every By-law shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at one meeting of the Council except by the unanimous vote of the members present thereat.

A copy of any By-law written or printed and under the seal of the City and certified to be a true copy by the Mayor or City Clerk shall be received as prima facie evidence of its due passing and of the contents thereof and that the same is an existing By-law and has not been repealed or altered without further proof in any Court unless it is specially pleaded or alleged that the Seal or the signature of the Mayor or the City Clerk has been forged.

In case no application to quash a By-law is made within two months next after the final passing thereof the By-law shall be valid and binding notwithstanding any want of substance or from therein or in the proceedings prior thereto or in the time or manner of the passing thereof.

The qualified voters of the City shall have power through the initiative and otherwise, as provided by this charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the City or any of the specified powers of the Council.

The City of Lethbridge shall have the right and power --

(a) To acquire by purchase, expropriation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, parks, play-grounds, places of recreation, fountains, baths, public toilets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, waterways, canals, sewerage and drainage works, manufactories, mills, road and street construction plants, elevators, brick works, bridges, gravel pits, coal areas, coal mines, exhibition grounds and buildings and all other public buildings, places, works and institutions;

(b) To acquire by purchase, expropriation or otherwise any land required for public purposes, and if the whole lot or lots, parcel or parcels are not required for a particular purpose the City may purchase, expropriate or otherwise acquire the whole of such lot or lots, parcel or parcels of land and may hold or re-sell the balance of said land not required either at private or public sale, but no sale shall be made until a notice of intention to sell has been published in at least three issues of one or more papers published in the City;

Subject to the approval of the Board of Public Utility Commissioners the City Council may by By-law set apart any portion or portions of the City of Lethbridge as a residential, manufacturing, warehouse or wholesale district or districts, and may regulate the nature, style and size of the buildings to be built within the said area, the distance the buildings should be built from the street line; the percentage of the area of the lots a building may cover, the height of the buildings and that no other building except one of the class designated for the district without the consent of the council by resolution, and to fix a penalty not exceeding one hundred dollars, for each offence under the By-law, or of one hundred dollars for each day of a continuing offence.

To acquire by purchase or agreement lots Twenty-four (24) Twenty-five (25) and Twenty-six (26) in Block Thirty-seven (37), according to a plan of part of the City of Lethbridge of record in the Land Titles Office for the South Alberta Land Registration District as "Lethbridge 4353-S", and the buildings thereon and to lease or re-sell the same either at public or private sale and on such terms as may be deemed advisable by the Council.

To provide for group insurance on all or a portion of the City employees, and to pay any portion of the premium on such insurance that the Council may deem advisable.

To establish, maintain, control and operate a prison farm or farms, reformatories, children's shelters or homes, tubercular, isolation, or other hospitals of any kind, within or with-

out the limits of the City, and to purchase, lease or acquire by expropriation proceedings under Title ____ hereof, or otherwise, the necessary land and to build, erect and maintain all buildings required therefor, provided that all land used by the City for any such purpose shall be deemed to be and shall form part of the City of Lethbridge in the same way as lands within the limits of the City, provided that the said lands shall not be exempt from taxation by the municipality in which same are actually situate.

(a) To define and control the class or classes of prisoners to be admitted to any such prison farm so established, and to employ or make use of, either with or without remuneration therefor, the services or labour of any person serving any sentence at any such prison farm.

To acquire by purchase, expropriation or otherwise and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works, within or without the City, and to supply the City and its inhabitants and also persons, firms and corporations outside the City, with water, gas, heat, power and electricity;

To acquire by purchase, expropriation or otherwise, and to establish, maintain, ~~own~~ own and operate within or without the City, telephone and cable, electric or other railways, ferries and transportation service of any kind, but no railway operated by steam shall extend beyond the city limits;

To sell gas, water, electric current and all products of any public utility operated by the City:

To acquire by purchase, expropriation or otherwise, within or without the City, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit;

(g) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the City;

(h) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional;

(i) To borrow money for any of the purposes for which the City is authorized to provide and for carrying out any of the powers which the City is authorized to enjoy and exercise and to issue bonds therefor;

(j) To join with one or more cities, towns or villages incorporated under the laws of the Province of Alberta in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor;

(k) Where the council decides to undertake or assist any of the enterprises mentioned in this title it may do so notwithstanding that the same may be wholly or partly without the limits of the city;

(l) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any By-law; but no penalty shall exceed five hundred dollars or six month's imprisonment, or both;

(m) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing committing or maintaining such nuisance;

(n) To offer rewards not exceeding five hundred dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the City, and to authorize the payment thereof;

(o) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety or damage to public property;

(p) To regulate the speed of railroad trains, engines and cars passing through the City and the speed of cars of street or interurban railway companies using the public streets of the City to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets street crossings or street intersections of the City; to regulate the speed with which persons may ride or drive or propel bicycles automobiles or other vehicles along or upon any of the streets, bridges or highways of the City;

(q) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal;

(r) To prevent or regulate the running at large of any animals, and to establish and maintain a pound or pounds and authorize the destruction or other disposition of any animals running at large;

(s) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread butter, cheese

lard, eggs, vegetables, breadstuffs milk and other food products offered for sale in the City, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled adulterated, or unwholesome, and to regulate and prevent bringing into the City or having or keeping within the City any such unsound, spoiled, adulterated or unwholesome products;

(k) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the City, whether within or without the City;

(u) To regulate and license lodging, tenement and apartment houses, and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition;

(v) To license for purposes of regulations and revenue all and every kind of business not prohibited by law to be transacted or carried on in the City; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise;

(w) The power of license shall include power to fix the fees to be paid for licenses, to specify the qualifications of the person to whom and the conditions upon which such licenses shall be granted to regulate the manner in which any licensed business shall be carried on, to specify the fees or prices to be paid by the Licensee, to impose penalties upon unlicensed persons or for breach of the conditions upon which any license has been issued or of any regulations made in relation thereto and generally to provide for the protection of licensees; and such power shall within the City extend to persons who carry on business partly within and partly without the City limits, provided that Chinese laundries or laundries where Chinese are employed may be licensed and regulated as a distinct class or business;

(x) The imposing or collecting of license fees shall in no case be held to prevent the assessment of any property held

or used by the license holders or the collection of any taxes lawfully imposed thereon;

7 To establish stands for hacks, public carriages, automobiles, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedule of such charges to be posted in or upon such public vehicles;

7 To levy and collect taxes upon all real and personal property within the City, subject to the limitations elsewhere in this Charter provided;

7 To order the repaying by the Treasurer of any taxes percentages or costs erroneously or illegally collected;

~~76.~~ To fix the fees and charges for all official services not otherwise provided for in this charter;

~~79.)~~ To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the Mayor;

~~80.77~~ To provide for the lease of any lands or tenements now or hereafter owned by the City.

~~80~~ To provide for the purchase of property levied upon or under execution in favor of the City, but the amount bid on such purchase shall not exceed the amount of judgment and costs;

() To provide for the sale at public auction, after advertising for five days of personal property unfit or unnecessary for the use of the City;

() To provide for the execution of all trusts confided to the City;

() To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the City, and to expropriate and acquire any and all property necessary or convenient for that purpose.

Whenever in the judgment of the Council or of the people the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the provisions of this Charter in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto;

To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and regulate and to prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless a By-law to that effect shall have been duly passed by popular vote, as provided in Article ____.

Whenever any street or portion of a street shall be abandoned or closed by By-law, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the Council shall deem that equity requires;

To fix and determine by By-law the rates or compensation to be collected by any person, firm or corporation in the City for the use of water, heat, light, power or telephone service

supplied to the City or to the inhabitants thereof, and to prescribe the quality of the service;

To regulate street railroads, their tracks and cars to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company;

To permit the laying down of spur tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads which do now or may hereafter enter the City, subject to such regulations and conditions as may be prescribed from time to time by the Council, such tracks to be used for transportation of freight only, and not to be used as main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Council;

To ~~use~~ the removal and placing underground of all telephone, telegraph, electric light or other wires within the City, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, lanes, highways and public places in the city.

To regulate the size and location of all water pipes gas pipes, and all other pipes and conduits laid or constructed

in the streets, lanes and public places, and to require the filling of charts and maps of such pipes and conduits;

() To make all rules and regulations governing elections not inconsistent with this charter;

() When the Council has authority to direct that any matter or thing shall be done by any person the Council may so direct that in default of its being done by such person it shall be done at the expense of the person in default and the City may recover the expense thereof with costs by action or in like manner as municipal taxes;

() To establish a bureau of civil service and to appoint a commission to serve without compensation, to administer the same under rules and regulations to be made by the Council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the City not excepted by the provisions of this charter, by the Council or by the people, for open, competitive and free examinations as to fitness, for an eligible list which vacancies shall be filled, and for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record;

() To establish a civil art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council;

() To establish a park commission, and to appoint commissioners thereon, to serve without compensation with such powers and duties as may be fixed by the Council;

() To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the Council;

() To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation with such powers and duties as may be fixed by the Council.

101. To establish a hospital commission or board to serve without compensation, with such powers and duties as the Council may fix, such commissioners to be appointed by the Council. The Mayor shall at all times be a member of the Commission or board, with the consent of the Manager.

102. To establish a police commission and to appoint commissioners thereon, to serve without compensation or with such compensation and with such powers and duties as the Council may fix;

103. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities;

104. To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City or any of the provisions of this Charter, and to exercise all powers not in conflict with the laws of the Province of Alberta, with this Charter or with ordinance adopted by the people of the City.

TITLE
CONCILIATION BOARD.

The City shall have power by By-law to appoint a person who shall take part on a conciliation Board whenever any dispute arises between the said City Council and any of its employees through Civic Union No 70, in regard to any question.

Either party may in writing request of the other party that within five days, they appoint a Conciliator to act with one appointed by the party applying for the purpose of settling the said dispute.

The two conciliators appointed by the parties shall then appoint a third, who shall be chairman of the Board.

If either party refuses to appoint a conciliator, or if the two first conciliators chosen either refuse to appoint a third, or fail to agree upon a third, then either parties may apply to the judge of the District Court of the District of Lethbridge or any Judge acting on his behalf, either to appoint a conciliator, who shall be chairman of the said Board, and the said Judge of the District Court shall have power to make such appointment.

As soon as the full Board shall have been appointed, both parties shall be notified by the Board of the time and place when the hearing shall take place. No member of the City Council and no civic employee shall be eligible to serve on the conciliation board.

The chairman shall be paid \$25.00 per day and his expenses and each of the other members of the Board shall be paid \$10.00 per day and his expenses. Each of the said parties shall pay their own conciliators and the costs of the chairman and other costs of the Board shall be equally divided between the parties.

Before entering into the exercise of the function of their office, the members of the Board shall make oath or affirmation before a Justice of the Peace that they will faithfully and impartially perform the duties of their office, and also that except in the discharge of their duties they will not disclose to any person any of the evidence or other matter brought before the Board.

For the purpose of its enquiry the Board shall have all the powers of summoning before it and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any Court of record in civil cases.

Any member of the Board may administer an oath and the Board may accept, admit and call for such evidence as in equity and in good conscience it thinks fit, whether strictly legal evidence or not, and may require any person to produce before the Board any books, papers or other documents or things in his possession, or under his control in any way relating to the proceedings.

Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

Every person whos is summoned and duly attends as a witness shall be entitled to an allowance to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper

or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence or is guilty in any manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board to be detained in custody until the arising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

Any party to a reference may be represented before the Board by Counsel or solicitor where allowed as hereinafter provided.

Persons other than British subjects shall not be allowed to act as members of a Board.

If without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he duly attended or had been represented.

The sittings of the Board shall be held at such time and place as are from time to time fixed by the Chairman, after consultation with other members of the Board, and the parties shall be notified by the Chairman as to the time and place at which sittings are to be held; provided that, so far as practicable, the Board shall sit in the locality within which the subject matter of the proceedings before it arose.

The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board on its own motion, or on the application of any of the parties may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the Board and the witnesses under examination shall withdraw.

The decision of a majority of the members at a sitting of the Board shall be the decision of the Board and the findings and recommendations of the majority of its members shall be those of the Board.

The presence of the Chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

In case of the absence of any member from a meeting of the Board the other two members shall not proceed unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

If any member of a Board dies, or becomes incapacitated or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

Either party to a dispute which may be referred under this Act to a Board may agree in writing at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a Court of Record.

TITLE 26.
SERVICE TAX.

1. Except as hereinafter provided every person, male or female of the age of twenty-one years or over, who resides in the City of Lethbridge for at least three months, shall upon the passing of a By-law therefor, pay to the City of Lethbridge each year, as part of the general revenues of the City, a tax for services by the City, herein referred to as "the Service Tax" or "the said tax".

1a. The proof of age shall be upon the person taxed.

2. For the purpose of this section, residence within the City of Lethbridge shall be understood as actual residence therein for the said period of three months, irrespective of whether such person intends to reside in the City permanently or whether or not the said period of residence is wholly or in part within the year in which the said tax becomes due.

3. The amount of the annual service tax payable by each person liable therefor shall not be less than the sum of One Dollar or more than the sum of Two Hundred and Fifty Dollars as provided for in the next section.

4. The Council of the City is hereby empowered to pass a By-law fixing the amount of the service tax payable annually by all persons as above provided, and for the said purpose may adopt any basis of classification the Council may deem advisable, and may differentiate between the amount payable by the different classes of persons as defined in the said By-law.

5. The Council may by By-law provide for exempting from the said tax any class or classes of persons.

- (a) There shall be exempt from the service tax any person whose name appears on the assessment roll of the City of Lethbridge, and who is liable to pay, and pays the current year's business or property tax to the City of Lethbridge, or any person who can produce evidence satisfactory to the tax collector that, notwithstanding the omission of his name from the assessment roll, he has purchased property or carries on business in the City of Lethbridge, and is liable to pay and pays business or property tax to the said City of Lethbridge; provided, however, that if the business or property tax payable by such person is not greater than, or equivalent to the amount of the service tax that would otherwise be payable under the terms of any By-law of the City of Lethbridge, then the excess of the service tax over the business or property tax so payable and paid shall be due and payable;
- (b) If by any By-law of the City of Lethbridge any service tax is levied and is stated to be payable at a time earlier than that date fixed for the payment of business or property tax, or both, then any person who would be totally or partially exempt from service tax under the last preceding sub-section (a) shall notwithstanding the last preceding sub-section (a) be liable to pay on the due date the service tax so levied but the amount of service tax so paid shall be credited against business or property tax, or both, when the said business or property taxes shall become due and payable.

6. Notwithstanding anything contained in Chapter 22 of the Statutes of Alberta, 1913, or any amendments thereto, the Council may make the basis of the said tax, upon the monthly wages or salary actually being paid or likely to be paid to any person during the year in which the said tax is made payable by a By-law of the Council, or upon the estimated income for the year in which the said tax is made so payable, or upon the wages or salary paid to any person for the year preceding the year in which the said tax is so payable, or upon the income of any person for the year preceding the year in which the said tax is so payable or upon any other basis or bases which ^{to} the Council may seem proper.

6 (a) For the purposes of the said tax the Council may by By-law define the word 'income' and the tax may be payable upon income so defined.

6 (b) The said tax may be imposed, levied and collected for the year 1926 and for any subsequent year.

6 (c) The Council may make such allowances for dependent relations, desertion or other particular domestic circumstances and such allowances for or total or partial offsets against other municipal taxes, as to the Council may seem advisable.

7. The service tax for the year 1926 shall become due and payable on the 1st day of July, 1926, unless the Council by By-law fixes an earlier date for the payment thereof, in which case the service tax shall become due and payable on the date fixed by such By-law.

8. The service tax shall become due and payable in each year after the year 1926 on the first day of January of each year.

9. If any person has not resided within the City for three months prior to the date the service tax becomes due and payable in any year, such person shall become liable to pay to the City the said tax for the year as soon as such person shall have been a resident of the City for three months.

10. The service tax shall be due and payable from each person liable therefor upon and after the date such tax becomes due and payable in any year, or so soon as any person shall have been a resident of the City for three months, without any formal demand for payment thereof.

11. Every employer, including partnerships and companies, shall upon application therefor to such employer, or to the Manager of the business of such employer, either personally or by letter addressed to the place of business, furnish forthwith to the Tax Collector of the City, or to any person authorized by him to apply therefor, the name and address of each and every person in his or its employ, and the wages or salary paid to such employee, and any other information that may be reasonably required for the purpose of the said tax.

12. Every person shall furnish forthwith, upon request made by the Tax Collector of the City, or by any other person authorized by him to apply therefor, his or her name, place and period

of residence within the City, and shall also inform the Collector or other person whether he or she is of the age of twenty-one years, or over, and the wages or salary received during the three months preceding the date the said tax became due and payable by such person to the City; and any other information the Council of the City may require from any person, or class or persons, for any of the purposes of the said tax.

12 (a) The City Assessor, the Deputy Assessor and all permanent or temporary clerks, whose duty it is to keep a record of the returns to be made for the payment of the said tax, shall take an oath of secrecy in a form to be prescribed by By-law before a Justice of the Peace and no person employed in the service of the City shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained in respect of the said returns or allow any such person to inspect or have access to any written statement or return furnished under the provisions of this Ordinance or of any By-law of the City of Lethbridge. Any person violating any of the provisions of this subsection, shall in addition to any other punishment that may be prescribed by law, be liable on summary conviction to a fine not exceeding two hundred dollars, to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

12 (b) The Clerks, permanent or temporary, charged with the keeping and examination of the said returns, shall work in a separate office or room or in a portion of a general office partitioned from the rest of the general office.

13. Every employer, and the manager of the business of such employer, and every person who refuses, or neglects for three days after request made therefor, to furnish the information required to be furnished under either of the two preceding subsections, or who furnishes any false information, shall upon

summary conviction thereof be liable to the penalties provided by THE LETHBRIDGE CHARTER, and in addition thereto shall be liable to a penalty of ten dollars for each day of default; provided, however, that such penalty shall not in any case exceed three hundred dollars.

14. Every employer shall pay to the City of Lethbridge within **one** month after notice by the Tax Collector of the City, the full amount of the service tax payable to the City by any employee of such employer, whether such tax has been previously demanded from such employee or not, and the amount so paid may be deducted by the employer from the wages or salary of the employee.

15. The service tax may be recovered by suit, in the name of the City, as an ordinary debt from any person liable to pay the same, and may also be recovered by distress and sale of any personal property belonging to such person at any time after such tax becomes due and payable, provided, however, that before action is commenced or seizure is made, demand in writing for payment of the service tax shall have been delivered to such person or shall have been mailed to the correct address of such person.

16. In case of the person primarily liable for the said tax at least three days, and in the case of the employer at least one month shall have elapsed after the delivery or mailing of such demand.

17 The service tax shall be collectable on behalf of the City by the Tax Collector of the City or any person duly authorized for such purpose.

18. The Tax Collector or person duly authorized for such purposes, shall keep a register of the names and addresses of all persons who have paid to the City the service tax in any year, and the names of all such persons shall be added to the

Voters' List of the City for the year, by the City Clerk unless such names already appear on the Voters' List for that year, or unless the Voters' List shall have been completed prior to the payment of the said tax.

TITLE _____
MONEY BY-LAWS

By-laws for contracting debts shall provide for the issuing of debentures and the levying of annual rates for the payment of such debts.

All By-laws whether for local improvements or other money by-laws which the Council desire to have passed at the same time may be incorporated in one By-law so long as each proposition is distinctly set out and the amount of money mentioned in each proposition, and provided the ballots are so prepared that the burgesses may vote for or against each proposition. And if any proposition is voted down, that proposition only shall be defeated and the balance of the By-law shall be carried.

The amount of debenture debt of the City at any time outstanding shall not, after deducting the amount issued for income bearing public utilities owned by the City, exceed twenty-per centum of the assessed value of all assessable property in the City according to the last revised assessment roll.

The amount of any funds or securities held by the City to the credit of a sinking fund shall be deducted in calculating the total amount of the debenture debt of the City at any time outstanding.

The By-law creating debt shall state by recital or otherwise --

(a) The amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;

(b) The period of the debt over which the indebtedness is to be spread and the amount of the debt to be paid in each of such years or the period at the end of which the same is to be paid;

(c) The rate of interest and whether the same is to be paid annually or semi-annually;

(b) The amount of assessable property in the City according to the last revised assessment roll, and showing the rateable proportion thereof;

(c) The amount of the existing debenture debt of the City and how much, if any, of the principal or interest thereof is in arrears.

The By-law shall name a day when it is to take effect which day shall not be more than three months after the day on which the voting is to take place; and if no day is named in the by-law, it shall take effect on the day of the final passing thereof.

The By-law may provide that the indebtedness shall be made payable in one or other of the modes hereinafter mentioned or that it be made payable in either of such modes as the Council may deem expedient, that is to say:

In such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run;

In such manner that the principal shall be repayable at the end of the said period, an equal sum by way of sinking fund being raised annually during the said period, sufficient with the accumulated interest thereon to meet the principal at maturity and the interest thereon annually or semi-annually.

And if such provision is contained in any By-law of the City or the Town of Lethbridge heretofore or hereafter to be passed the debt and the debentures issued in respect thereof may be made payable in whichever of the above modes the Council may by By-law determine.

The debentures to be issued shall be in the following form or to the like effect:

"CITY OF LETHBRIDGE.

"\$ _____ Debenture No. _____

"Under the authority of Lethbridge Charter and of By-law No. _____ of the City of Lethbridge, passed on the day of _____ 19____, the said City promises to pay the bearer at _____ the sum of _____ Dollars, (if issued in accordance with Clause 1, of Section 6, proceed as follows). with interest at th rate of _____ per cent per annum in _____ consecutive annual instalments, according to the terms of the several coupons hereto attached.

Mayor,

City Clerk".

"Corporate Seal of the City.

"Coupon No. _____

"Debenture No. _____

" The City of Lethbridge will pay to the bearer at on the _____ day of _____ 19____, the sum of _____ Dollars, being the interest, together with the first payment of principal on the above bond.

City Clerk."

"(If issued under paragraph 2 of Section 7, proceed as follows): and in the meantime pay to the bearer interest at the rate of _____ per centuma per annum, as set out in the coupon hereto attached.

Mayor,

City Clerk."

"Corporate Seal of the City.

"Coupon No. _____

"Debenture No. _____

"The City of Lethbridge will pay to bearer at
on the day of 19 , the sum of
Dollars, being the annual interest due on above debenture.

City Clerk."

In case of debentures issued for local improvements the words "Local Improvement Debenture" shall also be printed on the face of any debenture issued for that portion of the cost of any local improvement to be paid for by special assessment.

Every debenture issued as aforesaid shall be sealed with the seal of the City and signed by either the Mayor or by some person authorized by By-law to sign the same instead and by the City Clerk or by some person authorized by By-law to sign in his stead and the coupons shall be lithographed by the City Clerk.

Debentures authorized by any such By-law may be issued either all at one time or in instalments at such times as the Council deems expedient; but no debentures shall be issued after the expiration of four years after the final passing of the By-law; and all debentures shall be issued as of the actual date of the issue thereof.

Any debentures issued under this Act shall be valid and binding upon the City notwithstanding any insufficiency in form or substance or otherwise of the By-law or of the authority of the City in respect thereof; provided that the By-law not being a local improvement By-law has received the assent of two-thirds of the burgesses voting thereon and that no successful

application has been made to quash it within two months after its final passing.

Every By-law which has received the assent of the required number of burgesses who have voted thereon may be passed by the Council within four weeks of the voting thereon but not thereafter.

Where the City has issued debentures or other securities or has passed a by-law authorizing the issue of debentures or other securities and the Council is of the opinion that the period for payment of such debentures or other securities is less than the lifetime of the work, undertaking or asset and desires to pass a new By-law extending the payment for the work undertaking or asset over the lifetime of the same, the Council notwithstanding anything contained in this or any other Act or Ordinance or in any By-law passed by the ratepayers or Council of the City or in any debenture, coupon or certificate issued by the City, may without the assent of the ratepayers pass a By-law or by-laws after same have been submitted to and approved by the Board of Public Utility Commissioners fixing the period over which the indebtedness may be spread, such period to be based on the lifetime of the work, undertaking or asset as the same may be estimated by the Council, and may in such By-law or By-laws provide for the raising of a sum of money as hereinafter provided in ~~section~~ 22 hereof and the levying of a rate or rates sufficient therefor to meet the indebtedness at the maturity of the extended period as herein provided.

When a proposed extending By-law is one relating to local improvements and the council desires to alter the mode of assessment, it may do so under the provisions of THE LETHBRIDGE CHARTER dealing with the assessment for local improvements, upon first obtaining the consent of the Board of

Public Utility Commissioners to such altered mode of assessment and the re-assessment shall be made accordingly.

Notwithstanding anything contained in any Act or law to the contrary, there shall be no appeal against such assessment except on the ground that there is an error in the frontage assessed. But the City shall notify the persons to be assessed of such re-assessment either by notice or advertisement as provided for in the Charter of the City of Lethbridge; provided that the non-transmission or non-delivery of any such notice shall not invalidate any such re-assessment which shall be valid and binding in all respects.

From and after the passage of such extending By-law and the execution and issue of a debenture or debentures as provided for in ~~subsection~~ 22 hereof as thereby authorized, the City shall levy yearly the respective sums thereby required to be raised sufficient with interest compounded yearly at the rate of four and one-half per cent, per annum to meet the indebtedness at maturity, taking into consideration the amount of money levied in respect to the sinking fund under the superseded By-law for the purpose of forming a sinking fund for the payment of the principal of the said debentures, and shall cease to levy the respective sums required to be levied under the original By-law or By-laws for the purpose of the principal of the debentures issued under such By-law respectively.

The City shall continue to levy yearly under the original By-law or By-laws the respective amounts required to pay the interest on the debentures issued under such By-laws or on such of the debentures issued under such By-laws as may be outstanding.

Such extending By-law shall also provide for the issue of a debenture or debentures to an amount sufficient to meet any difference which may arise in the sinking fund from

year to year between the amount provided by the original By-law and the amount provided by the extending By-law, such debenture or debentures to be placed to the credit of the sinking fund until such time as it may be sold or otherwise disposed of and the proceeds placed to the credit of the sinking fund. Such debentures shall not be sold without the consent of the Board of Public Utility Commissioners, and only when the proceeds of such sale shall be required to redeem debentures issued under the original By-law or By-laws; provided further that no levy shall be made for interest on the debentures issued under the extending By-law or By-laws during the period that levies are being made for interest under the original By-law or By-laws.

Any shortage which may arise from the sale or other disposition of debentures authorized under ~~subsection~~ hereof shall be made up by annual levies by the City as the same occur.

A separate By-law or By-laws may be passed by the Council to provide for such difference instead of making provision therefor in the extending By-law.

The Purchasers of any of the debentures which may be issued under the authority of this section shall not be bound to see that the purchase money is applied for the purposes herein or in the By-law specified.

The debentures issued by the City under the provisions of the extending By-law shall not form part of the general debt of the City within the meaning of the sections limiting the borrowing powers of the City, and it shall not be necessary to recite the amount of the loan secured by such extending By-law.

Any By-law passed under the provisions of this section unless otherwise provided, shall not be repealed until the debt created under the By-law is fully paid and satisfied.

TITLE _____

ASSENT OF BURGESSES TO BY-LAW.

For the purpose of this title any Bank or other corporation assessed on the last revised assessment roll as the freeholder of real property which if held by an individual would entitle him to vote shall be entitled to one vote only which may be given by the chief resident officer of such corporation.

In case a By-law requires the assent of the burgesses before the final passing thereof the following proceedings shall except in cases herein otherwise provided for be taken for obtaining such assent:

(1) The City Clerk shall perform the duties of the returning officer.

(2) The Council shall by the By-law fix the day and hour for taking the votes of the burgesses and the places in the City where polls shall be opened and where the votes are to be taken at more than one place shall name a deputy returning officer to take the votes at every such place. The day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed By-law.

(3) The Council shall before the final passing of the proposed By-law publish a copy thereof in some newspaper published in the city; and the publication for the purpose aforesaid shall be continued in at least one number of such paper each week for three consecutive weeks. The City clerk shall also post up a printed copy of the proposed By-law at ten or more conspicuous places in the City.

(4) To each copy so published and posted shall be appended a notice over the printed signature of the City Clerk stating that the above is a true copy of a proposed By-law which has been introduced and which may be finally passed by the Council

in the event of the assent of the Burgesses being obtained there-
to, after one month from the first publication in the newspaper
stating the date of such first publication and the name of the
newspaper and that upon the day and at the place or places fixed
for taking the votes of the Burgesses the voting thereon will be
held between the hours of 9 a.m., and 8 p.m.,

Forthwith after the day has been fixed as aforesaid for
taking the votes of the burgesses upon a By-law the City Clerk
shall cause to be printed at the expense of the City such a num-
ber of ballot papers as will be sufficient for the purpose of
voting.

The ballot papers shall be in the following form:

Voting on By-law (here insert object of the By-law) to be submitted to the Burgesses of the City of Lethbridge this (date).	FOR THE BY-LAW.
	AGAINST THE BY-LAW.

The Council shall by the By-law fix a time when and a
place where the City Clerk shall sum up the number of votes for
and against the By-law, and a time and place for the appointment
of persons to attend at the various polling places, and at the
final summing up of the votes by the City Clerk on behalf of
the persons respectively interested in promoting or opposing the
passing of the By-law respectively.

At the time and place named the mayor if requested shall
appoint by writing signed by him two persons to attend at the

final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in promoting the passing of the By-law and a like number on behalf of the persons interested in opposing the passing of the By-law.

Before any person is so appointed he shall make and subscribe before the Mayor or the City Clerk a declaration in the following form:-

" I, the undersigned, A.B., do solemnly declare that I am a Burgess of the City of Lethbridge, and that I am interested in the promoting (or opposing as the case may be) the passing of the By-law (here insert the object of the By-law) to be submitted to the Burgesses of the said City on the day of 19 .

(signature.) _____ A. B.,

"DECLARED before me this _____ day of _____ A.D. 19 .

C.D.
Mayor,

or

E.F.,
City Clerk,

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

In the absence of any person authorized as aforesaid to attend at a polling place or at the final summing up of the votes any burgess in the same interest as the person so absent may, upon making and subscribing before the deputy returning officer or to the City Clerk a declaration in the following form, to be admitted to the polling place to act for the person so absent:

" I, the undersigned A.B., do solemnly declare that I am a burgess of the City of Lethbridge, and that I am interested in the promoting (or opposing, as the case may be) the passing of the By-law (here insert the object of the By-law) to be submitted to the burgesses of the said City on the day of 19 .

(signature.) A.B.,

DECLARED before me this day of 19 .

C.D.,
Deputy Returning Officer,"

During the time appointed for polling no person shall be entitled to be present in any polling place other than the officers, clerks and persons or burgesses authorized to attend as aforesaid at the pollingplace.

The City Clerk on the request of any burgess entitled to vote at one of the pollingplaces who has been appointed deputy-returning officer, poll clerk, or constable, or who has been named as the person to attend at a polling place other than the one where he is entitled to vote shall give to such a burgess a certificate that he is entitled to vote for or against the By-law, at the polling place where he is stationed during the polling day; and the certificates shall also state the property or other qualification in respect to which such burgess is entitled so to vote.

(b) Upon the production of the certificate such deputy returning officer, poll clerk, constable or other person shall have the right to vote at the polling place where he is stationed during the polling day instead of at the pollingplace of the ward or polling subdivision where he would otherwise have been entitled to vote, and the deputy returning officer shall attach the certificate to the voter's list; but no such certificate shall entitle any such burgess to vote at such polling place unless

he has been actually engaged as sych deputy returning officer poll clerk, constable or other person aforesaid during the whole day of the polling.

(c) In case of a deputy returning officer or constable voting as aforesaid at the place at which he is appointed to act under a certificate granted under ~~subsection 15~~¹⁵ of this ~~Section~~ the poll clerk or in the absence of the poll clerk any one authorized to be present at the polling place may administer any of the oaths required to be taken by a burgess in order to establish his right to vote on the By-law.

The City Clerk before the Poll is opened shall prepare and deliver to the deputy returning officer for every Ward or polling subdivision a voter's list containing the names arranged alphabetically of all the burgesses entitled to vote on the By-law in that polling subdivision, a brief description of the property in respect of which each is entitled to vote and he shall attest the said list by writing under his hand.

(2) Such list shall be prepared by the City Clerk from the last revised assessment roll of the City, but the Council may up to the eighth day before the date fixed for the voting on the By-law and upon the application of any person who has ceased to have the necessary qualification remove his name therefrom and substitute therefor the name of any person who has since the final revision of the said roll acquired such qualification.

The person entitled to vote as burgess on any by-law requiring the assent of the burgesses shall be any person, male or female, who at the time of tendering the vote is of the full age of twenty-one years and is named on the last voter's list of the City, and the chief resident officer of any incorporated company who is at the time of the tender of the vote a freeholder in his or her own right, of real property within the City

and is rated on the last revised assessment roll as such freeholder for not less than \$400.00, and who has not directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders.

At the time and hour fixed as aforesaid the polls shall be held and the votes shall be taken by ballot.

The polls shall be kept open from nine o'clock in the forenoon until eight o'clock in the afternoon of the same day or to such later hour not later than nine o'clock as the council may by resolution appoint.

Every deputy returning officer, poll clerk, constable or agent authorized to be present at any polling place at the voting on a by-law shall before exercising any of the rights or functions of his office take and subscribe before a Justice of the Peace or, in the case of a poll clerk, constable or agent, before the deputy returning officer presiding at the poll an affidavit in the following form:

"I, A.B., do solemnly promise and declare that at the voting on the By-law submitted to the Burgesses of the City of Lethbridge, the voting on which has been appointed for this day I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any burgess shall vote or has voted, and that I will not in any way whatsoever aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the manner in which any burgess has voted on the By-law.

"DECLARED before me this day of
A.D. 19 ..

Justice of the Peace or (the City Clerk.)"

The directions to be delivered to the deputy returning officer shall be in the same form as that used for the guidance of voters at city elections, except that for the first paragraph

thereof the following will be substituted: "The voter will go into one of the compartments and with a pencil provided in the compartment will place a cross (thus X) on the right hand side in the upper space if he votes for the passing of the By-law and in the lower place if he voted against the passing of the By-law."

No Burgess shall be entitled to vote more than once on any By-law.

Every Burgess tendering a vote on the By-law may be required by the deputy returning officer or by any rate payer entitled to vote on the By-law to make before his vote is recorded the following oath or affirmation or any part thereof or to the effect following:

"You swear that you are of the full age of twenty-one years; that you are a freeholder in your own right in this City;

"That you have not voted before on the By-law;

"That you are according to law entitled to vote on the By-law;

"That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you now tender;

" That you are the person named or intended to be named in the voter's list (showing the voter's list to the voter).

" That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote on this By-law or for loss of time, travelling expenses hire of team or any other service connected therewith;

" And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting."

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

The chief resident officer of any corporation tendering a vote on the By-law may be required by the deputy returning officer or by any burgess to make before his vote is recorded the following oath or affirmation or any part thereof:

" That you are the chief resident or officer of the (naming the corporation);

" That the said corporation is a freeholder in the City;

" That you have not cast any vote on the By-law on behalf of the corporation;

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

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

" That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly received any reward or gift for the vote which you now tender nor do you or to the best of your knowledge and belief the said corporation expect to receive any;

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

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

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

30. The written statement to be made by every deputy returning officer, after the counting of the ballots, shall be made under the following heads:

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

31. The deputy returning officer shall take a note of any objection made by any person authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer.

32. Every deputy returning officer at a completion of the counting of the votes shall in the presence of the persons authorized to attend make up into separate packets sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet and the date of voting, the name of the deputy returning officer and of the ward or polling subdivision.

- (a) The statement of votes given for and against the By-law and of the rejected ballot papers.
- (b) The used ballot papers which have not been objected to and have not been counted.
- (c) The ballot papers which have been objected to but which have been counted by the deputy returning officer.
- (d) The rejected ballot papers.
- (e) The spoiled ballot papers.
- (f) The unused ballot papers.
- (g) The voters' list and poll book with the oath in form prescribed by Section 29 of Title V of Chapter 22 of the Statutes of Alberta, 1913 annexed thereto, a statement of the number of Burgesses whose votes are marked by the Deputy Returning Officer under Section 12 of Title V of said Statutes with their declaration and the notes taken of objection made to ballot papers found in the ballot box.

33. Every deputy returning officer shall at the close of the poll certify under his signature on the poll book in full words the total number of Burgesses who have voted at the polling place at which he has been appointed to preside; and before placing the voters' list and poll book in their proper package as aforesaid he shall make and subscribe before the City Clerk or before a Justice of the Peace or the Poll Clerk his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made. The declaration shall be annexed to the voters' list. The deputy returning officer shall then forthwith return the ballot box to the City Clerk.

34. Every deputy, returning officer upon being requested so to do shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the By-law and of the number of rejected ballot papers.

35. The City Clerk after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place shall at the time and place appointed by the By-law in the presence of the persons authorized to attend or of such of them as may be present without opening any of the sealed packets of ballot papers sum up from such statements the number of votes for and against the By-law; and shall then and there declare the result and shall forthwith certify to the Council under his hand whether the majority of the burgesses voting upon the By-laws have approved or disapproved of the By-law.

Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, or other person shall interfere with or attempt to interfere with a burgess when marking his vote or otherwise attempt to obtain at the polling place information as to the manner in which any burgess at any polling place is about to vote or has voted on a By-law.

(3) No officer, clerk or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any burgess is about to vote or has voted on a By-law.

(4) Every officer, clerk, and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which the burgess has voted on a By-law.

(5) No person shall directly or indirectly induce any burgess to display his ballot paper after he has marked the same on any By-law so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a Justice of the Peace to a penalty of one hundred dollars and in default of payment forthwith to imprisonment for any term not exceeding six months with or without hard labour.

If within two weeks after the City Clerk has declared the result of the voting on a By-law any person who was entitled to vote thereon applies upon petition to a Judge after giving notice of the application to such persons as the Judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petition

er enters into recognizance before the judge in the sum of \$100. with two sureties, to be allowed as sufficient by the judge upon affidavits of justification, the sum of \$50.00 each, conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the judge may if he thinks fit appoint a day and place for entering into scrutiny.

At least seven clear days notice of the day appointed for the scrutiny shall be given by the petitioner to such person as the judge directs and to the City Clerk,

At the time appointed the City Clerk shall attend before the judge with the ballot papers and the judge upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine whether the majority of the votes given were for or against the By-law, and shall forthwith certify the result to the council.

The judge upon such scrutiny shall possess the like power and authority to all matters arising upon the scrutiny as he possesses upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge as in the case of applications to quash a By-law, and he may apportion the costs as to him seems just.

All the provisions of Titles , ~~and~~ so far as not inconsistent with the provisions of this Title shall mutatis mutandis apply to proceedings under this Title.

TITLE _____

QUASHING BY-LAWS ETC.,

Any elector of the City may within two months after the passing of any motion or any by-laws or resolution of the Council apply to a judge upon motion to quash the same in whole or part for illegality; and the judge upon such motion may quash the By-law or resolution in whole or part and may according to the result of the application award costs for or against the City and may determine the scale of such costs.

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

The By-law or resolution may be proved by the production of a copy thereof certified under the hand of the City Clerk and the City Seal; and the City Clerk shall deliver such copy upon payment of a fee therefor at the rate of ten cents a folio.

Before any such motion is made the applicant, or in case the applicant is a company, some person on its behalf, shall enter into a recognizance before the judge himself in the sum of \$100.00 and two sureties each in the sum of \$50.00 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

The Judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the Supreme Court with other papers relating to the motion.

In lieu of the recognizance mentioned in subsections and of this section the applicant may pay into the Court the sum of \$100.00 as security for any costs which may be awarded against him; and the certificate of such payment into Court having been made shall be filed in the Supreme Court with the

other papers relating to the section.

7. Upon the determination of the proceedings the Judge may order the money so paid into Court to be applied in the payment of costs and to be paid out to the applicant in the discretion of the Judge according to the result of the application.

8. All moneys required to be paid into or out of Court under this section shall be paid in and paid out in like manner as moneys paid into and out of Court in actions pending in said Court.

9. Any By-law which has been procured to pass through or by means of any violation of the provisions of Sections 1 and 2 of Title VII of Chapter 22 of the Statutes of Alberta, 1913 may be quashed upon an application made in conformity with the provisions herein contained.

TITLE _____

F I N A N C E.

The Treasurer shall keep in his books two separate accounts of every debt, one for the special rate and one for the sinking fund or for instalments of principal, both to be distinguished from all other accounts in the books by some prefix, designating the purpose for which the debt was contracted and he shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt and the amount of moneys raised, obtained and appropriated for payment thereof.

If after paying the interest of a debt for any financial year and appropriating the necessary sum for the sinking fund of such debt or in payment of any instalment of principal there is a surplus at the credit of the special rate account of such debt such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of the next year's interest the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt.

No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditure of the City save as otherwise ordered by this Act.

The Council may by By-law direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debentures instead of being invested as hereinbefore provided shall from time to time as the same occurs be applied to payment or redemption at such value as the Council may fix or of any part of

of such debt or of the debentures representing or constituting such debt or any part of it though not then payable, to be selected as provided by such By-law, and the Council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner directed by such By-law.

In the event of the Council diverting any of the said moneys for current or other expenditure save as aforesaid the members of the Council who vote for the diverting of the said moneys shall be personally liable for the amount so diverted and the said money may be recovered by action in the Supreme Court.

(b) The members of the Council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the Council upon the request of any elector refuse or neglect for one month thereafter to bring an action therefor in the name of the City the action may be brought by any elector on behalf of himself and the other electors of the City.

In the event of the Council neglecting in any year to levy the amount required to be raised to provide a sinking fund on the instalment on principal necessary for the payment of any debenture debt of the City every member of the Council shall be disqualified from holding any municipal office for the next two years; but no member of the Council shall be liable to the rate for the said sinking fund.

If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied toward paying the debt by reason of no part thereof being yet payable the Council shall from time to time invest the same in Government securities, municipal or school debentures or in local improvement debentures of the City or in any other debentures of the City or in the first mortgage

on real estate to an amount not exceeding one-half of the sworn cash valuation of an independent appraiser, or by way of the temporary use of an amount not exceeding seventy-five per centum of the estimated amount of the municipal taxes to be levied by the general rate of the current year; provided that such amount shall be replaced by the end of the current year; and from time to time as such securities mature may invest in other securities.

(b) The Council may regulate by By-law the manner which such investments shall be made.

(c) It shall not be necessary that any of the debentures referred to in this section shall have been disposed of by the Council. but they may apply the sinking fund to an amount equal to the amount of such debentures for the purpose to which the proceeds of such debentures are properly applicable; and they shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

(d) The Council may direct by By-law that any surplus moneys in the hands of the treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund account of any debenture debt and may invest such sinking fund in any other security named in and according to the provisions of this section.

The Council may appropriate to the payment of any debt the surplus income derived from any civic work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or reserve fund as the case may be or may be applied in payment of any instalment thereof accruing due; or the Council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any civic work for the purpose of meeting contingencies which in the opin-

ion of the Council may be thought likely to arise in connection therewith.

No member of the Council shall take part in or be a party to the investment of any moneys referred to in Section ~~_____~~ of this title otherwise than is therein authorized; and any person so doing shall be held personally liable for any loss thereby sustained by the City.

After the passing of any By-law covering the several amounts required for local improvements the Council may without in any way affecting the liens on the property therein described in order to affect the issue of debentures for small or broken amounts pass a collective or accumulative By-law consolidating the several amounts of the said debentures in a general consecutive issue under such consolidating By-law, apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual By-law passed in the first instance.

Instead of passing separate By-laws the Council may pass one By-law for several local improvement works giving the same information concerning each such works as would be given in the separate By-laws relating to each work and the passing of one By-law covering several distinct works shall not affect the validity of the By-law.

(b) The provisions of this and the next preceding section shall apply to By-laws heretofore passed by the City of Lethbridge.

After any money By-law, whether referred or otherwise, has been finally passed by the Council, the Council may by one or more By-law or By-laws authorize the Mayor and Treasurer to raise from time to time by way of temporary loan

in anticipation of the issue or sale of the debentures authorized by such money By-law and for the purposes thereby authorized such sum or sums not exceeding in the aggregate a total principal authorized by the said money By-laws to be raised as the Council deem expedient, and all such temporary loans shall be a special charge on the debentures in anticipation of the sale thereof, or sale where of such temporary loans are made, and such debentures may be pledged as security for the repayment of such loan.

The City Clerk shall open and keep a book to be known as the "Debenture Register". In the said book there shall be entered particulars of every By-law authorizing the issue of debentures, and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the City Clerk with the proper form.

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

In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the City or of any bona fide purchaser for value notwithstanding defect in form or substance therein; and it shall not be held or deemed to have been the duty of any purchaser to have enquired into the authority, other than the By-law, of the City to issue the debentures or into the title of the City thereto or into the proposed or actual application of the purchase price thereof.

A Certificate signed by the Mayor and City Clerk and sealed with the corporate seal of the City that any debenture has been duly registered in the debenture register shall be prima facie evidence of such registration.

In case any debenture issued under the authority of any By-law has been sold, mortgaged, pledged or hypothecated the City may upon again acquiring the same or at the request of the

holder thereof cancel the same and the entry in the debenture register of the issue thereof, and thereupon ~~issue~~ issue one or more new debentures payable by the same or a different mode of payment, provided that neither the period over which the indebtedness was originally spread of the term at the end of which the same was made payable as the case may be, nor the rate of interest is increased and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal owing upon the original debenture.

And any debenture issued by the Council may contain a provision in the following words:

" This debenture or any interest therein shall not after certificate of ownership has been endorsed thereon by the City Clerk of this City be transferable except by entry by the City Clerk or his deputy in the debenture register of the said City!"

In case of the issue of any debenture containing the provision in the last section mentioned the City Clerk shall open and keep a debenture register in which he shall enter a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of such debenture. No such entry shall be made except upon the written authority of the person last entered in such book as the owner of such debentures or his executors or administrators or of his or their lawful attorney which authority shall be retained and duly filed by the City Clerk.

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

The Council is hereby authorized and empowered without the assent of the burgesses to issue debentures on the credit

of the City of Lethbridge, at large, to the extent of not more than \$100,000 per year, during each of the years 1924, 1925, 1926 1927 and 1928, the proceeds of such debentures to be used for the purposes of paying off and discharging the debenture principal matured or maturing during each of the said years, on any City debentures or the debentures of any school district in the City of Lethbridge, or for liquidating in whole or in part any sinking fund payment due from the revenue account of the City under any By-law heretofore passed. The said debentures may bear such interest, be repayable and be in any form authorized by THE SUPREMACY CITY CHARTER.

TITLE _____
ASSESSMENT.

1. The Council may divide the City into assessment districts for each of which one or more assessors may be appointed.

2. The work of each assessor shall be revised by an assessment committee composed of such assessor or assessors with the Mayor and City Clerk or two other persons to be appointed by the Council and such revision shall be completed by the 30th day of April.

2(a) On or before the 15th day of February in each and every year each public and each separate school district within the City shall furnish to the Council an estimate of the amount that the trustees thereof deem necessary for the expenditure of such school district for the then current year, and such amount shall be paid by the Council to the school district having right thereto in four equal instalments, on the 1st day of each of the months of March, June, September and December in such year; provided nevertheless that an estimate of the amount deemed necessary by the trustees of any such district for the expenditure of such school district for the year 1915 shall be furnished to the Council on or before the First day of May, 1915, and the same shall be paid by the Council to the District having right thereto in four equal instalments on the last day of June, August, October and December in such year.

In the event of the Council failing to pay such amount to any such school district on the aforementioned due dates a debt for the amount or amounts so unpaid shall thereupon become due and payable by the City to such school district.

On or before the 1st day of May in each year the Assessor or assessors shall complete the assessment roll for the City in the following form with its affidavit thereto endorsed thereon made before some person authorized to take affidavits, in the following form:

"I do swear that I have in the annexed assessment roll and statement attached assessed the City of Lethbridge according to law to the best of my skill and ability and without favour.

"Sworn before me at Lethbridge,
this day of A.D., 19.. "

FORM OF ASSESSMENT ROLL.

ASSESSMENT ROLL for the year 19.. City of Lethbridge.	No. of assessment.
	The name in full (if same can be ascertained) of every person taxable in the City whether owner or occupant.
	Post Office Address.
	Owner or occupant.
	Public or separate school supporter.
	Brief description of taxable property.
	Frontage and depth.
	Actual cash value of each parcel or lot of real property,
	Value of buildings.
	Value of personal property.
	Income.
	Total amount of assessment.
	Date of assessment.
Date of delivery or posting of notice.	

The Assessor shall accept the statement of any ratepayer or a statement made on behalf of any ratepayer by his authority that he is a supporter of public schools or of separate schools as the case may be and such statement shall be sufficient prima facie evidence for entering opposite the name of such person in the assessment roll the words "P.S.S" or "S.S.S", as the case may be and in the absence of any such statements the assessor shall make such entries in accordance with his belief.

It shall be the duty of every assessable person to give to the assessor all information necessary to enable him to make up the roll, no statement made by any such person shall bind the assessor or shall excuse him from making inquiry to its correctness.

It shall be the duty of every person employing any other person in his trade, manufacture, business or calling to give information concerning the names and places of residence of all persons employed by him, whose wages, salary or remuneration exceed \$200.00 per annum.

If any assessor makes fraudulent assessment or wilfully and fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100.00.

The Assessor forthwith after completing the said roll shall publish in a newspaper published in the City a notice in the following form:

"ASSESSMENT ROLL.

Assessment Roll, 19..

"Notice is hereby given that the assessment roll of the City for the year 19.., has been prepared and is now open to inspection at my office in the City Hall from 10 a.m., to 4 p.m., on every judicial day except Saturday and on that day from 10 a.m., to mid-day, and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing at my office.

"DATED this day of 19..

A.B.
City Assessor"

The City Assessor shall also within three weeks after the date of the assessment roll transmit by post to every person named thereon an assessment slip containing the particulars appearing in the roll with respect to such person.

(b) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under Section 8 of this Title and there shall be endorsed thereon a written or printed form of complaint stating the grounds thereof.

(c) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

If any person named in the said roll thinks that he or any other person has been assessed too low or too high or that his name has been wrongfully inserted or omitted from the roll or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or vice versa he may within the time limited as aforesaid give notice in writing to the City Clerk that he appeals to the

Court of Revision to correct the said error and in such notice he shall give a name and address where notices may be served upon him.

The City Assessor shall forthwith notify every such appellant and every other person so affected who may be affected thereby of the time and place of the sittings of the Court of Revision, which notice shall be given at least three days before the date fixed therefor.

The Council shall fix a date when it will sit as a court of revision to hear appeals to add to, strike off or alter the assessment roll as returned by the assessors and the City Assessor shall forthwith prepare a list of the appeals in the following form, which list shall be posted up on a notice board on the outside of the building used for the time being as the City Council chamber and shall continue so posted until conclusion of the Court of Revision.

COURT OF REVISION OF THE CITY OF LETHBRIDGE

APPELLANT.	RESPECTING WHOM.	MATTER COMPLAINED OF.
A.B.,	Self.	Overcharged on land.
C.D.,	E.F.	Name omitted.
G.H.,	J.K.,	Not bona fide owner or tenant.
L.M.,	Self.	Income overcharged.
etc., etc.,	etc., etc.,	etc., etc.,

The Council shall be the Court of Revision and the majority thereof shall be a quorum for the transaction of all business.

The City Clerk shall be the clerk of such Court of Revision and shall record all the proceedings thereof.

The Court may meet and adjourn from time to time and may be summoned to meet at any time by the Mayor or Chairman thereof for the time being, and all the duties of such Court shall be completed before the First day of July in each year.

All evidence before the Court of Revision shall be taken on oath and any member shall be competent to administer the oath to any person giving evidence before the Court and the Clerk of the Court may when required issue summons to any witness to attend such Court and if any person so summoned as a witness fails without good and sufficient reason to attend, having tendered compensation for his time at the rate of \$1.00 per day and mileage at the rate of ten cents per mile where a railway is not available, or actual railway fare, he shall on summary conviction therefor incur a penalty not exceeding \$50.00

The Court shall try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low or in regard to any property of any person which has been misdescribed or omitted from the roll or in regard to any assessment which has not been performed in accordance with the provisions and requirements of this Act as the case may be.

If at any time before the First day of December it shall be discovered that the property or income of any taxable person or part thereof has been omitted from the roll, the City Assessor shall notify such taxable person if he resides or has a place of business within the City that at a meeting of the Council to be held at least six days after such notice an application will be made to the said Council to assess such taxable property for such sum as may be deemed right and that such taxable person is

required to attend such meeting to show cause why the said taxable property should not be assessed and as to the amount the same shall be assessed for.

(b) If such taxable person does not reside or have a place of business in the City then such notice shall be posted by registered letter to the post office address of such person fifteen days before such meeting of the Council.

(c) After such notices have been served or posted as aforesaid and after the expiration of the time mentioned therein or if such taxable person be not known then without any notice the Council may assess such taxable property and direct the City Assessor to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known:

Provided always that the provisions of the sections hereof as to appeal shall apply to any such assessment.

If any complainant fails to appear either in person or by agent before the Court of Revision the Court may proceed ex parte.

If upon the hearing of any such appeal it appears that the assessment of persons other than those already notified may be affected by the result of the appeal, the Council may direct notice to be given to such persons by the appellant and may adjourn the hearing from time to time but all appeals to the Council shall be determined on or before the 30th day of June after which date the Council shall have no power to hear an appeal.

Any amendments to the roll which are rendered necessary by the decisions of the Council shall be made by the City Clerk and initialled by the Mayor.

The Council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialled by the City Clerk.

The roll with any amendments made as aforesaid shall be adopted by the Council on or before the 2nd day of July in each year and shall be subject to any right of appeal thereupon become and be^{the}/revised assessment roll of the City and such roll certified by the City Clerk shall be valid and bind all parties with regard to such roll or any omission in connection with any notice required thereto and a copy of such roll or any portion thereof written or printed without any erasure or interlineation and under the seal of the City certified to be a true copy by the City Clerk shall be received as prima facie evidence in any Court of justice without the production of the original assessment roll.

If at any time it appear to any assessor that land liable to assessment has not been assessed for the current year or for either or both of the next two preceding years he shall report the same to the City Assessor who shall enter such land on the next roll as well for the arrears of the preceding year or years, if any, as for the taxes of the current year and the valuation of the land shall be the average of the three preceding years if the land has been assessed in any of the said years; if it has not been so assessed the City Assessor shall require the assessor of the current year to value the land and it shall be the duty of the assessor to do so and to certify his valuation thereof in writing to the City Clerk.

An appeal to a Judge shall lie not only against the decision of the Court of Revision on an appeal but also against the omission, neglect or refusal of the said Court to hear or decide an appeal.

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

(a) The person appealing shall in person or by agent serve upon the City Clerk of the City within eight days after the decision of the Court of Revision shall have been mailed or delivered to him a written notice of his intention to appeal to a judge.

(b) The City Clerk shall immediately after the time limited for filing notice of appeals forward a list of the same to the judge usually exercising jurisdiction in the judicial district of which such city forms a part, or if such city forms part of more than one judicial district then to the judge whose official residence is nearest the City and such judge shall fix a day for the hearing of such appeal.

(c) The City Clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the Court of Revision but in the event of failure by the City Clerk to have the required service in any appeal made or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

(d) The City Clerk of the City shall cause a conspicuous notice to be posted up in his office or in the place where the Council of the City holds its sittings, containing the names of all appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which Court will be held to hear appeals.

(e) The City Clerk of the City shall be the Clerk of such Court.

(f) At the Court so holden the Judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals may be determined before the First day of September.

(g) At the Court to be holden by the Judge to hear the appeals hereinbefore provided for the person having charge of the assessment roll, passed by the Court of revision, shall appear and produce such roll, and all papers and writing in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied, and if the decision is not then given the City Clerk of the City shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction.

(h) In all such proceedings the Judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents, and for the enforcement of his order, decisions and judgments as belong to or might be exercised by him in the Supreme Court.

(i) All process or other proceedings in, about or by way of appeal may be entitled as follows: " In the matter of appeal from the Court of Revision of the City of Lethbridge,

"A.B., Appellant;
"And C.D., Respondent."

(j) The cost of any proceedings before the Judge as aforesaid shall be paid by or appropriated between the parties in such manner as the judge thinks proper and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the Supreme Court or in the same manner as upon ordinary judgment for costs recovered in such Court.

(k) The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in a Court for such costs, and in case execution issues the cost thereof as in the like Court and of enforcing the same may also be collected thereunder.

(l) The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon and can only be appealed from by a unanimous vote of the Council.

TITLE _____

TAXATION.

Subject to the other provisions in this Act contained all City, local or direct taxes or rates shall be levied equally upon the whole rateable property, real and personal, and income of the City according to the assessed value of such property and income and not on any one or more kinds of property in particular or in different proportions.

All land and personal property and income in the City shall where no other express provision has been made in this respect be liable for taxation subject to the exemptions herein mentioned.

- (a) Every inhabitant of the City of the age of twenty-one years and upwards who has resided in the said City for a period of two months or more and has not been assessed on the assessment roll of the City shall pay an annual Poll Tax of \$10.00 to be collected at any time after the first day of May, in manner hereinafter provided.
- (b) Persons residing within two miles of the City who have a place of business therein and whose names are not on the assessment roll or who receive employment and are paid wages or salary therein are hereby liable to pay poll tax subject to the provisions of this Act.
- (c) Any person liable to pay poll taxes as hereinbefore provided shall pay the same to a collector appointed by By-law of the Council of the City to collect the same, within three days after the demand thereof by the said collector; and in case of neglect or refusal to pay the same within such time the said collector may levy the same by distress and sale of the goods and chattels of the defaulter with the costs of the distress and sale.
- (d) Every employer employing help in the City of Lethbridge, shall, within ten days after the demand in writing made on him by the poll tax collector, furnish him with a list of all his employees residing or working in the City, and if the said employer fails or refuses so to do, the City may collect from the said Employer the amount of all poll taxes due by the employees of such employer, as a debt due to the City, by action in any Court having jurisdiction in the matter.
- (e) Provided that in case any person neglects or refuses to pay the poll taxes when demanded by the collector, the collector may then demand from the employer or employers of the person or persons so neglecting or refusing the amount due for such poll tax or taxes and the said employer shall pay to the City such amount within ten days from such demand, and the

employer paying the same shall have the right to deduct the sum so paid from the salary or wages due to the person so neglecting or refusing, and the said employer

or employers are hereby rendered liable for the amount or amounts demanded by the collector as a debt due to the City. If he or they fail to deduct the same from the salary or wages due to the said person or persons employed, and pay the same over to the City within ten days, the said sum shall be a debt due to the City and the City may collect the same by action in any Court having jurisdiction in the matter.

- (f). Provided that except persons entitled to vote by virtue of being assessed on the last revised assessment roll for real property, income or personal property, no person shall have a vote or be placed on the voter's list unless he has resided in the City for a period of at least two months prior to the first day of November, in the year in which the said voters' list is prepared.

3. The real estate and personal property of all railway companies liable to assessment is to be assessed in the same way as the property of rate payers within the city.

- (3a) Any personal property liable to taxation brought into the City prior to the first day of July in any year and on which assessment cannot be made in time to allow the assessor to give the usual notice of assessment so that the appeal, if any, can be heard at the Court of revision shall be liable to three-fourths of the yearly taxes only.
- (b) Any such property brought into the City after the first day of July and prior to the first day of October in any year shall be liable to one-half the yearly taxes only. Any such property brought into the City after the first day of October in any year shall be liable to one-fourth of the yearly taxes only.
- (c) If any personal property liable to taxation and being in the City at the beginning of any year is removed from the City before the first day of July in that year, one-half only of the yearly taxes may be collected. If such personal property is removed on or after the first day of July and before the first day of October, three-fourths only of the yearly taxes may be collected. If the said personal property is removed on or after the first day of October and before the end of the year, taxes for the full year shall be collected.
- (d) Any personal property liable to taxation and being removed or being about to be removed from the City before the tax rate for the year has been fixed by the City, the taxes shall be fixed according to the previous year's tax rate and such taxes may be levied at once by distress if not paid upon demand.

4. The following property shall be exempt from taxation:

- (a) All property held by His Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Province of Alberta; but where any such property is occupied by any other person otherwise than in an official capacity the occupant shall be assessed in respect thereof but the property itself shall not be liable;
- (b) The lands not exceeding one acre and the buildings thereon of all public schools, universities, collegiate institutions or incorporated seminaries, being public property so long as such property is actually used or held for educational purposes;
- (c) All property belonging to the City, except income bearing public utilities, when held or occupied or in use of the corporation and the personal property belonging to the same.
- (d) The books of every library;
- (e) Household effects of every kind, except in unlicensed hotels and restaurants, books and wearing apparel in use;
- (f) The income of every person, up to the amount of \$1,000.00
- (g) Rental or other income derived from land except interest on mortgages.
- (h) A building used for church purposes, and owned by the church using the same, and not used for any other purpose or for hire, or reward, and the lot or lots whereon it stands not exceeding one-half acre except such part as may have any other buildings thereon;
- (i) Buildings used by an institution mentioned in the schedule to THE HOSPITALS ORDINANCE or added thereto under Section 9 thereof for hospital purposes and not for any other purposes, or for hire or reward, and the lot or lots whereon they stand not exceeding two acres, except such part as may have any other building thereon;
- (j) The buildings and grounds exempt under clauses (b), (h), and (i) hereof shall nevertheless be liable to be assessed for local improvements.

5. Land shall be assessed at its fair actual value. In estimating its value regard shall be had to its situation and the purpose for which it is used and if sold by the present owner it could and would probably be used in the next succeeding twelve months.

In case the value at which any specified land has been assessed appears to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be gross, if the value at which it is assessed bears a fair and just proportion to the value at which the lands in the immediate vicinity of the land are assessed, but if the judge finds

(d) continued-

that the difference be gross and reduces the assessment but also finds that the value at which it is assessed bears a fair and just proportion to the value at which the balance of the lands in the City are assessed, the judge may upon the application of any ratepayer reduce the whole assessment in proportion to the amount he has reduced the assessment appealed from, and he shall have the power to, and shall increase the tax rate sufficiently so that the amount of taxes upon the reduced assessment shall be the same as they were under the original assessment and at the original rate.

- (e) But if the judge finds that the difference be gross and reduces the assessment and also finds that the value at which it was assessed on the assessment roll bears a generally fair and just proportion to the value at which the balance of the lands in the City are assessed, the judge may upon application made to him within one week from the time of such reduction, upon the application of any ratepayer, reduce the whole assessment so that the same may be sufficiently uniform and he shall raise the rate sufficiently so that the amount of taxes shall not be less than before the assessment was reduced.

But the Council may from time to time set apart certain portions of the City to be known as improvement districts and land therein, not bona fide, held in connection with a store, warehouse or dwelling, which shall in addition to any other assessment which might be made against it herein be subject to a super-assessment bearing such proportion to the value at which such land would otherwise be assessed not exceeding fifty per centum of such assessed value, as the council may decide, and such super-assessment shall be added to the assessment of such land and taxes shall be collected accordingly.

The price at which land is sold under the provisions of THE TAX RECOVERY ACT, being Chapter 122 of the Revised Statutes of Alberta, 1922, and amendments thereto, or under any other Act or Acts at any time in force shall not be used as a basis of assessment of land in the City nor shall it be used in any appeal from the assessment to prove that the assessment is too high or too low.

The Council may from time to time pass By-laws providing that all buildings and personal property or either within the City shall be wholly or partially exempt from taxation on any amount assessed over an amount or amounts specified in such By-law and total assessment of the owner of any building affected

by such By-law shall be accordingly reduced prior to the preparation of the tax roll, and any such By-law shall continue in force from year to year until repealed or amended.

TITLE _____

R A T E S.

The Council shall in each year assess and levy on the whole rateable property within its jurisdiction a sufficient sum to pay all valid debts of the City falling due within the year, making due allowances for the cost of collection and the abatement and losses which may occur in the collection thereof, by the Council shall not levy in any one year more than an aggregate rate of three cents on the dollar, exclusive of school rates and local improvement rates, upon the total value of the assessable property within the City according to the last revised assessment roll thereof.

The Council may pass one By-law or several By-laws authorizing the levying and collecting of a rate or rates of so much on the dollar upon the assessed value of the rateable property according to such estimate.

If the amount collected falls short of the sum required the Council may direct the deficiency to be made up from any unappropriated fund belonging to the City.

If there is no unappropriated fund the deficiency may be equally deducted from the sums estimated as required or from any one or more of them.

If the sums collected exceed the estimates the balance shall form part of the general funds of the City and shall be at the disposal of the Council unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

The rates or taxes imposed or levied for any year shall be considered to have been imposed and to be due on and from the

first day of January of the then current year ending with the 31st day of December thereof unless otherwise expressly provided for by By-law under which the same are directed to be levied.

The Council may authorize the Mayor and Treasurer to borrow from time to time either before or after the passing of the By-law, levying the taxes for the current year, from any person or persons, bank or banks, such sums as the Council deem necessary to meet the current expenditures of the City and to meet wholly or in part the amounts required by the Trustees of any public or separate school, within the City, until the taxes levied or to be levied for the year can be collected.

(b) In every year all taxes collected by the Assessor for school purposes and all moneys borrowed thereunder for school purposes, shall be kept by the Council in a separate account and deposited in a chartered bank to be credited to a trust fund, to be styled "THE LETHBRIDGE SCHOOL TAXES TRUST ACCOUNT", and shall only be paid thereout to the school district having the right thereto or in repayment of principal or interest of loans, the proceeds of which have been deposited as above mentioned.

(c) Notwithstanding anything contained herein or any other Act or Ordinance to the contrary, the trustees of any public or separate school district within the City, shall have all the borrowing powers conferred upon a town district by the School Ordinances and amendments thereto.

The amount so borrowed shall not exceed eighty per centum of the estimated amount of the taxes and other revenue of the City for the then current year; and if the Council authorizes the borrowing of any larger sum than the amount

aforesaid every member of the Council who votes therefor shall
be disqualified from holding any municipal office for two years.

TITLE _____

T A X E S.

On or before the first day of October in each year, the City Assessor shall prepare a tax roll and thereon proceed to collect the taxes specified.

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain -

- (a) The name of every person assessed;
- (b) His residence;
- (c) The nature of the property in respect to which he is assessed;
- (d) The total amount for which he is assessed and there shall be calculated and set down opposite each such entry in appropriately headed column the sums for which such person is chargeable by way of taxes on account of (1) the general rate which may include the general debenture rate (2) special rates (3) school rates and (4) arrears, and the total thereof.

If a taxable person is a resident of the City, the City Assessor shall transmit to him by post a written or printed notice showing the amount of the taxes payable by such person and distinguishing between:-

- (a) Municipal taxes;
- (b) School Taxes;
- (c) Local Improvement or other special tax;

Or serve such notice upon any grown up person at the residence or business office of the person taxed and the City Assessor shall immediately enter upon the roll a memorandum of the date of the service or posting of such notice and shall verify it by his initials and such entry shall be prima facie evidence that the notice was served or posted as aforesaid and the date thereof.

In case the taxable person is a non-resident the City Assessor shall ~~sub~~mit to him by post a similar statement of the taxes charged against him in the roll; and the City Assessor shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials; and such entry shall be prima facie evidence that the said notice was transmitted and of the date of such transaction.

The Council may require payment of taxes including local improvement rates, sewer rates, school rates and all other rates to be made by the taxable person at the office of the City Assessor on any day or days and in bulk or by instalments and they may also provide that on punctual payment of any instalment the time for payment of the remainder may be extended to a day or days to be named in the By-law.

The Council may by By-law allow a discount for the payment of the aforesaid taxes or any part thereof or any instalment thereof on or before the day or days therein named, or may impose penalties on taxes not paid on the dates mentioned. in the said By-law, provide that such penalties shall not exceed a rate of ten per cent (10%) in any year and may impose an additional percentage charge not exceeding one per cent (1%) per month for non-payment by the 3rd day of December in each year on which the same were imposed, and such additional percentage shall be added to any unpaid amount of taxes or assessments or rate or instalment and collected by the City Treasurer or by distraint or otherwise, as if it had been originally imposed by By-law.

The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and such taxes shall be a

a special lien upon the land and shall be collectable by action or distraint in priority to every claim, privilege, lien or encumbrance of every person except the King; and the lien in its priority shall not be lost or impaired by any neglect, omission or error of any officer of the City.

(a) The payment of all taxes assessed and levied on a floor space basis or on a rental basis may be enforced by suit or by distress and sale of goods and chattels being the property of the person assessed which are found upon the assessed premises, or which have been removed from the assessed premises to any other place within the City at any time within a period of thirty days immediately preceding the making of the distress.

The production of a copy of so much of the roll as relates to the taxes payable by any person in the City certified as a true copy by the City Assessor shall be conclusive evidence of the debt.

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

Where taxes are due on any land occupied by a tenant the City Assessor may give such tenant notice in writing requiring him to pay the City Assessor the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid including costs, and the City Assessor shall have the same authority as the landlord of the premises would have had to collect such rent by distress or otherwise to the amount of the unpaid taxes and costs, but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

In case taxes which are a lien upon land remain unpaid in the case of a resident of the City for fourteen days after notice given under Section ___ or in case of non-residents for one month after the posting of the statement provided for by section ___ of this Title the City Assessor may levy the same with costs by distress either --

(1) Upon the goods or chattels belonging to ~~A~~ in the possession of the owner or tenant of the land whose name appears upon the roll and who is hereinafter called the person taxed; or

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

(3) Upon any goods and chattels upon the land where title to such goods and chattels is claimed in any of the ways following: (a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; (b) by purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; (c) by the wife, husband, daughter, son, daughter-in-law of the person taxed or of such owner or by any relative of his in case such relative lives on the land as a member of the family; (d) by virtue of any assignment or transfer made for the purpose of defeating distress.

Where the person taxed or such owner is not in possession of goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of said goods and chattels on the premises shall be sufficient prima facie evidence that they belonged to him.

No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant.

In case taxes which are not a lien on land remain unpaid in case of a resident of the City for fourteen days after notice given under section ___, in the case of a non-resident for one month after the posting of the statement and demand provided for by section ___ of this Title, the City Assessor may levy the same with costs by distress either --

(a) Upon the goods or chattels of the person taxed wherever found within the City; or

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

(c) Upon the goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by subclauses (a), (b), (c), of section ___ and with the words "Or against the owner though his name does not appear on the roll" and the words "Or such owner" and the words "on the land" omitted therefrom.

Notwithstanding anything herein contained no goods in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the Assignor or of the Company which is being woundup and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

Any goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress

unless they are the property of the person taxed or of the owner though his name does not appear on the roll.

The person who claims such exemption shall select and point out the goods and chattels to which he claims exemption.

If at any time after demand has been made or notice given pursuant to sections ___ and ___ of this Title and before the expiration of the time for payment of the taxes the City Assessor has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the City, and if he makes affidavit to that effect before any Justice of the Peace the Justice may issue a warrant to the City _____, authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the City Assessor may levy accordingly.

The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under Chapter 14 of the Consolidated Ordinances 1898, intituled "AN ORDINANCE RESTRICTING DISTRESS FOR RENT AND EXTRA JUDICIAL SEIZURE."

No defect, error or omission in the form or substance of the notice or statement required by sections ___ or ___ of this title or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of taxes.

The City Assessor shall by advertisement posted up in at least three public places in the City near to the distrained property give at least seven days' public notice of the time and place of sale and of the name of the person whose property is to be sold, and at the time named in the notice the City Assessor shall sell by public auction the goods and chattels distrained or so much thereof as may be necessary,

If the property distrained has to be sold for more than the amount of the taxes and costs and if no claim to the surplus is made by any other person on the ground that the

property sold belonged to him or that he was entitled by lien or other right to the surplus the said surplus shall be returned to the person in whose possession the property was when the distress was made.

If the claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

If the claim is contested the surplus shall be retained by the City Assessor until the respective rights of the parties have been determined by action or otherwise.

If any of the taxes mentioned in the roll remain unpaid on the 31st day of December in any year and the City Assessor is not able to collect the same he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words "Non-resident" or "Not sufficient property to distrain" or "Instructed by Council not to collect" or as the case may be.

TITLE _____

EXPROPRIATION.

In case the Council desires to acquire land for any purpose authorized in this Act it may in case it cannot acquire the land at a fair price by agreements therein acquire the same by expropriation in the name and on behalf of the City.

The said Council shall make the owners or occupants of or other person interested in any land taken by the City in the exercise of any of the powers conferred by this Act due compensation therefor and pay damages for any land or interest injuriously affected by the exercise of such powers the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Act.

Before taking any land the Council shall deposit with the City Clerk plans and specifications showing the land to be taken or used and the work to be done thereon and names of the owners or occupants thereof according to the last revised assessment roll.

(b) The City Clerk shall thereupon notify such owners or occupiers of the deposit of the said plans and specifications and of the date of such deposit and that all claims for compensation for the land so to be taken, and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications which date shall be that with reference to which the amount of the compensation for such lands shall be ascertained.

(c) If any claimant under this section has not filed his claim within the period hereinbefore limited it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

In case any land not taken for work or undertaking constructed, made or done by the Council under the authority of this Act is injuriously affected by such work or undertaking the owner or occupier or other persons interested therein shall file with the City Clerk within fifteen days after notice has been given in a local newspaper of the completion of the work his claim for damages in respect thereof stating the amount and particulars of such claim.

(b) Such notice shall be given by the City Clerk forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which any claim under this section may be filed.

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

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

Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land and shall pass by any transfer or conveyance thereof.

In the case of land which the City has authority under this Act to take without the owner's consent corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent, whether infants, issue born, lunatics, idiots, or others, have power to act as well in reference to any arbitration notice and action, under this Act, as in contracting for and conveying to the City such land or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof.

(b) In case there is no such person who can so act in respect to such land or in case any person interested in respect to any such land is absent from the Province of Alberta or is unknown, or in case his residence is unknown or he himself cannot be found, a judge may appoint a person to act in respect to the same for all or any of the said purposes.

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

The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as aforesaid shall stand in the stead of such lands and shall be subject to the limitations and charges if any, to which the said lands were subject and any claim to no encumbrance upon the said lands or to or upon any portion thereof shall as against the said City be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer or discharge or other instrument or cannot be found or is unknown the City may pay such compensation or damages into Court and thereupon the Judge on the application of the City may grant an order vesting in the City the absolute title to the lands in respect whereof such compensation or damages have been paid into Court.

(b) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper in the City of Lethbridge calling upon persons entitled to compensation or damages or injuriously affected to file their claim to the said compensation or damages or any part thereof and all such claims shall be received and adjudicated upon by said judge.

(c) Any judgment or such proceedings shall forever bar all claim to or in respect of the lands or any part thereof and all interest therein and to the compensation or damages therefor and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be deemed necessary,

The Council of the City of Lethbridge in all cases where claims for compensation or damages are made against the City, which under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree may tender to any person making such claim such amount as they consider proper compensation for the land taken and in the event of the non-acceptance by the claimant of the amount so tendered and of the arbitration being proceeded with if any reward is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the City and set off against any amount awarded against them.

Where a claim is made for compensation or damages by the owner or occupier of or other person interested in lands taken by the Council or which is alleged to have been injuriously affected in the exercise of any of the powers of the Council in the event of the Council not being able to agree with the claimant as to the amount of compensation or damages, the same shall be settled and determined by the award of a judge or of an advocate to be appointed by him.

The fees to be paid to the judge or the arbitrator appointed by him upon any arbitration shall be as follows: For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party, \$3.00; for every day sitting to consist of not less than six hours, \$20.00; for every sitting not extended

to six hours, fractional parts of hours being excluded, where the arbitration is actually proceeded with for each hour occupied, \$3.00.

The reference to any such claim to a judge shall not be deemed to be an admission of any liability on the part of the City and all defences and objections shall be open to either party as if an action had been brought.

The judge or other arbitrator, may award the payment by any of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which such costs shall be taxed in which case the costs shall be taxed by the officer of the Court without any further order and the amount so determined shall be payable within one week after taxation.

In case of any award under this Act, the Judge or other arbitrator shall take and immediately after the making of the award shall file with the City Clerk for the inspection of all parties interested full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof and in case he proceeds partly on a view or any knowledge or skill possessed by him he shall also put in writing a statement thereof.

The award shall not be binding on the City unless it is adopted by the City By-law within one month after the making of the award and if not so adopted the property shall stand as if no arbitration had been held and the City shall pay the costs of the arbitration.

TITLE _____

ACTION BY AND AGAINST THE CITY.

Where duties, obligations or liabilities are imposed by contracts or agreements are or have heretofore been created enacted, or validated by any statute imposing such duties, obligation, or liabilities the City shall have the right by action to enforce such duties or obligations and the payment of such liabilities, and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

In case a By-law or resolution is illegal in whole or in part or in case anything has been done under it, which by reason of such illegality gives any person a right of action no such action shall be brought until onemonth has elapsed after the By-law or resolution has been quashed or repealed or until one month's notice in writing of the intention to bring the action has been given to the City and every such action shall be brought against the City alone and not against any person acting under the By-law or resolution,

In case the City or the Council tender amends to the Plaintiff or his solicitor, if such tender is pleaded and if traversed and no more than the amount tendered is recovered the Plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge shall direct and shall be set off against the amount recovered and the balance due either party may be recovered as in ordinary cases.

No action from any damages alleged to have been sustained by reason of the negligence or default of the City shall be commenced after the expiration of six months from the date when such damages shall have been sustained.

Provided that no such action shall be brought unless notice, in writing, of the claim and of the injury complained of, has been served upon or sent by registered post to the City Clerk within thirty days after the cause of action arises; and failing such notice, the City shall be relieved from any liability for such damages or compensation, notwithstanding any provisions of law to the contrary.

TITLE _____

HIGHWAYS AND PUBLIC PLACES.

The jurisdiction over every public road, street, lane, alley, square or other public place in the City of Lethbridge is hereby vested in the Corporation of the said City.

The Lieutenant Governor in Council may by order in Council vest in the City jurisdiction over any highway, bridge or stream not wholly within the City limits or of any part of such highway, bridge or stream.

The City may make By-laws for -

(a) Closing, selling or leasing the whole or any portion of any street, road, lane or public highway, the fee whereof is not vested in the Crown, provided that no such By-law shall be passed unless at least two weeks' notice of the intention of the Council to pass the same be served upon the persons registered or assessed as the owners of the lands abutting upon that portion of such street, lane or highway proposed to be closed, sold or leased, and published previous to the passing of the By-law in at least two weekly issues of a newspaper published in the City. Nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been offered an opportunity to be heard by himself or his agent in relation to the proposed By-law and any such person so claiming petitioning and appearing shall be entitled to compensation as in Title _____ of this Act provided;

(b) Providing for planting and protecting trees on highways and other public places and regulating the width of the travelled portion of the streets and avenues and the distance at which sidewalks may be laid from the property line and for allowing the planting of trees and protection of the same by fencing or

otherwise on the sides of such streets and avenues by the City or the owners of the property adjoining the same;

(c) Every public road, street, bridge, highway, square, alley or other public place belonging to the City including all crossings, sewers, culverts and approaches, grades, sidewalks, and other works made or done therein or thereon by the City or by any person with the permission of the Council shall be kept in repair by the City and in default of the City keeping the same in repair the City besides being subject to any punishment provided by law, shall be civilly responsible for all damages sustained by any person by reason of such default.

The last preceding section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert sidewalk or other work made or laid out by any private person until the same has been established as a public work by By-law or has been assumed for public purposes by the Council or by the commissioners of the City of Lethbridge.

In case an action is brought against the City to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street, bridge, alley square or other public place, placed, made, left or maintained by any person other than a servant or agent of the City or to recover damages sustained by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the City, the City shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the City.

The City shall be entitled to such remedy over in the same action if the other person is made a party to the action and if it is established in the action as against the other person that the damages were sustained by reason of any obstructions, excavations or opening as aforesaid placed, made, left or

maintained by such person and the City may in such action have the other person added as a party defendant or third party for the purposes hereof, if not already a defendant in the action jointly with the City, and the other person may defend such action as well against the plaintiffs' claim as against the claim of the City to a remedy over and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

If such other person be not a party defendant to such action or be not added as a party defendant or third party or if the City has paid the claim for such damages before any action is brought to recover the same or before the recovery of the damages or costs against the City therein the City shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

Such other person shall be deemed to admit the validity of the judgment, if any, obtained against such City in cases only where a notice has been served on such person pursuant to the provisions of THE JUDICATURE ORDINANCE or of any rules of Court made thereunder or where such other person has admitted or is estopped from denying the validity of such judgment.

Where no such notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the City or where damages have been paid without action or without recovery of judgment against the City the liability of the City for such damages and the fact that damages were sustained by reason of an obstruction, excavation or opening placed, made left or maintained by the other person must be established in the action against such other person in order to entitle the City to recover in such action.

Nothing contained in subsection ___ of Section __ and ___ of this Title shall cast upon the City any obligation or liability in respect of acts done or omitted to be done by other persons or authorities conferred upon them by law and over which the City has no control and where the City is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a By-law, resolution or license of the Council.

Where an action may be brought against the City by any person who has suffered damage by reason of the default of the City in keeping in proper repair any public road, street, bridge highway, square, alley or other public place, no action shall be brought in respect of such damage against any member of the Council or officer or employee thereof personally, but the remedy therefor shall be wholly against the City.

(b). This section shall not affect the liability of a mere contractor with the City nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

TITLE _____

LOCAL IMPROVEMENTS.

1. The term "Local Improvement" shall be taken to mean -
 - (a) The opening, widening, straightening, extending, grading, leveling, macadamizing, paving or planking of any street or public lane, alley, way or place; or
 - (b) The constructing of any sidewalk, bridge, culvert or embankment forming part of a highway; or
 - (c) The curbing, sodding, boulevarding, or planting of any street or public lane, alley, square or other public place; or
 - (d) The making, deepening, enlarging or prolonging of any common ditch, drain or sewer; or
 - (e) The purchase of irrigation water and of the costs of conveying the same and the costs of making the main and lateral ditches, for distribution.
 - (f) The construction of any conduit for wires or pipes along any roadway, street, lane, alley, square or other public place; or
 - (g) The sweeping or watering of any street, park, alley or other public place; or
 - (h) The cutting of grass or weeds or the trimming of trees or shrubbery within any defined area of the city;
 - (i) The reconstructing but not the mere repair and maintenance of any of the said works during the originally estimated lifetime thereof; or
 - (j) The repair and maintenance thereof after the lapse of the originally estimated lifetime thereof.
2. The term "Special Frontage Assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made according to the number of lineal feet, measured along the front or other abutting portions of the said several lands

to the amount of such share of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvements are to be made:

(a) Provided that where the street or place whereon, or wherein the local improvement is made abutts on several parcels of land some of which appear to call for a smaller or a larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting thereon than they actually have so that each parcel of land abutting on the local improvement bears a fair, just, and equitable proportion of the cost of the improvement; and

(b) Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along the street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel of land fronting or abutting thereon, or in the absence of buildings thereon, such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid, such lot or lots, parcel or parcels of land may be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances.

(c) Provided that in case of sewers, if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith, there may be assessed against such land the same amount per foot frontage as was assessed against the land actually abutting on the

street or place whereon or wherein the sewer was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of a municipal account relating to sewers, but any land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place where or wherein such land abutts and the other lands specially assessed any greater sum on account of such exemption; and

(3) The term "Special Local Benefit Assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement whether or not such land abutts on the street or place whereon or wherein such local improvement is made as is increased or likely to be increased in market value or is otherwise benefitted by reason of the local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion, having regard to all other parcels of land benefitted by the local improvement to such total charge.

(4) The term "Cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement, but also any expenses of engineering, surveying advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing the work and raising the moneys to pay the costs thereon including discounts and interests.

(5) The cost of extensions from time to time of local improvements shall be borne by the City at large and by the lots or parcels of land fronting or abutting on the street or place whereon or wherein the extension runs in the same proportion as nearly as the circumstances will admit as obtained in the case of the original establishment of the system.

The amount assessed against any parcel of land either by special frontage or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected, and the several amounts so assessed against the several lands affected and the several amounts so assessed against the land shall with interest at the rate not exceeding six per centum per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period; and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable and shall be payable in the same manner and collectable in the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general municipal taxes; provided that the owner of any land so especially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof, less any amount previously paid on account thereof.

The Council may pass By-laws:

(a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion, if any, shall be borne the municipality at large and in the case of special frontage assessment what lands shall be assessed in an exceptional mode

as hereinbefore provided, and the mode to be adopted, and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected and of assessing a cost or a portion of the cost as the case may be, either by way of special frontage assessment or by way of special local benefit assessment, and it is hereby declared that a By-law or By-laws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special By-law in each particular instance;

(b) For borrowing by the issue of debentures upon credit of the municipality at large, the moneys required to meet the whole or an part of the cost of any local improvement provided (1) that By-laws for the purpose of raising moneys in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof although a portion thereof is to be borne by the municipality at large and a portion is to be payable by special assessment or comprising the whole or a part of any portion of that part of the cost which is borne by the Municipality at large, or that part of the cost which is payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of ratepayers to the passing of any By-law for raising such portion of the cost of a local improvement as is or is to be levied by special assessment nor of any By-law for raising such portion of the costs as is to be borne by the Municipality at large of any extension of a municipal system of sewerage originally constructed as a local improvement or for any other local improvement unless in case of such other local improvement the share of the cost to be borne by the municipality at large shall be greater than can be properly paid out of the current revenue of the City for the current year and that it shall be lawful

for the Council to pass such By-laws and issue such debentures after the cost of such work has been ascertained and before the work is commenced, and such By-laws and debentures issued or to be issued may be pledged as security for the raising of a temporary loan either by means of treasury bills or otherwise for the purpose of carrying out the work; and (4) that nothing herein contained shall be construed as authorizing an extension of the general debt of the City beyond the limits thereof fixed by this Act;

(c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the municipality at large the whole or any part of the costs of a local improvement provided that ~~Clause (d) of Subsection 1 of Section 4~~ of Title _____ shall not apply in the case of such temporary loan. And it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the City within the meaning of this Act, and it shall not be necessary to recite the amount of the local improvement debt so secured by special assessment in any By-law for borrowing money, but it shall be sufficient to state in any such By-law that the amount of the general debt of the City as therein set forth is exclusive of local improvement debt secured by special assessment.

No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice hereinafter provided.

(a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is made or of the lands to be benefitted by local improvements as the case may be

and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll, whose signatures are verified by the affidavit of at least one attesting witness, the Council may take all proper and necessary proceedings for undertaking and completing the local improvement on a special frontage assessment system, or special local benefit assessment system as the case may be and after the Council shall have finally determined to undertake the improvement no name shall be removed from such position.

(b) The request of the petition may be acceded to by the Council of the current or next succeeding year either in respect of the whole or of a part; provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed, having regard only to the lands abutting on or benefitted by, as the case may be, the part of the local improvement which is made.

(c) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid unless the majority of the owners of the lands to be affected, representing at least one-third in value thereof as aforesaid, petition the Council against the same within two weeks after the last publication of notice of the intention of the Council to undertake the local improvement; such notice to be inserted once in each week for two weeks in at least one newspaper published in the City.

(d) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the Council no second notice for the same shall be given by the Council within the then current calendar year.

(e) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the Council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the Council against such local improvement or assess-

ment it shall be lawful for the Council of the same or next succeeding year to undertake the proposed local improvement.

Any local improvement may, in the discretion of the Council, be undertaken either before or after the costs thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

If in any case the first assessment for any local improvement proves insufficient or invalid and additional or new assessment or assessments may be made until sufficient moneys have been realized to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded rateably to those by whom it was paid.

There it shall be a right of appeal against every assessment made under the authority of any By-law passed under this Title to a Court of Revision to be composed of the Mayor and Council of the City, and from such Court of Revision to a Judge in the same manner and by the same procedure as nearly as may be in the case of an appeal from an ordinary assessment.

Notice of every proposed special assessment shall be given by the City Assessor to each person registered or assessed as owner of any parcel of land to be charged thereby, either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth:

- (a) A description in general terms of the local improvement.
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread.
- (c) The probable or actual cost of local improvement.
- (d) The portion, if any, of the cost to be borne by the Municipality at large;
- (e) The portion of the costs to be provided by special assessment; and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sitting of the Court of Revision for the hearing of appeals in respect of the special assessment; such sittings not to be earlier than fifteen days

from the date of the delivery or mailing of the notices.

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

No assessment under the provisions of this part of the Act shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends, unless an application to quash the same shall have been made in accordance with the provisions of Title _____ of this Act, and before the date fixed for the sittings of the Court of Revision.

The decision of the Court of Revision, subject to an appeal to a Judge as in Section _____ hereof provided, shall be final and conclusive upon all matters respecting the assessment and special rate and the Court of Revision and Judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Every By-law for borrowing money for local improvements by the issue of debentures shall recite or otherwise state:

(1) The amount of the debt which such By-law is intended to create and the object in general terms for which it is to be created;

(2) The total amount required to be raised annually for paying the debt and interest under this By-law and whether whole, or if not, what portion thereof is payable by way of special assessment and the system of special assessment applicable;

(3) The total value of the land charged with the special assessment, and if any portion of the debt created by such By-law

is to be borne by the Municipality at large, the value of the whole rateable property of the City according to the last Revised Assessment Roll;

(4) That the debt is contracted on the credit and security of the Municipality at large, but as to so much as is not to be paid by the Municipality at large the City is to Collect the same only by way of special assessment as aforesaid.

In the case of any By-law heretofore passed by the City of Lethbridge as hereafter passed by the City for the purpose of borrowing by way of debentures the money required to pay the cost or part of the cost of a Local Improvement, the same shall be valid and binding notwithstanding any defect of form or substance therein or in the proceedings prior thereto or in the passing thereof, except upon an application to quash the same made within two months of the passing thereof, and any debentures purporting to be issued under the authority thereof shall be valid and binding notwithstanding any defect of form or substance therein provided that the amount of the principal and the rate of interest be as set forth in the By-law and that the payment of the principal or instalment thereof or sinking fund therefor as the case may be with the accrued interest be not deferred longer than one year beyond the period originally fixed as the estimated lifetime of the local improvement.

TITLE _____
PUBLIC WORKS

The City shall have the power to construct, build, purchase, drill explore for, improve, extend, hold, maintain manage and conduct waterways, telephon systems, street railways or tramways, irrigation ditches, sewers, either storm or sanitary, gas (including natural gas) electric or any other artificial light or power either in connection with gas or otherwise; and all buildings, materials, machinery and appurtenances necessary in connection therewith.

The City may sell, lease or dispose of all fittings, machines, apparatus, meters or other things used in connection with any public utility carried on by it together with every product, refuse or residue resulting from the conduct of any such business.

The City shall have the power to enter upon or purchase such lands and buildings as they may deem necessary or advantageous for the purposes aforesaid;

(a) The City shall have the power to employ such commissioners of public works, engineers, surveyors and other persons as may from time to time in the opinion of the Council be necessary or expedient to enable the powers of the City to be properly exercised;

(b) The Council may from time to time make and enforce By-laws, rules and regulations for the general maintenance or management or conduct of any public works constructed or maintained under this Act; and of the officers or others employed in connection with them and for the collection of the rates and charges for supplying water, whether by waterworks or irrigation ditches, telephone, street railways or tramways, gas or electricity or other means of providing light or power here under, and for the rent of fittings, machines, apparatus, meter or other things leased to consumers, and for fixing such rates

charges and rents and the times and place where the same shall be payable, and may allow such discount as they may deem expedient for prepayment or punctual payment

(c) And for enforcing payment of such rates, charges or rents by action in any Court of competent jurisdiction, or shutting off the water, gas or electricity, disconnecting or discontinuing the service, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the City such distress and sale to be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under the ORDINANCE RESPECTING DISTRESS FOR RENT AND EXTRA JUDICIAL SEIZURES: but an attempt to collect the rates or rents by any such process shall not in any way invalidate any lien which the City is entitled to upon the premises in respect of which the indebtedness has incurred.

Any official authorized by the City for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made or in the case of the written authority of the Mayor given in respect of the special case without notice to all parts of every building or other premises in which water, gas or electricity is delivered and consumed or which is served by a sewer for the purpose of inspecting or repairing as aforesaid or for placing meters upon any service pipe or connection within or without any house or buildings as they may deem expedient; and for this purpose or for the purpose of protecting or regulating the use of such meter may set or alter the position of the same or of any pipe, connection or tap; and may fix the price to be paid for the use of such meter and the times when and the manner in which the same shall be payable and may also charge for and recover the expenses of such alterations and such price and expense of such alterations may be collected in the same manner as water rates.

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

The City their engineers, servants and workmen from time to time and at such times as the City shall see fit may enter into and upon, take or use the land of any person, bodies politic or corporate in the City or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of waterworks, gas, telephones, sewers, electric light or power or any other public works which it is under this Title empowered to construct or operate, and may contract with the owners or occupants of the said land and any person having a right or interest therein for the purchase or renting thereof, or of any part thereof or of any privilege that may be required for the purpose of any such waterworks, or other works, at the option of the City.

The City may construct, erect and maintain in and upon any land acquired under the provisions of this Act all reservoirs, waterworks, gas works or wells and shafts, dams, buildings machinery or other things requisite for the undertakings authorized under this Act, and for conveying water, gas, electricity or power through the same by such lines of pipes, ditches, poles or wires as may from time to time be found necessary or expedient.

The City and its servants under its authority may for the said purposes enter and pass upon and over any such lands, and the same may cut and dig up, if necessary, and may lay down pipes excavate ditches, erect poles and wires through the same, and in, upon, through, over and under the highways, streets, lanes, roads squares, bridges or other passages, whether the same be within the City or not, and for such purposes may break up, dig, and trench the same, and for the purposes of taking up, examining or ~~ide~~ in repair, and otherwise maintaining any public works, may exercise the same power, and any power given to the City under this section covering lands vested in the City as may with the consent of the owner thereof be exercised in regard to private property;

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

(c) The City may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the said City may think necessary and proper for the making and maintaining of the said works or for the purchasing of said lands required for the protection and improvement of the said works, or for the taking up, moving, altering or repairing the same, and for enabling the same to be used by the inhabitants of the community or the City or for the proprietors or occupants of the land through or near which the same may pass.

For the purpose of any such public works the City may sink and lay down pipes, wells, tanks, reservoirs and erect poles, wires, and buildings and other conveniences and may from time to time alter all or any of the said works as well in the position as in the construction thereof as they may deem advisable.

All works, wells, pipes, poles, erections and machinery requisite for any public works shall be vested in and be the property of the City.

Service pipes which may be required shall be constructed and laid down up to the outer line of the street by the City, and the City shall be solely responsible for keeping the same in repair, but connections between private property and sewers shall be made by the City on payment by the owner of the charges therefor to the outer line of the street, at a point to be designated by the owner and the owner shall be solely responsible for the repair thereof.

(b) In cases where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected, the City may with the consent of the owner lay the service pipe or sewer connections across such vacant space and charge the cost thereof to the premises or the owner himself may lay service pipes or sewers provided the same is done to the satisfaction of the City or person appointed by them in that behalf.

(c) The expense incidental to the laying and repairing as hereinafter provided of the service pipes or sewers if laid or repaired by the City (except the laying or repairing of the service pipes from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the City) or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the City or if not paid may be collected forthwith in the same manner as water rates; provided that in no case shall the expense of superintending the laying or repairing of such service if laid or repaired by any other person as aforesaid exceed \$5.00.

All service pipes or sewers to the interior face of the outer walls of the building supplied together with all branches, couplings, stop-cocks and apparatus placed therein by the City shall be under its control; and if any damage is done to this portion of the service pipes or sewer or its fittings either by neglect or otherwise, or if the sewer become obstructed in any

manner between the inner surface of the wall of the building supplied and the main line of the sewer, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the City, and in default of his so doing whether notified or not the City may enter upon the lands where the service pipes or sewers are and by its officers, agents or servants repair the same and charge the same to the owner of the premises as hereinbefore provided.

(b). The stop-cock placed by the City inside the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent the flooding of the premises.

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

Upon report of the commissioner of public works officer recommending the same, the council shall have the power to direct plumbing, including one water closet and basin or other sanitary improvements, to be made in any building situated on land fronting or abutting upon a street or other place where there are sewer and water mains, and the City may, with or without the consent of the owner, occupant or tenant thereof, enter make or construct and instal such plumbing, or other sanitary improvements or cause the same to be done, and after such plumbing or other sanitary improvements have been completed, the engineer shall make a certificate as to such plumbing and other sanitary improvements stating therein the number and description of the land or parcel of land whereon such sanitary improvements are made, and shall file such certificate with the City Assessor and the amounts of such costs as so certified, shall be divided into seven equal annual instalments (after allowing for interest at such rate as the Council shall fix, having regard to the state of the money market and sinking fund), and one of such

instalments shall be added to the taxes on such lot or parcel of land in the collector's roll, for each year, for a period of seven years, beginning with the rolls prepared next after the filing of said certificate, and the said cost shall be collected in the same manner and shall be treated in all respects as ordinary taxes due upon the said land.

(e) For the purpose of making, constructing and installing such plumbing or other sanitary improvements and paying interest on the debentures hereinafter mentioned, the City shall have the power to pass a By-law or By-laws for the issue of debentures of the said City, to be called "Plumbing Debentures" in the sum of not less than \$100. each, as to the City seems expedient. These debentures shall be made payable in the manner and at the time following, that is to say, within a period not exceeding seven years, from the dates of the respective issues thereof.

(f) Such debentures shall bear interest at such rate as the Council shall fix, having regard to the state of the money market, which interest shall be payable not oftener than half-yearly. The said debentures shall be signed as provided in THE LETHBRIDGE CITY CHARTER for the signing of debentures. Such By-laws shall not require to be submitted to the electors for approval.

(g) The Council shall have the power to direct sewer and water connections to be made between a sewer or water main, in any street or part thereof and the properties fronting or abutting on such street and such connections shall be made by the engineer or under his inspection (if made by the property owner). If the connection be made by the City, the engineer shall make a certificate of the cost of the same (except the cost of laying the service pipes from the water main to the outer limit of the street, which cost shall be borne solely by the City) stating therein the number of the lot or parcel of land with which such

connection has been made and shall file said certificate with the assessor, and the amount of such cost as so certified shall be added to the taxes of the land or parcel of land named in said certificate in the collector's rolls prepared next after filing of said certificate and the said cost shall be collected in the same manner and shall be treated in all respects as ordinary taxes due upon the said land.

The City shall regulate the distribution and use of water in all places and for all purposes where the same may be required and from time to time may fix the prices for the use thereof and the times of payments; and they may erect such number of public hydrants and in such places as they shall see fit and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion and may fix the rate or rent to be paid for the use of water by hydrants or fire plugs and public buildings.

(b) The sum payable by the owner or occupant of a house tenement, lot or part of a lot for the water or gas supplied to him there or for the use thereof and all rates, costs and charges imposed under any By-law passed in pursuance of this Act, shall be a preferential lien and charge on the house, tenement, lot or part of a lot; and may be levied and collected in like manner as municipal rates and taxes are by law coverable.

In the event of the rate or rent remaining uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the collector shall make a return showing the amount of the rent or rate so in arrears together with all costs and charges in connection therewith; and the same shall be returned by the Collector to the City Clerk of the City at least once in every year and on such day or days as may be fixed by the Council or by the By-law, in that behalf, and the same together with interest at the rate of ten per centum per annum thereon

shall be collected by the Treasurer by the sale of land and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.

The City shall have power to employ the ordinary collectors and assessors and such other persons as in its opinion may be necessary to carry out the objects of this Act and to specify their duties and to fix their compensation, and all such persons shall hold their offices at the pleasure of the Council or as the Council shall determine by By-law in that behalf; and shall give security as the Council shall from time to time require; and such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the City may by By-law possess and enjoy in respect of municipal taxes.

The City shall not be liable for damages caused by the breaking of any gas or water main service pipes or attachments or the bursting of any ditches or for any interference with the supply of water, gas or electricity necessary for the repair or proper maintenance of any public work, or generally for any accident due to the operation of any public work unless such accident is shown to be directly due to the negligence of the City or its employees.

The said City shall have power and authority to supply with water, gas, light and heat, power or telephone service street railways, or tramways upon special terms any person or corporation outside the City, and may exercise all other powers necessary to the carrying out of their agreement with such City or person as well within the suburbs as within the City; and they may also from time to time make and carry out any agreement which it may deem expedient for the supply thereof to any railway company or manufactory; provided that where such supply is to be made in another municipality which itself possesses any similar public work, no pipes, poles or wires for this purpose

shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the Council of such municipality in such case the agreement may be for a term of years or otherwise as may be agreed upon, provided, however, that where there is a dispute between the City and any rural municipality in connection with work that is being carried on within the boundaries of that municipality such disputes shall be adjusted by the Minister of Public Works.

The City may make such By-laws as to the Council may seem requisite for the prohibiting by fine not exceeding \$20.00 and costs any person being tenant, occupant or inmate of any house building or other place supplied with water from the waterworks from lending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away or from using or applying it to the use or benefit of others or to any other than his, her or their own use and benefit, or from increasing the supply of water agreed for with the City or from wrongfully neglecting or improperly wasting the water.

(b) And may also make By-laws regulating the time, manner, extent and nature of the supply by the works to the tenement or parties to which and to whom the same shall be furnished, the price and prices to be exacted therefrom and each and every other matter or thing related to or connected with which it may be necessary or proper to direct, regulate or determine in order to secure the inhabitants of the Municipality a continued and abundant supply of pure and wholesome water and to prevent the practising of frauds upon the City with regard to the water so supplied.

Where there are buildings within the Municipality different parts thereof belonging to different tenants or lessees, the City may carry pipes, wires or rods to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants to convey gas, elect-

ricity or other means of providing light or heat or power to the property of another or in the possession of another.

(b) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

The City shall construct all public works and all apparatus and appurtenances thereunto belonging or appertaining or therewith connected and wheresoever situated so as not to endanger the public health or safety.

Where the City has constructed any works for supplying the inhabitants with water, gas, light, heat or power, as hereinbefore provided and where there is a sufficient supply thereof, it shall be the duty to supply all buildings within the city situate upon land lying along the line of supplies upon the same being requested by the owner or occupant or other person in charge of any such buildings, at the customary charges and on the customary terms.

The Council may by By-law provide that any building heretofore or hereafter erected within the City situated upon property fronting or abutting on any street in which both a sewer and water main exists shall be connected with the sewer and water main and the necessary piping and fixtures, including water closet and basin shall be placed in such building so that the cellar drains and privies may be properly drained into said sewer.

In addition to any other taxes which the City may lawfully impose it shall have the right to levy a special waterworks tax annually against every lot fronting or abutting on any street, lane or public highway which is traversed by the waterworks system, of an amount not exceeding five (5) cents per lineal foot, which shall be known as a waterworks charge. The City may also lawfully impose and have the right to levy a special sewer tax annually against every lot fronting or abutting

on any street, lane or public highway which is traversed by the sewer system of an amount not exceeding five (5) cents per lineal foot, which shall be known as a sewer charge, and also the City may lawfully impose and shall have the right to levy a special boulevard tax annually against every lot fronting or abutting or adjoining on any boulevard within the City of Lethbridge of an amount not exceeding ten (10) cents per lineal foot, which shall be known as a boulevard charge; but any By-law providing for exceptional assessment which the Council may pass for the purpose of local improvement shall regulate and control the extent of the frontage on which such charge shall be imposed.

In case a petition signed by two thirds of the resident burgesses is presented to the Council asking for the construction of public works under the powers conferred by this Act:

(a) It shall be the duty of such council to submit a By-law for the construction of such public works to the vote of the burgesses and such council shall forthwith prepare a By-law directing the submission of the question in accordance with the prayer of the petitioners or in such form as may be approved by the vote of two-thirds of the members of such Council and shall submit the same to the vote of the burgesses within six weeks after receipt of the petition by the Council.

(b) The power of the Council shall not be deemed to be abridged by this Act except as expressly stated herein.

(c) The proceedings in taking the vote and the persons having a right to vote shall be the same as required under Title hereof.

If the By-law be approved by two-thirds of the burgesses voting thereon it shall be the duty of the Council to pass the By-law and forthwith to proceed in the construction of the works, provided always that the Council may for any good cause if deemed expedient by a vote of two-thirds of its members hold the works in abeyance until after next general municipal election.

The City shall do as little damage as may be in the execution of the powers by this Act granted to them and shall make reasonable and adequate satisfaction to the owners, occupants, or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the City or injuriously affected by the exercise of its powers and in case of disagreement the compensation or damages shall be ascertained as provided in like cases in Title _____ hereof.

The City, its officers, agents and servants shall have the like protection in the exercise of it and their respective offices and the execution of it and their duties as public officers have under the laws of the Province of Alberta.

All materials procured under contract with the City and upon which the City shall have made advances in accordance with such contract shall be exempt from execution.

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

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

The City may dispose of any real or personal property acquired by them for the purpose of this Act, when no longer required and until sold may rent or lease the same; any property so sold shall be free from any charge or lien on account of any mortgage, bonds, debentures or other securities issued by the City; but the proceeds of sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon; but may be reinvested in similar property under the authority of this Act, which substituted pro-

erty shall immediately upon its being acquired be, and become subject to such securities as the property sold was subject to; or should no such securities then exist then the said proceeds shall form part of the general funds of the City and may be supplied accordingly.

(b) In case credit is given for any portion of the purchase money of such real property the City may take security by way of mortgage to secure the same; and the City shall have all rights, powers or remedies, expressed in or implied by any mortgage given as fully as if the mortgage and the proceeds thereof shall be subject to the provision of this section.

No member of the Council shall personally have or hold any contract in connection with any works under this Act or directly or indirectly interested in the same or any of them; but no person shall be held to be disqualified from being elected or sitting as a member of the Council of the City by reason of his being a taker or consumer of water, light, heat or power supplied by the City or by reason of any dealing or contract with the City with reference to the supply of water, light, heat or power to such person.

All persons and corporations who shall by themselves their servants or agents by act, default, neglect or omission occasion any loss, damage or injury to the public works constructed under the provisions of this Act or to any plant, machinery fitting or appurtenance thereof shall be liable to the City for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the City in any Court of competent jurisdiction.

The City may purchase or lease any works constructed for the supply of water, gas, light, heat and power within or in the neighbourhood of the City and being the property of any person or company and under the provisions of this Act may improve or extend such works.

If any person does or commits any of the following acts:

- (a) Wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted, the said City or its manager, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities of this Act authorized and contained;
- (b) Wilfully or maliciously lets off or discharges water or gas so that the same runs waste or useless;
- (c) Not being in the employment of the City and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber pipe or hydrant chamber by placing on it any building material rubbish or other obstruction;
- (d) Throws or deposits any injurious, noisome or offensive matter into the water or waterworks or upon the ice in case such water is frozen or in any way fouls the water or commits any wilful damage or injury to the works, pipes or water or encourages the same to be done;
- (e) Wilfully alters any meter placed upon any service pipe or connected therewith within or without any house, building or other place so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specially authorized by the City for that particular purpose and occasion;
- (f) Lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or rod of the works or in any way obtains or uses any water, gas or electricity thereof without the consent of the City;
- (g) Washes or cleanses cloth, wool, leather, skin or animals or places any nuisance or offensive thing within the distance of one mile above the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained or conveys, casts, throws or puts any filth, dirt, dead carcass or other noisome or offensive thing therein or within the distance as above set forth; causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same or causes any other thing to be done whereby the water therein may be in any way tainted or fouled;

and if such person is convicted of such act before a Justice of the Peace he shall for every such offence forfeit and pay a sum not exceeding twenty dollars and not less than one dollar together with the costs and charges attending the proceedings and conviction.

The penalties in money under the last preceding section or any portion of them, which may be recovered shall be paid to the convicting Justice; and by him paid one-half to the treasurer of the City and the other half to the prosecutor unless the prosecutor is the officer or servant of the City, in which case the whole of the penalty shall be paid to the City.

Any public work provided for in this Act may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately as distinct undertakings or in conjunction as one entire undertaking.

It is hereby provided that any public work or works constructed or acquired for the purpose thereof and every matter and thing appertaining thereto, and all revenues derived therefrom shall be held to be entirely separate from all other assets of the municipality and shall not be liable for any debt of the municipality heretofore or hereafter contracted by the municipality on the credit of the municipality at large, and such public work or works, lands, appurtenances and revenues shall be and are hereby specially charged with the repayment of any sum or sums of money which may be borrowed at the credit thereof by the City for the purposes thereof and for any debentures which may be issued therefor; and the holders of such securities shall have a preferential lien and charge on the said works, lands, appurtenances and revenues arising from and out of the supplying of water, gas, light, heat or power or from the real and personal property connected with the works to be acquired by the City under this Act, shall, after providing for the expense attendant upon the maintenance of the works and after payment of the amount payable for principal and interest or a sinking fund and interest up to the end of the then current year, year by year be transferred to and form a part of the general funds of the City and may be applied accordingly.

In the event of default being made in the payment of any portion of the moneys so borrowed or the interest thereon, the holder or holders of such default shall happen and shall have continued for the space of twelve months but without prejudice to the jurisdiction of any competent court to interfere before the expiration of such period, to enter upon and take possession

of the public work or works, lands and appurtenances and operate the same until all arrears of principal and interest and the reasonable costs and expenses of taking possession and of operating the same shall be fully paid and may on such terms as any competent Court or a Judge thereof may order, advertise and sell the said public work or works, lands and appurtenances by public auction and apply the proceeds of such sale in repayment of the moneys so borrowed and interest and costs and expenses and the balance, if any, remaining after such payment shall be paid over to the municipality.

The Purchaser or Purchasers on any such sale and their assigns shall have and possess and may exercise all the rights powers, privileges and franchises relating to the construction maintenance, working and conduct of the work or works which are by this Act conferred upon the City subject to the right of the City to resume the ownership thereof at the expiration of ten years from such sale on giving six months' notice and on payment within six months after such period of ten years at a valuation to be ascertained by arbitration, subject to the assent of the burgesses as in the case of the original construction or purchase of said works.

In case the City fails to exercise the right of resuming the ownership of the public work or works at the expiration of the said period, the City may similarly exercise such right at the expiration of any fifth year thereafter upon giving one year notice to the purchasers or their assigns.

Debentures issued in pursuance of a By-law passed under the authority of this Act may be dated as of the actual date of the issue thereof; provided such date be within four years from the date of the final passing of the By-law and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

For the purpose of assisting in the payment of any debentures issued for the purpose of waterworks constructed or acquired under the provisions of this Act to provide by By-law for the assessment and collection of a special tax or rate in each year not exceeding four mills on the dollar, upon the several properties according to the assessed value thereof fronting or abutting upon the street in, through and along which the waterworks mains are laid as well as all other properties which may enjoy the advantages of the use of water from the said main distant not more than 300 feet therefrom for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes to meet the yearly interest on any debentures issued for the purposes of said waterworks and the annual instalment of principal or the annual amount of payment to the sinking fund for the payment of the principal thereof provided that the collector of taxes upon the production by the owner or occupant using said water of the receipt for payment of the rent chargeable for the use thereof during the year or such proportion thereof as equal such special tax, shall remit or allow such owner or occupant the amount so paid as a payment pro tanto on account of the special tax authorized to be levied by this section.

TITLE _____
PENALTIES.

Where any fine or penalty is imposed by this Act then if the provisions of part LVIII of THE CRIMINAL CODE, 1892, do not apply and if no other mode is prescribed for the recovery thereof the same may be recovered with full costs by civil action in the Supreme Court at the suit of the City.

The Council may by any By-law:

- (1) Impose a penalty not exceeding \$100.00 exclusive of costs for breach of any provision of any By-law;
- (2) Enact that in case the conviction be for nonpayment of any license fee payable to the City under the provisions of any By-law of the City the convicting magistrate may adjudge payment thereof in addition to the penalty.

Any such penalty or license fee may (unless other provision is specially made in respect thereof) be recovered and enforced with costs by summary conviction before any Justice of the Peace having jurisdiction in the City and upon default of payment the person convicted may be committed to any jail or any public lock-up for any time determined by the said Justice unless such penalty, license fee and costs, including the costs of the committal and of the conveyance of the person convicted to the said jail, guard-room or lock-up are sooner paid.

The following form in any such case shall be sufficient:

" CITY OF LETHBRIDGE) BE IT REMEMBERED that on the
) day of
TO WIT) A.D., 19

at the City of Lethbridge C.D., is convicted before undersigned one of His Majesty's Justices of the Peace, for that the said C.D., (stating the offence and the time and place thereof) day of A.D. 19 .., and instituted (reciting the title of the By-law), and I adjudge the said C.D., for his offence to forfeit and pay to the City of Lethbridge the sum of Dollars to be paid and applied according to law and also to pay to the said City the sum of Dollars for the license fee payable by the said

" C.D., under By-Law No. and to E.F., (the prosecutor)
the sum of Dollars for his costs in this be-
half.

" And unless the said several sums are paid on or before the
..... day of 19 .., I do order that the said
C.D., be imprisoned in the City Lock-up (or as the case may
be) for the space of days unless the said several sums
together with the costs of the committal and conveyance are
sooner paid.

" Given under my hand and seal at the City of Lethbridge the
day and year first above written.

(L.S)

A.B., J.P."

TITLE _____

MISCELLANEOUS.

Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had, if it appears that such date was fixed having regard to an earlier date fixed on or by which certain other things are to be done or proceedings had, then notwithstanding anything hereinbefore contained if default be made in respect of the earlier date, a like delay shall be allowed in respect of the later date.

That the agreement made between the Canadian Pacific Railway Company and The Alberta Railway and Irrigation Company and the Municipal Corporation of the City of Lethbridge and dated the 10th day of May, 1913, providing among other matters for the construction of a subway at 13th Street in the City of Lethbridge and for the varying of the agreement between the said parties dated the 1st day of May, 1905, is hereby ratified and confirmed and declared to be binding upon the said City of Lethbridge.

By-law No. 236 of the City of Lethbridge, passed on the 13th day of July, 1914, entitled " A By-law of the City of Lethbridge to raise the sum of ONE HUNDRED AND TWENTY-THREE THOUSAND, ONE HUNDRED AND SEVENTY-ONE DOLLARS and FOUR CENTS to make up shortage on current account during the years 1908, 1909, 1910, 1911, 1912 and 1913," is hereby ratified and declared to be a good and valid By-law and binding upon the said **City** of Lethbridge and the debenture or debentures to be issued under the said By-law are declared to be good and valid debentures and to create a charge upon the City of Lethbridge at large to the same extent as though the City of Lethbridge had had power originally to pass the said By-law.

4. The sale of land for taxes under the provisions of THE TAX RECOVERY ACT, being Chapter 122 of the Revised Statutes of Alberta, 1922, held in the City of Lethbridge on the Nineteenth day of December, 1923, and adjournments, is hereby declared to be valid and binding on all parties; and sale of any of the lands at such Tax Sale, shall not be set aside on account of failure to comply with any of the provisions of the said TAX RECOVERY ACT.

5. The members of the present Council of the City of Lethbridge shall hold office until their successors are elected and take office under the provisions of this Act and no Commissioners or Advisory Commissioner shall have any claim for salary or damages for the unexpired term of office for which they are elected in the new Council elected under this Act, takes place.

6. Chapter 22 of the Statutes of Alberta¹⁹¹³ and all previous amendments thereto in so far only as they conflict with this Act, are hereby repealed.

7. This Act shall not come into force until it has been approved by a vote of a majority of the electors of the City of Lethbridge voting thereon and such vote shall be taken within sixty (60) days after it is assented to.

SCHEDULE NO. 1 of FORMS.

FORM 1.

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The Voter MUST NOT

- (a) use the X mark;
- (b) place more than one figure in the white space containing the name of any candidate;
- (c) make the same choice for more than one candidate;
- (d) make any other mark on the ballot.

The voter shall go into the booth and with the pencil provided place the figure 1 within the white space containing the name of the candidate who is his first choice.

He may place the figure 2 within the white space containing the name of the candidate he would prefer if the candidate who is his first choice does not need his vote or cannot be elected with it.

He may then place the figure 3 within the white space containing the name of the candidate he would prefer if neither his first nor his second choice needs his vote or if neither can be elected with it. And so on, making as many choices as there are candidates.

The voter may plump for one candidate alone, using the figure 1 without spoiling his ballot, but is urged to vote the full extent of his choices, as it is only by marking the full number of choices that the voter obtains the full benefit of the ballot

When the voter has marked his ballot paper he shall fold it so that the initials and stamp on the back and the number on the counterfoil can be seen without opening it. He shall then return the ballot paper so folded, to the deputy returning officer who shall in full view of those present, including the voter, remove the counterfoil, destroy the same and place the ballot paper in the ballot box. The voter shall then forthwith leave the polling place.

If the voter inadvertently spoils a ballot paper so that he cannot conveniently use it, he may return it to the deputy returning officer, who will give him another.

If the voter fraudulently takes a ballot paper out of the polling place or fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given him by the deputy returning officer, he shall be liable to imprisonment for one year.

FORM NO. 2

FORM OF BALLOT PAPER

BROWN, JOSEPH,
of the Village of
Merchant.

JOHNSON, EDWARD,
of Township Range West
of Meridian, Farmer,

SMITH, WILLIAM,
of the City of
Barrister,

WILSON, LOUIS,
of the Post Office of
Rancher.

YOUNG, JOHN,
of the Town of
Insurance Agent.

Section 90.

(All Blanks must be filled in, additions made and totals set down).

Respecting Votes Polled and Ballot Papers used at the Polling Places of the City of Lethbridge at the
Elections held on the day of..... 19....

[illegible]

FORM NO. 4

RETURNING OFFICER'S CERTIFICATE TO BE GIVEN CANDIDATES
OR THEIR AGENTS OF THE RESULT OF THE POLL AT THE
ELECTION HELD ON THE DAY OF.....
19.. IN THE CITY OF LETHBRIDGE.

I, the undersigned returning officer for the City of
Lethbridge do hereby certify that at the election held on the
..... day of for a member to serve in the City
Council, the hereinafter mentioned candidates received the number
of ballots set opposite their respective names, viz:

<u>NAMES OF CANDIDATES.</u>	<u>NUMBER OF BALLOTS.</u>
.....
.....
.....
.....
.....

and also that ballots were rejected.

DATED at this.....day of.....
19..
.....
Returning Officer.

FORM NO. _____

CITY OF LETHBRIDGE ELECTION.

Held on the day of 19..

STATEMENT DELIVERED TO THE RETURNING OFFICER BY THE SUPERVISORS OR PREPARED BY THE RETURNING OFFICER, OF THE FIRST PREFERENCE VOTES GIVEN EACH CANDIDATE, TRANSFERS OF VOTES, AND TOTAL NUMBER OF VOTES CREDITED TO EACH CANDIDATE AFTER EACH TRANSFER, WITH THE FINAL RESULTS, NAMES OF CANDIDATES ELECTED, AND ORDER OF THEIR ELECTION.

No. of valid votes

Number of members to be elected

Quota.....

Names of Candidates	First Count.	Second Count.		Third Count.		Final Result.
		Transfer ofvotes.	Result.	Transfer ofVotes	Result.	Names of Candidates elected in order of their elect ion.
A.						
B.						
C.						
D.						
E.						
F.						
Preference exhausted.						
TOTAL.						

FORM ____

OATH OF SECRECY

CITY OF LETHBRIDGE

Polling Place No.

I,, swear (or solemnly
affirm)--

1. That I will not attempt to ascertain and will by every means
in my power prevent any other person from ascertaining how any
person is about to vote, or shall have voted, at this election
save and except as may be necessary and proper in the case of
persons blind or unable to read or incapable of marking their
ballot as provided in this Act;

2. That I will not communicate to any person any information
of any kind which may enable or assist any person to ascertain
the candidate for whom any person has voted;

3. That I will in all respects maintain and aid in maintaining
the absolute secrecy of the voting of this polling place.

SO HELP ME GOD.

SWORN (or affirmed) before)
me at)
in the Province of Alberta)
this day of)
19..)
)

R.O., D.R.O., J.P., Commr., or N.P (or as the case
may be)

FORM NO. _____

EXTRA STATEMENT BY RETURNING OFFICER OF THE RESULT OF
THE POLL AT AN ELECTION WHERE ONE MEMBER TO BE ELECTED
AND THERE ARE MORE THAN TWO CANDIDATES.

THE CITY OF LEBANON.

Election held on the _____ day of 19..

Names of Candidates.	First Count.	SECOND COUNT		THIRD COUNT.		Candidate elected.
		Transfer of _____ votes	Result.	Transfer of _____ votes.	Result.	
A.						
B.						
C.						
D.						
Preference exhausted.						
TOTAL						

FORM ____
FORM OF OATH OF INABILITY TO READ.

I, of
swear (or solemnly affirm) that I am unable to read (or,
that I am from physical incapacity unable to make a ballot
paper, as the case may be).

SWORN (or affirmed) before me)	
at in the)	
Province of Alberta, this)	HIS
day of.....19..)
having been first read over to)	Mark.
the above named)	
and signed by him in my pres-)	
ence with hismark.)	
)	
)	

.....
Deputy Returning Officer.

FORM NO. 9

CERTIFICATES TO BE DELIVERED TO CANDIDATES, Etc.,

I, the undersigned, deputy returning officer for polling place No. in polling subdivision No..... of..... in the City of Lethbridge, DO HEREBY CERTIFY that at the election held this day, for a member to serve the City Council, the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz;

<u>NAMES OF CANDIDATES</u>	<u>NUMBER OF BALLOTS</u>
.....
.....
.....
.....
.....
.....

and also that ballot papers were rejected.

DATED at this day of 19..

.....
Deputy Returning Officer.