

BILL

No. 2 of 1930.

An Act to amend and consolidate The Wetaskiwin City Charter.

(Assented to _____, 1930.)

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

The Wetaskiwin City Charter, being chapter 41 of the Statutes of Alberta, 1906, and amendments thereto, is hereby amended and consolidated as follows:

SHORT TITLE.

1. This Act may be cited as "*The Wetaskiwin Charter*."
2. In this Act the term—
 - (a) "Business" shall include any trade, profession, calling, occupation or employment;
 - (b) "Clerk" means the city clerk of the City of Wetaskiwin;
 - (c) "Council" means the municipal council of the said city;
 - (d) "Elector" means a person entitled to vote at municipal and school elections in the said city;
 - (e) "Land," "real property," and "real estate" respectively shall include all buildings or other things erected upon them or affixed to the land, and all machinery or other things so fixed to any buildings as to form in law part of the realty, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to His Majesty;
 - (f) "Judge" shall mean any judge of the District Court of the District of Wetaskiwin or any judge acting in his place;
 - (g) "Lot" means one of the subdivisions into which a piece or parcel of land has been divided into smaller parcels for purpose of sale, including the buildings and other improvements thereon;
 - (h) "Municipality" or "city" or "corporation" means the City of Wetaskiwin;
 - (i) "Occupant" means a person who possesses, holds or occupies any land under any title whatsoever or even without title, or is occupying lands of the

Crown under any style of location, agreement or tenure whatever;

- (j) "Owner" or "proprietor" means any person who has the ownership or use of any taxable property or has an agreement for the purchase of the same;
- (k) "Person" includes a corporation or partnership;
- (l) "Personal property" and "personal estate" include all goods and chattels and all other property except land and real estate as above defined, and except property herein expressly exempted;
- (m) "Resident" means a person residing within the limits of the City of Wetaskiwin;
- (n) "Revised assessment roll" means the assessment roll of the city or any part thereof as finally adopted by the council;
- (o) "Taxable person" means—
 - (i) any person the owner of any personal property not exempted from taxation;
 - (ii) the owner of lands not exempt from taxation where the same are occupied by the owner or unoccupied, otherwise the occupant;
 - (iii) any person liable to be assessed for business under this Act;
- (p) "Treasurer" means the treasurer of the City of Wetaskiwin.

PART I.

ORGANIZATION.

3. The inhabitants of the area hereinafter described, and such persons as shall hereafter become inhabitants of such area, are hereby incorporated into a municipal corporation under the name of the City of Wetaskiwin, the said area being described as follows:

The north-east quarter of Section 10, the north-west quarter of Section 11, the west half of the west half of Section 13, all of Section 14, the east half of Section 15, the south-east quarter of Section 23, and the south-west quarter of Section 24, in Township 46, Range 24, west of the Fourth Meridian, in the Province of Alberta;

Excepting thereout from the lands above described, the following:

- (a) Part of the south-east quarter of said Section 23, withdrawn from the City of Wetaskiwin, as described in Order No. 1405, made by the Board of Public Utility Commissioners, on or about the second day of November, 1920;
- (b) Block C in Brickdale Park, Plan No. 382 A S, withdrawn from the City of Wetaskiwin as described

in Order No. 1406, made by the Board of Public Utility Commissioners, on the second day of November, 1920;

- (c) All that portion of the north-east quarter of said Section 10, withdrawn from the City of Wetaskiwin, as described in Order No. 1490 A, made by the Board of Public Utility Commissioners, on the 18th day of February, 1921;
- (d) All that part of the City of Wetaskiwin, formerly known as the subdivision of Rosedale, withdrawn from the City of Wetaskiwin and described in Order No. 3033, made by the Board of Public Utility Commissioners, on the 20th day of September, 1924;
- (e) All that portion of the east half of the north-east quarter of said Section 15, withdrawn from the City of Wetaskiwin and described in Order No. 3138, made by the Board of Public Utility Commissioners, on the twentieth day of November, 1924;
- (f) All that portion of the south-west quarter of said Section 24, withdrawn from the City of Wetaskiwin, and described in Order No. 3714, made by the Board of Public Utility Commissioners, on the fifth day of June, 1926;
- (g) All those portions of the south-east quarter of said Section 14, withdrawn from the City of Wetaskiwin, and described in Order No. 3762, made by the Board of Public Utility Commissioners, on or about the twenty-second day of July, 1926.

4. 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 previous year's council.

5. Until the new council is elected and takes office under this Act the mayor and members of the council of the existing City of Wetaskiwin 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 Wetaskiwin shall be deemed and taken for all purposes to be the by-laws, contracts, property, assets, rights and liabilities of the City of Wetaskiwin.

6.—(1) 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 agrees the said territory may be made part of the city by the Board of Public Utility Commissioners on such date and such terms and conditions as the said Board of Public Utility Commissioners may think fit.

(2) The Board of Public Utility Commissioners may upon the petition of the council of the city, include within the city any territory adjacent thereto, which from the proximity of streets or buildings or the probable future exigencies of the city it may deem desirable to include therein or to annex thereto, and such annexation shall take effect on such date and on such terms and conditions as the Board of Public Utility Commissioners may decide.

(3) The Board of Public Utility Commissioners may without a petition and of its own motion, exercise any or all of the powers hereinbefore given to it.

7. The council of the city shall consist of the mayor, who shall be the head thereof, and six aldermen.

8. The mayor shall hold office for a term of one year, and the aldermen shall hold office for a term of two years, from the first day of January succeeding their election, and it is hereby declared that the present aldermen of the City of Wetaskiwin shall hold office for their respective terms and hereafter as many aldermen shall be elected each year as there are vacancies to be filled in the council.

9. In case of the resignation, death or removal of any member of the council, or in the 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; but if such vacancy occurs after the first day of October in any year, then such vacancy shall not be filled until the next general election.

10.—(1) In the event of any member of a council refusing or neglecting to attend the meetings of the council for one month his seat shall be declared vacant, unless he shall have received permission to absent himself from the council by a majority vote of the same at a regular meeting of the council, which permission shall in no case be for a longer period than six months.

(2) The proceedings of the council or of any committee thereof shall not be invalidated by any vacancy among its members or by any defect in the appointment, election of, or of any disqualification of any member thereof.

11. Every male person will be eligible for election as mayor or alderman who is a British subject by birth or

naturalization, is of the full age of twenty-one years, is able to write and read, not subject to any disqualification under this Act, and is resident within the city or within two miles of the limits thereof, and the owner at the time of the election of freehold and leasehold, or partly freehold and partly leasehold, real estate rated in his own name on the last revised assessment roll of the city to at least the value following, over and above all charges, liens and encumbrances affecting the same: Freehold, five hundred dollars; leasehold, one thousand, five hundred dollars.

12. 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.

13. No person 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 shall declare his interest forthwith and shall not vote in the council on the question in which he is so interested, and no such shareholder shall vote on any question affecting the company.

14. The persons entitled to vote at municipal and school elections in the City of Wetaskiwin and in the Wetaskiwin School District shall be those persons whose names appear on the last revised list of electors, which shall be prepared annually as hereinafter provided.

15. The list of electors entitled to vote at municipal elections in the City of Wetaskiwin shall include—

- (a) all persons, both male and female, being British subjects by birth or naturalization, of the full age of twenty-one years, who have, for six months immediately preceding the first day of June in the year for which the list is being prepared, continuously resided or had their fixed and permanent domicile in the City of Wetaskiwin;
- (b) all persons, both male and female, of the full age of twenty-one years, who are assessed on the revised assessment roll for that year; and

- (c) all banks, incorporated companies and corporations assessed on the said revised assessment roll:

Provided that every such person, bank, incorporated company and corporation, before being enrolled and as a condition of enrolment on the list of electors, has been duly registered as an elector, in terms of the provisions hereinafter enacted; and provided also that where real property is owned by two or more persons and is assessed in their joint names, each of them shall be deemed to be assessed within the meaning of this section.

16. The list of electors entitled to vote at school elections in the Wetaskiwin School District shall include—

- (a) all persons above enumerated under clauses (a), (b) and (c) of section 15 hereof, who are entitled to vote at municipal elections in the City of Wetaskiwin:

Provided that every such person, bank, incorporated company and corporation, before being enrolled and as a condition of enrolment on the list of electors, has been duly registered as an elector, in terms of the provisions hereinafter enacted; and provided also that where real property is owned by two or more persons and is assessed in their joint names, each of them shall be deemed to be assessed within the meaning of this section;

- (b) all persons residing in the Wetaskiwin School District but outside the limits of the City of Wetaskiwin, who, if residing in a rural school district would be deemed a resident ratepayer in accordance with the provisions of *The School Act*, and any such person shall be entitled to vote notwithstanding that his or her name may not appear upon the last revised voters' list, provided that he or she subscribed to the statement required for resident ratepayers in a rural school district.

17.—(1) The council shall, at or before its last meeting in April in each year, appoint a registrar of electors (who may be the city assessor, or clerk of the city); and the said registrar shall forthwith place or cause to be placed upon the list of electors all persons both male and female of the full age of twenty-one years who are assessed on the last revised assessment roll.

(2) The registrar shall after notice thereof, posted on the principal door of the city hall, during the month of May, and by advertisement in at least three issues of a weekly newspaper or newspapers published in the city, during the month of May, cause to be opened and to be kept open under the charge of a competent officer, an office for the registration of electors during the month of June between the hours of nine in the forenoon and five in the afternoon of each day except Sunday.

(3) All persons duly qualified under the provisions of the preceding sections, who appear in person at the said registration office, during the period aforesaid, shall, upon making before the officer in charge of such registration office (who is hereby authorized and empowered to administer the same) an oath, affirmation or solemn declaration that he or she is so qualified, be entitled to be registered as electors, and the registrar shall place or cause to be placed, the names and addresses of all such persons on the list of electors:

Provided that in the case of any bank, incorporated company or corporation the application for registration as an elector may be made by the chief officer thereof having his fixed residence in the city for the time being, and in voting the vote of such bank, incorporated company or corporation may be given by such chief officer; and whenever it is necessary to administer to such officer any oath under the provisions of this part of this Act, the form set out in section 24 hereof may be used with such modifications as may be necessary.

(4) Every person upon registration shall state to the officer in charge of the registration office whether he or she is a public school supporter or a separate school supporter, and the said registration officer shall mark the list accordingly.

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

(6) After a person whose name appears on the assessment roll has once registered as hereinbefore provided his name shall be continued on the list of electors so long as it remains on the assessment roll, and likewise the name of the wife or husband of such person after being placed on the list of electors shall be continued on the same so long as the name of such person remains on the assessment roll.

18.—(1) From the said list the assessor shall prepare the list of electors in alphabetical order, stating the place of residence or address of each elector in the case of persons, and in the case of banks, incorporated companies or corporations, the chief office or place of business in the city.

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

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

20. Notices may be given to the assessor under the preceding section by sending the same to him by registered post, or serving the same upon him in the way service is usually effected, and such notices may be so given on or before the fourteenth day of August in any year.

21. On or before the fifteenth day of August the assessor shall make a list of all applicants for amendments of, or to the list of electors, stating the names and grounds of each of such applications, and shall post the same in a conspicuous place in his office, and he shall immediately thereafter by advertisement in one or more weekly newspapers published in the city, give public notice of the time and place fixed by the council for hearing such applications.

22.—(1) Not later than the thirtieth day of September in each year, the council shall meet as a court of revision on the list of electors and shall then hear and determine all applications of which notice has been given to the assessor as hereinbefore provided and in which the applicants shall appear before them in person; and the assessor shall thereupon amend the list of electors in all cases provided for by section 19 hereof, as may be right.

(2) The list of electors shall be finally revised and shall be corrected by the assessor in accordance with the decisions of the council and shall when so revised and corrected, be printed or typewritten not later than the thirtieth day of October and shall be the list of electors of the city, and shall remain in force until a new list of electors has been prepared and finally revised.

23. The council when sitting as a court of revision on the list of electors shall have the power of taking all requisite evidence on oath.

24. The returning officer or deputy returning officer, in charge of any polling place shall, while the poll is open, if required by any person whose name is on the last revised assessment roll or the name of whose wife or husband is on the last revised assessment roll, or by the chief officer then resident in the city, of any bank, incorporated company or corporation for which he is entitled to vote, the name of which is not on the revised list of electors, and who shall present to him a certificate signed by the assessor stating that such person, bank, incorporated company or corporation is assessed on the last revised assessment roll, or that the wife or husband of such person is assessed on the last revised assessment roll, administer to him one of the following oaths, and such oath having been taken, the returning officer or deputy returning officer shall at once cause the name of such person, bank, incorporated company or corporation to be added to the list of electors, with the words "Certificate sworn" written thereafter, and such name shall be continued on the list of electors so long as it or the name of the wife or husband as aforesaid remains on the assessment roll:

"OATH.

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

"You do swear that you are the chief officer now resident in the city of the (*naming the bank, incorporated company or corporation*) named in the assessor's certificate now produced by you and that the said (*naming the bank, incorporated company or corporation*) is entitled to have its name placed upon the revised list of electors of the city for the present year as an elector entitled to vote for aldermen or for aldermen and mayor (*as the case may be*). So help you God."

25. Every returning officer, deputy returning officer, poll clerk, candidate or agent authorized to be present at any polling place shall, before exercising any of the functions of such returning officer, deputy returning officer, poll clerk, candidate or agent at any polling place, take and subscribe before a justice of the peace or clerk of the city an oath in form as follows:

"I, A.B., do swear that I will not at any time disclose to anyone the name of any person who has voted at the election to be held in the City of Wetaskiwin on the..... day of....., A.D. 19..; and that I will not unlawfully attempt to ascertain the candidate or candidates

for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God.”

26. The returning officer shall, by notice in form A in the schedule to this Act, posted up in ten conspicuous places within the city and at least six days previous to such meeting, call a meeting of the electors within the same on the first Monday in December for the purpose of nominating candidates for the offices of mayor and as many aldermen as may be required for the term commencing on the first day of January next ensuing.

27. At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations, and any person whose name appears on the last revised assessment roll may propose or second the nomination of any duly qualified persons to serve as mayor or aldermen; and the meeting shall remain open until noon, when, if the number of persons nominated to serve as mayor and aldermen does not exceed the requisite number, the returning officer shall declare the persons so nominated duly elected for the office for which they were nominated:

Provided always that every nomination for mayor or alderman shall be accompanied by a written consent from the person named in each nomination to accept the office if elected.

28. In the event of more than the required number of persons being nominated for the city the returning officer shall declare that a poll will be held in the city and name the time (which shall be the same day of the week as the nomination in the next following week), the place and the deputy returning officer or deputy returning officers, as the case may be, appointed to hold the same, and the time and place where the result of such poll shall be declared.

29. Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nominations, cause to be posted up in at least ten conspicuous places within the city a notice in form B in the schedule to this Act.

30. Any candidate nominated may withdraw at any time after nomination and before the close of the poll on polling day by filing with the returning officer or deputy returning officer a declaration in writing to that effect signed by himself in the presence of the returning officer or deputy returning officer, a justice of the peace or a notary public and any votes cast for any such candidate shall be null and void.

31. The poll shall be kept open from nine o'clock (standard time) in the forenoon until five o'clock (standard time) in the afternoon of the same day.

32. Any person producing to the deputy returning officer at any time a written authority to represent a candidate as agent at a polling place shall be recognized as such by the deputy returning officer.

33. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

34. Every deputy returning officer may by writing under his hand appoint a poll clerk, who in the absence of such deputy returning officer or on his failure or inability to fulfil the duties required of him by this Act, shall have all the powers of such deputy returning officer.

35. The votes at all elections shall be given by ballot in manner hereinafter set forth.

36. Every ballot paper shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames, but the names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for aldermen.

37. The returning officer shall procure or cause to be procured as many ballot boxes as there are polling subdivisions in the municipality, and cause to be printed a sufficient number of ballot papers for the purposes of the election.

38. The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer.

39. The returning officer shall before the poll is opened cause to be delivered to every deputy returning officer the ballot papers, materials for marking the ballot papers and a sufficient number of printed directions for voting in form C in the schedule to this Act.

40. The returning officer shall supply to each deputy returning officer before the opening of the poll a list of voters containing the names of all the electors at that polling subdivision.

41. Every deputy returning officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots screened from observation, and may appoint a constable to maintain order at the polling place.

42. Every deputy returning officer shall immediately before the commencement of the poll open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock and properly seal the same to prevent its being opened without breaking the seal and then place the box in view for the reception of the ballots and the seal shall not be broken nor the box unlocked during the time appointed for taking the poll.

43. Proceedings at the poll shall be as follows:

- (a) On a person presenting himself for the purpose of voting, the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered upon the list of electors of his polling division;
- (b) If such person takes the oath or affirmation prescribed by this Act the deputy returning officer shall cause to be entered opposite the name of such person in the proper column of the list of electors "Sworn" or "Affirmed," according to the fact;
- (c) When such person as aforesaid has been required to take the oath or affirmation prescribed by this Act and refuses to take the same, the deputy returning officer shall cause to be entered in the proper column of the list of electors opposite the name of such person the words "Refused to be sworn" or "Refused to affirm," according to the fact;
- (d) No person who has refused to take the oath or affirmation prescribed by this Act when requested so to do shall receive a ballot paper or be admitted to vote;
- (e) When the vote is objected to the deputy returning officer shall cause to be entered in the proper column of the list of electors opposite the voter's name the words "Objected to" and shall add thereto the name of the candidate by whom or on behalf of whom the objection is made;
- (f) After the proper entries respecting a person claiming to vote have been made in the list of electors in the manner prescribed, the deputy returning officer shall stamp or sign his initials upon the back of the ballot paper and shall deliver the same to such person;
- (g) The deputy returning officer may and upon request shall either personally or through his poll clerk explain to the voter, as concisely as possible, the mode of voting;
- (h) The deputy returning officer shall cause to be placed in the proper column of the list of electors a mark opposite the name of every voter receiving a ballot paper;

- (i) Only one person claiming to be entitled to vote shall be allowed at a time in the apartment where the election is held;
- (j) Each person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper by placing a cross opposite the name of the candidate or candidates for whom he desires to vote; he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper, but so as to expose the initials of the deputy returning officer, and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone or in any manner making known to any person for or against whom he has voted, deliver the same to the deputy returning officer who shall without unfolding it verify his initials and at once deposit it in the ballot box in the presence of all other persons entitled to be and then present in the polling place;
- (k) Each voter shall vote for as many candidates as there are offices to fill, otherwise his vote shall be invalid and shall not be counted;
- (l) While any voter is in the compartment for the purpose of marking his ballot paper no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper except as hereinafter provided;
- (m) In case any elector states he is unable to mark his ballot paper—
 - (i) the deputy returning officer shall in the presence of the candidates or their agents present, if required by any candidate or agent, administer an oath to such elector that he is unable to mark his ballot paper and shall then cause the vote of such elector to be marked as he directs and shall then place the same in the ballot box; and
 - (ii) the deputy returning officer shall state in the voters' list opposite the name of such elector in the column for remarks, the fact that the ballot paper was marked by him at the request of the voter and why;
- (n) Any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may, on returning the same to the deputy returning officer and proving the fact to him, obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so returned the word "Cancelled" and all ballot papers so marked shall be preserved by the

deputy returning officer and by him returned to the returning officer in the manner hereinafter provided;

- (o) Any person who has received a ballot paper and who leaves the polling place without delivering the same to the deputy returning officer in the manner provided, or if, after receiving the same, refuses to vote, shall forfeit his right to vote at the election then pending, and the deputy returning officer then shall make an entry in the list of electors opposite the name of such person in the column for remarks, that such person received the ballot paper and did not return the same or that the person returned the ballot paper and declined to vote, in which latter case the deputy returning officer shall mark upon the face of the ballot paper the word "Declined," and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided;
- (p) Any deputy returning officer, candidate, agent or poll clerk who belongs to a polling division other than the one in which he is performing the duties of such, may vote at the polling station where he is so engaged, provided he produces a certificate from the clerk of the city that he is a qualified voter within the same, and the deputy returning officer shall attach such certificate to the list of electors.

44. Immediately after the close of the poll the deputy returning officer shall in the presence of the poll clerk, if there be one, and such of the candidates with their agents (of whom there shall not be more than two for any candidate) as may be present, open the ballot box and proceed as follows:

- (a) He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the elector is entitled to give or on which anything appears by which the voter can be identified, and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all candidates for the said office;
- (b) Take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;
- (c) Number such objection and place a corresponding number on the back of the ballot paper with the word "Allowed" or "Disallowed," as the case may be, with his initials;

- (d) Count the votes given for each candidate from the ballot papers not rejected, and make a written statement of the number of votes given to each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him, and such other persons authorized to be present, as may desire to sign the same;
- (e) The deputy returning officer shall then certify under his own hand in full words on the list of electors the total number of persons who have voted at the polling place at which he is appointed and make up into separate packets—
 - (i) the statement of votes given for each candidate and of the rejected ballot papers;
 - (ii) the used ballot papers which have not been objected to but which have been counted;
 - (iii) the ballot papers which have been objected to but which have been counted;
 - (iv) the rejected ballot papers;
 - (v) the declined and cancelled ballot papers;
 - (vi) the list of electors—

which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto and marked on the outside with a memorandum designating their respective contents, shall by the deputy returning officer be transmitted forthwith to the returning officer;
- (f) Before returning the said list of electors to the returning officer the deputy returning officer shall make and subscribe before such returning officer or a justice of the peace or the poll clerk an affidavit in the form following this clause; which affidavit shall thereafter be annexed to the list of electors, and such list of electors and declaration may be inspected at any time in the presence of the returning officer by any elector of the city.

"I, C.D., the undersigned, deputy returning officer for ward (or polling subdivision) No. . . . of the City of Wetaskiwin, do swear (or if he be a person permitted by law to affirm, do affirm) that to the best of my knowledge the list of electors used in and for the said polling subdivision of the said City of Wetaskiwin was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

"Sworn (or affirmed) before me, at Wetaskiwin, this . . . day of, A.D. 19 . . "X.Y., "Justice of the Peace.	}	"C.D., "Deputy Returning Officer (or Returning Officer) of the City of Wetaskiwin."
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- (g) Every deputy returning officer upon being requested to do so, shall give to the persons authorized to

attend at his polling place, a certificate showing the total number of votes cast at his polling place for each candidate and the number of rejected ballot papers.

45.—(1) At the time and place fixed for declaring the result of the election the returning officer shall publicly declare elected the candidate or candidates as hereinafter provided, and shall deliver or forward to each candidate a certificate of his election showing the total number of votes cast for each candidate and those declared elected by him—

- (a) as mayor for the ensuing year, the candidate receiving the highest number of votes;
- (b) as aldermen, the candidates receiving the highest number of votes.

(2) In case it appears that two or more of the candidates have an equal number of votes the returning officer shall at the time he declares the result of the poll give a vote for one or more of such candidates so as to decide the election, and except in such case the returning officer shall not vote.

46. After the election the ballot boxes, packets and returns shall be transmitted to the clerk of the city and the clerk shall be responsible for their safe keeping and for their delivery when required.

47. The clerk of the city having retained for three months all ballot and other papers transmitted to him as aforesaid shall then destroy the same unless otherwise ordered by the Supreme Court or a judge thereof.

48. The clerk of the city shall, unless otherwise directed by by-law of the council, be returning officer of the city; and any returning officer may exercise and perform the powers and duties of a deputy returning officer at any one polling place in the city to be selected by such returning officer or as directed by the council.

49. No person shall be allowed to inspect any ballot papers or other documents or papers other than the list of electors used at an election, in the hands of the clerk, except under the order of the court or judge as aforesaid, which order shall state the time and place for inspecting such papers and name the persons to be present thereat.

50. All reasonable expenses incurred at any election under this Act shall be paid by the city upon production of accounts verified as the council of the city may direct.

ADVANCE POLL.

51. 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 an election, to vote

at such 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.

52. The advance poll shall be open and shall only be open between the hours of seven and nine o'clock in the afternoon of the Friday and Saturday preceding the election.

53. Except as in this Act 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.

54. The returning officer shall publish the place, dates and time for the holding of an advance poll by a notice published in two newspapers having circulation within the city during the week preceding the election.

55. 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 the following form:

"CERTIFICATE TO VOTE AT ADVANCE POLL.

"This is to certify: (*name, address and occupation in list of electors*), is a qualified voter of the City of Wetaskiwin, 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 Wetaskiwin this....day of....., 19..

".....
"City Clerk."

56. Such certificate shall be given by the city clerk if the applicant's name appears on the list of electors for the poll, and upon the granting of such certificate the city clerk shall mark opposite the name of such elector on the list of electors the words "Advance poll," and the election officers at such elector's poll on polling day shall deem such person to have already voted.

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

58. 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.

“.....
“*Signature of Elector.*

“Witness.....
“*Deputy Returning Officer.*”

59. Any person who corruptly—

- (a) for the purpose of obtaining from the city clerk 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 under this Act and shall be liable on summary conviction to a penalty of not more than one hundred dollars.

60. 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 section 58 hereof.

61. 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 nor any ballot be deposited in it without breaking such seals.

62. 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 day's polling, and then only such seals shall be removed as may be necessary to permit the insertion of ballots in the ballot box.

63. At the close of an advance poll on the second 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, nor 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 44 hereof.

RECOUNT OR FINAL ADDITION BY JUDGE.

64. If within eight days after that on which the returning officer has announced 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 any candidates; 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 for to recount or finally add up the votes cast at the election.

65. 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.

66. 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 section 64 hereof, may within two days after being served with such notice and upon complying with the other provisions of this section 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.

67. 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 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 may be substitutional or may be made by mail or in such other manner as he thinks fit.

68. The judge may require the clerk of the court to be present at the time and place required and the returning officer shall attend at the time and place appointed with the ballot boxes and documents required for the appeal or recount.

69. 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.

70. Where a candidate is not represented, any voter who declares his or her desire to attend on behalf of a candidate shall be entitled to attend.

71. Except with the sanction of the judge no other person shall be present.

72. 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.

73. 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.

74. During such excluded time and time for refreshment, 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.

75. 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.

76. 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.

77. 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.

78. 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.

79. 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.

80. 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.

81. 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.

82. 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.

83. If the deposit is insufficient, execution may issue out of the District Court upon the judge's order for the balance.

INITIATIVE.

84. 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 per cent of the total number of persons who voted at the last election for aldermen. 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 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 to be held within thirty 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.

85. 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 favor 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.

86. 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.

87. 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 nor less than five days before the submission of such by-law to be voted upon.

88. Petitions under provisions of section 84 of this Act 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, and shall have the city clerk's certificate of sufficiency or insufficiency attached thereto. Any by-laws passed under the provisions of sections 84 to 88 inclusive of this Act 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.

REFERENDUM.

89. 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, and open for public inspection.

90. 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 general 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 favour thereof. ,

91. 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.

92. 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.

RECALL.

93. 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) 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 general 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.

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

95. 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.

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

97. 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 the genuine signature of the person whose signature it purports to be.

98. 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.

99. 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.

100. 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.

101. 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.

102. 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.

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

104. 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.

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

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

107. 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.

108. 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.

109. The names 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.

CONTESTED ELECTIONS.

110. The provisions of *The Controverted Municipal Elections Act*, being chapter 117 of the Revised Statutes of Alberta, 1922, shall apply *mutatis mutandis* to the City of Wetaskiwin.

PART II.

DUTIES AND POWERS OF THE COUNCIL.

111. The first meeting of the council elected shall be held on the first Monday in January in each year except when such Monday is a public holiday, in which case the meeting shall take place on the next subsequent day not a public holiday, and the council of the previous year shall hold office up to the first meeting of the new council notwithstanding the fiscal year expires on the thirty-first day of December in each year, and, in case of neglect or refusal of the electors in the city to elect a council as hereinbefore provided, until a new council is appointed under the provisions of this Act.

112.—(1) A majority of the council shall be a quorum at any meeting.

(2) The mayor when present, and all the aldermen present, shall vote on every division, unless excused by resolution of the council, or disqualified from voting by reason of interest or otherwise.

113. The council may make regulations and by-laws not provided for by this Act and not contrary to law for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally make such regulations as the good of the city may require and may repeal, alter and amend its own by-laws except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

114. The council may pass a by-law for paying the members thereof, which shall in no case exceed the sum of three dollars per day:

Provided that the number of days for which each councillor shall be paid during the year for which he is elected shall not exceed twenty-five.

MAYOR.

115. The mayor shall preside at all meetings of the council, preserve order and enforce the rules of the council; sign jointly with the treasurer all cheques ordered to be issued by the council; be vigilant and active at all times in causing the by-laws of the city to be put in force and duly executed; inspect and report to the council on the conduct of the officers of the city; cause so far as may be in his power all negligence, carelessness or violation of duty to be prosecuted and punished; communicate from time to time to the council any information and make such recommendation as will tend to the improvement of the finances, health, security and comfort of the city.

116. The council may from its members appoint a deputy mayor who in the absence of the mayor shall have all the powers of the mayor and such appointment shall be for a period of not more than three months.

117. The mayor may, if he deems it expedient, and shall whenever requested in writing to do so by a majority of the members of the council, call special meetings of the council and all members thereof shall be duly notified of the time and place of holding the same at least twenty-four hours previous to the holding of the said special meeting.

118. The mayor shall by public notice over his signature conspicuously posted in at least ten places in the city, call a public meeting of the ratepayers of the city for the discussion of municipal affairs and such meeting shall be held within the two weeks preceding the date fixed for holding the annual election of aldermen.

119. The mayor or deputy mayor at any meeting of the council may vote with the other members of the council on all questions; and any question on which there is an equality of votes shall be deemed to be negatived.

120. In the event of the absence of the mayor or deputy mayor from any meeting the council shall elect another from amongst themselves who shall have all the powers of the mayor or deputy mayor at such meeting.

OFFICIALS.

121. The council shall appoint a city clerk, a treasurer, a city solicitor, a sanitary health officer, a medical health officer, one or more auditors, and other officials that the council may deem necessary for the carrying out of the work of the corporation.

122. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender.

123. 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.

124. In addition to defining the duties of any officer the council may by by-law require him to give such security as it deems 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.

125. 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.

126. 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.

CITY CLERK AND CITY TREASURER.

127. 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.

128. 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.

129. 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, lists of electors, 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.

130. 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.

131. The city clerk may also be appointed treasurer or assessor.

132. The treasurer shall collect and receive all moneys belonging or accruing to the city from whatever source, and shall deposit the same to the credit of the city in any chartered bank designated by resolution of the council. He shall conjointly with the mayor sign all cheques on such bank ordered to be issued by the said council.

CITY SOLICITOR.

133. 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.

134. 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.

AUDIT.

135. 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.

136. 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.

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

138. 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 thirty-first 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.

139. 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.

140. On or before the first day of April in 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.

OATHS.

141. Every person elected or appointed under this Act to any office requiring a qualification of property shall before he takes the oath of office or enters on his duties make and subscribe an oath to the following effect:

"I,....., do swear that I am a British subject, that I had at the time of my election or appointment to the office of....., in the City of Wetaskiwin, and still have in my own right, such an estate as does qualify me to act in the said office, and that such estate is (*naming the nature of it*), and is of the value ofdollars over and above all charges, liens, and incumbrances affecting the same. So help me God.

"....."

142. Every member of the council, 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 in 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 partiality or malversation or undue execution of the said office (*or 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.

"(Signature) A.B."

143. Every auditor before acting as such shall take the following oath:

"I,....., having been appointed auditor for the City of Wetaskiwin, do swear that I will faithfully perform the duties of such office according to the best of my judgment and ability, and that I had not either directly or indirectly any share or interest whatever in any contract with, by or on behalf of the said city during the year preceding my appointment (except as auditor, *if such be the case*), and that I have not any contract with the said city except that of auditor for the present year. So help me God.
 "....."

144. Every member of the council and the subordinate officers of the city shall take the oaths of office and qualification before some justice of the peace or notary public not being a member of the council, and the justice of the peace or notary public shall give the necessary certificate of the same having been duly made and subscribed.

LEGISLATIVE JURISDICTION.

145. The City of Wetaskiwin is hereby declared a body corporate and subject to all the liabilities of a corporation with full power to acquire, hold and alienate both real and personal estate for all municipal purposes, and by the same name it and its successors shall have perpetual succession and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law and in equity whatsoever; and it shall have a common seal with power to alter and modify the same at its pleasure; and it shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or moveable, for the use of the city, and of becoming a party to any contract or agreement in the management of the affairs of the city.

- (a) Every by-law under this Act shall be under the seal of the city and shall be signed by the chairman or the person presiding at the meeting at which the by-law is finally passed and by the clerk of the city; and every such by-law shall have three distinct and separate readings before the same shall be finally passed, but not more than two readings shall be had at any one meeting except by the unanimous vote of the council present.
- (b) a copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the city, certified to be a true copy by the clerk thereof, shall be authentic and received as *prima facie* evidence of the due execution and contents thereof without further proof in any court of justice.
- (c) In case no application to quash a by-law is made within two months next after the final passing thereof, the by-law shall, notwithstanding any want

of substance or form either in the by-law itself, or in the time or manner of passing the same, be a valid by-law.

146. The council of the city may pass by-laws for—

- (a) the raising of its revenue by assessment on real and personal property and business; authorizing the mayor and the treasurer to borrow from any person or bank or corporation such sum of money as may be required to meet the expenditure of the city until such time as the taxes levied therein can be collected; but such sum of money so borrowed shall not exceed the estimated revenue of the city for the then current year and the collection and expenditure of the same;
- (b) the prevention of cruelty to animals not being inconsistent with any statute in that behalf;
- (c) granting aid to agricultural societies, exhibition associations, boards of trade, or public libraries, within the city;
- (d) the prevention or removal of abuses prejudicial to agriculture not otherwise provided for by law;
- (e) the relief of the poor;
- (f) appointing policemen, watchmen and patrols and regulating and defining their duties and their remuneration;
- (g) providing for the health of the city and against the spreading of contagious or infectious diseases;
- (h) appointing and defining duties of a board of health, health officers, and scavengers;
- (i) providing for planting and protecting trees on highways and other public places;
- (j) taking the census of the city;
- (k) appointing such officials under such names as the council may deem necessary for the carrying out of the work of the corporation, defining their duties and providing for their remuneration;
- (l) entering upon and taking and using and acquiring so much real property as may be required for parks, highways, roads, streets, bridges, alleys and byways in the city without the consent of the owners of such real property, and without the consent of the owners taking and acquiring for the purpose of preventing the operation of any and all such coal mines and coal pits within, upon or under any portion of the limits of the city as in the opinion of the city council injuriously affect or endanger property within the limits of the city, making due compensation therefor to the parties entitled thereto; and such compensation may be determined by arbitration under the provisions of this Act where a mutual agreement is not possible;

- (m) laying out, constructing, repairing and maintaining parks, highways, roads, streets, bridges, alleys and byways;
- (n) the erection of halls, library buildings, lockups, weigh houses, markets and such buildings as may be beneficial to the city and to expropriate lands therefor;
- (o) the establishment and regulation of public markets and imposition of penalties for light weight, short measurement and any breach of contract in public markets and restraining or preventing selling on the streets;
- (p) establishing municipal scales for weighing or measuring and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement in the public market and establishing or regulating the fees to be paid for weighing or measuring on such scales and compelling dealers in coal to weigh upon such scales all coal sold by them if requested to do so by the purchaser;
- (q) purchasing, controlling, erecting or establishing parks;
- (r) making and regulating the use of public wells, cisterns and reservoirs;
- (s) regulating the size and number and construction of doors in churches, theatres and halls, and other places of public worship, public meetings or places of amusement, and the street gates leading thereto, and also the size and structure of stairs and stair railings in all such buildings, and the strength of beams and joists in their supports; and also providing for and regulating the size and number of fire-escapes for buildings more than two storeys in height;
- (t) controlling and constructing sewers, drains and ditches and regulating and preventing the obstruction of the same; building and repairing sidewalks, preventing the leading, riding or driving of cattle or horses thereon or the riding on bicycles or tricycles thereon, and compelling persons to remove and clear away all snow, ice and dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them; and also to provide for the cleaning of sidewalks adjoining vacant property of non-residents and the property of any other persons who for twenty-four hours neglect to clean the same, and in case of non-payment of the expenses thereof by the owner or occupant, charging the same against the property as a special assessment to be recovered in like manner with the other taxes;
- (u) authorizing any corporate gas or water, or gas and water company to lay down pipes or conduits for

the conveyance of gas or water or both under streets, squares and other public places subject to such regulations as the council may make;

- (v) contracting (subject to ratification by the burgesses as provided for in this Act) with any water works or water company for a supply of water within the municipality for fire purposes and other public uses for hydrants or otherwise as may be deemed advisable, and for the renting of any such hydrants for any number of years not in the first instance exceeding twenty and renewing any such contract from time to time for such period not exceeding ten years as such council may desire, and every such council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and purchasing or renting for a term of years or otherwise fire apparatus of any kind and fire appliances and appurtenances belonging thereto respectively;
- (w) compelling the removal of dirt, filth, dust or rubbish, off the highways, streets, lanes, alleys or byways by the party depositing the same or by the owner or occupant before whose property it is or in default removing the same at his expense; compelling the removal of anything deemed dangerous to the lives of the inhabitants; preventing and regulating the construction of privy vaults and water closets and providing for keeping the same in a proper state of cleanliness and repair; preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; and preventing and abating nuisances generally;
- (x) preventing the incumbering of streets or other public places by vehicles, agricultural implements, lumber and other articles;
- (y) regulating the rate or pace of riding or driving within the city or any part thereof;
- (z) regulating the keeping and transporting of gunpowder and other combustible or dangerous materials;
- (aa) preventing the defacing of private or other property by printed or other notices;
- (bb) licensing, regulating and governing all persons who keep or have in their possession or on their premises any billiard or pool table in a place of public entertainment, whether such table is used or not, and for fixing the sum to be paid for a license for each such table and the time such license shall be in force;
- (cc) preventing or regulating and licensing exhibitors of wax works, menageries, circuses, shows, theatres,

caravans and for requiring the payment of license fees for authorizing the same not exceeding five hundred dollars per day and for imposing fines on persons for infringing such by-laws to the amount of fifty dollars over and above the amount of the license fee, and such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not, and in addition the offender may be imprisoned for six months;

- (dd) preventing or regulating and licensing exhibitions held or kept for hire or profit; halls, opera houses, bowling alleys and other places of amusement;
- (ee) licensing, regulating and governing hawkers, pedlers or petty chapmen and other persons carrying on petty trades or who go from place to place or to other men's houses on foot or with any animal or motor vehicle bearing or drawing any goods, wares or merchandise for sale, or for fixing the sum to be paid for a license for exercising such calling within the city and the time it shall be in force;
- (ff) controlling, regulating and licensing livery, feed and sale stables, telegraph and telephone companies, telegraph and telephone offices, insurance companies, offices and agents, real estate dealers and agents, intelligence offices or employment offices or agents, butcher shops or stalls, skating, roller or curling rinks, and all other businesses, industries or callings carried on or to be carried on within the municipality, or commercial travellers or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or otherwise, for or on account of any merchant, manufacturer or other person selling directly to the consumer, not having his principal place of business in the city, and collecting license for the same;
- (gg) controlling, regulating and licensing wrestling and boxing bouts and other exhibitions; merry-go-rounds; automobile liveries; auctioneers; produce dealers, live stock dealers; street vendors of peanuts or pop-corn, restaurants, rooming houses; chopping and feed mills; acetylene welding shops, vulcanizing shops; movers of buildings; coal dealers, wood dealers; barbers, laundries, travelling opticians and all other businesses, occupations or callings of any kind whatsoever carried on within the municipality:

Provided that no such by-law shall apply to any farmer selling any commodity produced wholly or in part by his own labour, or produced upon land occupied by him;

- (*hh*) licensing water dealers, milk dealers, carriers or common carriers, draymen, teamsters, taxi drivers or motor trucks, and regulating the same—
 - (i) and for fixing the sum to be paid for license for exercising any or all such callings within the city and the time the license shall be in force;
 - (ii) the power hereinbefore contained to license and regulate water dealers, milk dealers, carriers or common carriers, draymen, teamsters, taxi drivers and motor trucks shall extend to and include all those who carry on business as such partly within or without the city or who carry or convey goods or persons from any place outside the city to any place within the same or from within the city to any place beyond the limits thereof;
 - (iii) regulating the driving or moving of tractors, engines or any other heavy machinery upon the streets of the city.
- (*ii*) restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;
- (*jj*) regulating the size of bread and preventing the use of deleterious materials in making bread and providing for the seizure and forfeiture of bread made contrary thereto;
- (*kk*) allowing a rebate on all taxes paid before a time to be named in the by-law; such rebate shall not exceed ten per cent and the time fixed by the by-law shall not be less than thirty days from the passage of the by-law; or the council may require payment of taxes to be made on any day or days and in full or by instalments and may provide that on punctual payment of instalments a rebate on the same not exceeding ten per cent may be allowed; or may provide that in default of payment of any instalment by the date named for payment thereof the subsequent instalment or instalments shall forthwith become payable;
- (*ll*) exemption from taxation for the then current year;
- (*mm*) exemption from taxation for a longer period than one year subject to ratification as hereinafter provided;
- (*nn*) making loans or granting bonuses to manufactories, mills, railways or any works of a public nature subject to ratification by the ratepayers as hereinafter provided;
- (*oo*) establishing a fire department, appointing the officers thereof, regulating and providing remuneration and prescribing their duties;

- (*pp*) providing protection from fire by the purchase of engines and equipment;
- (*qq*) compelling the inhabitants to assist and aid in the extinguishment of fires; pulling down and razing buildings in the vicinity of fires for the purpose of preventing the spreading of the same;
- (*rr*) regulating fire districts;
- (*ss*) regulating the erection and repair of buildings and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the city and prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material within defined areas of the city and regulating the construction of chimneys as to dimensions and otherwise and enforcing the proper cleaning of the same and authorizing the pulling down or removal at the expense of the owner thereof of any building or erection which may be constructed or placed in contravention of any by-law;
- (*tt*) generally establishing such measures as the safety and welfare of the municipality may require for the prevention and extinguishment of fires;
- (*uu*) compromising upon such terms as may be agreed upon for the payment of arrears of taxes;
- (*vv*) compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year;
- (*ww*) the purchase or otherwise acquiring and holding any lands situated outside the limits of the city which may be required for a nuisance ground for the purpose of disposing of the sewage and other refuse of the city;
- (*xx*) generally to make and establish all such by-laws for the government and good order of the city and the suppression of vice and immorality, protection of property and the promotion of health not inconsistent with the law;
- (*yy*) prohibiting the discharge of firearms or other explosives in the city or in any part of the city;
- (*zz*) on presentation of a duly certified petition representing one-half of the resident ratepayers of the city or portion of the city, regulating the time after which children shall not be in the streets within the limits represented by the said petitioners, at night-fall without proper guardianship and the age or apparent age of boys and girls respectively, under which they shall be required to be in their homes at the hour appointed, and the city council shall in

each case cause a bell or bells to be rung at or near the time appointed as a warning, to be called a "curfew bell," after which the children so required to be in their homes or off the streets shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause; and for providing a penalty for any child so found in the public streets contrary to the above regulations, and the parent or guardian of any child who after being duly warned in writing permits his child to be on the public streets contrary to said regulations;

- (aaa) the erection, maintenance and regulation of hospitals or granting aid to same;
- (bbb) preventing the putting of anything prejudicial to health in any stream or any body of water within the city or from which water is supplied for any purpose;
- (ccc) preventing the burial of the dead within the city;
- (ddd) building, erecting or buying or leasing, controlling and operating electric light and power plant or gas and water works plant—
 - (i) for all purposes connected with the carrying on of any of the above works the city is hereby authorized to purchase any lands either within or without the city and to enter into any contract necessary for the proper carrying on of said businesses and generally to conduct said works and businesses arising in connection therewith either by the council or by commissioners or agents appointed for the purpose as fully and freely and with all the powers and rights they would have if specially incorporated for the purpose of carrying on said businesses;
 - (ii) in case the city engage in any of the businesses heretofore referred to, the council shall have power to appoint by by-law a commissioner for the purpose of carrying on such businesses or any of them;
- (eee) licensing and regulating pawnshops, junk stores or shops and second-hand stores or shops and fixing the amount to be paid for license for the same and the time such license shall be in force;
- (fff) regulating and licensing scavengers and billposters and preventing the pulling down or defacing of signboards or written or printed notices lawfully affixed;
- (ggg) directing the removal of doorsteps, porches, railings, overhanging signs or other erections or obstructions projecting into or over any sidewalk, street or other public place at the expense of the proprietor of the property connected with which such projections are found, and assessing said expense, if not paid, against said lot or property;

- (*hhh*) regulating the sale of any articles used for food or drink and providing for inspection of same and for seizure and forfeiture of articles offered or exposed for sale contrary thereto;
- (*iii*) appointing a building inspector and defining his duties and providing for the summary removal of any pole or wire or other obstruction from the street or for the pulling down or removal or closing to the use of the public of any building or other erection within the city which shall be deemed dangerous by such inspector;
- (*jjj*) constructing through, over and above lands lying beyond or outside of the limits of the city such drains and sewers as may be deemed expedient to secure the proper drainage of the city and the disposal of the sewage thereof;
- (*kkk*) naming or numbering the streets or avenues, and changing the name and numbers, or any of them, of streets and avenues now existing or hereafter laid out within the city;
- (*lll*) authorizing the building of fire walls and granting bonuses for the same;
- (*mmm*) acquiring any estate in landed property within or without the city for obtaining gravel or for a public park, garden or walk or for a place for exhibitions and for the disposal thereof when no longer required for the purpose; and for accepting and taking charge of landed property within or without the city dedicated as a public park, garden or walk for the use of the inhabitants of the city;
- (*nnn*) the erection of buildings and fences for the purpose of the garden, walk or place for exhibitions as the council deems necessary;
- (*ooo*) the management of the park, garden, walk or place for exhibitions and buildings;
- (*ppp*) disposing of or devoting to some other city purpose in whole or in part any property acquired by the city for a specific purpose when such property is, in the opinion of the council, no longer required or not required for the time being for the purpose for which it was originally acquired, or to which it has been subsequently devoted;
- (*qqq*) for giving the council power to make grants for public purposes other than those hereinbefore mentioned; the total amount so expended in any one year not to exceed one-half of one mill on the dollar of the total assessment:

Provided that no such grant shall be made except on a two-thirds vote of the whole council.

147.—(1) The provisions of Parts III, IV and V of *The Domestic Animals Act (Municipalities)* and amendments thereto shall apply to the City of Wetaskiwin.

- (2) Notwithstanding the provisions of *The Domestic Animals Act* or any other Act the council may pass a by-law or by-laws—
- (a) restraining and regulating the running at large or herding or tethering or trespassing of poultry or any other animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such by-law and for services rendered in respect to and sustenance supplied for animals distrained or impounded;
 - (b) for appointing poundkeepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the poundkeeper to impound;
 - (c) for appraising the damages to be paid by the owners of animals impounded for trespassing;
 - (d) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs, and expenses are not paid; and
 - (e) for notices of such sale and for redemption of such animals or poultry:

Provided that no poundkeeper holding a sale under the provisions of such by-law, shall be required to take out a license as an auctioneer.

(3) Upon the passing of such by-law the provisions shall have effect in lieu of *The Domestic Animals Act*.

148. The council may pass a by-law preventing the posting or exhibiting of placards, play bills, posters, writings or pictures which are indecent or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize the public or individuals, on walls or fences or elsewhere in streets or public places.

149. The council may pass a by-law requiring all buildings used as public garages or machine repair shops to have concrete floors or to be at least one hundred feet distant from any other building.

150. The council may pass a by-law regulating the method of lighting churches, theatres, halls or other places of public meeting and the provision of stand-pipes and other fire appliances in such places.

151. The council may pass a by-law preventing the obstruction of the halls, aisles, passage ways, alleys or approaches in any church, theatre, hall or other place of public meeting during the occupation of the same by a public assemblage.

152. The council may pass a by-law authorizing the pulling down, or removal at the expense of the owner thereof, of any building or erection which may be constructed or placed in contravention of any by-law prohibiting the erection or maintenance of any building used or to be used as a livery, feed or sale stable, blacksmith shop, laundry, implement warehouse, creamery, garage or machine shop, or lumber, coal or wood shed in such parts of the town as the council may designate, or of any wooden building that has been partly burned and is a menace to public safety.

153. The council may pass a by-law regulating the use of radio-aerial wires and of poles and standards used in connection therewith.

154. The council may pass a by-law for the purpose of establishing and regulating an airport in the vicinity of the city.

155. The council may pass a by-law for the purpose of inspecting and regulating dairies and all other places within or without the city from or through which food is brought for sale within the boundaries of the city and framing and enforcing building and sanitary regulations for the said dairies and other places.

156. The council may pass a by-law for the purpose of entering into an agreement with the Department of Agriculture, Ottawa, for the control of bovine tuberculosis in the cows from which the supply of milk and cream for the city is obtained.

157.—(1) The city shall with regard to indigents resident therein be under the same liabilities to make provisions for the relief of such persons and shall have the same right to recover the expenses thereof as are imposed upon or given to any town by *The Town Act*.

(2) If any resident of the city, whilst receiving relief under the provisions of this Act or of *The Hospitals Act* or of *The Mothers' Allowance Act*, by reason of his indigency or straitened circumstances, or within three months after receiving any such relief, moves into some other municipality, that municipality shall not be liable to provide for the maintenance, care or treatment of such person, but the city shall continue to be liable as if such person continued to be resident therein.

158. The council may pass by-laws regulating the parking of motor vehicles within the city.

159. The city may pass a by-law under *The Early Closing Act* of the Province of Alberta.

160. The council may pass a by-law authorizing the erection, purchase or improvement of a municipal skating rink or a municipal curling rink and the operation of the same:

Provided, however, that a resolution shall be sufficient to authorize the furnishing, maintenance and ordinary repair of such building; also to provide places of recreation, public rest rooms and public lavatories within the city.

161.—(1) The council may authorize the mayor or secretary-treasurer to sign and execute any contract with any person (in this section called "contractor") to supply light, power, gas, natural gas or water for the use of the corporation for any period not exceeding ten years, subject to the approval of the Board of Public Utility Commissioners, and the ratification of the by-law, so approved, by two-thirds of the burgesses voting thereon.

(2) Any such contract shall, whether or not it contains an express provision to that effect, be subject to the following condition, namely, that at the expiration of the term thereof, the same may be renewed for a period not exceeding ten years (and so from time to time), with such alterations, if any, as may be agreed upon by the parties and approved by the Board of Public Utility Commissioners, and that, if either party refuses to renew such contract, or if the parties fail to agree as to the conditions of such renewal, then the council may, subject to the consent of the Board of Public Utility Commissioners, purchase all the rights of the contractor in all matters and things under such contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor, or, failing such agreement, then for such price and on such terms as may be fixed and settled by the Board of Public Utility Commissioners on the application of either of the parties.

(3) The council shall have the power to construct such pipe lines or any other thing that may be necessary to conduct light, power, natural gas, or water to the city, notwithstanding that such expenditure is made upon land outside the boundaries of the city.

162. In all cases in which in this Act it is provided that the council may license any business, building, calling, trade or occupation, or the keeper of any articles or animals for use or hire, the council shall also have full power and authority by by-law to provide regulations in connection therewith and governing the conduct of same and providing the

manner of collecting of such licenses and providing penalties for not having such license and for breach of conditions on which such licenses are issued and also for fixing fees to be charged for such licenses and regulating the prices or fees to be charged by the holders of such licenses and providing for the collection or payment of the same and generally for the protection of those persons holding licenses.

163. The imposing or collecting of license fees shall not in any case be held to prevent the assessing of property or business or both used by license holders in the same manner as other property or business or both, and collection of taxes thereon, provided that the council may in its discretion in any case where a person is liable for business taxes, and also for license fee, allow the amount of the license fee to be applied in reduction of such business taxes.

164. When the council has any authority to direct by by-law or otherwise that any matter or thing shall be done by any person or corporation, the council may also by the same or another by-law direct that in default of its being done by the person or corporation such matter or thing shall be done at the expense of the person or corporation in default and the city may recover the expense thereof with costs by action in any court of competent jurisdiction.

HIGHWAYS AND PUBLIC PLACES.

165. The jurisdiction over every public road, street, lane, alley, square or other public place in the City of Wetaskiwin is hereby vested in the corporation of the said city.

166. 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.

167. The city may acquire by purchase, donation or otherwise any plot of land for cemetery purposes outside of the limits of the city and the provisions of *The Cemetery Act* shall apply *mutatis mutandis* to the city, and the council may pass by-laws for raising money for improving, caring for and beautifying such land.

168. 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 compensated for all damages to his land which he shall sustain by the passing of the by-law;

- (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.

169. 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.

170. 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.

171. No action for 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.

172. 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.

173. Except in the case of gross negligence, the city shall not be liable for a personal injury caused by snow or ice on the sidewalk.

ACQUISITION OF LANDS AND BUILDINGS.

174. The council may pass a by-law authorizing the purchase, lease or other acquisition of land within or without the city, or of any interest therein—

- (a) for the purpose of erecting thereon municipal offices;
- (b) for the purpose of erecting thereon a lock-up, weigh-house, market, skating rink, curling rink, or swimming bath;
- (c) for a public park, walk or exhibition or recreation ground;
- (d) for a nuisance ground;
- (e) for a cemetery;
- (f) for a quarry, gravel or sand pit;
- (g) for use as a highway, road, street, alley, by-way or for the construction of bridges;
- (h) for the purpose of preventing the operation of any or all coal mines or coal pits within, upon or under any part of the city;
- (i) for use for the parking of motor vehicles.

EXPROPRIATION.

175. 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 agreement therein acquire the same by expropriation in the name and on behalf of the city.

176. 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.

177.—(1) 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.

(2) The city clerk shall thereupon notify such owners or occupants 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 determined.

(3) 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.

178.—(1) 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 person 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.

(2) 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.

(3) The date of the publication of such notice shall be the date in respect of which the damages shall be ascertained.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

179. 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.

180.—(1) In 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.

(2) 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.

(3) 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.

181. 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 or 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.

182.—(1) 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.

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper in the City of Wetaskiwin 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.

(3) 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.

183. The council of the City of Wetaskiwin 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 it considers proper compensation for the land taken and in the event of the non-acceptance by the claimant of the amount so tend-

ered and of the arbitration being proceeded with if any award 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 the city.

184. 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 arbitrator to be appointed by him.

185. 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, three dollars; for every day sitting to consist of not less than six hours, twenty dollars; 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, three dollars.

186. The reference of 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.

187. 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.

188. 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.

189. The award shall not be binding on the city unless it is adopted by the city by 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.

190. 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 city;
- (b) 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:

Providing that the provisions of this section shall not apply to any agreement in existence at the time of the passing of this Act:

Provided also that if the council of the city attempts to pass a by-law contrary to the above provisions in regard to bonusing, each member of the council voting in favour 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.

PART III.

ASSESSMENT AND TAXATION.

191. All city, local or direct taxes or rates shall where no other express provision has been made in this respect be levied equally upon the whole rateable property, real and personal, and business of the city according to the assessed value of such property and business and not on any one or more kinds of property in particular or in different proportions.

192. All lands and personal property and business in the city shall where no other express provision has been made in this respect be liable to taxation, subject to the exemptions hereinafter mentioned.

193. All motor vehicles, according to the definition of motor vehicles given in *The Vehicles and Highways Traffic Act*, shall be held to be personal property within the meaning of the preceding section, and may be assessed at not more than fifty per cent of their value or at such proportion of their value as the council may by by-law decide.

194. The real estate and personal property of all railway companies liable to assessment is to be considered as the property of ratepayers within the city.

195. 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 two acres 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;
- (d) The books of every public library;
- (e) Household effects of every kind, except in unlicensed hotels and restaurants, books and wearing apparel in use;
- (f) 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;
- (g) A building used as an approved hospital as defined by *The Hospitals Act*, and used for hospital purposes only, and not for hire or reward, and the lot or lots, or land whereon the said building stands, not exceeding two acres in extent; but no portion of such land shall be exempt if there are buildings on it used for other than hospital purposes;
- (h) The buildings and grounds exempt under clauses (b), (g), and (h) hereof shall nevertheless be liable to be assessed for local improvements.

196. The assessor or assessors shall prepare an assessment roll in suitable form, setting down in each column as accurately as may be after diligent inquiry the information called for by the heading thereof.

197. Each assessor shall, before the delivery of his roll to the clerk of the city, send by mail, to each taxable person, a notice setting forth the sum at which his or her real property, personal property, or taxable business is assessed; such notice to be sent to the post office named on such roll; and he shall enter on the centre of the page in the roll on which the name of such taxable person appears, the date of such mailing and this entry shall be deemed *prima facie* evidence of such mailing.

198. The business of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any business of the partnership which has already been assessed against the firm.

199. It shall be the duty of every person assessable for real and personal property or business in the city to give all information to the assessor and he may deliver to the assessor a statement in writing setting forth the particulars of the property for which he should be assessed, but no such statement shall bind the assessor or excuse him from making due enquiry as to its correctness.

200.—(1) Land shall be assessed at its fair value. 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 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:

Provided that no sale by the city of lands to which the city has got its title through tax sale or other proceedings shall be deemed to have fixed the fair value of such land, nor in fixing the fair value of such land, shall the price which the city obtains for the same be taken into account by any assessor, court of revision, judge or court of appeal.

(2) From and after the passing of this Act, every person, firm, partnership, company or corporation carrying on, exercising or operating any trade, manufacture, financial or commercial institution, premises occupied as warehouses or storehouses, businesses, occupations, arts, professions or means of profit or livelihood in the city shall be assessed on the assessment roll of the city a sum equal to the full annual rental value of the premises, whether buildings or lands or both, in or on which such trades, manufactures, financial or commercial institutions, businesses, occupations, arts, professions or means of profit or livelihood are respectively carried on, exercised or operated.

- (a) The assessment made under this subsection shall be known as "Business Assessment" and the tax levied thereon shall be known as "Business Tax."
- (b) Nothing in this subsection contained shall be deemed to include any premises used or occupied solely for the purposes of a private dwelling house, but any dwelling house used for any of the purposes mentioned herein shall be liable for business assessment for its full annual rental value.
- (c) Each person, firm, partnership, company or corporation shall pay to the city a business tax not exceeding 35 per cent of the business assessment of such person, firm, partnership, company or cor-

poration as shown on the assessment roll, and each individual in any such firm or partnership shall be directly responsible for the payment of such tax;

- (d) The council may classify trades, manufactures, financial or commercial institutions, premises occupied as warehouses or storehouses, businesses, occupations, arts, professions and means of profit or livelihood, and may fix a different rate for each, and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class, and may classify each building or a part thereof according to the class of business carried on therein, and may fix a different rate or percentage for different classes of business carried on under the same roof, and for storehouses or warehouses or like appurtenant buildings, other than that fixed for the principal building and may fix a different rate or percentage for different flats of buildings, provided always that such rate or percentage shall not exceed the said thirty-five per cent :

Provided that in case it shall at any time before the preparation of the tax roll be satisfactorily made to appear to the assessor that any person subject to the business assessment has given up, sold or disposed of such business to any person who is continuing the same, the assessor shall in preparing the tax roll charge such person with the business tax *pro rata* in respect to the number of months during which he has carried on such business, a portion of the month being taken as a month, and the assessor shall upon the same basis of assessment charge the successor in business in such premises with the remainder of the tax in respect to the year in question. If a person under a business assessment permanently vacates the premises before the first day of July the assessor shall on being satisfied of that fact before preparing the tax roll enter the business tax against such person in regard to such premises at one-half the amount of the tax for the year. Upon it appearing to the assessor that such person has resumed business in the premises or that any other person has subsequently commenced business therein, he may charge against the party so resuming or commencing business a business *pro rata* tax for the proportion of the remainder of the year in which the business is carried on in the premises;

- (e) The business assessment and business tax provided for in this Act shall not be affected by anything contained in *The Corporations Taxation Act* of the Province of Alberta, or any amendment to the said Act, or by any other Ordinance or Act of the said Province;

- (f) The assessment for business tax provided for in this section shall be in addition to the assessment of land or land and buildings and improvements as herein provided;
- (g) No person shall be taxed in respect to the same premises under more than one class as fixed by the council and where any person carries on more than one kind of business on the same premises he shall be taxed in reference to the business assessment of the whole of the premises under that one of the classes as fixed by the council in which is included the kind of business which is the chief or preponderating business of those so carried on by him in or on such premises;
- (h) The business assessment may be made in a separate roll and may be made at a different time from the general assessment roll and may be returned or reported upon by the assessor at a different time from the general assessment roll, and the court of revision may sit for the hearing of appeals from the business assessment at different times from those fixed for hearing appeals from the general assessment. For the purpose of this clause the two assessments may be treated as separate and distinct. In all other respects, such as the inspection of the business assessment roll, the giving notice of appeal, and the procedure for and at appeals, and for the preparation of a tax roll based thereon, and the collection of taxes, the provisions governing the same shall be the same as are by law provided for the general assessment;
- (i) The business tax roll may be included in the general tax roll of the city, or may be separate and distinct therefrom, and the business tax may be made due and payable on the same date or dates as general taxes, or on any other date or dates as the council of the city may by by-law fix therefor:
 Provided, if no such by-law is passed, the date or dates for the payment of business tax shall be the date or dates for the payment of general taxes;
- (j) The council may by by-law impose a special license fee upon persons, firms or corporations who occupy business premises for temporary periods or who commence business after the final revision of the business assessment roll and whose name is not entered on such roll;
- (k) The occupant of any building liable to taxation under any of the subsections hereof shall be liable for the business tax aforesaid, though he may also be the owner of the premises and liable as such owner to taxation on the lands, buildings and improvements;
- (l) Subject to the provision of clause (j) hereof, if it appears to the assessor that any person is commenc-

ing a new business within the city he may charge against the party so commencing business a business *pro rata* tax for the proportion of the remainder of the year in which the business is carried on in the premises;

(m) All sums owing for business tax and personal property tax shall constitute and be a charge in respect of the personal property of the person assessed and which is situated upon the premises where the business is carried on in respect of which the assessment is made, and such charge shall take effect upon the death of the person assessed or upon his making an assignment under *The Bankruptcy Act* or upon his being made bankrupt under the provisions of the last mentioned Act;

(n) No change in classification shall be made by the council under the provisions of clause (d) hereof except upon notice previously given to all persons affected by such change.

(3) In estimating the value of mineral lands, said lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighborhood for agricultural purposes.

(4) If at any time it appears to any assessor that land liable to assessment has not been assessed for the current year or for either or both of the last two preceding years, he shall report the same to the clerk, 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 clerk shall require the assessor for 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 clerk.

(5) In assessing buildings the assessor shall assess the same at a rate not to exceed seventy-five per centum of the value as may be decided by the council.

201. Each assessor shall make and complete and deliver his roll to the clerk of the city in each year on or before the first day of May, or such prior day as the council may prescribe by by-law, with an affidavit thereto or endorsed thereon, made before a justice of the peace in the following form:

"I,....., do swear that I have in the within (or annexed) assessment roll assessed the City of Wetaskiwin (or part, as the case may be, naming the part) according to law to the best of my skill and ability, and without favour.

"Sworn before me at the City of Wetaskiwin, this.....day of....., A.D. 19..	} "....."	"Assessor."
"....." "J.P."		

202.—(1) The council may in any year direct that the assessment of land including improvements made in the previous year shall be valid in all respects for the first mentioned year, subject to the right of appeal:

Provided that no such direction shall be given in more than four consecutive years:

Provided further that when the assessment is made by adopting the assessment roll of the previous year in accordance with the provisions hereinafter contained no assessment notice need be sent to any person whose name appears upon the assessment roll of such previous year.

(2) No such direction shall be given in any year after the thirty-first day of March.

203.—(1) When any such direction is given, the assessor shall make his assessment by adopting the assessment of the previous year and by assessing all assessable parcels, businesses, trades and professions which did not appear upon the assessment roll of the previous year; and shall likewise write the word "Non-assessable" opposite the description of all property which has ceased to be assessable.

(2) In any year when such direction is given, if the council deems it necessary or just that the assessment of any property or business be altered, an assessment notice shall be sent to the person or persons affected.

COURT OF REVISION.

204. The mayor and council shall be the court of revision of the city and a majority thereof shall be a quorum for the transaction of business.

205. The clerk of the city, or any other person appointed by the council, shall be the clerk of the court of revision and shall record all the proceedings thereof.

206. The court may meet and adjourn from time to time and may be summoned to meet at any time by the mayor of the city, and all the duties of the court of revision shall, subject to the provisions of section 210 hereof as amended, be completed before the first day of August in each year.

207. 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 a 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 been tendered compensation for his time at the rate of one dollar 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 thereof incur a penalty not exceeding fifty dollars.

208. 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.

209. The proceedings for the trial of complaints shall be as follows:

- (a) Any person assessed within the city who considers himself aggrieved for any or all of the causes hereinafter referred to, may, within twenty-one days after the date on which his assessment notice is mailed in the postoffice, give notice in writing to the clerk of the city that he considers himself so aggrieved, naming the complaints and the grounds of appeal and upon what property;
- (b) If any ratepayer within the city thinks that any person has been assessed too high or too low or has been wrongfully inserted in or omitted from the assessment roll or that the property of any person has been misdescribed or omitted from the roll, or that the assessment has not been performed in accordance with the provisions and requirements of this Act, the clerk shall, on his request in writing, give notice to such person, and the assessor, of the time when the matter will be tried by the court, and the matter shall be decided in the same manner as complaints by a person assessed;
- (c) The clerk of the court shall post up in some convenient place within the city a list of all complaints by persons on their own behalf against the assessor's return and of all complaints on account of assessment or want of assessment of other persons, stating the names both of the complainant and of the party complained against, with a concise description of the matter complained of, together with an announcement of the time when the court will be held to hear the complaints; and no alteration shall be made in the roll unless under a complaint formally made according to the above provisions;
- (d) If at any time before the fifteenth of October of the following year it shall be discovered that the property or business of any taxable person or a part thereof is not included in the roll, or that any error or omission has been made in connection with the assessment of any such property or business, or that by reason of any error or omission on the part of the council, the assessor or other officer of the city, the assessment of any such property or business is invalid, the council is authorized to take steps to remedy or correct such error or omission or in-

validity and may direct the assessor to make a new assessment of the property or business affected, and the assessor shall forthwith proceed to make such assessment and shall forward to such taxable person by mail the assessment notice, and at the same time shall notify such person that at a meeting of the court of revision to be held at least fifteen days after the date of such notice the court of revision will confirm, reject or amend such assessment, and that such taxable person is required to attend such meeting to show cause why the said assessment should not be made and as to the amount thereof;

- (e) After due notice has been given as aforesaid, and after the expiration of the time mentioned in the said notice, or if such taxable person be not known, then without notice, the court of revision shall determine the matter and confirm or amend the roll accordingly, and direct the clerk to enter such assessment in the name of the taxable person, if known, upon the proper tax roll as it shall direct:

Provided that all the provisions of this Act as to appeals from assessments so far as the same are applicable shall apply to any such assessment;

- (f) Immediately after such assessment is confirmed or amended as aforesaid, the clerk shall place the same on the tax roll and shall rate the same at the mill rate authorized for the year in question and thereafter such taxes shall be collected in the same manner as the rest of the taxes;
- (g) The clerk shall cause to be left at the residence of each assessor or addressed to each said assessor by registered letter to his post office address a list of all complaints respecting his roll;
- (h) The clerk shall also prepare a notice in the form following, for each person with respect to whom a complaint has been made:

"Take notice that you are required to attend the court of revision for the City of Wetaskiwin at, on the day of, in the matter of the following appeal:

"Appellant. That you are assessed too high (or too low or not a *bona fide* resident, or as the case may be.)

"Signature,

".....
"Clerk."

And every such notice shall be mailed to the post office address of such person as entered on the assessment roll fifteen days before the sitting of the court, unless such person resides or has a place of business within the city, in which case the clerk shall cause the said notice to be served at such place of business at least six days before the sitting of the said court;

- (i) Persons complained against may appear before the court in person or by agent;
- (j) The court after hearing the complainant and the party complained against and any evidence adduced, as well as the assessor, shall determine the matter and confirm or amend the roll accordingly;
- (k) If either party fails to appear either in person or by agent the council may proceed *ex parte*.

210. The roll as finally passed by the court and certified by the clerk as passed shall except in so far as the same may be further amended on appeal as hereinafter provided for be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll or any defect or error or misstatement in the notice required by (d) and (e) of the foregoing section of this Act or the omission to deliver or transmit such notice.

APPEAL FROM THE COURT OF REVISION

211.—(1) Any person who, or the assessment of whose property, is affected by the decision of the court of revision may appeal against such decision and may also appeal against the omission, neglect or refusal of the court to hear or decide a complaint made to it.

(2) The person appealing shall in person or by registered mail, serve upon the clerk of the city within eight days after the service (or, as the case may be, the mailing) of the said notification of the result of his complaint, or of the failure to hear or decide his complaint, a written notice of his intention to appeal to the Alberta Assessment Commission.

212.—(1) The clerk shall, as soon as possible, forward a list of all notices of appeal to the Alberta Assessment Commission and it shall fix a day and a place for the hearing of such appeals.

(2) The clerk shall thereupon give notice to all appellants and persons appealed against in the same manner as is hereinbefore provided for giving notice to a complainant; but in the event of failure on the part of the clerk to send such notice or serve the same in proper time, the Alberta Assessment Commission may direct that notice be given for some subsequent day.

(3) The clerk shall cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the time and place at which a court will be held to hear appeals.

213. On the hearing of any such appeal, if it is made to appear to the Alberta Assessment Commission that land situated in the city school district, but outside the limits of the city, has been assessed at a higher relative value than

land within the city it may order that a percentage of reduction be made in the assessed value of all lands so situated outside the limits of the city, so that justice may be done in the school district as between the taxpayers inside and outside the limits of the city.

214. The clerk of the city shall be the clerk of the court.

215. The Alberta Assessment Commission may adjourn hearing of any appeal from time to time and may defer a judgment thereon for a period not exceeding one month.

216. The clerk shall appear at the hearing and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal.

217. As soon as a decision is given upon any appeal the assessment roll shall be altered and amended to accord therewith, and the clerk shall write his initials opposite any part of the roll which is amended.

218. At any such hearing the Alberta Assessment Commission shall possess all such powers for compelling the attendance and for the examination on oath of all persons and for the production of all books, papers and documents, and for the enforcement of its orders, decisions or judgments, which belong to or may be exercised by a judge of the District Court.

219. All process or other proceedings in the appeal may be intituled as follows:

“In the matter of appeal from the court of revision of the City of Wetaskiwin—

“Between:

“A.B., *Appellant*,
and

“C. D., *Respondent*.”

220. In determining all matters brought before it the Alberta Assessment Commission shall have jurisdiction to determine not only the amount of the assessment, but also all questions as to whether any things are or were assessable or persons were properly entered on the assessment roll or are or were legally assessed or exempted from assessment.

221. A copy of the roll or of 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 clerk, shall be received in any court of justice as *prima facie* evidence of the matters stated therein without the production of the original assessment roll.

222. All costs of proceedings before the Alberta Assessment Commission shall be paid or apportioned between the parties in such manner as it thinks proper, and payment thereof may be enforced by execution to be issued as the Alberta Assessment Commission may direct from the District Court, or in the same manner as upon an ordinary judgment for costs in such court.

223. The costs chargeable or to be awarded in any case shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the District Court for such costs; and in cases where execution issues, the costs thereof as in the like court and of enforcing the same, may also be collected thereunder.

224. The decision and judgment of the Alberta Assessment Commission shall be final and conclusive in every case adjudicated upon.

ESTIMATES.

225. The council shall every year, on or before the fifteenth day of July, make estimates of all sums which may be required for the lawful purposes of the city for the year, or that part thereof for which sums are required to be levied, making due allowance for the costs of collection and abatement and for the taxes which may not be collected, and shall levy a rate or rates upon the rateable property of the city sufficient to discharge all the debts or other obligations of the city falling due within the year.

RATES.

226.—(1) The council of the city shall pass a by-law authorizing the levying and collecting of a rate or rates of so much on the dollar of the assessed value of the property therein as the council deems sufficient to raise the sum required to meet the amount of such estimate and to pay all valid debts of the city, whether of principal or interest, falling due within the year; but there shall not be levied or assessed in any one year more than an aggregate rate of forty mills on the dollar, exclusive of school rates and local improvement rates:

Provided that for the purpose of meeting the costs of any public work or works under the provisions of this Act the aggregate, exclusive of school rates and local improvement rates, may be increased for that purpose only, but so as not to exceed forty-five mills on the dollar.

(2) Notwithstanding any other provisions of this or any other Act the council may impose a rate of taxation for school purposes upon unsubdivided farm lands situated outside the limits of the city up to but not exceeding twelve mills on the dollar.

227.—(1) On or before the first day of September in each year the clerk shall prepare a tax roll and shall proceed to collect the taxes specified therein.

(2) The tax roll may be a continuation of the assessment roll and may combine all classes of taxes or there may be a separate tax roll for each distinct class of taxes, and shall in that way, or independently, contain—

- (a) the name of every person liable to taxation;
- (b) his residence;
- (c) the value of the land, buildings and improvements, personal property, or premises wherein he carries on his trade, business or profession, in respect of which he is liable to taxation;
- (d) the total amount for which he is liable—

and there shall be calculated and set down opposite each such entry, in appropriately headed columns, the sums for which such person is chargeable by way of taxes.

228. All taxes shall be considered to be due on the first day of January of the year in which the same are levied.

229.—(1) The clerk shall on or before the fifteenth day of October in each year, or on or before such earlier date in each year as the council may by by-law direct, transmit by mail a notice containing a statement and demand of taxes to each person whose name appears on said roll or to the agent of such person whose address has been transmitted to him and such statement and demand shall state the time such taxes are required to be paid and the dates on which any reductions and penalties authorized by the council shall be allowed or charged, as the case may be; and the clerk shall enter the date of mailing such notice in said tax roll on the centre of the page on which appears the name of the person taxed, and such entry shall be *prima facie* evidence of the mailing of such notice and demand.

(2) No taxation notice shall be considered irregular, incomplete or otherwise invalid, nor shall any exemption from taxation be conferred, by reason of any error, omission or misdescription in any taxation notice or by reason of the non-receipt of such notice by any person.

230.—(1) In case taxes which are a lien upon the land remain unpaid for one month after the mailing of the tax notice, hereinbefore provided for, the clerk may levy the same with costs by distress as a landlord may recover rent in arrears upon—

- (a) the goods or chattels wherever found within the province belonging to any owner, purchaser or conditional owner of the land (each of whom is hereinafter referred to as “a taxable person”) or belonging to any occupier of the land; or

- (b) the interest of any taxable person or any occupier in any goods or chattels found on the land, including his interest in any goods or chattels to the possession of which he is entitled under a contract for purchase or any contract by which he may become the owner thereof upon performance of any condition; or
 - (c) any goods or chattels on the land where the title to such goods or chattels is claimed in any of the ways following:
 - (i) by virtue of an execution against a taxable person, or an occupier;
 - (ii) by purchase, gift, transfer or assignment from a taxable person or occupier, whether absolute or in trust, or by way of mortgage or otherwise;
 - (iii) by the wife, husband, daughter, son, daughter-in-law, or son-in-law of a taxable person or occupier, or by any relative of his in case such relative lives on the land as a member of the family;
 - (iv) by virtue of an assignment or transfer made for the purpose of defeating distress.
- (2) Notwithstanding anything hereinbefore contained no distress shall be made upon the goods or chattels of an occupier for any taxes which are a lien upon land if they were not first placed upon the tax roll during the period of his tenancy or occupancy of the land assessed.
- (3) The onus of proof that any goods or chattels found upon land are not the property of a taxable person or occupier shall lie upon the person asserting the same.
- (4) When taxes which are not a lien upon land remain unpaid in the case of a resident of the city for fourteen days, or, in the case of a non-resident, for one month after the mailing of the tax notice, the clerk may levy the same with costs by distress—
- (a) upon the goods or chattels of the person taxed wherever found within the Province; 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; or
 - (c) upon the goods and chattels in the possession of the person taxed where title to the same is claimed—
 - (i) by virtue of execution against the person taxed;
 - (ii) by purchase, gift, transfer or assignment from the person taxed, whether absolute or in trust or by way of mortgage or otherwise; or

- (iii) by the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed or by any other relative of his in case such relative lives with the person taxed or assists him in his business;
 - (d) and also upon the goods and chattels or interest therein, as the case may be, falling within any of the classes mentioned in the foregoing clauses of this section, of any person who occupies the premises in respect of which the business tax was levied, as purchaser of the business theretofore carried on therein by the person taxed.
- (5) Notwithstanding anything herein contained no goods in the possession of any owner, purchaser, conditional owner or tenant 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.

231. The clerk shall by advertisement over his hand posted up at three public places within the city give at least six days' public notice of the time and place of such sale, and of the land on which the same was distrained; and at the time named in the notice the clerk or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes, including costs and charges allowed by this Act.

232. If the property distrained has been sold for more than the amount of taxes and costs and if no claim for the surplus has been made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or right to the surplus, such surplus shall be returned to the person in whose possession the said property was when the distress was made or if such claim be made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant.

233. If the claim is contested such surplus money shall be paid into the general fund of the city and shall be retained until the respective rights of the parties have been determined by action at law or by arbitration as provided in this Act.

234. Taxes may be recovered with interest and costs as a debt due to the city in which case the production of a copy of so much of the tax roll as relates to the taxes payable by such person purporting to be certified as a true copy by the clerk of the city shall be *prima facie* evidence of the debt.

235. The costs chargeable for distress and sale shall be as follows:

Mileage going to and returning from place of seizure, each mile necessarily travelled.....	\$0.10
Seizure	1.00
Taking care of property, the sum actually disbursed, not exceeding, per day.....	1.50
Notices of sale and posting up.....	1.00
For selling, five per cent of the amount realized, not exceed- ing the amount of the taxes.	

236. As soon as possible after the first day of January in each year the clerk shall reconcile the tax roll for the preceding year by adding up the amount of all taxes receivable, cash receipts, discounts, etc., on said roll, and extend each item of unpaid taxes on land, buildings, personally, business or income, as the case may be, to the proper column on the roll. He shall add to each item of unpaid taxes thus brought forward, interest at nine per centum per annum, to be computed at the rate of three-quarters of one per cent per month or portion of a month from and after the first day of January in each year, while the said taxes remain unpaid, such interest to be added from time to time as payment of the arrears is made. All taxes remaining unpaid when the tax roll for the current year has been completed, shall be carried forward to the new roll with the full interest of nine per centum added thereto.

237. The clerk shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears from whatever arising shall be taken together and form one charge on the land.

238. The clerk of the city shall be entitled to receive at any time, partial payment on account of any taxes and interest thereon and if satisfactory proof is adduced to the clerk that any parcel of land on which taxes are due has been subdivided he may receive the proportionate amount of tax chargeable upon any of the subdivisions and leave the other subdivision or subdivisions chargeable with the remainder; and the clerk may in his books divide any piece or parcel of land which has been returned to him in arrears of taxes into as many parts as the necessities of the case may require.

239. In case the clerk fails or omits to collect the taxes or any portion thereof by the day appointed the council of the city may by resolution authorize some other person in his stead to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes.

240. The clerk shall keep regular books of accounts in such manner as may be directed from time to time by the

council and shall show faithfully all moneys received and how expended, having each item posted in the ledger to the separate accounts of receipt and expenditure as agreed upon by the council in making their estimates for the year or as directed by the council, and he shall exact and retain vouchers for all moneys paid, and he shall prepare and submit to the council at least once in each month a correct statement of the moneys received and for what paid out, and the balance at the credit of the city.

241. The clerk shall at least once a week apportion all taxes collected by him, whether received from the tax roll of the current year or that of the preceding year; he shall credit each account in the roll with the respective amount collected and forthwith deposit the total amount collected as required by section 133 of this Act.

242. The clerk shall on demand give to the owner of any land charged with arrears of taxes a written statement of the arrears at that date certified under his hand, and he may charge twenty cents for the search on each separate lot or parcel not exceeding four and for every additional ten lots or parcels a fee of twenty cents.

243. The council of the corporation of the City of Wetaskiwin shall keep in its books two separate accounts, one for the special rate and one for the sinking fund or instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted and 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.

244.—(1) If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt or payment of any instalment of principal, for any financial year, 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 be applied in payment of the principal of such debt.

(2) Provided always that any moneys levied and collected for the purpose of a sinking fund shall not in any case be applied towards paying off any portion of the current or other expenditure of the city, save as may be otherwise authorized by this or any other Act.

(3) In the event of the council of the corporation diverting any of the said moneys for such current or any other expenditure save as aforesaid, the members who vote for the

diverting of said moneys shall be personally liable for the amount so diverted and said amount may be recovered in any court of competent jurisdiction; and the members who may have voted for the same shall be disqualified from holding any civic office for the period of two years.

245. The council may by by-law order and 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 account as aforesaid, instead of being invested as hereinafter provided, shall from time to time as the same accrues be applied to the payment or redemption at such value as the said council can arrange or of any part of such debt or of any of the debentures representing or constituting such debt or any part of it though not then payable, to be selected as provided in such by-law, and the city 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 accounts as directed by such by-law.

246.—(1) 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 cannot be immediately applied towards 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, city or school debentures or in local improvement debentures of the corporation or in any other debentures of the corporation or in first mortgages 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 cent of the estimated amount of the civic 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 like securities.

(2) The council of the corporation may regulate by by-law the manner in which such investment shall be made.

(3) It shall not be necessary that any local improvement or other debentures of the Corporation referred to in this section shall have been disposed of by the council; but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable and shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

247. 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 of the corporation and the council may invest such sinking fund in any of the securities named in and according to the provisions of the preceding section.

248. The council may appropriate to the payment of any debt the surplus income derived from any public or corporation work or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt in payment of any instalment accruing due.

249. No member of the said corporation shall take part in or in any way be a party to the investment of such moneys as are mentioned in this Act otherwise than is authorized by this Act or by any other law in that behalf made and provided and such person so doing shall be held personally liable for any loss sustained by the Corporation.

250. It shall be the duty of the treasurer to see that moneys collected under by-law for the purpose of payment of interest on debentures issued by the city are properly applied.

251. It shall be the duty of the council to pay the school district on demand the amounts required from time to time for school purposes: provided, however, that the total of the amounts demanded shall not exceed the demand made by the school board upon the council under the provisions of *The School Assessment Act*.

252.—(1) The council may by resolution in any year fix a minimum tax, not to exceed ten dollars, to be paid for school purposes by any person assessed upon the assessment roll and may require that every male resident of the district of the full age of twenty-one years who has resided therein for a period of three months or over and has not been assessed on the assessment roll shall pay an annual tax of the same amount for school purposes to be collected at any time after the first day of January in each and every year, and such school tax shall be payable by such resident whether he has resided in the district before the date of the completing of the last revised assessment roll or not; but in case of the collection of such tax the name of such resident so paying shall be added to the assessment roll.

(2) Any person liable to pay such tax shall pay the same to the treasurer of the city, or to such person as is appointed by the council to collect the same within three days after the demanding thereof, but in case of neglect or refusal to pay levy may be made by distress and sale of goods and chattels of the person in default as provided in this Act.

(3) It shall be the duty of every employer to furnish from month to month, upon request to the treasurer, the names of all persons in his employment, and the treasurer by a notice in writing may require such employer or employers to deduct from the next payment made to any employee who

is named in the notice and has not paid the tax imposed hereby, the amount of such tax, and to forward the same to the treasurer immediately after making the deduction hereinbefore directed.

(4) Where any person has in any year paid a school tax to the city equal to the amount of said tax he shall not be liable in that year to the tax imposed by this section.

(5) Any employer who fails to make the deduction hereinbefore directed and to forward the amount of such deduction as hereinbefore directed, shall be liable upon summary conviction to a fine not exceeding fifty dollars, and the amount of such fine shall be paid to the treasurer of the city, who, in the event of the same not being paid, within one fortnight of its imposition, may levy the amount of the same by distress and sale of the goods and chattels of the employer in default, as provided under this Act, and of all costs incurred by reason of the proceedings leading to the imposition of the fine, or of enforcing the payment thereof.

PART IV.

MONEY BYLAWS.

253. In case the majority of the resident burgesses of any portion of the city divided into lots petition the council thereof, setting forth the desire of such resident burgesses to incur a debt or liability repayable in the financial year, the council may by by-law levy a special rate against all the property within the area (which shall be described in the petition) as set forth in such petition, and such rate shall be collectable as all other rates assessable by the city.

254. The city may, subject to the following provisions, pass by-laws for contracting debts by borrowing money or otherwise and for levying rates for the payment of such debts on the ratable property of the city for any purpose within the jurisdiction of the city or on roads and bridges or waterworks outside the limits of the city:

Provided that the city shall not have power to pass such by-laws for contracting debts to a greater extent than fifteen per cent of the assessed value of the assessable property in the said city; except for the purpose of constructing or purchasing any public work or works under the provisions of An Act to incorporate the City of Wetaskiwin, or assisting therein, in which event, but for such purposes only, the corporation shall have power to pass such by-laws for contracting debts to the extent of but not to a greater extent than thirty per centum of such assessed value; and in the event of the corporation having funds or securities to the credit of a sinking fund the amount thereof for the time being shall be deducted from the indebtedness of the corpor-

ation for the time being and the difference only shall for the purposes of this section be deemed the amount of the actual indebtedness of the corporation for the time being.

255. By-laws for contracting debts or borrowing money which do not provide for the payment of the debts contracted or money borrowed within the financial year shall before the final passing thereof receive the assent of two-thirds of the duly qualified burgesses voting thereon in the manner hereinafter provided. For the purposes of this section any bank or other corporation assessed on the last revised assessment roll as the freeholder or lessee of real property which if held or leased 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.

256. No by-law for making loans or granting bonuses to manufactories, mills, railways or any works of a public nature or guaranteeing the payment of debentures of companies to assist them in the operation of elevators, for exemption from taxation for a longer period than one year, or for building, owning or operating grist mills, elevators and manufacturing establishments or subscribing for stock therein shall be introduced or entertained by the council except on a petition of one-half the resident burgesses of the city; and all such by-laws shall before the final passing thereof receive the assent of two-thirds or more of the votes polled:

Provided, however, that upon the introduction of any such by-law no informality in the proceedings prior to such introduction shall affect its validity.

257. The by-law shall recite—

- (a) the amount of the debt which such new by-law is intended to create and in some brief and general terms the object for which it is to be created;
- (b) the number of years over which such indebtedness is to be spread;
- (c) the amount of the whole ratable property according to the last revised assessment roll;
- (d) The total amount of the existing debt of the municipality outside of the debt due for the current expenses of the year;
- (e) a day not more than three months from the day on which the voting is to take place when the by-law shall take effect—

and the whole of the obligations to be issued for the debt authorized shall be dated as of the day on which the by-law takes effect.

258. Debentures shall be in the form following or to the like effect:

“\$. Debenture No.
“The City of Wetaskiwin promises to pay the bearer at the at the sum of dollars of lawful money of Canada in equal instalments from the date hereof with interest at the rate of per cent per annum on the terms and in the amounts specified in the coupons attached hereto.

“(Signed)

“Dated this day } “Mayor.
of 19. } “Treasurer.”

(COUPONS)

“Coupon No.
“Debenture No.
“The City of Wetaskiwin will pay to the bearer at the bank of at on the day of 19., the sum of dollars, being the payment with the total interest at the rate of per cent per annum due on that day on debenture No.

“(Signed)

.
“Mayor.
.
“Treasurer.”

Provided that the form of the said debenture may be so amended as to permit of each instalment of principal and interest being equal if the by-law provides for repayment in equal instalments of principal and interest.

VOTING ON BY-LAWS.

259. In case a by-law requires the assent of the electors of the city before the passing thereof the following proceedings shall be taken for ascertaining such consent:

The council shall by the by-law fix a day and hour for taking the votes of the electors and such places in the city as the council shall in their discretion deem best and shall name a returning officer and deputy returning officers to take the votes at each place where the votes are to be taken and the day so fixed for taking the votes shall not be less than three nor more than four weeks after the first publication of the proposed by-laws as hereinafter provided.

260. The council shall before the voting thereon by the burgesses publish a copy of the by-law in some public newspaper published within the said city, or, if there be no such newspaper, in some public newspaper near the city, which publication shall be continued in at least one number weekly of such newspaper for two consecutive weeks; and shall also put up a copy of the by-law at four or more of the most public places of the city.

261. Appended to each copy so published shall be a notice signed by the clerk of the council stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after being voted on by the electors and stating the date of the first publication and the day, hour and place or places fixed for taking the votes of the electors.

262. At such day and hour a poll shall be taken and all proceedings thereat and for the purposes thereof, including a recount, shall be conducted in the same manner as nearly as may be as at an election for mayor and aldermen.

263. The ballot papers shall be printed with "For the by-law" and "Against the by-law" and shall be marked by the voter with a cross on the right side thereof opposite the words "For the by-law" or "Against the by-law" as he may desire to vote.

264. The council shall in the by-law fix the time and place when and where the returning officer of the city shall sum up the number of votes given for or against such by-law.

265. On the application of any person interested in promoting or opposing the passage of the by-law the mayor shall authorize the attendance of one person on behalf of the party applying at each polling place and at the final summing up of the votes.

266. Every burgess shall be entitled to vote on any by-law requiring the assent of the electors, who at the time of tendering the vote is of the full age of twenty-one years and is named on the last list of burgesses of the city and who has neither directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he or she tenders and who is at the time of tender a freeholder in his or her own right and is rated on the last revised assessment roll as such freeholder for not less than four hundred dollars.

267. Any burgess offering to vote on a by-law may be required by the returning officer, the deputy returning officer, or by any person appointed by the mayor under the provisions of section 265, to make before his or her vote is recorded, the following oath or affirmation, or any part thereof, or to the effect thereof:

"You swear (or affirm) that you are of the full age of twenty-one years;

"That you are the person named as.....in the list of burgesses;

"That you are a freeholder in your own right of real property within the municipality and rated on the last revised assessment roll as such freeholder for not less than four hundred dollars;

"That you have not voted before on the by-law now before the burgesses;

"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."

268. The chief resident officer of any bank, incorporated company or corporation, tendering a vote on the by-law may be required by the same persons designated in the next preceding section to make, before his vote is recorded, the following oath or affirmation or any part thereof:

"That you are the chief resident officer of the (*naming the concern*);

"That the said.....is a freeholder in the city;

"That you have not cast any vote on the by-law on behalf of the said (*naming the concern*);

"That you are, according to law, entitled to vote on the by-law as the chief resident officer of said (*naming the concern*);

"That the said.....is the.....named or intended to be named on the list of burgesses (*showing the list of burgesses*);

"That neither you, nor to the best of your knowledge and belief, the said (*naming the concern*) has directly or indirectly received a reward or gift for the vote which you now tender, nor do you, or to the best of your knowledge and belief, the said (*naming the concern*) expect to receive any;

"That neither you, nor to the best of your knowledge and belief, the said (*naming the concern*) has received anything or been promised anything directly or indirectly to induce you to vote on this by-law, or for loss of time, traveling expenses, hire of team, or any other service connected therewith;

"That neither you, nor to the best of your knowledge and belief, the said (*naming the concern*) has directly or indirectly paid or promised anything to any person either to induce him or her to vote, or refrain from voting."

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

269. The returning officer after he has received certified returns from the deputy returning officers of the number of votes given at each polling place shall at the time and place appointed by the by-law in the presence of the persons authorized to attend, or such of them as may be present, sum up from such statements the number of votes for and against such by-law and shall then and there declare the result and forthwith certify to the council under his hand whether the majority of the electors entitled to vote, who have voted upon the by-law, approved or disapproved of the same.

270. Every by-law which is carried by the required majority of the duly qualified electors who have voted thereon

shall, within two weeks thereafter, be passed by the council which submitted the same.

271. "Burgess" means an elector who is such in respect of freehold property qualified under section 266 hereof as amended.

272. For the purpose of taking the votes of the burgesses upon any matter requiring such assent, the assessor in each year shall prepare either as part of the list of electors or in a separate list, a list of burgesses entitled to vote, being the persons eligible under section 266 hereof as amended.

273. In case the said lists are separate the provisions of sections 15 to 24 inclusive, enacted above, regarding the preparation, publication and correction of the list of electors so far as the same are applicable, shall *mutatis mutandis* be applicable to the list of burgesses.

PART V.

LOCAL IMPROVEMENTS.

274. The term "Local Improvement" shall be taken to mean—

- (a) the opening, widening, straightening, extending, grading, levelling, macadamizing, paving or plank-ing 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, planking, or planting on any street or public lane, alley, square or other public place.
- (d) the making, deepening, enlarging or prolonging of any common ditch, drain or sewer, or the recon-structing, but not the mere repair and maintenance, of any of the said works; or
- (e) the construction of any conduit for wires or pipes along any roadway, street, lane, alley, square or other public place; or
- (f) the sweeping or watering of any street, park, alley or other public place; or
- (g) the cutting of grass or weeds or the trimming of trees or shrubbery within any defined area of the city; or
- (h) the reconstructing, but not the mere repair and maintenance, of any of the said works during the originally estimated lifetime thereof; or
- (i) the repair and maintenance thereof after the lapse of the originally estimated lifetime thereof.

275. 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, 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 the 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 improvement is to be made.

- (a) Provided that where the local improvement abuts on several parcels of land some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement, such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each parcel of land abutting on the local improvement bear 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 system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel or parcels of land fronting or abutting thereon or to 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 shall 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 part of the proportionate cost thereof as shall appear just under the circumstances.

276. 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 abuts on the street or place whereon or wherein such local improvement is made, as is increased or is likely to be increased in market value or is otherwise benefited 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 benefited by the local improvement, to such total charge.

277. 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 of the work and raising moneys to pay the cost thereof, including discounts and interest.

278. Where a system of waterworks or sewers has been established by the corporation, the cost of extension thereof from time to time shall be borne by the corporation 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 proportions, as nearly as the circumstances will admit, as obtained in the case of the original establishment of the system.

279. The amount assessed against any parcel of land either by way of special frontage assessment 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 shall with interest at a rate not exceeding six per cent 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 specially 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 amounts previously paid on account thereof.

280. The Council of the City of Wetaskiwin 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 by the corporation 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 the credit of the corporation at large the moneys required to meet the whole or any part of the cost of any local improvement, provided—
 - (i) that by-laws for the purpose of raising moneys in respect of local improvement may be passed comprising either the whole or any part of the amount of the entire cost thereof although a portion thereof is to be borne by the corporation 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 to be borne by the corporation at large or of that part of the cost which is to be payable by special assessment;
 - (ii) that such debentures shall mature within the probable lifetime of the local improvement;
 - (iii) 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 corporation at large of an extension of a civic system of sewerage originally constructed as a local improvement, or of any other improvement unless in case of such other local improvement the share of the cost to be borne by the corporation at large shall be greater than can be properly paid out of the current revenue of the corporation 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; and
 - (iv) that nothing herein contained shall be construed as authorizing an extension of the general debt of the corporation 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 corporation at large the whole or any part of the cost of a local improvement;

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 corporation 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 on the credit of the corporation as aforesaid; but it shall be sufficient to state in any such by-law that the amount of the general debt of the corporation as therein set forth is exclusive of local improvement debts secured by special assessments.

281. 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 as hereinafter provided.

282. 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 to be made, or of lands to be benefited by the local improvement, 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, the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the 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 petition.

283. 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 benefited by, as the case may be, the part of the local improvement which is made.

284. 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 land to be affected, representing at least one-half 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 corporation.

285. In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council no second notice of the same shall be given by the council within the then current calendar year.

286. When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the corporation 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 assessment, it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

287. Any local improvement may in the discretion of the council be undertaken either before or after the cost 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.

288. If in any case the first assessment for any local improvement proves insufficient or invalid an 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.

289. There shall be a right of appeal against every assessment made under the authority of any by-law passed under this part of this Act to a court of revision to be composed of the mayor and council of the corporation; and from such court of revision to the Alberta Assessment Commission in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.

290. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby, either personally or by registered 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 the local improvement;

- (d) the portion, if any, of the cost to be borne by the corporation at large;
- (e) the portion of the cost to be provided by special assessment; and the system of special assessment under which the special assessment is proposed to be made;
- (f) the times fixed for the sittings 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.

291. A memorandum by the assessor in any proper book or roll kept for that purpose of the mailing of such notices and of the date thereof shall be *prima facie* evidence of the mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.

292. No assessment under the provisions of this part of this 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 section 367 of this Act, and before the date fixed for the sittings of the court of revision.

293. The decision of the court of revision or of the Alberta Assessment Commission if there be an appeal from the court of revision shall be final and conclusive upon all matters respecting the assessment and special rate and the court of revision and the Alberta Assessment Commission 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.

294. Every by-law for borrowing money for local improvements by the issue of debentures shall recite or otherwise state—

- (a) 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;
- (b) the total amount required to be raised annually for paying the debt and interest under this by-law, and whether the whole, or if not what portion thereof, is payable by way of special assessment, and the system of special assessment applicable;
- (c) 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 corporation at large, the value of the whole ratable property of the corporation according to the last revised assessment roll;

- (d) that the debt is contracted on the credit and security of the corporation at large, but as to so much as is not to be paid by the corporation at large the corporation is to collect the same only by way of special assessment as aforesaid.

295. In the case of any by-law heretofore passed by the City of Wetaskiwin or 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.

PART VI.

PUBLIC WORKS.

WATERWORKS AND SEWERS.

296. The corporation of the City of Wetaskiwin, hereinafter called the corporation, shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct waterworks, sewers and electric lights and all buildings, materials, machinery and appurtenances thereto belonging in the corporation and in the neighborhood thereof as hereinafter provided and, either in connection with waterworks or not, a system of storm sewers or sanitary sewers or both.

297. The corporation shall have power to employ such engineers, surveyors and other persons and to rent with such conditions, covenants and stipulations as the corporation shall deem requisite and necessary or purchase at the option of the corporation such lands and buildings, waters and privileges as in their opinion may during the construction or at any other time be necessary or expedient to enable them properly to carry out the purposes of this Act.

298. The corporation, their engineers, servants and workmen from time to time and at such times as the corporation shall see fit, may enter into and upon, take or use the land of any person, bodies politic or corporate in the


corporation or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the waterworks or sewers and may contract with the owner or occupier of the said lands and any person having a right or interest in any water for the purchase or renting thereof or of any part thereof or of any privilege that may be required for the purpose of the waterworks or sewers at the option of the corporation.

299. The corporation may construct, erect and maintain in and upon any lands acquired under the provisions of this Act all reservoirs, waterworks and machinery requisite for the undertaking and for conveying the water thereto and therefrom, in, upon and through any lands lying intermediate between said reservoirs and waterworks and the rivers, ponds, springs, streams or waters from which the same are procured and the corporation by one or more lines of pipes as may from time to time be found necessary or expedient.

300.—(1) The corporation and their servants under their authority may for the said purposes enter and pass upon and over the said lands intermediate as aforesaid and the same may cut and dig up if necessary and may lay down the said pipes through the same, and in, upon, through, over and under the highways, streets, lanes, roads or other passages intermediate as aforesaid and may for the purpose of such works enter and pass upon and over such lands as the corporation may deem expedient and the same may cut and dig up, if necessary, and may lay pipes, drains, sewers or other works through the same and in, through, over and under lands, highways, streets, lanes, roads or other passages.

(2) All lands not being the property of the corporation, and all highways, roads, streets, lanes or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.

(3) The corporation may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the said corporation may think necessary and proper for the making and maintaining of the said works or for the opening of new streets required for the same and for the purchasing of said lands required for the protection of the said works or for preserving the purity of the water supply or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the community or the suburbs of the corporation or for the uses of the corporation or for the proprietors or occupiers of the land through or near which the same may pass.

 **301.** For the purpose of distributing water or for the purpose of sewerage as aforesaid the said corporation may sink and lay down pipes, tanks, reservoirs and other con-

veniences 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.

302. All works, pipes, erections and machinery requisite for the undertaking shall be vested in and be the property of the city.

303.—(1) Service pipes or sewers which may be required shall be constructed and laid down up to the outer line of the street by the corporation and the corporation shall be solely responsible for keeping the same in repair.

(2) In cases where 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 corporation may with the consent of the owner lay the service pipes or sewers across such vacant space and charge the cost thereof to the owner of the premises or the owner himself may lay service pipes or sewers, provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing as hereinafter provided of the service pipes or sewers if laid or repaired by the corporation, except the repairing of the service pipes or sewers from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation, 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 corporation 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 the repairing of such service if laid or repaired by any other person aforesaid exceed two dollars.

304.—(1) The service pipes or sewers from the line of street to the interior face of the outer walls of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the corporation, shall be under their control; and if any damage is done to this portion of the service pipe or sewer or its fittings either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation; and in default of his so doing, whether notified or not, the corporation may enter upon the lands where the service pipes are and by their officers, agents or servants repair the same and charge the same to the owner of the premises as hereinbefore provided.

(2) The stopcock placed by the corporation 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.

(3) Parties supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation.

305. Any person authorized by the corporation for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made, or, in case of the written authority of a commissioner given in respect of the special case, without notice, to all parts of every building or other premises in which water 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 building, as they may deem expedient; and for this purpose or for the purpose of protecting or of 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 time 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 alteration may be collected in the same manner as water rates.

306.—(1) The corporation shall regulate the distribution and use of the 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.

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot, for the water supplied to him there or for the use thereof, and all rates, costs and charges by this Act to be collected in the same manner as water rates, 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 recoverable.

(3) Any water rates in arrears may be added to the taxes assessed against the real property to which the water has been supplied and may be collected in any of the ways provided by this Act for the collection of taxes, including the sale of said property as for arrears of taxes.

307.—(1) The corporation may from time to time make and enforce by-laws, rules and regulations for the general maintenance or for the management or conduct of the water-works and of the officers and others employed in connection with them not inconsistent with this Act and for the collection of the water rates and for fixing the time and times

when and the places where the same shall be payable; and also for allowing a discount for prepayment; and in case of default in payment may enforce payment by shutting off the water or by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant or of any goods and chattels in his possession wherever the same may be found within ten miles of the property in respect of which the water rate is payable, or of any goods and chattels found on the premises the property of or in the possession of any occupant of the premises; but where the arrears exceed three months no distress shall be made of any goods or chattels which are not the property of the person liable for the water rate.

(2) The distress and sale may be conducted in the same manner as distress sales are conducted for arrears of taxes and the costs chargeable shall be those payable under *An Act respecting Distress for Rent and Extra-judicial Seizure*.

308. The corporation shall have power to employ the ordinary collectors and assessors and such other persons as in their 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 corporation or as the corporation shall determine by by-law in that behalf; and shall give security as the corporation 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 corporation may by law possess and enjoy in respect of civic taxes.

309. The corporation shall not be liable for damages caused by the breaking of any service pipes or attachment or for any shutting off of any water to repair mains; provided that reasonable notice of the intention to shut off the water shall be given whenever the same is intended to be shut off for more than six hours at any one time.

310. The said corporation shall have power and authority to supply with water upon special terms any person or corporation outside the city and may exercise all other power necessary to the carrying out of their agreement with such corporation 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 they may deem expedient for the supply of water to any railway company, manufactory, industry or institution whether government or otherwise within ten miles of the corporation.

311.—The corporation may make such by-laws as to the council may seem requisite for prohibiting by fine not exceeding twenty dollars and costs, or by imprisonment in the first instance for any term not exceeding one month 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 corporation or from wrongfully neglecting or improperly wasting the water.

(2) 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 or prices to be exacted therefor and each and every other matter or thing related to or connected therewith which it may be necessary or proper to direct, regulate or determine in order to secure the inhabitants of the corporation a continued and abundant supply of pure and wholesome water and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment and also the option between fine and imprisonment shall be in the discretion of the justice of the peace before whom any proceeding may be taken for the enforcement of such by-laws.

312.—(1) In case a petition signed by two-thirds of the resident ratepayers of the corporation qualified to vote on by-laws requiring the assent of the electors is presented to the council of the corporation asking for the construction of waterworks under the powers conferred on the corporation by this Act, it shall be the duty of such council to submit a by-law for the construction of such waterworks to the vote of the ratepayers of the corporation 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 ratepayers within six weeks after the receipt of the petition by the council.

(2) The power of the city council shall not be deemed to be abridged by this Act except as expressly stated herein.

(3) The proceedings in taking the vote and the persons having the right to vote shall be the same as nearly as may be as are required by this Act in case of by-laws creating debts.

313. If the by-law be approved of by two-thirds of the duly qualified ratepayers 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 the next general civic election.

LIGHTING, HEATING AND POWER WORKS

314.—(1) The corporation shall have power to manufacture and supply for the use of the corporation and of all persons gas (including natural gas) for heating, cooking and all other purposes for which gas can be used and to manufacture and supply electric, galvanic or other artificial light or heat or power either in connection with gas or otherwise, and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite; and shall have power to acquire any patent or other rights for the manufacture or production of any artificial light or heat or power; and also to supply, sell or lease all fittings, machines, apparatus, meters or other things for the purposes aforesaid.

(2) The corporation may sell or dispose of coke, tar and every other product, refuse, or residue obtained in or from their said works and any surplus of coal they may have on hand.

(3) The corporation shall have power to rent, purchase or lease such land and buildings as they may deem necessary or advantageous for the purpose aforesaid, and particularly may acquire leases for developing the production of natural gas both within and without the city.

(4) The corporation shall have power to prospect and bore for natural gas both within and without the limits of the said city and to supply the same to the inhabitants thereof, and may enter into contracts for the supply of the same for periods not exceeding five years.

315. The corporation or their servants under their authority may for the purpose of laying down, taking up, examining or keeping in repair the pipes or wires used for conducting the gas, electricity or other means of producing light or heat or power, break up, dig, and trench in, upon, through, over and under the highways, streets, lanes, roads, squares and other public passages and places in the corporation; or, with the consent of the owner, in, upon, through, over or under any private property; or may upon poles or otherwise conduct such wires and rods along and across such streets, lanes, roads, squares and other public passages and places or, with the consent of the owner, upon private property.

316.—(1) Where there are buildings within the corporation different parts whereof belong to different proprietors or are in possession of different tenants or lessees, the corporation may, with the consent of the owner, 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 the gas, electricity, or other means of providing light or heat or power to the property of another or in possession of another.

(2) 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.

317. The corporation may also break up and uplift all passages common to neighbouring proprietors or tenants and dig or cut trenches therein for the purpose of laying down pipes or wires or taking up or repairing or examining the same, doing as little damage as may be in the execution of the powers hereby conferred and restoring such passages to their original condition without unnecessary delay.

318. The corporation shall construct their gas and other 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.

319. Where the corporation has constructed any works for supplying the city with light, heat, or power as hereinbefore provided and where there is a sufficient supply thereof it shall be the duty of the corporation to supply all buildings within the city situate upon land lying along the line of supplies, upon the same being requested by the owner, occupant or other person in charge of any such building, at the customary charges and on the customary terms.

320. The corporation may from time to time make and enforce all necessary by-laws, rules and regulations for the general maintenance and management of all the 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 gas or electricity or other means of providing light or heat or power hereunder and for the rent of fittings, machines, apparatus, meters or other things leased to consumers; and for fixing such rates, charges and rents; and the times and places when and where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they may deem expedient.

321.—(1) The corporation may, besides the other remedies for collection provided in this Act, discontinue to supply light, gas, heat or power to any consumer who has not paid the amount owing by him for such service when the same is due and payable, and shall have the power to require any consumer to deposit in advance with the corporation such sum as the said corporation may deem necessary to secure the payment of the rates, costs and charges of such consumer for one month in advance, and if any consumer after demand made for such deposit neglects or refuses to make the same the corporation may refuse to supply him with such service, or if the same be already supplied may discontinue such supply.

(2) Where any consumer discontinues the use of gas or other means of providing light or heat or power furnished by the corporation or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which the consumer was supplied with gas or the 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 corporation in or upon such premises and may remove the same therefrom, doing no unnecessary damage.

322. The said corporation shall have power and authority to supply with gas (including natural gas) for heating, cooking and all other purposes for which gas can be used, electric, galvanic or other artificial light or heat or power either in connection with gas or otherwise upon special terms any person or corporation outside the town and may exercise all other power necessary to the carrying out of their agreement with such corporation 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 they may deem expedient for the supply of such light, gas, heat or power to any railway company, manufactory, industry or institution, whether government or otherwise, within ten miles of the corporation.

323. In case any person, firm or company has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of the suburbs the corporation shall not, without the consent of such person, firm or company first had and obtained, nor otherwise than upon payment to such person, firm or company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas within six feet of the main pipes of such person, firm or company, or if it be impracticable to cut drains for such other main pipes at a greater distance than as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between such person, firm or company and the corporation.

GENERAL.

324. The corporation 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, occupiers or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the corporation 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 this Act.

325.—(1) The attempt to collect any rates by process hereinbefore mentioned shall not in any way invalidate the lien on the premises as hereinbefore provided.

(2) In event of the rate remaining uncollected and unpaid and continuing a lien upon the said premises as aforesaid the amount of the rate so in arrears shall be returned by the collectors to the clerk of the city annually on or before the eighth day of April in each and every year, or such other time as may be fixed by the corporation by by-laws in that behalf; and the same, together with interest at the rate of ten per centum per annum thereon shall thereupon be collected by the clerk by the sale of the lands and premises, in the same manner and subject to the same provisions as in case of the sale of lands for arrears of municipal taxes for the time being.

326. The corporation and their officers, agents and servants shall have the like protection in the exercise of their respective offices and the execution of their duties as public officers have under the laws of the Province; and the watchmen and other officers of the corporation when in the discharge of their duties shall be *ex officio* possessed of all the powers and authorities of constables.

327. All materials procured or partly procured under contract with the corporation, and upon which the corporation shall have made advances in accordance with such contract shall be exempt from execution.

328. 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 civic, school, or other purposes.

329. No property owned by the corporation under the authority of this Act shall be liable to seizure by way of distress for rent.

330.—(1) The corporation may dispose of any real or personal property acquired by them for the purposes 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 debentures or other securities issued by the corporation; but the proceeds of the 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 property 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 corporation and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property the corporation may take security by way of mortgage to secure the same; and the corporation shall have all the rights, powers and remedies expressed in or implied by any mortgage given as fully as if the mortgage had been given to a private person; and every such mortgage and the proceeds thereof shall be subject to the provisions of the first subsection of this section.

331. No member of the city council shall personally have or hold any contract in connection with any works under this Act or be directly or indirectly interested in the same or any of them; but no persons shall be held to be disqualified from being elected or sitting as a member of the council of the corporation by reason of his being a taker or a consumer of water, light, gas, heat or power supplied by the corporation or by reason of any dealing or contract with the corporation with reference to the supply of water, light, gas, heat or power to such person.

332. 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, fitting or appurtenances thereof shall be liable to the corporation for or in respect of such damage, loss or injury and damages in respect thereof may be recovered by the corporation in any court of competent jurisdiction.

333. The corporation may purchase or lease any works constructed for the supply of water, light, gas, heat and power within or in the neighborhood of the corporation and being the property of any person or company, and under the provisions of this Act may improve and extend such works.

334. 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 corporation or their managers, contractors, servants, agents, workmen or any of them in the exercise of any of the powers and authorities in 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 corporation 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, stopcock, 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 corporation 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 corporation;
- (g) Washes or cleanses cloth, wool, leather, skin or animals or places any nuisance or offensive thing within the distance of one mile from 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; or such offender may be imprisoned in the first instance for any term not exceeding thirty days.

335. 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 corporation and the other half to the prosecutor, unless the prosecutor is the officer or servant of the corporation, in which case the whole of the penalty shall be paid to the corporation.

336. Any civic 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.

337. It is hereby provided that any public work or works constructed or acquired under this Act, and all lands ac-

quired 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 corporation, and shall not be liable for any debt of the corporation heretofore or hereafter contracted by the corporation on the credit of the corporation 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 corporation 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 for the securing of the repayment of the same and the interest thereon, irrespective of the order in which the same are issued.

338. After the construction of the works, all the 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 corporation under this Act, after providing for the expenses attendant upon the maintenance of the works, and after payment of the amount payable for principal and interest or sinking fund and interest up to the end of the then current year, shall year by year be transferred to and form part of the general funds of the corporation and may be applied accordingly.

339. The sum payable by the owner or occupant of a house, tenement, lot or part of a lot for gas supplied to him there or for 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 recoverable.

340. 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 debentures shall be at liberty, as often as 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, land 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 upon 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 corporation.

341. The purchaser or purchasers on any such sale and their assigns shall have and possess 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 corporation, subject to the right of the corporation 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 ratepayers as in the case of the original construction or purchase of the said works.

342. In case the corporation fails to exercise the right of resuming the ownership of the public work or works at the expiration of the said period, the corporation may similarly exercise such right at the expiration of any fifth year thereafter upon giving one year's notice to the purchasers or their assigns.

343. 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, and the interest thereon, it shall and may be lawful for the corporation 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 on the street, in, through and along which the waterworks mains are laid, as well as all other properties which may enjoy the advantage of the use of the 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 upon any debentures issued for the purposes of the 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 equals such special tax, shall remit or allow to 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.

344.—(1) The corporation may itself or by its officers exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon it, or the council may, either before the commencement of the works or at any time while

they are in the course of construction or after their completion, by by-law provide for the appointment of one or more commissioners for such purpose.

(2) Upon the appointment of a commissioner or commissioners all the powers, rights, authorities or immunities which under this Act might have been exercised or enjoyed by the council and the officers of the corporation acting for the corporation shall and may be exercised by the commissioner or commissioners and the officers appointed by him or them, and the council thenceforth during the continuance in office of the commissioner or commissioners shall have no authority in respect of such works.

(3) But any officer or employee appointed or employed by the council in or about the construction or management of the works shall be continued until removed by the commissioner or commissioners, unless his engagement shall sooner terminate.

(4) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works, and the clerk or secretary-treasurer of the city shall upon the written certificate of the commissioner or commissioners pay out any moneys so provided.

345. The commissioner or commissioners shall be appointed from time to time by by-law of the council on such terms and at such a salary as they may deem expedient, but such by-law shall not take effect until approved by the Lieutenant Governor in Council, and shall cease to be valid after one month's notice from the Lieutenant Governor in Council that such approval has been withdrawn, and no repeal or amendment of any such by-law appointing a commissioner or commissioners shall be valid unless nor until such repeal or amendment has been approved in like manner, except as hereinafter provided.

346. Every commissioner shall, before taking office, give such security for the performance of his duties as the council shall require.

347. No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works or be directly or indirectly interested in the same or any of them.

348. The council of the corporation, in case the construction of the works be entrusted to a commissioner or commissioners, may by by-law at any time assume the work, remove the commissioner or commissioners, apportion their current year's salary and proceed with and manage the works, and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the com-

missioner or commissioners shall be transferred to and vested in the council; but any officer or employee appointed or employed by the commissioner or commissioners in or about the construction or management of the works shall be continued until removed by the council unless his engagement be sooner terminated.

349.—(1) The commissioner or commissioners shall keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the works distinct from the books and accounts relating to the other property, funds or assets belonging to the works; and all such books shall be open to the examination of any person appointed for that purpose by the council.

(2) The commissioner or commissioners on or before the 15th day of January in each year or upon such other day as the council may name shall cause a return to be made to the council containing a statement of the affairs of the works which shall show the amount of the rents, issues and profits arising from the works and the number of consumers during the previous year; the extent and value of the moveable and immoveable property belonging to the works; the amount of debentures then issued and remaining unredeemed and uncanceled and the interest paid thereon or yet due and unpaid and the state of the sinking fund; the expenses of collection and management and all other contingencies; the salaries of officers and servants; the cost of repairs, improvements and alterations; the price paid for the acquisition of any real estate that may have been acquired for the use of the works; and generally such a statement of the revenue and expenditure of the works as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the works.

(3) The commissioner or commissioners shall also from time to time furnish such information as may be required by the council.

(4) All accounts relating to the works shall be audited by the auditor for the corporation in regular course and the commissioner or commissioners and all the officers shall furnish to the auditor such information and assistance as may be in their power to enable the auditor to properly audit such accounts.

350. The commissioner or commissioners and the clerks employed in their revenue service shall be sworn before a justice of the peace for the faithful performance of their duties; the commissioner or commissioners shall keep a book for the purpose of recording the whole of their official proceedings and such book shall be open for inspection in the same manner as the books mentioned in the next preceding section.

351. Notwithstanding any other provisions of this Part the council may appoint by by-law a superintendent or superintendents for the purpose of the carrying on of any of the said businesses:

Provided that the mayor or any alderman may be appointed a superintendent, and shall not by accepting such position forfeit his seat in the council or be deemed to be disqualified therefor under the provisions of this Act.

PART VII.

MISCELLANEOUS.

GOVERNMENTAL COMMISSION OF INQUIRY.

352. 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 26 of the Revised Statutes of Alberta, 1922, intituled *The Public Inquiries Act*.

JUDICIAL COMMISSION OF INQUIRY.

353. In case the council passes 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 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 sees 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 passes 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 26 of the Revised Statutes of Alberta, 1922, intituled *The Public Inquiries Act*, and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon.

354. 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 186 of this Act.

355. 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 therein.

356. 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.

ACTIONS BY AND AGAINST THE CITY.

357. Where duties, obligations or liabilities are imposed by contracts or agreements which are or have heretofore been created, enacted, or validated by any statute imposing such duties, obligations, 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.

358. 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 one month 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.

359. In case the city or the council tenders 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.

360. 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 ser-

vant 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.

361. 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 obstruction, excavation 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 plaintiff's 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.

362. 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 construction, excavation or opening placed, made, left or maintained as aforesaid.

363. Such other person shall be deemed to admit the validity of the judgment, if any, obtained against the city in pursuance of the provisions of *The Judicature Act* or rules of court, or where such other person has admitted or is estopped from denying the validity of such judgment.

364. 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 such other person must be established in the action against such other person in order to entitle the city to recover in such action.

365. Nothing contained in section 170 of this Act 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.

366.—(1) 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.

(2) 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.

QUASHING BY-LAWS, ETC.

367. 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.

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

369. 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.

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

371. 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.

372. In lieu of the recognizance mentioned in sections 370 and 371 of this Act, the applicant may pay into the court the sum of one hundred dollars 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 motion.

373. 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.

374. All moneys required to be paid into or out of court in these proceedings shall be paid in and paid out in like manner as moneys paid into and out of court in actions pending in said court.

375. Any by-law which has been procured to pass through or by means of any violation of the provisions of this Act, may be quashed upon an application made in conformity with the provisions herein contained.

PENALTIES.

376.—(1) No person shall—

- (a) without due authority supply any ballot-paper to any person; or
- (b) fraudulently put into a ballot box any paper other than the ballot-paper which he is authorized by law to put in; or
- (c) fraudulently take out of the polling place any ballot-paper; or
- (d) without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot-papers then in use for the purpose of the election; or
- (e) apply for a ballot-paper in the name of some other person whether such name is that of a person living or dead or of a fictitious person, or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot-paper believing that he is the person intended by the name entered on the list of electors in respect of which he so applies; or
- (f) having voted once and not being entitled to vote again at an election apply at the same election for a ballot-paper in his own name, or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of any violation of this section shall be liable on summary conviction before two justices of the peace, if he is the returning officer, to imprisonment for any term not exceeding two years with or without hard labor; and if he is any other person to imprisonment for a term not exceeding six months with or without hard labor, or to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

377. Every returning officer, deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of any of the provisions of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of two hundred dollars.

378.—(1) Every officer, clerk and agent 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 agent or other person shall interfere with or attempt to interfere with a voter when marking his ballot-paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent 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 candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot-paper.

(6) Every person who acts in contravention of any of the provisions of this section shall be liable on summary conviction before a police magistrate or two justices of the peace to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

379. Every voter who displays his ballot-paper after he has marked on the same, so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot-paper, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars.

380. Every returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot-paper as hereinbefore directed shall forfeit to any person aggrieved by such refusal or omission the sum of one hundred dollars in respect of every ballot-paper placed in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid.

381. Any person who votes oftener than he is entitled to do under the provisions of this Act shall be liable on summary conviction to a penalty of fifty dollars.

382. Any nominated person who signs an acceptance containing any false statement shall be liable upon summary conviction to a fine not exceeding fifty dollars, together with the costs of the proceedings; and in case any person so convicted has been elected a member of the council, his office shall forthwith become vacant.

383. Any member of the council holding, enjoying, undertaking or executing any contract or agreement the holding, enjoying, undertaking or executing of which is declared by the provisions of this Act to make the seat of such member liable to forfeiture, or any member of the council acting as surety for any officer or employee of the council, shall be guilty of an offence and liable on summary conviction thereof before a justice of the peace to a penalty of not less than ten dollars and not more than one hundred dollars and costs.

384. Any member of a council who spends or authorizes the expenditure of any funds of the city upon or with respect to any public work in the city, or for the supplying of any material or labour for such work, unless he has first been empowered to do so by law or resolution of the said council, shall for every offence, in addition to being liable for a civil action, instituted against him by the city or any ratepayer thereof, be liable upon conviction to a fine of not less than ten dollars nor more than one hundred dollars and costs, and in default of payment to imprisonment for a term not exceeding two months:

Provided that an alderman shall not be liable under this section for authorizing work of an emergent nature which is subsequently ratified by the council.

385. If any officer of the city refuses or neglects to perform any duty required of him by this Act he shall on conviction thereof be fined in a sum not exceeding one hundred dollars.

386. The council may by by-law—

- (a) impose a penalty not exceeding one hundred dollars exclusive of costs for breach of any provision of any by-law;
- (b) enact that in case the conviction be for non-payment 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.

387. 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 to 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 Wetaskiwin } “Be it remembered that on the....
 “To Wit: } day of....., A.D. 19....,
 } at the City of Wetaskiwin, C.D. is
 convicted before the undersigned, one of His Majesty’s jus-
 tices of the peace, for that the said C.D. did (*stating the*
offence and the time and place thereof) on the.....day
 of....., A.D. 19...., and I adjudge the said
 C.D., for his offence, to forfeit and pay to the City of Wetas-
 kiwin 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 behalf.

“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 com-
 mittal and conveyance are sooner paid.

“Given under my hand and seal at the City of Wetaskiwin
 the day and year first above written.

“A.B.,
 “J.P.”

“[L.S.]

MISCELLANEOUS.

388. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had or taken, 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 or taken, 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.

389. Chapter 41 of the Statutes of Alberta, 1906, and all amendments thereto in so far only as they conflict with this Act, are hereby repealed.

390. All by-laws and resolutions passed by the council of the City of Wetaskiwin and in force at the date of the passing of this Act, until the same are altered or repealed by the council, shall continue in full force and effect.

391. This Act shall come into force on the day upon which it is assented to.

SCHEDULE.

FORM A.

NOTICE FOR NOMINATION AT ELECTIONS.

NOTICE.

CITY OF WETASKIWIN.

Public notice is hereby given that a meeting of the electors of the city aforesaid will be held at (*description of place*) on (*day of the week*), the.....day of....., 19... , from ten of the clock until noon of the said day, for the purpose of nominating.....candidates for the offices of mayor and aldermen of the said city for the next ensuing year.

Dated under my hand at Wetaskiwin this.....day of....., 19....

G.H.,
Returning Officer.

FORM B.

POLLING NOTICE AT ELECTIONS.

NOTICE.

CITY OF WETASKIWIN.

Public notice is hereby given to the electors of the city aforesaid that a poll has been granted for the election now

pending for the said city, and that such poll will be open on *(here insert same day of the week as for nomination of the next following week)*, the.....day of....., 19..., from the hour of nine of the clock in the morning till five of the clock in the afternoon, at *(describe the polling station, or as the case may be)* in each of the following polling divisions, that is to say:

For the polling division No. 1 *(or other designation)* consisting of *(or bounded as follows, or otherwise describing it clearly)* at *(describing the polling station and so continuing for all the other polling divisions and stations in the municipality)*.

And that I will at *(describe the place)*, on *(day of the week)*, the.....day of....., 19..., at.....o'clock in the.....noon, sum up the votes and declare the result of the election.

Given under my hand at Wetaskiwin this.....day of....., 19....

G.H.,
Returning Officer.

FORM C.

DIRECTIONS FOR GUIDANCE OF VOTERS.

The voter will go into one of the apartments provided and with a pencil make a cross opposite the name or names on the right hand side of the ballot paper of the party or parties for whom he wishes to vote, thus X.

If the voter votes for more candidates than he is by law entitled to vote for his ballot paper will be void unless he discovers the fact before the same is deposited in the ballot box, when he can obtain a new one from the returning officer.

If the voter inadvertently spoils a ballot paper he can obtain a new one on satisfying the returning officer of the fact.

If the voter places any mark on the ballot paper by which he can be afterwards identified his ballot paper will be void.

The voter after he has made the cross X opposite the name or the names of the party or parties for whom he wishes to vote shall fold up his ballot paper so as to show the initials of the deputy returning officer on the back thereof, but so as to conceal the manner in which he has voted, and shall deliver the same to the deputy returning officer and shall forthwith quit the polling place.

Each voter shall vote for as many candidates as there are offices to fill, otherwise his vote shall be invalid and shall not be counted.

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act to amend and consolidate The
Wetaskiwin City Charter.

Received and read the

First time

Second time.....

Third time.....

MR. SPARKS