

# BILL

No. 3 of 1930.

An Act constituting The Charter of the City of Drumheller.

(Assented to \_\_\_\_\_, 1930.)

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

## SHORT TITLE.

1. This Act may be cited as "*The Drumheller Charter.*"

## INTERPRETATION.

2. In this Act, the term—

- (a) "Burgess" shall mean an elector who is entitled to vote in respect of land;
- (b) "Business" shall include any trade, profession or calling, occupation or employment;
- (c) "Council" means the municipal council of the said city;
- (d) "Elector" shall mean a person entitled to vote at municipal and school elections in the said city;
- (e) "Felony" shall mean any indictable offence which under *The Criminal Code* is punishable with death, or imprisonment for a period of five years or over;
- (f) "First election" shall mean the election of Mayor and councillors first held after the passing of this Act;
- (g) "First meeting" shall mean the first meeting of the council of the City after a first or general election;
- (h) "Hawker" or "pedlar" shall mean any person who, whether as principal or agent, goes from house to house selling or offering for sale directly or indirectly any merchandise to any person, not being a wholesale dealer in such merchandise, or offers or exposes for sale to any person by means of samples, patterns, cuts or blue prints, merchandise to be afterwards delivered in or shipped into the City or sells merchandise upon the streets or roads or elsewhere than at a building which is his established place of business, but shall not include any person selling meat, fruit or other farm produce which has been produced, raised or grown by himself, or fish of his own catching;

- (i) "Improvements" and "building improvements" shall mean—
  - (i) all buildings or any part of any buildings and all structures and fixtures erected upon, in, over, under or affixed to the parcel of land assessed;
  - (ii) all increase in the value of the parcel of land assessed which has been caused by the immediate or direct expenditure of either labor or capital thereon;
- (j) "Judge" shall mean any judge of the District Court of the Judicial District of Drumheller or any judge acting in his place;
- (k) "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same, and—
  - (i) Land covered with water;
  - (ii) Mines, minerals, gas, oil and quarries in and under land;
  - (iii) In case of special franchises, machinery, fixtures, buildings, structures, and other things existing, erected or placed upon, in, over, under, or affixed to land or any highway, road, street, lane or public place or water, but not the rolling stock of any railways or street railways;
- (l) "Mineral" shall, but not so as to restrict in any way the ordinary meaning of the word, include coal, natural gas, petroleum, gasoline and all oils of a mineral nature;
- (m) "Municipality" or "City" means the City of Drumheller as herein incorporated;
- (n) "Misdemeanor" shall mean any indictable offence for which under *The Criminal Code* the penalty is imprisonment for a term of less than five years;
- (o) "Owner" shall mean any person who is registered under *The Land Titles Act* as the owner of a freehold estate in possession of land;
- (p) "Parcel" shall mean—
  - (i) Any lot in any area of land a plan of subdivision of which has been registered in a Land Titles office;
  - (ii) Where there is no such plan of subdivision and subject to paragraph (iii) a quarter section of land according to the system of surveys under *The Dominion Land Surveys Act*, or any smaller area;
  - (iii) Any mineral or minerals assessed as a unit and separately from the land in, on, or beneath which it or they lies or lie;
- (q) "Person" shall include a corporation or partnership;

- (r) "Purchaser" shall mean any person who has purchased or otherwise acquired land within the City whether he has purchased or otherwise acquired the land direct from the owner thereof or from another purchaser and has not become the owner thereof;
- (s) "Resident" means a person residing within the limits of the City of Drumheller;
- (t) "Special franchise" shall mean every right, authority, or permission whether exclusive or otherwise to construct, maintain or operate within the City, in, under, above, on or through or across any highway, road, street, lane, public place or public water within the jurisdiction of the city, any poles, wires, pipes, tracks, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or for the purposes of conducting steam, heat, water, gas, natural gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, or heat, light, power, transportation, telegraphic, telephonic or other service;
- (u) "Tenant" is one who holds, uses or enjoys the property of another with his consent or by his permission or letting;
- (v) "Occupant" means the person or corporation in actual occupation of any land or premises within the City, either being the owner or tenant thereof for a year or any longer term; husband and wife living together shall not be considered separate occupants but the husband shall be considered the occupant.

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## PART I.

### FORMATION AND INCORPORATION.

**1.** The inhabitants of the locality described as follows, that is to say:

The south-east quarter of Section 11, parts south and west of the Red Deer River, Section 12, and that part of the north-west quarter of Section 1 which has been subdivided and registered under Plan 6495-AV, all in Township 29, Range 20, west of the Fourth Meridian;

That portion of the south-west quarter of Section 11, Township 29, Range 20, west of the Fourth Meridian, lying between the Red Deer River and the southern boundary of the Canadian National Railway right-of-way;

All that portion of the south-west quarter of Section 11, Township 29, Range 20, west of the Fourth Meridian, which lies between the southern limit of the land taken for right-of-way of the Vegreville-Calgary branch of the

Canadian Northern Railway as same is now constructed across said lands adjoining the same as said right-of-way is shown on Plan Ry. 428 and a line drawn parallel to and three hundred feet perpendicularly distant southerly therefrom, containing 18.14 acres, more or less;

That portion of the north-east quarter of Section 11, Township 29, Range 20, west of the Fourth Meridian, which lies to the south of the right bank of the Red Deer River, as shown on a plan of survey of said Township approved at Ottawa the third day of November, 1908, containing 11.40 acres, more or less, excepting thereout .40 acres, more or less, for a roadway as shown on a plan filed in the Land Titles Office for the South Alberta Land Registration District as 30-BM, the land herein comprised containing 11 acres, more or less;

That portion of the east half of Section 11, in Township 29, Range 20, west of the Fourth Meridian, comprising an island located in the said half-section and containing an area of 2.9 acres, more or less;

Block 5, according to registered plan of subdivision No. 5977-CP and Parcel C described as part of the north-west quarter of Section 1, Township 29, Range 20, west of the Fourth Meridian as shown on Plan 53-138, filed under Section 166 of *The Land Titles Act*, being chapter 133 of the Revised Statutes of Alberta, 1922;

And all that portion of the north-east quarter of Section 2 of Township 29, Range 20, west of the Fourth Meridian, lying north of the southerly boundary of the right-of-way of the Canadian Northern Railway, containing 6.91 acres, more or less—

and such persons as shall hereafter become inhabitants of such locality are hereby incorporated into a municipal corporation under the name of "The City of Drumheller."

**2.** 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 to completion all proceedings commenced, but not completed, by the previous year's council.

**3.** Until the new council is elected and takes office under this Act as hereinafter provided the Mayor and members of the council for the time being of the existing Town of Drumheller 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 Town of Drumheller shall be deemed and taken for all purposes to be the by-laws, contracts, property, assets, rights and liabilities of the City of Drumheller.

**4.** All by-laws or resolutions passed by the council of the existing Town of Drumheller shall until the same are altered or repealed under the authority of this Act continue to have the same force and effect as if the same had been passed by the council of the City of Drumheller.

**5.** All taxes due to the Town of Drumheller shall upon the coming into force of this Act be deemed to be arrears of taxes due to the City of Drumheller hereby created.

**6.** All suits and rights of action by or against the existing Town of Drumheller shall upon and after the coming into force of this Act be continued or maintainable by or against the City of Drumheller.

**7.** The title to and all rights in respect of any real estate or other property of the existing Town of Drumheller shall be vested in the City of Drumheller upon this Act coming into force.

**8.** Whenever a majority of the resident land-owners of any territory adjacent to the City desire annexation thereto and present a petition to the council to that effect, the Board of Public Utility Commissioners may, with the consent of the council, annex the said territory to and make it a part of the City.

**9.** The Board of Public Utility Commissioners may upon the petition 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 be deemed desirable to include therein or to annex thereto.

**10.** Any such annexation shall take effect on such date and on such terms and conditions as the Board of Public Utility Commissioners may provide.

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## PART II.

### COUNCIL: MAYOR AND COUNCILLORS.

**1.** The powers and rights of the City of Drumheller shall be exercised by the council of the City.

**2.** The council of the City shall consist of the Mayor and six councillors, who shall be elected as hereinafter provided.

**3.** No person shall be qualified to be elected Mayor or a member of the council unless—

(a) he can read and write; and

(b) he is a British subject; and

- (c) he is of the full age of twenty-one years; and
- (d) he is not disqualified under this or any other Act; and
- (e) he is resident in the City; and
- (f) where there is a voters' list, his name appears thereon otherwise than merely by virtue of relationship to some other person upon the said list, or where there is no such list he has been for a period of at least two months immediately prior to his nomination the owner, conditional owner or purchaser of land not exempted from taxation by this Act, within the City, or of any interest therein, which is of the value of at least one hundred dollars over and above charges, liens, and encumbrances affecting the same; and
- (g) his name is on the assessment roll of the City, in respect of land or interest in land not exempted from taxation by this Act, within the City, which is of the value of at least one hundred dollars over and above charges, liens and encumbrances affecting the same.

4. The following shall not be eligible to be elected a Mayor or a member of the council, or be entitled to sit or vote therein:

- (a) Any judge of any court of civil jurisdiction;
- (b) Any sheriff, deputy sheriff or bailiff;
- (c) Any jailor or keeper of any house of correction;
- (d) Any constable, assessor, treasurer, clerk, auditor, or other paid official of the City;
- (e) Any person having himself or by or with or through another an interest in any contract with the council or with any person or persons acting for the council, or in any contract under which any money of the City is to be paid for any service, work, matter, or thing;
- (f) Any person who is surety for an officer or employee of the council;
- (g) Any person who has been convicted of a criminal offence punishable by death, or imprisonment for more than two years.

5.—(1) Paragraph (e) of section 4 of this part shall not apply to any person by reason only—

- (a) of his being a shareholder in any incorporated company having a contract or dealings with the council, unless such contract or dealings are for the building, construction or repair of a public work of the City;
- (b) of his contracting with the council for the supply to him of any service or commodity which the council has statutory authority to supply;

(c) of his being interested in any publication in which official advertisements of the council appear, or which is supplied to the council or any official thereof at the usual rates;

(d) of his having a lease of twenty-one years or upwards of any property from the City.

(2) No councillor being a shareholder in any company shall vote in the council on any question affecting such company, and no councillor being a leaseholder from the City shall vote in the council on any question affecting any lease from the City.

**6.** The Mayor shall hold office for a term of two years.

**7.** In the case of a first election the three candidates first nominated for councillorship in the event of there being no poll, or the three candidates receiving the highest number of votes in the event of a poll being held, shall hold office for a term of two years, beginning on the first day of January next following the date of the election and the remaining three candidates elected shall hold office for a term consisting of one year from the same day.

**8.** Following the first election under this Act, as many councillors shall be elected each year as there are vacancies to be filled in the council.

**9.** Every Mayor or councillor elected to fill a vacancy caused otherwise than by the effluxion of time shall hold office for the same period as his predecessor would have held office if he had continued to be Mayor or a member of the council.

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

**11.—(1)** The council may at any meeting at which the Mayor and all the members of the council are present decide by resolution to hold regular meetings of the council, and such resolution shall state the day, hour and place of every such meeting, and no notice of any such meeting shall be necessary.

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

(3) The council may by unanimous consent waive notice of any first, special or other meeting and hold a meeting at any time, but every member of the council must be present at such meeting.

**12.** The council shall at its first meeting of each year and also every three months thereafter elect one of its number as Deputy Mayor, and in case the Mayor, through illness, absence or other cause is unable to perform the duties of his office, or in case the office is vacant, the Deputy Mayor shall have all the powers and perform all the duties of the Mayor during such inability or absence.

**13.** The Mayor, or in his absence the Deputy Mayor, shall preside at every meeting of the council, and shall preserve order and enforce the rules of the council. If the person who ought to preside at any meeting of the council does not attend within five minutes after the hour appointed for the meeting, another member of the council shall be elected as chairman to preside at such meeting in the absence of such person.

**14.** A majority of the whole council shall be necessary to form a quorum.

**15.** No act or other proceeding of the council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council at which a quorum is present.

**16.** 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 any disqualification of, any member thereof.

**17.** The council may make rules and regulations for calling meetings, governing its proceedings, the conduct of its members, appointing committees and generally for the transaction of its business.

**18.** Every question shall be submitted to the council on the motion of the Mayor or any member thereof, and such motion shall be seconded by some other member of the council.

**19.—(1)** The Mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise.

(2) Any question upon which there is an equality of votes shall be deemed to be in the negative.



**20.** The Mayor when present, and all the councillors present shall vote on every division, unless excused by resolution of the council, or disqualified from voting by reason of interest or otherwise.

**21.—(1)** A special meeting of the council shall be called by the clerk when he is required to do so in writing by the Mayor or by any three members of the council.

(2) Written notice of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be given by the clerk to the Mayor and each councillor by mailing the same to his address at least six clear days prior to the date of such meeting, or by personally delivering the same to the Mayor and each councillor, or in the absence from his residence of the Mayor or any such councillor to any adult person thereat, at least three clear days prior to the date of such meeting.

(3) No business other than stated in the said notice shall be transacted at any special meeting of the council unless all the members of the council are present, in which case by unanimous consent any other business may be transacted.

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

**23.—(1)** Any Mayor or councillor may resign his seat in the council and any Mayor may resign his position as Mayor while retaining his seat in the council, by sending at any time notice in writing of such resignation to the clerk, and every such notice shall be brought to the attention of the council at the next meeting, and steps shall be taken immediately by the council to fill the vacancy.

(2) If the position of Mayor becomes vacant by death, resignation or otherwise the council shall forthwith elect some person from among its number to fill the position for the unexpired portion of his term of office.

(3) If a seat in the council becomes vacant by death, resignation, or otherwise, the council shall forthwith fix a nomination day and appoint a returning officer to hold a special election to fill the vacancy, and such election shall be held as nearly as may be in the manner provided by this Act for other elections, but if such vacancy occurs within the four calendar months immediately prior to the second Monday of December such election need not take place, and the vacancy shall be filled at the next general election of councillors, if the term of the vacating councillor has not then expired.

**24.—(1)** If after the election of any person as a member of the council he—

- (a) is convicted of felony; or
- (b) makes an assignment in bankruptcy for the general benefit of his creditors or is adjudged a bankrupt; or
- (c) without being authorized by a resolution of the council so to do, absents himself from the meetings of the council for three consecutive months; or
- (d) ceases to be a resident of the City; or
- (e) becomes disqualified from sitting or voting in the council under the provisions of section 4 of Part II of this Act; or
- (f) is convicted of signing an acceptance of a nominated person containing a false statement—

his seat in the council shall forthwith become vacant.

(2) Where any elector has filed an affidavit showing that a member of the council—

- (a) has forfeited his seat on the council or his right thereto; or
- (b) never was qualified as a member of the council; or
- (c) has become disqualified as a member of the council; or
- (d) has otherwise vacated his seat—

and has paid into Court the sum of twenty-five dollars as security for costs to abide the event of the application, the judge may on an *ex parte* application, direct that notice be served upon such person of an application for an order ousting him from office, and where upon the hearing of the application the judge upon affidavit or oral evidence is satisfied that the member of the council has forfeited his seat or is disqualified, or that his seat is vacant, the judge may declare his seat vacant or refuse the application and in either case with or without costs.

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

**26.** In case the validity of the election of any councillor or his right to hold the seat is contested, the same may be tried by a judge. Any candidate at the election or any elector who gave or tendered his vote thereat, or in case of an election by acclamation, or in case the right to sit as contested on the ground that a member of the council has become disqualified or has forfeited his seat since his election, any elector may be the relator for the purpose.

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

- (a) The recognizance shall be entered into before the judge or before a commissioner for taking affidavits by the relator in the sum of two hundred dollars and by sureties, to be allowed as sufficient by the judge upon affidavits of justification, each in the sum of one hundred dollars; and shall be conditioned to prosecute the motion with effect and to pay to the party against whom the motion is made, who is herein called "the respondent," any costs which may be adjudged to him against the relator.
- (b) When the sufficiency of the said sureties has been determined and the said recognizance has been allowed as sufficient by the judge he shall note or endorse thereon and upon the fiat allowing service of the notice of motion the words "Recognizance allowed" and shall initial the same.

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

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

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

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

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

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

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

**35.** Upon hearing of the motion the relator shall not be allowed to object to the election of the respondent or to attack his right to sit or to support the election of any person alleged to have been duly elected upon any ground not specified in the notice of motion; but the judge in his discretion may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties as may appear in the evidence before him.

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

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

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

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

**40.** In case the election complained of is adjudged invalid the judge shall, by the judgment order the respondent to be

removed and his seat shall *ipso facto* be vacated; and in case the judge determines that any other person was duly elected, the judge shall forthwith order such other person to be admitted to the office.

**41.**—(1) Where an election has been held invalid owing to the improper refusal of any returning officer or deputy returning officer or assistant deputy returning officer to receive ballot papers tendered by duly qualified electors or to give ballot papers to duly qualified electors the judge may in his discretion order the costs of the proceedings to unseat the person declared elected or any part thereof or any other costs to be paid by such returning officer, deputy returning officer or assistant deputy returning officer.

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

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

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

**44.** Any person whose election is complained of, unless such election is complained of on the ground of corrupt practices on the part of such person, or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may within one week after service on him of a notice of motion as aforesaid transmit post-paid through the post office directed to "The Clerk of the Supreme Court, Drumheller," and also to the relator or his advocate, or he may cause to be delivered to the said clerk or deputy clerk and to the relator or his advocate, a disclaimer signed by him in the form or to the effect following:

"I, A.B., upon whom a notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting

my right to the office of councillor for the City of Drumheller, do hereby disclaim the said office and all defence of any right I may have to same.

"Dated this.....day of....., 19...  
"(*Signed*) A.B."

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

**46.** Where there has been a contested election the person elected may at any time after the election and before his election is complained of, deliver to the city clerk a disclaimer by him as follows:

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

"Dated this.....day of....., 19...  
"(*Signed*) A.B."

**47.** A disclaimer filed under section 22 of this part shall relieve the person making it from all liability to costs, and where a disclaimer has been made in accordance with section 24 of this part it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by section 8 of Part III.

**48.** Every person disclaiming under section 22 of this Part shall deliver a duplicate of his disclaimer to the city clerk, who shall forthwith communicate the same to the council.

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

**50.** The Mayor shall be the chief officer of the City and shall preside at all meetings of the council. He shall preserve order and enforce the rules of the council, and he shall sign jointly with the treasurer all the cheques issued by the City.

**51.** The Mayor may suspend any municipal officer who has been appointed by the council, and he shall thereupon report such suspension and the reason therefor to the council, which may either dismiss or reinstate the suspended officer, and in case he is dismissed such officer shall receive no salary or remuneration from the date of such suspension unless the council by a resolution to be passed by a two-thirds vote otherwise determines. Should the Mayor suspend any municipal officer he may at the same time appoint some other person in the place of such suspended officer and shall report such appointment to the council at its next meeting, and such appointment shall then require to be ratified by the council.

**52.** The council may appoint a city clerk, a treasurer, a city solicitor, a sanitary and medical health officer, one or more auditors, an assessor, a chief of police, a chief of the fire department, a license inspector, a building inspector, a city engineer and such other officers, servants or employees as it deems necessary or expedient to appoint:

Provided that the council may delegate to any of the officials appointed by it the power to appoint other officers, servants or employees to serve in the departments of such officials respectively.

**53.** The council shall not call for tenders from applicants for any office, nor accept any such application if it quotes the pecuniary terms upon which the applicant is willing to hold the office.

**54.** 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.

**55.** 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.

**56.** 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.

**57.** 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.

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

**59.** A councillor shall not be eligible for appointment to any City office.

**60.** Every member of the council, the city clerk, the treasurer, the 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, impartially, and 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, impartially, and 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."

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

**62.** Every returning officer, deputy returning officer, assistant deputy returning officer, poll clerk, constable, or other officer appointed to act at an election or vote taken other than at a municipal election, shall before entering upon the duties of office make and subscribe a solemn declaration to the following effect:

"I, *A.B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been appointed in this City, and that I have not received, and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office. So help me God."

**63.** When any oath or affirmation or declaration is required to be taken or made by a deputy returning officer, or assistant deputy returning officer and no special provision is herein made therefor the same may be made and subscribed before the returning officer or before the poll clerk or any justice of the peace and the returning officer or any



justice of the peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

**64.** The Mayor and councillors and the civic officers who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some justice of the peace or other person authorized to administer oaths or before the city clerk. The declaration of the city clerk shall be made and subscribed before a justice of the peace and the person before whom the declaration is made shall give the necessary certificate of its having been duly so made and subscribed.

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

**66.** The deponent, affirmant, or declarant shall subscribe to every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same and shall deposit the same in the office of the city clerk, who shall preserve it among the city records.

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

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### PART III.

#### DUTIES OF OFFICERS.

**1.** The clerk shall—

- (a) keep a full and correct record of the proceedings of every meeting of the council in the minute book provided for that purpose, and see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the Mayor or other presiding officer;
- (b) enter in the minutes of every meeting the names of the members of the council present at such meeting, and if required by the council record the name of every member voting and whether "Aye" or "Nay," on any question coming before the council.
- (c) conduct the correspondence of the council as directed by it;
- (d) transcribe into a special book, to be provided for the purpose, a true and correct copy of every by-law

passed by the council, which copy may be either written or printed or partly written and partly printed, and prepare a proper index for such by-laws;

- (e) take charge of and keep on record all original by-laws of the council or certified copies thereof, books, papers, accounts, assessment rolls, plans, maps, and correspondence committed to his charge by the council during his term of office and deliver the same to his successor or such other person as the council may direct on his ceasing to hold office;
- (f) call any special or other meeting of the council in the manner provided by this Act;
- (g) 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; during such period the person so appointed shall have all the powers of the city clerk;
- (h) any elector may at all reasonable times inspect any books, records, documents, or accounts in the possession of the city clerk, including minutes of proceedings of the council or of committees of the council, assessment rolls, voters' lists, poll books, and all other documents in the possession of the city clerk, and the city clerk shall within a reasonable time furnish copies of any such documents or extracts therefrom to any such applicant at the rate of ten cents per hundred words;
- (i) 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.

**2. The treasurer shall—**

- (a) collect, receive and safely keep all moneys belonging to the City from whatever source received;
- (b) deposit to the credit of the proper fund as provided for herein, daily or as often as the council may direct, in some chartered bank designated by the council all moneys received by him;
- (c) submit all accounts and charges against the City which he received for the consideration of the council;
- (d) pay all accounts against the City only when they have been passed by the council and certified by the Mayor or other presiding officer;

- (e) make all payments on behalf of the City by cheque, signed by himself and countersigned by the Mayor, or in his absence by the Deputy Mayor and drawn on the chartered bank in which the moneys of the City are deposited;
- (f) give and take receipts for all the moneys of the City received and disbursed, and keep on file all vouchers of expenditures;
- (g) keep in a cash book or such other books of record, and in such form as may from time to time be prescribed by the council a complete and detailed record of all the financial transactions of the City;
- (h) produce when called for by the council, auditor, inspector or other competent authority, all books, vouchers, papers and moneys belonging to the City, and hand over the same to his successor or such other person as the council may direct on his ceasing to hold office;
- (i) complete and make ready for the auditor, not later than the tenth day of January in each and every year, all books and accounts for the last preceding year; and
- (j) faithfully perform all other duties imposed upon him by this Act, and generally carry out such instructions as may be issued to him from time to time by the council.

**3.** The auditor 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 stamp thereon the word "Audited," and initial the same; and he shall verify the cash balance as shown by the treasurer's books by counting the cash and in no case shall he certify to the correctness of the books until he has checked up the deposits entered in the cash book with the deposits shown in the bank book.

**4.** The auditor shall in every case write a special report respecting all expenditures made contrary to law, by-law, or resolution, if there is such expenditure, and shall deliver the said report to the Mayor who shall lay the same before the council at its next regular meeting.

**5.** Not later than the last day of February in each year, the auditor shall send out a notice to not less than twenty-five per cent of the taxpayers who have not paid their taxes in full, and each such notice shall give a statement of the amount of taxes due by the person to whom it is addressed, together with a request that if the amount shown on such notice is incorrect, the taxpayer shall immediately notify the auditor as to the discrepancy.

**6.—(1)** On or before the twentieth day of January in each year the auditor 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 deliver the said abstract to the Mayor, who shall lay the same before the council at its next meeting.

(2) Any elector may inspect the said abstract and may by himself, or his agent and at his own expense take a copy or extract therefrom.

(3) On or before the first day of March in each year the council shall cause the said abstract or a synopsis thereof to be published in some newspaper published in the City, such newspaper to be designated by resolution of the council, or in lieu of such publication the council may cause the said abstract or a synopsis thereof to be printed and circulated among the burgesses.

**7.** The council shall from time to time make such regulations as it may deem expedient for the government of the police force and for preventing neglect or abuse and for rendering the force efficient in the discharge of its duties.

**8.** The constables shall obey all lawful directions of and be subject to the orders of the chief of police and shall be charged with the special duty of preserving the peace, apprehending offenders and generally with the performance of all duties which by law devolve upon constables and peace officers.

**9.** Any member of the force may be dismissed or suspended by the council at any time.

**10.** In addition to the duties assigned to them by this or any other Act, the officers appointed by the council shall perform such other duties as may be required of them by the council.

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#### PART IV.

##### LEGISLATIVE JURISDICTION.

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

**2.** From and after the passing of this Act the inhabitants of the City of Drumheller as hereinbefore described, and

their successors shall be and are hereby declared to be, a body politic and corporate in fact and law, by the name of "The City of Drumheller," and the said corporation by the same name shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law or in equity whatsoever, and shall have a common seal with power to alter and modify the same at their will and pleasure. And shall be in law capable of receiving by donation, acquiring, holding and disposing of and conveying any property (real or personal) for the use of the said City; or becoming parties to any contracts or agreements in the management of the affairs of the City, of giving or accepting of any notes, treasury bills, bills of exchange, bonds, obligations or other instruments or securities for the payment of, or securing the payment of, any sum of money borrowed or loaned, executing or guaranteeing the execution of any duty, right or thing whatsoever, and for the payment, or securing the payment of, any money borrowed, or of paying loans made or debts owing by the said City of Drumheller, or of taking up bonds that may become due, or of making a loan or loans for any other legitimate and sufficient purpose whatsoever; and for any of the purposes aforesaid the said corporation may grant and issue bonds for the sum of money therein to be specified under the provisions hereafter set forth, payable at such time and times after the granting and issuing thereof and in such place or places, either in the Dominion of Canada or elsewhere, or either in the currency of Canada or of the country where the same are respectively payable, as by the said corporation may be thought advantageous or expedient; provided always that the said corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than one hundred dollars, and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void; provided always that nothing herein contained shall be construed to authorize the said corporation to issue notes or bills of exchange payable to bearer, or to issue notes to circulate as those of a bank.

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

**4.** The council may make by-laws for the peace, order, and good government of the City of Drumheller.

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

**6.** In all cases in which it is provided in this Act that the council may license any person, place, or thing, the council may make regulations—

- (a) governing the conduct of the place wherein the person carries on the business, trade or occupation in respect of which he is licensed; the place licensed; and the place where the licensed thing is kept;
- (b) prescribing conditions as to the position, construction, alteration and equipment of any such place and any other conditions which may seem advisable;
- (c) regulating and controlling the conduct of those who use or frequent any such place;
- (d) fixing the fees to be charged for such licenses;
- (e) providing the method of collection or payment of such fees;
- (f) regulating the prices or fees to be charged by the holders of such licenses;
- (g) fixing the period during which all or any licenses are to be valid;
- (h) providing penalties for failure to obtain any such license;
- (i) providing penalties (including forfeiture of license) for breach of the conditions on which such licenses are issued; and
- (j) making general rules for the protection of the persons holding licenses.

**7.** The imposing or collecting of license fees shall not in any case be deemed to prevent the assessing of land owned or occupied by the license holders in the same manner as other land or the collection of taxes thereon.

**8.** No license shall be issued to any person under the provisions of this Act in any case in which a provincial license is required, unless such person is the holder of the said provincial license.

**9.** The council may make by-laws for the issue of licenses and payment of license fees in respect of any business and for greater certainty, but not so as to restrict the generality of this section, the council may by by-law license, regulate and control auctioneers, hawkers, pedlars and transient traders, cattle-dealers and horse-dealers, employment or intelligence officers or agents, bill-posters, all persons who for gain or hire, directly or indirectly, keep or have in their possession, on their premises or under their control any pool, or billiard-table, in a place of public entertainment,

whether such pool or billiard-table be used or not; proprietors or livery, feed, and sales stables or of automobile liveries, porters, carriers, draymen, hackmen, omnibus drivers and all persons performing work with horses or mules or motor vehicles, within the City, for hire; milk dealers and water dealers, money lenders, real estate dealers and agents and automobile sales agents, scavengers, soft drink vendors, public bowling alleys, menageries, circuses, shows, theatres, caravans, requiring the payment of license fees not exceeding five hundred dollars per day for shows, entertainments, carnivals or exhibitions held or put on by them within the City or within one mile of the boundary of the City, and for imposing fines on persons for infringing such by-laws to the amount of one hundred dollars over and above such license fee; provided such fine and the costs and the fee may be collected whether so stated in the said by-law or not by sale of goods of the show-men or the goods belonging to or used in connection with the show or exhibition, whether owned by the show-men or not, and in addition the offender may be imprisoned for a term not exceeding six months; exhibitions held or kept for hire or profit, halls, opera houses and other places of amusement, rinks, public baths and swimming pools, moving picture entertainments, butcher shops and stalls, public markets, pawn-shops, junk shops, second-hand stores, and laundries.

**10.** The power to license and to make regulations as given herein shall extend to persons who carry on business partly within and partly without the City limits.

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

**12.** The council may license transient traders as a special class.

**13.** "Transient trader" means a person doing business in the City of Drumheller, who occupies premises for temporary purposes or who, not having resided in the City of Drumheller for at least three months next preceding the time of the commencement by him of such business, offers goods, chattels or merchandise for sale by auction, or in any other manner and whether conducted by himself or a licensed auctioneer. The terms shall include any person

commencing business in the City of Drumheller whose name is not entered on the assessment roll for the then current year in respect of any business.

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

**15.** The City may license transient contractors as a special class and fix such license fee and define the term "transient contractor."

**16.** The council may also license as a special class the owners or operators of all automobiles owned and operated in the City of Drumheller, such license fee not to exceed twenty-five dollars for each automobile, and may fix the license fee according to the weight of the car, the length of the wheel base, or upon any other principle as shall seem fit. The license fee shall not be a set-off against any business tax, or any business tax against it. This license shall not be put into effect until the by-law providing therefor shall have first been approved by a two-thirds majority of a vote of the electors voting upon the said by-law.

**17.** The council may by by-law license motor vehicles as defined under *The Motor Vehicles Act*, being chapter 31 of the Statutes of Alberta, 1925, when used for hire and notwithstanding anything in the said Act.

**18.** The council may by by-law prohibit any person or persons from removing or causing to be removed any building from one part of the City to another part thereof, or from one lot to any other lot, or from within the City limits to any place outside the City limits, or from tearing down or carrying away any building or any portion thereof unless such person has first procured from the building inspector for the City of Drumheller a permit to remove such building, and the said inspector shall not issue such permit until such applicant shall have proven to him that all taxes levied on the said building, and on the land on which it is situated, have been paid. A penalty may be imposed for infraction of such by-law, not exceeding one hundred dollars and costs, or in default of payment thereof thirty days in gaol.

**19.** The council may also make by-laws for—

- (a) acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating and acquiring sufficient land, whether within or without the City, for the convenient carrying on of brick works, bridges, cemeteries, parks,



nuisance grounds, gravel pits, coal areas, coal pits, crematories, exhibitions, elevators, ferries, gaols, gas (natural or manufactured), or electric light or power works, hospitals, lock-up houses, manufactories, markets, mills, poor-houses, roads, road or street construction plant and machinery, sewerage or drainage works, street railways, telephone system, water works, water powers, or airports;

- (b) granting to any telephone syndicate or company or gas or electric light or power syndicate or company or street railway syndicate or company any special franchise, but no such franchise shall be exclusive;
- (c) contracting debts not payable within the current year.

**20.** But any such by-law mentioned in the preceding section shall before the final passing thereof receive the assent of two-thirds of the burgesses voting thereon.

**21.** No by-law for any of the purposes mentioned in clause (b) of section 19 shall be passed if the City has a similar system, undertaking or business in operation as a municipal public work, nor shall any special franchise be granted for a longer period than twenty years.

**22.** A debt contracted pursuant to a by-law and not payable within the current year, shall be made payable within a period not in any case to exceed twenty years from the date of the issue of the debentures issued thereunder.

**23.** Notwithstanding any provision herein contained the City shall have no power—

- (a) to grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill or railway or any other business or concern whatsoever either within or without the municipality;
- (b) to exempt from taxation any such manufactory, mill or railway or other business or concern, nor to subscribe for stock therein or guarantee the bonds, debentures or other securities thereof:

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

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 favor of such by-law shall be liable on summary conviction to a penalty not exceeding one hundred dollars exclusive of costs and such members of council shall be disqualified from holding any municipal office for a period of two years:

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

And provided further that in the case of any lands acquired by the City by virtue of proceedings taken under the provisions of *The Tax Recovery Act* the council may fix the amount of such actual cost.

**24.**—(1) The council may pass a by-law for the purpose of creating and proclaiming any day as a civic holiday within the City.

(2) The council may by by-law require that during the whole or any part of the year any class of shops shall be closed, and remain closed, on any one day of the week or any part of such day.

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

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

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

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

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

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

(9) Nothing in the preceding sections of this Act or in any by-law passed under the authority thereof shall be deemed to render unlawful the continuance in a shop, after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, and of the service of such customers during their continuance therein.

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

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

**25.** The City of Drumheller shall have the right and power--

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

- (b) to acquire by purchase, expropriation, or otherwise, any land required for public purposes, and if the whole lot or lots, parcel or parcels be not required for a particular purpose the City may purchase, expropriate or otherwise acquire the whole of such lot or lots, parcel or parcels of land and may hold or re-sell the balance of said land not required either at private or public sale, but no sale shall be made until a notice of intention to sell has been published in at least three issues of one or more papers published in the City;
- (c) to provide for group insurance on all or a portion of the city employees, and to pay any portion of the premium on such insurance that the council may deem advisable;
- (d) to establish, maintain, control and operate a prison farm or farms, reformatories, children's shelter or homes, tubercular, isolation or other hospitals of any kind within or without the limits of the City, and to purchase, lease, or acquire by expropriation proceedings or otherwise, the necessary land, and to build, erect and maintain all buildings required therefor, provided that all land used by the City for any such purpose shall be deemed to be and shall form part of the City of Drumheller in the same way as lands within the limits of the City;
- (e) to acquire by purchase, expropriation, or otherwise, and to establish, maintain, equip, own and operate waterworks, gas works, electric light, heat and power works within or without the City, and to supply the City and its inhabitants, and also persons, firms, and corporations outside the City with water, gas, heat, power and electricity;
- (f) to acquire by purchase, expropriation or otherwise, and to establish, maintain, equip, own and operate within or without the City, telephone, electric or other railway, ferry and transportation service of any kind, but no railway operated by steam shall extend beyond the City limits;
- (g) to sell gas, water, electric current and all products of any public utility operated by the City;
- (h) to acquire by purchase, expropriation or otherwise, within or without the City, such lands or other property as may be necessary for the establishment, maintenance, and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber, and dispose of the same for the common benefit;
- (i) to lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by, the City;

- (j) to receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and to do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional;
- (k) to borrow money for any of the purposes for which the City is authorized to provide and for carrying out any of the powers which the City is authorized to enjoy and exercise and to issue bonds therefor;
- (l) to prescribe fines, forfeitures, and penalties for the violation of any provision of this Charter or of any by-law; but no penalty shall exceed five hundred dollars or six months' imprisonment or both;
- (m) to provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance;
- (n) to offer rewards not exceeding five hundred dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the City and to authorize the payment thereof;
- (o) to regulate the use of steam engines, gas engines, steam boilers and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety or cause damage to public property;
- (p) to regulate the speed of railroad trains, engines and cars passing through the City and the speed of cars of street or inter-urban railway companies using the public streets of the City; to require street cars and local trains to be provided with proper appliances for the better protection of the public; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles, or other vehicles along or upon any of the streets, bridges, or highways of the City;
- (q) to regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of hand bills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags, or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal;
- (r) to prevent or regulate the running at large of any animals, and to establish and maintain a pound or pounds and authorize the destruction or other disposition of any animals running at large;

- (s) to provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, bread stuffs, milk, and other food products offered for sale in the City, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome and to regulate and prevent bringing into the City or having or keeping within the City any such unsound, spoiled, adulterated or unwholesome products;
- (t) to provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the City, whether within or without the City;
- (u) to regulate and license lodging, tenement and apartment houses, and to prevent the over-crowding of the same, and to require that they be put and kept in proper sanitary condition;
- (v) to establish stands for hacks, public carriages, automobiles, and other public vehicles for hire, and regulate the charges of such public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles;
- (w) to levy and collect taxes upon all real and personal property within the City, subject to the limitations elsewhere in this Act provided;
- (x) to order the repaying by the treasurer of any taxes or other moneys erroneously or illegally collected;
- (y) to fix the fees and charges for all official services not otherwise provided for in this Act;
- (z) to provide for the lease of any lands or tenements now or hereafter owned by the City;
- (aa) to provide for the purchase of property levied upon or under execution in favor of the City, but the amount bid on such purchase shall not exceed the amount of judgment and costs;
- (bb) to provide for the sale at public auction, after advertising for five days, of personal property which, in the opinion of the council, is deemed to be unfit or unnecessary for the use of the City;
- (cc) to order the opening, extending, widening, straightening, or closing of any street, lane, alley, or public place within the City, and to expropriate and acquire any and all property necessary or convenient for that purpose;
- (dd) to set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, and regulate and prevent heavy traffic thereon; and when any such street shall have been set aside as a boulevard no franchise for a railroad, inter-urban railway or street railway of

any kind shall be granted upon such boulevard, and no railroad track of any kind shall ever be laid thereon, unless a by-law to that effect shall have been passed by a majority of two-thirds of the electors voting thereon;

- (*ec*) to fix and determine by by-law the rates or compensation to be collected by any person or firm or corporation in the City for the use of water, heat, light, power, or telephone service supplied to the City or to the inhabitants thereof, and to prescribe quality of the service;
- (*ff*) to regulate street railroads, their tracks and cars;
- (*gg*) to require every railroad company to keep the streets in repair between the tracks and along and within the distance of two feet upon each side of the tracks occupied by the company;
- (*hh*) to permit the laying down of spur tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads which do now or may hereafter enter the City, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as main line or part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council;
- (*ii*) to cause the removal and placing underground of all telephone, telegraph, electric light or other wires
  - within the City or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, lanes, highways and public places in the City and to compel the removal of any such poles or wires which are so placed as to endanger the public safety;
- (*jj*) to regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets, lanes, and public places, and to require the filing of charts and maps of such pipes and conduits;
- (*kk*) to make all rules and regulations governing elections not inconsistent with this Act;

- (*ll*) to establish a park commission, and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council;
- (*mm*) to establish a playgrounds commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council;
- (*nn*) to establish a hospital board or commission, to serve without compensation, with such powers and duties as the council may fix, such commissioners to be appointed by the council. The Mayor shall at all times be a member of the commission or board;
- (*oo*) to establish a police commission and to appoint commissioners thereon, to serve without compensation or with such compensation and with such powers and duties as the council may fix;
- (*pp*) to provide suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities;
- (*qq*) to enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City or any of the provisions of this Act, and to exercise all powers not in conflict with the laws of the Province of Alberta, with this Act or with ordinance adopted by the people of the City.

**26.** The council may pass a by-law for the prevention of cruelty to animals.

**27.** 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.

**28.** The council may pass a by-law preventing or regulating the bathing or washing of the person in any public water in or near the City.

**29.** The council may pass a by-law fixing the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their houses at the hours appointed.



**30.** The council may pass a by-law for the purpose of prohibiting the discharging of fire-arms or explosives in the City. The council may pass a by-law regulating the keeping and storing of explosives within the City.

**31.** The council may pass a by-law providing for and regulating the construction and maintenance, upon all buildings more than two stories in height, of a sufficient number of proper ladders, fire escapes and fire balconies.

**32.** The council may pass a by-law providing protection from fire by the purchase of engines and equipment, and authorizing the building of fire walls and granting bonuses to assist in constructing the same.

**33.** The council may pass a by-law regulating the erection and repair of buildings and their distance from streets and lanes 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, concrete or stone, and roofing of incombustible material within defined areas of the City, and regulating the construction and dimensions of chimneys and enforcing the proper cleaning of the same.

**34.** The council may pass a by-law compelling the inhabitants to assist and aid in extinguishing fires, pulling down and razing buildings and removing property in the vicinity of fires for the purpose of preventing the spreading of the same and providing compensation for the loss or damage sustained by reason of the said pulling down, razing or removing:

Provided that in all cases where a building is razed by order of anyone acting under the authority of the council, the council shall in all cases compensate the owner to the amount of not more than three-quarters of the value of the property destroyed.

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

**36.** The council may pass a by-law generally establishing such measures as the safety and welfare of the City may require for the prevention and extinguishment of fires, notwithstanding any other provisions of this Act.

**37.** 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.

**38.** The council may pass a by-law regulating the size and structure and number of doors in churches, theatres, and halls or other places of public meeting or places of amusement and the size and structure of stairs and stair railings in all such buildings.

**39.** The council may pass a by-law preventing the obstruction of the halls, aisles, passageways or approaches in any church, theatre, hall or other place of public meeting during the occupation of the same for a public assemblage.

**40.** 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, dry-cleaning establishment, or lumber, coal or wood shed in such parts of the City as the council may designate or of any wooden building that has been partly burned, and is a menace to public safety.

**41.**—(1) The council may pass a by-law regulating the size and strength of roofs, walls, beams, joists, rafters and other supports in all buildings within the City.

(2) The council may pass a by-law for the purpose of directing the removal of door steps, porches, railings, or other obstructions projecting into or over any road or other public communication at the expense of the owner or occupant of the property connected with which such projections are found, and charging the costs thereof, if not paid, against such property as taxes.

**42.** The council may pass a by-law for the purpose of building and maintaining sidewalks and for regulating and controlling the traffic thereon.

**43.** The council may pass a by-law compelling persons to remove and clear all snow, ice, dirt and other obstructions from the sidewalk adjoining the premises owned or occupied by them.

**44.** The council may pass a by-law for the purpose of preventing or regulating and controlling the erection and use of billboards, signs, or other devices for advertising purposes, whether the notices be printed or otherwise displayed.

**45.** The council may pass a by-law providing for the summary removal of any pole or wire or other obstruction from the street or for the pulling down or removal or clos-

ing to the use of the public of any building or other erection within the City which shall be deemed dangerous by the street and building inspectors.

**46.** The council may pass a by-law regulating the use of radio-aerials and of poles and standards used in connection therewith.

**47.** The council may pass a by-law for the prevention of excessive noise and for the suppression of noise-making devices.

**48.** The council may pass a by-law preventing nuisances and compelling the abatement thereof generally, and declaring any building, structure or erection of any kind whatsoever, or any drain, ditch, watercourse, pond, surface water or other matter or thing in or upon any private lands, street or road, or upon any building or structure, to be a nuisance and dangerous to the public safety or health, and directing the removing, filling up or other abatement of such nuisance.

**49.** The council may pass a by-law restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors, or harbourers of dogs, and directing the killing of dogs running at large, contrary to any such by-law.

**50.** The council may pass a by-law for the purpose of compromising upon such terms as may be agreed upon, for payment of arrears of taxes on lands which have been subdivided under a plan registered at a Land Titles Office.

**51.** The council may pass a by-law for the purpose of granting aid to agricultural societies, boards of trade, or incorporated mechanics' and literary institutes.

**52.** The council may pass a by-law for setting aside, authorizing and assigning any part of the centre or sides of any public highway for the purpose of leaving vehicles or any class or classes of vehicles standing thereon and authorizing and assigning stands for vehicles for hire on the public highways and in public places, and assigning any particular stand or stall or space to any particular person.

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## PART V.

### QUASHING BY-LAWS AND RESOLUTIONS.

**1.—(1)** Any elector of the City may apply to a judge upon motion to quash any by-law, order or resolution of the council in whole or in part for illegality; and the judge

may upon such motion quash the by-law, order or resolution in whole or in 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.

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

(3) Before any such motion is made the applicant, or in case the applicant is a corporation, some person on its behalf, shall enter into 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.

(4) 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 District Court with the other papers relating to the motion.

(5) In lieu of the recognizance mentioned in subsections (3) and (4) of this section the applicant may pay into 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 shall be filed in the District Court with the other papers relating to the motion.

(6) Upon the determination of the proceedings the judge may order the money so paid into Court to be applied in the payment of costs or to be paid out to the applicant in the discretion of the judge, according to the result of the application.

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

(8) No application to quash a by-law, order or resolution in whole or in part shall be entertained unless the application is made within two months from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of the electors where the by-law has not been submitted to or has not received the assent of the electors entitled to vote thereon, in which case an application to quash the by-law may be made any time.

**2.** Any by-law, the passing of which has been procured through or by means of any violation of the provisions of sections 4 and 5 of *The Controverted Municipal Elections Act*, may be quashed upon an application made in conformity with the provisions herein contained.

**3.** No by-law which is inconsistent with any law or regulation having the force of law in force in the Province shall have any validity in so far as it is so inconsistent.

## PART VI.

## ACTIONS BY AND AGAINST THE CITY.

**1.** 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.

**2.** 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.

**3.** In case the City or the council tenders amends to the Plaintiff or his solicitor, if such tender is pleased 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.

**4.** 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.

**5.** 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.

## PART VII.

## HIGHWAYS AND PUBLIC PLACES.

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

**2.** The title to and the soil and freehold in the land comprised in all road allowances transferred to the Crown in the right of the Province of Alberta by 6 Edward VII, chapter 45 of the Acts of the Parliament of Canada (chapter 100 of the Revised Statutes of Canada, 1906), and in all public travelled roads or trails vested in the Crown in the right of the Province of Alberta by reason of the said Act, which are situate within the City of Drumheller, shall be vested in the City of Drumheller.

**3.** 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, 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 land abutting upon that portion of such street, lane, or highway proposed to be closed, sold, or leased, and published previously to the passing of the by-law in at least two weekly issues of a newspaper published in the City. Nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been offered an opportunity to be heard by himself or his agent in relation to the proposed by-law; and any such person so claiming, petitioning and appearing shall be entitled to compensation as in this Act hereinafter provided;
- (b) providing for planting and protecting trees on highways and other public places and regulating the width of the travelled portion of the streets and avenues and the distance at which sidewalks may be laid from the property line and for allowing the planting of trees and protection of the same by fencing or otherwise on the sides of such streets and avenues by the City or the owners of the property adjoining the same;
- (c) every public road, street, bridge, highway, square, alley or other public place belonging to the City, including all crossings, sewers, culverts, and approaches, grades, sidewalks, and other works made or done therein or thereon by the City or by any person with the permission of the council, shall be kept in repair by the City and in default of the City keeping the same in repair, the City, besides

being subject to any punishment provided by law shall be civilly responsible for all damages sustained by any person by reason of such default.

**4.** The last preceding section shall not apply to any road, street, bridge, alley, 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.

**5.** In case an action is brought against the City to recover damages sustained by reason of any obstruction, excavation, or opening in or near to a public highway, street, bridge, alley, square, or other public place, placed, made, left or maintained by any person other than a servant or agent of the City, or to recover damages sustained by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the City, the City shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the City.

**6.** 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.

**7.** If such other person be not a party defendant to such action or be not added as a party defendant or third party or if the City has paid the claim for such damages before any action is brought to recover the same or before the recovery of the damages or costs against the City therein the City shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation, or opening placed, made, left or maintained as aforesaid.

**8.** Nothing contained in subsection (3) of section 3 and in section 4 of this part 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.

**9.**—(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, 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.

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## PART VIII.

### EXPROPRIATION.

**1.** 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.

**2.** The council shall make the owners or occupants of or other persons 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.

**3.**—(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 ascertained.

(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 and as to notice, costs and otherwise, as the judge may direct.

**4.—**(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.

**5.** 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.

**6.—**(1) In the case of land which the City has authority under this Act to take without the owner's consent, corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent, whether infants, issue born, lunatics, idiots, or others, have power to act as well in reference to any arbitration notice and action, under this Act, as in contracting for and conveying to the City such land or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

(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.

7. 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 City be converted into a claim to the money so agreed upon, or awarded, or to a like proportion thereof.

8.—(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 has 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 Drumheller calling upon the 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 the 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.

9. The council of the City of Drumheller 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 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 tendered and on 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.

**10.** Where a claim is made for compensation or damages by the owner or occupier of or other person interested in lands taken by the council or which is alleged to have been injuriously affected in the exercise of any of the powers of the council, in the event of the council not being able to agree with the claimant as to the amount of compensation or damages, the same shall be settled and determined by the award of a judge, or of an advocate to be appointed by him.

**11.** 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.

**12.** The reference of any such claim to a judge shall not be deemed to be an admission on the part of the City and all defences and objections shall be open to either party as if an action had been brought.

**13.** 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.

**14.** 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 evidence given on the reference and 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.

**15.** 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 properly shall stand as if no arbitration had been held and the City shall pay the costs of the arbitration.

## PART IX.

## LOCAL IMPROVEMENTS.

**1.** The term "Local Improvements" shall be taken to mean—

- (a) the opening, widening, straightening, extending, grading, leveling, macadamizing, paving, or planking of any street or public lane, alley, way or place; or
- (b) the construction of any sidewalk, bridge, culvert or embankment forming part of a highway; or
- (c) the curbing, sodding, boulevarding, or planting of any street or public land, alley, square or other public place; or
- (d) the making, deepening, enlarging or extending of any common sewer; 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 construction (but not the mere repair and maintenance) of any of the said works during the originally estimated lifetime thereof; or
- (g) the repairs and maintenance thereof after the lapse of the originally estimated lifetime thereof; or
- (h) the erection of firewalls and the acquiring of land necessary for the same.

**2.** The term "Special Frontage Assessment" shall be taken to mean a special assessment of the several lands abutting on that portion of the street or place whereon or wherein the improvement is to be made according to the number of lineal feet thereof of the said several lands measured along the abutting portion at a uniform and equal rate per foot, computed by dividing the total sum to be raised by special frontage assessment on the said lands by the total number of lineal feet of such abutting lands:

Provided that where several parcels of land abut on the local improvement some of which appear to call for a larger or smaller proportionate assessment on account of being corner lots, or being of different size or shape from the other parcels of land, such exceptional parcels of land may be assessed as having a larger or smaller number of feet abutting thereon than they actually have, so that each parcel of land abutting on the local improvement shall bear a fair, just and equitable proportion of the cost of the improvement; and

- (a) in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and for the purpose of affording an outlet therefor a sewer is carried along a street or place

along which such sewer would not have been carried except as a means affording an outlet as aforesaid, the lot or lots, parcel or parcels, of land abutting on such street or place 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 special frontage assessment, or from the payment of the whole or a part of the proportionate cost thereof, as shall appear just under the circumstances;

- (b) if any land has not been assessed by way of special frontage assessment for any part of the cost of a sewer which is connected therewith, there may be assessed against such land the same amount per foot frontage as was assessed against the lands actually abutting upon the street or place whereon or wherein the sewer or system of sewers was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of the city account relating to sewers; but any land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption.

**3.** The term "Special Benefit Assessment" shall be taken to mean a special assessment levied against each parcel of land in the vicinity of the 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 specially benefited by reason of the construction of local improvements, sufficient to raise a fair, just, and equitable proportion of the total sum to be raised therefor by special local benefit assessment, having regard to the benefit to other parcels of land specially benefited by the local improvement.

**4.** The term "Cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expense of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the money to pay the cost thereof, including discounts and interest.

**5.** The term "Special Assessment" shall include the terms "Special Frontage Assessment" and "Special Local Benefit Assessment" as the context may require.

**6.** 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 eight 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 installments 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 installment 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 by 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 taxes of the City:

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.

**7.—(1)** The council may pass by-laws 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 of it, if any, shall be borne by the City 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 benefited and for assessing the cost or 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 in the case of common sewers and watermains and water service connections heretofore constructed or hereafter to be constructed what portion of the cost thereof shall be raised by uniform frontage assessment and what portion shall be borne by the City at large.

(2) A by-law or by-laws of general application for the said purpose shall be sufficient and it shall not be necessary to pass a special by-law in each particular instance.

**8.** Any local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment may be undertaken pursuant to petition or notice as hereinafter provided:

- (a) Upon receipt of a petition praying for any local improvement, signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on that part of 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.
- (b) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part:  
Provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is to be made.
- (c) The council may cause a notice of its intention to undertake a local improvement to be inserted once in each week for two consecutive weeks in at least one newspaper published in the City, and such notice shall describe the nature and location of the proposed improvement and the special assessment to be adopted for same, and unless the majority of the owners of lands that may be assessed therefor, representing at least one-half in value thereof as aforesaid, petition the council against the same within two weeks after the last publication of such notice, such local improvement may be undertaken and the cost thereof assessed by the system of assessment referred to in the said notice.
- (d) If any sufficiently signed petition as aforesaid against the proposed local improvement is presented to the council no second notice for the same shall be given by the council within the then current calendar year.
- (e) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment, it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

**9.**—(1) 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.

(2) 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.

**10.** 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 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 costs will be spread;
- (c) the probable or actual cost, if then ascertained, of the local improvement;
- (d) that portion, if any, of the cost to be borne by the City at large;
- (e) that 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 time fixed for the sitting of the council for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

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

**12.** There shall be a right of appeal against every assessment made under the authority of any by-law passed respecting local improvements 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.

**13.** No assessment under the provisions of this Act respecting local improvements 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 this Act and before the date fixed for the sittings of the Court of Revision.



**14.** The decision of the council, subject to an appeal to a judge by the like procedure and as in like cases under the provisions of this Act, shall be final and conclusive upon all matters respecting the assessment and special rate, and the council and judge shall respectively have power in the event of the assessment of any party being increased or decreased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

**15.** The council may pass by-laws—

- (a) for borrowing by the issue of debentures upon the credit of the City at large the money required to meet the whole or any part of the costs of any local improvement, provided—
  - (i) that such debentures shall mature within the probable lifetime of the local improvement;
  - (ii) that it shall not be necessary to obtain the assent of the burgesses to the passing of any by-law for raising the cost of a local improvement to be levied by special assessment nor of any by-law for raising the cost to be borne by the City at large for any extension of a city system of sewerage originally constructed as a local improvement or of any other local improvement unless in the case of such other local improvement the share of the cost to be borne by the City at large be greater than forty per cent of the cost of such local improvement; and
  - (iii) that nothing herein contained shall be construed as authorizing an extension of the general debt of the City beyond the limits hereof fixed by this Act.
- (b) for borrowing by way of temporary loans without the issue of debentures, but within the restrictions aforesaid on the credit of the City at large, the whole or any part of the cost of a local improvement;
- (c) debentures issued or moneys borrowed for the purpose of local improvements to the extent to which the sums are secured by special assessment therefor form no part of the general debt of the City within the meaning of this Act and it shall not be necessary to cite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money but it shall be sufficient to state in any such by-law that the amount of the general debt of the City as therein set forth is exclusive of local improvement debts secured by special assessment.

**16.** The moneys required to pay the costs of any local improvement may be borrowed under the authority of one or more by-laws; and the portion payable by way of special assessment and the portion to be borne by the City

at large may be provided for in one or more separate by-laws; and every by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise—

- (a) the amount of the debt which such by-law is intended to create and in general terms the object for which it is to be created;
- (b) the total amount required to be raised annually for paying the debt and interest under the 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 City at large the value of the whole rateable property of the City according to the last revised assessment roll;
- (d) that the debt is contracted on the credit and security of the City at large but as to so much as is not to be paid by the City at large the City is to collect the same only by way of special assessment as aforesaid.

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## PART X.

### PUBLIC WORKS.

**1.** The City shall have the power to construct, build, purchase, drill, explore for, improve, extend, hold, maintain, manage, and conduct waterways, telephone systems, street railways, irrigation ditches, sewers (either storm or sanitary), gas (including natural gas), electric or any other artificial light or power either in connection with gas or otherwise; and all buildings, material, machinery and appurtenances necessary in connection therewith.

**2.** The City may sell, lease or dispose of all fittings, machines, apparatus, meters or other things used in connection with any public utility carried on by it together with every product, refuse or residue resulting from the conduct of any such business.

**3.** The City shall have the power to enter upon or purchase such lands and buildings as it may deem necessary or advantageous for the purpose aforesaid.

**4.** The City shall have the power to employ such commissioners of public works, engineers, surveyors and other persons as may from time to time, in the opinion of the council, be necessary or expedient to enable the powers of the City to be properly exercised.

5. The council may from time to time make and enforce by-laws, rules and regulations for the general maintenance or management or conduct of any public works constructed or maintained under this Act, and of the officers or others employed in connection with them, and for the collecting of the rates and charges for supplying water, whether by waterworks or irrigation ditches, telephone, street railways or tramways, gas or electricity or other means of providing light or power hereunder, and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for such rates, charges and rents, and the times and place where the same shall be payable, and may allow such discount as it may deem expedient for prepayment or punctual payments; and for enforcing payment of such rates, charges or rents by action in any court of competent jurisdiction, or by shutting off the water, gas, or electricity, or disconnecting or discontinuing the service, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the City, such distress and sale to be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under *The Extra-Judicial Seizures Act* and *The Distress Act*; but an attempt to collect the rates or rents by such process shall not in any way invalidate any lien which the City is entitled to upon the premises in respect of which indebtedness has been incurred.

6. Any official authorized by the City for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made, or in the case of the written authority of the Mayor given in respect of the special case, without notice to all parts of every building or other premises in which water, gas, or electricity is delivered and consumed or which is served by a sewer, for the purpose of inspecting or repairing as aforesaid or in placing meters upon any service pipe or connection within or without any house or building as he may deem expedient and for this purpose, or for the purpose of protecting or regulating the use of such meter, may set or alter the position of the same or of any pipe, connection or tap; and may fix the price to be paid for the use of such meter and the times when and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations, and such price and expense of such alterations may be collected in the same manner as water rates.

7. Where any consumer discontinues the use of water, telephone, gas or any other utility furnished by the City under this Act, or the City lawfully refuses to continue any longer to supply the same, the officers and servants of the City may at all reasonable times enter the premises in or upon which such consumer was supplied the water, gas, or

other means of providing light, heat or power, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the City in or upon such premises and may remove the same therefrom, doing no unnecessary damage.

**8.** The City, its engineers, servants and workmen, from time to time and at such times as the City shall see fit, may enter into and upon, take or use the land of any person, bodies politic or corporate in the City or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of waterworks, gas, telephones, sewers, electric light or power or any other public work which it is under this part empowered to construct or operate, and may contract with the owners or occupants of the said land and any person having a right or interest therein for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of any such waterworks, or other works, at the option of the City.

**9.** The City may construct, erect and maintain in or upon any land required under the provisions of this Act all reservoirs, waterworks, gas works or wells and shafts, dams, buildings, machinery or other things requisite for the undertakings authorized under this Act, and for conveying water, gas, electricity or power through the same by such lines of pipes, ditches, poles or wires as may from time to time be found necessary or expedient.

**10.** The City and its servants under its authority may for the said purposes enter and pass upon and over any such lands, and the same may cut out and dig up, if necessary, and may lay down pipes, excavate ditches, erect poles and wires through the same, and in, upon, through, over and under the highways, streets, lanes, roads, squares, bridges, or other passages, whether the same be within the City or not, and for such purposes may break up, dig, and trench the same, and for the purposes of taking up, examining, or repairing and otherwise maintaining any public works, may exercise the same power, and any power given to the City under this section covering lands vested in the City as may with the consent of the owner thereof be exercised in regard to private property.

**11.** All lands not being the property of the City and all highways, streets, lanes, roads, squares, bridges or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.

**12.** The City may enter upon, set out, ascertain, purchase, use and occupy such parts of the said land as the said City may think necessary and proper for the making

and maintaining of the said works, or for the purchasing the said lands required for the protection and improvement of the said works, or for the taking up, improving, moving, altering or repairing the same, and for enabling the same to be used by the City or by the inhabitants thereof.

**13.** For the purpose of any such public works the City may sink and lay down pipes, wells, tanks, reservoirs and erect poles, wires, and buildings and other conveniences, and may from time to time alter all or any part of the said works as well in the position as in the construction thereof as it may deem advisable.

**14.** All works, wells, pipes, poles, erections and machinery requisite for any public works shall be vested in and be the property of the City.

**15.** Service pipes which may be required may be constructed and laid down by the City up to the outer line of the street at the expense of the owner but the City shall be solely responsible for keeping the same in repair.

**16.** In cases where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected, the City may with the consent of the owner lay the service pipe or sewer connection 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 City or person appointed by it in that behalf, and the owner shall be solely responsible for the repair thereof.

**17.** The expense incidental to the laying and repairing as hereinafter provided of the service pipes or sewers if laid or repaired by the City, or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the City, or if not paid may be collected forthwith in the same manner as water rates:

Provided that in no case shall the expense of superintending the laying or repairing of such service, if laid or repaired by any person as aforesaid, exceed five dollars.

**18.** All service pipes or sewers to the interior face of the outer walls of the building supplied, together with all branches, couplings, stop-cocks and apparatus placed therein by the City, shall be under its control; and if any damage is done to this portion of the service pipes or sewer or its fittings either by neglect or otherwise, or if the sewer becomes obstructed in any manner between the inner surface of the wall of the building supplied and the main line of the

sewer, the occupant or owner of the land shall forthwith repair the same to the satisfaction of the City, and in default of his so doing, whether notified or not, the City may enter the lands where the service pipes or sewers are, and by its officers, agents or servants repair the same and charge the same to the owner of the premises as hereinbefore provided.

**19.** The stop-cock placed 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.

**20.** Parties supplied with water by the City may be required to place only such taps for drawing and shutting off the water as are approved of by the City.

**21.** Upon report of the proper official of the City recommending the same, the council shall have the power to direct plumbing, including one water closet and basin or other sanitary improvements, to be made in any building situated on land fronting or abutting upon a street or other place where there are sewers and water mains, and the City may, with or without the consent of the owner, occupant or tenant thereof, enter, make or construct and install such plumbing, or other sanitary improvements, or cause the same to be done, and after such plumbing or other sanitary improvements have been completed, the engineer or such other official shall make a certificate as to such plumbing and other sanitary improvements, stating therein the number and description of the land or parcel of land whereon such sanitary improvements are made, and shall file such certificate with the City assessor and the amounts of such costs as so certified, shall be divided into seven annual installments (after allowing for interest at such rate as the council shall fix, having regard to the state of the money market and sinking fund), and one of such installments shall be added to the taxes on such lot or parcel of land in the collector's roll, for each year, for a period of seven years, beginning with the rolls prepared next after the filing of said certificate, and the said costs shall be collected in the same manner as and shall be treated in all respects as ordinary taxes due upon the said land.

**22.** For the purpose of making, constructing and installing such plumbing or other sanitary improvements and paying interest on the debentures hereinafter mentioned, the City shall have the power to pass a by-law or by-laws for the issue of debentures of the said City, to be called "plumbing debentures," in the sum of not less than one hundred dollars each, as to the City seems expedient. These debentures shall be made payable in the manner and at the time following, that is to say, within a period not exceeding seven years, from the dates of the respective issues thereof.

**23.** Such debentures shall bear interest at such rate as the council shall fix, having regard to the state of the money market, which interest shall be payable not oftener than half-yearly. The said debentures shall be signed as provided in *The Drumheller City Charter* for the signing of debentures. Such by-laws shall not be required to be submitted to the electors for approval.

**24.** The council shall have the power to direct sewer and water connections to be made between a sewer or water main in any street or part thereof and the properties fronting or abutting on such street, and such connections shall be made by the engineer or such other official or under his inspection (if made by the property owner). If the connection be made by the City, the engineer or other official shall make a certificate of the cost of the same, stating therein the number of the lot or parcel of land with which such connection has been made, and shall file said certificate with the assessor, and the amount of such cost as so certified shall be added to the taxes of the land or parcel of land named in said certificate in the collector's roll prepared next after filing of said certificate, and the said cost shall be collected in the same manner as, and shall be treated in all respects as, ordinary taxes due upon the said land.

**25.** The City shall regulate the distribution and use of water in all places and for all purposes where the same may be required, and from time to time may fix the prices for the use thereof and the times of payments; and it may erect such number of public hydrants and in such places as it shall see fit and direct in what manner and for what purposes the same shall be used, all which it may change at its discretion, and may fix the rate or rent to be paid for the use of water by hydrants or fire-plugs and public buildings.

**26.** The sum payable by the owner or occupant of a house, tenement, lot or part of a lot for the water or gas supplied to him there or for the use thereof and all rates, costs and charges imposed under any by-law passed in pursuance of this Act, shall be a preferential lien and charge on the house, tenement, lot or part of a lot; and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

**27.** In the event of the rate or rent remaining uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the collector shall make a return showing the amount of the rent or rate so in arrears, together with all costs and charges in connection therewith, and the same shall be returned by the collector to the city clerk of the City at least once in every year and on such day or days as may be fixed by the council or by the by-law in that be-

half, and the same together with interest at the rate of ten per cent per annum thereon shall be collected by the treasurer by the sale of land and premises in the same manner and subject to the same provisions as in the case of a sale of land for arrears of municipal taxes.

**28.** The City shall not be liable for damages caused by the breaking of any gas or water main, service pipes or attachments or the bursting of any ditches, or for any interference with the supply of water, gas or electricity necessary for the repair or proper maintenance of any public work, or generally for any accident due to the operation of any public work, unless such accident is shown to be directly due to the negligence of the City or its employees.

**29.** The City shall have power and authority to supply with water, gas, light and heat, power or telephone service, street railways, or tramways upon special terms any person or corporation outside the City, and may exercise all other powers necessary to the carrying out of its agreement with such City or person as well within the suburbs as within the City; and it may also from time to time make and carry out any agreement which it may deem expedient for the supply thereof to any railway company or manufactory:

Provided that where such supply is to be made in another municipality which itself possesses any similar public work, no pipes, poles or wires for this purpose shall be carried in, through, over, upon, or under any highway or public street, lane or road within such other municipality without the consent of the council of such municipality; in such case the agreement may be for a term of years or otherwise as may be agreed upon:

Provided, however, that where there is a dispute between the City and any rural municipality in connection with work that is being carried on within the boundaries of that municipality, such dispute shall be adjudged by the Minister of Public Works.

**30.** The City may 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 to be exacted therefrom and each and every other matter or thing related to or connected with which it may be necessary or proper to direct, regulate or determine in order to secure the inhabitants of the City a continued and abundant supply of pure and wholesome water and to prevent the practising of fraud upon the City with regard to the water so supplied.

**31.** Where there are buildings within the municipality, different parts thereof belonging to different tenants or lessees, the City may carry pipes, wires or rods to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more



tenants, to convey gas, electricity or other means of providing light or heat or power to the property of another or in the possession of another.

**32.** 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.

**33.** The City shall construct all public works and all apparatus and appurtenances thereunto belonging or appertaining or therewith connected and wheresoever situated so as not to endanger the public health or safety.

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

**35.** The council may by by-law provide that any building heretofore or hereafter erected within the City situated upon property fronting or abutting on any street in which both a sewer and water main exist shall be connected with the sewer and water main and the necessary piping and fixtures, including water closet and basin, shall be placed in such building so that the cellar drains and privies may be properly drained into said sewer and the owner or occupant shall pay for such work.

**36.** In addition to any other taxes which the City may lawfully impose, it shall have the right to levy a special waterworks tax annually against every lot fronting or abutting on any street, lane or public highway which is traversed by the waterworks system, for any amount not exceeding ten cents per lineal foot, which shall be known as a waterworks charge. The City may also lawfully impose and have the right to levy a special tax annually against every lot fronting or abutting on any street, lane or public highway which is traversed by the sewer system for any amount not exceeding five cents per lineal foot, which shall be known as a sewer charge, and also the City may lawfully impose and shall have the right to levy a special boulevard tax annually against every lot fronting or abutting or adjoining on any boulevard within the City of Drumheller of an amount not exceeding ten cents per lineal foot, which shall be known as a boulevard charge; but any by-law providing for exceptional assessment which the council may pass for the purpose of local improvement shall regulate and control the extent of the frontage on which such charges shall be imposed.

**37.** In case a petition signed by two-thirds of the resident burgesses is presented to the council asking for the construction of public works under the powers conferred by this Act—

- (a) It shall be the duty of such council to submit a by-law for the construction of such public works to the vote of the burgesses and such council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petitioners, or in such form as may be approved by the vote of two-thirds of the members of such council, and shall submit the same to the vote of the burgesses within six weeks after receipt of the petition by the council.

**38.** The power of the council shall not be deemed to be abridged by this Act except as expressly stated herein.

**39.** The proceedings in taking the vote and the persons having a right to vote shall be the same as required under Part XV hereof.

**40.** If the by-law be approved by two-thirds of the burgesses voting thereon, it shall be the duty of the council to pass the by-law and forthwith to proceed in the construction of the works:

Provided always that the council may for any good cause, if deemed expedient by a vote of two-thirds of its members, hold the works in abeyance until after the next general election.

**41.** The City shall do as little damage as may be in the execution of the powers of this Act granted to it and shall make reasonable and adequate satisfaction to the owners, occupants, or other persons interested in the land, water, rights or privileges entered upon, taken or used by the City or injuriously affected by the exercise of its powers and in case of disagreement the compensation or damages shall be ascertained as provided in like cases in Part VIII hereof.

**42.** The City, its officers, agents and servants shall have the like protection in the exercise of its and their respective offices and the execution of its and their duties as public officers have under the laws of the Province of Alberta.

**43.** All materials procured under contract with the City and upon which the City shall have made advances in accordance with such contract shall be exempt from execution.

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

**45.** The City may dispose of any real or personal property acquired by it for the purpose of this Act, when no longer required, and until sold may rent or lease the same; any property so sold shall be free from any charge or lien on account of any mortgage, bonds, debentures or other securities issued by the City; but the proceeds of sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon; but may be re-invested 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 City.

**46.** No member of the 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 person shall be held to be disqualified from being elected or sitting as a member of the council of the City by reason of his being a taker or a consumer of water, light, heat or power supplied by the City or by reason of any dealing or contract with the City with reference to the supply of water, light, heat or power to such person.

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

**48.** If any person does or commits any of the following acts—

- (a) wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted, the said City or its servants or workmen in the exercise of any of the powers and authorities by this Act authorized and contained;
- (b) wilfully or maliciously lets off or discharges water or gas so that the same runs waste or useless;
- (c) not being in the employment of the City and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, 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 or building so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specially authorized by the City for that particular purpose and occasion;
- (f) lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe, main, wire or rod of the works, or in any way obtains or uses any water, gas, or electricity thereof without the consent of the City;
- (g) washes or cleanses cloth, wool, leather, skins of animals or places any nuisance or offensive thing within the distance of one mile above the source of supply for such waterworks in any river, pond, creek or spring 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; or 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 fifty dollars and not less than five dollars, together with the costs and charges attending the proceedings and conviction.

**49.** Any public work provided for in this Act may be constructed, built, purchased, improved, extended, maintained and conducted either separately as a distinct undertaking, or with two or more such works in conjunction as one undertaking.

**50.** It is hereby provided that any public work or works constructed or acquired for the purpose thereof and every matter and thing appertaining thereto, and all revenues derived therefrom shall be held to be entirely separate from all other assets of the City and shall not be liable for any debt of the City heretofore or hereafter contracted by the City on the credit of the City at large, and such public works, lands and revenues shall be and are hereby specially charged with the repayment of any sum or sums of money which may be borrowed on the credit thereof by the City for the purposes thereof and for any debentures which may be issued therefor; and the holder of such securities shall have a preferential lien and charge on the said works, lands and revenues arising from and out of the supplying of water, gas, light, heat or power or from the real and personal property connected with the works to be acquired by the City under this Act, and all revenue shall, after pro-

viding for the expense attendant upon the maintenance of the works and after payment of the amount payable for principal and interest or a sinking fund and interest up to the end of the then current year, year by year be transferred to and form a part of the general funds of the City and may be applied accordingly.

**51.** Debentures issued in pursuance of a by-law passed under the authority of this Act may be dated as of the actual date of the issue thereof, provided such date be within four years from the date of the final passing of the by-law and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

**52.** 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, the council may by by-law provide for the assessment and collection of a special tax or rate in each year, not exceeding four mills on the dollar, upon the properties according to the assessed value thereof fronting or abutting upon the street in and along which waterworks mains are laid, as well as all other properties which may enjoy the advantages of the use of water from the said main, distant not more than three hundred feet therefrom, for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on any debentures issued for the purposes of said waterworks and the annual installment 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 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.

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## PART XI.

### ASSESSMENT.

**1.** All land which, or any interest in which, is subject or liable to taxation by the Province in the City, shall, subject to the following exemptions, be assessed at its fair actual value, exclusive of the value of the minerals.

**2.** Notwithstanding the provision of the preceding section, in computing the said fair actual value of any parcel of land, only two-thirds of the value of the improvements thereon shall be included therein.

**3.** The following lands and the minerals thereon shall be exempt from assessment and taxation:

- (a) land held by or for the use of any religious body, on which a building chiefly used for divine service or public worship is situated, but to the extent of one half-acre only; together with such building but exclusive of any other building situated thereon;
- (b) land attached to and used in connection with and for the purpose of any hospital which receives aid from the Province under the provisions of *The Hospitals Act*, but to the extent of four acres only;
- (c) any university or school established under *The School Ordinance* or *The School Act*, but to the extent of four acres only;
- (d) land of any agricultural society organized or formed under *The Agricultural Societies Act*;
- (e) land vested in any library board established under the provisions of *The Public Libraries Act*.

**4.** The council may by by-law exempt from assessment and taxation any land up to the extent of four acres, held by any association formed for religious or educational purposes and used for the purposes of such association.

**5.** The lands exempted under clauses (a), (b), (c) and (d) of section 3, under section 4, shall be liable to be assessed for local improvements and frontage tax.

**6.** The council may by a by-law passed at a regular meeting of the council, held before the first day of April in any year, provide for the inclusion of the total value of the buildings and improvements or some part greater than two-thirds thereof, in the fair actual value of the land within the City.

**7.—(1)** The council may, by a by-law passed at a regular meeting of the council held prior to the first day of April in any year, provide for the imposition of a tax, to be known as a "business tax," upon all persons carrying on any trade, business or profession within the limits of the City, and shall in the by-law determine whether such persons shall be assessed in a sum equal to the full annual rental value of the premises upon which they carry on business or upon a floor space basis.

(2) Where the by-law provides for assessment upon the floor space basis it shall fix a sum per square foot of floor space (including the space occupied by partitions, elevators, stairways or other conveniences) of each place of business of which the assessment is to be ascertained, which sum may be varied with regard to either—

- (a) the nature of the trade, business or profession carried on; or
- (b) the purposes to which the floor space or any part thereof is put; or

- (c) the situation or position of the place of business relative to that of other places of business, whether in the same building or not.

(3) "Place of business" in this section shall include any building or buildings or part or parts of a building or open space used by any person for the purposes of a trade, business or profession.

(4) Any by-law passed under the provisions of this section shall continue in force until repealed; provided however that no such by-law shall be amended or repealed except by a by-law passed at a regular meeting of the council held in any year subsequent to the year in which the original by-law was passed and prior to the first day of April in such subsequent year.

**8.** The council may by by-law passed at a regular meeting of the council, held prior to the first day of April in any year, provide for the imposition of a tax, to be known as a "personal property tax," upon all personal property except that exempt from taxation by the provisions of this section. The following property shall be exempt from taxation:

- (a) all personal property belonging to the City;
- (b) the books of every library;
- (c) household effects (except in hotels and restaurants) of every kind, books and wearing apparel in use;
- (d) and such other property as the council may deem meet.

**9.** As soon as may be in every year, but not later than the thirty-first day of March, the assessor shall assess every assessable parcel of land and all other assessable property, and shall complete the assessment roll for the City in a form to be approved by the council, giving a description of each parcel and of all assessments, and setting out as accurately as may be—

- (a) the name of the owner of every parcel of land in the City;
- (b) the name of the purchaser, if any, entitled to the possession of every such parcel of land;
- (c) the name of the conditional owner of every parcel of land whose interest in such parcel is liable to taxation;
- (d) the post office address of every such owner, purchaser, or conditional owner;
- (e) a brief description of every such parcel of land, and where the assessed parcel is not subdivided according to a plan registered in a Land Titles Office, the number of acres which it contains;
- (f) the assessed value of every such parcel of land;
- (g) the name of every person carrying on a taxable trade, business or profession within the city;

- (h) the assessed value of every such trade, business or profession;
- (i) the place where every such trade, business or profession is carried on;
- (j) the name of every person owning taxable personal property and the assessed value of the personal property of each such person;
- (k) the words "Public School Supporter" or "Separate School Supporter."

**10.** In the absence of any declaration by a taxpayer as to whether he desires to be rated as a supporter of public school or of separate school, the name of such taxpayer shall be entered as a supporter of the public school.

**11.** Failure to enter any of the particulars hereinbefore directed shall not invalidate the assessment of any property nor affect the liability of any person to pay taxes if the correct description and the assessed value of the same appear upon the assessment roll.

**12.** Every person whose property is assessable shall give the assessor all information necessary to enable him to fulfill his duties under this Act.

**13.** Immediately upon the completion of the assessment roll the assessor shall make and attach thereto or endorse thereon an affidavit in the following form:

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

"Sworn before me at Drumheller, in the Province of Alberta, this.....day of....., A.D. 19..."

**14.** It shall be the duty of every person employing any other person in his trade, manufacture, business or calling to give information concerning the names and places of residence of all persons employed by him, whose wages, salary or remuneration exceeds two hundred dollars per annum.

**15.** The assessor or other official so directed by the council forthwith after completing the said assessment roll shall publish in a newspaper published in the city a notice in the following form:

"Assessment Roll

"Assessment Roll, 19...

"Notice is hereby given that the assessment roll of the City for the year.....has been prepared and is now open to inspection at my office in the City Hall from ten a.m. to four p.m. on every judicial day except Saturday and on that day from ten a.m. to mid-day and that any rate-payer who desires to object to the assessment of himself



or of any other person must within thirty days after the date of this notice lodge his complaint in writing at my office.

“Dated this.....day of....., 19...  
.....  
“City Assessor.”

**16.** The city assessor, or other official so directed by the council, shall also within three weeks after the date of the assessment roll transmit by post to every person named thereon an assessment slip containing the particulars appearing in the roll with respect to such person.

**17.** There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 15 of this part and there shall be endorsed thereon a written or printed form of complaint stating the grounds thereof.

**18.** No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of a non-transmission or non-receipt thereof by the person to whom it was addressed.

**19.—(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 herein contained, no assessment slip 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.

**20.** When any such direction is given, the assessor shall make his assessment by adopting that 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.

**21.** If at any time before the first day of December it is discovered that any property, trade, business or profession which should be included in the roll, is not so included in the roll, or that the name of any person taxable in respect of any property, trade, business or profession is not entered upon the roll, the assessor or such other person as the council may direct shall notify the person taxable in respect of such property, trade, business or profession by registered mail, if he resides or has a place of business with-

in the City, that at a meeting of the council to be held at least six days after the mailing of such notice, an application will be made to the council to assess such property, trade, business or profession for such sum as may be deemed right and that such taxable person is required to attend such meeting to show cause why such assessment should not be made and as to the amount thereof, or as to why his name should not be entered upon the assessment roll.

**22.** If such taxable person does not reside or have a place of business within the City, then such notice shall be mailed by registered letter to the post office address of such person fifteen days before such meeting of the council.

**23.** After such notice has been mailed as aforesaid, and after the expiration of the time mentioned therein, or if such taxable person or his address is not known, then without any notice the council may make an assessment in respect of such property, trade, business or profession, and direct the assessor or such other official to enter the same, and the name of the taxable person, if known, upon the assessment roll:

Provided always that all the provisions of this Act as to appeals from assessment as far as the same are applicable, shall apply to any such assessment.

**24.** When any person after the last day of March begins to carry on a trade, business or profession taxable under the provisions of a by-law of the City, the assessor shall forthwith assess the said trade, business, or profession and mail an assessment slip to him, and he shall be liable for taxation upon the assessed value of such trade, business or profession upon a *pro rata* basis for the remainder of the year, but shall have a right of appeal as nearly as possible of the same nature as that given by this Act to persons assessed prior to the said first day of April.

**25.** The council may at any time correct any gross and palpable error in the roll.

**26.** Where any person had at the time of the assessment any taxable interest in the property in respect of which his name was entered upon the assessment roll, and there has been no complaint to the Court of Revision in accordance with the provisions of this Act, then upon the expiration of the time hereinbefore limited for the lodging of complaints, the assessment of the property placed opposite his name shall be deemed incontestably to be the proper, lawful and final assessment of his taxable interest therein.

**27.** Where any person had at the time of the assessment any taxable interest in the property in respect of which his name was entered upon the assessment roll and there has been an appeal to the Court of Revision, but there

has been no appeal to the District Court as herein provided for, then immediately upon the expiry of the time limited for forwarding notices of appeal to the judge, the assessment of the property placed opposite his name upon the roll, or as altered by the Court of Revision, as the case may be, shall be deemed incontestably to be the proper, lawful and final assessment of his taxable interest therein.

**28.** Where the name of any person having an interest in property taxable under the provisions of this Act has in any year been entered heretofore or hereafter upon the assessment roll in respect of such property, and notice of such fact has been sent to him, but he has escaped taxation by virtue of the assessment being declared to be invalid or a nullity, then such interest may be assessed in any subsequent year, and the name of such person entered upon the roll in respect of such interest, and he shall thereupon become liable to pay his taxes in such subsequent year, and in addition to the taxes, if any, for which he is liable in that year, the taxes for which he would have been liable in the year in which he escaped taxation if the said interest had been then correctly assessed and he had been taxed.

**29.** The said assessment shall be made by the Court of Revision and the person affected thereby shall immediately be notified thereof by the assessor and shall have the right of appeal to the judge of the District Court of the judicial district of Drumheller.

**30.** The judge so appealed to shall hear the appeal within one month after he has been notified by the assessor or other official of the desire of the said person to appeal and he shall either confirm the assessment made by the Court of Revision, or if he thinks such assessment is incorrect, fix a sum as a proper assessment.

**31.** If any person thinks that his name or that of any other person has been wrongfully entered upon the said roll or that any property has been wrongfully assessed or that any property has been assessed too high or too low, or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa*, he may within thirty days after the posting of the notice referred to in section 15 of this part, give notice in writing to the city clerk that he intends to appeal to the council to correct the said error.

**32.**—(1) Any such notification may be handed to the city clerk or sent by mail addressed to him, and if it is sent by registered mail and addressed to him at his proper address, he shall be deemed to have received the same.

(2) Every such complaint shall contain the post office address to which every notice required to be sent to the complainant may be sent.

(3) Every such complaint shall also contain briefly the grounds upon which that person appeals and also a description of the property affected.

**33.** All complaints duly lodged with the city clerk shall be dealt with by the Court of Revision and subject to appeal as is provided in this part.

**34.** The council shall form a Court of Revision for the trial of complaints duly lodged under the preceding provisions of this Act.

**35.** The city clerk shall be the clerk of the Court of Revision and shall record all the proceedings thereof.

**36.** The council may call a special meeting to hear complaints.

**37.** Upon the receipt by the city clerk of any complaint, he shall notify the complainant and every person who is affected thereby, of the time and place of the sitting of the council to hear such complaint. Every such notice shall be sent by registered letter to the post office address of such person, if any, which is entered in the assessment roll or is indicated in the complaint, at least fifteen days before the sitting of the council, unless such person resides within the City, in which case the city clerk shall cause such notice to be served at his residence or so posted at least ten days before the sitting of the council. Before the sitting of the council the city clerk shall prepare a list of the complaints, setting out the name of each complainant, the name respecting whom the complaint is made, and the matter complained of, which list shall be posted at the office of the city clerk.

**38.** The city clerk may when required so to do, issue a summons to any person to attend as a witness at the Court of Revision; and if any person so summoned 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 both ways where a railway is not available, or actual railway fare both ways where a railway is available, disobey such summons, he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars and costs:

Provided that the council hearing the complaint may for good and sufficient reasons excuse such person from attending before it and in such event no penalty shall be incurred by reason of such non-attendance.

**39.** The complaints shall be heard as far as possible in the order in which they stand upon the said list, but the council may adjourn or expedite the hearing of any complaint.

**40.** If the complainant or any other person whose assessment is affected or may be affected by the result of the complaint, fails to appear in person or by agent, the council may proceed in his absence.

**41.** It shall not be necessary to hear upon oath the complainant or assessor or the person complained against, except where the council deems it necessary or proper, or where the evidence of any person is tendered on his own behalf, or an oath is required by the opposite party. All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the complaint.

**42.** All the duties of the council as a Court of Revision shall be completed by the last day of June and no complaint to the council shall be heard after that date except where it is otherwise specifically provided by this Act.

**43.—(1)** Forthwith after the conclusion of the sittings the assessor or city clerk shall amend the assessment roll in accordance with the decision of the council.

(2) Every such amendment shall be made in ink of a different color from that of the original roll and shall be verified by the initials of the assessor or city clerk.

(3) When the council has heard and determined any complaint, the city clerk shall forthwith notify the complainant and every person whose name is entered upon the assessment roll in respect of the land affected, in writing, of the result of the hearing of the complaint, either personally or by sending notice by registered mail to the post office address contained in the complaint:

Provided, however, that where the complainant at the hearing of the complaint was present in person or by agent, no such notice shall be necessary.

(4) When the council has omitted or neglected or refused to hear or decide a complaint by the day fixed for the completion of its duties, the city clerk shall immediately notify the complainant in a similar manner.

**44.** Upon the termination of the sittings of the Court of Revision, or where there are no complaints upon the expiry of the time for complaining thereto, the city clerk or assessor, shall over his signature enter at the foot of the last page of the roll the following certificate, filling in the date of such entry: "Roll finally completed this . . . . . day of . . . . ., 19 . . ." and the roll thus finally completed and certified shall be the assessment roll for that year, subject to amendment on complaint as hereinafter provided and subject to any further amendment as herein provided and shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in any notice required by this Act, or any omission to deliver or to transmit any such notice.

**45.**—(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 city clerk 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."

**46.** The city clerk shall immediately after the time limited for filing notice of appeals forward a list of the same to the Alberta Assessment Commission, and such commissioners shall fix a day for the hearing of such appeals.

**47.** The city clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the Court of Revision, but in the event of failure by the city clerk to have the required service in any appeal made, or to have the same made in proper time, the Alberta Assessment Commission may direct service to be made for some subsequent day upon which it may sit.

**48.** The city clerk shall cause a conspicuous notice to be posted up, in his office, of the place where the council holds its sittings, 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.

**49.** The city clerk shall be the clerk of such sittings.

**50.** At the sittings so holden, the Alberta Assessment Commission shall hear the appeals and may adjourn the hearing from time to time and may defer judgment thereon at its pleasure, but so that all appeals may be determined before the first day of September.

**51.** At the sittings to be holden by the Alberta Assessment Commission, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll passed by the Court of Revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the Alberta Assessment Commission, if then given, who shall write their initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied, and if the decision is not then given the city clerk shall, when the same

is given, forthwith alter and amend the roll according to the same, and shall write his name opposite every such alteration or correction.

**52.** In all such proceedings the Alberta Assessment Commission shall possess all powers for compelling the attendance of and for the examining on oath of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers, rolls, and documents and for the enforcement of its orders, decisions and judgments.

**53.** All processes or other proceedings in, about or by way of appeal may be intituled as follows:

“IN THE MATTER OF APPEAL FROM THE COURT OF REVISION OF THE CITY OF DRUMHELLER,

“BETWEEN

Appellant,

and

Respondent.”

**54.** The costs of any proceedings before the Alberta Assessment Commission shall be paid by or apportioned between the parties in such manner as the Alberta Assessment Commission thinks proper.

**55.** The costs chargeable or to be awarded in any case may be the costs of witnesses, and of procuring their attendance and none other, the same to be taxed according to the allowance by the commissioners for such costs.

**56.** The decision and judgment of the Alberta Assessment Commission shall be final and conclusive in every case adjudicated upon and can only be appealed from by a unanimous vote of the council.

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## PART XII.

### SERVICE TAX.

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

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

**2.** For the purpose of this section, residence within the City of Drumheller shall be understood as actual residence

therein for the said period of three months, irrespective of whether such person intends to reside in the City permanently or whether or not the said period of residence is wholly or in part within the year in which the said tax becomes due.

**3.** The amount of the annual service tax payable by each person liable therefor shall not be less than the sum of one dollar or more than the sum of two hundred and fifty dollars, as provided for in the next section.

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

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

(a) There shall be exempt from the service tax any person whose name appears on the assessment roll of the City of Drumheller, and who is liable to pay, and pays the current year's business or property tax to the City of Drumheller, or any person who can produce evidence satisfactory to the tax collector that, notwithstanding the omission of his name from the assessment roll, he has purchased property or carried on business in the City of Drumheller, and is liable to pay and pays business or property tax to the said City of Drumheller:

Provided, however, that if the business or property tax payable by such person is not greater than, or equivalent to, the amount of the service tax that would otherwise be payable under the terms of any by-law of the City of Drumheller, then the excess of the service tax over the business or property tax so payable and paid shall be due and payable.

(b) If by any by-law of the City of Drumheller any service tax is levied and is stated to be payable at a time earlier than the date fixed for the payment of business or property tax, or both, then any person who would be totally or partially exempt from service tax under the last preceding subsection (a) shall notwithstanding the last preceding subsection (a) be liable to pay on the due date the service tax so levied, but the amount of service tax so paid shall be credited against business or property tax, or both, when the said business or property tax shall become due and payable.



**6.** The council may make the basis of the said tax upon the monthly wages or salary actually being paid or likely to be paid to any person during the year in which the said tax is made payable by a by-law of the council, or upon the estimated income for the year in which the said tax is made so payable, or upon the wages or salary paid to any person for the year preceding the year in which the said tax is so payable, or upon the income of any person for the year preceding the year in which the said tax is so payable, or upon any other basis which the council may deem proper.

(a) For the purposes of the said tax the council may by by-law define the word "income" and the tax may be payable upon income so defined.

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

**7.** The service tax shall become due and payable on the first day of January of each year.

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

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

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

**11.** Every person shall furnish forthwith, upon request made by the tax collector, or other official of the City, or by any other person authorized by him to apply therefor, his or her name, place and period of residence within the City, and shall also inform the collector or other person whether he or she is of the age of twenty-one years, or over, and the wages or salary received during the three months preceding the date the said tax became due and payable by such

person to the City; and other information the council of the City may require from any person, or class of persons, for any of the purposes of the said tax.

- (a) The city assessor, the deputy assessor and all permanent or temporary clerks, whose duty it is to keep a record of the returns to be made for the payment of the said tax, shall take an oath of secrecy, in a form to be prescribed by by-law, before a justice of the peace, and no person employed in the service of the City shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained in respect of the said returns, or allow any such person to inspect or have access to any written statement or return furnished under the provisions of this Act or of any by-law of the City of Drumheller. Any person violating any of the provisions of this subsection shall in addition to any other punishment that may be prescribed by law, be liable on summary conviction to a fine not exceeding two hundred dollars, or imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- (b) The clerks, permanent or temporary, charged with the keeping and examination of the said returns, shall work in a separate office or room or in a portion of a general office partitioned from the rest of the general office.

**12.** Every employer, and the manager of the business of such employer, and every person who refuses, or neglects for three days after request made therefor, to furnish the information required to be furnished under either of the two preceding subsections, or who furnished any false information, shall upon summary conviction thereof be liable to the penalties provided by *The Drumheller Charter*, and in addition thereto shall be liable to a penalty of ten dollars for each day of default:

Provided, however, that such penalty shall not in any case exceed three hundred dollars.

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

**14.** The service tax may be recovered by suit, in the name of the City, as an ordinary debt from any person liable to pay the same, and may also be recovered by distress and sale of any personal property belonging to such person at any time after such tax becomes due and payable:

Provided, however, that before action is commenced or seizure is made, demand in writing for payment of the service tax shall have been delivered to such person or shall have been mailed to the correct address of such person.

**15.** In case of the person primarily liable for the said tax, at least three days, and in the case of the employer, at least one month, shall have elapsed after the delivery or mailing of such demand, as provided for in section 14 of this part.

**16.** The service tax shall be collectable on behalf of the City by the tax collector of the City or any person duly authorized for such purpose.

**17.** The tax collector or person duly authorized for such purpose, shall keep a register of the names and addresses of all persons who have paid to the City the service tax in any year, and the names of all such persons shall be added to the voters' list of the City for the year, by the city clerk, unless such names already appear on the voters' list for that year, or unless the voters' list shall have been completed prior to the payment of the said tax.

**18.** All the provisions of this part contained relating to payment of service tax shall apply to all persons who live within one mile of the limits of the City of Drumheller for at least three months and who have their place of business within the City, or follow their profession, trade or calling within the City, or who are for the said period or longer employed within the City.

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### PART XIII.

#### TAXATION.

**1.** Subject to the other provisions of this Act contained, all City, local or direct taxes or rates shall be levied equally upon the whole rateable property, real and personal, and income of the City according to the assessed value of such property and income and not on any one or more kinds of property in particular or in different proportions.

**2.** All land and personal property and income in the City shall, where no other express provision has been made in this respect, be liable for taxation subject to the exemptions herein mentioned:

- (a) Every inhabitant of the City of the age of twenty-one years and upwards who has resided in the said City for a period of two months or more and has

not been assessed on the assessment roll of the City shall pay an annual poll tax not exceeding ten dollars, to be collected at any time after the first day of January, in manner hereinafter provided.

- (b) Persons residing within two miles of the City who have a place of business therein and whose names are not on the assessment roll or who receive employment and are paid wages or salary therein are hereby liable to pay poll tax subject to the provisions of this Act.
- (c) Any person liable to pay poll tax as hereinbefore provided shall pay the same to a collector appointed by by-law of the council of the City to collect the same, within three days after the demand thereof by the said collector; and in case of neglect or refusal to pay the same within such time the said collector may levy the same by distress and sale of the goods and chattels of the defaulter, with the costs of the distress and sale.
- (d) Every employer employing help in the City of Drumheller, shall, within ten days after the demand in writing made on him by the poll tax collector, furnish him with a list of all his employees residing or working in the City, and if the said employer fails or refuses to do so, the City may collect from the said employer the amount of all poll taxes due by the employees of such employer, as a debt due to the City, by action in any court having jurisdiction in the matter.
- (e) Provided that in case any person neglects or refuses to pay the poll tax when demanded by the collector, the collector may then demand from the employer or employers of the person or persons so neglecting or refusing the amount due for such poll tax or taxes and the same employer shall pay to the City such amount within ten days from such demand, and the employer paying the same shall have the right to deduct the sum so paid from the salary or wages due to the person so neglecting or refusing, and the said employer or employers are hereby rendered liable for the amount or amounts demanded by the collector as a debt due to the City. If he or they fail to deduct the same from the salary or wages due to the said person or persons employed, and pay the same over to the City within ten days, the said sum shall be a debt due to the City and the City may collect the same by action in any court having jurisdiction in the matter.
- (f) Except persons entitled to vote by virtue of being assessed on the last revised assessment roll for real property, income or personal property, no person shall have a vote or be placed on the voters' list

unless he has resided in the City for a period of at least two months prior to the first day of November, in the year in which the said voters' list is prepared.

**3.** The real estate and personal property of all railway companies liable to assessment is to be assessed in the same way as the property of ratepayers within the City.

- (a) Any personal property liable to taxation brought into the City prior to the first day of July in any year and on which assessment cannot be made in time to allow the assessor, or other official designated by the council, to give the usual notice of assessment so that the appeal, if any, can be heard at the Court of Revision, shall be liable to three-fourths of the yearly taxes only.
- (b) Any such property brought into the City after the first day of July and prior to the first day of October in any year shall be liable to one-half the yearly taxes only. Any such property brought into the City after the first day of October in any year shall be liable to one-fourth of the yearly taxes only.
- (c) If any personal property liable to taxation and being in the City at the beginning of any year is removed from the City before the first day of July in that year, one-half only of the yearly taxes may be collected. If such personal property is removed on or after the first day of July and before the first day of October, three-fourths only of the yearly taxes may be collected. If the said personal property is removed on or after the first day of October and before the end of the year, taxes for the full year shall be collected.
- (d) If any personal property is liable to taxation and being removed or being about to be removed from the City before the tax rate for the year has been fixed by the City, the taxes shall be fixed according to the previous year's tax rate and such taxes may be levied at once by distress if not paid upon demand.

**4.** The council shall in each year assess and levy on the whole rateable property within its jurisdiction a sufficient sum to pay all valid debts of the City falling due within the year, making due allowances for the costs of collection and the abatement and losses which may occur in the collection thereof, but the council shall not levy in any one year more than an aggregate of three cents on the dollar, exclusive of school rates and local improvement rates, upon the total value of the assessable property within the City according to the last revised assessment roll thereof.

**5.** The council may pass one by-law or several by-laws authorizing the levying and collecting of a rate or rates of so much on the dollar upon the assessed value of the rateable property according to such estimate.

**6.** If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any unappropriated fund belonging to the City. If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them.

**7.** If the sums collected exceed the estimate the balance shall form part of the general funds of the City and shall be at the disposal of the council unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

**8.** The rates or taxes imposed or levied for any year shall be considered to have been imposed and to be due on and from the first day of January of the then current year, ending with the thirty-first day of December thereof, unless otherwise expressly provided for by by-law under which the same are directed to be levied.

**9.** The council may authorize the mayor and treasurer to borrow from time to time, either before or after the passing of the by-law levying the taxes for the current year, from any person or persons, bank or banks, such sums as the council deems necessary to meet the current expenditures of the City, and to meet wholly or in part the amounts required by the trustees of any public or separate school within the City, until the taxes levied or to be levied for the year can be collected.

**10.** Notwithstanding anything contained herein or any other Act or Ordinance to the contrary, the trustees of any public or separate school district within the City shall have all the borrowing powers conferred upon a town district by The School Ordinance and amendments thereto.

**11.** The amount so borrowed, as provided in section 9 of this part, shall not exceed eighty per centum of the estimated amount of the taxes and other revenues of the City for the then current year; and if the council authorizes the borrowing of any larger sum than the amount aforesaid, every member of the council who votes therefor shall be disqualified from holding any municipal office for two years.

**12.** On or before the first day of June in each year, the city assessor, or other official designated by the council, shall prepare a tax roll and thereon proceed to collect the taxes specified.

**13.** The tax roll may be a continuation of the assessment roll and shall in that way or independently contain—

- (a) the name of every person assessed;
- (b) his residence;
- (c) the nature of the property in respect to which he is assessed;
- (d) the total amount for which he is assessed and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which such person is chargeable by way of taxes on account of (1) the general rate, which may include the general debenture rate; (2) special rates; (3) school rates; and (4) arrears, and the total thereof.

**14.** If a taxable person is a resident of the City, the city assessor, or other official designated by the council, shall transmit to him by post a written or printed notice showing the amount of the taxes payable by such person, and distinguishing between—

- (a) municipal taxes;
- (b) school taxes;
- (c) local improvement or other special tax—

or serve such notice upon any grown-up person at the residence or business office of the person taxed, and the city assessor, or other official designated by the council, shall immediately enter upon the roll a memorandum of the date of the service or posting of such notice and shall verify it by his initials, and such entry shall be *prima facie* evidence that the notice was served or posted as aforesaid and the date thereof.

**15.** In case the taxable person is a non-resident the city assessor, or other official designated by the council, shall transmit to him by post a similar statement of the taxes charged against him in the roll; and the city assessor, or other official designated by the council, shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials; and such entry shall be *prima facie* evidence that the said notice was transmitted and of the date of such transmission.

**16.** The council may require payment of taxes, including local improvement rates, school and all other rates, to be made by the taxable person at the office of the city assessor, or other official designated by the council, on any day

or days and in bulk or by instalments, and it may also provide that on punctual payment of any instalment the time for payment of the remainder may be extended to a day or days to be named in the by-law.

**17.** The council may by by-law allow a discount for the payment of the aforesaid taxes or any part thereof or any instalment thereof on or before the day or days therein named, or may impose penalties on taxes not paid on the dates mentioned in the said by-law, provided that such penalties shall not exceed a rate of ten per cent in any year, and may impose an additional percentage charge not exceeding one per cent per month for non-payment by the first day of July in each year on which the same were imposed, and such additional percentage shall be added to any unpaid amount of taxes or assessments or rate or instalment and collected by the city treasurer by distraint or otherwise, as if it had been originally imposed by by-law.

**18.** The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and such taxes shall be a special lien upon the land and shall be collectable by action or distraint in priority to every claim, privilege, lien or encumbrance of every person except the King; and the lien in its priority shall not be lost or impaired by any neglect, omission or error of any officer of the City.

**19.** The payment of all taxes assessed and levied on a floor space basis, or on a rental basis, may be enforced by suit or by distress and sale of goods and chattels being the property of the person assessed which are found upon the assessed premises, or which have been removed from the assessed premises to any other place within the City at any time within a period of thirty days immediately preceding the making of the distress.

**20.** The production of a copy of so much of the roll as relates to the taxes payable by any person in the City, certified as a true copy by the city assessor, or other official designated by the council, shall be conclusive evidence of the debt.

**21.** Any tenant may deduct from his rent any taxes paid by him, which as between him and his landlord, the latter ought to pay.

**22.** Where taxes are due on any land occupied by a tenant, the city assessor, or other official designated by the council, may give such tenant notice in writing requiring him to pay the city assessor, or other official designated by



the council, the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, including costs, and the city assessor, or other official designated by the council, shall have the same authority as the landlord of the premises would have had to collect such rent by distress or otherwise to the amount of the unpaid taxes and costs, but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

**23.** In case taxes which are a lien upon land remain unpaid in the case of a resident of the City for fourteen days after notice given under section 15, or in case of non-residents for one month after the posting of the statement provided for by section 16 of this Part, the city assessor, or other official designated by the council, may levy the same with costs by distress either—

- (a) upon the goods or chattels belonging to or in the possession of the owner or tenant of the land whose name appears upon the roll and who is hereinafter called "the person taxed"; or
- (b) upon the interest of the person taxed in any goods found on the land including his interest in any goods in the possession of which he is entitled under a contract for the purchase or under contract by which he may become the owner thereof upon performance of any condition; or
- (c) upon any goods and chattels upon the land where title to such goods and chattels is claimed in any of the ways following:
  - (i) by virtue of any execution against the person taxed or against the owner though his name does not appear on the roll;
  - (ii) by purchase, gift, transfer, or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise;
  - (iii) by the wife, husband, daughter, son, daughter-in-law of the person taxed or of such owner or by any relative of his in case such relative lives on the land as a member of the family;
  - (iv) by virtue of any assignment or transfer made for the purpose of defeating distress.

**24.** Where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him.

**25.** No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant.

**26.** In case taxes which are not a lien on land remain unpaid in case of a resident of the City for fourteen days after notice given under section 15, in the case of a non-resident for one month after the posting of the statement and demand provided for by section 16 of this Part, the city assessor, or other official designated by the council, may levy the same with costs by distress either—

- (a) upon the goods and chattels of the person taxed wherever found within the City; or
- (b) upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or
- (c) upon the goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by sub-clauses (a), (b), (c), of subsection 3, of section 23, and with the words “or against the owner though his name does not appear on the roll” and the words “or such owner” and the words “on the land” omitted therefrom.

**27.** Notwithstanding anything herein contained no goods in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same, or of selling the same upon commission or as agent, shall be levied upon or sold for such taxes.

**28.** Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding-up order, shall be liable only for the taxes of the assignor or of the company which is being wound-up and for the taxes upon the premises in which the goods were at the time of the assignment or winding-up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

**29.** Any goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner, though his name does not appear on the roll.

**30.** The person who claims such exemption shall select and point out the goods and chattels for which he claims exemption.

**31.** If at any time after demand has been made or notice given pursuant to sections 15 and 16 of this Part and

before the expiration of the time for payment of the taxes, the city assessor, or other official designated by the council, has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the City, and if he makes affidavit to that effect before any justice of the peace, the justice may issue a warrant to the city clerk, authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act, although the time for payment thereof may not have expired, and the city assessor, or other official designated by the council, may levy accordingly.

**32.** The costs chargeable in respect of any such distress or levy, shall be those payable to bailiffs under *The Extra-Judicial Seizures Act* and *The Distress Act* of the Province of Alberta.

**33.** No defect, error or omission in the form or substance of the notice or statement required by sections 15 and 16 of this Part or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of taxes.

**34.** The city assessor, or other official designated by the council, shall by advertisement posted up in at least three public places in the City near to the distrained property give at least seven days' notice of the time and place of sale and of the name of the person whose property is to be sold, and at the time named in the notice, the city assessor, or other official designated by the council, shall sell by public auction the goods and chattels distrained or so much thereof as may be necessary.

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

**36.** If the claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

**37.** If the claim is contested, the surplus shall be retained by the city assessor, or other official designated by the council, until the respective rights of the parties have been determined by action or otherwise.

**38.** If any of the taxes mentioned in the roll remain unpaid on the thirty-first day of December in any year and the city assessor, or other official designated by the council, is not able to collect the same, he shall show opposite to

each assessment the reason why he could not collect the same by inserting in each case the words "Non-resident" or "Not sufficient property to distrain" or "Instructed by council not to collect," or as the case may be.

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PART XIV.

MUNICIPAL LOANS.

**1.** Whenever the council is authorized under the provisions of this Act to levy taxation for any purpose (including ordinary current expenditure) it may either before or after the passing of the resolution authorizing the rate of such taxation, by promissory note or notes, under the seal of the City duly attested by the signatures of the mayor and treasurer, borrow such sums as the council deems necessary to expend in carrying out such purpose, until such time as the taxes levied therefor can be collected.

**2.** The amount so borrowed shall be, by way of additional security, a first charge upon the taxes which are collected for the purpose for which it is borrowed, for the year in which the borrowing takes place and the City shall retain out of the said taxes a sum sufficient to repay the said amount.

**3.** When any such borrowing takes place to meet the current ordinary expenditure of the City, the total amount so borrowed and outstanding shall not exceed seventy-five per cent. of the total taxes levied by the City in the previous year to meet such expenditure.

**4.** By-laws for contracting debts not payable out of the revenues of the current year shall provide for the issue of debentures and the levy of annual rates for the payment of such debts.

**5.** A debt contracted pursuant to a by-law and not payable out of the revenues of the current year shall be made payable within a period not in any case to exceed twenty years from the date of the debentures issued thereunder.

**6.** By-laws for contracting debts or borrowing money which do not provide for the payment of the debts contracted or money borrowed out of the revenues of the current year, shall before the final passing thereof receive the assent of two-thirds of the burgesses voting in the manner provided hereinafter.

**7.** 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 rateable property in the City for any purpose within the jurisdiction of the City, or for roads, bridges, waterworks or drainage works outside the limits of the City.

**8.** The by-law creating such debt shall state by recital—

- (a) the amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;
- (b) the period over which the indebtedness is to be spread and the amount of the instalment to be paid in each of such years or the period at the end of which the same is to be paid;
- (c) the rate of interest and whether the same is to be paid annually or semi-annually;
- (d) the amount of rateable property in the City according to the last revised assessment roll;
- (e) the amount of the existing debenture debt of the City and how much, if any, of the principal or interest thereof is in arrears.

**9.** Every such by-law shall authorize the issue of debentures for the amount of the debt to be created thereby, and shall determine the amount or denomination thereof, and fix the rate of interest payable thereon, and name the places where and the time when the principal and interest are payable and provide for the assessment and levy of any annual rate or rates sufficient to pay the principal and interest of such debentures, and generally shall be in such form and contain such further provisions as may be required by the Board of Public Utility Commissioners.

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

**11.** Subject to the approval of the Board of Public Utility Commissioners the by-law may provide that the indebtedness shall be payable in any manner:

Provided that if the indebtedness is to be made payable in such a manner that the principal shall be repayable at the end of the period of years during which the debentures are to run, together with interest on such debentures to be paid annually or semi-annually as the council may by by-law provide, there shall be raised annually by way of sinking fund a sum sufficient with interest thereon compounded at four per cent per annum to retire the debentures at maturity and any such sum shall be added each year to the amount of the other rates and taxes of the City and collected therewith,

12. The debentures to be issued under such by-law shall be in either of the following forms, or to the like effect:

“FORM OF DEBENTURE.

“CITY OF DRUMHELLER.

“\$. . . . . Debenture No. . . . .  
 “Under the authority of *The Drumheller City Charter*, being chapter . . . . . of the Statutes of Alberta, 1930, and of By-law No. . . . . of the City of Drumheller passed on the . . . . . day of . . . . . 19. . . . , the City of Drumheller hereby promises to pay the bearer at . . . . . the sum of . . . . . dollars with interest at the rate of . . . . . per cent per annum in . . . . . consecutive annual instalments, according to the terms of the several coupons hereto attached.

“ . . . . .  
 “Mayor,  
 “ . . . . .  
 “Treasurer.”

[Corporate Seal]

And the coupons may be in the following form:

“Coupons. . . . .  
 “Coupon No. . . . .  
 “Debenture No. . . . .  
 “The City of Drumheller will pay to bearer at . . . . . on the . . . . . day of . . . . . 19. . . . , the sum of . . . . . dollars.

“ . . . . .  
 “Mayor,  
 “ . . . . .  
 “Treasurer.”

“FORM OF DEBENTURE.

“CITY OF DRUMHELLER.

“\$. . . . . Debenture No. . . . .  
 “Under the authority of *The Drumheller City Charter*, being chapter . . . . . of the Statutes of Alberta, 1930, and of By-law No. . . . . of the City of Drumheller passed on the . . . . . day of . . . . . 19. . . . , the City of Drumheller hereby promises to pay to the bearer at . . . . . the sum of . . . . . dollars on the . . . . . day of . . . . . 19. . . . (*if interest is payable in the meantime add, and to pay the bearer the amount of each of the several interest coupons hereto attached as the same shall respectively become due*).

“ . . . . .  
 “Mayor,  
 “ . . . . .  
 “Treasurer.”

[Corporate Seal]

And the coupons may be in the following form :  
 "Coupons.....  
 "Coupons No.....  
 "Debenture No.....  
 "The City of Drumheller will pay to the bearer at  
 .....on the.....day of.....19.....,  
 the sum of.....dollars.  
 "  
 .....  
 "Mayor.  
 "  
 .....  
 "Treasurer."

**13.** Any debenture under this Act may be in such other form as is approved by the Board of Public Utility Commissioners or may be made payable in such manner that for the first five years succeeding its date interest only shall be payable thereon, or may provide for the payment of principal and interest secured thereby in any other manner approved by the Board.

**14.** A debenture for the full amount or for a less amount than that mentioned in the by-law or a series of debentures aggregating such full amount or less amount than is so mentioned may be issued, but whenever a series of debentures is so issued of the same denomination, at the same time, each of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue, and the said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

**15.** Any by-law passed under the provisions of this Act may also provide that the debentures and coupons for the interest thereon may be payable in gold or its equivalent of lawful money of Canada or of Great Britain at a bank to be named in any part of Great Britain, the United States of America or Canada.

**16.** Every debenture issued as aforesaid shall be sealed with the seal of the City and signed by the mayor or by some other person authorized by by-law to sign the same in his stead, and by the treasurer or by some person authorized by by-law to sign in his stead; and every coupon issued as aforesaid shall bear the signature of the mayor or of some person authorized by by-law to sign the same in his stead and of the treasurer or of some person authorized by by-law to sign in his stead. The signatures on such coupons may be engraved or lithographed.

**17.** The council, pending the issue or the sale of any debentures authorized by a by-law, or in lieu of selling and disposing of the same, may by resolution or by-law authorize the mayor and treasurer to raise money by way of loan

on such debentures, not to exceed eighty per cent of the par value of such debentures, and to hypothecate the same for any such loan.

**18.** The proceeds of every such loan shall be applied to the purposes for which such debentures were issued and should such debentures be subsequently sold and disposed of the proceeds thereof shall first be applied in repayment of such loan but the lender shall not be bound to see to the application of the proceeds of any such loan.

**19.** Debentures authorized by any such by-law may be issued either all at one time or in instalments at such times as the council deems expedient; but no debenture shall be issued after the expiration of four years after the final passing of the by-law; and any debenture may, provided it be actually issued within the said period of four years, bear any date within the said period.

**20.** Any debenture issued under this Act shall be valid and binding upon the City notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the City to pass the same:

Provided that the by-law has received the assent of two-thirds of the burgesses voting thereon and that no successful application has been made to quash it.

**21.** Every by-law which has received the assent of the required number of the burgesses who have voted thereon shall be passed by the council within four weeks of the voting thereon, but not thereafter.

**22.** The council may apply to the Board of Public Utility Commissioners for a certificate approving any such by-law which it may pass for contracting a debt or incurring a liability or for borrowing money.

**23.—(1)** No certificate shall be granted while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, nor until two months after the final passing of the by-law unless notice of the application shall be given in such manner and to such persons, if any, as the Board may direct.

(2) The certificate may be in the following form:

“CERTIFICATE OF BOARD OF PUBLIC UTILITY COMMISSIONERS.

“In pursuance of *The Drumheller City Charter*, being chapter . . . . . of the Statutes of Alberta, 1930, the Board of Public Utility Commissioners hereby certifies that the within by-law is valid and binding and that its validity is not open to question in any Court on any ground whatever.

“Dated this . . . . . day of . . . . ., 19. . . .

“ . . . . .

[Seal]

“Chairman.”



(3) The Board may grant the certificate notwithstanding any defect or irregularity in substance or in form in the procedure prior to the final passing of the by-law, or in the by-law itself, if in the opinion of the Board the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with.

(4) Every by-law approved by the certificate of the Board and the debentures issued or which may thereafter be issued in conformity with its provisions shall be valid and binding upon the City and upon the property liable to the rate imposed by or under the authority of the by-law and the validity of the by-law and of every such debenture shall not thereafter be open to question in any Court.

**24.** Where in the case of any by-law heretofore or hereafter passed by the council, the interest for one year or more on the debentures issued under such by-law or the principal of the matured debentures, if any, is or shall have been paid, the by-law and the debentures issued thereunder remaining unpaid, shall be valid and binding upon the City and shall not be open to question in any Court.

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## PART XV.

### ASSENT OF BURGESSES TO BY-LAWS.

**1.** Where a by-law requires the assent of burgesses before the final passing thereof, any bank or other corporation assessed on the last revised assessment roll as owner of real property which, if held by an individual, would entitle him to vote shall be entitled to one vote only, which may be given by any employee of the corporation if not otherwise entitled to vote.

**2.—(1)** In the case of a by-law to borrow money by the issue of debentures for any purpose, application shall be made to the Board of Public Utility Commissioners for its permission to do so.

(2) Such application shall be made as required by *The Public Utilities Act*, and prior to, or forthwith after, the first reading of the by-law, and before such by-law is submitted to a vote of the ratepayers.

**3.** In case a by-law requires the assent of two-thirds of the burgesses before the final passing thereof the following proceedings shall, except in cases herein otherwise provided for, be followed:

(a) The council shall by by-law appoint a returning officer for the purpose of taking the votes of the burgesses upon the referred by-law and such returning officer shall have and be subject to the like powers, authorities, duties and liabilities as returning officers in the case of an election under this Act;

- (b) The council shall by the by-law fix the day and hour for taking the votes of the burgesses and the place in the city where a poll shall be opened and the day so fixed to taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed by-law ;
- (c) The council shall before the final passing of the proposed bylaw publish a synopsis of the particulars thereof in some newspaper published in the City; and the publication for the purpose aforesaid shall be made in at least one number of such paper each week for two successive weeks; the returning officer shall also post up a printed synopsis of the proposed by-law at five or more conspicuous places in the City;
- (d) To each synopsis so published and posted shall be appended a notice over the printed or written signature of the returning officer stating that it is a true synopsis of a proposed by-law which has been introduced and which will be finally passed by the council within four weeks from the assent of the burgesses thereto, and stating the day and the place or places fixed for taking the vote of the burgesses thereon, and that the polls will be open for such purpose between the hours of ten o'clock in the forenoon and seven o'clock in the afternoon.

4. Forthwith after the day has been fixed as aforesaid for taking the votes of the burgesses upon a by-law, the returning officer shall cause to be printed at the expense of the City such number of ballot papers as will be sufficient for the purposes of voting.

5. The ballot paper may be in the following form :

FORM OF BALLOT PAPER

|   |                               |
|---|-------------------------------|
| <p style="text-align: right;">.....19....<br/> <i>Voting on by-law (here insert object of the by-law), submitted to the burgesses of the City of Drumheller, this (date).</i></p> | <p>FOR<br/>THE BY-LAW</p>     |
|   | <p>AGAINST<br/>THE BY-LAW</p> |

**6.** The council shall by the by-law appointing him fix the time when and a place where the returning officer shall sum up the number of votes given for or against the by-law.

**7.**—(1) The mayor if requested shall appoint by writing signed by him two persons to attend at each polling place, and at the final summing up of the votes on behalf of the persons interested in and desirous of promoting or opposing the passing of the by-law respectively.

(2) Before any person is so appointed he shall make and subscribe before the mayor or returning officer a declaration in the following form:

“DECLARATION OF AGENT

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

“(Signature) *A. B.*

“Declared before me this . . . . . day of . . . . ., 19 . .

“*C. D.*,

“*Mayor.*

“*Or E. F.*

“*Returning Officer.*”

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

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

**10.** The city clerk shall deliver to the returning officer and each deputy returning officer a voters' list containing the names arranged alphabetically of the burgesses owning land within the limits of the polling division for which he has been appointed, and a brief description of such land; and he shall attest each such list by writing under his hand.

**11.** Such list shall be prepared by the city clerk from the last revised assessment roll of the City but the council may up to the eighth day before the day fixed for the voting on the by-law strike out from the said list the name of any person who has ceased to have the necessary qualification or include therein the name of any person who has since the final revision of the said roll acquired such qualification.

**12.** Opposite the name of each burgess in the voters' list there shall be a brief description of the property in respect of which he is entitled to vote; a space for a mark indicating that the voter has voted; a space to record objections made to his vote, if any; a space to record the fact whether he was sworn or had affirmed or had refused to swear or affirm, if required so to do; and a space for "Remarks."

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

**14.** The polls shall be kept open from ten o'clock in the forenoon until seven o'clock in the afternoon of the same day.

**15.** Every returning officer or deputy returning officer, poll clerk, constable or agent authorized to be present at any polling place at the voting on a by-law shall, before exercising any of the rights or functions of his office, take and subscribe before a justice of the peace or (in the case of a poll clerk, constable or agent) before the returning officer or deputy returning officer presiding at the poll a solemn declaration in the following form:

"DECLARATION OF OFFICIALS

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

"*A. B.*

"Declared before me this . . . . . day of . . . . . 19..

"*C. D.*

*"Justice of the Peace, Returning Officer,  
"or Deputy Returning Officer."*

**16.** The city clerk shall deliver printed directions to the returning officer, which shall be in the following form:

"DIRECTIONS FOR THE GUIDANCE OF VOTERS.

"The voter shall go into one of the compartments and with the pencil provided in the compartment shall place a cross (X) on the right hand side in the upper space if he votes for the passing of the by-law and in the lower space if he votes against the passing of the by-law.

"The voter shall then fold up his ballot paper or ballot papers so as to show the name or initials of the returning officer signed on the back and immediately after leaving the compartment shall without showing the front of the paper to any person deliver such ballot or ballots so folded to the returning officer and forthwith quit the polling place,

"If the voter inadvertently spoils a ballot paper he may return it to the returning officer, who will, if satisfied of such inadvertence, give him another ballot paper.

"If the voter places on any ballot paper more than one mark, or any mark by which he may afterwards be identified or if any ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void and not counted.

"If a voter takes a ballot paper out of the polling place or deposits in the ballot box any ballot paper or papers except those given to him by the returning officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labor, or to a fine of two hundred dollars or to both."

**17.** Every burgess shall be entitled to vote only once on any referred by-law, and if there be more than one polling place shall vote at the polling place of the polling division in which his name appears upon the voters' list.

**18.** Every person tendering a vote on the by-law may be required by the returning officer or deputy returning officer or by any burgess entitled to vote on the by-law, before his vote is recorded, to make the oath or affirmation in the following form:

"OATH OF PERSON OBJECTED TO

"You swear that you are of the full age of twenty-one years;

"That you are an owner, conditional owner or purchaser of land in your own right;

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

"That you are according to law entitled to vote on this by-law;

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

"That you are the person named (or intended to be named) in the voters' list (*showing the voters' list to the voter*);

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

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

**19.** Any employee of any corporation tendering a vote on the by-law may be required by the returning officer or deputy returning officer or by any burgess, before his vote is recorded, to make the oath or affirmation in the following form:

## "OATH OF EMPLOYEE OF CORPORATION

"YOU SWEAR:

"That you are an employee of the (*naming, the corporation*);

"That the said corporation is an owner, conditional owner or purchaser of land in this city;

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

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

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

"That you have not, nor to the best of your knowledge and belief has the said corporation directly or indirectly received any reward or gift for the vote which you now tender nor to the best of your knowledge and belief do you nor does the said corporation expect to receive any;

"That you have not, nor to the best of your knowledge and belief has the said corporation directly or indirectly received anything or been promised anything either to induce you to vote on this by-law or for loss of time, traveling expenses, hire of team or any service connected therewith;

"And that you have not, nor to the best of your knowledge and belief has the said corporation directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting."

**20.** The written statement to be made by the returning officer or any deputy returning officer at the close of the polling shall be made under the following heads:

- (a) The date of voting;
- (b) Number of votes for and against the by-law;
- (c) Rejected ballot-papers.

**21.**—(1) The returning officer or deputy returning officer shall take a note of any objection made by any person authorized to be present to any ballot-paper found in the ballot box and shall decide any question arising out of the objection.

(2) Each objection to a ballot-paper shall be numbered and a corresponding number shall be placed on the back of the ballot-paper and initialed by the returning officer or deputy returning officer.

**22.**—(1) Every returning officer or deputy returning officer at the completion of the counting of the votes shall in the presence of the persons authorized to attend make up into separate packets (sealed with his own seal and the seals of such persons authorized to attend as desire to affix

their seals, and marked upon the outside with a short statement of the contents of such packet and the date of the voting and the name of the returning officer or deputy returning officer) the following things, that is to say:

- (a) the statement of votes given for and against the by-law and of the rejected ballot-papers;
- (b) the used ballot-papers which have not been objected to and have been counted;
- (c) the ballot-papers which have been objected to but which have been counted by the returning officer or deputy returning officer;
- (d) the rejected ballot-papers;
- (e) the declined and cancelled ballot-papers;
- (f) the unused ballot-papers;
- (g) the voters' list, the poll book and a statement of the number of burgesses whose votes are marked by the returning officer under the provisions of this Act by reason of the inability of the voter or from other grounds, with their declaration of inability and note taken of objections made to ballot-papers found in the ballot box and shall make and subscribe before a Justice of the Peace or before the poll clerk a declaration in the following form:

“DECLARATION AS TO USER OF POLL BOOKS, ETC.

“I, *C.D.*, returning officer (*or deputy returning officer, as the case may be*) for the City of Drumheller, do solemnly declare (*or if he is a person permitted by law to affirm, do solemnly affirm*) that to the best of my knowledge the annexed copies of the voters' list and poll book used at this election held on the.....day of....., 19.., were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

“(Signed) *C.D.*,

“*Returning Officer (or Deputy Returning Officer.)*”

“Declared (*or affirmed*) before me at....., this.....day of....., 19..

“(Signed) *K.Y.*,

“*Justice of the Peace (or Poll Clerk, as the case may be.)*”

(2) Such voters' lists, poll book, packets, ballot boxes and declarations shall be dealt with in the same manner as prescribed by section 54 of Part XIX. of this Act, and the same may be inspected at any time by any burgess in the presence of the city clerk.

**23.** Every returning officer or deputy returning officer shall at the close of the poll certify under his signature in the poll book in full words the total number of burgesses who have voted at the polling place at which he has been appointed to preside.

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

**25.** The returning officer shall at the time and place appointed by the by-law in the presence of the persons authorized to attend, or of such of them as may be present, sum up the number of votes for and against the by-law and shall then and there declare the result and shall forthwith certify to the council under his hand whether or not two-thirds of the burgesses voting thereon have approved of the same.

**26.** If within two weeks after the returning officer has declared the result of the voting on a by-law any person who was entitled to vote thereon applies upon petition to a judge after giving such notice of the application and to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot-papers; and if the petitioner enters into a recognizance before the judge in the sum of one hundred dollars with two sureties allowed as sufficient by the judge justifying in the sum of fifty dollars each conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the judge may if he thinks fit appoint a day and place for entering into the scrutiny.

**27.** At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the judge directs and to the returning officer.

**28.** At the time appointed the returning officer shall attend before the judge with the ballot-papers and the judge upon inspecting the ballot-papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine the number of votes given for and against the by-law and shall forthwith certify the result to the council.

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

**30.** All the provisions of sections 35 to 75 inclusive of Part XIX, as far as not inconsistent with the provisions of the preceding sections of this part shall *mutatis mutandis* apply to the proceedings under this part.



## PART XVI.

## FINANCE.

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

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

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

4. The council may by by-law direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debenture debt, instead of being invested as hereinbefore provided shall from time to time as the same occurs be applied to payment or redemption at such value as the council may fix, or of any part of such debt or of the debentures representing or constituting such debt or any part of it though not then payable, to be selected as provided by such by-law, and the council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner directed by such by-law.

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

(2) The members of the council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the council upon the request of any elector refuses or neglects for one month there-

after to bring an action therefor in the name of the City the action may be brought by any elector on behalf of himself and the other electors of the City.

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

**7.—(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 or of any reserve fund cannot be immediately applied toward paying the debt by reason of no part thereof being yet payable, the council shall from time to time invest the same in government securities, municipal or school debentures or in local improvement debentures of the City or in any other debentures of the City or in the first mortgage on real estate, to an amount not exceeding one-half of the sworn cash valuation of an independent appraiser, or by way of a temporary use of an amount not exceeding seventy-five per cent of the estimated amount of the municipal taxes to be levied by the general rate of the current year:

Provided that such amount shall be replaced by the end of the current year, and from time to time, as such securities mature, may invest in other like securities.

**(2)** The council may regulate by by-law the manner in which such investments shall be made.

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

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

**8.** The council may appropriate to the payment of any debt the surplus income derived from any civic work or from any share or interest therein after paying the annual expenses thereof, or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit

of the sinking fund of the debt or reserve fund, as the case may be, or may be applied in payment of any instalment thereof accruing due; or the council may from time to time appropriate to a fund, to be known as a "Reserve Fund," part of any surplus income arising from any civic work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith.

**9.** No member of the council shall take part in or be a party to the investment of moneys referred to in section 7 of this Part otherwise than is therein authorized; and any person so doing shall be held personally liable for any loss thereby sustained by the City.

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

**11.**—(1) Instead of passing separate by-laws the council may pass one by-law for several local improvement works, giving the same information concerning each such work as would be given in the separate by-laws relating to each such work and the passing of one by-law covering several distinct works shall not affect the validity of the by-law.

(2) The provisions of this and the next preceding section shall apply to by-laws heretofore passed by the Town of Drumheller.

**12.** After any money by-law, whether referred or otherwise, has been finally passed by the council, the council may by one or more by-laws authorize the Mayor and treasurer to raise from time to time by way of temporary loan in anticipation of the issue of the debentures authorized by such money by-law and for the purposes thereby authorized, such sum or sums not exceeding in the aggregate a total principal authorized by the said money by-laws to be raised as the council deems expedient, and all such temporary loans shall be a special charge on the debentures in anticipation of the sale thereof, or sale whereof such temporary loans are made, and such debentures may be pledged as security for the repayment of such loans.

**13.** The city clerk shall open and keep a book to be known as "The Debenture Register," and in the said book there shall be entered particulars of every by-law authorizing the issue of debentures, and of all debentures issued thereunder and every debenture shall have written, printed or stamped thereon a memorandum signed by the city clerk with the proper form: "Registered in the Debenture Register as No.....under by-law No.....this .....day of.....19.."

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

**15.** A certificate signed by the mayor and city clerk, and sealed with the corporate seal of the City, that any debenture has been duly registered in the Debenture Register shall be *prima facie* evidence of such registration.

**16.** In case any debenture issued under the authority of any by-law has been sold, mortgaged, pledged or hypothecated the City may upon again acquiring the same or at the request of the holder thereof cancel the same and the entry in the Debenture Register of the issue thereof, and thereupon issue one or more new debentures payable by the same or a different mode of payment:

Provided that neither the period over which the indebtedness was originally spread or the term at the end of which the same was made payable, as the case may be, nor the rate of interest is increased, and that the amount of the principal of such new debenture does not exceed the amount of the principal owing upon the original debenture.

**17.** And any debenture issued by the council may contain a provision in the following words: "This debenture or any interest therein shall not after certificate of ownership has been endorsed thereon by the city clerk of this City be transferable except by entry by the city clerk in the Debenture Register of the said City."

**18.**—(1) In case of the issue of any debenture containing the provisions in the last section mentioned the city clerk shall open and keep a Debenture Register in which he shall enter a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of such debenture. No such entry shall be made except upon the written authority of the person last en-

tered in such book as the owner of such debentures, or his executor or administrators or his lawful attorney, which authority shall be retained and duly filed by the city clerk.

(2) After a certificate of ownership has been endorsed as aforesaid the debentures shall only be transferable by entry by the city clerk or his deputy in such Debenture Register from time to time as transfers of such debentures are authorized by the then owner or his lawful attorney.

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## PART XVII.

### SCHOOLS AND SCHOOL TRUSTEES

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

**2.** When notice has been given to the city clerk as provided in the next preceding section, the nomination and election of school trustees shall be held at the same time and place and by the same officers.

**3.** All the provisions in this Act contained respecting qualifications of councillors and the qualifications of electors shall *mutatis mutandis* apply to the election of school trustees.

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

**5.** In case any objection is made to the right of any person to vote at an election of school trustees, the officer presiding at the poll shall require the person whose right of voting is objected to, to take the oaths required by subsection 4 of section 42 of Part XIX. of this Act.

**6.** A separate set of ballot papers shall be prepared by the returning officer at each election containing the names of the candidates for school trustees in alphabetical order, and the voter shall mark such ballot with an "X" opposite

the name of the candidate or candidates he wishes to vote for, but shall not vote for more candidates than there are vacancies to fill.

**7.** The candidate or candidates receiving the highest number of votes to a sufficient number to fill the required vacancies shall be the candidates elected.

**8.** In any case in which the provisions of this Act are inconsistent with the election of school trustees, the provisions of *The School Act*, being chapter 51 of the Revised Statutes of Alberta, 1922, and amendments thereto shall apply.

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

(a) Notwithstanding anything in this Act contained or in any other Act or Ordinance, the term "land" in section 9 hereof shall be taken to include all mines and minerals and mineral leases.

**10.** Any debenture issued by a school district situated either wholly or in part in the City of Drumheller, shall be valid and binding on the said district notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the school district in respect thereof:

Provided that the by-law has received the assent of a majority of the qualified voters voting thereon and that no successful application has been made to quash it within one month after its final passing.

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## PART XVIII.

### VOTERS' LIST.

**1.** The persons qualified to vote at elections shall be all persons both male and female of the full age of twenty-one years and whose names appeared on the last revised vot-

ers' list, but if any person whose name appears on the last revised assessment roll has his or her name omitted through error from the voters' list, he or she shall be entitled to vote by procuring from the assessor a certificate that his or her name does so appear on the last revised assessment roll, and that he or she is entitled to vote; such certificate must be given to the deputy returning officer or the person in charge of the poll before voting.

**2.** The city assessor, or other official designated by the council, shall on or before the first day of September in each year prepare a voters' list in alphabetical order; the list shall contain the name of each voter, a short description of the property in respect of which the voter is entitled to vote, or any other qualification which entitles a voter to vote, and said list shall be delivered by the city assessor, or other official designated by the council, to the city clerk, and the city clerk shall immediately post a copy of such list in a conspicuous place in his office.

**3.** The city assessor, or other official designated by the council, shall place on the said list—

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

(b) the names of all persons who have paid the poll tax or the service tax for the current year, the said persons having resided in the said City for two months prior to the first day of November in the current year, and immediately on demand being made prior to the first day of November in each year the said assessor shall place the name of such person so paying the poll tax or service tax upon the voters' list, or supplementary voters' list, but if by error or omission the name of any person who has paid the poll or service tax in time to have his or her name placed on the list and his or her name has been omitted therefrom, such person may apply to the tax collector for a certificate that he or she has paid the said poll tax or service tax in time; and the said tax collector shall issue such certificate, and upon presenting the said certificate to the deputy returning officer the said person shall receive a ballot paper and be entitled to vote.

- (c) The names of all banks, incorporated companies and corporations assessed on the last revised assessment roll, and the vote of such bank, company or corporation may be given by the chief officer thereof present in the City at the time of voting;
- (d) the names of all persons who have and during the month prior to the first day of December in the previous year, been residents of the city and tenants of real property of the assessed value of at least four hundred dollars, and when more tenants than one occupy separate portions of the same building or of different buildings on the same property, each shall be entitled to have his or her name on the voters' list, and to vote if the total assessed value of the property so occupied is sufficient when divided to give each occupant a rating of four hundred dollars; if otherwise, none of such occupants shall be entitled to vote;
- (e) the city assessor, or other official designated by the council, shall keep open during the months of June and July of each year at the City Hall, or such other place or places as the council may direct, a registration booth so as to enable tenants who are not otherwise disqualified from voting, to register their names and addresses as tenants qualified to vote as such;
- (f) the city assessor, or other official designated by the council, shall require from any person proposing to register as tenant, proof satisfactory to him of the qualifications as such, and for the purpose the city assessor, or any deputy appointed by him, in writing, shall have authority to take from any such person a statutory declaration or affirmation proving any statement made by the said person;
- (g) there shall be a further period of not less than two weeks, nor more than four weeks, as the council may decide, immediately prior to the fourteenth day of October in each year, when any person may apply to the city assessor, or other official designated by the council, at his office at the city hall, to have his name added to the voters' list if improperly omitted therefrom, or to change his place of residence as entered, or to strike off the name of any person claiming to be wrongly entered, as a tenant.

4. If any person who has qualified as a voter on income has left the city or if before the first day of October in the then current year a person has disposed of the property for which he was qualified as a voter or if any person's name is wrongly put down, he shall be disqualified as a voter and any elector may apply to the council to have the name of the person so or otherwise disqualified struck off the voters' list and the name of the proper person, if any, sub-



stituted therefor. The person so applying shall give six days' clear notice in writing to the city clerk of his intention of applying to the council for that purpose.

**5.** Notices served upon the city clerk under the preceding section shall be served on or before the first day of October.

**6.** On or before the tenth day of October the city clerk shall make a list of all applicants for amendments to the voters' list, stating the names of such applicants and grounds of each such application, and shall post the same in a conspicuous place in his office; and he shall immediately thereafter notify the parties interested of the time and place fixed by the council for hearing such applications.

**7.** On or before the twentieth day of October in each year the council shall meet as a final court of revision on the voters' list and shall then hear and determine all applications of which notice has been given to the city clerk as hereinbefore provided; and the city clerk shall thereupon amend the voters' list in all cases provided for in section 6 of this part, as may be right, and the list so amended shall be the voters' list of the City for the ensuing year, or until a new voters' list has been carefully revised; and forthwith thereafter the city clerk shall, in case the City is divided into polling subdivisions, prepare a list of the electors entitled to vote in each polling subdivision.

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

**9.** On or before the eighth day of November in each year the council shall sit as a final court of revision on the supplementary voters' list, and shall revise the said list and determine all applications of which notice has been given the city clerk, and the list so revised by the council shall be the supplementary voters' list and be used as forming a part of the regular voters' list for the City.

**10.** As to the attendance of witnesses and the imposition and recovery of penalties and as to procedure, the council when sitting as a final court of revision on the voters' list as aforesaid, shall have the powers and privileges conferred by this Act upon the council in relation to the assessment roll.

**11.** If any by-law has been passed by the council disfranchising persons for arrears of taxes, the city clerk shall

on or before the day fixed for nomination of candidates for mayor and councillors, prepare and verify on oath, a correct alphabetical list of the names of all persons so disfranchised, which list shall be called "The Defaulters' List."

PART XIX.

ELECTIONS.

1. A municipal election shall be held in the City on the second Monday in December in each year, and shall be known as the General Municipal Election.

2. The city clerk unless otherwise ordered by resolution of the council shall be the returning officer in all elections held by virtue of this Act, including all votes on money by-laws; and he shall have the power to appoint such deputy returning officers, assistant returning officers and poll clerks as shall be required.

3. The returning officer shall at least six clear days previous to the first Monday in December post up in five conspicuous places within the City a notice in the following form:

"NOTICE

"City of Drumheller, Municipal Election 19..

"Public notice is hereby given that a meeting of the electors of the City of Drumheller will be held at the city hall on .....the.....day of December, 19...., at 11 a.m. until noon, for the purpose of receiving petitions of nominations of candidates for the office of mayor and councillor or councillors of the City.

"Given under my hand at Drumheller, this.....day of.....A.D. 19....

.....  
"Returning Officer."

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

5. Every nomination for councillor shall be accompanied by a written consent from the person named in such nomination to accept the office, if elected.

6. Every nomination for mayor or councillor shall be in writing signed by two or more electors and shall be accompanied by the written consent of the person named in such nomination and a statement by him that he is eligible to be elected for such office and such nomination and such consent and statement may be in the following forms:

"We, the undersigned electors of the City of Drumheller, hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held for a mayor (*or councillor*) of the said city.

"Witness our hands this.....day of.....19..

.....  
.....  
"Signatures of Electors."

"CANDIDATE'S ACCEPTANCE.

"I, the said.....named in the foregoing nomination, hereby state:

- "1. That I am of the full age of twenty-one years;
- "2. That I reside in, or within two miles of, the limits of the City of Drumheller;
- "3. That I am a British subject;
- "4. That I can read and write;
- "5. That I am not liable for any arrears of taxes;
- "6. That my name appears upon the voters' list otherwise than merely by virtue of relationship to some other person upon the said list;
- "7. That my name is on the assessment roll of the City in respect of land not exempted from taxation within the City which is of the value of one hundred dollars over and above liens, charges and encumbrances affecting the same;
- "8. That I am not otherwise disqualified;
- "9. That I will accept the office of.....of the said City, if elected.

"Signed in the presence of }  
..... }  
"Signature of Witness." "Signature of Candidate."

7. In the event of more than the required number of persons being nominated the returning officer shall declare that a poll will be held and shall name the time, which shall be on the same day of the week as the nomination, but in the next following week, the place or places where the voters are to be polled and also the time and place at which the results of the polling will be declared.

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

“NOTICE.

“City of Drumheller, Municipal Election, 19..

“Public notice is hereby given that a poll has been granted for the election of councillors of the City of Drumheller for the year 19..., and that the polling will take place on .....the.....day of....., 19..., from 10 a.m. till 7 p.m., at the following places:

.....  
.....  
.....

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

“Given under my hand at Drumheller, this.....day of....., 19...

“.....  
“*Returning Officer.*”

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

**10.** If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected for such office, the returning officer shall return as duly elected the candidate or candidates without waiting for the day fixed for the holding of the poll and the polling for such office shall not take place; and the returning officer shall forthwith post up in three conspicuous places in the City a notice to the following effect:

“NOTICE.

“City of Drumheller, Municipal Election, 19..

“Whereas Mr....., nominated for the office of councillor, has withdrawn his candidature for the said office, leaving Mr.....the only candidate therefor, I hereby give notice that no voting for the said office will take place on the.....day of.....

“Given under my hand at Drumheller, this.....day of....., 19...

“.....  
“*Returning Officer.*”

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

**12.** When a poll is required the city clerk shall provide as many ballot boxes as there are polling subdivisions or as may be required.

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

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

**15.** The returning officer shall cause to be printed a sufficient number of ballot papers not being less than the number of voters on the voters' list.

**16.** The names of the candidates alphabetically arranged in order of their surnames, or if there are two or more candidates with the same surname, in the order of their Christian names, with the address and occupation of each, shall be printed on each ballot paper and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the ballots being in the following form:

BALLOT PAPER.

FORM FOR MAYOR.

|       |   |  |
|-------|---|--|
| MAYOR | Election of Mayor for the City of Drumheller for 19.. | ALLAN<br>CHARLES ALLAN, of the City of Drumheller, Merchant. |
|       | Election of Mayor for the City of Drumheller for 19.. | BROWN<br>WILLIAM BROWN, of the City of Drumheller, Banker.   |

FORM FOR COUNCILLORS.

|             |  |   |
|-------------|--|---|
| COUNCILLORS | Election of Councillors for the City of Drumheller for 19... | ARGO<br>JAMES ARGO, of the City of Drumheller, Gentleman.     |
|             | Election of Councillors for the City of Drumheller for 19... | BAKER<br>SAMUEL BAKER, of the City of Drumheller, Baker.      |
|             | Election of Councillors for the City of Drumheller for 19... | DUNCAN,<br>ROBERT DUNCAN, of the City of Drumheller, Printer. |

**17.** The names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for councillors.

**18.** The returning officer shall before the opening of the poll prepare such number of printed directions for the guidance of voters in voting, as he may deem sufficient.

**19.** The returning officer shall furnish each deputy returning officer with at least two copies of the printed directions and every returning officer or deputy returning officer shall before the opening of the poll cause the said printed directions to be posted outside the polling place and also in every voting compartment of the polling place, and shall see that they remain so posted until the close of the poll. Such directions may be according to the following form:

**"DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.**

"1. The voter shall go into one of the compartments and with the pencil provided place a cross (**X**) on the right hand side opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

"2. The voter shall fold up the ballot paper so as to show the name or initials of the returning officer on the back and immediately after leaving the compartment shall without showing the front of the paper to any person deliver such ballot so folded to the returning officer and forthwith quit the polling place.

"3. If the voter inadvertently spoils the ballot paper he may return it to the returning officer, who will, if satisfied of such inadvertence, give him another ballot paper.

"4. If the voter votes for more or less candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

"5. If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so he can thereby be identified it will be void and will not be counted.

"6. If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the returning officer he shall be liable to imprisonment for any term not exceeding six months with or without hard labor."

**20.** The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the voters' list of his polling place or polling subdivision, and he shall keep a record of the number of such ballot papers.

**21.** 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 subdivision in which such electors reside, the returning officer may 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.

**22.** The council may in any year by resolution passed on or before the fifteenth of November declare whether or not such advance poll be necessary and be held, and unless the council by resolution do declare such advance poll to be necessary and to be held, then it shall not be held.

**23.** An advance poll shall be open and shall only be open between the hours of two and five, and seven and eight o'clock in the afternoon of the Friday and Saturday preceding the election.

**24.** 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.

**25.** The returning officer shall publish the place, dates and time for the holding of an advance poll, by a notice posted in three conspicuous places within the City.

**26.** 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 voters' list*) is a qualified voter of the City of Drumheller, 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 advance poll.

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

".....  
"City Clerk."

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

**28.** Provided that if any elector who has obtained an advance poll certificate does not vote at the advance poll, he shall be entitled to vote on polling day at the poll at which his name appears upon the list of voters. Before so voting such an elector shall surrender his advance poll certificate to the deputy returning officer, who shall then and there cancel such certificate and the entry concerning same on the official voters' list and such elector shall then be entitled to vote as if such certificate had not been issued.

**29.** 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.*”

- 30.** 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 against this Act and shall be liable on summary conviction to a penalty of not more than one hundred dollars.



**31.** 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 29 hereof.

**32.** 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.

**33.** 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.

**34.** 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 in sections 47 to 54 inclusive of this part.

**35.** The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening of the poll.

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

**37.** Every candidate may appoint in writing not more than two voters of the City as agents to represent him at each poll. In the absence of such appointment one voter of the polling subdivision on the request of such voter may act as such agent. Each agent or voter acting as such on being admitted to the polling place shall take the oath of secrecy in the form provided by by-law passed under the provisions of section 75 of this part.

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

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

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

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

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

- (a) He shall ascertain that the name of such person (or a name apparently intended therefor) is entered upon the voters' list for the polling subdivision for which the said officer is appointed to act.
- (b) He shall record (or cause to be recorded by the poll clerk) in the proper columns of the poll book, the name, qualifications, residence and legal addition of such person.
- (c) Where the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "Objected to," noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate.

- (d) If the voter asks to be sworn, the returning officer shall administer to him the following oath:
- “You swear (*or* solemnly affirm) that you are the person named (*or* intended to be named) by the name of.....in the voters’ list now shown to you (*showing the list to the voter*);
- “That you have not voted before at this election, either at this or any other polling place;
- “That you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you tender at this election;
- “That you have not received anything nor has anything been promised you directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team or any other service connected with this election;
- “And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.
- “So help me God.”
- (e) If the voter takes any one of the said oaths the officer presiding at the poll shall receive the vote and shall enter (*or* cause to be entered) opposite such person’s name in the proper column of the poll book the word “Sworn” or “Affirmed” according to facts. Where the voter has been required to take the oath or affirmation and refuses to take the same the officer presiding at the poll shall enter (*or* cause to be entered) opposite the name of such voter in the proper column of the poll book the words “Refused to swear” or “Refused to affirm” according to the fact, and the vote of such person shall not be taken or received; and if the deputy returning officer or assistant deputy returning officer takes or receives such vote or causes the same to be taken or received he shall incur a penalty of one hundred dollars and costs.
- (f) When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters’ list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper.
- (g) Except in the case mentioned in subsection 6, the ballot paper shall then be delivered to the voter.

**43.** The officer presiding at the poll shall place in the columns of the poll book headed "Mayor" and "Councilors," as the case may be, his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for mayor or councillor, as the case may be.

**44.**—(1) Upon receiving from the officer presiding at the poll the ballot paper or papers prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall mark his ballot paper or papers by placing a cross (X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidates.

(2) He shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer and immediately after leaving the compartment shall without delay and without showing the front to any one, deliver the same so folded to the officer presiding at the poll, who shall, without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper or papers, verify his own initials and at once deposit the ballot paper or papers in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

**45.** A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the officer presiding at the poll the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer, receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the words "Cancelled" upon the ballot paper so delivered to him; and he shall preserve the same until he makes his return as hereinafter provided.

**46.** During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorized to attend at the polling place and the voter who is for the time being actually engaged in voting.

**47.**—(1) In every polling place the officer presiding at the poll shall, immediately after the closing of the poll, in the presence of the poll clerk, if any, and of such candidates or of their agents as may then be present, open the ballot box and proceed to count the votes as follows:

(2) He shall examine the ballot papers and any ballot paper which has not his initials on its back or on which more or less votes are given than the elector is entitled to give or on which anything except the initials of the said officer on the back is written or marked by which the voter can be identified or which has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted.

**48.** The officer presiding at the poll shall take a note of any objection made by a candidate or his agent, or any elector authorized to be present, to any ballot paper found in the ballot box and shall decide any question arising out of the objection. Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the officer presiding at the poll.

**49.** The officer presiding at the poll shall endorse "Rejected" on any ballot paper which he rejects as invalid and shall endorse "Rejection objected to" if any objection is made to his decision.

**50.** The officer presiding at the poll shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him. Upon the completion of the statement it shall be signed by the officer presiding at the poll, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign such statement. When the returning officer has counted the ballots he shall immediately declare the result of the poll and forward a certified statement thereof to the city clerk.

**51.** Not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or the counting of the votes.

**52.** Every returning officer presiding at a poll upon being requested so to do shall deliver to each of the persons authorized to attend at his polling place a certificate of the number of votes given for each candidate and the number of rejected ballot papers.

**53.—**(1) Every officer presiding at a poll shall at the close of the poll verify under his signature in the poll book in full words the total number of persons who have voted and shall at the completion of the counting of the votes, in the presence of the candidates or agents, make up into separate packets—

- (a) the statement of votes given for each candidate and of the rejected ballot papers;

- (b) the used ballot papers which have not been objected to, and have been counted;
- (c) the ballot papers which have been objected to, but which have been counted;
- (d) the rejected ballot papers;
- (e) the declined and cancelled ballot papers;
- (f) the unused ballot papers;
- (g) a statement of the number of voters whose votes have been marked as hereinbefore provided by the officer presiding at the poll upon declarations of inability being made; and the notes taken of objections made to ballot papers found in the ballot box.

(2) Every such packet shall be sealed with the seal of the officer presiding at the poll and with the seals of such candidates or agents of candidates as desire to affix their seals and shall be marked upon the outside with a short statement of the contents of such packet, the date of the election and the name of the officer presiding.

(3) The officer presiding at the poll shall also prepare and subscribe before a justice of the peace or before the poll clerk a declaration in the following form:

“DECLARATION OF PRESIDING OFFICER.

“I, A.B., returning officer (*or* deputy returning officer) for the City of Drumheller, do hereby solemnly declare (*or if he is a person permitted by law to affirm, do solemnly affirm*) that to the best of my knowledge and belief the annexed copies of the voters’ list and poll book used at this voting held on the.....day of.....19.., were used in the manner prescribed by law and that the entries required by law to be made were correctly made.

“A.B.

*“Returning Officer (or Deputy Returning Officer, as the case may be.)*

“Declared (*or affirmed*) before me at Drumheller, Alberta, this.....day of..... 19..

“A.C.

*“Justice of the Peace (or Poll Clerk).”*

**54.**—(1) The officer presiding at the poll shall also prepare and enclose with the packets a statement (in this Act referred to as the ballot paper account) showing the number of ballot papers entrusted to him and accounting for them under the heads of (1) counted, (2) rejected, (3) unused, (4) cancelled, (5) ballot papers given to voters who afterwards returned the same declining to vote, and (6) ballot papers taken from the polling place.

(2) If there be only one polling place the returning officer shall retain such voters’ lists, poll book, packets, ballot paper account, ballot box and declaration until after he shall have publicly declared the result of the election and then shall forward the same to the city clerk.

(3) If there be more than one polling place the deputy returning officers for the additional polling places shall forward such voters' lists, poll books, packets, ballot paper accounts, ballot boxes and the declaration to the returning officer, who shall forward the same to the city clerk at the same time as he forwards the voters' lists, poll book, packets, ballot paper accounts, ballot box and declarations for his own polling place.

(4) Such voters' lists, poll books, packets, ballot paper accounts, ballot boxes and declarations may be inspected at any time by any elector in the presence of the city clerk.

**55.**—(1) If there be only one polling place the returning officer shall on the date and at the place previously appointed, in the presence of such of the candidates or their didates having the highest number of votes for each office to be filled by the election; and shall also post up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

(2) If there be more than one polling place the returning officer shall on the date and at the place previously appointed, in the presence of such of the candidates or their agents as may be present, break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as hereinbefore required to be taken by the officer presiding at the poll and shall make and initial all necessary corrections in the statement required by said section.

(3) The returning officer shall then add the votes given for each candidate at each polling place including his own, and shall publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be voted upon by the electors; he shall also post up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

**56.** In case it appears upon the casting up of votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer, whether otherwise qualified or not, shall at the time when he declares the result of the poll give a casting vote so as to decide the election.

**57.** Except in such case no returning officer shall vote at any election.

**58.** All poll clerks shall if otherwise qualified be entitled to vote.

**59.** The person or persons elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly.

**60.** The city clerk shall retain for one month all ballot papers received by him as aforesaid and shall then, unless otherwise ordered by a judge, cause them to be burned in the presence of two witnesses, whose affidavit that they have witnessed the burning of the said papers shall be taken before the Mayor or a justice of the peace and filed by the city clerk in the city records.

**61.** No person shall be allowed to inspect any ballot papers in the custody of the city clerk except under order of a judge, to be granted by the judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under this Act to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the city clerk.

**62.** The order shall state the time and place for inspecting such papers and shall name the person to be present at such inspection and shall be made subject to such conditions as the judge thinks expedient.

**63.** In case at any time within fourteen days from the time when the ballot papers used at any election have been received by the city clerk, it is, on the affidavit of a credible person, made to appear to a judge that the returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers, the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates, whose seat or seats may be affected, of the time and place at which he will proceed to recount the votes.

**64.** At the time of the application for a recount the applicant shall deposit with the Clerk of the Court the sum of twenty-five dollars as security for the payment of costs and expenses, and the said amount shall not be paid out by the clerk without the order of the judge.

**65.** The judge, the city clerk and each candidate notified to attend the recount of votes and his agent or solicitor and representatives of the press and no other persons, except with the sanction of the judge, shall be entitled to be present at the recount of the votes.

**66.—(1)** The city clerk shall attend with the ballot boxes at the time and place appointed and the judge shall proceed to recount all the ballot papers received by the city clerk from the returning officer as having been given in the election complained of, and he shall in the presence of the parties aforesaid if they attend, or in the presence of such of them as do attend, open the sealed packets containing—



- (a) the used ballot papers which have not been objected to and have been counted;
- (b) the ballot papers which have been objected to, but which have been counted by the returning officer;
- (c) the rejected ballot papers;
- (d) the declined and cancelled ballot papers;
- (e) the unused ballot papers.

(2) In recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

**67.** The judge shall as far as practicable proceed continuously with the recount of the votes, allowing only time for refreshment, excluding Sundays, and on other days excluding only except so far as he and the parties aforesaid agree the hours between six o'clock in the evening and nine o'clock on the succeeding morning; and during the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

**68.**—(1) The judge shall proceed to recount the votes as follows:

- (a) He shall examine the ballot papers;
- (b) Any ballot paper on which votes are given for more or less candidates than are to be elected for the office in question, or on which anything except the initials of the returning officer on the back is written or marked by which the voter can be identified and any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, shall be void and shall not be counted;
- (c) The judge shall take a note of any objections made by a candidate or by his agent to any ballot paper and shall decide any questions arising out of the objection, and the decision of the judge shall be final;
- (d) The judge shall then count the votes for each candidate upon the ballot papers not rejected and shall make a statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:
  - (i) Names of the candidates;
  - (ii) Number of votes for each candidate;
  - (iii) Ballot papers without the initials of the returning officer;

- (iv) Ballot papers rejected as marked for more or for fewer candidates than were to be elected;
  - (v) Ballot papers rejected as having upon them a writing or mark by which the voter could be identified, or as torn, defaced or otherwise dealt with by the voter so that he could thereby be identified;
  - (vi) Ballot papers rejected as unmarked or void for uncertainty.
- (e) Upon the completion of the recount or as soon as he has thus ascertained the result of the voting, the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the city clerk, who shall thereupon by notice to be posted in his office declare elected the candidate having the highest number of votes; and in case of an equality of votes the city clerk shall have the casting vote.

(2) Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions contained in *The Controverted Municipal Elections Act* by proceedings in the nature of *quo warranto* or otherwise.

**69.**—(1) All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportions as the judge may determine, regard being had to any costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

(2) The costs shall be on the District Court scale and may if the judge so orders be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution, to be issued upon filing the order of the judge, and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment thereof.

**70.** No person who has voted at an election shall be required to state for whom he has voted in any legal proceedings to question the election or returns or otherwise relating thereto.

**71.** A candidate may himself undertake the duties which any agent of his might have undertaken, or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend; but no candidate shall be present at the marking of a ballot by a presiding officer of a poll upon

a declaration of inability or religious objection being made, as hereinbefore provided.

**72.** When in the section of this Act relating to elections of Mayor or councillors expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates, such expressions shall be deemed to refer to the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done the non-attendance of any agent at such time and place shall not invalidate it.

**73.** No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance, mistake or irregularity did not affect the result of the election.

**74.** All reasonable expenses incurred at any election under this Act shall be paid by the treasurer out of the funds of the City upon the production to him of proper accounts verified in such manner as the council may direct.

**75.** The oath of secrecy to be taken by any candidate or agent or voter as provided for in section 37 of this part may be in the following form:

"OATH OF SECRECY.

"I, A. B., swear (*or* solemnly affirm)—

"1. That I will not attempt to ascertain, and will by every means in my power prevent any other person from ascertaining, how any person is about to vote or shall have voted at this election, save and except as may be necessary and proper in the case of persons blind or physically incapable of marking their ballots or unable to read.

"2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

"3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

"So help me God.

|  |   |  |
|--|---|--|
| "Sworn ( <i>or</i> affirmed) before me | } |  |
| at.....                                |   |  |
| .....in the Province of                |   |  |
| Alberta, this.....                     |   |  |
| day of..... 19....                     |   |  |

.....  
 "A Commissioner, etc. (*or as the case may be.*)"

## PART XX.

## PENALTIES.

**1.** Where any fine or penalty is imposed by this Act then if the provisions of Part XV of *The Criminal Code* of Canada do not apply, and if no other mode is prescribed for the recovery thereof, the same may be recovered with full costs by civil action in the Supreme or District Court at the suit of the City.

**2.** The council may by any 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.

**3.** 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 or magistrate having jurisdiction in the City, and upon default of payment the person convicted may be committed to any jail or public lock-up for any time determined by the said justice of the peace or magistrate 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 or lock-up are sooner paid.

**4.—(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 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, 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 voters' list 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 a magistrate or 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.

5. 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 sections 42 to 54 inclusive of Part XIX hereof 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.

6.—(1) Every officer, clerk or 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 labor, or to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

**7.** Every voter who displays 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, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars.

**8.** 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.

**9.** 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.

**10.** 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.

**11.** 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 magistrate or justice of the peace to a penalty of not less than ten dollars and not more than one hundred dollars and costs.

**12.** Any member of the 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 labor for such work, unless he has first been empowered to do so by law or a resolution of the 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 a councillor shall not be liable under this section for authorizing work of an emergent nature which is subsequently ratified by the council.

**13.**—(1) In the event of the council diverting any of the proceeds of a debenture issue for current or other expenditure, the members of the council who vote for the diversion of such moneys shall be personally liable for the amount so diverted and such amount may be recovered by the City by action against them in the Supreme Court.

(2) The members of the council who vote for any such diversion shall be disqualified from holding any municipal office for the period of two years, and in case the council, upon the request of any elector, refuses or neglects, for one month thereafter, to bring an action therefor in the name of the City, the action may be brought by an elector on behalf of himself and the other electors of the City.

**14.**—(1) Any clerk, assessor or other official who refuses or neglects to prepare the voters' list as provided in this Act or who neglects or fails to enter on the said list the name of any person whose name appears on the assessment roll of the City or who neglects or fails to enter in the said list any other particulars as provided in this Act or who enters in the said list the name of any person who does not appear in the said roll or who refuses, fails or neglects to revise the said list in any particular as herein provided shall for each such refusal, neglect or failure be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

(2) The provisions of this section shall apply to the preparation of any copy of the said list which by the provisions of this Act the clerk, assessor or other person, as the case may be, is required to prepare.

**15.** If any assessor makes a fraudulent assessment or if the clerk, assessor or other person wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be inserted therein, or wilfully neglects any duty required of him by this Act, shall be guilty of an offence on summary conviction, to a penalty not exceeding one hundred dollars.

**16.** Any clerk, treasurer, assessor or other officer of the City who refuses, neglects or fails to discharge the duties of his office, or who knowingly signs any false statement, report or return required by this Act, or who refuses or neglects to hand over to his successor, or to such persons as are designated in writing to him by the council, all moneys, books, papers, and other property of the City in his possession, in addition to any civil liability which he

may incur, shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding one hundred dollars.

**17.** Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll or assesses or procures the assessment of a person at too low an amount with intent in any such case to deprive that person of his right to be an elector, shall upon summary conviction thereof be liable to a penalty of twenty-five dollars and costs.

**18.** If any assessor makes a fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person whose name should not be entered therein, or wilfully or fraudulently omits the name of any person whose name should be entered therein or wilfully neglects any duty required of him by this Act, he shall be liable to a penalty not exceeding one hundred dollars and costs.

**19.** Any person who either directly or indirectly, personally or through any servant, employee or agent—

- (a) kindles a fire and lets it run at large on any land not his own property;
- (b) permits any fire to pass from his own land; or
- (c) allows any fire under his charge, custody or control or under the charge, custody or control of any servant, employee or agent, to run at large—

shall be guilty of an offence and shall on summary conviction thereof be liable to a penalty of not less than twenty-five dollars and not more than two hundred dollars, and in addition to such penalty shall be liable to civil action for damages at the suit of any person whose property has been injured or destroyed by any such fire.

**20.** Any person who refuses on demand to give the assessor all information necessary to enable him to make up the assessment roll, or who wilfully furnishes the assessor with false information, or obstructs him in the performance of his duty shall be liable on summary conviction to a penalty not exceeding fifty dollars.

**21.** Every person who interrupts, hinders or molests any person while such latter person is engaged under the authority of the City in making an examination for, or in constructing, maintaining or repairing any public work or any works connected therewith on any land, shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding fifty dollars and costs or to imprisonment for a period not exceeding thirty days or to both.



## PART XXI.

## GOVERNMENTAL COMMISSION OF INQUIRY.

1. In case one-third or more of the members of the council or fifty burgesses of the City petition the Lieutenant-Governor in Council for a commission to issue under the Great Seal to inquire 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*.

## PART XXII.

## JUDICIAL COMMISSION OF INQUIRY.

1. 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, entitled *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.

2. The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 11 of Part VIII of this Act.

3. 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.

4. 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 witnesses' fees to persons summoned to give evidence, and the committee shall report the result of its inquiry to the council.

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PART XXIII.

MISCELLANEOUS.

**1.** The council may by by-law provide for the introduction of voting by the proportional representation system, with the single transferable vote, commonly called the "Hare System," and the council may pass a by-law or by-laws which shall contain all forms and necessary rules and provisions for the mode of marking the ballots, for proceedings during the taking of the votes and after closing the polls, for the return of ballot boxes, the method of counting the ballots, and any other regulations which may be deemed necessary for the proper carrying out of the election under the said system.

**2.** In the case of any election held under this Act, if a person claiming to be entitled to vote is incapacitated by blindness or other physical cause from marking his ballot paper or if a person claiming to be entitled to vote makes a declaration that he is unable to read or objects on religious grounds to mark his ballot in the manner provided in this Act, the proceedings shall be as follows:

- (a) The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person, and shall immediately place the ballot in the ballot box.
- (b) The officer presiding at the poll shall state or cause to be stated in the poll book by an entry opposite the name of such person, in the proper column of the poll book, that the vote of such person is marked in pursuance of this section and the reason why it is so marked.
- (c) The declaration aforesaid may be in the following form:

"DECLARATION OF ILLITERATE.

"I, A.B., of the City of Drumheller, being named  
 .....on the voters' list for the City  
 of Drumheller and being a duly qualified elector of  
 the said City, do hereby declare that I am unable to  
 read (*or that I object on religious grounds to mark  
 a ballot paper, or as the case may be*).

"Dated this.....day of....., 19..  
 "A.B., his (X) mark."

- (d) In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to that effect and every such declaration shall at the time of the polling be made by the person claiming to be entitled to vote before the officer presiding at the poll, who shall attest the same according to the following form:

"ACCOMPANYING DECLARATION OF RETURNING  
OFFICER.

"I, C.D., the undersigned, being the returning officer (or deputy returning officer, *as the case may be*) of the City of Drumheller, do hereby certify that the above (or *as the case may be*) declaration having been read to the above named A.B., was signed by him in my presence with his mark (or *in the case of any one who objects on religious grounds to mark a ballot paper*, was orally made before me).

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

"(Signed) C.D.,

"Returning Officer (or Deputy Returning Officer)."

**3.** The council may by by-law appoint an official to be known as the city manager, and may vest in him the following powers:

- (a) Collection of taxes, management of electric light and power system, the waterworks, the street railway, city coal mines, streets, sidewalks, boulevards, parks, police, fire and assessment department; and such other duties and powers as from time to time shall be vested in him by by-law of the council, but his powers shall not include hospitals, public library or finance;
- (b) The manager shall attend all council meetings if so required by the council;
- (c) He shall submit estimates of revenue and expenditures for the year at such time as he may be required to do so by the council;
- (d) He shall study and familiarize himself with every phase of the financial condition of the City and bring to the council such recommendations as he thinks advisable;
- (e) The manager shall spend no money that has not been previously voted by the council;
- (f) He shall submit reports to the council on any work or matter under his management at any time when required so to do by the council;
- (g) The council may delegate to the manager the power to appoint all such officers and employees as to the council may seem fit:

Provided that the manager shall not have the power to appoint the city clerk, the treasurer, the city assessor, or the city solicitor;

- (h) He shall be the purchasing agent for the City and shall purchase all materials and supplies required by the City;
- (i) When the amount of any purchase will exceed the sum of fifty dollars he shall first obtain competitive tenders except in case of emergency, and if the amount of the purchase will exceed three hundred dollars, he shall report such tenders to the council before accepting or rejecting any of the tenders.

**4.** The first election of Mayor and councillors under this Act shall be held within ninety days after this Act has been assented to, and the Mayor and councillors so elected shall take office on the first day of the month succeeding their election and such Mayor and councillors shall hold the offices to which they are then respectively elected from that date until their successors are elected and take office at the annual municipal election to be held under this Act in the year 1931.

**5.** Where in this Act a certain day is fixed on which or by which certain things are to be done or proceedings had or taken and the day so fixed is a Sunday or other holiday, such things or proceedings shall be done, had or taken by the next day following the fixed day which is not a Sunday or holiday.

**6.** Where in this Act a date is fixed on or by which a certain thing is to be done or proceedings had or taken and it appears that such date was fixed having regard to an earlier date on or by which a certain thing is to be done or proceedings had or taken, then notwithstanding anything herein contained, if delay be occasioned or an extension of time allowed, in respect of the earlier date, a like delay or extension of time shall be allowed in respect of the latter date.

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

No. 3.

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FOURTH SESSION  
SIXTH LEGISLATURE  
20 GEORGE V  
1930

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**BILL**

An Act constituting The Charter of  
the City of Drumheller.

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Received and read the

First time .....

Second time.....

Third time.....

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MR. CLAYPOOL

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EDMONTON:  
W. D. MCLEAN, KING'S PRINTER  
A.D. 1930