

# BILL

No. 3 of 1941.

An Act to amend the Acts and Ordinances constituting the  
Charter of the City of Calgary.

(Assented to \_\_\_\_\_, 1941.)

**W**HEREAS the City of Calgary has prayed for certain amendments to Ordinance 33 of 1893 of the North-West Territories and amendments thereto;

And whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Ordinance 33 of 1893, North-West Territories, and amendments thereto, are hereby amended as follows:

1. By repealing subsection 27 of section 9 thereof, and substituting therefor the following:

“27—(1) The Deputy Returning Officer, on the application of any elector who is unable to read or is incapable from any physical cause other than blindness, from voting in the manner prescribed by this Act, shall require the elector making such application to make an oath as follows:

‘You swear that you are incapable of voting without assistance, by reason of your being unable to read or by reason of your physical incapacity, so help you God,’  
and the Deputy Returning Officer shall thereafter assist such elector by marking his ballot paper in the manner directed by such elector, in the presence of the Poll Clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station, and of no other person, and shall place such ballot in the ballot box.

“(2) The Deputy Returning Officer shall either deal with a blind elector in the same manner as with an illiterate or otherwise incapacitated elector, or at the request of any blind elector who has taken the oath in form set out in the foregoing subsection, and is accompanied by a friend, shall permit such friend to accompany the blind elector into the voting compartment and mark the elector’s ballot for him. No other person shall at any election be allowed to act as the friend of more than one blind elector.

“(3) Any friend who is permitted to mark the ballot of a blind elector as aforesaid shall first be required to take

an oath in form set out hereunder, that he will keep secret the name or names of the candidate or candidates for whom the ballot of such blind elector is marked by him, and that he has not already acted as the friend of a blind elector for the purpose of marking his ballot paper at the pending election.

**"FORM OF OATH FOR FRIEND OF BLIND ELECTOR**

"(1) Do you swear (or affirm) that you will keep secret the name of the candidate for whom you mark the ballot paper for the blind elector on whose behalf you act.

"(2) That you have not already acted as a friend of a blind elector for the purpose of marking his ballot at this election, so help you God."

**2.** By adding the following as subsection 29 (a) to section 117 thereof:

"29 (a) Regulating, restricting, limiting or prohibiting the carrying on or conducting of any business in any particular district or districts within the City of Calgary which, in the opinion of the Council of the City of Calgary, is undesirable or unsuitable to such district, or districts, and in any by-law or by-laws passed pursuant to this subsection, the City Council may declare any business to be a nuisance and direct the same to be discontinued or removed, or otherwise dealt with as said Council may determine. The power by this subsection given shall be in addition to and not in substitution for the powers given by this Charter or by any other act or ordinance of the Province of Alberta."

**3.** By inserting the following paragraph at the end of subsection 56 of section 117 thereof, before subclause 1 of said subsection 56:

"The power to operate street railways in this subsection given shall be deemed to include and to have always included the power to operate in connection with and as part of the Street Railway System or as a separate undertaking, a system of transportation by means of motor or other vehicles."

**4.** By adding the following as subsection 94(a) of section 117 thereof:

"94(a) Prescribing the minimum temperature at which certain buildings in the City of Calgary shall be heated during certain periods of the year. In any by-law or by-laws passed pursuant to this subsection the Council of the City of Calgary may designate any different class or classes of building which shall be heated at the minimum temperature so fixed and may determine the periods of the year during which any such minimum temperature shall be applicable."

**5.(a)** By amending section 158 and subsection (2) of section 158, by inserting the word "reasonable", between

the words "kept in" and "repair by", where they occur in the said section 158 and subsection 2 of said section 158.

(b) The said subsection 2 of section 158 is further amended by inserting the word "reasonable" between the words "keep the same in" and "repair" where they occur in said subsection 2.

**6.** By amending section 301 thereof by adding the following as subsection *c*(1) to said section 301:

"*c*(1) In any by-law regulating the sale or distribution of milk within the City of Calgary, the Council shall have power and shall be deemed since the 1st day of November, 1940, to have had the power to prohibit the delivery of milk by retail within the City, before any hour in the forenoon during the whole or any part of the year, or before any hour in the forenoon during a part of the year, or before any other hour or hours in the forenoon during any other part or parts of the year."

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

---

FIRST SESSION  
NINTH LEGISLATURE  
5 GEORGE VI  
1941

---

**BILL**

An Act to amend the Acts and Ordinances constituting the Charter of the City of Calgary.

---

Received and read the

First time.....

Second time.....

Third time.....

---

MR. MAHAFFY.

---

EDMONTON:  
A. Shultka, King's Printer  
1941