

Bill No. 14 of 1952.

A BILL RESPECTING TOWNS AND VILLAGES.

NOTE.

This Bill enacts a new Act to be known as "*The Town and Village Act, 1952*" in substitution of the present Act.

The Act has been rearranged with a view to having the subjects dealt with follow the same sequence as they appear in *The City Act*. All provisions dealing with any particular subject have been assembled together so far as possible to facilitate ease of reference. In addition to trying to improve the order of Parts and sections many individual sections have been reworded in order to clarify or simplify them, or to make their wording correspond more closely to the equivalent provisions in *The City Act*.

The new Bill does not make any substantial changes in the principles or in the law governing towns and villages and their administration. However, there are some minor substantive changes in individual sections and provisions. Some provisions in the old Act which have become obsolete or are no longer used have been eliminated.

Apart from changes in drafting to clarify or simplify the various provisions the principle substantive changes are referred to in this note.

The sections dealing with qualifications for office and for voting have been changed to require that the office holder or voter be a Canadian citizen rather than a British subject. This makes the requirements of this Act conform with *The City Act* and a number of other provincial enactments. The sections where this change occurs are sections 103, 106, 107, 108 and 109, subsection (3).

The new section 24 enables a town to be formed by order in council rather than by proclamation as was formerly required. The purpose of this change is to simplify the procedure.

Section 264 is a new section made necessary by reason of the division of the former Department of Public Works into two departments. The new section refers to the Minister of Highways.

Section 296 which deals with control of vehicles and highway traffic has been amended for the purpose of allowing a council to fix a maximum speed limit within a town or village for all vehicles. This amendment conforms to a similar amendment to *The Vehicles and Highway Traffic Act*.

Section 344 is a new section resulting from a suggestion of the Board of Public Utility Commissioners. When a municipal area changes its status from a hamlet to a village, or from a village to a town, the question frequently arose whether a franchise given or contract entered into before the change of status was binding after the change of status. The new section provides specifically that such contracts or franchises continue to be binding, notwithstanding the change of status.

Section 367, which deals with discounts allowable for the early payment of taxes, has been amended for purposes of clarification. There were several types of situations where it was open to doubt whether the discount was available or not under the former provision and the change in wording is intended to remove doubt in these situations.

For convenience of reference the Parts into which the Act is divided and the headings under which the subjects in each Part are classified are set out in section 10. By referring to this section you can find the approximate location and the section number of the subject matter in which you are interested.

This Bill comes into force on the 1st day of July, 1952.

KENNETH A. MCKENZIE,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 14 of 1952.

An Act respecting Towns and Villages.

(Assented to , 1952.)

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

PART I.

INTRODUCTORY.

Short Title.

1. This Act may be cited as "*The Town and Village Act*, Short title 1952".

Interpretation.

- 2.** In this Act, unless the context otherwise requires,—
- (a) "buildings and improvements" and "improvements" means all buildings or any part of a building and all structures erected upon, in, over, under or affixed or attached to land and includes all machinery, equipment and appliances which constitute an integral part of the building or other structure; Interpretation
"buildings and improvements" and "improvements"
 - (b) "conditional owner" means a person who is a purchaser, lessee, licensee or permittee from the Dominion of Canada or the Province of land or other property if such land or property is not exempt from assessment or taxation by reason of the provisions of *The Assessment Act*; "conditional owner"
 - (c) "elector" means a person entitled to vote at an election, or upon a by-law or at the taking of a vote, as the case may be, as set out in Part V; "elector"
 - (d) "felony" means an indictable offence which under the Criminal Code is punishable with death or imprisonment for a period of five years or over; "felony"
 - (e) "first election" means the election of mayor and councillors in a town and of councillors in a village first held after the formation of the town or village and any subsequent election held prior to the completion of the first voters' list; "first election"
 - (f) "first meeting" means the first meeting of the council of a town or village after a first or general election; "first meeting"

"general election"	(g) "general election" means the election under this Act, nominations for which are directed to be made upon the third Monday of February in each year;
"hawker" or "pedlar"	(h) "hawker" or "pedlar" means a person who, whether as principal or agent,— <ul style="list-style-type: none"> (i) goes from house to house selling or offering for sale any merchandise to any person, and who is not a wholesale or retail dealer in such merchandise having a permanent place of business in the town or village; or (ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the town or village; or (iii) sells merchandise on the streets or roads or elsewhere than at a building which is his permanent place of business; but does not include a person selling,— <ul style="list-style-type: none"> (iv) meat, fruit or other farm produce which has been produced, raised or grown by himself; or (v) fish of his own catching;
"hospital"	(i) "hospital" means a hospital approved by the Minister of Health under the provisions of <i>The Hospitals Act</i> ;
"indigent person"	(j) "indigent person" means a person who is actually destitute of means from his own resources of obtaining food, clothing, shelter, medical advice or attention and hospital care necessary for the immediate wants of himself and his dependants;
"judge"	(k) "judge" means a judge of the Supreme Court of Alberta or a judge of the District Court having jurisdiction in the judicial district within which the town or village is wholly or mainly situated;
"land"	(l) "land" means lands, tenements and hereditaments and any estate or interest therein, other than minerals;
"local authority"	(m) "local authority" means the council of a city, town, village or municipal district, and with respect to an improvement district or a transient person means the Minister of Public Welfare, and with respect to a special area means the Minister of Municipal Affairs;
"Minister"	(n) "Minister" means the Minister of Municipal Affairs;
"municipality"	(o) "municipality" means a city, town, village, municipal district, improvement district or special area;
"owner"	(p) "owner" means, in the case of land, the person who is registered under <i>The Land Titles Act</i> as the owner of the land, or in the case of property other than land, the person who is in legal possession thereof;

- (q) "parcel" means,— "parcel"
- (i) an unsubdivided block or lot, or any part of such a block or lot in any area of land a plan of subdivision of which is registered in a Land Titles Office;
 - (ii) in any case where a building has been erected on two or more lots or parts thereof all such lots;
 - (iii) where there is no plan of subdivision a quarter section of land according to the system of surveys under *The Alberta Surveys Act* or any other area the description of which has been approved by the proper Land Titles Office;
 - (iv) all the land forming part of any railway, irrigation or drainage right-of-way;
- (r) "person" includes a corporation or partnership; "person"
- (s) "prescribed" means prescribed by the Minister of Municipal Affairs; "prescribed"
- (t) "proprietary elector" means,— "proprietary elector"
- (i) a person, who is a resident of the town or village, who is entitled to vote at an election under this Act and whose name appears on the assessment roll in respect of land liable to assessment and taxation; and
 - (ii) a person who is not a resident of the town or village, who is entitled to vote at an election under this Act and whose name appears on the assessment roll in respect of land liable to assessment and taxation;
- Provided, however that where the names of two or more non-resident persons appear on the assessment roll in respect of one parcel, only one of such persons shall be a proprietary elector in respect of that parcel and entitled to vote as such;
- (u) "purchaser" means a person who has purchased or otherwise acquired land within the town or village whether he has purchased or otherwise acquired the land directly from the owner thereof or from another purchaser, and has not become the owner thereof; "purchaser"
- (v) "rateable property" means the total amount of the assessment of lands, buildings and improvements; "rateable property"
- (w) "special election" means any election of councillors other than a general or a first election; "special election"
- (x) "transient trader" means a person who does not ordinarily maintain within the town or village a permanent place of business and who is not liable for a business tax in respect thereof, and who, either as a principal or an agent, buys or offers to "transient trader"

buy directly from the producer thereof any merchandise or sells or offers to sell to the consumer any merchandise except,—

(i) agricultural products raised, grown or produced by him;

(ii) fish of his own catching;

but does not include a hawker or pedlar who is duly licensed under *The Licensing of Trades and Businesses Act* in respect of the business for which he is so licensed.

Application of Act.

Application
of Act

3. (1) This Act applies to all towns and villages lawfully constituted or incorporated under this or any other Act or ordinance respecting towns and villages at any time in force in the Province.

(2) Each provision of this Act applies to every town and village except where it is expressly provided that a provision is applicable only to a town or to a village, as the case may be.

(3) Where a provision refers to a town or village the reference shall be deemed to be to the town or to the village, as the case may be, and where it refers to corporate limits the reference shall be deemed to be to the corporate limits of the town or of the village as the case may be.

Implied Provisions.

Extension of
time for
proceedings
dependent
on prior
proceedings

4. (1) 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 the 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 later date.

Holding of
poll for
special
purpose
when no
general
election

(2) Whenever under this Act an election is to be held or a question to be submitted or some other thing is to be done at the time of a general or other election, and it becomes unnecessary to take a poll thereat, then the first mentioned election shall be held or question submitted, or other thing done at the time upon which the poll would have been held if necessary.

Ministerial
power of
fixing times
for
proceedings

5. (1) If anything to be done within a number of days or at a time fixed by or under this Act cannot be or is not so done, the Minister by order from time to time may appoint a further or other time for doing it, whether the time at or within which it ought to have been done, has or has not arrived or expired as the case may be.

(2) Anything done at or within the time specified in the order shall be as valid as if it had been done at or within the time fixed by or under this Act.

Validity of
acts done
at times
specified

6. 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, the things or proceedings shall be done, had or taken by the next day following the fixed day which is not a holiday.

Where day
fixed by
Act Sunday
or holiday

7. Where power to make by-laws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time, except by-laws which have been made for the purpose of raising money, making assessments or striking rates.

Power to
alter and
revoke
by-laws, etc.

Names of Towns and Villages.

8. (1) In the case of a town the name of the body corporate shall be "The Town of (naming the same)," and in the case of a village the name of the body corporate shall be "The Village of (naming the same)."

Corporate
name

(2) The Minister from time to time may alter the name of a town or village upon the petition of a majority of the council.

Alteration
of name

(3) A notice of the alteration shall be published in *The Alberta Gazette*.

(4) The seal used by the town or village before the alteration of its name shall continue to be the seal until changed by the council.

(5) No change of name shall affect any obligation, right, action, or property, incurred, established, done or acquired prior to such change.

Saving
clause

9. Every town and every village shall have an office at a place named by the council within the corporate limits thereof.

Office of
town or
village

Division of Act.

10. For convenience of reference only this Act is divided into Parts and classified under the following headings,—

Division
of Act

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PART II.

FORMATION, ALTERATION AND DISSOLUTION OF VILLAGES.

Formation of Villages.

11. All villages lawfully organized or formed prior to the passing of this Act shall continue to be villages. Continua-
tion of
village

12. The Minister by written order may form into a village any part of the Province which is not in whole or in part included in a city, town or village, if such part contains not less than fifty separate buildings, each of which has been occupied continuously as a dwelling house for a period of at least one month; and may do so either of his own motion, or upon receipt of a petition. Formation
of village

13. (1) Any such petition shall,—

- (a) be in such form as may be prescribed from time to time by the Minister;
 - (b) be signed by at least twenty persons, who, if such part of the Province were erected into a village would be qualified as voters therein;
 - (c) be accompanied by a plan showing the proposed boundaries of the village.
- Petition
for forming
village

(2) Every signature shall be attested by some person entitled to sign the petition.

(3) Upon the receipt of a petition, the Minister may change either by addition or subtraction, the proposed boundaries of the village.

14. (1) Upon the receipt of a petition, the Minister shall cause to be posted up in three conspicuous places within the proposed village and to be published in two issues of a paper having a general circulation within the proposed village, a notice in the prescribed form. Notice of
petition

Objections to
petition

(2) Any person may file with the Minister, within a period of thirty days from the date of the notice, objections to the formation of the proposed village.

Formation
of village
by
Ministerial
order

(3) If during the period of thirty days, no objections are filed, or if in the opinion of the Minister, any objections filed do not disclose sufficient reasons against the formation of the village, the Minister may form the same by written order.

Contents
of order

15. (1) The written order shall contain,—

- (a) an accurate statement of the boundaries of the village;
- (b) the date upon which it is to become effective;
- (c) a statement of the day on which and the time at which the nomination of members of the council is to take place;
- (d) a statement of the day on which and the time at which the first meeting of the council shall be held.

Publication
of order

(2) The order shall be published in *The Alberta Gazette* and shall become effective upon the date named therein.

Conclusive
evidence of
formation
of village

(3) The due publication of the order shall be conclusive evidence of the legal formation of the village and of the fulfilment of all conditions precedent thereto.

Misnomer,
misdescrip-
tions and
omissions

(4) Any misnomer, misdescription or omission or other error in any such order may be corrected by subsequent order, and the order so corrected may be confirmed by the Minister as of the date of the original order.

Appoint-
ment of
returning
officer

16. Immediately upon signing the order, the Minister shall appoint a suitable person to act as returning officer at the first election of councillors and to hold that election as set out in Part V.

Boundaries of Villages.

Road
allowances
and village
boundaries

17. (1) For the purposes of defining boundaries of a village under this Act, those sides of road allowances upon which monuments or posts are placed under a survey made pursuant to *The Dominion Lands Surveys Act*, *The Alberta Surveys Act*, or any other Act of the Parliament of Canada or of the Province relating to surveys, shall be the boundaries either of townships or of sections; except that in the case of correction lines, the south side of the road allowance shall be the boundary.

(2) A road allowance between an Indian reserve and a village shall be deemed to be in the village, notwithstanding anything herein to the contrary.

Alterations in Boundaries of Villages.

Alteration of
boundaries
by Board of
Public
Utility Com-
missioners

18. The Board of Public Utility Commissioners by order may,—

- (a) annex any portion of a village to any adjoining municipal district or improvement district;

- (b) annex to any village, any outlying area adjacent thereto, but not included within the limits of any city or town.

19. (1) Every such order shall be published in *The Alberta Gazette* and shall become effective upon the date named therein or in the absence of any date, upon the date of its publication.

Publication of order conclusive evidence

(2) The publication of the order shall be conclusive evidence of the fulfilment of all conditions precedent thereto.

(3) Any misnomer, misdescription or omission or other error in any such order may be corrected by subsequent order and the order so corrected may be confirmed by the Board of Public Utility Commissioners as of the date of the original order.

Misnomer, misdescription and omissions

20. (1) Whenever under the provisions of this Act, a municipality or any part thereof (hereinafter referred to as "the old district") is included in another municipality (hereinafter referred to as "the new district"), either at the time of the formation of the village or subsequently thereto, the property, rights and liabilities of the old district, including all taxes then due, shall pass to the new district and all remedies that were available for the collection of any such taxes due to the old district, shall be available to the new district, in all respects as though the taxes or arrears had originally been due to it.

Rights and liabilities re property transferred from one municipality to another

(2) All questions arising over the divisions or apportionment of the said property, rights and liabilities or otherwise, shall be decided finally and without appeal by the Minister, unless other provisions for the settlement or adjudication of the same have been made in this or any other Act, and the Minister may give such orders and directions as may be necessary to give effect to his decision.

Ministerial powers as to rights and liabilities

(3) This section shall be subject to the provisions of *The Tax Recovery Act*, relating to the transfer of land from one municipality to another.

Applicability of *The Tax Recovery Act*

(4) Nothing contained in this section shall prejudice the rights of debenture holders in any way.

Rights of debenture holders

21. No misnomer, misdescription or omission in an order forming a village or altering its area, shall suspend or impair the operation of this Act in any way with respect to the matter misnamed, misdescribed or omitted.

Misnomer, misdescription and omissions

Dissolution of Villages.

22. (1) The Lieutenant Governor in Council by order may declare,—

Dissolution of village by order in council

- (a) that a village shall be dissolved and thereupon the council thereof and its officers shall cease to exercise any of the rights, powers or privileges vested in them by this Act; and

	(b) that all duties and rights of the council or its officers, under this or any other Act, shall be performed or exercised by such person or persons as may be named in the order.
Inclusion in another municipality	(2) The order shall make provision for the inclusion of the area which had ceased to be a village in some other municipality or municipalities.
Adjustment of assets and liabilities	(3) Upon such a dissolution, the Minister may appoint one or more persons to adjust the assets and liabilities of the village and he or they may, subject to the approval of the Minister, sell or otherwise dispose of all the assets or property of the village and apply the same or the proceeds of the sale thereof,— <ul style="list-style-type: none"> (a) in payment of the liabilities of the village; (b) in payment of his or their remuneration as fixed by the Minister; and the Minister shall cause the surplus, if any, to be expended within the area of the dissolved village.
Imposition of tax to raise deficiency of funds	(4) In case the assets of the village are insufficient to satisfy its liabilities, including the said remuneration, then such person or persons may impose a tax and with a view thereto, make an assessment of property and strike such rates of taxation as may be necessary to satisfy all the liabilities and all the expenses connected with the assessment; and the tax shall fall upon the same property and be collected and have the same priority and be enforced as if it were an ordinary municipal tax, imposed by the council under the provisions of this Act.
Publication of order	(5) Every order made under this section shall be published in <i>The Alberta Gazette</i> and shall become effective upon the date named therein, or in the absence of any such date, upon the date of its publication.
Publication of notice in Form 1	(6) Any person or persons appointed pursuant to subsection (3) shall within thirty days after his appointment cause to be published in a newspaper circulating in the village in respect of which such appointment is made a notice, which shall be in Form 1 in the Schedule, requiring every person who has a claim against the village, save and except claims under a debenture issued by the village, to furnish the person or persons so appointed with particulars in writing thereof within a period of time which shall not be less than forty days nor more than sixty days after the date of the first publication of the notice.
Payment of certain liabilities	(7) Upon the expiration of the period of time set out in the notice published pursuant to subsection (6),— <ul style="list-style-type: none"> (a) the persons appointed pursuant to subsection (3) shall proceed to pay the liabilities of the village other than those which are secured by debentures of the village having regard only to claims in respect of which particulars have been delivered to the person or persons so appointed in conformity to the terms of the notice; and

- (b) the liability of the village in respect of any claim other than claims secured by debentures issued by the village in respect of which particulars have not been delivered to the person or persons so appointed in conformity with the terms of the notice shall cease and determine.

Summer Villages.

23. (1) The Minister may form into a summer village any summer resort, irrespective of the number of separate buildings contained therein, either of his own motion or upon receipt of a petition.

Formation
of summer
village

(2) All summer villages at any time herebefore constituted are hereby continued.

Existing
summer
villages
continued
Petition to
form
summer
village

(3) The petition shall fulfill the requirements set out in section 15, except that it must be signed by ten persons who, if the summer resort were erected into a village, would be upon the assessment roll thereof.

(4) After a summer resort is erected into a summer village, all the provisions of this Act shall apply to the summer village, except that,—

Provisions
of Act
applicable

(a) the persons entitled to vote at any election held after a first election shall be,—

Qualification
of electors

(i) every person of the full age of twenty-one years whose name appears upon the voters' list as a proprietary elector; and

(ii) the spouse, son, daughter, father or mother of any person whose name appears upon the voters' list as a proprietary elector, if such spouse, son, daughter, father or mother is of the full age of twenty-one years and has made application to have his or her name placed upon the voters' list during the month of July of the then current year;

(b) an annual meeting for the discussion of village matters shall be held on the first Saturday in August which shall also be nomination day, and the election of councillors shall take place on the second Saturday in August;

Annual
meeting

(c) the councillors shall assume office on the first Saturday in September at 7:30 p.m., and shall continue in office until their successors are elected;

Councillors

(d) three councillors shall be elected annually;

(e) the appointment of an auditor shall be made at the first meeting in September in each year;

Auditor

(f) in order to qualify as an elector or councillor no person shall be required to be a resident of the summer village.

(5) If in any particular or in any case, it appears to the Minister to be difficult or impossible to apply the provisions of this Act to summer villages, he shall have power

Ministerial
powers as
to applica-
tion of Act

in his discretion to decide any questions arising through such impossibility or difficulty, and in making such decision he may alter any dates prescribed by this Act for the doing of any matter or thing, and may give such other directions as are justified by the impossibility or difficulty.

PART III.

FORMATION AND ALTERATION OF TOWNS

Formation of Towns.

Formation
of village
into town

24. (1) The Lieutenant Governor in Council by order may form into a town any village, together with any land additional thereto,—

(a) if the village contains over seven hundred inhabitants; and

(b) if the proposal to form the village, together with any additional land which it is desired to include with the village, into a town, has been approved by two-thirds of the proprietary electors of the village voting thereon at a meeting specially called for the purpose.

Inclusion
of additional
land

(2) No additional land shall be included in the proposal unless the plan of subdivision of such land has been registered in the proper Land Titles Office and unless there is on the land at least one building actually occupied as a dwelling house or a place of business for every five acres included therein.

Village
meeting

25. (1) The meeting may be called by the council of its own motion upon passing a resolution to that effect, and shall be called by the secretary-treasurer upon the receipt of a petition to that effect from at least twenty per cent of the proprietary electors of the village.

Date of
village
meeting

(2) The meeting shall be held within fourteen days of the passing of the resolution by the council or of the receipt by the secretary-treasurer of the petition, as the case may be.

Notice of
village
meeting

(3) Notice of the meeting shall be posted up at least ten days before the date fixed for the meeting in at least three conspicuous places in the village.

Form of
notice

(4) The notice shall be in Form 2 of the Schedule.

Mayor to
preside

26. The mayor of the village shall preside at the meeting.

Transmis-
sion of
statement
to Minister

27. If the proposal is duly approved, the secretary-treasurer within one month after the giving of the approval shall forward to the Minister of Municipal Affairs a state-

ment showing the facts of the approval, together with satisfactory proof of substantial compliance with the provisions of this Act.

28. (1) The order shall contain,—

- (a) an accurate description of the area of the town, the content of which may be either that of the village or such content changed by the inclusion of such additional land as may seem proper;
- (b) the date upon which it is to become effective; and
- (c) the name of the town;

and shall be published in *The Alberta Gazette*.

(2) The publication shall be conclusive evidence of the legal formation of the town and of the fulfilment of all conditions precedent thereto.

(3) Any misnomer, misdescription, omission or other error in any order may be corrected by subsequent order and the order so corrected may be confirmed by the Lieutenant Governor in Council as of the date of the original order.

Contents of
order and
publication

Evidential
value of
publication

Misnomer,
misdescrip-
tion and
omissions

29. (1) The council of the village shall be deemed to be the council of the town until the second Monday in March next following the date of the order and shall have all the powers and be charged with all the duties of a town council, and shall carry out the same as nearly as possible in the manner hereinafter prescribed by this Act.

(2) All the officers of the village shall be and become officers of the town and shall hold office until their successors are appointed.

(3) The mayor of the village shall become the mayor of the town and shall hold office until the second Monday in March next following the date of the order.

Continuation
of village
council as
town
council

30. All by-laws or resolutions passed by the council of the village shall continue to have the same force and effect as if they had been passed by the council of the town until they are altered or repealed by the council of the town.

Continuation
of by-laws
and
resolutions

31. All taxes due to the village, on its erection into a town, shall be deemed to be arrears of taxes due to the town and the provisions of any Act relating to arrears of taxes and the collection thereof for or on behalf of the town shall apply thereto.

Taxes
transferred
to town

32. All suits and rights of action by or against the village on its erection into a town shall be continued or maintainable by or against the town and all debts and liabilities of the village shall be assumed and paid by the town.

Rights of
action
maintained

Village
property
rights
vested in
town

33. The title to and all rights in respect of land or other property of the village shall be vested in the town upon the erection of the village into a town.

Boundaries of Towns.

Road allow-
ances and
town
boundaries

34. (1) For the purposes of this Act whenever a town is wholly or in part described in the order forming the same as comprising certain townships, parts of townships or sections the boundary lines of the town between adjoining sections or townships, unless it is otherwise expressly set out in the said proclamation or order, shall be the side of the road allowance upon which monuments or posts are placed under a survey made pursuant to the *Dominion Lands Surveys Act*, *The Alberta Surveys Act*, or of any other Act of the Parliament of Canada or of the Province relating to surveys, except in the case of correction lines, where the south side of the road shall be the boundary.

Road
allowances
between
Indian
reserve and
town

(2) A road allowance between an Indian reserve and a town shall be deemed to be in the town, notwithstanding anything herein to the contrary.

Alteration in Boundaries of Towns.

Powers of
Board of
Public
Utility Com-
missioners
re town
boundaries

35. (1) Whenever,—

- (a) a majority of the resident land owners of territory adjacent to a town desire annexation thereto and present a petition to the council to that effect; and
 - (b) the council of the town consents to the petition;
- the Board of Public Utility Commissioners may make an order annexing the territory to and making it a part of the town.

Annexation
of sub-
divided
lands

(2) No territory shall be annexed to a town unless,—

- (a) a plan of subdivision of the territory has been registered in the Land Titles Office for the land registration district within which the land is situated; and
- (b) there is erected on the territory at least one building actually occupied as a dwelling house or place of business for every five acres included therein.

Inclusion by
Board of
adjacent
territory

(3) The Board of Public Utility Commissioners, upon the receipt of a resolution from the council of a town requesting it, may include within the town any territory adjacent thereto which, from the proximity of streets or buildings or the probable future exigencies of the town, it may deem desirable to include therein or to annex thereto.

Time
order
effective

(4) Every order for annexation shall take effect on such date and on such terms and conditions as the Board of Public Utility Commissioners may provide.

Withdrawal
of territory
from town

(5) The Board of Public Utility Commissioners by order may annex any portion of a town to an adjoining municipal district or improvement district.

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

Power of Board to effect own motion

(7) Every order made under the provisions of this section shall be published in *The Alberta Gazette*.

Publication of order

(8) Any misnomer, misdescription, omission or other error in any order may be corrected by a subsequent order and the order so corrected may be confirmed by the Board of Public Utility Commissioners as of the date of the original order.

Misnomer, misdescription and omissions

36. No misnomer, misdescription or omission in any order relating to the formation of a town or any alteration in its area, shall in any way suspend or impair the operation of this Act with respect to the matter misnamed, misdescribed or omitted.

Act not impaired by misnomer, misdescription or omissions

Change of Status From Town to Village.

37. (1) Upon it being made to appear to the Minister,—

Ministerial power to change status of town to village

(a) that the council of a town has passed a resolution in favour of a change in the status of a town to that of a village; or

(b) that a majority of the electors of a town voting upon the question as to whether or not the status of the town should be changed to that of a village are in favour of the change; or

(c) that there has been a failure to elect a council;

the Minister by order published in *The Alberta Gazette* may declare that the status of the town, from and after the date of the publication of the order or such later date as may be specified therein, shall be changed to that of a village.

(2) Thereafter the town shall no longer have the status of a town and shall continue as and become and be a village with the status, powers, duties and capacities which are conferred upon a village pursuant to this Act.

PART IV.

GENERAL GOVERNMENT AND ADMINISTRATION.

Incorporation of Towns and Villages.

38. (1) The mayor, councillors and electors of each town and village in the Province now or hereafter created, established or formed are hereby declared to continue to be and to be a body corporate and subject to all the liabilities of a corporation, and,—

Mayor, councillors and electors of town or village, body corporate

Powers of
body
corporate

- (a) shall have power to acquire, hold and alienate both real and personal property for all the purposes of the town or village; and
- (b) shall have perpetual succession; and
- (c) may 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 and in equity whatsoever; and
- (d) shall have a common seal with power to alter and modify the same at pleasure; and
- (e) shall be capable in law of receiving by donation, acquiring, holding, disposing of and conveying any property, real or personal, for any purpose within its corporate powers; and
- (f) shall be capable in law of becoming a party to any contract or agreement within the powers of the town or village.

Powers of
body
corporate
exercisable
by council

- (2) The said body corporate shall be capable of acting by the council, and the council shall exercise all powers vested in the corporation by this Act or otherwise.

DIVISION A—THE COUNCIL

Jurisdiction and Membership

Council a
continuing
body

- 39.** (1) The council shall be a continuing body notwithstanding any general or other election.

(2) The jurisdiction of the council is confined to the limits of the town or village and to property outside the town or village belonging to or under the control and management of the town or village, except where further jurisdiction beyond the town or village limits is expressly given to the council by this or any other Act.

Powers
exercisable
by resolution
or by-law

- (3) Except as herein provided the council of a town or village may perform and exercise the duties and powers imposed or conferred on it by this Act either by resolution or by by-law.

Oath of
office

- 40.** (1) The mayor and each member of the council shall, before entering upon the duties of his office, make and subscribe the official oath prescribed by *The Oaths of Office Act*.

Deposit of
oath

- (2) Each person before entering upon the duties of his office shall hand his oath to the returning officer who shall deposit the oaths with the secretary-treasurer.

Town
council

- 41.** Except as otherwise provided, the council of a town shall consist of a mayor and six councillors who shall be elected in the manner set out in Part V.

42. Except as otherwise provided, the council of a village shall consist of three councillors who shall be elected in the manner set out in Part V.

Village
council

The Mayor.

43. The mayor of a town shall be elected by a vote of the electors in the manner set out in Part V and shall hold office for a term of two years and may be re-elected for a subsequent term or terms.

Election
and term
of office of
mayor in
town

44. In the case of a village the council shall, at its first meeting in each year, elect from among its membership a chairman, who shall be known as "the Mayor" and who shall hold office for a term of one year.

Election
and term
of office of
mayor in
village

45. The mayor shall be the chief executive officer of a town or village and shall,—

Duties of
mayor

- (a) cause the laws governing the town or village to be duly executed;
- (b) inspect the conduct of all town or village officers;
- (c) cause all negligence, carelessness and violation of duty to be duly prosecuted and punished so far as may be in his power; and
- (d) communicate from time to time to the council all such information and recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the town or village.

Meetings of Council.

46. (1) The first meeting of the council after a general election shall be held on the second Monday in March at the place and hour fixed for regular meetings, if any, and if there is no hour fixed, at the hour of two o'clock at a place to be fixed by the secretary-treasurer, if any, and if there is no secretary-treasurer, by the returning officer.

First
meeting
after general
election

(2) When the second Monday in March is a holiday, the meeting shall be held at the same time on the next subsequent day which is not a holiday.

When date
for meeting
is a holiday

(3) The secretary-treasurer or the returning officer, as the case may be, shall give written notice of the meeting to each councillor,—

Notice
of meeting

- (a) by mailing the same to the councillor's address at least six clear days prior to the date of the meeting; or
- (b) by personally delivering the same to the councillor, or in the absence of the councillor from his residence, to any adult person thereat, at least three clear days prior to the date of the meeting.

Minimum
number of
meetings

47. The council of a town or village shall hold at least six meetings in each year at such times and places as may be fixed by resolution, except only in a case where the council is elected after the first day of August in any year, in which case the council shall hold at least three meetings.

Regular
meetings

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

Ordinary
meetings
public

(2) The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct.

(3) The person presiding at a meeting of the council may cause any person guilty of improper conduct thereat to be expelled and excluded.

Waiver
of notice

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

Deputy
mayor

49. (1) The council, at its first meeting following the date of the annual election in each year, and periodically thereafter at such intervals as the council may determine, shall elect one of its number as deputy mayor.

Powers of
deputy
mayor

(2) 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 shall perform all the duties of the mayor during his inability or absence.

Mayor or
deputy
mayor to
preside

50. (1) The mayor, or in his absence the deputy mayor, shall preside at each meeting of the council and shall preserve order and enforce the rules of the council.

Substitute
chairman

(2) If the person who ought to preside at a meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting, another member of the council shall be elected as chairman to preside at the meeting in the absence of such person.

Quorum of
council

51. (1) A majority of the whole council shall be necessary to form a quorum.

Requisites
for valid
actions of
council

(2) No act or other proceeding of the council shall be deemed valid or binding on any person which is not adopted at a regular or special meeting of the council at which a quorum is present.

Vacancy
does not
invalidate
acts of
council

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

52. 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.

Powers of council to regulate meetings and business

53. Every question shall be submitted to the council on the motion of the mayor or of a member thereof and no seconder shall be required.

Submission of questions to council

54. (1) The mayor or other officer presiding at a 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.

Vote of mayor or presiding officer

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

Equality of votes

55. The mayor, when present, and all the councillors present shall vote on each division, unless excused by resolution of the council, or unless disqualified from voting by reason of interest or otherwise.

Voting by mayor and councillors present compulsory

56. (1) In the case of a town a special meeting of the council shall be called by the secretary-treasurer when he is required to do so in writing by the mayor or by three members of the council.

Special meetings of a town council

(2) In the case of a village, a special meeting of the council shall be called by the secretary-treasurer, when he is required to do so in writing by the mayor or by two members of the council.

Special meetings of a village council

(3) Written notice of a 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 secretary-treasurer in the manner provided by this Act.

Notice of meeting

(4) No business other than that stated in the notice shall be transacted at a 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.

Business to be transacted at special meeting

57. (1) A person appointed pursuant to clause (d) of section 186 of *The School Act, 1952*, as a representative of a school division in which a town or village is included,—

Right of divisional trustees to attend meetings

(a) shall have the right to attend meetings of the council of the town or village and to take part in all discussions pertaining to school matters;

(b) shall not have voting privileges on the council; and

(c) shall not receive remuneration from the council.

Appointment of council member to represent town or village at school division meetings

(2) In case a town or village is included in a school division the council by resolution, as soon as practicable after a first or general election in each year, shall appoint a member of the council to represent the town or village at

meetings of the board of trustees of the school division, and may by the same or another resolution appoint another member of the council to represent the town or village as aforesaid if the first named member is unable to attend.

Payment
of member
so attending

(3) Where a member of the council is appointed under the provisions of subsection (2), the council by resolution may provide for paying to the member a sum not exceeding six dollars *per diem* for each meeting of the board of trustees attended by him and ten cents for each mile necessarily travelled in going to and returning from any such meeting, but no payment shall be made to any member in respect of more than six meetings in any one year.

Duties of
secretary

(4) In case a town or village is included in a school division, the secretary, in addition to his other duties, shall,—

- (a) advise the secretary-treasurer of the school division of the names of the members of the council appointed pursuant to subsection (2) ;
- (b) advise the member or members of the council appointed pursuant to subsection (2) of the date, place and time of each divisional board meeting and of the matters to be dealt with at such meeting ;
- (c) advise the secretary-treasurer of the school division and the representative of the divisional board appointed pursuant to clause (d) of section 186, of *The School Act, 1952*, of the date, place and time of all meetings of the town or village council and of the matters to be dealt with at any such meeting, and shall forward to the secretary-treasurer of the school division a copy of the minutes of meetings of the town or village council in so far as such minutes deal with matters of interest to the divisional board.

Public Meeting.

Public
meetings

58. (1) If so requested at any time by the written petition of twenty electors, the mayor, by public notice conspicuously posted in at least ten places in the town or village, shall call a public meeting of the electors to be held on the date named in the notice, for the discussion of municipal affairs or of any matter relating thereto.

(2) The date fixed in the notice for the meeting shall be not more than thirty days from the date of the receipt of the petition.

(3) The notices shall be posted at least seven clear days prior to the date fixed in the notice for the meeting.

Remuneration of Council.

Allowance
to mayor
and
councillors

59. (1) The council, by by-law, may provide for an allowance of not more than two dollars, to be paid to the mayor and each councillor attending meetings of the council,

for each meeting so attended; and for the payment to the mayor of a sum of not more than three dollars a day for each day spent by him in the laying out and inspection of works undertaken by the town or village.

(2) Upon the passing of any such by-law, the council shall cause a notice to be drawn up,—

- (a) setting out the nature and effect of the by-law; and
- (b) stating that the by-law will take effect unless within twenty days after the publication of the notice at least twenty proprietary electors object thereto and give a signed notice in writing of their objection to the secretary-treasurer.

(3) If notice of objection in writing signed by at least twenty proprietary electors is not received by the secretary-treasurer within the said period, the by-law shall have force and effect upon the expiration of that period or on such later date as is fixed by the by-law for that purpose.

(4) If notice of objection in writing signed by at least twenty proprietary electors is received by the secretary-treasurer the by-law shall be submitted to a vote of the proprietary electors and shall take effect only if it is approved by a majority of the electors voting thereon in the manner prescribed by Part VI.

60. (1) The council of a town having a population of not less than five thousand persons, by by-law, may provide for the payment of an annual salary to the mayor upon such terms and in such amount as may be set out in the by-law.

Annual salary of mayor

(2) The by-law shall be submitted to a vote of the proprietary electors and shall take effect only if it is approved by at least two-thirds of the electors voting thereon in the manner prescribed by Part VI.

Approval of the salary of mayor

(3) Notices containing the full text of the by-law shall be posted in at least five widely separated conspicuous places in the town at least ten days before the date of voting, and the notice shall also be published in at least two issues of a newspaper circulating in the town, the last issue containing the notice being not later than five days before the date of voting.

Posting and publication of notice of by-law

(4) The notice referred to in subsection (3) shall contain, in addition to the by-law, a statement that the by-law requires a two-thirds majority vote of the proprietary electors who vote and a further statement of the date, hours and place where the poll will be held.

Information as to vote on by-law

Resignations, Vacancies, Forfeiture of Seats.

61. (1) A mayor or councillor of a town or village may resign his seat in the council and a mayor of a village may resign his position as mayor while retaining his seat in the council by sending at any time notice in writing of his resignation to the secretary-treasurer.

Resignation of mayor and councillors

(2) Each resignation shall be brought to the attention of the council at its next meeting, and steps shall be taken immediately by the council to fill the vacancy.

Election by
town council
when
mayoralty
becomes
vacant

(3) If the office of mayor of a town becomes vacant by death, resignation or otherwise, the council shall forthwith elect some person from among its number to fill the position until the next annual election of councillors, but no vacancy shall occur in the council by reason of such election.

Election to
fill vacancies
in town and
village
councils

(4) In case a seat in the council of a town or village becomes vacant by death, resignation or for any other reason the council shall forthwith fix a nomination day and appoint a returning officer to hold a special election to fill the vacancy, unless the vacancy occurs within the four calendar months immediately prior to the third Monday of February in which case the 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.

(5) The election shall be held as nearly as may be in the manner provided by this Act for other elections.

Voters' list
at special
election

(6) When a special election is held under the provisions of subsection (4), the voters' list shall be the voters' list prepared in the preceding year pursuant to the provisions of section 109 and the persons entitled to vote at the special election shall be those persons who were entitled to vote at the annual election in the current year.

Disquali-
fication of
members
of council

62. (1) If, after the election of a 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 to do so absents himself from the meetings of the council for three consecutive months; or
- (d) ceases to be a resident of the town or village; or
- (e) becomes disqualified from sitting or voting in the council under the provisions of section 104; or
- (f) is convicted of signing an acceptance of nomination
 - containing a false statement;

his seat in the council shall forthwith become vacant and the council shall forthwith so declare it.

Ouster of
office

(2) If any elector files an application for an order ousting a member of the council from office, accompanied by an affidavit showing that the member,—

- (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 pays into court the sum of twenty-five dollars as security for costs to abide the event of the application, the judge on an *ex parte* application may direct that notice of the application be served upon the member.

(3) If, 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 the member's seat to be vacant or refuse the application and in either case with or without costs.

63. (1) If, in a town or village, the number of councillors required by this Act is for any reason not nominated or elected, or by resignation or otherwise has been reduced to a number less than a quorum, the Minister may appoint some person or persons to fill the vacancies caused thereby, or may, for the purpose of filling the vacancies, direct that an election be held under the provisions of this Act, and appoint a returning officer for that purpose.

Ministerial
power to
appoint
councillors

(2) Where the provisions of Part V cannot be conveniently applied to the election the Minister may make regulations respecting the time and conduct of and the procedure at or otherwise respecting the election.

DIVISION B—OFFICIALS AND EMPLOYEES.

Secretary-Treasurer.

64. (1) A secretary-treasurer shall be appointed by by-law by every council at its first meeting after the formation of the town or village or so soon thereafter as is practicable.

Appoint-
ment of
secretary-
treasurer

(2) In the event of a vacancy occurring in the office of secretary-treasurer, a successor shall be appointed as soon as practicable.

and succes-
sor if
vacancy

(3) Whenever a secretary-treasurer is appointed, the Minister shall forthwith be advised thereof by the mayor by prepaid registered mail.

Notice to
Minister
of appoint-
ment

(4) In the event of the Minister disallowing any such appointment, the mayor shall immediately call a special meeting of the council for the purpose of appointing another person as secretary-treasurer.

Disallowance
of appoint-
ment by
Minister

65. (1) The secretary-treasurer of a town or village, within one month after entering upon his duties, shall furnish to the town or village security in a penal sum to be

Security
required of
secretary-
treasurer

named by the council for the due and faithful performance of his duties, by a guarantee bond of a guarantee company authorized to transact business in the Province in such form as may be prescribed by the Minister from time to time.

Security
renewable
annually

(2) The security so furnished shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council.

Liability of
members of
council if
secretary
not bonded

(3) All the members of a council which permits a secretary-treasurer to enter upon his duties or discharge his duties at a time when he is not bonded or guaranteed shall be jointly and severally liable for any default of the secretary-treasurer to the extent of the sum in which the secretary-treasurer should have been bonded or guaranteed, except only those councillors who appear by the minutes of the council to have voted in favour of a resolution prohibiting the secretary-treasurer from entering upon or discharging his duties at a time when he is not bonded.

Examina-
tion and
approval of
securities

(4) Prior to the first day of May in each year, all securities entered into or furnished pursuant to this section shall be produced to the mayor and shall be laid by him before the council for examination and approval at the first meeting of the council held on or after that date.

Secretary-
treasurer
shall,—
keep
minutes of
council
meetings

66. The secretary-treasurer shall,—

(a) keep a full and correct record in the English or French language 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, and furnish a certified copy of the records in the English language, when required to do so;

record
attendance
and votes

(b) enter in the minutes of every meeting the names of the members of the council present at the 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;

conduct
correspond-
ence

(c) conduct the correspondence of the council as directed by it;

record
by-laws

(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 the by-laws;

keep
records and
books of
account

(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) faithfully prepare and transmit to the Minister such statements and reports and such other information in regard to the town or village as may be required by the Minister from time to time and in such form as he may direct; prepare statements and reports
- (g) call special or other meetings of the council in the manner provided by this Act; call meetings
- (h) produce for inspection the minute and other books and all papers and records of whatsoever kind in his possession when required to do so by an inspector of the Department of Municipal Affairs; produce records for inspection
- (i) advise the Minister of the names and addresses of all persons elected as councillors within five days after the first meeting of the council at which they are entitled to be present, and of the name and address of the mayor, within five days of his election; notify Minister of mayor and councillors elected
- (j) faithfully prepare and submit to the Minister of Education such statements, reports and other information as may be required by the Minister of Education from time to time, and in such form as he may direct; report to Minister of Education
- (k) collect, receive and safely keep all moneys belonging to the town or village from whatever source received; collect and keep custody of public moneys
- (l) 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 or other similar institution designated by the council, all moneys received by him; do banking
- (m) submit all accounts and charges against the town or village which he receives for the consideration of the council; submit accounts to council
- (n) pay all accounts against the town or village only when they have been passed by the council and certified by the mayor or other presiding officer; pay accounts
- (o) make all payments on behalf of the town or village by cheque signed by himself and countersigned by the mayor or by the deputy mayor and drawn on the chartered bank or other similar institution in which the moneys of the town or village are deposited; make payments by cheque
- (p) give and take receipts for all the moneys of the town or village received and disbursed and keep on file all vouchers of expenditures; issue receipts
- (q) keep in a cash book or such books of record and in such form as may be prescribed by the Minister from time to time a complete and detailed record of all the financial transactions of the town or village; keep cash books
- (r) prepare in the prescribed form as soon as possible after the end of each month and not later than the fifteenth day thereafter, a statement of moneys re-

	ceived by him during the previous month and of the disposition thereof, and submit the statement to the council at its next meeting, and enter a copy thereof in the minutes of the meeting of the council at which it was submitted;
produce books, etc. for audit	(s) produce, when called for by the council, auditor, inspector or other competent authority, all books, vouchers, papers and moneys belonging to the town or village and hand over the same to his successor or such other person as the council may direct on his ceasing to hold office;
prepare books for audit	(t) complete and make ready for the auditor not later than the tenth day of January in each year, all books and accounts for the immediately preceding year;
perform other duties	(u) faithfully perform all other duties imposed upon him by this Act and generally carry out such instructions as may be issued to him by the council from time to time.
Searches and certificates as to taxes	67. (1) The secretary-treasurer, if requested, shall make a search in the assessment or tax roll in respect of any assessable parcel of land and, upon receipt of a fee of twenty-five cents, shall give a certificate under his hand showing whether or not all taxes in respect of the parcel have been paid, and if not, the amount of current taxes and arrears payable against the parcel.
Statement of arrears included in certificate	(2) The secretary-treasurer, on receipt of a further fee of twenty-five cents, shall include in the certificate a detailed statement of the arrears indicating the portions attributable to each year respectively. (3) Each such fee shall form a part of the general revenue of the town or village.
Right of elector to inspect documents	68. (1) An elector, under the supervision of the secretary-treasurer, and during his office hours, may inspect,— (a) any account, contract, by-law, minute of a council meeting, report of a committee or of an official of the town or village, other than the town or village solicitor or any counsel engaged by the town or village, after the same has been submitted to the council; (b) the voters' lists, poll books or other documents, other than marked ballots relating to an election or voting.
Fee for copy of document	(2) The secretary-treasurer, within a reasonable time after demand, by an elector, shall furnish him with a copy of any such document or part thereof at the rate of twenty-five cents per one hundred words.
Proof of document	69. A copy of any such book, record, document, or account certified under the hand of the secretary-treasurer and the town or village seal shall be received in evidence without proof of the seal of the town or village or of the

signature or official character of the person appearing to have signed the same, unless the court or a judge otherwise orders.

Assessor.

70. (1) The council, by resolution not later than the first day of April in each year, shall appoint an assessor.

Appoint-
ment of
assessor

(2) Whenever an assessor is appointed by the council the mayor shall forthwith advise the Minister of that appointment by mail, and in the event of the Minister disallowing any such appointment, the mayor shall immediately call a special meeting of the council for the purpose of appointing another person as assessor.

Minister
may disallow
appointment

(3) The assessor appointed pursuant to subsections (1) and (2) shall be the assessor for the town or village for all purposes, including the assessment of land, buildings and improvements, excepting only such assessment as is provided for by subsection (4).

Authority
of assessor

(4) The council, by resolution passed in any year prior to the first day of April in that year, may requisition the Director of Assessments to make a general assessment of all lands, buildings and improvements in the town or village and in that case such assessor on the staff of the Director of Assessments as may be designated by the Director shall be the assessor for the said general assessment of land, buildings and improvements in the town or village.

Requisition-
ing Director
of
Assessments
to make
general
assessment

(5) Whenever a general assessment is made by an assessor appointed by the Director of Assessments pursuant to subsection (4), twenty-five per cent of the cost of the assessment shall be absorbed by the Department of Municipal Affairs and seventy-five per cent of the cost shall constitute a debt due to the Crown and shall be paid by the town or village concerned upon submission of the account of the Department of Municipal Affairs.

Cost of
general
assessment

71. The assessor shall assess all property, trades, businesses, and professions which are liable to assessment under the provisions of *The Assessment Act*, or are liable to assessment under the provisions of any by-law of the town or village which has been passed under the authority of *The Assessment Act*, and shall perform such other duties as may be delegated to him by the council.

Duties of
assessor

Auditor.

72. (1) The council, by resolution at its first meeting in each year, or within two months thereafter shall appoint an auditor.

Appoint-
ment of
auditor

(2) An incorporated company or a partnership may be appointed as auditor.

Qualifica-
tions of
auditor

(3) No one shall be appointed auditor who, then or during the preceding year is or was,—

Disqualifica-
tion of
auditor

	<ul style="list-style-type: none"> (a) a member of the council; or (b) secretary-treasurer of the council; or (c) interested directly or indirectly in a contract made by the town or village; or (d) employed by the town or village in any capacity except that of auditor.
	<p>(4) An auditor becoming,—</p> <ul style="list-style-type: none"> (a) a member of the council; or (b) secretary-treasurer of the council; or (c) interested directly or indirectly in a contract made by the town or village; or (d) employed by the town or village in any capacity except that of auditor; <p>shall immediately vacate his office.</p>
Approval of auditor by Minister	<p>(5) The appointment of an auditor shall be subject to the approval of the Minister, who shall forthwith be advised thereof by letter and he may disallow the same.</p>
Disallowance of auditor by Minister	<p>(6) In the event of disallowance the council, at a regular or special meeting held within one month after the receipt by the secretary-treasurer of notice of the disallowance, shall appoint another person, company or firm as auditor, subject to the Minister's disallowance as aforesaid.</p>
Duties of auditor	<p>73. (1) The auditor, at least once a year, shall examine and report upon all books and accounts affecting the town or village or relating to any matter under its control or within its jurisdiction.</p>
Auditor's stamp	<p>(2) After examination of the books and accounts hereunder listed, the auditor shall stamp in indelible letters the word "Audited" and initial the same,—</p> <ul style="list-style-type: none"> (a) on the last page of the minutes of each meeting recorded in the minute book; and (b) on the pages of the cash books on which the entries have been summarized; and (c) on the summary of the assessment and tax roll; and (d) on the last page of the bank or treasury branch passbook or statement on which an entry has been made; and (e) on every account, voucher, receipt and paid debenture.
Verification of accounts by auditor	<p>(3) The auditor shall verify the cash balance as shown by the secretary-treasurer's books by counting the cash, and in no case shall he certify to the correctness of the books until he has checked the deposits entered in the cash book with the deposits shown in the bank or treasury branch passbook or statement.</p>
Report by auditor in case of irregularity	<p>(4) In each case in which it appears to the auditor that an expenditure has been made contrary to law, by-law or resolution or that there has been an irregularity on the part of the council or of an officer of the council in dealing</p>

with money or property of the town or village, the auditor shall write a special report respecting the same and shall deliver that 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 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 the notice is incorrect, the taxpayer shall immediately notify the auditor as to the discrepancy.

Notice to
taxpayers
who are in
arrears

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

By-law as
to pre-audit

75. (1) On or before the first day of February in each year, the auditor shall prepare in duplicate, in such form as the Minister may direct, an abstract of the revenue and expenditures of the town or village during the next preceding financial year, and of the assets and liabilities of the town or village upon the last day of that financial year.

Abstract of
receipts,
payments
assets and
liabilities

(2) The abstract shall include a statement of the total amounts of debentures authorized to be issued, those actually issued, those actually sold or otherwise and the disposition thereof, and those remaining on hand.

Statement
as to
debentures

(3) The auditor shall make a special report, in duplicate, in respect of any expenditure during the said period which was contrary to law.

Report of
irregular ex-
penditures

(4) The auditor shall forward one duplicate of the abstract and report to the Minister and shall deliver the other to the secretary-treasurer.

Transmis-
sion of
abstract
and report

(5) The secretary-treasurer, on or before the second Monday in the month of February, shall cause the abstract and report, or a synopsis thereof, to be published in one of the following ways,—

Publication
of abstract
and report

- (a) in a newspaper published or circulating in the town or village; or
- (b) by means of the publication and circulation thereof in pamphlet form; or
- (c) where by reason of the shortness of time or other cause, neither of the first mentioned methods is possible, then by posting up a copy of the abstract and report in the office of the secretary-treasurer and in each of five conspicuous places within the town or village.

76. The financial year of each town and village shall commence on the first day of January and close on the thirty-first day of December.

Financial
year

Solicitor.

Appoint-
ment of
solicitor

77. (1) The council, by resolution, may appoint a solicitor as solicitor for the town or village who shall be a member of the Law Society of Alberta, and his duties and the terms and period of his employment shall be determined by the council.

Costs
recoverable
by town
or village

(2) Notwithstanding that the remuneration of the solicitor is paid wholly or partly by salary, the town or village shall be entitled to tax and collect lawful costs in all actions and proceedings to which the town or village is a party.

Town Manager.

By-law for
appointment
of town
manager

78. (1) The council of a town, by by-law, to be submitted to the electors and approved by a majority of the electors voting thereon, may provide that the executive and administrative duties of the council may be delegated to and exercised by a town manager.

By-law to
be approved
by Minister

(2) A by-law proposed under the provisions of subsection (1) shall be submitted to and approved by the Minister before it is advertised or voted upon by the electors.

Powers and
duties of
town
manager

(3) The town manager shall be subject to the legislative jurisdiction of the council and shall exercise only such powers and duties as are set out in this Act and as may from time to time be vested in, conferred on, or delegated to him by by-law or resolution of the council.

Term of
office of
town
manager

(4) Where a by-law has been passed providing for the appointment of a town manager, he shall be appointed by the council and shall hold office during the pleasure of the council but shall not be dismissed except upon a majority vote of all the members thereof.

Disqualifica-
tion of
town
manager

(5) No member of the council and no person having an interest in a contract with the town shall be appointed town manager and no town manager, during his term of office shall have an interest, direct or indirect, in such a contract.

Salary of
town
manager

(6) The council shall fix the annual salary to be paid to the town manager and the amount of the salary so fixed shall be stipulated in the by-law referred to in subsection (1).

Police.

Appoint-
ment of
police

79. (1) The council of a town or village, by resolution, may appoint a chief of police and such police constables as it deems necessary or expedient for the purpose of carrying into effect the provisions of this Act or of any by-law or resolution of the council or of enforcing the law.

Powers and
duties of
police

(2) A chief of police or police constable appointed under this Act shall have all the powers and duties of a municipal constable as defined in *The Alberta Police Act*.

(3) The mayor, at any time and from time to time by writing, may appoint one or more special constables within the town or village for such time, not exceeding fifteen days, as shall be stated in the appointment and shall report the appointment with the reasons therefor to the council before its next regular meeting.

Special
constable

(4) The authority of a special constable shall cease if his appointment is not confirmed at the next regular meeting of the council.

Confirmation
of appoint-
ment of
special
constables

(5) A constable, before entering upon his duties, shall appear before a justice of the peace, and take and subscribe before him the official oath prescribed by *The Oaths of Office Act*.

Oath of
office

80. The council, from time to time, shall make such regulations as it deems expedient for the government of the police force and for preventing neglect or abuse of their duties or power and for rendering the force efficient in the discharge of its duties.

Police
regulations

81. 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.

Duties of
constables

82. The chief of police or a constable may be dismissed or suspended by the council at any time.

Dismissal
or suspen-
sion of
police

Fire Department.

83. The council, by resolution, may appoint officers of its fire department.

Fire
department

Medical Officer of Health.

84. (1) The council of a town, by resolution, shall appoint a medical officer of health.

Health
officer

(2) The council of a village, by resolution, may appoint a medical officer of health in conformance with the provisions of *The Public Health Act*.

Inspectors.

85. The council, by resolution, may appoint a license inspector.

License
inspector

86. The council, by resolution, may appoint building inspectors and inspectors under the provisions of *The Noxious Weeds Act*.

Other
inspectors

Other
officials

87. The council, by resolution, may appoint from time to time such other officials, servants or employees as it deems necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any by-law or resolution of the council.

General Provisions Relating to Officials and Employees.

Ineligibility
of
councillors

88. A member of the council shall not be eligible for appointment to a town or village office.

Tenders
not
allowed

89. The council shall not call for tenders from an applicant for an office.

Tenure of
office

90. Each official appointed by the council shall hold office during the pleasure of the council or as expressed in his appointment.

Oath of
office by
officials

91. (1) Each official of the town or village, before entering upon the duties of his office, shall make and subscribe the official oath prescribed by *The Oaths of Office Act*.

(2) An official who is required to make an oath of office shall make and subscribe the official oath before a commissioner for oaths, a notary public or a justice of the peace.

Disposition
of oath of
office

(3) The deponent, affirmant, or declarant shall subscribe the oath, affirmation or declaration required under this Act, and the person administering it shall duly administer, certify and preserve the same and within eight days shall deposit it in the office of the secretary-treasurer, who shall preserve it with the town or village records.

Suspension
and
dismissal
of officials

92. (1) The mayor may suspend any town or village official or employee and he shall forthwith report the suspension and the reasons therefor to the council, which may either dismiss or reinstate the suspended official or employee.

Remunera-
tion in case
of dismissal

(2) In case he is dismissed by the council, the official or employee shall not receive any salary or remuneration from the date of his suspension by the mayor unless the council, by a resolution otherwise determines.

Additional
duties of
officials

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

Liability
of officials

94. Each official, servant or agent of a town or village shall be personally liable for any damage arising from his negligent or unlawful acts or defaults or from his refusal or neglect to discharge any of the duties imposed upon him by law or by the by-laws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

Superannuation or Gratuities.

95. (1) The council, by by-law, may provide for a plan of superannuation or annuity payments to an employee upon his retirement from the service of the town or village, and the plan may require such contributory participation on the part of the employee as the council in its discretion provides in the by-law. Super-annuation plan for employees

(2) Notwithstanding the provisions of subsection (1), the council, by by-law, may grant to an employee who has been in the service of the town or village for at least fifteen years and who, while in such service, has become incapable through age or illness or otherwise of efficiently discharging his duties, or has reached an age to be specified in the by-law, a sum not exceeding the total of his aggregate salary for the last two years of his service as a gratuity upon the termination of his service or his resignation, which gratuity, in the discretion of the council, may be in lieu of or in addition to any annuity that may be paid to him under the provisions of subsection (1). Payment of gratuity to employees

PART V.**ELECTIONS.****First Election in a Village.**

96. (1) In the case of a first election in a village the councillors elected thereat shall hold office as follows,— First election in village

- (a) the councillor elected first shall hold office from the date of election until the second Monday in March in the third year following the election; Terms of office of councillors
- (b) the councillor elected second shall hold office from the date of election until the second Monday in March in the second year following the election;
- (c) the councillor elected third shall hold office from the date of election until the second Monday in March in the year following the election.

(2) For the purposes of this section, a councillor shall be deemed to be elected first, second or third, as the case may be, if no poll is held and his nomination is first, second or third in the order in which the nominations were made, or if a poll is held and he stands first, second or third on the poll. Priority in election of councillors

Annual Election in a Village.

97. (1) At each general election in a village held after the first election one councillor shall be elected and shall hold office for three years commencing with the second Monday in March next following his election. General election in village

Election to
fill casual
vacancy

(2) In the event of it being necessary to elect at a general election a person or persons to fill casual vacancies on the council, the candidate or candidates next in order of votes to the councillor elected shall be elected to fill the vacancy or vacancies and the candidate having the greater number of votes shall hold office for the longer period, if any.

Term of
office where
number
nominated
does not
exceed
vacancies

(3) If the number of candidates nominated does not exceed the number of vacancies to be filled, the returning officer shall declare the nominated persons duly elected, and the secretary-treasurer, at the first meeting of the council, shall write the names of the elected councillors upon slips of paper and place them in a box or other receptacle and the returning officer shall draw the slips one at a time from the receptacle.

(4) The councillor whose name appears upon the slip drawn first shall hold office for the term set out in subsection (1), and the councillor or councillors whose name or names appear upon the slip or slips drawn next shall fill the casual vacancy or vacancies and shall hold office for the longer period, if any, according to the order in which the slips are drawn.

First Election in a Town.

Term of
office of
councillors
at first
town election

98. In the case of a first election of councillors in a town,—

- (a) the two candidates first in order of nomination in case no poll is held or the two candidates who stand first and second on the poll in the event of a poll being held, shall hold office for three years;
- (b) the two candidates next in order of nomination in case no poll is held or the two candidates who are third and fourth on the poll in the event of a poll being held, shall hold office for two years; and
- (c) the remaining councillors shall hold office for one year;

and in each case the term of office shall commence with the second Monday in March next following the date of the election.

Annual Election in a Town.

General
election and
terms of
office in
town

99. (1) At a general election in a town held after the first election, two councillors shall be elected and shall hold office for three years commencing on the second Monday in March.

Election to
fill casual
vacancies

(2) In the event of it being necessary to elect at a general election a person or persons to fill a casual vacancy or vacancies on the council, the candidate or candidates next in order of votes to the councillors elected under the provisions of subsection (1) shall be elected to fill the vacancy or vacancies and the candidate having the greater number of votes shall hold office for the longer period, if any.

(3) If the number of candidates nominated does not exceed the number of vacancies to be filled, the returning officer shall declare the nominated persons duly elected, and the secretary-treasurer, at the first meeting of the council, shall write the names of the elected councillors upon slips of paper and place them in a box or other receptacle and the returning officer shall draw the slips one at a time from the receptacle.

Terms of
office where
number
nominated
does not
exceed
vacancies

(4) The councillors whose names appear upon the two slips drawn first shall hold office for the term set out in subsection (1), and the remaining councillor or councillors whose name or names appear upon the slip or slips drawn next shall fill the casual vacancy or vacancies and shall hold office for the longer period, if any, according to the order in which the slips are drawn.

Special Provisions Relating to Tenure of Office.

100. A 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 a mayor or councillor.

Term of
office of
candidate
elected to
fill vacancy

101. In the event of the number of candidates nominated being less than the required number of councillors, the persons to hold office for the longer period shall be ascertained as if the number of candidates were equal to the required number of councillors.

Term of
office where
nomination
less than
number to
be elected

102. In the event of the first meeting of the council after a general election being held upon a day subsequent to the second Monday in March, then the previous sections relating to tenure of office shall be read as if such subsequent day were mentioned in lieu of the second Monday in March.

When first
meeting held
after second
Monday in
March

Qualification of Mayor and Councillors.

103. No person shall be qualified to be elected mayor or a member of the council of a town or village unless,—

Qualification
of mayor
and
councillors

- (a) he can read and write the English language; and
- (b) he is a Canadian citizen; and
- (c) he is of the full age of twenty-one years at the date of nomination; and
- (d) he is not disqualified under this or any other Act; and
- (e) he is resident in the town or village; and
- (f) where there is a voters' list, his name appears thereon and upon the assessment roll as the owner or purchaser of land, or an interest in land within the town or village not exempted from taxation

which is of the value of at least one hundred dollars over and above charges, liens and incumbrances affecting the same; or

- (g) in the case of a first election where there is no voters' list, he has been for a period of at least two months immediately prior to his nomination, the owner or purchaser of land, or interest in land within the town or village not exempted from taxation, as the case may be, which is of the value of at least one hundred dollars over and above charges, liens and incumbrances affecting the same, and his name appears in respect of such land upon the last revised assessment roll of the village, municipal district or improvement district with respect to that portion which is included in the town or village, as the case may be.

Persons
ineligible as
mayor or
councillors

104. 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) a judge of a court of civil jurisdiction;
- (b) a sheriff, deputy sheriff, or bailiff;
- (c) a gaoler or keeper of a house of correction;
- (d) a constable, assessor, secretary-treasurer, auditor or other paid official of the town or village;
- (e) a person who, for the time being, is a party to a subsisting contract with the town or village under which money of the town or village is payable or may become payable for any service, work, matter or thing or who has a pecuniary interest in such a contract whether the interest is direct or indirect, or who is for the time being a party to an agreement for the purchase of land from the town or village;
- (f) a person who is surety for an officer or employee of the council;
- (g) a person who has been convicted of a criminal offence punishable by death or imprisonment for more than two years;
- (h) a person who at the time of nomination is indebted to the town or village for taxes for more than two calendar years immediately preceding the year in which the election is held or who having entered into an agreement for the consolidation of the arrears of taxes owing by him to the town or village is at such time in default in the payment of a sum payable under the agreement;
- (i) a person who having been elected as a member of the council has resigned his seat thereon on account of any matter or thing which would disqualify him for election as a member of the council or to sit or vote therein or for the purpose of avoiding the making of restitution for money received by

him in contravention of any provision of this Act, until the expiration of three years from the date of the resignation;

- (j) a person whose seat on the council has been declared vacant by reason of clause (a) or clause (f) of subsection (1) of section 62, until the expiration of three years from the date upon which his seat was so declared vacant.

105. (1) Clause (e) of section 104 shall not apply to a person by reason only,—

Non-applica-
tion of
section 104

- (a) of his being a shareholder in an incorporated company having a contract or dealings with the council,—
 - (i) unless he holds or there is held by himself and spouse, parents, children, brothers and sisters, more than twenty-five per cent of the issued capital stock of the corporation; or
 - (ii) unless the contract or dealings are for the building, construction, or repair of a public work of the town or village;
 - (b) of his contracting with the council for the supply to him of a service or commodity which the council has statutory authority to supply;
 - (c) of his being interested in a publication in which official advertisements of the council appear or which is supplied to the council or an official thereof at the usual rates;
 - (d) of his having a lease of twenty-one years or upwards of property from the town or village;
 - (e) of sales of goods and merchandise to the town or village or to persons contracting with the town or village made by a dealer in those goods and merchandise incidental to and in the ordinary course of his business at competitive prices;
 - (f) of services rendered by a medical man to indigents who are residents of the town or village for which the town or village is or may become liable to pay;
 - (g) of professional services rendered by a barrister and solicitor to the town or village, provided that the charges for the services have been taxed under the provisions of the Rules of the Supreme Court of Alberta and the amount of the charges as taxed does not exceed the sum of two hundred dollars in any year.
- (2) No mayor or councillor shall vote in the council,—
- (a) on a question affecting a company of which he is a shareholder;
 - (b) on a contract for the sale of goods and merchandise to which he is a party;
 - (c) on a question affecting the lease of property of which he is the leaseholder from the town or village;
 - (d) on a question affecting land of which he is the purchaser from the town or village under an agreement of sale.

Qualification of Voters.

Persons Entitled to Vote in a Village.

Voters at
village
election held
prior to
completion of
first voters'
list

106. (1) The persons entitled to vote at an election held prior to the completion of the first voters' list, shall be any person of the full age of twenty-one years, who has been the owner or purchaser of land not exempt from taxation or has been the conditional owner of land in the village for a period of at least two months immediately prior to the date of holding the election.

(2) For the purposes of this section, if there is an owner and a purchaser of a parcel or of any part, share or interest therein, the only person or persons entitled to vote in respect of the parcel or share or interest therein shall be the purchaser or purchasers, if any, entitled to the possession of the parcel or of any part, share or interest therein, and if there is no such purchaser or purchasers shall be the owner or owners thereof.

Voters at
subsequent
village
election

(2) The persons entitled to vote at an election held subsequent to the completion of the first voters' list of the village shall be,—

- (a) a person of the full age of twenty-one years whose name appears upon the voters' list;
- (b) a person of the full age of twenty-one years whose name does not appear upon the voters' list, and subject to the provisions of subsection (3) of section 109, whose name appears upon the assessment roll in respect of land or business liable to taxation, if such person takes the oath or affirmation set out in Form 3 of the Schedule;
- (c) a person who is a Canadian citizen and has continuously resided in the village for a period of six months immediately preceding the last day of September in the previous year, if such person takes the oath or affirmation set out in Form 3 of the Schedule.

Persons Entitled to Vote in a Town.

Voters at
town
election held
prior to
completion of
first voters'
list

107. (1) The persons entitled to vote at an election held prior to the completion of the first voters' list after the village becomes a town shall be persons of the full age of twenty-one years,—

- (a) whose names are on the last revised assessment roll of the village; or
- (b) whose names are on the last revised assessment roll of the municipal district or improvement district for that portion of the town not formerly comprised within the village.

(2) The persons entitled to vote at an election held subsequent to the completion of the first voters' list of the town shall be,—

Voters at
subsequent
town
election

- (a) each person of the full age of twenty-one years whose name appears on the voters' list;
- (b) each person of the full age of twenty-one years whose name does not appear upon the voters' list, and subject to the provisions of subsection (3) of section 109, whose name appears upon the assessment roll in respect of land or business liable to taxation if such person takes the oath or affirmation set out in Form 3 of the Schedule;
- (c) each person who is a Canadian citizen and has continuously resided in the town for a period of six months immediately preceding the last day of September in the previous year, if such person takes the oath or affirmation set out in Form 3 of the Schedule.

Enumeration.

108. (1) The council, not later than the fifteenth day of October in each year, shall appoint an enumerator or enumerators for the purpose of compiling a supplementary voters' list hereinafter referred to.

Appointment
of
enumerator

(2) Each enumerator appointed pursuant to this section shall before acting as such, take the oath of office in Form 4 which may be sworn before a justice of the peace, a commissioner for oaths or a notary public.

Oath of
enumerator

(3) Each enumerator, immediately upon his having taken the oath of office, shall complete a list in duplicate giving the names, addresses, and occupations of all persons whose names do not appear on the assessment roll of the town or village, who are Canadian citizens, twenty-one years of age, and who have continuously resided in the town or village for a period of six months immediately preceding the last day of September in that year.

Enumer-
ator's list

(4) Each enumerator, on or before the tenth day of November in each year, shall deliver to the secretary-treasurer the original of the completed list referred to in subsection (3), after having written the words "certified correct" followed by his signature immediately after the last name on the said list.

Original of
enumer-
ator's list
delivered
to secretary-
treasurer

Preparation of Voters' List.

109. (1) The secretary-treasurer, on or before the fifteenth day of November in each year, shall prepare a voters' list in Form 5 of the Schedule and forthwith after its completion, post up a copy thereof in his office.

Preparation
of voters'
list

(2) The secretary-treasurer shall arrange the list according to polling divisions in alphabetical order, and shall enter

Voters' list
to contain,

in the appropriate column of the form prescribed, the following particulars, which, when possible, shall be taken from the assessment roll,—

- | | |
|--|---|
| name of purchaser | (a) the name of each purchaser entitled to the possession of land whose name appears upon the last revised assessment roll and who is of the full age of twenty-one years; |
| name of owner | (b) the name of each owner of land whose name appears upon the last revised assessment roll, of which there is no purchaser, if the owner is of the full age of twenty-one years; |
| name of conditional owner | (c) the name of each conditional owner of land whose name appears upon the last revised assessment roll who is of the full age of twenty-one years; |
| names of persons liable for a business tax | (d) the name of each person liable to a business tax in respect of a business and whose name appears upon the last revised assessment roll, and who is of the full age of twenty-one years, if not entered upon the list under the provisions of clauses (a), (b) or (c); |
| description of assessed property | (e) a brief description of the land which is assessed or in lieu thereof, a statement of the business assessed; |
| description of interest | (f) the word "purchaser", "owner" or "conditional owner", as the case may be; |
| designated as resident or non-resident | (g) the word "resident" or "non-resident", as the case may be. |
- (3) Where the assessment roll shows an owner or owners and a purchaser or purchasers of a parcel, or of any part, share or interest therein, the only person or persons entitled to be placed upon the voters' list in respect of the parcel or of any part, share or interest therein, shall be the purchaser or purchasers, if any, entitled to the possession of the parcel or any part, share or interest therein, and if there is no such purchaser or purchasers, shall be the owner or owners thereof.
- (4) The secretary-treasurer shall also enter upon the voters' list, in a separate portion thereof, the names in alphabetical order, of all persons whose names do not already appear on the list,—
- (a) who are Canadian citizens of the full age of twenty-one years; and
 - (b) who have continuously resided in the town or village for a period of six months immediately preceding the last day of September in that year; and
 - (c) whose names appear on the list prepared by the enumerator or enumerators referred to in section 108;

and the additions to the voters' list referred to herein shall appear on the copy of the list which is required to be posted in the office of the secretary-treasurer by subsection (1).

(5) The secretary-treasurer shall retain in his possession until after the preparation of the next following annual voters' list the voters' list prepared pursuant to the provisions of this section with the changes, if any, referred to in sections 118 and 120.

Retention of
voters' list
by secretary-
treasurer

(6) In any case where the Board of Public Utility Commissioners has imposed a service tax under the provisions of Part V of *The Public Utilities Act*, the secretary-treasurer shall place the name of all persons liable to the payment thereof upon the voters' list.

Persons
liable for
service tax

110. The voters' list shall distinguish those who are qualified to vote as proprietary electors.

Proprietary
electors dis-
tinguished
on list

111. When the list has been prepared the secretary-treasurer, immediately after the last name on the list for each polling division, shall write the words "certified correct", followed by his signature and the date upon which the certificate is made, which date shall not be later than the fifteenth day of November.

Certification
of voters'
list

112. When the voters' list has been prepared as provided by section 109, but in any event not later than the sixteenth day of November, the secretary-treasurer shall advertise the fact of its completion and for that purpose he shall cause to be posted up in at least six conspicuous places within the boundaries of the town or village a notice in Form 6 of the Schedule.

Advertise-
ment of
completion
of voters'
list

113. Any person who is otherwise duly qualified, but whose name does not appear on the voters' list, or in regard to the entry of whose name there has been an inaccuracy or whose name has been omitted from the assessment roll, may either by himself or his agent apply to have the voters' list amended upon giving the secretary-treasurer a notice in Form 7 of the Schedule.

Application
to add
names to
voters' list

114. A person making application either by himself or his agent to the secretary-treasurer to have his name added to the voters' list shall at the time of making the application file with the secretary-treasurer a statutory declaration in Form 8 of the Schedule.

Declaration
by applicant

115. (1) If a person has on or before the first day of November in any year disposed of the property in respect of which he was qualified as a voter, or if a person named is wrongfully included in the voters' list, such person shall be liable to have his name struck off the voters' list as being disqualified, and the secretary-treasurer or an elector may apply to the council to have the name of such person, or any other person otherwise disqualified, struck off the list, and the name of the proper person, if any, substituted therefor.

Striking off
names from
voters' list

Notice of
application
to strike off

(2) The applicant, when not the secretary-treasurer, shall give notice in writing to the secretary-treasurer of his intention to apply to the council, and shall state in the notice the grounds of his objection to the qualifications of the persons whose name he desires to have struck off.

Service of
notice

116. Any notice required to be served upon the secretary-treasurer under sections 113 and 115 shall be served on or before the first day of December.

Court of Revision.

Preparation
of list of
applications
to amend
list

117. (1) On or before the fifth day of December the secretary-treasurer shall make a list of all applicants for amendments to the voters' list, giving names and grounds of each application, and shall post the same in a conspicuous place in his office.

(2) Immediately thereafter he shall notify the persons interested of the time and place fixed by the council for the hearing of such applications.

Court of
revision to
amend
voters' list

118. (1) On or before the fifteenth day of December the council shall meet as a final court of revision of the voters' list and shall then hear and determine all applications of which notice has been given.

(2) The secretary-treasurer shall thereupon amend the voters' list in all cases herein provided for.

Powers of
court of
revision

119. The council when sitting as a final court of revision on the voters' list shall have all the powers and privileges in respect of the attendance of witnesses, the imposition and recovery of penalties, and its procedure, that are conferred by *The Assessment Act* upon the council sitting as a court to revise the assessment roll.

Correction
of gross
errors in
voters' list

120. The council, at any time, may correct a gross or palpable error in the voters' list, and a correction so made shall be initialled by the secretary-treasurer.

Procedure Preliminary to Conduct of Election.

Annual
meeting

121. (1) The annual meeting of the electors of the town or village shall be held on the second Monday in February at a time and place to be chosen by the council.

Notice of
annual
meeting

(2) At least six days prior to the date of the annual meeting the secretary-treasurer shall post or cause to be posted in at least five conspicuous places in the town or village an annual meeting notice in Form 9 in the Schedule.

Submission
of reports
by officials

122. (1) At the time and place set out in the notice, the mayor, secretary-treasurer, and the chairmen of the various committees shall attend and submit to the meeting their respective reports for the year ending on the thirty-first day of December,

(2) The Minister may from time to time prescribe forms for the foregoing reports. Report forms prescribed

(3) The mayor shall cause to be read to the meeting the latest Municipal Inspector's Report on the affairs of the town or village. Municipal inspector's report

123. (1) The council, at least two weeks prior to the third Monday in February in each year, shall appoint a returning officer for the next election and name the place where the votes are to be polled. Appointment of returning officer

(2) The council, if it deems proper, may divide the town or village into polling divisions, name a polling place for each division, and appoint the returning officer to have charge of one of the polling places and a deputy returning officer to have charge of each of the remaining polling places.

124. (1) If a returning officer for any reason becomes incapable of carrying out his duties, the mayor may appoint, in writing, a resident elector of the town or village as returning officer. Replacement of election officials

(2) If a deputy returning officer for any reason becomes incapable of carrying out his duties, the returning officer may appoint another person as deputy returning officer.

Nominations.

125. (1) Nominations of candidates for membership in the council shall be received on the third Monday in February at a place to be chosen by the council. Nomination date

(2) At least six days prior to the third Monday in February the returning officer shall post or cause to be posted in at least five conspicuous places in the town or village a nomination meeting notice in Form 10 in the Schedule. Posting of notice of nomination

126. At the time and place named in the nomination meeting notice the returning officer shall declare the meeting open for the purpose of receiving nominations and he shall thereupon receive and accept all nominations presented in the proper form within the hours specified in the notice. Nominations

127. Each nomination of a candidate for an elective office shall be in writing signed by at least two electors and shall be accompanied by a written statement of the person nominated that he is eligible to be elected for such office and that he will accept the office if elected, and such nomination statement and acceptance shall be in Form 11 in the Schedule. Form of nomination

128. (1) A nominated person who signs an acceptance containing a false statement shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars, together with the costs of the proceedings. False statement in acceptance an offence

(2) In case a person so convicted has been elected as a member of the council, his office shall forthwith become vacant and the council shall forthwith so declare it.

Procedure if
not more
than
requisite
number
nominated

129. (1) The nomination meeting shall remain open until twelve o'clock noon when, if the number of persons nominated to fill any of the offices for which they have been nominated is equal to and does not exceed the requisite number, the returning officer shall declare the persons so nominated duly elected to the office for which they were nominated.

Procedure
if less than
requisite
number
nominated

(2) In the event of the number of persons nominated for an office being less than the requisite number the meeting shall stand adjourned to the next day at the same place at the hour of eleven o'clock in the forenoon and the adjourned meeting shall remain open until twelve o'clock noon for the purpose of receiving further nominations for the office in respect of which the requisite number of nominations have not been received.

(3) So long as the number of persons nominated for an office are less than the requisite number, the meeting shall be adjourned from day to day at the same place and hour and each adjourned meeting shall remain open until twelve o'clock noon.

Procedure Preliminary to Holding a Poll.

Procedure if
more than
requisite
number
nominated

130. (1) If more than the requisite number of persons are nominated for an office or offices the returning officer shall declare that a poll will be held for filling that office or offices.

Date of poll

(2) The date of the polling shall be on the same day of the week as the nomination day but in the second following week.

When polling
date a
holiday

(3) If nomination day or polling day falls on a statutory holiday in any year then nomination day or polling day, as the case may be, shall be the next legal day following the statutory holiday.

Withdrawal
of candidate

131. (1) If more than the required number for a particular office are nominated, any person so nominated, at any time within twenty-four hours from the close of the nomination period, may withdraw his name as a candidate for the office for which he was nominated, by filing with the returning officer a resignation in writing.

Duty of
returning
officer in
case of
resignation

(2) If, after one or more candidates have resigned, the number of continuing candidates is equal to the number of vacancies for which they were nominated, the returning officer shall thereupon forthwith declare the continuing candidate or candidates elected to the office and no further resignations may be received, and no election to fill the vacancy or vacancies need be held.

132. In case no poll is required by reason of the provisions of section 131 the returning officer shall cause to be posted up in three conspicuous places in the town or village a notice in Form 12 of the Schedule.

Posting of
notices when
no poll
required

133. In case a poll is required the returning officer, after the expiration of the twenty-four hour period referred to in section 131, without further unreasonable delay shall cause to be posted up in at least three conspicuous places in the town or village a notice in Form 13 of the Schedule.

Posting of
notices
when poll
required

134. Voting shall be by secret ballot.

Voting by
ballot

135. Where a poll is required the secretary-treasurer shall provide as many ballot boxes as are required.

Ballot boxes

136. The ballot boxes shall be,—

Construction
of ballot
boxes

- (a) made of some durable material;
- (b) provided with a lock and key; and
- (c) constructed so that the ballot papers can be deposited therein and cannot be withdrawn therefrom unless the box is unlocked.

137. When it becomes necessary to use the ballot boxes for the purposes of an election, the secretary-treasurer shall deliver the same to the returning officer for the purposes of the election at least one hour before the opening of the poll.

Delivery of
ballot boxes
to returning
officer

138. (1) In the case of a town where a poll is required the returning officer shall forthwith cause to be printed at the expense of the town such number of ballot papers as will be sufficient for the purposes of the election.

Printing
ballot papers
for town
election

(2) In the case of a village, the ballot papers may be either printed or written, or partly printed and partly written.

Ballot papers
for village
elections

(3) Every ballot paper shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames; and where there are two or more candidates with the same surname, they shall be arranged alphabetically in the order of their Christian names.

Contents
of ballots

(4) The ballot papers shall be in Form 14 of the Schedule.

Form
of ballot

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

Separate
ballots for
mayor and
councillors

140. The secretary-treasurer shall deliver to the returning officer at least one hour before the time fixed for the opening of a poll, a copy of the voters' list.

Delivery of
voters' list
to returning
officer

Directions
for
guidance of
voters

141. (1) Before the opening of the poll, the returning officer shall prepare such number of printed directions for the guidance of voters in voting as he deems sufficient.

Form

(2) The directions shall be printed in conspicuous characters and may be in Form 15 of the Schedule.

Equipment
of polling
places

142. The returning officer or deputy returning officer shall see that each polling place is furnished with a compartment or compartments in which the voters may mark their ballot papers screened from observation.

Posting up
directions
for
guidance
of voters

143. Each returning officer or deputy returning officer shall cause the printed directions to be placarded outside the polling place and also in every voting compartment of the polling place before the opening of the poll, and shall see that they remain so placarded until the close of the poll.

Copies of
sections 4
and 5 of
*The Contro-
verted
Municipal
Elections
Act*

144. Prior to an election or the voting upon a by-law, the secretary-treasurer shall furnish the returning officer with at least two copies of sections 4 and 5 of *The Controverted Municipal Elections Act* and the officer presiding at each polling place shall post the same in conspicuous places at his polling place and see that they are so kept posted during polling hours.

Form of
poll book

145. The poll book shall be in Form 16 of the Schedule.

Election Procedure.

Officer
presiding at
the poll

146. In sections 147 to 197 both inclusive "the officer presiding at the poll" or any similar expression means the returning officer or deputy returning officer acting as such at a polling place at the municipal election.

Appointment
of poll clerk
and his
duties

147. (1) The officer presiding or appointed to preside at a poll at an election, by writing under his hand, may appoint a poll clerk, who, in the absence of the officer or in case of his illness or inability to fulfill the duties required of him by this Act, shall have the powers of the officer by whom he was appointed.

Appointment
of constable
and calling
on police by
officer
presiding
at poll

(2) The officer presiding at the poll may,—

(a) appoint a constable;

(b) summon to his assistance in the polling place a constable or a peace officer;

for the purpose of maintaining order or of preserving the public peace or preventing a breach thereof or of removing a person who, in the opinion of the officer presiding at the poll, is obstructing the polling or wilfully violating the provisions of this Act.

148. Each officer presiding at a poll, and each poll clerk whilst acting in the place of the officer presiding or appointed to preside at a poll pursuant to section 147, is by virtue of his office authorized to administer an oath to a person making a declaration, affidavit or other statement under oath the making of which is authorized or required by this Act in the course of the holding of an election or of the taking of a vote pursuant to the provisions of this Act.

Taking of
oaths and
affirmations
by election
officials .

149. Each returning officer, deputy returning officer, poll clerk, constable, candidate or agent authorized to be present at a polling place before exercising at a polling place any of the rights or functions of the office for which he has been appointed shall take and subscribe before a justice of the peace or before the secretary-treasurer or, in the case of a poll clerk, constable or agent, before the returning officer at whose polling place he is appointed to act, an oath in Form 17 of the Schedule.

Oaths of
election
officials

Poll at Elections.

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

Hours of
polling

151. (1) The officer presiding at the poll, immediately after the opening of the poll, shall show the ballot box to such persons as are present in the polling place so that they may see that it is empty.

Inspection
of ballot
box

(2) He shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and shall thereupon place it in his view for the receipt of ballot papers and shall keep it in full view of all present, and locked and sealed during the hours of polling.

Ballot box
locked and
sealed

152. A person producing to the officer presiding at the poll at any time a written authority to represent a candidate as his agent at a polling place shall be recognized as such by the officer.

Representa-
tive of
candidates
at polling
places

153. In the case of a town every elector may vote once only for mayor.

Elector to
vote once
only for
mayor

154. Every elector may vote once only for the number of councillors to be elected and a ballot containing votes for more than the number of councillors to be elected is void.

Elector to
vote once
only for
number of
councillors
to be elected

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

Receipt of
ballot paper
prima facie
evidence
of voting

Affirmation
of vote at
village
election
before
completion
of voters'
list

156. (1) In the case of a village, at an election held before the completion of the first voters' list, each person who presents himself for the purpose of voting shall be required, before he is handed a ballot, to sign a solemn affirmation in Form 18 of the Schedule.

Affirmation
of vote at
town
election
before
completion
of voters'
list

(2) In the case of a town, at an election held prior to the completion of the first voters' list, each person who presents himself for the purpose of voting shall be required, before he is handed a ballot, to sign a solemn affirmation in Form 19 of the Schedule.

Name of
voter must
be on list
or he must
be sworn

157. (1) At an election held after the completion of the first voters' list the officer presiding at the poll shall either satisfy himself that the name of each person who presents himself for the purpose of voting, or a name apparently intended for that of such person, is on the voters' list, or shall administer the oath or affirmation in Form 20.

Name added
to list after
oath or
affirmation
taken

(2) Upon the oath or affirmation having been taken the officer presiding at the poll shall cause the person's name to be added to the voters' list with the word "Sworn" or "Affirmed" written thereafter, according to the fact.

Procedure
of officer
presiding

158. Where a person claiming to be entitled to vote presents himself for the purpose of voting, the officer presiding at the poll,—

Entries in
poll book

Vote
objected to

Swearing
oath

Vote of
sworn voter
and entry
in poll book

Voter
refusing
oath

(a) shall carry out the provisions of section 156 or of section 157, as the case may be;

(b) shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification and residence of the person;

(c) if the vote is objected to by a candidate or his agent shall enter the objection in the poll book by writing his initials opposite the name of the person in the column headed "Objected to", noting at the same time by which candidate or on behalf of which candidate the objection is made by adding after his initials the name or initials of the candidate;

(d) if a candidate or his agent demands that the voter be sworn shall administer to the voter an oath in Form 20 of the Schedule;

(e) if the voter takes the oath or affirmation shall receive the vote and shall enter or cause to be entered opposite the person's name in the proper column of the poll book the word "Sworn" or "Affirmed", according to the fact;

(f) if the voter has been requested to take an oath or affirmation and refuses to take it, shall enter or cause to be entered opposite the name of the 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 that person shall not be taken or received;

- (g) if the name of any other person appears upon the voters' list as qualified to vote in respect of the parcel in respect of which the person requesting an oath to be administered to him claims to be entitled to vote, shall not administer any oath or affirmation to the last mentioned person, and that person shall not be entitled to vote unless otherwise qualified; Personation
- (h) when the proper entries respecting the person claiming to vote have been made in the poll book in the manner prescribed, shall place a check or mark opposite to the name of the voter in the voters' list to indicate that his name has been entered in the poll book and that he has been allowed to vote; and shall then place his initials on the back of the ballot paper; Marking voters' list
- (i) except in the cases mentioned in clauses (f) and (g), shall deliver the ballot paper to the voter.

159. (1) A corporation, the name of which is entered upon the voters' list, may vote by a person,— Vote of corporation

- (a) who is an officer, member or employee of the corporation; and
- (b) who is of the full age of twenty-one years; and
- (c) who is not otherwise entitled to vote.

(2) Such person, before voting, shall produce a certificate from the head office of the corporation or from its principal office within the Province authorizing him to represent it, and shall make and subscribe the oath in Form 21 in the Schedule. Certificate of corporation

160. The officer presiding at the poll, either personally or through his poll clerk, may, and upon request shall, explain to the voter as concisely as possible the proper method of voting. Direction as to mode of voting

161. (1) In the case of a town, the officer presiding at the poll shall place in the columns of the poll book headed "Mayor" and "Councillors", as the case may be, his initials opposite the name of each voter receiving a ballot paper to denote that the voter has received a ballot paper for mayor or councillors, as the case may be. Entries in poll book at town elections

(2) In the case of a village, the officer presiding at the poll shall place his initials opposite the name of each voter receiving a ballot where that name appears in the poll book. Entries in poll book at village elections

162. (1) An elector may vote once only and for not more than the number of candidates to be elected. Voting

(2) If a person votes for more than the required number of candidates to be elected his ballot is void and shall not be counted.

Procedure of
voter on
receiving
ballot

163. (1) Upon receiving from the officer presiding at the poll the ballot paper or papers prepared as aforesaid the voter shall proceed forthwith into the compartment provided for the purpose and shall mark his ballot paper or papers by placing a cross 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 candidate.

Method of
folding
ballot and
disposition

(2) The voter shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the ballot paper and so as to expose the initials of the officer and immediately after leaving the compartment, without delay and without showing the front to anyone, shall deliver the ballot paper so folded to the officer presiding at the poll.

(3) The officer presiding at the poll, without unfolding the ballot paper or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper or papers, shall verify his own initials and deposit the ballot paper or papers at once in the ballot box in the presence of all persons entitled to be present and who are present in the polling place.

(4) The voter shall leave the polling place forthwith.

Privacy for
voting

164. While a voter is in a voting compartment for the purpose of marking his ballot paper, no person shall enter the compartment or be in a position from which he can observe the mode in which the voter marks his ballot paper.

Prohibition
of taking
ballot paper
out of
polling place

165. No person who has received a ballot paper from the officer presiding at the poll shall take the same out of the polling place.

Forfeiture
of right
to vote

166. (1) A person who, having received a ballot paper from the officer presiding at the poll, leaves the polling place without first delivering the same to the officer in the manner prescribed thereby forfeits his right to vote.

Entry to be
made in
poll book

(2) The officer shall make an entry in the poll book in the column for "remarks" to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be.

Declined
ballot paper

(3) In the latter case the officer shall write immediately the word "declined" upon the ballot paper and shall preserve the same.

Voting by
person
incapable
of marking
ballot

167. (1) 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 claims to be unable to read and takes the declaration in Form 22 of the Schedule, the officer presiding at the poll shall, if required to do so by such voter and if the voter is accompanied by

a friend, shall permit that friend to accompany the voter into a voting compartment for the purpose of marking the voter's ballot paper.

(2) The ballot when marked shall be delivered by the voter or the friend to the officer presiding at the poll to be placed by him in the ballot box.

168. (1) A person 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 receive another ballot paper in the place of the ballot paper spoiled by 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 officer. Spoiled ballots

(2) The officer shall immediately write the word "Cancelled" upon the ballot paper delivered to him; and he shall preserve it until he makes his return as hereinafter provided.

169. 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 voters who are for the time being actually engaged in voting. Persons entitled to be in polling place

Procedure After Close of Poll.

170. (1) In each polling place the officer presiding at the poll, immediately after the close of the poll, in the presence of the poll clerk, if any, and of such candidates or their agents as are present, shall open the ballot box and proceed to count the votes. Procedure on close of poll

(2) He shall examine all the ballot papers and every ballot paper,—

- (a) which does not bear his initials on the reverse side; or
- (b) on which more votes are cast than the elector is entitled to cast; or
- (c) on which anything is written or marked by which the voter can be identified; or
- (d) which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

is void and shall not be counted.

171. Not more than one agent of a candidate shall be entitled to be present in a polling place during the voting or the counting of the votes. Agents of candidates at poll during count

172. (1) The officer presiding at the poll shall take a note in Form 23 of any objection made by a candidate or Objections to ballots

his agent, or by an elector authorized to be present, to a ballot paper found in the ballot box and shall decide any question arising out of the objection.

(2) Each objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the officer presiding at the poll.

Rejected
ballots

173. The officer presiding at the poll shall indorse "Rejected" on a ballot paper which he rejects as invalid and shall indorse "Rejection objected to" if an objection is made to his decision.

Count of
votes and
statement

174. The officer presiding at the poll shall then count the votes given for each candidate upon the ballot papers not rejected as aforesaid and shall enter in the poll book 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 up under the following heads,—

- (a) the number of the polling division, the name of the town or village and the date of election;
- (b) the number of persons who voted at the polling booth;
- (c) the number of votes for each candidate;
- (d) the number of ballot papers supplied to the officer presiding at the poll;
- (e) the number of rejected ballot papers;
- (f) the number of unused and cancelled ballot papers and ballot papers marked "Refused".

Duplicate
statement

175. Upon completion of the statement the officer presiding at the poll shall make a duplicate thereof, separate from the poll book, and the statement in the poll book and duplicate 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 the same.

Certificate
as to vote
given

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

Making of
ballot papers
into packets

177. (1) The officer presiding at the poll, in the presence of the candidates or their agents or such of them as may be present shall make up into separate packets,—

- (a) the ballot papers counted for candidates;
- (b) the ballot papers rejected for candidates;
- (c) the unused, cancelled and declined ballot papers;
- (d) the notes taken of objections made to ballot papers found in the ballot box.

(2) Each 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 the packet, the date of the election, the name of the officer presiding at the poll and the name of the town or village.

Sealing
packets and
indorsements

178. The officer presiding at the poll shall then place all the packets in the ballot box and the box shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals.

Sealing of
ballot boxes

179. Before leaving the polling booth, the officer presiding at the poll shall enter in the poll book a certificate in Form 24 of the Schedule which shall be signed by him in the presence of a witness.

Entry in
poll book in
Form 24

180. If there is more than one polling place the officer presiding at the poll for each of the additional polling places shall forthwith deliver to the returning officer,—

Delivery of
election
documents
by officer
presiding at
the poll

(a) the duplicate of the statement entered in the poll book of the number of votes given;

(b) the sealed ballot box containing the packets of ballots;

(c) the voters' list, poll book, and declarations;

and upon receipt of the same the returning officer shall give the officer presiding at the poll a receipt therefor.

181. (1) If there is only one polling place the returning officer, immediately after he has counted the ballots, shall declare the result of the poll and subsequently on the date and at the place previously appointed publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election.

Declaration
of result of
poll by
returning
officer if
only one
polling place

(2) The returning officer shall post up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate and shall forward a copy thereof to the secretary-treasurer.

182. (1) If there is more than one polling place then on the date and at the place previously appointed the returning officer, in the presence of such of the candidates or their agents as may be present, shall sum up the result of the poll as shown by the duplicate statements furnished to him by each of the officers presiding at the polls, including his own.

Procedure if
more than
one polling
place

(2) If a candidate is dissatisfied with the result of a poll as shown by the duplicate statement of the officer presiding at the poll and shows reason for his dissatisfaction, then the returning officer shall break the seals of the

Count by
returning
officer

ballot box delivered to him by the officer presiding at that poll, and shall proceed to count the ballots contained therein in the same manner as the officer presiding at the poll is directed to do.

Corrected
statement
of recount

(3) After having made any such recount, the returning officer shall,—

- (a) make such corrected statement as may be necessary; and
- (b) place in the ballot box the corrected statement together with all the documents contained therein at the time he broke the seals; and
- (c) lock the said box and seal it with his seal and with the seals of any such candidate or candidates as desire to affix their seals.

Casting vote
of returning
officer

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

(2) Except in that case, no returning officer shall vote at an election.

(3) All other election officials, if otherwise qualified, may vote.

Declaration
of result of
election

184. The returning officer shall,—

- (a) declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; and
- (b) post up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate; and
- (c) forward a copy thereof to the secretary-treasurer.

Oath of office
of elected
person

185. The person or persons elected shall make and subscribe the necessary oath of office and shall assume office accordingly.

Delivery of
election
material to
secretary-
treasurer

186. (1) Forthwith after the election, the returning officer shall deliver to the secretary-treasurer the ballot boxes, and returns.

(2) The secretary-treasurer shall be responsible thereafter for their safekeeping and for their delivery when required.

Retention
of election
material by
secretary-
treasurer

187. (1) The secretary-treasurer shall preserve the ballot papers and all other papers used in connection with the election and received by him until the expiration of two months from the date of the election.

(2) At that time, unless otherwise ordered by a judge, the secretary-treasurer shall 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 secretary-treasurer among the records of the town or village.

188. No person shall be allowed to inspect any ballot paper in the custody of the secretary-treasurer except upon order of a judge granted after receiving 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 *The Controverted Municipal Elections Act* to contest an election or return.

Inspection of
ballot papers
by order of
judge

189. The order shall state the time and place for inspecting the papers and shall name the persons authorized to be present at the inspection and may be made subject to such conditions as the judge deems expedient.

Judge's
order to
inspect
ballot papers

Advance Poll.

190. (1) For the purposes of enabling electors resident in the town or village, 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 the election, the returning officer, upon direction of the council, shall establish one special polling place to be known as an "Advance Poll" in a central location in the town or village.

Establish-
ment of
advance poll
by returning
officer

(2) An advance poll shall be open for such time not less than two hours on the Friday and Saturday of the week preceding that of the election or on such other two days as may be set out in the direction of the council.

Hours of
advance
poll

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

Conduct of
advance poll

(4) The returning officer shall publish the place, dates and time fixed for the holding of an advance poll in Form 13.

Notice of
advance poll

(5) A qualified elector whose name appears on the list and who deems it necessary to vote at an advance poll, at any time after the voters' list has been posted, may apply in person to the returning officer for an "Advance Poll Voting Certificate" which shall be in Form 40 in the Schedule.

Application
for certifi-
cate to vote
at advance
poll

(6) The certificate shall be given by the returning officer if the applicant's name appears on the list of voters and upon the granting of the certificate the returning officer shall mark opposite the name of the elector, on the voters' list, the words "Advance Poll".

Issuance of
certificate

Voting at advance poll	(7) An elector presenting a certificate and applying to vote at an advance poll, before being permitted to do so shall be required by the presiding officer, and in addition to any other oath which may be required of voters under this Act, to make and sign a declaration in Form 41 in the Schedule which shall be attached to the certificate and kept by the presiding officer with the other records of the poll.
Corrupt practices at advance poll	(8) Any person who corruptly,— (a) makes a false statement to the returning officer for the purpose of obtaining from him an advance poll certificate; or
Forgery or fabrication re advance poll certificate	(b) forges or fabricates a certificate or a name thereon, or not being the person named thereon presents any such certificate to a presiding officer or poll clerk at a poll; or
False declaration	(c) makes before a presiding officer a false declaration as to any statement contained therein; or
Voting more than once	(d) after having obtained an advance poll certificate, votes or attempts to vote at a poll other than the advance poll; or
Other contraventions	(e) in any other manner contravenes any provision of this section;
Penalty	shall be guilty of an offence and liable on summary conviction to a penalty of not more than one hundred dollars.
Entries in poll book at advance poll	(9) The presiding officer at an advance poll shall record in the poll book supplied for the recording of all votes in a column headed "Remarks" after the name of each person who votes, a notation that he has signed the declaration referred to in subsection (7).
Proceedings on close of advance poll	(10) At the close of an advance poll on each day, the presiding officer, and also any candidate or agent of a candidate present who desires to do so shall affix their seals to the ballot box in such a manner that the same cannot be opened or a ballot deposited in it without breaking the seals.
Care of ballot boxes during polling	(11) The presiding officer at all times after the opening of the advance poll shall take every precaution to prevent a person, other than an official at the poll during the polling, from having access to the ballot box. (12) No seals placed on a ballot box 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 are necessary to permit the insertion of ballots in the ballot box.
Proceedings on close of advance poll on second day	(13) At the close of an advance poll on the second day the presiding officer and also any candidate or agent of a candidate present who desires to do so shall affix their seals to the ballot box in such a manner that the same cannot be opened or any ballots be deposited in it without breaking

the seals, and the presiding officer shall take charge of and safely keep the ballot box until the closing of the poll on election day.

Recount.

191. (1) If at any time within fourteen days from the time when the ballot papers used at an election have been received by the secretary-treasurer it is made to appear to a judge, by the affidavit of a credible person, that the returning officer in counting the votes given at an election has improperly counted or rejected a ballot paper, the judge may appoint a time to recount the votes. Recount

(2) The judge 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. Notice to candidates of recount

192. 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 sum shall not be paid out by the clerk without the order of the judge. Deposit on application for recount

193. No person other than the judge, the secretary-treasurer, each candidate notified to attend the recount of ballot papers and his agent or solicitor, and the representatives of the press may be present at the recount of the votes except with the sanction of the judge. Persons entitled to attend on recount

194. (1) The secretary-treasurer shall attend with the ballot boxes at the time and place appointed. Duty of secretary-treasurer on recount

(2) The judge shall,—

- (a) open the sealed ballot boxes and packets received by the secretary-treasurer from the returning officer as having been given in the election complained of in the presence of the parties aforesaid if they attend, or in the presence of such of them as do attend; and

(b) proceed to recount all the ballot papers.

(3) In recounting the ballot papers care shall be taken that the mode in which a particular voter has voted shall not be discovered. Secrecy of ballot

195. (1) The judge, as far as practicable, shall proceed continuously with the recount of the votes excluding only,— Procedure of judge on recount

- (a) time for refreshment;
- (b) the hours between six o'clock in the evening and nine o'clock on the succeeding morning, except so far as he and the parties aforesaid agree; and
- (c) Sundays.

(2) During the excluded time the judge shall place the ballot 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.

Manner of recount

196. (1) The judge in recounting the votes shall examine the ballot papers.

Void ballots

(2) A ballot paper on which votes are given for more 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 a 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.

Objections to recount

(3) The judge shall take a note of any objection made by a candidate or by his agent to a ballot paper and shall decide any questions arising out of the objection; and the decision of the judge shall be final.

Count of ballots and statement

(4) The judge shall then count the votes given 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,—

- (a) names of the candidates;
- (b) number of votes for each candidate;
- (c) ballot papers without the initials of the returning officer;
- (d) ballot papers rejected as marked for more candidates than were to be elected;
- (e) ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) ballot papers rejected as unmarked or void for uncertainty.

Lost or destroyed ballots

(5) In case the ballot box has been lost or destroyed, the judge shall use the duplicate statement and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates.

Disposal of ballot papers and certification of result

(6) Upon the completion of the recount or as soon as he has 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 secretary-treasurer.

(7) The secretary-treasurer, by notice to be posted in his office, shall thereupon declare elected the candidate having the highest number of votes.

Procedure in case of tie vote

(8) In case the judge finds that two or more candidates have received the same number of votes, and if there are not sufficient vacancies to permit all such candidates to be declared elected, he shall,—

- (a) write the names of such candidates separately on blank pieces of paper;
- (b) fold the papers in such a way that the names are concealed;
- (c) deposit the papers in a receptacle; and
- (d) direct the clerk of the court or some other person to withdraw one of the papers.

(9) The candidate whose name appears on the paper thus withdrawn shall be declared elected by the judge and the judge may cause as many names to be thus withdrawn as are required to fill all the vacancies.

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

Remedies
under *The
Controverted
Municipal
Elections Act*

197. (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 proportion 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.

Costs of
recount at
discretion of
judge

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

Scale of
costs of
recount

(3) The payment of costs ordered by the judge to be paid may be enforced by execution to be issued upon filing,—

- (a) the order of the judge;
- (b) a certificate showing the amount at which the costs were taxed; and
- (c) an affidavit of the non-payment thereof.

General Provisions.

198. No person who has voted at an election shall be asked or required to answer for whom he has voted in legal proceedings to question the election or the returns or otherwise relating thereto.

Maintenance
of secrecy
of ballots

199. A candidate personally may undertake the duties which an 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 authorized to attend by this Act.

Rights of
candidate
undertaking
agent's duties

200. (1) When in the sections of this Act relating to the election of mayor or councillors expressions are used requiring or authorizing an act or thing to be done or implying

Presence of
candidates
or agents
restricted

that an 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 are in fact in attendance at the time and place where the act or thing is being done.

(2) If the act or thing is otherwise properly done the non-attendance of an agent at the time and place shall not invalidate it.

Expenses of
elections

201. All reasonable expenses incurred at an election under this Act shall be paid by the treasurer out of the funds of the town or village upon the production to him of proper accounts verified in such manner as the council may direct.

Contested
elections

202. All proceedings for contesting an election or the voting on a by-law under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*.

Election Offences and Penalties.

Prohibitions
against,—
unauthorized
supply of
ballots

substitution

removal

interference

personation

plural
voting

203. (1) No person shall,—

(a) supply a ballot paper to a person without due authority; or

(b) fraudulently put into a ballot box a paper other than the ballot paper which he is authorized by law to put in; or

(c) fraudulently take a ballot paper out of the polling place; or

(d) destroy, take, open or otherwise interfere without due authority with a ballot box or packet of ballot papers then in use for the purpose of the election; or

(e) apply for a ballot paper in the name of some other person whether the name is that of a person living or dead or of a fictitious person, or advise or abet, counsel or procure any other person to do so; 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) apply at one election for a second or subsequent ballot paper, having voted once and not being entitled to vote again at the election, or advise or abet, counsel or procure any other person to do so.

Attempts to
violate
section 203

(2) No person shall attempt to commit an offence specified in this section,

(3) A person who violates a provision of this section shall be guilty of an offence and liable on summary conviction,—

Contravention of section 203 an offence

- (a) if he is the returning officer, to imprisonment for a term not exceeding two years, with or without hard labour; and
- (b) if he is a person other than the returning officer to imprisonment for a term not exceeding six months with or without hard labour;

Penalty

or in either case to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

204. A returning officer, deputy returning officer or poll clerk who is guilty of a wilful misfeasance or of a wilful act or omission in contravention of any provision of sections 147 to 197, inclusive, in addition to any other penalty or liability to which he may be subject shall forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of two hundred dollars.

Offences by officials

205. (1) Each officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Secrecy at poll

(2) No officer, clerk or agent and no 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 a voter at the polling place is about to vote or has voted.

Interference with voter

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

Communications as to contents of ballot

(4) Each 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 information obtained at the counting as to the candidate or candidates for whom a vote is given.

Preservation of secrecy of ballot

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

Inducement to display ballot

(6) A person who contravenes any provision of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months with or without hard labour, or to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

Penalty

Display of
ballot by
voter an
offence

206. A voter who displays his ballot paper after he has marked it, so as to make known to any person the name of the 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.

Penalty

Wilful
omission of
returning
officer to
initial
ballot an
offence

207. An officer presiding at a poll who refuses or wilfully omits to sign his initials upon the back of a ballot paper as hereinbefore directed shall forfeit to any person aggrieved by the refusal or omission the sum of one hundred dollars in respect of each ballot paper placed in the ballot box at his polling place upon which the returning officer has not signed his initials.

Plural
voting an
offence

208. A person who votes oftener than he is entitled to do under the provisions of this Act shall be guilty of an offence and liable on summary conviction to a penalty of fifty dollars.

PART VI.

VOTING ON BY-LAWS.

Procedure Preliminary to Holding a Poll.

Application
to Board of
Public
Utility
Commission-
ers for
approval of
money
by-law

209. (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) The application shall be made as required by *The Public Utilities Act* prior to or immediately after the first reading of the by-law, and before the by-law is submitted to a vote of the proprietary electors.

Procedure
where by-law
requires
consent of
proprietary
electors

210. Where a by-law requires the assent of the proprietary electors before the final passing of the by-law the following proceedings, except as otherwise provided, shall be followed,—

Appointment
of returning
officer

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

Fixing time
and place
of polling

(b) the council, by the by-law, shall fix the day and the hour for taking the votes of the proprietary electors and the place in the town or village where a poll is to be opened and the day so fixed for taking the votes shall not be less than three nor more than five weeks

after the first publication of the proposed by-law; the council may also by the by-law divide the town or village into polling divisions, fix the boundaries thereof and the place within which the votes are to be taken, appoint the returning officer to have charge of one of the polling places and a deputy returning officer to have charge of each of the remaining polling places;

- (c) the council, before the final passing of the proposed by-law shall publish a synopsis of the particulars thereof in some newspaper published in the town or the village or, in case there is no newspaper published therein, then in a newspaper circulated therein; and the publication for the purpose aforesaid shall be made in at least one number of the paper each week for two successive weeks; the returning officer shall also post a printed synopsis of the proposed by-law at five or more conspicuous places in the town or the village;
- (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 proprietary electors thereto, and stating the day and the place or places fixed for taking the vote of the proprietary electors 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.

Publication
of synopsis
of by-law

Notice to
be appended
to synopsis
of by-law

211. Notice of the poll shall be posted at least fourteen clear days before the date of voting in the manner prescribed by section 133.

Notice of
poll

212. After the day has been fixed for taking the votes of the proprietary electors upon a by-law, the returning officer forthwith shall cause to be printed at the expense of the town or village such number of ballot papers as will be sufficient for the purpose of voting.

Printing
ballot paper

213. The ballot paper shall be in Form 25 in the Schedule.

Form of
ballot

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

Fixing time
for counting
votes

215. (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.

Appointment
of persons
to attend
poll and
count of
votes

Declaration of person attending polling place (2) Before a person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in Form 26 of the Schedule.

Production of appointment **216.** A 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.

Proprietary elector may attend if appointee absent **217.** In the absence of a person authorized to attend at a polling place or at the final summing up of the votes a proprietary elector in the same interest as the person so absent may attend, upon making and subscribing before the returning officer or deputy returning officer a similar declaration to that contained in section 215.

Persons entitled to attend poll **218.** During the time appointed for polling no person shall be entitled or permitted to be present in a polling place other than the officers, clerks and persons or proprietary electors authorized by this Act to attend at the polling place.

Voters' list where no polling divisions **219.** (1) If the town or the village has not been divided into polling divisions the secretary-treasurer, before the poll is opened, shall deliver to the returning officer a voters' list containing the names arranged alphabetically of all the proprietary electors entitled to vote on the by-law and a brief description of the property in respect of which each is entitled to vote, and the secretary-treasurer shall attest the list by writing under his hand.

Voters' list in case of polling divisions (2) If the town or the village has been divided into polling divisions the secretary-treasurer shall deliver to the returning officer and each deputy returning officer a voters' list containing the names arranged alphabetically of the proprietary electors owning land within the limits of the polling division for which he has been appointed, and a brief description of the land, and the secretary-treasurer shall attest each list by writing under his hand.

Preparation of voters' list (3) The list shall be prepared by the secretary-treasurer from the last revised assessment roll but the council, up to the eighth day before the day fixed for the voting on the by-law, may strike out from the list the name of a person who has ceased to have the necessary qualifications or include therein the name of a person who has since the final revision of the roll acquired the qualifications.

Form of voters' list **220.** The voters' list shall be in Form 27 in the Schedule.

The Poll.

The poll **221.** At the day and hour fixed as aforesaid the poll shall be held and the votes shall be taken by secret ballot.

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

Hours of
polling

223. A returning officer, deputy returning officer, poll clerk, constable or an agent authorized to be present at a polling place at the voting on a by-law, before exercising any of the rights or functions of his office, shall take and subscribe before a justice of the peace or, in the case of a poll clerk, constable or an agent, before the returning officer or deputy returning officer presiding at the poll, a solemn declaration in Form 28 of the Schedule.

Declaration
by polling
officials

224. The secretary-treasurer shall deliver printed directions to the returning officer in Form 29 of the Schedule.

Directions
to returning
officer in
Form 29

225. A proprietary elector shall be entitled to vote only once on a referred by-law and, if there is more than one polling place, he shall vote at the polling place of the polling division in which his name appears upon the voters' list.

Voter to
vote once
only

226. A 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, and the vote may be given by an employee of the corporation if the employee is not otherwise entitled to vote.

Corporation
may vote by
employee

227. (1) A person tendering a vote on the by-law, before his vote is recorded may be required to make the oath or affirmation in Form 30 of the Schedule by the returning officer or deputy returning officer or by a proprietary elector entitled to vote on the by-law.

Oath to be
taken if
required

(2) No inquiry shall be made of a voter except with respect to the facts specified in the oath or affirmation.

Permissible
inquiry of
voter

228. (1) An employee of a corporation tendering a vote on the by-law shall comply with the provisions of section 159 and, before his vote is recorded, may be required by the returning officer or deputy returning officer or by a proprietary elector to make the oath or affirmation in Form 31 in the Schedule.

Oath by
employee of
corporation

(2) No inquiry shall be made of the voter except with respect to the facts specified in the oath or affirmation.

Inquiry of
voter for
corporation

Procedure After Close of Poll.

229. (1) In every polling place the officer presiding at the poll shall open the ballot box and proceed to count the votes immediately after the close of the poll, in the presence of the poll clerk, if any, and of the persons authorized to attend or such of them as may be present.

Count of
votes after
close of poll

Void ballot
papers

(2) The officer presiding at the poll shall examine all the ballot papers, and every ballot paper,—

- (a) which does not bear his initials on the reverse side;
or
- (b) on which anything is written or marked by which the voter can be identified; or
- (c) which has been torn, defaced or otherwise dealt with by the voter so that he could thereby be identified;

shall be void and shall not be counted.

Objections
to ballots
noted

230. (1) The officer presiding at the poll shall take a note of an objection to a ballot paper found in the ballot box made by a person authorized to attend at a polling place and the officer presiding at the poll shall decide any question arising out of the objection.

Numbering
objections

(2) An objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the officer presiding at the poll.

Rejected
ballots

231. On the back of a ballot paper the officer presiding at the poll shall,—

- (a) indorse “rejected” if he rejects it as invalid; and
- (b) indorse “rejection objected to” if an objection is made to his decision.

Statement
in poll
book of
result of
count of
ballots

232. The officer presiding at the poll then shall count the number of votes for and against the by-law and shall enter in the poll book, in words as well as in figures, a statement of the number of votes given for and against the by-law and of the number of ballot papers rejected and not counted by him, and the statement shall be made under the following heads,—

- (a) the number of the polling division, the name of the town or the village and the date of the poll;
- (b) the number of persons who voted for the by-law;
- (c) the number of persons who voted against the by-law;
- (d) the number of ballot papers supplied to the officer presiding at the poll;
- (e) the number of rejected ballot papers;
- (f) the number of unused and cancelled ballot papers and ballot papers marked “Refused”.

Duplicate of
statement in
poll book

233. Upon completion of the statement the officer presiding at the poll shall make, separate from the poll book, a duplicate thereof, and the statement in the poll book and duplicate shall be signed by the officer presiding at the poll, the poll clerk, if any, and the persons authorized to attend at the polling place or such of them as may be present and desire to sign the same.

234. (1) The officer presiding at the poll, in the presence of the persons authorized to attend at the polling place or such of them as may be present, shall then make up into separate packets,—

Ballots
made up in
packets

- (a) the ballot papers which have been counted for and against the by-law;
- (b) the rejected ballot papers;
- (c) the unused, cancelled and declined ballot papers;
- (d) the notes taken of objections made to ballot papers found in the ballot box.

(2) The packets shall be sealed with the seal of the officer presiding at the poll, and with the seals of the persons authorized to attend at the polling place or such of them as may desire to affix their seals, and the packets shall be marked upon the outside with a short statement of their contents, the date of the poll, the name of the officer presiding and the name of the town or the village.

Sealing of
ballot
packets

235. The officer presiding at the poll then shall place all the packets in the ballot box and the ballot box shall be locked and sealed with his seal and with the seals of the persons authorized to attend at the polling place or such of them as may desire to affix their seals to the ballot box.

Packets in
ballot box

236. The officer presiding at the poll, at the close of the poll shall certify under his signature in the poll book in full words the total number of proprietary electors who voted at the polling place at which he was appointed to preside.

Certificate
of number of
persons who
have voted

237. The officer presiding at the poll, upon request, shall deliver to the persons authorized to attend at the polling place a certificate of the number of votes given at the polling place for and against the by-law and of the number of rejected ballot papers.

Certificate
to persons
authorized
to attend
at poll

238. Before leaving the polling booth the officer presiding at the poll shall enter in the poll book a certificate in Form 32 of the Schedule which shall be signed by him in the presence of a witness.

Certificate
in Form 32

239. Where there is more than one polling place the officer presiding at the poll for each additional polling place forthwith shall deliver to the returning officer,—

Delivery of
material to
returning
officer where
more than
one poll

- (a) the duplicate of the statement entered in the poll book of the number of votes given;
 - (b) the sealed ballot box containing the packets of ballots;
 - (c) the voters' list, poll book, and declarations;
- and upon receipt of the same the returning officer shall give the officer presiding at the poll a receipt therefor.

Declaration
of result
where only
one poll

240. Where there is only one polling place the returning officer shall declare the result of the poll immediately after he completes counting the ballots.

Declaration
of result of
poll as to
percentage

241. The returning officer, at the time and place appointed by the by-law in the presence of the persons authorized to attend at the polling place or of such of them as may be present, shall sum up the number of votes for and against the by-law and then and there shall declare the result and forthwith shall certify to the council under his hand the percentage of the proprietary electors voting on the by-law who have approved of the same.

Recount.

Petition to
judge for
scrutiny

242. If, within two weeks after the returning officer has declared the results of the voting on a by-law a person who was entitled to vote thereon,—

- (a) applies upon petition to a judge; and
- (b) gives notice of the application to such persons as the judge may direct; and
- (c) shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and
- (d) 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, if he thinks fit, may appoint a day and place for entering into the scrutiny.

Notice of
date for
scrutiny

243. At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to the returning officer and to such other persons as the judge may direct.

Procedure of
judge at
scrutiny

244. 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 determine in a summary manner the number of votes given for and against the by-law and forthwith shall certify the result to the council.

Powers of
judge at
scrutiny

245. The judge shall possess the like power and authority in all matters arising upon the scrutiny as he possesses upon a trial of the validity of an 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.

Election Procedure Applies to Voting on By-laws.

246. The provisions of sections 147 to 197 inclusive, the necessary changes being made, shall apply to the proceedings under sections 210 to 245 inclusive, in so far as they are not inconsistent therewith.

Application
of sections
147-197

PART VII.

POWERS AND DUTIES OF THE COUNCIL.

General Provisions as to By-laws.

247. (1) The council shall act in the exercise of its powers and duties by resolution or by by-law.

Council shall
act by
resolution or
by-law
Resolution
sufficient
except where
by-law
required
By-law may
supplant
resolution

(2) The council may exercise any of its powers and duties by resolution except where a by-law is required by the provisions of this Act.

(3) The council, by by-law, may exercise any of the duties and powers which this Act permits it to exercise by resolution.

248. Except as otherwise provided, a resolution or by-law shall be passed by a majority vote of the members of the council present at a duly constituted meeting of the council.

Majority
vote
required

249. No by-law or resolution which is inconsistent with an Act or regulation made pursuant to an Act in force in the Province shall have validity in so far as it is so inconsistent.

By-law or
resolution
invalid if
inconsistent
with
provincial
statutes

250. A by-law shall be under the seal of the town or the village and shall be signed by the mayor or person presiding at the meeting at which the by-law is finally passed and by the secretary-treasurer, or by the person acting as secretary at such meeting.

By-laws
signed and
sealed

251. A by-law shall have three distinct and separate readings before it is finally passed, but not more than two readings of a by-law shall be had at any one meeting except by the unanimous vote of the members present.

Three
readings
of by-law
required

252. (1) A by-law shall be valid and binding, notwithstanding any lack of compliance with the provisions of this Act either in substance or in form, or in the proceedings prior to the passing of the by-law, or in the time or the manner of passing the by-law, unless an application to quash it is made within two months next after the final passing of the by-law.

Validity of
by-law in
absence of
application
to quash

(2) Notwithstanding subsection (1), 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, an application to quash the by-law may be made at any time.

Money
by laws
require
assent of
proprietary
electors and
approval of
Board of
Public
Utility Com-
missioners

253. Except as otherwise provided in this Act, no by-law for raising money by way of debentures shall have any effect until it has received the assent of two-thirds of the proprietary electors of the town or the village voting thereon, and the approval of the Board of Public Utility Commissioners as hereinafter provided.

Submission
of by-law by
council on
petition of
proprietary
electors

254. (1) Where one-half of the resident proprietary electors petition the council for the submission of a by-law dealing with a matter within its legislative jurisdiction, the council shall cause a by-law dealing with the subject matter of the petition to be prepared and read a first time in council and within four weeks after receiving the petition shall advertise it in some newspaper published in the town or the village or in case there is no such newspaper, in a newspaper circulating in the town or the village, in at least one number of the paper each week for two successive weeks prior to the date of voting on the by-law, and if the majority of the votes polled is in favour of it, the by-law as submitted shall be finally passed by the council within four weeks of the voting on it without any alteration being made in the by-law affecting the substance of the by-law.

Expense
may be
recovered
for breach
of by-law

255. Where a council has authority to direct by by-law that a matter or thing shall be done by a person, the council, by the same or another by-law, may also direct that in default of the matter or thing being done by the person it shall be done at the expense of the person in default and the town or the village may recover the expenses thereof with costs by action in a court of competent jurisdiction or in like manner as a municipal tax.

Evidence
of by-law
in court

256. (1) A copy of a by-law, order or resolution written or printed without erasure or interlineation and under the seal of the town or the village, certified to be a true copy by the secretary-treasurer and a member of the council, shall be authentic and received in a court as *prima facie* evidence of its passing and of the contents thereof without any further proof, unless it is specially pleaded or alleged that the seal or the signature of the secretary-treasurer or the member of the council has been forged.

Fee for
copy of
by-law

(2) The secretary-treasurer shall deliver the copy upon payment of a fee at the rate of ten cents for every one hundred words.

Infraction of By-laws.

257. (1) The council, by by-law, may,—

By-laws
may impose
penalties

- (a) impose a penalty not exceeding one hundred dollars exclusive of costs for a breach of a provision of any by-law, and provide for reasonable punishment by imprisonment, with or without hard labour, in the nearest common gaol, for any period not exceeding sixty days in case of non-payment of the fine and costs inflicted for the breach unless the fine and costs, including the costs of committal, are sooner paid;
- (b) provide that in case the conviction is for the non-payment of a license fee payable to the town or the village under the provisions of a by-law, the convicting justice may adjudge payment thereof in addition to the penalty.

(2) The council, by a general penalty by-law for a breach of a provision of a by-law or of a number of specified by-laws, may impose a penalty and costs and imprisonment in the case of non-payment of the fine and costs as set out in clause (a) of subsection (1), and the payment in addition to the penalty as set out in clause (b) of subsection (1).

General
penalty
by-law

258. The council of a town or a village where a police constable has been appointed, by by-law, under the provisions of section 79, may provide that a person may pay to the secretary-treasurer or other person designated by the council, a fixed sum of money in lieu of being proceeded against by prosecution for the breach of a provision of a by-law designated by the council.

By-laws
for payment
of fixed
sum in
lieu of
prosecution

259. A penalty and license fee imposed under the provisions of this Act, unless a provision is specially made in respect thereof, may be recovered and enforced with costs on summary conviction before a justice of the peace.

Enforcement
of penalties
and license
fees

260. A penalty or fine under any by-law of the town or the village, if no other provision is made respecting it, shall belong to and form part of the general revenue of the town or the village.

Penalties
are property
of municipal-
ity

261. In the event of a person being committed to gaol by reason of a breach of a by-law of the town or the village there shall be chargeable to the town or the village such part of the expenses paid by the Province for the transport of the person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

Liability of
municipality
for transport
to gaol

Highways and Public Places.

Control of Highways.

262. The title to all public roads, highways, streets, and lanes in a town and a village shall vest in the Crown in the right of the Province.

Title to
roads, etc.
in Crown

Control of
roads, etc. by
municipality

263. (1) Subject to *The Water, Gas, Electric and Telephone Companies Act* and to section 264 of this Act, every public road, highway, street and lane shall be subject to the direction, control and management of the council of the town or the village in which it is situated.

Control of
roads, etc.
limited

(2) Subsection (1) shall be deemed to have reference only to the property in the surface of a public road, highway, street or lane and in so much of the actual soil below and the air above the same as reasonably may be required for its control, protection and maintenance as a highway for the use of the public, and shall be deemed to have no reference to road allowances or public travelled roads or trails or new roads vested in the Crown in the right of the Province by virtue of the provisions of the *Saskatchewan and Alberta Roads Act*, being chapter 180 of the Revised Statutes of Canada, 1927.

Right of
street or
electric
railway to
roads, etc.

(3) Notwithstanding anything herein contained a street railway company or other electric railway company, subject to such regulations and specific directions as may from time to time be made and given by the Minister of Railways and Telephones, may put down, take up, relay, connect, disconnect, repair and maintain its track and wiring for the transmission of electricity, or may operate its railway along, over and across every such public road, highway, street and lane, or bridge, water-course, stream or public place of every and any description whatsoever.

Minister of
Highways
has right
of entry

264. (1) The Minister of Highways, at all times, shall have the right to enter a town or a village for the purpose of constructing, erecting, maintaining or repairing a highway as defined in *The Highways Department Act*.

Minister of
Public
Works has
right of
entry

(2) The Minister of Public Works, at all times, shall have the right to enter a town or a village for the purpose of constructing, erecting, maintaining or repairing a public work as defined by *The Surveys and Expropriation Act*.

Minister of
Railways and
Telephones
has right
of entry

(3) The Minister of Railways and Telephones, at all times, shall have the right to enter a town or a village for the purpose of constructing, extending, erecting, maintaining or repairing part of the Government telephone or telegraph system or systems, or an appliance used in connection therewith.

Minister
may control
roads, etc.

(4) For all such purposes, a public road, highway or other public place, or that part or parts thereof on which such work is being carried on, shall be under the direction, control and management of whichever of the said Ministers has charge of the work until the work is completed.

Closing of
streets, etc.

265. (1) The council, subject to the approval of the Minister of Highways, may pass a by-law for the purpose of closing a public street, lane, road or highway.

Notice of
closing of
streets, etc.

(2) Notice of the intention of the council to pass such a by-law shall be served upon the occupiers of and the per-

sons registered as the owners of, or otherwise interested in, the lands abutting upon the portion of the street, lane, road, or highway so proposed to be closed, either by delivering the notice personally or by mailing it by registered mail to the addresses as shown by the last revised assessment roll or by the records of the Land Titles Office for the registration district within which the land is situated, at least two weeks prior to the date fixed for the passing of the by-law.

(3) The notice shall be published once each week for at least two consecutive weeks in a newspaper published in the town or the village or, if there is no such newspaper, in some newspaper circulating therein, and the last of such publications shall be at least two weeks before the date fixed for the passing of the by-law.

Publication
of notice
of closing
of streets
etc.

(4) Before the passing of the by-law a person who claims that land in which he is interested as owner, occupier or otherwise, will be affected prejudicially thereby and who petitions to be heard shall be afforded an opportunity to be heard either by himself or by his agent; and a person occupying, owning or otherwise interested in land sustaining damages thereby shall be compensated for such damages as hereinafter provided.

Right of
hearing if
objecting to
by-law

Maintenance of Highways.

266. A council may pass a by-law or resolution authorizing the construction, maintenance and repair of a highway, road, street, lane, bridge, culvert, ditch and drain.

Council may
authorize
construction
of roads, etc.

267. (1) A public road, street, bridge, highway, lane, alley, square, or other public place which is subject to the direction, management and control of the council, including a crossing, sewer, culvert and approach, grade, sidewalk and other work made or done therein or thereon by the town or by the village or by a person with the permission of the council shall be kept in a reasonable state of repair by the town or the village having regard to the character of the public road or other place or thing hereinbefore mentioned, and the locality in which the same is situated, or through which it passes, and in default of the council keeping the same in repair, the town or the village shall be liable for all damages sustained by a person by reason of such default.

Duty to
keep roads,
etc. in
repair

(2) Default under this section shall not be imputed to a town or a village in an action without proof by the plaintiff that the town or the village knew or should have known of the disrepair of the public road or other place or thing hereinbefore mentioned.

Default not
imputed
where
knowledge
lacking

(3) No action shall be brought under this section except within one year after the date on which the cause of action arose, and unless notice in writing of the accident is mailed to or served upon the secretary-treasurer within one month after the date on which the cause of action arose.

Limitation
of action

Exception to
limitation
of action

(4) Notwithstanding the provisions of subsection (3), in the case of the death of the person injured, or if the court or the judge before whom the action is tried, considers there is a reasonable excuse for the want or insufficiency of the notice and that the defendant has not been prejudiced in its defence, the want of notice required under this section shall be no bar to the maintenance of the action.

Council not
liable for
private
works

268. Section 267 shall not apply to a road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by a private person until the same has been established as a public work by by-law or has been assumed for public use by the council.

Acquisition of Land and Buildings.

By-law for
acquisition
of land for
certain
purposes

269. (1) A council may pass a by-law authorizing the purchase, lease or other acquisition of land within or without the town or the village or of an interest therein,—

- (a) for the purpose of erecting municipal offices or other buildings essential to municipal administration;
- (b) for the purpose of erecting a lock-up, weight-house, market, community hall, skating rink, curling rink, swimming bath or public library;
- (c) for a public park, walk, parking space, exhibition ground or recreation ground;
- (d) for a nuisance ground;
- (e) for a cemetery;
- (f) for a quarry, gravel or sand pit;
- (g) for the purposes of a ferry;
- (h) for use as a highway, road, street, alley, by-way or for the construction of a bridge;
- (i) for the purpose of preventing the operation of any or all coal-mines or coal-pits within, upon or under a part of the town or village;
- (j) for the purpose of erecting, constructing or installing any works, buildings, dams, pipes, machinery or plant necessary or incidental to the provision of a water supply;
- (k) for the purpose of erecting, constructing or installing any works, buildings, dams, tanks, pipes, machinery, plant or equipment necessary for or incidental to the provision of a sewage disposal system.

Powers
under *The
Cemetery
Act*

(2) Where a council acquires a cemetery under the provisions of this Act it shall have all the powers and duties exercised by trustees and directors pursuant to the provisions of *The Cemetery Act*.

By-laws for
certain public
buildings

270. (1) A council may pass a by-law authorizing the erection, purchase, acquisition by gift, or improvement of municipal offices, lock-ups, weight-houses, community halls,

skating rinks, curling rinks, public libraries, swimming baths and all such buildings as may be necessary for use in public parks or exhibition or recreation grounds or on other land which the council is authorized to acquire for municipal purposes.

(2) A council may pass a resolution to authorize the furnishing, maintenance and ordinary repair of any such building.

271. A council, by by-law, may authorize the mayor and the secretary, on behalf of the town or the village, to guarantee on behalf of the town or the village the due repayment of money loaned for the purpose of the erection of a community hall, but no such by-law and no such guarantee shall have any force or effect unless and until the same has been approved by the Board of Public Utility Commissioners.

Guarantee
for commu-
nity hall

272. A council may pass a by-law authorizing the acquisition of rights-of-way or easements or other similar interests in land for the use of the town or the village.

Acquisition
of rights-of-
way and
easements

273. In any one year no expenditure or liability shall be made or incurred under sections 269, 270, 271 and 272 so as to cause the expenditure or liability under such sections in that year to be in excess of five hundred dollars or two and one-half mills on the net total assessment of land, buildings and improvements of the town or the village, whichever is the greater, until a by-law authorizing the expenditure or liability has been submitted to the proprietary electors and passed by a majority of the electors voting thereon in the manner prescribed in Part VI.

Limitation
of expendi-
ture without
assent of
proprietary
electors

274. (1) A council may acquire, by gift from the Crown in the right of the Dominion of Canada or from the Soldier Settlement Board, land situate within the boundaries of the town or the village and from any person, land situate within the town or the village which at the time of transfer is free from all incumbrances whatsoever.

Acquisition
of land by
gift

(2) A council may acquire lands situate within the boundaries of the town or village under an order of the Board of Public Utility Commissioners cancelling a plan of subdivision.

Lands
acquired by
order of
Board

(3) Any parcel of land acquired pursuant to subsections (1) or (2) shall continue to be assessed from the date of acquisition by the town or the village and the taxes payable to the town or the village and to a school district which collects its own taxes in respect thereof shall continue to be charged against the parcel in the manner prescribed by subsection (5) of section 22 of *The Tax Recovery Act* and in case the parcel is sold or leased the proceeds of the sale or lease shall be dealt with and distributed in the manner prescribed by section 24 of *The Tax Recovery Act*.

Gift lands
assessable

Right to
dispose of
acquired
land

(4) Land acquired pursuant to this section may be sold, leased, or otherwise disposed of in the manner and at the times and under the terms and the conditions as the council, by resolution from time to time, may prescribe.

Joint Ownership With Other Municipalities.

Joint
ownership
with other
bodies

275. Subject to the other provisions of this Act, a council may pass a by-law authorizing the making of an agreement with the council of any other municipality, or the board of trustees of a school district or division, for the joint construction, ownership, maintenance, operation and use of a public work or building, or for the performance of any matter or thing deemed by all the councils or boards concerned to be of benefit to their respective municipalities, school districts or divisions, and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities or school districts or divisions.

Airports.

Airports

276. (1) Notwithstanding anything in this Act to the contrary, subject to the approval of the Board of Public Utility Commissioners, a council, alone or in conjunction with any other municipality, may,—

- (a) purchase, lease, or otherwise acquire land within or without the town or the village for an airport, and may erect thereon all necessary buildings and provide all necessary facilities, and may control, operate and dispose of the airport so acquired and built;
- (b) grant a bonus or any other aid to a person, company or corporation for the construction, establishment or operation of the airport, and may exempt the airport from taxation, and may subscribe for stock, or guarantee the bonds, debentures or other securities of the airport.

Expenditure
for airports

(2) In any one year no expenditure or liability shall be made or incurred under this section so as to cause the expenditure or liability under this section in that year to be in excess of five hundred dollars until a by-law authorizing the expenditure or liability is submitted to the proprietary electors and passed by a majority of the electors voting thereon in the manner prescribed in Part VI with regard to by-laws, except that where the population of a town or a village exceeds five hundred, the council of the town or the village may expend or incur liability in any one year for an additional one hundred dollars for each one hundred of the population of the town or the village in excess of five hundred, without the necessity of submitting a by-law to the proprietary electors, but the expenditure or liability shall not exceed in any case the sum of two thousand dollars.

Temporary Roads.

277. A council may pass a by-law for the opening and maintaining of a temporary road or right-of-way for public purposes across private property for a term not exceeding two years when, in the opinion of the council, the condition of a public road in the neighborhood makes such action necessary or expedient.

Temporary
roads over
private
property

278. A council which passes a by-law under section 277 shall pass a by-law for the purpose of providing funds for the payment, in every instance, to the owner and occupant of land so opened as a temporary road, such compensation for the use thereof and for any and all damages occasioned thereby as may be mutually agreed upon between the council and the persons interested or in the event of a disagreement such compensation as may be determined by arbitration under the provisions of *The Arbitration Act*.

Compensa-
tion for
temporary
roads

Expropriation.

279. If a council desires to acquire land included in a plan of subdivision registered in a Land Titles Office for any purpose authorized by this Act and if it cannot acquire the land at a fair price by agreement with the owner and occupier thereof or other persons interested therein, it may acquire the same by expropriation in the name and on behalf of the town or the village.

Expropria-
tion of
sub-divided
land

280. (1) The council shall make due compensation to the owner and occupier and other persons interested in land, if any, taken by the town or the village in the exercise of any of the powers conferred by this Act and shall pay damages for the land and any interest therein injuriously affected by the exercise of such powers, but the amount of the damages shall be such as necessarily result from the exercise of the powers beyond any advantage which the claimant may derive from the contemplated work.

Compensa-
tion for
expropriated
land

(2) A claim for compensation or damages, if not mutually agreed upon, shall be determined by arbitration under this Act.

281. (1) Before taking any land the council shall cause to be deposited with the secretary-treasurer plans and specifications showing the land to be taken or used and the work to be done thereon and the name of the owner and occupier of the land, according to the last revised assessment roll.

Deposit of
plans of
expropriated
land

(2) The secretary-treasurer thereupon shall notify the owner and occupier of the deposit of the said plans and specifications and of the date of the deposit and that all claims for compensation for land so to be taken and the amount and particulars thereof must be filed with him

Notice to
owners and
occupiers of
expropriated
land

within fifteen days from the date of the deposit of the plans and specifications and the amount of the compensation shall be ascertained as at the date of the deposit.

Time limit
barring
claims

(3) If a claimant under this section does not file his claim within the period hereinbefore limited it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

Claims by
owners of
land
injuriously
affected

282. (1) In case land not taken for a work or undertaking constructed, made or done by the council under the authority of this Act is injuriously affected by the work or undertaking, the owner and occupier or other person interested in the land shall file with the secretary-treasurer his claim for damages in respect thereof, stating the amount and particulars of his claim, within thirty days after notice has been given in a local newspaper of the completion of the work.

Notice of
completion
of work

(2) The notice shall be given by the secretary-treasurer forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which a claim under this section may be filed.

Date of
ascertain-
ment of
damage
Barring
of claim

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

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

Claim passes
with land

283. A claim for compensation for land taken, or damages in respect of land injuriously affected, shall be deemed appurtenant to the land and shall pass with a transfer or conveyance of the land.

Power of
heirs to act

284. (1) In the case of land which the town or the village has authority under this Act to take without the owner's consent, corporations, tenants for life, guardians, committees and trustees on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots or others, shall 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 town or the village any such land or in agreeing as to the amount of damages arising from the exercise by a council of any power in respect thereof.

Appointment
of represent-
ative by
judge

(2) If there is no person who can act in respect of land or if a person interested in respect of land is absent from the Province or is unknown or his residence is unknown or he himself cannot be found, a judge may appoint a person to act in respect of the same for all or any of the said purposes.

(3) If a person acting as aforesaid has not the absolute estate in the property, the town or the village shall pay the amount to be paid in respect of the property as a judge directs into court and the town or the village shall not be bound to see to the application of a sum so paid.

Payment
on judge's
order

285. The compensation or damages which may be agreed upon or awarded for land taken or injuriously affected as aforesaid, shall stand in the stead of the land and shall be subject to the limitations and charges, if any, to which the land was subject and a claim to or incumbrance upon the land or to or upon any portion thereof, as against the town or the village, shall be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

Compensa-
tion for
land affected

286. (1) If a person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer, discharge or other instrument or cannot be found or is unknown, the town or the village may pay the compensation or damages into court and thereupon a judge, on the application of the town or the village, may grant an order vesting in the town or the village the absolute title to the land in respect of which such compensation or damages have been paid into court.

Payment of
compensa-
tion into
court

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper of the town or the village or, in case there is no newspaper published in the town or the village, in a newspaper circulating therein, notifying persons entitled to compensation or damages in respect of any land or part thereof so taken or injuriously affected to file their claims to the said compensation or damages or any part thereof, and all such claims shall be received and adjudicated upon by the judge.

Publication
of notice
of payment
into court

(3) A judgment in such proceedings shall bar forever all claims to or in respect of the land 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 necessary.

Judgment
a bar to
all claims

287. The council in all cases where claims for compensation or damages are made against a town or a village which, under the provisions of this or any other Act, are declared to be the subject of arbitration, in the event of the parties not being able to agree, may tender to a person making a claim such amount as it considers proper compensation for the damages sustained or the land taken; and in the event of the non-acceptance by the claimant of the amount so tendered and of the arbitration being proceeded with, if an award is obtained for an amount not greater than the amount so tendered, the costs of the

Tender of
compensa-
tion or
damages

arbitration and award, unless otherwise directed by the arbitrator, shall be awarded to the town or the village and set-off against any amount awarded against it.

Arbitration
as to com-
pensation
or damages

288. Where a claim is made for compensation or damages by the owner or occupier of or other person interested in land taken by the council or which is alleged to have been injuriously affected in the exercise of any of the powers of the council, and where the council is not able to agree with the claimant as to the amount of compensation or damages, the same may be settled and determined by the award of a judge or of a barrister to be appointed by him.

Fees on
arbitration

289. The fees to be paid to a judge or to the barrister appointed by him in any arbitration shall be as follows,—

- (a) 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;
- (b) for every day's sitting to consist of not less than six hours, twenty dollars;
- (c) for every sitting not extending beyond six hours, fractions or parts of hours being excluded, actually proceeded with, for each hour occupied, three dollars.

Reference
to judge
not admis-
sion of
liability

290. The reference of a claim to a judge shall not be deemed to be an admission of liability on the part of the town or the village and all defences and objections shall be open to either party as if an action had been brought.

Costs set by
judge or
arbitrator

291. The judge or other arbitrator may award the payment by either of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which costs shall be taxed, in which case the costs shall be taxed by the officers of the court without any further order, and the amount so determined shall be payable within one week after taxation.

Filing of
evidence
of award
with
secretary-
treasurer

292. (1) In the case of an award under this Act the judge or other arbitrator shall take and, immediately after the making of the award, shall file with the secretary-treasurer for the inspection of all parties interested, full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof, and in case he proceeds partly on a view or on any knowledge or skill possessed by him, he shall also put in writing a statement thereof.

By-law
adopting
award

(2) The award shall not be binding on the town or the village unless it is adopted by the town or the village, by by-law, within one month after the making of the award, and if not so adopted the property shall stand as if no arbitration had been held and the town or the village shall pay the costs of the arbitration.

293. (1) Whenever a council desires to expropriate land not included in a plan of subdivision registered in a Land Titles Office for any purpose hereinbefore authorized, or which is necessary for the use, construction, maintenance or repair of a work authorized by this Act, or for obtaining better access thereto, it may pass a by-law for that purpose, and thereupon for such purpose may enter into and upon the land in whomsoever vested and take possession of the same by surveyors, engineers, foremen, agents, workmen and servants.

Expropria-
tion of un-
subdivided
lands

(2) Land so entered upon shall be surveyed and marked on the ground by a duly qualified surveyor within six months of the date of entering upon the land and the surveyor shall prepare plans in triplicate of the land entered upon.

Survey
on entry

(3) The plans shall be certified by the surveyor in the form set out in Form 33 of the Schedule, and shall be certified by the secretary-treasurer in Form 34 of the Schedule, and shall be approved by the Director of Surveys of the Province of Alberta, and the secretary-treasurer shall deposit one of the originals in his own office, another in the proper Land Titles Office, and the third in the Department of Public Works of the Province of Alberta; and nothing herein contained shall be taken to require the survey to be made or plan to be prepared before or at the time of the entry upon the land.

Plans of
survey

(4) Upon the deposit in the Land Titles Office of the plans of survey, the Registrar, notwithstanding the provisions of any other Act, shall file the same immediately and thereupon the land shown on the plans, in the case of land taken for a highway, road, street, lane, bridge, culvert, ditch or drain, shall vest in the Crown in the right of the Province, and in all other cases shall vest in the town or the village, subject to the right of a person who has acquired an interest in the land to compensation as provided for herein.

Deposit of
plans in
Land Titles
Office

(5) After filing the plans, the Registrar shall furnish the council with a statement of all fees payable in consequence of the filing and the council shall pay the same forthwith.

Fees for
filing plans

(6) The Crown or the town or the village shall not be entitled to any mines and minerals, whether solid, liquid or gaseous, which may be found to exist within, upon or under land vested in the Crown or the town or the village under the provisions of this section, unless the mines or minerals are expressly purchased, and the title to any such mines or minerals in no wise shall be affected by the filing of a plan of survey as herein provided.

Title to
minerals not
affected by
expropriation

(7) The provisions of *The Land Titles Act*, the necessary changes being made, shall apply with respect to a plan filed under this Act.

Application
of Land
Titles Act

(8) Within thirty days of the filing of the plan, or if no plan has been filed, within six months of the date of

Notice of
offer of
compensa-
tion

the entry upon the land for any purpose, the council shall serve or cause to be served by registered mail, upon all persons shown by the records of the Land Titles Office to be interested in the land so vested, or so entered upon, as the case may be, a compensation notice setting forth the compensation which it is ready to pay for the land so vested or in respect of damage to the land so entered upon, as the case may be, and a copy of this section shall be sent along with the notice.

Payment
into court
when more
than one
claimant
for com-
pensation

(9) When compensation is claimed by two or more persons who are unable to agree as to a division thereof, the town or the village may pay the same to the Clerk of the Supreme Court whose office is nearest to the land affected, to be paid out to the parties interested in such proportion as may be ordered by a judge of the Supreme Court on application therefor.

Notice of
dissatisfac-
tion with
compensa-
tion

(10) If a person entitled to compensation or damages for land taken is dissatisfied with the amount offered therefor, he shall inform the secretary-treasurer in writing of his dissatisfaction within two months from the date of the mailing of the compensation notice, stating the amount he claims as compensation or damages, and the facts in support of his claim.

When claim-
ant deemed
satisfied
with com-
pensation
offered

(11) In the event no claim for increased compensation or damages is received by the secretary-treasurer within the said period, the person entitled to compensation or damages shall be deemed to be satisfied with and shall be bound to accept the amount of compensation or damages mentioned in the compensation notice.

Claim for
increased
compensa-
tion

(12) The council shall consider every claim for increased compensation or damages and shall notify the claimant of its decision in respect thereof by registered letter addressed to the claimant's last known place of abode.

Notice of
dissatisfac-
tion with
increased
compensa-
tion

(13) If dissatisfied with the decision of the council, the claimant within two months after being notified as aforesaid of its decision, or where no plan has been filed, within six months after entry upon the land for any purpose whatsoever, may give notice in writing to the secretary-treasurer, either personally or by registered letter, that he will submit to arbitration the claim made by him for compensation in respect of land taken or for damages, as the case may be.

Security
for costs of
arbitration

(14) The claimant, with the notice of submission to arbitration, shall deposit with the secretary-treasurer as security for the costs of the arbitration, a sum equal to ten per cent of the amount in dispute, but not in any event less than twenty-five dollars.

Bond in
lieu of
money for
security

(15) Notwithstanding the provisions of subsection (13), the claimant shall be entitled to deposit a bond with two sureties satisfactory to the secretary-treasurer, but in double the amount of the money deposited.

(16) If the claimant does not so notify the secretary-treasurer and make the required deposit within the appointed period, he shall be deemed to have accepted the council's decision and shall not thereafter be at liberty to question it.

Claimant deemed to accept unless notice and security given

(17) If the deposit has been made within the appointed period the secretary-treasurer shall apply to a judge having jurisdiction in the judicial district within which the town or village is situate to act or to appoint a barrister to act as arbitrator.

Application to appoint arbitrator

(18) Upon the application, the judge may act or appoint a barrister to act as arbitrator, and he or his appointee may give such directions for the determination of the matter as may be necessary.

Appointment of arbitrator

(19) The only costs allowable upon any arbitration under this section shall be the arbitrator's and witnesses' fees.

Costs allowable on arbitration

(20) All allowable costs and expenses shall be in the discretion of the arbitrator, and in the event of costs being awarded against a claimant, the council shall be entitled to deduct the costs of the town or the village and the expenses of the arbitration out of the moneys deposited by the claimant, and the surplus, if any, shall be returned to the claimant.

Costs in discretion of arbitrator

(21) In the event of a claimant not being required to pay the costs of the town or the village incurred in the arbitration, the full amount deposited by the claimant shall be returned to him or the bond delivered up to be cancelled.

Return of deposit or cancellation of bond for security

(22) In estimating the amount to which a person divested of land is entitled, the arbitrator shall consider and find separately the value of the land taken and of all improvements thereon, the damages, if any, to the remaining property of such person and the original cost only of extra fencing which may be necessary by reason of the taking of the land, and if the value of the remaining property of such person is increased by reason of the construction of the public work through the property, the increase of value shall be deducted from the amount so estimated and found, and the balance, if any shall be the amount awarded to the claimant.

Mode of determining compensation and damages

Disposal of Lands.

294. (1) Subject to the approval of a majority of the proprietary electors voting thereon obtained in the manner provided by Part VI, a council may pass a by-law for the purpose of selling, leasing or otherwise disposing of, or to devote to some other municipal purpose in whole or in part, any property acquired by the town or the village by gift or otherwise for a specific purpose when the property in the opinion of the council is no longer needed for the purpose.

Disposal of lands subject to approval of proprietary electors

Disposal of certain lands with approval of Highways Department (2) A council, with the approval of the Highways Department, may sell or lease any land formerly part of a highway, road, street or lane, but not required for such highway, road, street or lane.

Land transfers to be signed and sealed (3) A transfer or agreement concerning land shall be executed by affixing thereto the seal of the corporation attested by the mayor and the secretary-treasurer.

Tax recovery lands **295.** Subject to the provisions of *The Tax Recovery Act* a council may provide for the selling, leasing or otherwise disposing of lands finally acquired by the town or the village under the provisions of any statute which provides or provided for the recovery of taxes.

Control of Vehicles and Highway Traffic.

Regulation of vehicles and highway traffic and parking **296.** For the regulation of vehicles and highway traffic in a town or village a council may pass by-laws,—

(a) regulating street traffic and in particular, but not so as to restrict the generality of the foregoing, may make provisions requiring that all vehicles shall be brought to a standstill before entering upon a highway, street, avenue, lane or public place specified in the by-law and authorizing the setting up of no parking signs, stop signs, and other traffic signals or signs and designating areas in which parking shall be restricted or prohibited and taxi cabs and buses shall stand or operate and designating safety zones, cross-walks, stop streets, bus stands and taxi stands.

Fixing speed limit (b) fixing a maximum speed limit of not less than twenty-five miles per hour on any designated highway within the limits of the town or the village applicable to all vehicles travelling over the said highway or portion thereof designated in the by-law.

Controlling use of certain streets **297.** (1) A council may pass a by-law prohibiting absolutely or for a certain period or periods any person from driving or operating any specified class or classes of motor vehicles upon a street or lane described in the by-law, within the town or the village.

Minister to approve street closing by-law (2) A by-law passed pursuant to subsection (1) shall have no force or effect unless and until it has been approved by the Minister.

By-laws as to,— obstructions on streets, etc. **298.** A council, by by-law, may provide,—
(a) for prohibiting the placing of any obstruction on, over or under a street, lane or other public place and for compelling the removal of any such obstruction by or at the expense of the person by whom or by whose direction the obstruction is so placed, or by or at the expense of the occupant of the premises connected therewith, and providing that any ex-

penses incurred by the town or the village in the removal of any such obstruction may be recoverable by distress upon the goods and chattels of the person by whom or by whose direction any obstruction is so placed in the same manner as if such expenses were taxes levied pursuant to this Act and so recoverable;

- (b) for regulating the use of sidewalks within the town or village and for requiring the removal of snow, ice or dirt therefrom by the occupants of properties fronting or abutting thereon, and providing that if any such occupant makes default in removing any snow, ice or dirt removable by him, any expenses incurred by the town or village in so doing shall be recoverable by distress against the goods and chattels of the occupant in the same manner as if such expenses were taxes levied pursuant to this Act and so recoverable; use of sidewalks and cleansing
- (c) for preventing the reckless riding or driving of any animal or vehicle within the town or village; reckless riding or driving
- (d) for regulating parades or processions over and along any street or streets within the town or village, and for prohibiting the passage of any parade or procession over any or all streets within the town or village unless and until a permit therefore has been issued by the mayor, or the council by resolution has expressly permitted the same; regulating parades and processions
- (e) for prohibiting the riding of bicycles or tricycles on any sidewalk; bicycles
- (f) for prohibiting the obstruction of roads and other public places by vehicles; obstruction by vehicles
- (g) for prohibiting the use of bridges and culverts by portable engines or traction engines. use of bridges

Protection to Person and Property.

Fire Protection.

299. For the prevention or extinguishing of fires within the town or the village, a council may pass by-laws providing for any or all of the following,— Fire prevention by-laws as to,—

- (a) the purchase of apparatus and equipment for extinguishing fire and preserving life and property from injury or destruction by fire; purchase of fire equipment
- (b) the building of fire walls and the granting of bonuses to assist in the building thereof; fire walls
- (c) compelling male adults for the time being in the town or the village to assist in the extinguishing of fires and to assist in the prevention of fire or the spread of fire; assistance at fires
- (d) the prevention of interference with the efforts of persons engaged in the extinguishing of fires or pre- interference with fire fighting

	vention of the spreading of fire by regulating the conduct of the public at or in the vicinity of a fire;
explosives	(e) the regulation of the storage of explosives or other highly inflammable or dangerous matter and the prohibition of the storage thereof except by permit authorized by resolution of the council;
buildings in fire areas	(f) the prevention of the erection or placing of a building, erection or other structure within areas prescribed in the by-law unless,— (i) the main walls thereof are made of brick, concrete or stone; (ii) the roof thereof is constructed of incombustible materials;
structural alteration of buildings in defined areas	(g) the prevention of structural alterations to an existing building, provided such existing building does not conform in structure to the building regulations governing construction in any defined area;
razing or removal of certain buildings	(h) the razing or removal, at the expense of the owner, of a building erected or placed in contravention of any by-law passed under the provisions of this Act;
chimneys	(i) the regulation of the construction of chimneys and enforcing the proper cleaning of chimneys at stated intervals either by licensed chimney sweeps or otherwise, the licensing of such sweeps and the fees to be charged therefor;
electric wiring license	(j) the licensing of persons doing electric wiring, the fees to be charged such persons and the supervision thereof;
regulations in buildings of public accommodation	(k) the regulation of the method of lighting, the construction of doors, the width of aisles, the provisions of fire escapes in or leading to places of public accommodation or assembly, and generally all matters relating to the construction, maintenance or conduct of such places as in the safety of the public may be deemed convenient;
garages and machine shops	(l) requiring that no building shall be used as a public garage or machine shop unless it be provided with a concrete floor, and prohibiting the use of a building for such purpose unless it be separated from all other buildings by a clear space of not less than one hundred feet;
disposal of combustible matter	• (m) the disposal of ashes or combustible refuse and prohibiting the placing or retention of such in or on property, public or private, except in fire-proof containers;
fire marshal	(n) the appointment of a fire marshal and requiring that he be given access at reasonable hours to places either public or private for purposes of inspection of premises;
other matters	(o) notwithstanding any other of the provisions of this Act, any other matter or thing for the protection of life or property as may be deemed proper.

Domestic Animals.

300. (1) A council may pass by-laws under the provisions of *The Domestic Animals Act (Municipalities)*.

(2) Notwithstanding the provisions of *The Domestic Animals Act (Municipalities)*, or any other Act, a council may pass a by-law or by-laws,—

- (a) restraining and regulating the running at large or trespassing of poultry or other animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of the by-law and for services rendered in respect to and sustenance supplied for animals distrained or impounded; By-laws under *Domestic Animals Act*, (Municipalities)
Council may pass by-laws,—
regulating domestic animals running at large
- (b) restraining and regulating the running at large or trespassing of cats and requiring the owners of cats to license and bell them, and providing for distraining, impounding and disposing of cats running at large, trespassing, or unlicensed by the owner thereof; regulating cats running at large
- (c) for appointing poundkeepers and providing sufficient yards, buildings and enclosures for the safe-keeping of such animals as it may be the duty of the poundkeeper to impound; appointing poundkeepers and providing pounds
- (d) for appraising the damages to be paid by the owners of animals impounded for trespassing; appraising damages for trespassing
- (e) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid; providing for sale of impounded animals
- (f) for notices of such sale and for redemption of such animals or poultry; and requiring notice of sale of impounded animals
- (g) prohibiting any person from allowing any animals or poultry of which he is the owner or has control to run at large within the town or village and providing penalties for the breach thereof. imposing penalties for animals or poultry running at large

(3) No poundkeeper holding a sale under the provisions of such by-law, shall be required to take out a license as an auctioneer. Pound-keeper needs no license for sale

(4) Upon the passing of the by-law the provisions of the by-law shall have effect in lieu of *The Domestic Animals Act (Municipalities)*. By-law overrides *Domestic Animals Act (Mun.)*

301. A council by by-law may provide for the prevention of cruelty to animals. Cruelty to animals

General By-laws Relating to Protection of Person and Property.

302. A council, by by-law, may provide,—

- (a) for preventing the public exhibition or display in or near any street, lane or other public place of plac-

By-laws for preventing or regulating,—
placards, etc.

	ards, play bills, posters, drawings, writings, or pictures of an indecent nature or which are designed or may tend to corrupt, demoralize or offend the public or individuals, and for the removal of the same;
children out at night	(b) for preventing children being in public places without proper guardianship after a certain hour at night, which hour may be fixed by the by-law;
billboards, etc.	(c) for preventing, regulating and controlling the erection and use of billboards, signs or other advertising devices, and for preventing the defacing of private or other property by printed or other notices or markings;
disorderly conduct	(d) for preventing loitering, disorderly or unseemly conduct, or the use of obscene or offensive language on any street, lane or other public place;
discharge of firearms, etc.	(e) for prohibiting or regulating the discharge of guns or other firearms and the firing and setting off of fire balls, squibs, crackers or fire works;
public address systems	(f) for regulating and controlling the use of public address systems.

Public Health.

Infectious Diseases, Nurses, Hospitalization.

Appointment of health officers and nurses	303. A council may pass a by-law providing for the health of the town or the village and against the spread of contagious or infectious diseases and appointing and defining the duties of a health officer, and engaging such nurses as may be deemed at any time necessary to provide for the care of the indigent sick.
Expenses of public health nurses	304. A council may pass a by-law providing for the employment of one or more public health nurses to inspect the schools, to conduct child welfare stations and to give instructions and advice on all matters of public health, and authorizing arrangements with the Department of Public Health and with a city, town, village or municipal district as to the sharing of expenses in connection with the employment of such persons.
Maintenance and regulation of hospitals	305. A council may pass a by-law for the purpose of taking over, purchasing, erecting, maintaining and regulating hospitals or granting aid for the erection and maintenance of the same either by direct payment or by guaranteeing the repayment of the principal and interest of any loan obtained by the hospital authorities, provided that the amount of the guarantee together with the debenture indebtedness of the town or the village shall not exceed twenty per cent of the rateable property of the town or the village and the by-law shall be subject to the ratification of the by-law by two-thirds of the proprietary electors voting thereon.

306. (1) The council may pass a by-law,—

Isolation
hospital
agreements

- (a) authorizing the making of an agreement with one or more cities, towns, villages or municipal districts for the joint construction or leasing and for the equipment and operation by all the municipalities executing the agreement of an isolation hospital for the care and treatment of their residents requiring hospitalization in such a hospital; or
- (b) authorizing the making of an agreement alone or jointly with one or more cities, towns, villages or municipal districts for the provision by an established hospital for the care and treatment of residents requiring treatment in an isolation hospital.

(2) Notwithstanding any other provisions of this Act, a council after entering into an agreement pursuant to clause (a) of subsection (1), may borrow by the issue of debentures or otherwise the amount required to provide its proportion of the capital cost of the construction and equipment of the isolation hospital and may do so without submitting a by-law authorizing the borrowing to the proprietary electors or to the Board of Public Utility Commissioners.

Borrowing
for isolation
hospital

307. Where a town or a village is not included in a municipal hospital district the council may pass a by-law for the purpose of entering into an agreement with any approved hospital for the hospitalization of residents of the town or the village and providing that the expenses incurred under the agreement shall be raised by a special tax imposed and levied upon all property, trades, businesses and professions situate or carried on within the town or the village, and liable to assessment and taxation for municipal purposes.

Hospital
agreement
paid for
by special
tax on
property
and
business

308. (1) A council of a town or a village that is not included within a municipal hospital district may pass by-laws in accordance with *The Hospitals Act* for the purpose of,—

Hospital
agreements
under
Hospital Act

- (a) entering into an agreement with an approved hospital,—
 - (i) for the care and treatment of a person liable to pay taxes in respect of real property in the town or the village, including the spouse, dependent family and domestic female help of such person, and the surviving spouse, dependent family, and domestic female help of such a person after his decease, so long as the estate is liable to pay the taxes for which the deceased was liable; and
 - (ii) for the care and treatment on a voluntary contract basis of a person who is a resident of the town or village and who is not liable to pay

Agreement
with
approved
hospital
for,—

care of real
property
owners

care of
non-property
owners on
voluntary
contract
basis

- taxes in respect of real property in the town or village, including the spouse and dependent family of such person;
- care of emergency cases (b) providing for the admission and care and treatment of any of the persons mentioned in clause (a) as an emergency admission or medically referred admission in an approved hospital, other than the approved hospital with which the town or the village has entered into an agreement under the circumstances set out in section 3c of *The Hospitals Act*.
- Fixing of fee for voluntary hospitalization contract (2) The council may fix the amount payable for hospitalization pursuant to subclause (ii) of clause (a) of subsection (1),—
- (a) by a single resident; and
- (b) by a resident for himself and his dependent family, who wishes to enter into a voluntary contract with the council pursuant to the provisions of this section.
- (3) The amount fixed under subsection (2) may be sufficient to pay for part or all of the expenses incurred in respect of such persons.
- Levy to provide hospital facilities (4) The expenses incurred to provide hospital facilities pursuant to subsection (1) shall be met,—
- (a) by the levy and collection of a mill rate tax upon real property liable to assessment and taxation; and
- (b) by the fixing and collection of the amounts payable by those persons who have entered into voluntary contracts pursuant to subclause (ii) of clause (a) of subsection (1).

Doctors.

Grants to doctors **309.** A council may pass a by-law for the purpose of making an annual or other grant to a duly licensed medical practitioner residing and practising in the town or the village or to a duly licensed medical practitioner as an inducement for him to reside or practise his profession in the town or the village or guaranteeing the income or a portion of the income of such practitioner in consideration of his residence and practice, but the amount paid in any one year under the guarantee shall not exceed five hundred dollars.

Agreement to provide medical care **310.** (1) A council may make provision, by by-law, for the supplying of medical care and attention to the residents of the town or the village by means of a contract or agreement either alone or in conjunction with the council of any one or more of the following municipalities, namely, cities, towns, villages and municipal districts, and the contract or agreement may be either by way of guarantee or upon any other basis.

(2) No by-law under subsection (1) shall be finally passed until it has been assented to by two-thirds of the proprietary electors voting thereon in the manner provided by Part VI of this Act.

Proprietary electors to assent to by-law for medical care

(3) No contract or agreement entered into pursuant to a by-law passed under subsection (1) shall have any force or effect unless and until the same has been approved by the Minister of Health in writing.

Minister of Health to approve medical care by-law

(4) In a case where a council has entered into an agreement for the supplying of medical care and attention to the residents of the town or the village, the council, by by-law, may levy a special tax, to cover the cost of such medical service, upon all the property situate in, or business carried on in, the town or the village, and the by-law may fix a minimum tax for the purpose of the medical service to be paid by a resident of the town or the village assessed upon the assessment and tax roll.

Special tax for medical service

(5) Where a council has passed a by-law fixing a minimum tax for medical service, the council, by by-law, may provide that a resident of the town or the village who is not assessed upon the assessment and tax roll may enter into a contract with the council for the purpose of enjoying the benefits of the medical service upon voluntary payment of the amount fixed by by-law as a minimum tax for the medical service and the by-law may provide that only such a non-assessed person who has entered into such a contract shall be entitled to the benefits of the medical service.

Contracts for medical care

Scavenging and Disposal of Refuse.

311. A council may pass a by-law providing for the proper scavenging of the town or the village and fixing a schedule of rates to be charged by scavengers which rates may be assessed against such owners and occupiers of land as may seem fit to the council and may be charged against them and the land owned and occupied by them in the same manner as taxes.

Scavenging by-laws

312. (1) A council may pass a by-law for the collection, removal and disposal of garbage, refuse and ashes, and may by such a by-law,—

Garbage disposal by-laws

- (a) provide for the collection, removal and disposal of such garbage, refuse or ashes, by such classification, kind or description thereof as may be specified therein, by such persons at such times and in such manner as may be prescribed therein;
- (b) provide that the by-law shall be in force throughout the town or the village, or in such area or areas thereof as may be specified therein;
- (c) provide that the cost of the collection, removal and disposal or any part thereof, shall be paid out of the general revenue of the town or the village, or that

the cost or so much as is not paid out of the general revenue shall be paid by the owners and occupants of lands in respect of which the service is provided;

- (d) prescribe the amounts to be paid by a person on account of the collection, removal and disposal of any garbage, refuse or ashes, or any specified classification, description or kind thereof, or any specified quantity thereof;
- (e) providing for the collection of any sums payable by an owner or occupant of land for the collection, removal or disposal of any garbage, refuse or ashes, and fixing the time or times when and the places where such sums shall be payable and allowing a discount for prompt payment and imposing penalties on default being made in punctual payment as in the case of general municipal taxes, and in case of default in payment the enforcement of payment by action in a court of competent jurisdiction, or by distress and seizure of goods and chattels of the person liable for the payment, or making any such sums in default a charge against the property in respect of which the service for which the sums are owing was provided, such charge to be subject to the same penalties and be collectible by the same procedure as other taxes levied by the town or the village.

System for
collection of
garbage

(2) The council may pass a by-law,—

- (a) establishing and maintaining a system for all or any of the purposes aforesaid and for the acquisition of any plant or equipment required in connection therewith; or

Contracts
for garbage
disposal

- (b) authorizing the council to enter into contracts with a person for the collection, removal or disposal of any garbage, refuse or ashes.

Sewage
system

313. A council may pass a by-law or by-laws, subject to the provisions of *The Public Health Act* for the purpose of constructing, operating and managing a system of sewerage and drainage, sewage pumping stations or sewage treatment and purification works within or without the corporate limits of the town or the village, and may establish and from time to time vary a scale of fees to be known as sewer service charges in the manner prescribed by section 357.

General By-laws Relating to Public Health.

Control of
water supply

314. (1) A council may pass a by-law regulating and controlling the use of wells and other sources of supply of water for the town or the village and making provision for a supply of water and regulating the use of and preventing the putting of anything prejudicial to health in any stream or any body of water usable for a water supply.

(2) A council, by by-law, may provide for the collection of water rates in the manner prescribed by section 356. Water rates

315. A council may pass a by-law for the purpose of entering into an agreement with the Department of Agriculture of the Government of Canada, for the control of bovine tuberculosis in the cows from which a supply of milk and cream for the town or the village is obtained. Bovine tuberculosis

316. A council may pass a by-law for the purpose of controlling contagious abortion in the cows from which a supply of milk or cream for the town or the village is obtained and by any such by-law, may,— Contagious abortion in cows

- (a) require that cows be subject to tests and prescribe the nature and extent of the tests;
- (b) prescribe the period of time within which such tests shall be made and completed;
- (c) provide that the cost of the tests shall be paid out of the general revenue of the town or the village or shall be paid by the owners of the cows in respect of which the tests are made;
- (d) require that cows reacting to such tests shall be removed from the dairy farm supplying milk or cream for the said town or village.

317. A council may pass a by-law preventing nuisances and compelling the abatement thereof generally, and declaring a building, structure or erection of any kind whatsoever, or a drain, ditch, watercourse, pond, surface water or other matter or thing in or upon any private land, street or road, or in or about 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 the nuisance. Nuisance abatement

318. A council, subject to *The Public Health Act* and any other Act affecting public health and any regulations thereunder, may pass by-laws for the purpose of,— By-laws regulating,—

- (a) preventing the pollution of public water within the corporate limits and regulating the use thereof by bathers; pollution of water
- (b) preventing the burial of the dead within the corporate limits; burials
- (c) preventing or regulating and controlling the construction of privy vaults, out-buildings and cess-pools, and providing for the keeping of the same in a proper state of cleanliness; outbuildings
- (d) regulating nuisance grounds and making provision for the disposal of the refuse by licensed scavengers or otherwise; nuisance grounds
- (e) preventing or regulating and controlling the erection and use within the corporate limits of slaughter-houses or of other premises where obnoxious businesses are carried on; slaughter houses

- (f) inspecting and regulating slaughter-houses within or without the town or the village from or through which food is brought for sale within the town or the village, and framing and enforcing building and sanitary regulations for the said slaughter-houses;
- dairies (g) inspecting and regulating dairies and all other places within or without the town or the village from or through which food is brought for sale within the town or the village and framing and enforcing building and sanitary regulations for the said dairies and other places;
- food and drink (h) regulating the sale of an article used for food or drink and providing for the inspection of the same and for seizure and forfeiture of the article offered or exposed for sale contrary to the by-law.

Control of Buildings.

Building
by-laws,—
controlling
buildings
under *The
Town and
Rural Plan-
ning Act*

319. A council may pass by-laws providing for,—

- (a) the control of buildings and such other things in connection therewith as a council is empowered to control, provide, make, prepare, regulate or otherwise do under the provisions of *The Town and Rural Planning Act*;
- regulating radio aerials (b) regulating the erection of radio-aerial wires within the town or the village or of poles or standards connected therewith.

By-laws
regulating
gas and
water
installation

320 (1) The council of a town or a village, by by-law, may provide,—

- (a) for the prohibiting of the installation of gas or water piping or appliances to be used in connection therewith or attached thereto;
- (b) for the issuance of permits authorizing the installation of gas or water piping and appliances, and the fees to be charged therefor;
- (c) for the regulating of the installation, maintenance or repair of gas or water piping or appliances, equipment and the material used or to be used in connection therewith.

Inspectors

(2) A council may provide for the appointment of an inspector to investigate the observance of the requirements established under subsection (1) and, by by-law, may define his duties and the extent of his authority.

(3) A council may enter into an agreement with the council of a city, town or village for the purpose of jointly appointing an inspector as provided in subsection (2) and

such agreement may provide for defining his duties, authority and method of remuneration in such manner as shall be set out in the agreement.

(4) The fee prescribed pursuant to this section shall be reasonable in amount and shall not be imposed for the purpose of exacting revenue.

Public Market and Scales.

321. A council, by by-law may provide,—

- (a) for the establishment and regulation of public markets; By-laws
for,—
public
markets
- (b) for the prohibition of the sale or offering for sale of goods or merchandise on streets, lanes or other public places; sales on
streets
- (c) for the establishment of public scales for weighing or measuring, and for the compulsory weighing or measuring thereon or thereby of anything sold by weight or measurement, for the fees to be charged for the use of such scales, and for prohibiting the charging of any fee for the use of scales other than the public scales. public scales

Licenses.

322. In all cases where it is provided in this Act that a council may license any person, place or thing, the council may make regulations,— Licensing
by-laws

- (a) governing the conduct of,—
 - (i) the place wherein the person carries on the business, trade or occupation in respect of which he is licensed;
 - (ii) the place licensed; and
 - (iii) the place where the licensed thing is kept;
- (b) prescribing conditions as to the position, construction, alteration and equipment of the place and any other conditions which may seem advisable;
- (c) regulating and controlling the conduct of those who use or frequent the place;
- (d) fixing the fees to be charged for 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 a license;

- (i) providing penalties, including forfeiture of license, for breach of the conditions on which licenses are issued; and
- (j) making general rules for the protection of the persons holding licenses.

License fees to be reasonable

323. The fee payable in respect of a license issued pursuant to a by-law shall be reasonable in amount, and the license fee shall not be imposed for the purpose of exacting revenue.

License fee additional to taxes

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

Provincial license may be required

325. No license shall be issued to a person under the provisions of this Act in a case where a provincial license is required unless he is the holder of the required provincial license.

By-laws may license,—
auctioneers
livestock dealers
bill posters
pool halls

326. (1) A council may pass by-laws for licensing, regulating and controlling any or all of the following:

livery and draymen

milk and water sellers

money lenders
real estate dealers
auto dealers
scavengers
restaurants

bowling alleys
laundries

- (a) auctioneers, hawkers and pedlars;
- (b) livestock dealers;
- (c) billposters;
- (d) persons who for gain or hire, directly or indirectly keep or have in their possession, on their premises or under their control, a pool, billiard or bagatelle table in a place of public entertainment, whether the pool, billiard or bagatelle table be used or not;
- (e) proprietors of livery, feed and sales stables, or of automobile liveries, porters, carriers, or common carriers, draymen, hackmen, omnibus drivers and all persons performing work or carrying passengers with horses or mules or motor vehicles, within the corporate limits, for hire or gain, and regulating the same and fixing the schedule of fees to be charged for the same;
- (f) persons selling milk or cream within the corporate limits and persons selling or delivering water for gain or hire;
- (g) money-lenders;
- (h) real estate dealers and agents;
- (i) automobile dealers or agents;
- (j) scavengers;
- (k) soft drink and ice cream vendors or parlours, restaurants, cafes and lunch counters;
- (l) public bowling alleys;
- (m) laundries;

- (n) circuses, trained or wild animal shows, menageries, circuses
caravans, palmists, professional boxing or wrestling shows, professional theatrical shows, exhibitors of wax works, merry-go-rounds, ferris wheels or any other mechanical apparatus or device, or any other show or exhibition produced or operated for private gain;
 - (o) persons operating for profit public halls, theatres, theatres
moving picture shows, rinks, swimming pools or other places of amusement, recreation or entertainment;
 - (p) persons operating butcher shops or stalls, including meat dealers
any person selling meat, fish or dairy or poultry products within the town or village which are not the products of his own farm;
 - (q) pawnbrokers, junk dealers and second hand dealers; pawn brokers
 - (r) barber shops, beauty parlours, turkish or other barber shops, etc.
baths operated for profit, rooming houses;
 - (s) coal dealers, wood dealers; coal and wood dealers
 - (t) plumbers; plumbers
 - (u) electric shops or persons doing electric wiring; electric wiring
 - (v) bake shops and for fixing the quality and weight of bread offered for sale within its corporate boundaries and making and enforcing regulations for the sanitary conditions of bake shops and bakeries; bread dealers
 - (w) bicycles and requiring the attachment of license bicycles
plates to each bicycle ridden within the town or the village by a resident of the town or the village.
- (2) No license fee imposed by a by-law authorized by clause (n) of subsection (1) shall exceed five hundred dollars per day, nor shall a penalty for violation of the by-law exceed fifty dollars and costs but whether so stated in the by-law or not, the license fee, fine, if any, and costs may be collected by sale of the goods belonging to the showman or other person required to be licensed or the goods belonging to or used in connection with the show, exhibition or both, and in addition the offender may be imprisoned for six months. Limit of license fee for shows or exhibitions

327. (1) No license shall be required under any of the provisions of this Act for hawking, peddling or selling any goods, wares or merchandise, which is grown, produced or manufactured in the Province, provided that they are hawked, peddled or sold by the person who is the grower, producer or manufacturer thereof or by an employee or servant of such person who is authorized by him in writing to do so. No license for Alberta goods produced by seller

(2) The employee or servant shall produce his authority in writing on demand of an officer of the town or the village, or to any peace officer.

(3) In any prosecution for hawking or peddling without a license in contravention of a by-law passed pursuant to this Act, the onus of proof that the defendant is exempted under subsection (1) of this section shall be upon the defendant.

Grants and Bonuses.

Grants to
charitable
institutions,
etc.

328. A council, by by-law, may provide for the payment, out of the current revenue for the year, of grants to the Canadian Red Cross or other charitable institution, to any veterans' organization, to any organization of Boy Scouts or Girl Guides, to argicultural societies, to boards of trade, and to incorporated mechanics' and literary institutes, of such amounts as may be set out in the by-law.

Aid to
needy
persons

329. A council may pass a by-law for the purpose of granting aid or relief to a needy person who is a resident of the town or the village.

Bonuses
prohibited

330. (1) No council shall have 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, railway or any other business or concern whatever;
- (b) to exempt from taxation any manufactory, mill, railway or other business or concern, nor to subscribe for stock therein, nor to guarantee the bonds, debentures or other securities thereof.

*Industries
Assessment
Act*

(2) Nothing herein contained shall deprive a town or a village of the rights and privileges conferred by *The Industries Assessment Act* or any other Act or statute of the Province respecting the encouragement of industry.

Indigents.

Provision
for care of
indigent
residents

331. (1) A council, subject to the following subsections, shall make provision for the maintenance or partial maintenance of its indigent residents and for their care and treatment when sick.

Emergency
relief for
non-residents

(2) The council may in cases of sudden and urgent necessity make similar provision for indigent and indigent sick persons who are temporarily within the corporate limits but are not resident therein.

Written
orders for
indigent
relief

(3) All provision for the relief of indigent or the treatment of indigent sick persons shall be made by means of a written order.

Liability
for first
visit of
indigent to
doctor

(4) When an indigent resident receives medical advice, attention, medicine or surgical or other treatment given by a medical practitioner or surgeon at a first visit or during the twenty-four hours following a first visit, the town or the village shall be liable to pay to the medical practitioner

or surgeon any proper charges in respect of such first visit, notwithstanding the absence of a written order, if the medical practitioner or surgeon concerned certifies that the case was, or that he was informed the case was, one of sudden and urgent necessity.

(5) The town or the village shall not be liable for any charges other than for the services rendered during the first twenty-four hours after the medical practitioner or surgeon sees the indigent resident, unless the medical practitioner or surgeon is authorized to continue to treat the indigent person by a written order from a proper officer of the town or the village.

Continued
medical
treatment
of indigent

(6) Any person of the council, and the secretary-treasurer of the council, may sign and issue any of the written orders mentioned in this section on behalf of the council of which he is a member or by which he is employed, as the case may be.

Signature
on written
order for
indigent
treatment

(7) Where, under the provisions of this section, the council of a town or a village assists any indigent person or causes to be treated any indigent sick person, who is not a resident of the town or the village, then the city, town, village or municipal district of which the said person is a resident at the time of assistance or treatment, or the Minister of Public Welfare, if the person is a resident of an improvement district, or is a transient person within the meaning of Rule 3 of subsection (12) upon demand shall repay the actual expenses incurred by the council.

Reimburse-
ment by
responsible
municipality
for indigent
assistance

(8) The liability of a town or a village for the hospital treatment of indigent sick persons shall be governed by the provisions of *The Hospitals Act*.

Indigent
treatment
governed
by *The
Hospitals
Act*

(9) The value of any assistance given by a town or a village to a person who is a resident thereof, whether indigent or not, for food, fuel, clothing, shelter, medical advice or attention, medicine, surgical treatment, hospitalization, or for any other assistance, together with the amount of all moneys expended by the town or the village for such assistance, shall be a charge on the lands of a person for whose benefit it was given or paid, and shall constitute a debt due to the town or the village from the person for whose benefit it was given or paid, and from any other person who was legally responsible for the maintenance of the person for whom it was given or paid, and may be recovered from him or from his estate or from the persons responsible for his maintenance, by action or by distraint upon any of his or their goods found within the Province.

Value of
assistance
constitutes
debt

(10) The council shall have a charge upon the lands owned by any such person situate within the Province for the expenses incurred under this Act or *The Hospitals Act* and may lodge a caveat for the protection of such charge in the proper Land Titles Office.

Expenses
charge upon
lands

Interpreta-
tion
"hospital"

(11) For the purposes of this section,—

(a) "hospital" means a hospital approved by the Minister of Health under the provisions of *The Hospitals Act*;

"indigent
person"

(b) "indigent person" means a person who is actually destitute of means from his own resources of obtaining food, clothing, shelter and medical attendance necessary for the immediate wants of himself and his dependents;

"local
authority"

(c) "local authority" means the council of a city, town, village or municipal district and with respect to an improvement district or a transient person means the Minister of Public Welfare, and with respect to a special area means the Minister of Municipal Affairs.

Rules of
interpreta-
tion of
"residence"

(12) In order to determine whether or not any person is a resident in an area controlled by a local authority for the purposes of this section, the following rules of interpretation shall be applied:

Rule 1. A person who on the date of the application of such person for food, fuel, clothing, shelter, assistance, medical advice or attention or any of them, or for placing such person in a hospital has then had his home or resided within the area controlled by a local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the making of the application and has not during such period of twelve months received any relief, shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has so resided.

Rule 2. A person who at any time during which he is in receipt of food, fuel, clothing, shelter, assistance, medical advice or attention, hospitalization, or any of them from a local authority which is liable for the provision thereof, or at any time within a period of twelve months after he last received any such relief, moves within the area controlled by another local authority, shall be deemed to be a resident of the area controlled by the first mentioned local authority as if he had continued to reside therein until such time as he thereafter shall have become a resident of some other local authority as defined in Rule 1 hereof.

Rule 3. A person who on the date of the application of such person for food, fuel, clothing, shelter, medical advice or attention, hospitalization, or any of them, has not resided for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of the application, within the area controlled by a local authority and who has not a permanent home elsewhere than in the Province, shall be deemed to be a transient person.

Rule 4. A person who receives any relief from a local authority for the provision of which relief that local authority is liable, shall be deemed to be a resident of the

area controlled by that local authority until such time as he shall have had his home or resided within the boundaries of another local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of the application of such person for food, fuel, clothing, shelter, assistance, medical advice or attention or any of them or for placing such person in a hospital, without having received any relief during such period of twelve months.

(13) If a dispute arises as to whether or not a person is an indigent or a resident of a city, town or village, the question shall be referred by such person or by the city, town or village, to a judge of the district court, who shall proceed to decide the question in a summary manner, and whose decision shall be final and conclusive.

Disputes
referred to
judge

332. The council shall have power, subject to the consent of the Lieutenant Governor in Council and within the limitations and restrictions and under the conditions set forth in any order in council in that behalf to borrow from a bank or person, such sums of money as may be necessary for the purpose of purchasing coal, wood, or other fuel, and temporarily to operate fuel yards by purchasing supplies of such fuel and selling and disposing of the same in anticipation of or during a period of such scarcity or failure of supply of fuel, or such threatened scarcity or failure of supply thereof, as may appear to create an emergency.

Borrowing
power
for relief
fuel

333. (1) A council shall provide for the proper burial of the body of a former member of His Majesty's forces who dies within the town or the village and who at the time of his death is an indigent person, and if the deceased was not at the time of his death a resident of the town or the village, the town or village shall be entitled to recover the reasonable expenses of the burial from the city, town, village, municipal district, improvement district or special area of which the deceased was at the time of his death a resident, provided that the cost of the burial so recovered shall not exceed such sum as may be from time to time prescribed by the Minister.

Burial of
soldiers
when
indigent

(2) In case a dispute arises as to which city, town, village, municipal district, improvement district or special area the deceased person was a resident of, the dispute shall be referred to the Minister whose decision shall be final.

Disputes
referred to
Minister

(3) For the purposes of this section, the words "indigent" and "resident" shall have the meaning ascribed to them by section 331.

"indigent"
"resident"

Irrigation.

334. (1) A council may pass a by-law for the purpose of entering into an agreement with any irrigation district

Irrigation
agreements

for a supply of water for irrigation purposes within the town or the village, upon such terms and conditions as the council may deem proper.

Ditch
construction

(2) Where a town or a village enters into an agreement under the provisions of this section it shall have all necessary power and authority to construct, maintain and operate any and all ditches, culverts, and other works deemed necessary for the conveyance of water along or across any streets, lanes, highways, or other public places within the town or the village, for the purpose of making water available for irrigation to such public places and private lands within the town or the village as the council may deem expedient, but no ditch or work shall be constructed along that portion of a street, lane or highway which may be graded for vehicular traffic and when a ditch or work is carried across a street, lane or highway, it shall be protected by a suitably covered culvert.

Request
for ditch

(3) No ditch for conveying water for irrigation purposes shall be constructed, maintained or operated along a street, lane or highway, unless and until not less than two-thirds in number of the persons whose names appear upon the assessment roll as owners in respect of all property abutting or facing on the street, lane or highway, shall have signed a request for the same or consent thereto.

Terms
for supply
of water

(4) When a town or village enters into an agreement for a supply of water for irrigation purposes under the provisions of this section, the council, upon the request of the persons whose names appear upon the assessment roll as owners of any property abutting or facing on a street, lane or highway along which the water is being conveyed, may furnish to the property such supply of water as the council may think fit, under such terms and conditions as the council may prescribe under the provisions of section 358.

Liability for
damage

(5) A town or a village and any other person who is the owner of land upon which water is conveyed for irrigation purposes under an agreement made pursuant to this section or under a provision thereof, shall be liable only for damages when the same are occasioned by water from a ditch used for the conveyance of water as aforesaid, and when the water escapes by negligence from any such ditch of the town or of the village or of the other person, or from the land on which the same is located and runs over the surface upon the surface of other land; and no town or village or other person as aforesaid shall be liable under any circumstances for damage caused by seepage into the soil or saturation of the soil by water conveyed or used for irrigation purposes or by the escape of such water otherwise than over the surface of the land, and a town or village shall in no case be liable for loss or damage unless the loss or damage is occasioned by the escape of water through the negligence of the town or the village, from a

ditch, culvert or other work constructed, maintained or operated by the town or the village or from land owned and occupied solely for town or village purposes.

Miscellaneous By-laws.

Holidays.

335. (1) In this section,—

Interpreta-
tion,—
"shop"

- (a) "shop" means a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail or public auction, and barbers' shops, which shall include ladies' hair-dressing, manicuring or beauty parlours; but not where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, victualling house or refreshment house;

- (b) "closed" means not open for the service of cus-
tomers.

"closed"

(2) A council may pass a by-law for the purpose of creating and proclaiming any one day of the year a civic holiday within the town or the village.

Civic
holiday

(3) The council by by-law may require that during the whole or a part of the year any class of shops shall be closed and remain closed on any one day of the week after the hour of twelve o'clock noon or such later hour as may be deemed advisable.

Closing
of shops

(4) A pharmaceutical chemist or chemist and druggist shall not be liable to a fine, penalty or punishment for supplying medicines, drugs or medical appliances, after the hour appointed by the by-law for the closing of shops.

Sale of
medicine
after hours

(5) Nothing contained in the by-law shall render the occupier of a premise liable to fine, penalty or punishment for supplying an article required for immediate use by reason or because of an emergency arising from sickness, injury or death.

Sale of
articles
in emergency
excepted

Numbering Streets and Houses.

336. A council may pass a by-law for the naming or numbering of the streets or the avenues and changing the names and numbers or any of them now existing or hereafter laid out within the town or the village.

Numbering
streets

337. A council may pass a by-law for the orderly numbering of houses or lots on the streets and avenues in the town or the village.

Numbering
houses

Census.

338. A council may pass a by-law for the purpose of taking the census of the town or the village.

Census

Trees.

Trees

339. A council may pass a by-law for the purpose of providing for planting and protecting trees on highways and public places.

PART VIII.

PUBLIC UTILITIES.

"Special"
franchise"
defined

340. Unless the context otherwise requires, "special franchise" means every right, authority or permission whether exclusive or otherwise to construct, maintain or operate within a town or a village, in, under, above, on or through or across a highway, road, street, lane, public place or public water within the jurisdiction of the town or the village, any poles, wires, pipes, tracks, conduits, buildings, erections, structures or other things for the purpose 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 or water or heat, light, power, transportation, telegraphic, telephonic or other service.

Power of
council in
relation to,—
power plants,
etc.

341. (1) A council may,—

water-
works

purchase
of stocks

contracts
for water,
power, gas
and light

Ratification
of by-law

- (a) build, erect, buy or lease any electric light, heat, power, natural gas, or gas plant, either within or without the town or the village and control and operate it;
 - (b) build, erect, buy or lease and control and operate, subject to the provisions of *The Public Health Act*, a waterworks plant, either within or without the town or the village;
 - (c) purchase stock in any incorporated company carrying on or formed for the purpose of carrying on a business mentioned in this section;
 - (d) with the approval of the Board of Public Utility Commissioners, enter into a contract with a person undertaking to provide the residents of the town or the village with a supply of all or any of the following, namely: electric light, electric power, natural gas and water, and may confer a special franchise upon that person in respect of the subject matter of the contract for any period not in excess of twenty years.
- (2) A by-law passed by the council for any of the above mentioned purposes, shall be submitted to the proprietary electors, and it shall only become operative upon ratification by two-thirds of the proprietary electors voting thereon.

(3) In order to carry out any of the above mentioned purposes, duly authorized by the proprietary electors, a council may acquire any lands, either within or without the town or the village, and enter into any contract necessary for the proper carrying on of the business with respect to which the by-law refers.

Power to
acquire
lands

(4) A council by by-law may appoint superintendents for the purpose of carrying on any such business.

Superintend-
ents

(5) In the case of natural gas plants, a council shall have power to enter into contracts for drilling for natural gas.

Contracts for
gas drilling

342. A council may from time to time, by by-law, fix the rates, charges or rents for supplying electric light, heat or power, and may enforce payment of such rates, charges or rents, by cutting off the light, heat or power, or by action in a court of competent jurisdiction, or by distress and sale of the goods and chattels of the persons owing the rates, charges or rents.

Fixing
rates

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

Signing of
contracts

(2) Application for the approval of the Board of Public Utility Commissioners of the contract or a renewal thereof as hereinafter provided, shall be made to the Board prior to or forthwith after the first reading of the by-law.

Application
to Board

(3) The contract, whether or not it contains any express provision to that effect, shall be subject to the following condition, namely, that at or before the expiration of the term thereof and after the expiration of the said term if the contract has been continued in force under the provisions of subsection (4), the same may be renewed for a period not exceeding ten years from the date of the renewal and from time to time, with such alterations, if any, as may be agreed upon by the parties and approved by the Board of Public Utility Commissioners, and that, if either party refuses to renew the contract, or if the parties fail to agree as to the conditions of the renewal, then the council may, subject to the consent of the Board of Public Utility Commissioners, purchase all the rights of the contractor in all matters and things under the contract and in all apparatus and property used for the purpose thereof, for such price and on such terms as may be agreed upon with the contractor, or, failing such agreement, then for such price and on such terms as may be fixed and settled by the Board of Public Utility Commissioners on the application of either of the parties.

Contract
subject
to renewal

Continuance
of contract
when not
renewed

(4) If,—

(a) the contract is not renewed either on or before the expiration of the original term, or of any renewal thereof and so from time to time by express agreement of the parties as aforesaid; or

(b) the council does not complete the purchase of the subject matter thereof as hereinbefore provided;

then the contract shall continue in full force and effect until such time as either party shall terminate it on six months' written notice given to the other with the approval of the Board of Public Utility Commissioners.

Construc-
tion of
pipe lines
outside of
boundaries

(5) A council may construct such pipe, transmission or gas lines or any other device as may be necessary to conduct light, power, natural gas, or water to the town or the village notwithstanding that the expenditure is made upon land outside the boundaries of the town or village.

Franchise
to follow
included
area

344. When pursuant to the provisions of this Act an area is incorporated as, or annexed to, or included in a village or a town, a special franchise with respect to the area, or a contract for the supply of light, power, natural gas or water to persons resident in the area, which has been conferred or entered into by the governing authority previously having jurisdiction in the area and which has become operative therein, shall be deemed to have been conferred or entered into on its original date by the council of the new village or new town and to have become operative therein, and the provisions of section 343 of this Act shall apply, the necessary changes being made, to the special franchise or contract.

PART IX.

RATES, TAXES AND SERVICE CHARGES

Tax Year.

Tax year

345. All rates or taxes imposed or levied for any year shall be deemed to have been imposed and shall be deemed 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 the by-law under which the same are directed to be levied.

Estimates and Levy.

Estimate of
expenditure
to include,—

346. (1) The council shall, as soon as practicable in each year, prepare a detailed estimate in the prescribed form of the probable expenditures of the town or the village for the year, and the estimate shall include the following,—

- (a) the sum or sums necessary to meet debenture instalments, interest or sinking fund payments falling due during the year; debenture payments
 - (b) such sums as may be required to meet the requisitions of any municipal hospital district, school district, or school division, pursuant to the provisions of *The Municipal Hospitals Act*, or *The School Act*, 1952, as the case may be; school and hospital requisitions
 - (c) such sums as the town or the village may become liable to pay by virtue of the provisions of any other statute of the Province. other statutory obligations
- (2) A copy of the estimates so prepared shall be incorporated in the minutes of the meeting of the council at which the estimates are adopted. Estimates incorporated in minutes
- (3) The council shall proceed to make an estimate of the probable revenue of the town or the village for the year to be derived from business taxes and sources of revenue other than taxation, and shall by by-law authorize the secretary-treasurer to levy for ordinary municipal purposes upon the assessed value of all lands, improvements and personal property assessed in the assessment roll, a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of the expenditures for ordinary municipal purposes, as estimated by the council, less the amount of the estimated probable revenue from business taxes and sources other than taxation, due allowance being made for taxes which may reasonably be expected to remain unpaid. Levy for ordinary municipal expenditure
- (4) The council, by by-law, shall authorize the secretary-treasurer to levy a tax at such uniform rates on the dollar as the council deems sufficient to produce the amount of such sums as shall annually be requisitioned by the board of any school division, school district or municipal hospital district upon the assessed value of all lands, improvements and personal property assessed in the assessment roll. Levy for school and hospital
- (5) All such rates shall be levied in addition to but together with the rate authorized for ordinary municipal purposes. School and hospital rates in addition to municipal rate
- (6) In acting under the provisions of subsection (4), due allowance shall be made in respect of school divisions or school districts, for the revenue derived from business taxes and for taxes which may reasonably be expected to remain unpaid. Allowance for business tax and for delinquent taxes
- (7) The council may by resolution provide for the combination into one rate of the different rates levied pursuant to any by-law passed pursuant to this section and payable by a ratepayer who is a public school supporter, and may likewise provide for the combination into one rate of the different rates levied and payable by a ratepayer who is a separate school supporter. Combined rates
- (8) The rates so combined shall be leviable and payable as if each rate included therein were levied separately.

All tax
collections
credited to
general
revenue

(9) The total amount of all rates levied pursuant to this section and collected in any year shall be credited to the general revenue of the town or village and shall be available for the payment of the general expenditures of the town or village and also for the payment of any amount payable by the town or village in that year to any municipal hospital district, school district, or school division.

Sinking
fund taxes

(10) So much of the taxes levied pursuant to this section for the purposes of a sinking fund shall be dealt with in accordance with the provisions of this Act relating thereto.

Minimum
tax per
parcel

347. If the taxes payable on any lot in any subdivision or plan, or on any fraction of a quarter section for the purposes of the town or village are less than fifty cents, the amount payable to the town or village on any lot in any subdivision or plan, or on any fraction of a quarter section for such purposes shall be fifty cents; and if the amount payable for school purposes on any lot in any subdivision or plan or on any fraction of a quarter section is less than fifty cents, the amount payable to the town or village on any lot in any subdivision or plan, or on any fraction of a quarter section for such purposes shall be fifty cents.

Payment of School Requisitions.

Payment
of school
requisition
quarterly

348. (1) The council of every town or village shall in each year pay to each school district or school division in which the area of the town or village is included, the amount of the requisition duly transmitted by the board of trustees of any such school district or school division under the provisions of *The School Act, 1952*, and the said amount shall be paid in equal quarterly instalments on the fifteenth day of each of the months of March, June, September and December in the said year.

Failure to
pay
requisition
creates a
debt due

(2) In the event the council fails to pay to a school district or school division the amount required from time to time, as hereinbefore provided, such amount shall become a debt due, owing and payable by the town or the village to the school district or school division as the case may be.

(3) The debt may not be recovered by suit at law unless permission to enter suit is granted by the Minister of Education.

Deficiency
made up
from other
funds

349. (1) In the case of a town or a village, 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 town or village.

(2) 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.

Excess
collections
go to
general
funds

(3) If the sums collected exceed the estimates the balance shall form part of the general funds of the town or the village 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 the special tax shall be appropriated to the special local object for which it was collected.

Minimum Taxes.

350. (1) A council by by-law may fix a minimum annual tax for municipal purposes in an amount not in excess of ten dollars to be paid by any resident of the town or village assessed upon the assessment and tax roll.

Minimum tax for persons on assessment roll for municipal purposes

(2) The council, by by-law, may impose a tax for municipal purposes in the amount fixed by the by-law under subsection (1) upon a resident of the town or the village of the full age of twenty-one years who has not been assessed upon the assessment and tax roll and who has resided therein for a period of sixty days or more during a calendar year and is gainfully employed, whether he has resided in the town or the village before the completion of the roll or not, but in the case of the collection of the tax the name of the resident so paying shall be added to the roll for that calendar year.

Tax for municipal purposes for persons not on roll

(3) Where a person has in any year paid a tax of the nature of that provided in subsection (2) for municipal purposes, equivalent to the amount imposed by a by-law under subsection (2), to a city, municipal district, or other town or village, and such person was not assessed upon the assessment roll of the city, municipal district or other town or village for that year, he shall not be liable in that year to the tax imposed by subsection (2).

Where person not liable under subsection (2)

351. (1) The council by by-law may fix a minimum annual tax for school purposes in an amount not in excess of ten dollars to be paid by a resident of the town or the village assessed upon the assessment and tax roll.

Minimum school tax for persons on roll

(2) The council by by-law may impose a tax for school purposes in the amount fixed by a by-law under subsection (1) upon a resident of the town or the village of the full age of twenty-one years who has not been assessed upon the assessment and tax roll and who has resided therein for a period of sixty days or more during a calendar year and is gainfully employed, whether he has resided in the town or the village before the completion of the roll or not, but in the case of the collection of the tax the name of the resident so paying shall be added to the roll for that calendar year.

School tax for persons not on roll

(3) Where a person has in a year paid a tax of the nature of that provided in subsection (2) for school purposes, equivalent to the amount imposed by a by-law under subsection (2), to a city, municipal district, improvement district, special area, school district, or other town or village, and the person was not assessed upon the assessment roll of the city, municipal district, improvement district, special area, school district, or other town or village for that year, he shall not be liable in that year to the tax imposed by subsection (2).

Where person not liable under subsection (2)

Minimum
tax for
hospital
agreement
by persons
on roll

352. In case the council has entered into an agreement with an approved hospital and has levied a mill rate tax for purposes of the agreement, the council, by by-law, may fix a minimum hospital tax in an amount not in excess of eight dollars to be paid by a person assessed upon the assessment and tax roll for such hospital agreement purposes.

Distress
levy for
failure to
pay tax

353. (1) A person liable to pay any tax pursuant to subsection (2) of section 350 or subsection (2) of section 351 shall pay it to the secretary-treasurer of the town or the village or to such person as is appointed by the council to collect it within three days after demand is made therefor, but in case of neglect or refusal to pay, levy may be made by distress and sale of the goods and chattels of the person in default as provided in this Act.

Returns
and
deductions
by
employers

(2) An employer shall furnish from month to month upon request of the secretary-treasurer, the names of all persons in his employment, and the secretary-treasurer, by a notice in writing, may require the employer or employers to deduct from the next payment made to an employee,—

(a) who is named in the notice; and

(b) who has not paid a tax for the payment of which the employee is liable under subsection (2) of section 350 or subsection (2) of section 351;

the amount of the tax and to forward it to the secretary-treasurer immediately after making the deductions directed.

Penalty on
employers
for failure
to furnish
returns or
deduct tax

(3) An employer,—

(a) who fails to furnish the information requested; or

(b) who fails to make the deductions directed to be made; or

(c) who fails to forward the amount of the deductions directed;

shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars.

(4) The amount of the fine imposed under subsection (3) shall be paid to the secretary-treasurer who in the event of it not being paid within two weeks of its imposition, may levy the amount of the same by distress and sale of the goods and chattels of the employer in default, as provided under this Act, and of all costs incurred by reason of the proceedings leading to the imposition of, or of enforcing the payment thereof and all sums paid or recovered in respect of a fine so imposed shall form part of the general revenue of the town or the village.

Frontage Taxes.

Frontage
tax for
waterworks
mains

354. (1) The council may assess, levy and collect a frontage tax on all lands fronting or abutting on any of the streets, lanes, squares or other public places in, through or along which waterworks mains have been or may hereafter be laid.

(2) The tax shall be a uniform one of a certain amount, not exceeding ten cents per foot of the frontage, to be assessed, levied and collected as part of and along with the ordinary taxes of the town or the village and shall form a lien upon the lands affected and may be collected in the same way as ordinary taxes.

Uniform
rate per foot

(3) The amount of the tax, the lands to be affected, the mode of adjustment and the amount of the tax in respect of lands of peculiar shape or size, or of varying depths, or in respect of lands fronting or abutting on more than one street, lane, square or public place, shall be ascertained and determined by the secretary-treasurer in such manner as shall be directed by the council.

Adjustment
of rate
when land
of peculiar
shape

(4) The secretary-treasurer, on or before the fifteenth day of May, shall prepare and file with the official in whose charge the collector's rolls are prepared, a report showing the names of all persons liable for frontage tax, a description of the lands and the amount of the tax, and immediately upon the completion of the report the secretary-treasurer shall make and attach thereto a statutory declaration in Form 35 of the Schedule.

Frontage
tax roll

(5) The official in whose charge the collector's rolls are prepared shall enter the amount of the tax in the rolls against the respective land affected, in the same manner and as part of the ordinary rates and taxes of the town or the village.

Entry of
frontage tax
on roll

(6) The tax may be so assessed, levied and collected irrespective of whether the lands are vacant, or are not connected with the water mains or do not use or receive water from them, and the frontage tax shall be a charge separate and apart from the rate or price charged for water actually furnished or supplied, or agreed to be furnished or supplied by the council.

Frontage
tax separate
from
water rates

(7) In the event of the construction of any water mains by the council as "local improvements" and of the issue of debentures to meet the whole or any part of the cost of the construction then the whole or such portion of the frontage tax authorized by this section as may be required to meet the annual payments on the debentures shall be applied to that purpose.

Frontage
tax applied
to debenture
payments

355. (1) The council may also assess, levy and collect a frontage tax on all lands fronting or abutting on a street, lane or square or other public place, in, through, or along which sewers have been or may hereafter be laid.

Frontage
tax for
sewers

(2) The tax shall be a uniform one of a certain amount, not exceeding ten cents per foot frontage, to be assessed, levied and collected, as part of and along with the ordinary municipal taxes and shall become a lien on the lands affected and shall be collectible in the same way as an ordinary tax.

Uniform
rate per foot

(3) The tax shall be levied by the secretary-treasurer in the manner provided for levying the frontage tax in

Entry of
tax on
roll

respect of water mains, and the official in whose charge the collector's rolls are prepared shall enter the amount of the taxes in the roll against the respective land affected in the same manner as and as part of the ordinary municipal taxes.

Collections
applied on
debentures

(4) In the event of the construction of any sewers by the council as "local improvements" and of the issue of debentures to meet the whole or any part of the cost of the construction then the whole or such portion of the frontage tax authorized by this section as may be required to meet the annual payments on the debentures shall be applied to that purpose.

Service Charges.

Water, Sewer, Irrigation.

Water rates

356. (1) The council may pass a by-law providing for the collection of water rates and fixing the time or times when, and the places where, the rates are to be payable and allowing a discount for the prompt payment of the rates and imposing penalties in respect of failure in the punctual payment thereof, as in the case of general municipal taxes.

Collection
of rates may
be enforced

(2) In case of default in payment, the by-law may provide for the enforcement of payment by shutting off the water or by action in a court of competent jurisdiction, or by distress upon and seizure of goods and chattels of the owner or occupant, or making the said rates in default a charge against the property to which the water supply was given, such charge to be subject to the same penalties and be collectible by the same procedure as other taxes levied by the town or the village.

Sewer
service
charges

357. (1) The council, by by-law, may provide for sewer service charges which charges shall be payable, at such time and in such manner as may be prescribed by the council, by the person who is the registered owner or the purchaser entitled to possession under an agreement of sale of property which is served directly or indirectly by a connection with the sewerage system.

Method of
fixing
charges

(2) A by-law passed pursuant to subsection (1) may prescribe the method to be used in fixing the charges which may take into account the consumption of water, the plumbing fixtures connected with the sewage system, the number of persons served, the annual costs and such other considerations as the council may deem equitable and proper.

Charges
recoverable
by action or
distress
and by
lien on
property

(3) The by-law may provide that the sewer service charges shall be a debt recoverable by action and that they may be recoverable by distress upon and seizure of the goods and chattels of either the owner or purchaser of the property served, and that they shall be a lien upon the property subject to the same penalties and collectible in the same manner as taxes.

(4) Any sewer service charges fixed by a by-law shall be approved by the Board of Public Utility Commissioners before the final reading of the by-law. Approval by Board

358. (1) When any property has been furnished with water for irrigation purposes as provided by section 334 the town or the village may charge therefor such sums as the council may deem proper to cover the cost of the water, the cost of conveying it to the property and the upkeep, maintenance and operation of the necessary ditches and works for conveying it, and such charge shall be made on a uniform basis against all properties supplied. Irrigation water charges

(2) A charge made under the provisions of subsection (1) shall be a tax against the property supplied with the water to the extent of the amount fixed by the council as applicable thereto and shall be entered annually in the tax roll with the other taxes levied against the parcel and all provisions and remedies for the recovery and collection of taxes under this Act and *The Tax Recovery Act* shall apply thereto, including penalties for non-payment. Charge a tax on tax roll

Taxes on Transient Traders.

359. (1) The council, by by-law, may provide for the imposition of taxes upon transient traders. Transient trader tax by-law may,—

(2) The by-law may,—

- (a) group transient traders into classes and may fix the tax payable by all transient traders, or a class or classes of transient traders, at such amount, either by the day or the week, as may be prescribed in the by-law not exceeding ten dollars for a tax by the day and twenty-five dollars for a tax by the week; group into classes and fix tax
- (b) prohibit a transient trader from commencing to carry on business in the town or the village unless he has previously deposited with the secretary-treasurer a sum equal to that which would be payable if he had then carried on business for one week, or from continuing to carry on business at any time at which the tax by the day or week, as the case may be, payable in respect of his business, has not been paid in advance; prohibit business until deposit made
- (c) provide that a transient trader who at any time carries on business without having paid the tax payable for so doing shall be guilty of an offence in respect of every day during which he carries on business without paying the tax, and shall be liable on summary conviction to a penalty of not more than fifty dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days for each day in respect of which an offence has been committed. provide penalty for non-payment

Dog Tax.

Restraining
dogs

360. (1) The council may pass a by-law for 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 the by-law.

Penalty for
non-
payment
of dog tax

(2) The by-law may provide that a person who keeps or harbours a dog in respect of which the current tax is not paid shall be guilty of an offence and liable on summary conviction to the penalty by this Act provided for the breach of a by-law.

Tax Collection.

Preparation
of tax roll

361. (1) On or before the first day of September in each year, the secretary-treasurer shall prepare a tax roll and shall proceed to collect the taxes specified therein.

Contents of
tax roll
detailed

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

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

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

Total levy
on each
parcel
entered in
roll

(3) Notwithstanding anything contained in subsection (2), the council, by by-law, may provide that in addition to the information mentioned in clauses (a), (b), (c) and (d) it shall be sufficient for the secretary-treasurer to set down opposite the assessed value of the property of each taxable person, in a column provided for that purpose, the amount with which that person is chargeable for all sums ordered to be levied by the council, in which case it shall not be necessary to state the particular sums mentioned in the said subsection.

Table
appended to
tax roll

(4) Appended to every tax roll there shall also be a table setting forth,—

- (a) the total amount of taxes to be collected under and by virtue of the roll; and
- (b) the name and amount of each rate levied by the town or the village which is required by law, or by the by-law imposing it, to be kept distinct and accounted for separately, and specifying the aggregate proceeds of each rate.

362. (1) Every owner, purchaser and conditional owner of assessed land shall, whether his name appears on the assessment roll or not, pay taxes upon the assessed value thereof at the rates lawfully imposed thereon, irrespective of the amount or nature of his interest in the property.

Liability of owner, purchaser and conditional owner of land for taxes

(2) No sum in excess of the taxes, penalties or costs due in respect of a property shall be exacted from any or all of such persons.

363. (1) The secretary-treasurer shall either mail to each taxable person a written or printed notice showing the amount of the taxes charged against him in the roll, or deliver such notice to an adult person at the residence or business office of the person taxed.

Tax notices to persons on the roll

(2) The secretary-treasurer shall immediately enter upon the roll the date of the mailing or delivery of the tax notice and shall verify it by his initials.

Date of mailing of tax notice on roll

(3) The entry on the roll of the date of the mailing or delivery of the tax notice shall be *prima facie* evidence of the mailing or delivery of the tax notice upon the date entered and the absence of a date and initials shall be *prima facie* evidence that the address of the person named on the roll is unknown.

Date on roll *prima facie* evidence of mailing

364. (1) No taxation notice need be sent to a purchaser unless the notice provided for by section 27 of *The Assessment Act*, requesting that notices of assessment and taxation should be sent to him, has been duly received by the secretary-treasurer.

Notices to purchasers

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

Error, omissions and mis-descriptions

365. (1) The council, by by-law, may require payment of taxes to be made by a taxable person at the office of the secretary-treasurer.

How and where taxes payable

(2) The by-law may provide,—

- (a) that taxes may be paid on any day or days and in full or by instalments; and
- (b) that on punctual payment of an instalment the time of payment of the remainder may be extended to a day or days to be named in the by-law or that in default of payment of an instalment by the day named for payment thereof, the subsequent instalments shall forthwith become payable.

366. (1) The council, by by-law, may provide that in the event of any taxes remaining unpaid after the thirty-first day of December of the year for which the same are levied there shall be added thereto by way of penalty an

Penalties for unpaid taxes

amount not exceeding six per cent in the next succeeding year and in each succeeding year thereafter so long as the taxes remain unpaid.

(2) The penalty shall be added on the first day of January of the succeeding year or on such other date as may be provided in the by-law.

Penalty part
of unpaid
taxes

(3) A penalty imposed under the provisions of subsection (1) shall be added to and shall form a part of the unpaid taxes.

(4) A by-law passed pursuant to subsection (1) shall remain in force until it is repealed or amended by a subsequent by-law and an amending by-law shall remain in force until repealed or amended.

(5) Nothing contained in this section shall be construed to extend the time for payment of the taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of taxes.

Filing of
copy of
by-law

(6) A certified copy of a by-law passed pursuant to subsection (1) shall be filed with the Minister within fifteen days after it has been passed.

Discount
for prepay-
ment of
taxes

367. (1) Subject to the provisions of subsection (2) a council, by by-law, may provide that a discount or not more than ten per cent shall be allowed on all payments made before a date or dates to be fixed in the by-law on taxes which become due and payable in the year in which the payment is made, and the by-law may provide for different rates of discount for payments before different specified dates.

(2) The discount allowed under the provisions of subsection (1) shall be deemed to include discounts on minimum taxes appearing on the tax roll, but shall not include payments made on account of,—

- (a) frontage taxes;
- (b) local improvement taxes;
- (c) taxes payable pursuant to subsection (2) of section 350;
- (d) taxes payable pursuant to subsection (2) of section 351.

By-law to
remain in
force until
repealed or
amended

(3) No by-law passed pursuant to subsection (1) shall be effective unless it is passed prior to the first day of May, but a by-law so passed shall remain in force until it is repealed or amended by a subsequent by-law passed prior to the first day of May in any year, and an amending by-law shall remain in force until repealed or amended in the same manner.

Taxes
applied on
arrears

368. (1) If arrears of taxes are due by a person on a property, and such person pays only a portion of the taxes due by him in respect of that property, the taxes received shall first be applied in payment of the arrears on that property.

(2) When all arrears have been paid in respect of a property, the secretary-treasurer, upon the written request of a person paying a portion only of the current taxes due in respect of that property, shall apply such portion to such current taxes as the person may select, and shall credit the person in the assessment roll as having paid the taxes selected.

Taxes
applied to
current
taxes

(3) In case a person pays a portion only of the current taxes due by him in respect of a property, and he does not as provided in subsection (2) signify the manner in which such portion is to be applied, the secretary-treasurer may apply the portion to such taxes levied for the current year as he may select, and shall credit the person in the assessment roll as having paid the taxes selected.

Selection by
secretary-
treasurer of
taxes to be
paid

(4) Where a payment on account of taxes is made by or on behalf of a person assessed in respect of more than one parcel and the person does not signify the manner in which or the parcel or parcels on which the payment is to be applied, the secretary-treasurer shall apply the payment *pro rata* on account of all taxes owing in respect of all parcels in the town or the village which are on the assessment roll in the name of the person assessed.

Application
of tax
payment
pro rata

369. When the secretary-treasurer receives any taxes, he shall issue an official receipt therefor upon a form that may from time to time be supplied or approved of by the Minister and shall enter the number of the receipt on the assessment roll opposite the property in respect of which the taxes are paid.

Issuance of
tax receipt

Recovery of Taxes by Suit or Distress.

370. The taxes due in respect of any land with costs may be recovered with interest as a debt due to the town or the village from a person who was the owner, conditional owner or purchaser of the land at the time of its assessment or subsequently became the owner, conditional owner, or purchaser of the whole or any part thereof, saving his recourse against any other person and shall be a special lien on the land, if the land is not exempt from taxation by the Province, in priority to every claim, privilege, lien or incumbrance of every person except the Crown, and the lien and the priority shall not be lost or impaired by any neglect, omission or error.

Recovery of
taxes on
land

(2) All taxes due in respect of a trade, business or profession with costs, may be recovered with interest as a debt due to the town or the village from the person carrying on the trade, business or profession, at the time of its assessment.

Recovery of
business
taxes

(3) The production of a copy of so much of the assessment roll as relates to the taxes payable by any person, purporting to be certified as a true copy by the secretary-treasurer shall be *prima facie* evidence of the debt.

Evidential
value of
copy of
tax roll

Taxes on
land a
charge on
insurance
moneys

371. (1) All taxes due in respect of a parcel of land, and whether or not any proceedings are pending for the recovery thereof under any Act relating to the recovery of taxes shall be a first charge upon any money payable under a policy of fire insurance in respect of any building or erection thereon save and except only where the policy has been effected and is maintained by a mortgagee of the land for his own protection.

Notice of
loss by fire

(2) The insurer, as promptly as possible after notice of loss, but in any event within forty-eight hours after receiving formal proof of loss under a policy of fire insurance, shall notify by registered mail the secretary-treasurer of the town or the village in which the insured property is situated of the loss of the insured property.

Notification
of taxes
due

(3) The town or the village, within ten days after the receipt of the notice from the insurer, shall notify the insurer by registered mail of the full amount of the taxes due in respect of the parcel forming the site of the building or erection, together with all buildings and erections thereon.

Payment of
taxes by
insurer

(4) Whenever an insurer becomes liable for the payment of money under a policy of fire insurance in respect of a building or erection in a town or a village the insurer, subject to the rights of any mortgagee as provided in subsection (1), shall pay to the town or the village the full amount of the taxes stated to be due to the town or the village in the notification received by the insurer from the town or the village.

Limitation
of insurer's
liability

(5) In case the amount which the insurer is liable to pay is insufficient to pay the full amount of the taxes, the insurer shall pay to the town or the village the full amount for which it is so liable, and upon the payment being made, the amount for which the insurer paying the same is liable under the policy shall be reduced by the amount of the payment.

Due date of
taxes

372. For the purpose of enforced collection only, all taxes shall be deemed to be due on the day on which the tax notice respecting the same was mailed as shown by the assessment roll, and where the address of any owner, conditional owner or purchaser is unknown, a tax notice shall be deemed to have been mailed upon the date upon which a tax notice was first mailed to any owner, conditional owner, or purchaser.

Distress
where taxes
a lien on
land

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

(a) the goods or chattels wherever found within the Province belonging to any owner, purchaser or conditional owner of the land (each of whom is herein-

after referred to as “a taxable person”) or belonging to an occupier of the land; or

- (b) the interest of a taxable person or an occupier in goods or chattels found on the land, including his interest in goods or chattels to the possession of which he is entitled under a contract for purchase or a contract by which he may become the owner thereof upon performance of any condition; or
- (c) the goods or chattels on the land where the title to the goods or chattels is claimed in any of the ways following,—
 - (i) by virtue of an execution against a taxable person, or an occupier;
 - (ii) by purchase, gift, transfer or assignment from a taxable person or occupier, whether absolute or in trust, or by way of mortgage or otherwise;
 - (iii) by the wife, husband, daughter, son, daughter-in-law or son-in-law of a taxable person or occupier, or by a relative of his in case such relative lives on the land as a member of the family;
 - (iv) by virtue of an assignment or transfer made for the purpose of defeating distress.

(2) Notwithstanding anything contained in this Act heretofore, no distress shall be made upon the goods or chattels of an occupier for any taxes which are a lien upon land if they were not first placed upon the tax roll during the period of his tenancy or occupancy of the land assessed.

Exemption
from distress
of occupier's
goods

(3) The onus of proof that goods or chattels found upon land are not the property of a taxable person or occupier shall lie upon the person asserting the same.

Onus of
proof of
ownership

374. When taxes which are not a lien upon land remain unpaid in the case of a resident of the town or the village for fourteen days, or in the case of a non-resident for one month after the mailing of the tax notice, the secretary-treasurer may levy the same with costs by distress,—

Distress
where taxes
not a lien
on land

- (a) upon the goods or chattels of the person taxed wherever found within the Province; or
- (b) upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or
- (c) upon the goods and chattels in the possession of the person taxed, where title to the same is claimed,—
 - (i) by virtue of execution against the person taxed;
 - (ii) by purchase, gift, transfer or assignment from the person taxed, whether absolute or in trust or by way of mortgage or otherwise; or

(iii) by the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or by any other relative of his in case such relative lives with the person taxed or assists him in his business;

(d) upon the goods and chattels or interest therein, as the case may be, falling within any of the classes mentioned in clauses (a), (b) or (c), of a person who occupies the premises in respect of which the business tax was levied, as purchaser of the business theretofore carried on therein by the person taxed.

Secretary-treasurer may appoint deputy

375. (1) The secretary-treasurer, from time to time by writing under his hand, may appoint any person to make and execute a levy which the secretary-treasurer is authorized to make pursuant to this section.

(2) A person so appointed shall have the same powers to make and execute the levy as are conferred upon the secretary-treasurer for that purpose by this section.

Exemption from distress

376. Notwithstanding anything herein contained no goods in the possession of any owner, purchaser, conditional owner or tenant for the purpose only of storing or warehousing them or of selling the same upon commission or as agent shall be levied upon or sold for taxes.

Liability of goods in hands of receiver, trustee or liquidator

377. Goods in the hands of a receiver for the general benefit of creditors or of an authorized trustee in bankruptcy 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 charged upon the premises in which the said goods were at the time of the assignment or winding-up order and thereafter charged upon the premises while the receiver, trustee or liquidator occupies the premises or while the goods remain thereon.

Liability for taxes under seizure or in *custodia legis*

378. Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff of a court or is claimed by or in possession of an assignee for the benefit of creditors or a liquidator or a trustee or an authorized trustee in bankruptcy, or where such property has been converted into cash and is undistributed, it shall be sufficient for the secretary-treasurer to give, and he shall give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy shall pay the amount of the same, after deducting any costs properly incurred in seizing, holding, and selling the prop-

Notice by secretary-treasurer of amount due; and payment thereof

erty, to the secretary-treasurer in preference and priority to any other and all other fees, charges, liens or claims whatsoever, except those of the Crown in the right of the Province.

379. (1) The goods or 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 tenant, or of the owner, purchaser or conditional owner, though his name does not appear on the roll.

Exemption from distress of goods exempt from seizure under execution

(2) The person who claims the exemption shall select and point out the goods or chattels as to which he claims exemption.

Selection of exemptions

380. (1) Where any taxes are due upon any land occupied by a tenant, the secretary-treasurer may give the tenant notice in writing requiring him to pay the secretary-treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, including costs.

Rent of premises payable on taxes

(2) The secretary-treasurer shall have the same authority as has the landlord of the premises to collect the rent by distress or otherwise to the amount of the unpaid taxes and costs.

Collection of rent by distress

(3) Nothing contained in this section shall prevent or impair any other remedy for the recovery of the taxes or a portion thereof from a person liable therefor.

(4) A tenant may deduct from his rent any taxes paid by him which, as between him and his landlord, the latter ought to pay.

Tenant may deduct taxes paid from rent

381. If at any time,—

(a) after demand has been made or notice given pursuant to section 363; and

(b) before the expiration of the time allowed before levy by distress can be made;

Distress on warrant of justice of peace in certain cases

the secretary-treasurer has reason to believe that a person in whose hands are goods or chattels subject to distress is about to move the goods or chattels out of the town or the village and if the secretary-treasurer makes an affidavit to that effect before a justice of the peace, the justice may issue a warrant to the secretary-treasurer 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 secretary-treasurer may levy accordingly.

382. The costs chargeable in respect of a distress and levy shall be those payable to bailiffs under *The Seizures Act*.

Cost of distress

Advertise-
ment of sale
of distrained
property
and sale by
public
auction

383. (1) The secretary-treasurer, by advertisement posted up in at least three public places in the town or the village near to the distrained property, shall give at least ten days' public notice of the time and place of sale and of the name of the person whose property is to be sold; and at the time specified in the notice the secretary-treasurer shall sell at public auction the goods or chattels distrained or so much thereof as may be necessary.

Sale of
grain

(2) Notwithstanding subsection (1), the secretary-treasurer may have any grain seized by the town or the village, and hauled to the nearest elevator or to any other convenient and suitable place of storage and the secretary-treasurer may dispose of the grain at the current market price.

Disposition
of excess
proceeds
over amount
due

384. (1) If the property distrained has been 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.

Surplus
payable to
claimant

(2) 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.

Retention of
surplus in
dispute

385. If the claim is contested the surplus shall be retained by the secretary-treasurer until the respective rights of the parties have been determined by action or otherwise.

Instructions
by council
not to collect
taxes

386. If any of the taxes appearing in the roll remain unpaid on the thirty-first day of December in any year and the secretary-treasurer has been instructed by the council not to collect the same, the secretary-treasurer shall insert in each case the words "instructed by council not to collect".

Compromise and Cancellation of Taxes.

Compromise
of tax
arrears

387. The council may pass a by-law, subject to the approval of the Minister, for the purpose of compromising upon such terms as may be agreed upon, for payment of arrears of taxes.

Cancellation
of tax
arrears

388. The council may pass a by-law, subject to the approval of the Minister, for the purpose of cancelling arrears of taxes which appear on the assessment and tax roll and which are no longer secured by a charge against land or other property and which are no longer collectible from the person taxed.

Remission
of taxes of
mentally
diseased

389. The council may pass a by-law for the purpose of remitting taxes levied with respect to lands of which a person who is mentally diseased is the owner or occupant, whenever it seems proper to do so.

PART X.**LOCAL IMPROVEMENTS.****General.**

390. The council of a town or a village may authorize a work of any of the following types to be undertaken as a local improvement, that is to say,—

- (a) the opening, widening, straightening, extending, grading, levelling, macadamizing, paving or plank-ing of a street or public lane, alley, way or place; or
- (b) the construction of a sidewalk, bridge, culvert or embankment forming part of a highway; or
- (c) the curbing, sodding, boulevarding or planting of a street or public land, alley, square or other public place; or
- (d) the making, deepening, enlarging or extending of a common sewer; or
- (e) the construction and installation of water mains; or
- (f) the construction of a conduit for wires or pipes along a roadway, street, lane, alley, square or other public place; or
- (g) the construction, but not the mere repair and main-tenance, of any of the said works during the orig-inally estimated lifetime thereof; or
- (h) the repairs and maintenance thereof after the lapse of the originally estimated lifetime thereof; or
- (i) the erection of firewalls and the acquiring of land necessary for the same.

391. The cost of a local improvement shall be deemed to include not only the cost of the actual work of making the local improvement but also the expense of engineering, surveying, advertising, issuing debentures and other ex-penses incidental to the entering on, carrying out and completing of the work and raising the money to pay the cost thereof including discount and interest.

Special Frontage Assessment.

392. (1) The council, by by-law, may impose a special frontage assessment on the several lands abutting on that portion of the street or place whereon or wherein the local 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 lands by the total number of lineal feet of the abutting lands.

Proportion-
ing special
frontage
assessment

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

Exemption
when sewer
main not
connected

393. (1) If, for the purpose of affording an outlet for a sewer or a system of sewers, a sewer main is carried along a street or place along which it would not have been carried except as a means of 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 a special frontage assessment in respect of the sewer main either for the whole or a part of the term of the special frontage assessment imposed in respect of the sewer or system of sewers served by the outlet, or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances.

Proportion-
ing when
sewer main
connected

(2) If any land which has not been assessed by way of special frontage assessment for a part of the cost of a sewer is connected therewith there may be assessed against such land the same amount per foot frontage as was assessed against the land actually abutting on the street or place whereon or wherein the sewer or system of sewers was constructed and the provisions of section 392 shall apply to the assessment so made.

Limitation
on special
frontage
assessment

(3) The amount assessed shall be placed to the credit of the town or the village account relating to sewers.

(4) Any land so assessed shall be exempt from special frontage assessment in respect of a 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 a greater sum on account of such exemption.

Special Local Benefit Assessment.

Special local
benefit
assessment

394. (1) The council, by by-law, may impose a special local benefit assessment which shall be levied against each parcel of land in the vicinity of the local improvement, whether or not the parcel abuts on the street or place whereon or wherein the local improvement is made or whether or not the parcel is increased or likely to be increased in market value or is otherwise specially benefited by reason of the construction of the local improvement.

Proportion-
ing special
local benefit
assessment

(2) The amount levied against each parcel shall be 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.

Initiating Local Improvements.

395. A local improvement to be paid 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. Petition for local improvement

396. (1) Upon receipt by a council of a petition praying for a 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 the 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. Procedure to undertake local improvement

(2) After the council has finally determined to undertake the improvement no name may be removed from the petition.

(3) The petition, by resolution of the council, may be acceded to at any time during the five years next succeeding the date of the filing of the petition with the council, either in respect of the whole or of a part of the local improvement. Time limitation to act on petition

(4) Part only of the local improvement petitioned for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made. Partial local improvement

397. (1) The council, on its own initiative, 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 town or the village, or if there is no such newspaper in a newspaper circulating therein. Notice of intention to undertake local improvement

(2) The notice shall describe the nature and location of the proposed improvement and the special assessment to be adopted for it.

(3) Unless the majority of the owners of the lands that may be assessed, representing at least one-half in value thereof as aforesaid, petition the council against it within two weeks after the last publication of the notice, the local improvement may be undertaken and the cost thereof assessed by the system of assessment referred to in the notice. Petition against local improvement

(4) If a 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.

Local im-
provement
to be
commenced
within
three years

(5) 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 been presented within the time limited in that behalf to the council against the local improvement or assessment, the council may undertake the proposed local improvement at any time within two years of the giving of the notice.

Fixing Special Assessments.

Proportion-
ing special
assessment

398. (1) 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.

Payments
spread over
probable
life-
time of
local im-
provement

(2) The several amounts so assessed against the several lands, with interest at a rate not exceeding eight per cent per annum, shall be spread over the term of the probable lifetime of the local improvement so that it shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period.

(3) Each annual instalment shall be entered upon the tax roll for the year in which it is payable, and shall be payable in the same manner and collectible 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 town or village taxes.

Commuta-
tion of
local im-
provement
payments

(4) 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 the land together with interest and penalties chargeable in respect thereof less any amounts previously paid on account thereof.

Ascertain-
ing cost of
local im-
provement
to be borne
by special
assessment

399. (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 town or the village at large.

(2) In the case of special frontage assessment the by-law may provide which lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted.

(3) In the case of special local benefit assessment the by-law may provide in what proportions the assessment is to be borne by the several lands benefited.

(4) The by-law may provide for assessing the cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment.

(5) In the case of common sewers and water mains and water service connections the by-law may provide that in addition to either the special frontage assessment or the special local benefit assessment a portion of the cost thereof shall be raised by a special tax levied on a frontage basis and a portion shall be borne by the town or the village at large.

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

400. (1) A local improvement, in the discretion of the council, may be undertaken and the necessary by-laws passed and debentures issued thereunder, either before or after the cost thereof has been ascertained and finally determined as aforesaid, unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

Undertaking local improvement before ascertaining cost

(2) A special assessment in respect of the local improvement may be imposed by the council, either before or after the cost thereof has been finally determined.

(3) If, in any case, the first assessment for a local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay for the local improvement.

Additional assessment if first assessment insufficient

(4) If too large a sum has at any time been raised the excess shall be refunded rateably to those by whom it is paid.

Refund of excess local improvement assessment

Special Assessment Notice.

401. (1) Notice of a proposed special assessment shall be given by the assessor to a person registered or assessed as owner of a parcel of land to be charged thereby, either personally or by letter addressed to the last post office address of the owner.

Notice of special assessment

(2) The notice shall contain,—

Contents of notice of special assessment

- (a) a description in general terms of the local improvement;
- (b) the probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) the probable or actual cost, if then ascertained, of the local improvement;
- (d) that portion, if any, of the cost to be borne by the town or the village at large;
- (e) the portion of the cost to be provided by special assessment and the system of special assessment under which the special assessment is proposed to be made;

(f) the time fixed for the sitting of the council for the hearing of appeals in respect of the special assessment.

(3) The time fixed in the notice for the sitting shall not be earlier than twenty-one days from the date of the delivery or mailing of the notices.

Record of
service of
notice

402. A memorandum in a proper book or roll kept for that purpose of the service or mailing of the notices and of the date thereof shall be *prima facie* evidence of the service or mailing of the notices in accordance with section 401 on the date mentioned in the memorandum.

Appeal from Special Assessments.

Appeal from
local im-
provement
assessment

403. There shall be a right of appeal against an assessment made under the authority of a 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.

Validity of
assessment

404. Subject to the right of appeal, no assessment under the provisions of this Act respecting local improvements shall be invalid by reason of a defect in form or in substance in a proceeding upon which the special assessment depends.

Conclusive-
ness of
decision of
council on
appeals

405. The decision of the council, subject to an appeal to the Alberta Assessment Commission 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 Commission shall respectively have power in the event of the assessment of a party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Borrowing Powers for Local Improvements.

Debenture
borrowing
for local im-
provements

406. (1) The council may pass by-laws for borrowing the money required to meet the whole or any part of the costs or estimated costs of any local improvement, by the issue of debentures upon the credit of the town or the village at large, provided,—

- (a) that such debentures shall mature within the probable lifetime of the local improvement;
- (b) that, notwithstanding the provisions of section 414, it shall not be necessary to obtain the assent of the proprietary electors to the passing of,—
 - (i) a by-law for raising the cost of a local improvement to be levied by special assessment; or
 - (ii) a by-law for raising the cost to be borne by the town or the village at large for an extension of a system of sewerage originally constructed as a local improvement; or
 - (iii) a by-law for raising the cost of a local improvement unless the share of the cost to be borne

by the town or the village at large is greater than forty per cent of the cost of the local improvement; and

- (c) that nothing herein contained shall be construed as authorizing an extension of the general debt of the town or the village beyond the limits thereof fixed by this Act.

(2) The council may pass by-laws for borrowing by way of temporary loans without the issue of debentures but within the restrictions aforesaid on the credit of the town or the village at large the whole or a part of the cost of a local improvement.

Temporary
loans for
local im-
provements

(3) Debentures issued or money borrowed for the purpose of local improvements, to the extent to which the sums are secured by special assessments, form no part of the general debt of the town or the village within the meaning of this Act and shall not be included when computing the amount which a town or a village is entitled to borrow under the provisions of section 415.

Special
assessment
loans for
local im-
provements

(4) It shall not be necessary to cite the amount of the local improvement debt so secured by special assessment in a by-law for borrowing money but it shall be sufficient to state in the by-law that the amount of the general debt of the town or the village as therein set forth is exclusive of local improvement debts secured by special assessment.

407. (1) The moneys required to pay the cost of a local improvement may be borrowed under the authority of one or more separate by-laws.

Borrowing
authorized
by by-law

(2) The portion payable by way of special assessment and the portion to be borne by the town or the village at large may be provided for in one or more separate by-laws.

(3) A by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of a part thereof shall state by recital or otherwise,—

Require-
ments of
by-laws
authorizing
local im-
provement
borrowing

- (a) the amount of the debt which the 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 the whole 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 a portion of the debt created by the by-law is to be borne by the town or the village at large the value of the whole rateable property of the town or the village according to the last revised assessment roll.

PART XI.**FINANCE.****Temporary Loans.**

Temporary
borrowing
on
promissory
notes

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

Unpaid taxes
as security
for
borrowings

(2) Where money has been borrowed or is proposed to be borrowed under this section, the council, either in the by-law authorizing the loan or by a by-law passed at a subsequent time, may pledge as security for the payment of the money the whole or any part of all unpaid taxes and penalties on taxes assessed or levied in any prior years, together with penalties thereon, and the whole of the taxes for the current year or such part thereof as may be considered expedient.

Borrowings
a charge on
taxes
collected for
purpose of
borrowing

409. 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 town or the village shall retain out of the taxes a sum sufficient to repay the said amount.

Limit on
borrowings

410. When any such borrowing takes place to meet the current ordinary expenditure of the town or the village, the total amount borrowed and outstanding shall not exceed seventy-five per cent of the total taxes levied by the town or the village in the current year to meet such expenditure.

Relief of
lenders

411. A person lending a sum to a town or a village under section 408 shall not be bound to establish the necessity for borrowing the same, nor to see that it is expended for the purpose for which it is borrowed.

Money By-laws—General.

Debenture
by-laws

412. A by-law 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.

Time limit
for repay-
ment of
debentures

413. 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 forty years from the date of the debentures issued thereunder.

414. Except as otherwise provided in this Act, 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, before the final passing of the by-law shall receive the assent of two-thirds of the proprietary electors voting thereon in the manner provided by Part VI.

Submission
of debenture
by-laws to
proprietary
electors

415. (1) Subject to the following provisions, a town or a village may 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 town or the village for a purpose within the jurisdiction of the town or the village, or for roads, bridges, waterworks or drainage works outside the limits of the town or the village.

Powers of
town or
village as
to
borrowings

(2) No town or village shall have power to pass by-laws for contracting general debts to a greater extent than twenty per cent of the assessed value of the rateable property in the town or the village.

Limit of
borrowing
powers

Debenture By-laws.

416. (1) The by-law creating the debt shall state by recital or otherwise,—

Require-
ments of
debenture
by-law

- (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 instalments to be paid in each of the years or the period at the end of which it 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 town or the village according to the last revised assessment roll;
- (e) the amount of the existing debenture debt of the town or the village and how much, if any, of the principal or interest thereof is in arrears;
- (f) that the consent or approval of the Minister or of the Provincial Board of Health, required by *The Public Health Act* has been obtained.

(2) The by-law shall,—

- (a) authorize the issue of debentures for the amount of the debt to be created thereby;
- (b) determine the amount or denomination thereof;
- (c) fix the rate or rates of interest payable thereon, and name the places where and the time when the principal and interest are payable;

	<p>(d) provide for the assessment and levy of an annual rate or rates sufficient to pay the principal and interest of such debenture;</p> <p>(e) generally shall be in such form and contain such further provisions as may be required by the Board of Public Utility Commissioners.</p>
Effective date of debenture by-law	<p>(3) 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.</p> <p>(4) If no day is named in the by-law it shall take effect on the day of the final passing thereof.</p>
Manner of payment of debentures	<p>417. The by-law may provide that the indebtedness shall be payable in such manner as may be approved by the Board of Public Utility Commissioners.</p>
Repayment of debentures	<p>418. (1) If the indebtedness is to be made payable in such 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 the debentures to be paid annually or semi-annually in accordance with the by-law, the by-law shall provide for raising each year during the currency of the debentures,—</p> <p>(a) a specific sum sufficient to pay the interest on the debentures when and as it becomes due;</p> <p>(b) by way of a sinking fund a specific sum which, with the estimated interest at a rate not exceeding four per cent per annum capitalized yearly, will be sufficient to pay the principal of the debentures at maturity.</p> <p>(2) Any such sum shall be added each year to the amount of the other rates and taxes of the town or the village and collected therewith.</p>
Redemption of debenture prior to maturity	<p>419. (1) Subject to the approval of the Board of Public Utility Commissioners, the by-law may provide that all or any part of the debentures authorized thereby shall be redeemable at the option of the town or the village at any time or at such time or times in advance of maturity, as the by-law may prescribe.</p> <p>(2) The by-law shall specify,—</p> <ul style="list-style-type: none"> • (a) the place of redemption; (b) the manner of publishing notice of intention to redeem; (c) the price or prices at which the debentures may be so redeemed, which price or prices may include such premium or premiums, if any, on redemption as may be provided in the by-law. <p>(3) The council may subsequently exercise the option to redeem all or any of the redeemable debentures and set a date for redemption in advance of the maturity thereof.</p>

(4) If a notice of intention to redeem has been given as hereinafter set forth, the principal of every debenture so to be redeemed shall become due and payable on the date set for redemption and from and after that date interest shall cease to accrue on the debentures so to be redeemed.

(5) A notice of intention to redeem shall be sent by post at least thirty days prior to the date set for the redemption to the person, if any, in whose name the debenture is registered, at the address shown in the debenture register, and the notice shall be published in such manner as may be set out in the by-law.

Notice of
intention
to redeem
debentures

(6) A debenture that is so redeemable shall contain a provision or bear an indorsement to the effect that it is issued subject to redemption, and the provision or indorsement shall specify,—

Indorsement
of
redeemable
debentures

- (a) the place of redemption;
- (b) the price or prices at which the debenture may be redeemed; and
- (c) the manner of giving notice of intention to redeem.

(7) Where only a portion of the debentures issued under the by-law is to be redeemed at any time, the debentures to be redeemed shall comprise only the debentures having the latest maturity dates so that no debenture issued under the by-law shall be called for redemption in priority to any such debenture that has a later maturity date, and where only a portion of the debentures of any one maturity are to be redeemed the debentures to be redeemed shall be selected by lot.

Variation of
maturity
date on
debentures

(8) Where a debenture is redeemed on a date prior to maturity the redemption shall not affect the validity of a by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Redeemed
debenture
does not
affect
special
assessment

(9) The provisions of this section shall apply to a by-law heretofore passed providing for redemption of debentures as aforesaid and containing provisions substantially the same as those contained in subsection (2), and to the debentures issued pursuant to the by-law and having an indorsement substantially in compliance with subsection (6), and the said by-law and the said debentures as so passed and issued shall be valid and binding to the same extent as if they had been passed and issued subsequent to the coming into force of this section.

Provisions
applicable
to by-laws
already
passed

420. (1) A town or a village, subject to the following provisions and with the approval of the Board of Public Utility Commissioners, may pass by-laws for contracting debts by borrowing money and for levying rates for the payment of such debts on the rateable property in the town or the village for the purpose of purchasing or redeeming

Contracting
debts to
redeem
debentures
in advance
of maturity

in advance of the maturity thereof the whole or any part or parts of the outstanding debentures of the town or the village.

Assent of
proprietary
electors not
required

(2) Notwithstanding the provisions of this Act or of *The Public Utilities Act*, it shall not be necessary for any such by-law to be referred to or assented to by the proprietary electors, and subsection (2) of section 415 shall not apply to a by-law passed under the provisions of this section.

Medium of
repayment

421. A 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.

Time limit
for passing
approved
by-law

422. (1) A by-law which has received the assent of the required number of proprietary electors who have voted thereon shall be passed by the council within four weeks of the voting thereon but not thereafter.

Extension
of time

(2) Notwithstanding subsection (1), the Board of Public Utility Commissioners, upon the application of the council made either before or after the expiration of such period of four weeks, may extend the time for passing the by-law beyond such period of four weeks, and in such case the by-law may be passed within such extended time.

Submission of Debenture By-laws to Board of Public Utility Commissioners.

Application
to Board for
certificate of
approval
to money
by-laws

423. The council of a town or a village which,—

- (a) pursuant to a law authorizing the town or the village to do so has heretofore passed; or
- (b) pursuant to the authority of this Act shall hereafter pass;

a by-law for contracting a debt or incurring a liability or for borrowing money may apply to the Board of Public Utility Commissioners for a certificate approving the by-law.

Pending
application
to quash
certificate
not issuable

.424. (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 Form 36 of the Schedule.

Submission
of by-law
to Board

(3) A town or a village which intends to apply for a certificate approving a by-law shall forward a copy of the by-law to the Board before it has been submitted to a vote.

(4) The Board may grant the certificate notwithstanding any defect or irregularity in substance or in form in the proceedings 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.

Grant of certificate notwithstanding defects

(5) A 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 town or the village 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.

Validity of by-law and issue of debentures

425. (1) Where a by-law has been approved under the provisions hereof the Board, upon the application of the council, may countersign a debenture or debentures issued or which may be issued under the authority of the by-law.

Counter-signing of debentures by Board

(2) Notwithstanding anything to the contrary in this Act, the countersigning by the Board shall be conclusive evidence of the validity of the debenture or debentures and its or their validity shall not be open to question in any court.

Conclusive evidence of validity of debentures

(3) The debentures countersigned shall be valid and binding upon the town or the village and upon the property liable to the rate imposed by or under authority of the by-law.

Issue of Debentures.

426. (1) The debentures to be issued under the by-law may be in either of Forms 37 or 38 in the Schedule, or may be in such other form as is approved by the Board of Public Utility Commissioners.

Form of debentures

(2) A debenture under this Act may be made payable in such manner that for the first five years succeeding its date interest only shall be payable thereon or it may provide for the payment of principal and interest secured thereby in any other manner approved by the Board.

Manner of repayment of debentures

(3) A debenture for the full amount or for a less amount than that mentioned in the by-law or a series of debentures aggregating the full amount or less amount than is so mentioned may be issued.

Debenture for full or lesser amount than authorized

(4) Whenever a series of debentures is 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.

Series of debentures distinguished by mark or symbol

(5) The said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

Similar mark or symbol on coupons

Execution of debentures	<p>427. (1) Every debenture issued shall be sealed with the seal of the town or the village and signed either by the mayor or by some person authorized by by-law to sign the same in his stead and by the secretary-treasurer or by some person authorized by by-law to sign in his stead.</p>
Signatures on debentures	<p>(2) Every coupon attached to debentures 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 secretary-treasurer or of some person authorized by by-law to sign in his stead</p> <p>(3) The signatures on the coupons may be engraved or lithographed.</p>
Time of issuance of debentures	<p>428. (1) Debentures may be issued either all at one time or in instalments at such times as the council deems expedient.</p> <p>(2) No debenture shall be issued after the expiration of four years after the final passing of the by-law.</p> <p>(3) A debenture, provided it be actually issued within the said period of four years, may bear any date within the said period.</p>
Insufficiency in form or substance does not invalidate debenture	<p>429. A debenture issued under this Act shall be valid and binding upon the town or the village, notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the town or the village in respect thereof if,—</p> <p>(a) the by-law has received the assent of the required number of proprietary electors voting thereon, where such assent is required; and</p> <p>(b) no successful application has been made to quash it within two months after its final passing.</p>
Loan pending issue or sale of debentures	<p>430. (1) The council of a town or a village pending the issue or the sale of any debentures authorized by by-law, or in lieu of selling and disposing of the same, may by resolution or by-law authorize the mayor or the deputy mayor and secretary-treasurer to raise money by way of a loan on such debentures, not to exceed eighty per cent of the par value of the debentures, and to hypothecate the same for the loan.</p>
Application of proceeds of loan	<p>(2) The proceeds of a loan shall be applied to the purposes for which the debentures were issued and should the debentures be subsequently sold and disposed of the proceeds thereof shall first be applied in repayment of the loan.</p> <p>(3) The lender shall not be bound to see to the application of the proceeds of the loan.</p>

Repayment of Debentures and Sinking Fund.

431. (1) The secretary-treasurer shall keep in his books two separate accounts of every bonded debt, one for the special rate and one for the sinking fund or for instalment of principal, both to be distinguished from all other accounts in the books by some heading sufficient to designate the purpose for which the debt was contracted.

Accounting
records
required
for rates and
sinking fund

(2) The secretary-treasurer shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every such debt and the amount of moneys raised, obtained and appropriated for repayment thereof.

432. (1) If after paying the interest of a debt for a financial year and appropriating the necessary sum to the sinking fund of the debt for the purpose of payment of an instalment of principal there is a surplus at the credit of the special rate account of the debt the surplus shall so remain and may be applied if necessary towards the next year's interest.

Application
of surplus
collections

(2) If the surplus exceeds the amount of 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 the debt.

433. No moneys levied and collected for the purpose of a sinking fund shall be applied in any case towards paying a portion of the current or other expenditures of the town or the village.

Misapplica-
tion of
sinking fund
collections

434. (1) Subject to the approval of the Minister, the council, by by-law, may direct that the sum or sums at the credit of the sinking fund account or of the special rate account of a debenture debt instead of being invested as hereinafter provided shall be applied from time to time as the same occurs toward payment or redemption, at such value as the council may direct, of any part of the debt or any of the debentures, to be selected as provided in such by-law, representing or constituting the debt or any part of it though not then payable.

Investment
of sinking
fund

(2) The council shall thereupon apply and continue to apply such sum or sums at the credit of the sinking fund or special rate account as aforesaid in the manner prescribed by the by-law.

435. (1) In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund or to pay the instalment of any debenture debt of the town or the village maturing prior to the time for levying the next annual rates, every member of the council shall be disqualified from holding any town or village office for the next two years.

Disquali-
fication of
members of
council which
neglects to
levy for
sinking fund

(2) No member of the council shall be liable to the penalty hereby imposed who shows to the satisfaction of a judge or tribunal before whom or before which the question of such member's qualification arises that he made reasonable efforts to procure the levying of the said amounts.

Interim
investment
of collections

436. (1) If a part of the produce of the special rate levied in respect of a debt and at the credit of the sinking fund account or of the special rate account thereof or of a reserve fund cannot be immediately applied towards paying the debt by reason of no part of it being yet payable the council shall invest the same from time to time in government securities, municipal or school debentures or in local improvement debentures of the town or the village or in any other debentures of the town or the village or in first mortgage of freehold real estate within the town or the village to an amount not exceeding one-third of the sworn cash valuation of an independent appraiser and from time to time as such securities mature may invest in other like securities.

Regulation
of investment
by council

(2) The council may regulate by by-law the manner in which such investment shall be made in the securities referred to in subsection (1).

Disposition
of debentures
acquired as
investment

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

Liability
of council
members
for unauth-
orized
activities
as to
investments

(4) No member of the council shall take part in or be a party to the investment of any moneys referred to in this section otherwise than is herein authorized and a member of the council so doing shall be held personally liable for any loss thereby sustained by the town or the village.

Power to
borrow on
security of
sinking fund

(5) For the purpose of paying a sum which is for the time being lawfully payable out of any sinking fund, the council of a town or a village, with the consent of the Board of Public Utility Commissioners, may borrow such sum as may be required for that purpose upon the security of its sinking fund and may pledge or hypothecate the fund or a part of the fund or any of the securities in which the sinking fund is for the time being invested by way of security for the repayment of any money so borrowed.

Credit of
surplus to
sinking fund

437. (1) The council may direct by by-law that any surplus moneys in the hands of the secretary-treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund or special rate account of a debenture debt.

(2) The council may appropriate to the payment of any debenture debt the surplus income derived from a town or a village work or from any share or interest in the work after paying the annual expenses of the work or may so appropriate any unappropriated money in the treasury or any money raised by general rate.

Appropriation of surplus income to sinking fund

(3) The council, from time to time may appropriate to a fund to be known as a reserve fund part of any surplus income arising from a town or a village work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection with the town or the village work.

Appropriation of surplus income to reserve fund

438. The council may from time to time after the passing of by-laws covering the several amounts required for particular local improvements and without in any way affecting the liens on the property described in the by-law pass a collective or accumulative by-law consolidating the several amounts of the debentures and may issue the new consolidated debentures in a general consecutive issue under such consolidated by-law apportioning nevertheless the amount raised by the new consolidated debentures and crediting each service with the amount previously fixed for it under the individual by-law passed in the first instance.

Consolidation of local improvement by-laws

439. (1) The secretary-treasurer shall open and keep a book to be known as "The Debenture Register," in which there shall be entered particulars of every by-law authorizing the issue of debentures and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum with the proper particulars inserted therein in Form 39 of the Schedule.

Debenture register

Memorandum on debentures

(2) In case a debenture is registered in the debenture register it shall be valid and binding in the hands of the town or the village or of a *bona fide* purchaser for value notwithstanding a defect in form or substance therein.

Validity of debenture on registration

(3) A certificate signed by the mayor and secretary-treasurer and sealed with the corporate seal of the town or the village that a debenture has been duly registered in the debenture register shall be *prima facie* evidence of the registration.

Evidential value of certificate

(4) A debenture issued by the council may contain a provision in the following words:

Provision in debenture as to transfer

"This debenture or any interest therein shall not after a certificate of ownership has been indorsed thereon by the secretary-treasurer of this town or village be transferable except by entry by the secretary-treasurer in the debenture register of the town or the village."

(5) In the case of the issue of any debentures containing the provision mentioned in subsection (4), the secretary-treasurer shall enter in the debenture register a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of every such debenture.

Entries of certificates and transfers

Requisites
of entry of
debenture

(6) No such entry shall be made except upon the written authority of the person last entered in the book as the owner of the debenture or of his executors or administrators or of his or their lawful attorney, which authority shall be retained and duly filed by the secretary-treasurer.

Transfer-
ability of
debentures

(7) After a certificate of ownership has been indorsed as aforesaid the debenture shall only be transferable by entry by the secretary-treasurer in the debenture register from time to time as transfers of the debenture are authorized by the then owner thereof, his executors or administrators or his or their lawful attorney.

Cancellation
of debenture
not sold
and issue
of new ones

440. (1) Where a debenture issued or authorized to be issued under the authority of a by-law has not been sold, transferred, mortgaged, pledged, hypothecated or otherwise disposed of, a town or a village by by-law, may cancel the same and the entry, if any, in the debenture register of the issue thereof or may amend the by-law authorizing the issue of debentures and thereupon issue one or more new debentures in substitution therefor and may,—

- (a) make such new debenture or debentures payable by the same or a different mode of payment; and
- (b) make such debentures redeemable at the option of the town or the village; and
- (c) increase or decrease the rate of interest on such debentures; and
- (d) adjust the annual special rates and assessments as may be necessary to provide therefor.

(2) Where a debenture has been sold, transferred, mortgaged, pledged, hypothecated or otherwise disposed of, the town or the village shall have the right of amendment, cancellation and re-issue upon acquiring the same as holder or upon the request of the holder thereof.

Term and
principal of
debenture
not to be
increased

(3) Neither the period over which the indebtedness was originally spread nor the term at the end of which the same was made payable, as the case may be, shall be increased and the amount of the principal of the new debentures shall not exceed the amount of the principal of the original debentures for which the new debentures are substituted.

Approval
of Board
required

(4) No by-law shall be passed pursuant to this section until the same has been approved by the Board of Public Utility Commissioners, and it shall not be necessary for any such by-law to be referred to or assented to by the proprietary electors.

Hypotheca-
tion of
debentures

(5) For the purposes of this section the hypothecation of debentures under section 430 at any time heretofore or hereafter made shall not constitute a sale or other disposal thereof.

Other
by-laws not
affected by
by-law
passed under
this section

(6) A by-law passed under this section shall not affect the validity of a by-law by which special assessments are imposed or instalments thereof levied, the validity of special

assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Deposit of Sinking Fund with the Provincial Treasurer.

441. (1) Notwithstanding the foregoing provisions of this Act, a council, where it proposes to pass a by-law for borrowing money by the issue of debentures and to create a sinking fund for the repayment thereof, may pass a by-law wherein it may be provided that the annual amount to be levied on account of the sinking fund shall be paid by the secretary-treasurer to the Provincial Treasurer.

Deposit of
sinking
fund with
Provincial
Treasurer

(2) Where a town or a village avails itself of the right conferred by subsection (1), the Provincial Treasurer may receive from the secretary-treasurer of the town or the village the annual amounts so levied on account of the sinking fund and allow and credit the town or the village with interest thereon at the rate of four per cent per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

Interest
payable on
deposits by
Provincial
Treasurer

(3) All moneys received by the Provincial Treasurer under the provisions of this section shall form part of the General Revenue Fund of the Province and a statement of the amount at the credit of each town or village shall be set forth annually in the public accounts of the Province.

Deposits
go to the
revenue of
Province

(4) The Lieutenant Governor in Council may from time to time, should such course be deemed advisable, direct the Provincial Treasurer to invest the amount or a part of the amount at the credit of the town or the village as directed by *The Treasury Department Act*, or in the debentures of the town or the village to redeem which such sinking funds were paid to the Provincial Treasurer.

Investment
of sinking
fund by
Province

442. (1) Where any such by-law has been passed by the council the amount payable in any year to the credit of the sinking fund which under the provisions of the by-law is to be paid to the Provincial Treasurer shall be deemed a debt due to him and in default of payment thereof he may sue therefor in a court of competent jurisdiction in his own name as for a debt due to the Crown.

Amount
payable is
debt due
Provincial
Treasurer

(2) Within thirty days after the final passing of the by-law the secretary-treasurer shall transmit a duly certified copy of the by-law to the Minister.

Minister
to receive
copy of
by-law

443. Where, by any by-law heretofore or hereafter passed, provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the by-law the town or the village, in each year in which the sinking fund is required to be raised, shall transmit to the Minister a return showing,—

Annual
return to
Minister as
to sinking
fund

- (a) whether the sinking fund for the year has been raised; and
- (b) how the sinking fund has been applied or dealt with; and
- (c) the state of the investment of any part of the sinking fund theretofore collected;

which return shall be verified by the affidavit or statutory declaration of the mayor and of the secretary-treasurer.

Reserve Funds.

Reserve
fund

444. (1) A reserve fund may be formed by including in the estimate for any one year a sum not exceeding one-third of the sum estimated to be the amount of the probable expenditure of the town or the village for the previous year, and by including in the estimate for each of the two following years, a sum calculated in the same way.

Reserve
fund trust
account

(2) All money collected in respect of the reserve fund shall be paid into a reserve fund trust account.

Use of
reserve
fund

(3) The reserve fund, when completely formed, may be drawn upon to discharge any liability, to meet which money may be temporarily borrowed under the provisions of this Act.

Reimburse-
ment of
reserve fund

(4) The money withdrawn from time to time from the reserve fund shall be redeposited therein as soon as possible out of such part of the current taxes as is not required for the lawful payment of other obligations, and any money which is not so redeposited before the preparation of the succeeding annual estimate, shall be included in the estimate.

Investment
of surplus
funds

445. In case the general revenue on deposit of a town or a village exceeds the indebtedness, liabilities or commitments of the town or the village, the council, by by-law, approved by the Minister, may invest any part of the excess in bonds either of Canada or of the Province of Alberta.

PART XII.

LEGAL PROCEEDINGS.

Actions By and Against Towns and Villages.

Remedy over
against
persons in
certain cases

446. Where an action is brought against a town or a village,—

- (a) to recover damages sustained by reason of any obstruction, excavation or opening in or near a public highway, street, bridge, alley, square or other public place made, placed, left or maintained by a person other than a servant or agent of the town or the village; or

- (b) to recover damages sustained by reason of any negligent or wrongful act or omission of a person other than a servant or agent of the town or the village;

the town or the village 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 town or the village.

447. (1) The town or the village shall be entitled to such remedy over in the same action if the other party is made a party to the action. Other person added as defendant to action

(2) 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 other person or by reason of the negligent or wrongful act or omission of such person, the town or the village may thereupon in the action have the other person, if he is not already a defendant in the action jointly with the town or the village, added as a party defendant or third party for the purposes hereof.

(3) The other person may defend the action as well against the plaintiff's claim as against the claim of the town or the village to a remedy over.

(4) 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.

448. If,—

- (a) the other person is not a party defendant in the action; or
 (b) the other person is not added as a party defendant or third party; or
 (c) the town or the village has paid the claims for the damages before any action is brought to recover the same or before the recovery of damages or costs against the town or the village therein;

Recovery of damages prior to action

the town or the village 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 or by reason of the negligent or wrongful act or omission of such person.

449. The other person, if not a defendant in the action, shall be deemed to admit the validity of the judgment, if any, obtained against the town or the village in cases only where a third party notice has been served on him pursuant to the Rules of Court providing for third party notices or where he has admitted or is estopped from denying the validity of the judgment. Admission of validity by third party notice

Onus of
proof in
certain
cases

450. Where no third party notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the town or the village or when damages have been paid without action or without recovery of judgment against the town or the village the liability of the town or the village for the damages and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person as aforesaid, or by reason of the negligent or wrongful act or omission of such person must be established in the action against the other person in order to entitle the town or the village to recover in the action.

Share
between
municipalities
jointly liable

451. (1) Where the town or the village and an adjacent municipality are jointly liable for the non-repair of a public road, bridge, street or other highway there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair.

Apportioning
damages
and costs
of action

(2) Any action brought by any such person shall be brought against all of such municipalities jointly and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined in the action and in settling such proportions either in the action or otherwise regard shall be had to the extent to which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered and the damages and costs shall be apportioned between them accordingly.

No liability
of municipality
where other
person
responsible

452. Nothing contained in sections 266 and 267 shall cast upon the town or the village any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law and over which the town or the village has no control, where the town or the village is not a party to the acts or omissions, and where the authority under which the persons acted or act is not a by-law, order, resolution or license of the council.

No action
against
officials of
town or
village

453. (1) Where an action may be brought against the town or the village by a person who has suffered damages by reason of the default of the town or the village in keeping in proper repair a public road, street, bridge, highway, square, alley or other public place no action shall be brought in respect of such damage against a member of the council or officer or employee of the council personally but the remedy shall be wholly against the town or the village.

Liability of
contractor
excepted

(2) This section shall not affect the liability of a mere contractor with the town or the village nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

454. Where,—

- (a) duties, obligations or liabilities are imposed by law upon any person, company or corporation; or
- (b) contracts or agreements are or have heretofore been created, enacted or validated by any status imposing such duties, obligations or liabilities;

Right to
enforce
obligations

the town or the village shall have the right by action to enforce the duties or obligations and the payment of the 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 as plaintiff or as plaintiff upon the relation of any person interested.

455. (1) Where a by-law, order or resolution is illegal in whole or in part or where 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, order or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring action has been given to the town or the village.

Limitation
of time
for bringing
action

(2) Every such action shall be brought against the town or the village alone and not against any person acting under the by-law, order or resolution.

456. (1) Where the town or village tenders amends to the plaintiff or his solicitor, if such tender is pleaded and if traversed proved, 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 may direct and shall be set off against the amount recovered and the balance due to either party may be recovered as in ordinary cases.

Tender of
amends
bar costs

(2) The council of any town or village upon any claim being made or action brought for damages for alleged negligence on the part of the town or the village may tender or pay into court, pursuant to the Rules of Court in that behalf, such amount as it may consider proper compensation for the damages sustained.

Where
tender is
paid into
court
costs barred

(3) In the event,—

- (a) of the non-acceptance by the claimant of the tender or of the amount paid into court; and
- (b) the action being proceeded with; and
- (c) no greater amount being recovered than the amount so tendered or paid into court;

the costs of the suit or the costs of the suit subsequent to the payment into court, in case no tender has been made, shall be awarded to the defendants, and set off against any amount recovered against them.

Quashing By-laws and Resolutions.

Motions to
quash
by-laws and
resolutions

457. (1) An elector of the town or the village 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.

(2) The judge upon such motion may 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 town or the village and may determine the scale of the costs.

Time for
service of
notice

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

Recogniz-
ance and
sureties
for costs

(4) 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.

Sureties
filed in
court

(5) 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.

Deposit in
lieu of recog-
nizance

(6) In lieu of the recognizance mentioned in subsections (4) and (5) 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 payment into court shall be filed in the District Court with the other papers relating to the motion.

Disposition
of deposit

(7) Upon the determination of the proceedings, the judge may order the money 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.

Method of
payment
into and
out of court

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

Limitation
of time
for applica-
tion to
quash
by-law

(9) 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 at any time.

Quashing
by-law
under
*The Con-
troverted
Municipal
Elections
Act*

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

Executions Against Towns and Villages.

459. (1) Any writ of execution against a town or a village may be indorsed with the direction to the sheriff of the judicial district in which the town or the village is situate to levy the amount thereof by rate. Proceedings
under writ of
execution

(2) Where the sheriff is directed to levy by rate he shall deliver a copy of the writ and indorsement to the secretary-treasurer of the town or the village with a statement in writing of the amount required to satisfy the execution, including the amount of interest calculated to a date as near as is convenient to the date of the service, and sheriff's fees.

(3) If the amount with interest thereon from the date mentioned in the statement is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the town or the village and shall in like manner as rates are struck for general town or village purposes strike a rate in the dollar sufficient to cover the amount claimed with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when the rate will probably be available.

(4) The sheriff shall thereupon issue an order under his hand and seal of office directed to the secretary-treasurer and shall annex thereto a statement of the rate struck by him and shall by the order, after reciting the writ and that the corporation had neglected to satisfy the same and referring to the rate annexed to the order, command the secretary-treasurer to levy the rate at the time and in the manner as the general annual rates.

(5) At the time for levying the annual rates next after the receipt of the order, the secretary-treasurer shall add a column to the tax roll headed "Execution rate in A.B. versus the town (or village) of..... (as the case may be)" adding a similar column if there are more executions than one and shall insert therein the amount that is required to be levied upon each person respectively, pursuant to the order and shall levy the amount of the execution rate and shall, within the time that he is required to make the returns of the general annual rate, return to the sheriff the order with the amount levied thereon, deducting his percentage.

(6) The sheriff, after satisfying the execution and all fees thereon, shall return any surplus within ten days after receiving it to the secretary-treasurer for the general purposes of the town or the village.

(7) In case the secretary-treasurer of any town or village against which an execution has issued, is not paid by percentage fixed by a by-law of the town or the village, he shall be paid for the collections a sum not exceeding two and one-half per cent.

Municipal
officials
deemed
officers of
court

460. For the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to the execution, the secretary-treasurer and assessor shall be deemed to be officers of the court from which the writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them.

PART XIII.

GENERAL OFFENCES AND PENALTIES.

Offences by Councillors.

Councillor
guilty of
offence if
party to
contract or
surety for
official
contrary
to Act

461. A member of the council,—

- (a) 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 the member liable to forfeiture; or
- (b) acting as surety for an officer or employee of the council;

Penalty

shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and not more than one hundred dollars and costs.

Councillor
guilty of
offence who
authorizes
expenditure
contrary
to Act

462. (1) A member of a council who spends or authorizes the expenditure of any funds of the town or the village upon or with respect to any public work in the town or the village or for the supplying of any material or labour for such work, unless he has first been empowered to do so by by-law or resolution of the council, in addition to being liable for a civil action instituted against him by the town or the village or any ratepayer thereof, shall be guilty of an offence and liable on summary 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.

Penalty

Exception to
liability in
certain cases

(2) A councillor shall not be liable under this section for authorizing work of an emergent nature which is subsequently ratified by the council.

Liability of
council for
improper
diversion of
debenture
proceeds

463. (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 the moneys shall be personally liable for the amount so diverted and such amount may be recovered by the town or the village 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 a period of two years.

Disqualifi-
cation of
council
members

(3) In case the council, upon the request of an elector, refuses or neglects, for one month thereafter, to bring an action therefore in the name of the town or the village, the action may be brought by an elector on behalf of himself and the other electors of the town or the village.

Action may
be brought
by elector

Offences by Officials.

464. (1) A secretary-treasurer who,—

Secretary-
treasurer
guilty of
offence
if he,—

- (a) refuses or neglects to prepare any voters' list as required by this Act; or
- (b) neglects or omits to enter upon the list the name of any person whose name appears upon the assessment roll; or
- (c) neglects or omits to enter upon the list any other particular or the name of any other person which he is required by this Act to enter thereon; or
- (d) refuses, neglects or omits to revise the list in accordance with any of the requirements of this Act;

neglects to
prepare
voters' list

neglects to
enter name

neglects to
enter other
items

neglects to
revise

shall in respect of each such refusal, neglect or omission be guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars and costs.

Penalty

(2) For the purposes of this section the expression "voters' list" includes any copy thereof which the secretary-treasurer is by this Act required to prepare.

"Voters' list"
further
defined

465. (1) The secretary-treasurer shall keep and make use of such books of record and account as the Minister shall from time to time require him to keep and use, including the debenture register required by the provisions of this Act and shall also prepare and submit to the council monthly a correct statement of the moneys to the credit of the town or the village.

Duties of
secretary-
treasurer re
records and
accounts

(2) Any official of the town or the village—

- (a) who refuses, neglects or fails to discharge the duties of his office; or
- (b) who knowingly signs any statement, report or return required by this Act, or any other enactment in force in the Province, which contains any false statement; or
- (c) who refuses or neglects to hand over to his successor in office, or to such persons as are designated in writing to him by the council or by the Minister, all moneys, books, papers and other property of the town or village in his possession;

Mis-feasance
and non-
feasance of
any official

in addition to any civil liability which he may incur, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars.

Penalty

Miscellaneous Offences.

Liability
of town or
village for
failure to
file sinking
fund return

466. A town or a village which does not comply with the provisions of this Act as to the annual return relating to the sinking fund to be sent to the Minister, and the mayor and the secretary-treasurer thereof, shall be guilty of an offence for each failure to comply, and upon summary conviction shall be liable for each such failure to comply to a penalty not exceeding one hundred dollars to be recovered with costs by summary conviction.

Penalty

Control
of fire

467. A person who within a town or a village 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; or
- (b) permits a fire to pass from his own land; or
- (c) allows a fire under his charge, custody or control or under the charge, custody or control of any servant, employee or agent to run at large;

Penalty

shall in any such case be guilty of an offence and liable on summary conviction to a penalty of not less than twenty-five dollars and not more than two hundred dollars and in addition to the 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.

Interference
with public
works
officials
an offence

468. Every person who interrupts, hinders or molests any person while engaged under the authority of the town or the village 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 liable upon summary conviction, to a penalty not exceeding fifty dollars and costs, or to imprisonment for a period not exceeding thirty days, or to both.

Penalty

Enforcement
of fines and
penalties

469. All fines, penalties and forfeitures mentioned in this Act may be recovered and enforced with costs on summary conviction before a justice of the peace, unless otherwise provided.

Fines and
penalties
belong to
the General
Revenue
Fund

470. All moneys accruing from fines or penalties under this Act otherwise than from violations of town or village by-laws shall, unless otherwise provided, belong to the General Revenue Fund of the Province.

PART XIV.**MISCELLANEOUS MATTERS.****Governmental Commission of Inquiry.**

Petition for
commission
of inquiry

471. If one-third of the members of the council or one-fourth of the electors of the town or the village petition the Lieutenant Governor in Council for a commission to issue under the Great Seal to inquire into the financial affairs of

the town or the village the Lieutenant Governor in Council may issue a commission accordingly, and the commissioner or commissioners shall have all the powers of commissioners appointed under *The Public Inquiries Act*.

Judicial Commission of Inquiry.

472. (1) If a council passes a resolution requesting a judge of the Supreme Court or of the District Court of the district in which the town or the village is wholly or mainly situated to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a member of the council or commissioner or other officer, servant or agent of the town or the village or of any person having a contract therewith in relation to the duties or obligations of such person to the town or the village, or if a council sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the town or the village or the conduct of any part of the public business thereof and passes a resolution requesting a judge to make inquiry, the judge shall inquire into the same and thereupon he shall for that purpose have all the powers which may be conferred upon commissioners under *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.

Judicial
commission
of inquiry by
resolution
of council

(2) The judge holding the 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 289.

Fees to
judge

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

Engagement
of counsel
and payment
of witness
fees

Inquiry by Council.

473. (1) A council, at any time by resolution, may appoint a committee of its members to investigate any charge which may be made against an employee of the town or the village.

Inquiry by
council re
employees

(2) The committee so appointed may,—

- (a) summon the employee before it to answer the charge; and
- (b) summon witnesses to attend by written notice signed by any member of the committee; and
- (c) pay all proper witness fees on the District Court scale; and

- (d) upon payment of the usual conduct or attendance money payable in the District Court, take evidence under oath.
- (3) Any member of the committee may administer the oath.
- (4) The committee shall report the result of its inquiry to the council.

Coming Into Force.

Repeal **474.** *The Town and Village Act*, being chapter 150 of the Revised Statutes of Alberta, 1942, is hereby repealed.

Coming into force **475.** This Act shall come into force on the first day of July, 1952.

Schedule

SCHEDULE.

Form 1

FORM 1.

(Section 22.)

Notice to Creditors of The Village of.....

Pursuant to section 22 of *The Town and Village Act, 1952*, notice is hereby given that all persons having any claims against the Village of....., other than claims secured by any debentures of the said village are required to deliver to the undersigned at

.....
written particulars of such claims before the.....
..... day of....., 19.....,

and that on and after the said day the undersigned will proceed to the distribution of the assets of the village having regard only to the claims of which particulars in writing have been furnished to the undersigned before the said day;

And further take notice that the liability of the village in respect of any claims other than claims secured by any debenture of the village the particulars whereof have not been delivered to the undersigned as required before the said day will cease and determine.

•Dated at....., in the Province of Alberta, this..... day of....., 19......

.....
.....
Being a person (or persons) appointed to adjust the assets and liabilities of the Village of....., pursuant to section 22 of *The Town and Village Act, 1952*.

FORM 2.

Form 2

(Section 25.)

NOTICE OF MEETING TO FORM TOWN.

Take notice that a meeting of the electors of the village of will be held on the day of at the hour of o'clock p.m., at in the village of for the purpose of considering a resolution authorizing the council of the village to petition the Minister of Municipal Affairs for the erection of the village and (*here insert the description of any additional land which it is desired to include within the town*) into a town.

Dated the day of 19.....

Secretary-Treasurer of the Village
of

FORM 3.

Form 3

(Sections 106-107-157.)

OATH FOR THE PURPOSE OF GETTING ON THE VOTERS'
LIST ON POLLING DAY.

You do swear (or solemnly affirm) that you are of the full age of twenty-one years, and that on the fifteenth day of November last you were entitled to be placed upon the voters' list of the town (or village) of and that your name appeared upon the assessment roll at that date in respect of the following land (or business) which is liable to taxation, viz:.....

(Description)

Sworn (or affirmed) before me }
at the of }
..... in the }
Province of Alberta, this }
..... day of }
....., 19..... }

.....
A Commissioner for Oaths, J.P., or N.P.

or

You do swear (or solemnly affirm) that you are of the full age of twenty-one years, and that on the fifteenth day of November last you were entitled to be placed upon the voters' list of the town (or village) of that you are a Canadian citizen and have continuously resided in the town (or village) of for a period of six months immediately preceding the last day of September last and still continue to reside therein.

Form 4

(Section 108.)

I, the undersigned.....
(Name in full)

of
 (Residence) *(Occupation)*
appointed enumerator for the town (or village) of
..... in the Province of Alberta, do swear
(or, being one of the persons permitted by law to affirm in
civil cases, solemnly affirm) that I will act faithfully in my
said capacity of enumerator without partiality, fear, favour
or affection. So help me God.

Sworn (or affirmed) before me }
at the of }
..... in the }
Province of Alberta, this }
..... day of }
....., 19..... }

Form 5

(Section 109.)

VOTERS' LIST.

[illegible]

SUPPLEMENTARY LIST.

No.	Name	Residence

FORM 6.

Form 6

(Section 112.)

NOTICE OF COMPLETION OF VOTERS' LIST.

Notice is hereby given under the provisions of *The Town and Village Act, 1952*, that the Voters' List of the town (or village) of has been prepared and that a copy of the said Voters' List is posted in the office of the secretary-treasurer.

The posted list is open to inspection during business hours.

Any qualified elector may make application for the correction of any error or omission in the said voters' list by serving notice upon the secretary-treasurer in writing on or before the first day of December.

Dated at this day of , 19.....

.....
Secretary-Treasurer.

FORM 7.

Form 7

(Section 113.)

NOTICE OF INTENTION TO APPLY TO HAVE NAME PLACED ON VOTERS' LIST OR SUPPLEMENTARY VOTERS' LIST.

To the Secretary-Treasurer of the town (or village) of

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

Dated this day of 19.....

.....
(Applicant.)

or
(Agent for the applicant.)

Form 8

FORM 8.

(Section 114.)

STATUTORY DECLARATION TO ACCOMPANY THE PRECEDING
FORM.

Canada } I,
 Province of Alberta } of the town (or village) of.....
 To Wit: }

in the Province of Alberta, do solemnly declare:

1. That I am of the full age of twenty-one years.
2. That I am the purchaser, owner or conditional owner
 (as the case may be) of.....

or

That I am liable to a business tax in respect of a business
 and my name is on the assessment roll;

or

That I am a Canadian citizen and I have resided within
 the town (or village) of.....
 continuously for a period of six months immediately preced-
 ing the last day of September in the present year.

And I make this solemn declaration, conscientiously be-
 lieving it to be true and knowing it is of the same force and
 effect as if made under oath and by virtue of *The Canada
 Evidence Act*.

Declared before me at }
 this..... day of }
 19..... }

A Commissioner for Oaths, J.P. or N.P.

Form 9

FORM 9.

(Section 121.)

NOTICE OF ANNUAL MEETING

Public notice is hereby given that a meeting of the elect-
 ors of the town (or village) of.....
 will be held in the on....., the
 day of, 19....., at..... o'clock p.m.
 for the purpose of receiving the report of the Mayor, Sec-
 retary-Treasurer, Auditor and Chairman of the various
 committees of the Council for the year ending December
 31st, 19.....

Dated at....., this..... day of
, 19.....

Secretary-Treasurer.

FORM 10.

Form 10

(Section 125.)

MUNICIPAL ELECTIONS.

Town (or Village) of

Public notice is hereby given that I will attend at (*insert description of place*) on, the day of, 19..... from eleven o'clock in the forenoon until twelve o'clock noon for the purpose of receiving nominations of candidates (*for the office of mayor for the next ensuing two years in the case of a town, or for the office of councillor for the next ensuing three years as the case may be.*)

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

.....
Returning Officer.

FORM 11.

Form 11

(Section 127.)

NOMINATION PAPER.

We, the undersigned electors of the town (or village) of 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 town (or village).

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 the town (or village) of
3. That I am a Canadian citizen;
4. That I can read and write in the English language;
5. That my name appears upon the voters' list as a proprietary elector;
6. That my name is on the assessment roll of the town (or village) in respect of land or interest in land not exempted from taxation within the town (or village) which is of the value of one hundred dollars over and above charges, liens and incumbrances affecting the same;
7. That I am not otherwise disqualified;

8. That I will accept the office of.....
of the said town (or village) if elected.

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

Form 12

FORM 12.

(Section 132.)

WITHDRAWAL OF NOTICE OF POLL.

Town (or village) of.....Municipal
Elections, 19.....

Whereas.....nominated for the office of
.....(*as the case may be*) has withdrawn his
(or their) candidature for the said office, leaving
the only candidate (or candidates) therefor, I hereby give
notice that no voting for the said office (or offices) will take
place on the.....day of (*date of polling*).

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

G.H.,
Returning Officer.

Form 13

FORM 13.

(Sections 133 and 190.)

NOTICE OF POLL.

Town (or village) of.....Municipal
Elections, 19.....

Public notice is hereby given that an election will be held
for the offices of councillors (*and if such is the case*, for the
office of mayor) of the town (or village) of.....
for the years 19.....and 19.....and that the polling will take
place on (*here insert date of polling*) the.....day of
.....19....., from ten o'clock in the fore-
noon until seven o'clock in the afternoon at the following
place or places (*here specify polling place or places*) and
that I will at (*describe the place*) on (*day of week*), the
.....day of19....., at
.....o'clock in the forenoon, sum up the votes and
declare the result of the election.

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

Returning Officer.

FORM 14.

Form 14

(Section 138.)

FORM FOR MAYOR.

MAYOR	Election of Mayor for the town of..... for 19.....	ALLAN CHARLES ALLAN, of the town of..... Merchant.	
		BROWN WILLIAM BROWN, of the town of..... Banker.	

FORM FOR COUNCILLORS.

COUNCILLORS.	Election of Councillors for the town (or village) of..... for 19.....	ARGO JAMES ARGO, of the town (or village) of..... Gentleman.	
		BAKER SAMUEL BAKER, of the town (or village) of..... Baker.	
		DUNCAN ROBERT DUNCAN, of the town (or village) of..... Printer.	

FORM 15.

Form 15

(Section 141.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter shall go into one of the compartments and with pencil provided in the compartment place a cross 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 the candidate or candidates.

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 the ballot so folded to the returning officer and forthwith quit the polling place.

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

If the voter votes for more 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.

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 that he can thereby be identified it will be void and will not be counted.

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 labour.

The following forms of ballot paper are given for illustration. In the case of a town—the candidates for mayor are Jacob Thompson and Robert Walker, for councillors John Bull and Morgan Jones, and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor and the second ballot paper in favour of John Bull for councillor,—

MAYOR	Election of Mayor for the town of for 19	THOMPSON JACOB THOMPSON, of the town of X Merchant.
		WALKER ROBERT WALKER, of the town of Physician.
COUNCILLORS	Election of Councillors for the town of for 19	BULL JOHN BULL, of the town of X Grocer.
		JONES MORGAN JONES, of the town of Butcher.

or in the case of a village, John Doe and Richard Roe are candidates for election to the council and the elector has voted for John Doe,—

COUNCILLORS	Election of Councillors for the village of..... for 19.....	DOE JOHN DOE, of the village of..... X
	ROE RICHARD ROE, of the village of.....	

FORM 16.

Form 16

(Section 145.)

POLL BOOK.

Name	Qualification	Residence	Occupation	VOTED FOR *				Objected to	Sworn	Refused to Swear or Affirm	Remarks
				Mayor	Councillors	Public School Trustees	Separate School Trustees				

* In the case of a village omit these four items and substitute word "voted".

Form 17

FORM 17.
(Section 149.)

OATH OF ELECTION OFFICIALS.

I, A.B., do swear that I will not at the election to be held in the town (or village) of on the day of 19....., attempt in any way unlawfully to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person or persons for whom any elector has voted. So help me God.

Form 18

FORM 18.
(Section 156 (1).)

AFFIRMATION OF ELECTOR AT ELECTION HELD BEFORE
COMPLETION OF FIRST VILLAGE VOTERS' LIST.

Taken this day of 19.....

The undersigned solemnly affirm each for himself that he is of the full age of twenty-one years; that during the whole of the two months immediately prior to this date he has been the owner, conditional owner or purchaser of assessable land in the Village of a description of which land is set opposite his name.

NAME	LAND VOTED ON

Form 19

FORM 19.
(Section 156 (2).)

AFFIRMATION OF ELECTOR AT ELECTION HELD BEFORE
COMPLETION OF FIRST TOWN VOTERS' LIST.

Taken this day of 19.....

The undersigned solemnly affirm each for himself that he is of the full age of twenty-one years; that his name appears upon the last revised assessment roll of either the village of or Improvement District No.

.....or Municipal District No.....
 in respect of land or business now included in the town of
, a description of which land
 or business is set opposite his name.

Name	Land or Business Voted on

FORM 20.
 (Section 158.)

Form 20

OATH OF PERSON OBJECTED TO.

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;

That you are of the full age of twenty-one years;

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 either directly or indirectly, either to
 induce you to vote at this election, or for loss of time, travel-
 ling expenses, hire of teams or any other services connected
 with this election;

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

Sworn before me at..... } Officer presiding at the
 in the Province of Alberta, } poll.
 this.....day of..... }
 A.D. 19..... }

Form 21

FORM 21.
 (Section 159.)

OATH OF AN OFFICER OF A CORPORATION.

CANADA

Province of Alberta

I,, of the.....of
, do solemnly and sincerely swear:

1. That I am an officer, member or employee of a corpor-
 ation, known as.....

2. That I am of the full age of twenty-one years;

3. That I am not otherwise entitled to vote at this election
(*or as the case may be*).

4. That the said corporation is entered on the assessment
roll of the town (or village) as the owner, conditional owner
or purchaser of assessable land or as being liable to a busi-
ness tax within the town (or village) of.....

Sworn before me at..... }
in the Province of Alberta, this }
..... day of....., A.D. 19.... }
..... }
A Commissioner, etc.

Form 22

FORM 22.

(Section 167.)

CERTIFICATE OF OFFICER PRESIDING AT A POLL OF VOTERS'
INCAPACITY TO MARK A BALLOT PAPER.

I,, of, an
officer presiding at a poll in an election held this day under
The Town and Village Act, 1952, in the town (or village) of
.....do hereby certify that.....
of.....came before me and declared
(*or affirmed*) that his name appeared upon the voters' list
as.....; that he was duly qualified
to vote at the election; and that he was unable to mark his
ballot paper, by reason of blindness or other physical cause
or inability to read (*as the case may be*).

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

.....
Officer Presiding at the Poll.

Form 23

FORM 23.

(Section 172.)

NOTE OF OBJECTION BY CANDIDATE OR AGENT.

Town (or village) of..... Election
held at....., day of.....

.....
Objection No.....

....., Agent for.....
one of the candidates at the above mentioned election,
objects to a certain ballot paper on the grounds that.....
.....

.....
Agent for the above named candidate.

Returning Officer's decision:

The ballot paper in question has thereon a number corresponding with the number of this notice and I decide to accept (*or reject*) the same.

.....
Returning Officer.

FORM 24.

Form 24

(Section 179.)

CERTIFICATE OF OFFICER PRESIDING AT POLL.

I, of the town (or village) of, do hereby certify that to the best of my knowledge and belief, I have conducted the election held by me on this date in the manner provided by law and that the entries required by law to be made in the poll book have been correctly made.

Dated this day of, 19.....

.....
Witness.

.....
Officer Presiding at the Poll .

FORM 25.

Form 25

(Section 213.)

FORM OF BALLOT PAPER.

Voting on by-law (here insert object of the by-law), submitted to the proprietary electors of the town (or village) of this (date).	FOR THE BY-LAW
	AGAINST THE BY-LAW

Form 26

FORM 26.

(Section 215.)

DECLARATION OF AGENT.

I, the undersigned A.B., do solemnly declare that I am a proprietary elector of the town (or village) of..... 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 proprietary electors on the..... day of....., 19.....

(Signature) A.B.

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

C.D.,

Mayor.

or E.F.,

Returning Officer.

Form 27

FORM 27.

(Section 220.)

FORM OF VOTERS' LIST.

Names of the Proprietary Electors	Column for mark indicating that voter has voted	Description of property in respect of which the elector is entitled to vote	Objections	Sworn or Affirmed	Refused to Affirm or Swear	REMARKS

Form 28

FORM 28.

(Section 223.)

DECLARATION OF OFFICIALS.

I, A.B., do solemnly promise and declare that at the voting on the by-law submitted to the proprietary electors of the town (or village) of..... (the voting on which has been appointed for this day), I will not at-

tempt in any way whatsoever unlawfully to ascertain the manner in which any proprietary elector 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 proprietary elector 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.*

FORM 29.

Form 29

(Section 224.)

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 (thus **X**) on the right hand side in the upper space if he votes for the passing of the by-law and in the lower 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 the 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 the 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 labour, or to a fine of two hundred dollars or to both.

In the following form of ballot paper (given for illustration) the voter has marked his paper in favour of the passing of the by-law:

FORM 30.
(Section 227.)

Sworn (or affirmed before me
at in the
Province of Alberta, this
..... day of 19..... } Officer presiding at the
poll.

FORM 31.
(Section 228.)

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 town (or village) ;

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 received anything or been promised anything directly or indirectly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith ;

And that you have not, 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.

Sworn before me at.....
in the Province of Alberta, }
this.....day of....., } Officer presiding at the
19..... } poll.

Form 32

FORM 32.
(Section 238.)

CERTIFICATE AS TO USE OF POLL BOOK, ETC.

I, of the town (or village)
of do hereby certify that to
the best of my knowledge and belief the voters' list and poll
book used at this poll for voting on by-laws were so used in
the manner prescribed by law and that the entries required
to be made therein were correctly made.

Dated this.....day of.....19.....

Witness.

Officer Presiding at the Poll.

FORM 33.
(Section 293.)

Form 33

SURVEYS.

I, (*name of surveyor*), of the (*place of residence*), Alberta Land Surveyor, make oath and say :

That the survey represented by this plan has been made by me in accordance with the provisions of *The Alberta Surveys Act* ;

That this survey was performed between the date of and, A.D., 19....., and that this plan is correct and true and is prepared in accordance with the provisions of *The Land Titles Act*.

Sworn before me at the of in the Province of Alberta, this day of 19..... } *Alberta Land Surveyor.*

.....
A Commissioner, etc.

Form 34

FORM 34.

(Section 293.)

SURVEYS.

I hereby certify that the survey represented by this plan has been made according to the instructions of the council of the town (or village) of under the provisions of *The Town and Village Act, 1952*.

.....
Secretary-Treasurer.

Form 35

FORM 35.

(Section 354.)

DECLARATION OF SECRETARY-TREASURER (FRONTAGE TAX.)

I,, of the town (or village) of in the Province of Alberta, do solemnly declare:

That I have, according to the best of my knowledge, information and belief, and in accordance with my best judgment, set down in the attached report all lands liable to frontage tax and the amount of the frontage tax, situate in the town (or village) of

.And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at in the Province of Alberta, this day of A.D. 19..... } *Secretary-Treasurer for the Town (or Village) of*

.....
A Commissioner in and for the Province of Alberta.

FORM 36.

Form 36

(Section 424.)

CERTIFICATE OF BOARD OF PUBLIC UTILITY COMMISSIONERS.

Pursuant to *The Town and Village Act, 1952*, 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.

FORM 37.

Form 37

(Section 426.)

FORM OF DEBENTURE.

By-law No..... of the Town (or village) of.....
\$..... Debenture No.....

Under the authority of *The Town and Village Act, 1952*, and of By-law No..... of the town (or village) of..... passed on the.....day of.....19....., the town (or village) of.....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.

{ Corporate seal of the }
{ town (or village). }

*Mayor.**Secretary-Treasurer.*

And the coupons may be in the following form:

Coupons.....

Coupon No.....

Debenture No.....

The town (or village) of.....will pay to the bearer at.....on the.....day of....., 19....., the sum of.....dollars.

*Mayor.**Secretary-Treasurer.*

FORM 38.

Form 38

(Section 426.)

FORM OF DEBENTURE.

Town (or Village) of.....
\$..... Debenture No.....

Under the authority of *The Town and Village Act, 1952*,
and of By-law No. of the Town (or village) of
passed on the day of, 19.....,
the town (or village) of 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 be-
come due.

{ Corporate seal of the } *Mayor.*
town (or village). }
Secretary-Treasurer.

And the coupons may be in the following form:

Coupons

Coupon No.

Debenture No.

The town (or village) of will pay to the
bearer at on the day
of, 19....., the sum of dollars,

..... *Mayor.*
.....
Secretary-Treasurer.

Form 39

FORM 39.

(Section 439.)

MEMORANDUM ON DEBENTURE.

Registered in the Debenture Register as No.
under By-law No., this day of
19.....

Form 40

FORM 40.

(Section 190.)

CERTIFICATE TO VOTE AT ADVANCE POLL.

This is to certify that (name, address and occupation as
in voters' list) is a
qualified voter in the town or village of
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.....

.....
Returning Officer.

FORM 41.

Form 41

(Section 190.)

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.

.....
Signature of Presiding Officer.

No. 14.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act respecting Towns and
Villages.

Received and read the

First time

Second time.....

Third time.....

HON. MR. GERHART.
