

Bill No. 12 of 1954

A BILL RESPECTING MUNICIPAL DISTRICTS

NOTE

This Bill enacts *The Municipal District Act, 1954*, and is a consolidation and revision of *The Municipal District Act*, chapter 151 of the Revised Statutes of Alberta, 1942, which it repeals.

The first provincial statute dealing with rural municipalities was passed in the session of 1911-12. This was called *The Rural Municipality Act*. In 1918 the expression "rural municipality" was replaced by the designation "municipal district". The Act of 1911-12, as amended in the ensuing years, was carried into the Revised Statutes of Alberta, 1922. In 1926 that Act was repealed and replaced by a new Municipal District Act. The Act of 1926, as revised in 1942 and as amended through the years is the Act now being replaced by the Act that this Bill enacts.

This new Act is the third in a series of Acts which have been passed in the past few years dealing with municipal bodies. The first was *The City Act* of 1951. As far as the subject permits, this new Act makes the provisions relating to municipal districts conform with similar provisions in *The City Act* and *The Town and Village Act, 1952*. Like these two Acts, *The Municipal District Act, 1954*, brings under one Act nearly all the statute law relating to municipal districts either directly or by reference to another Act having effect in municipal districts.

In many cases where a matter was not provided for in *The Municipal District Act*, provisions similar to those now in *The Town and Village Act, 1952*, have been introduced in this new Act. Uniformity where it is deemed desirable is thus achieved with that recent Act.

No very great alteration of policy with respect to municipal districts is brought about by this new Bill. Some examples of new sections are given hereunder to illustrate the type of changes in sections made in this Bill, other than change of wording or structure.

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|----------------|---|
| Section 19 | New. This provides for the appointment of an official administrator. |
| Section 28 (2) | Clarifies the jurisdiction of the council of the municipal district. |
| Section 83 | Provides for the holding of elections where no electoral divisions have been established. |

- Section 96 (1) December 31st instead of the fourth Monday in November for making preparations for holding a nomination meeting.
- Sections 110 and 111 Clarify the procedure in respect of appointment of enumerators.
- Section 204 Establishes entitlement to vote on by-laws before the completion of the first list of electors.
- Section 209 The resolution setting a date for the holding of a vote on a by-law required to be passed thirty clear days prior to the date for holding the vote.
- Section 214 This requires each voter at a vote held prior to the first list of electors to sign a solemn affirmation.
- Section 220 Makes provision for the payment of costs incurred in the voting on a by-law.
- Section 221 Provides a procedure for contesting the voting on a by-law.

The Act is divided into Parts and Headings to make reference to the Act more convenient. There are ten Parts entitled:

- PART I INTRODUCTORY
- PART II FORMATION, ALTERATION AND DISSOLUTION OF DISTRICTS
- PART III GENERAL GOVERNMENT AND ADMINISTRATION
- PART IV ELECTIONS
- PART V VOTING ON BY-LAWS
- PART VI POWERS AND DUTIES OF THE COUNCIL
- PART VII RATES AND TAXES
- PART VIII FINANCE
- PART IX LEGAL PROCEEDINGS
- PART X GENERAL OFFENCES AND PENALTIES
- PART XI MISCELLANEOUS

This Bill is to come into force on the 1st day of July, 1954.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 12 of 1954

An Act respecting Municipal Districts

(Assented to _____, 1954)

HER 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 Municipal District Act, 1954*". Short title

Interpretation

- 2.** In this Act, unless the context otherwise requires, Interpre-
tation
- (a) "Board" means the Board of Public Utility Commissioners; "Board"
 - (b) "buildings and improvements" and "improvements" "buildings
and im-
provements"
and "im-
provements"
 - (i) means all buildings or any part of a building and all structures erected upon, in, over, under or affixed or attached to land, and
 - (ii) includes all machinery, equipment and appliances that constitute an integral part of the building or other structure;
 - (c) "conditional owner" means a person who is a purchaser, lessee, licensee, or permittee from the Government of Canada or from the Province of land or other property if the land or property is not exempt from assessment or taxation by reason of the provisions of *The Assessment Act*; "conditional
owner"
 - (d) "council" means the council of a municipal district; "council"
 - (e) "elector" means a person entitled to vote at an election or upon a by-law or at the taking of a vote whichever is the case, as set out in Parts IV and V; "elector"
 - (f) "felony" means any indictable offence that is under the Criminal Code punishable with death or imprisonment for a period of five years or over; "felony"
 - (g) "first election" means the election of councillors first held after the formation of a municipal district; "first
election"
 - (h) "first meeting" means the first meeting of the council of a municipal district after a first or general election; "first
meeting"

- "general election" (i) "general election" means that election under this Act, for which nominations are directed to be made upon the third Saturday of February in each year;
- "hamlet" (j) "hamlet" means
- (i) an area of land subdivided into lots and blocks as a townsite, a plan of which is registered in a Land Titles Office,
 - (ii) an area of land as defined by subclauses (i) and (iii) of clause (t) on which are erected improvements used for purposes other than farming purposes;
 - (iii) an area declared by an order of the Minister to be a hamlet;
- "hawker" or "pedlar" (k) "hawker" or "pedlar"
- (i) means a person who, whether as principal or agent,
 - (A) 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 and who has not a permanent place of business in the municipal district, or
 - (B) offers for sale to any person by means of exposed samples, patterns, cuts or blueprints, merchandise to be afterwards delivered in or shipped into the municipal district, or
 - (C) sells merchandise on the streets or roads or elsewhere than at a building that is his permanent place of business,
 - (ii) does not include a person selling
 - (A) meat, fruit or other farm produce that has been produced, raised or grown by himself, or
 - (B) fish of his own catching;
- "hospital" (l) "hospital" means a hospital approved by the Minister of Health under the provisions of *The Hospitals Act*;
- "indigent person" (m) "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" (n) "judge" means a judge of the District Court having jurisdiction in the judicial district within which the municipal district is wholly or mainly situated;
- "land" (o) "land"
- (i) means lands, tenements and hereditaments and any estate or interest therein, and

- (ii) without restricting the generality of subclause (i), includes growing timber,
- (iii) does not include minerals;
- (p) "local authority" means "local authority"
 - (i) the council of a city, town, village, county or municipal district, and
 - (ii) with respect to an improvement district or a transient person the Minister of Public Welfare, and
 - (iii) with respect to a special area the Minister of Municipal Affairs;
- (q) "Minister" means the Minister of Municipal Affairs; "Minister"
- (r) "municipality" means a city, town, village, county, municipal district, improvement district or special area; "municipality"
- (s) "owner" means "owner"
 - (i) in the case of land the person who is registered under *The Land Titles Act* as the owner of the land, or
 - (ii) in the case of property other than land the person who is in legal possession thereof;
- (t) "parcel" means "parcel"
 - (i) an unsubdivided block or any lot or any part of such block or lot in an area of land a plan of subdivision of which is registered in a Land Titles Office,
 - (ii) in a case where a building has been erected on two or more lots or parts thereof, all such lots,
 - (iii) where there is no such 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
 - (A) included in one grazing or timber lease, licence or permit from the Government of Canada or the Province, or
 - (B) forming part of a railway, irrigation or drainage right of way;
- (u) "person" includes a partnership or corporation; "person"
- (v) "poll" means a polling place; "poll"
- (w) "prescribed" means prescribed by the Minister of Municipal Affairs; "prescribed"
- (x) "proprietary elector" means "proprietary elector"
 - (i) a person
 - (A) who is a resident of the municipal district, and entitled to vote at an election under this Act, and

- (B) whose name appears on the assessment roll in respect of land liable to assessment and taxation,
- (ii) a person
 - (A) who is not a resident of the municipal district, but who is entitled to vote at an election under this Act, and
 - (B) whose name appears on the assessment roll in respect of land liable to assessment and taxation;
- "purchaser" (y) "purchaser" means a person who has purchased or otherwise acquired land within the district whether he has purchased or otherwise acquired the land directly from the owner thereof or from another purchaser, and who has not become the owner thereof;
- "Registrar" (z) "Registrar" means a Registrar in charge of a Land Titles Office;
- "special election" (aa) "special election" means an election of a councillor or councillors other than a general or first election;
- "timber licensee" (bb) "timber licensee" includes
 - (i) a holder of a licence of a timber berth or of a permit to cut timber from the Government of Canada or from the Province, or
 - (ii) a person having an agreement with the Government of Canada or with the Province that confers a right to cut timber;
- "transient trader" (cc) "transient trader"
 - (i) means a person who does not ordinarily maintain within the municipal district a permanent place of business and who is not liable for a business tax in respect thereof, and who, either as a principal or as an agent,
 - (A) buys or offers to buy directly from the producer thereof any merchandise, or
 - (B) sells or offers to sell to the consumer any merchandise except
 - (I) agricultural products raised, grown or produced by him, or
 - (II) fish of his own catching,
 - (ii) 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.

Implied Provisions

Extension
of date

3. 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 is occasioned or an extension of time is allowed in respect of the earlier date, a like delay or extension of time shall be allowed in respect of the later date.

4. Whenever under this Act an election is to be held or a question is 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 at which the poll would have been held if necessary.

When poll unnecessary

5. (1) If a thing 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, 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, whichever is the case.

Fixing of different time

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

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, such things or proceedings shall be done, had or taken on or by the next day following the fixed day that is not a Sunday or other holiday.

Sunday or holiday

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

Power to make and alter by-laws, etc.

Name and Number of District

8. (1) The name of the body corporate shall be "The Municipal District of (*naming the same*), No.....".

Name and number of district

(2) The Minister, from time to time, may alter the name or number of any municipal district, either of his own motion or upon the petition of a majority of the council.

Alteration of name or number

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

Notice of alteration

(4) The seal heretofore used by the municipal district continues to be the seal thereof until changed by the council.

District seal

(5) No such change of name or number affects any obligation, right, action or property incurred, established, done or acquired before the change of name or number.

Office

Office **9.** A municipal district shall have an office at a place selected by the council.

Division of Act

Division of Act **10.** For convenience of reference only this Act is divided into Parts and classified under the following headings:

PART	SECTION
I INTRODUCTORY	1- 10
Short title	1
Interpretation	2
Implied provisions	3- 7
Name and Number of District	8
Office	9
Division of Act	10
 II FORMATION, ALTERATION AND DIS-	
SOLUTION OF DISTRICTS	11- 26
Formation of District	11- 18
Official Administrator	19
Municipal Committee	20- 21
Alteration in Boundaries of District	22- 25
Dissolution of District	26
 III GENERAL GOVERNMENT AND	
ADMINISTRATION	27- 82
Incorporation of Municipal Districts	27
 DIVISION A—THE COUNCIL	28- 58
Jurisdiction and Membership	28- 30
Terms of Office of Councillors	31- 35
Reeve	36- 37
Duties of Reeve	38
Meetings and Proceedings of Council	39- 52
Committees	53
Public Meeting	54
Payments to Councillors	55
Resignations, Vacancies, Forfeiture of Seat	56- 57
Appointed Councillors	58
 DIVISION B—OFFICIALS AND EMPLOYEES	59- 82
Secretary-Treasurer	59- 63
Assessor	64- 65
Auditor	66- 69
Constables	70- 71
Solicitor	72
Other Officials	73
General Provisions Relating to Officials and	
Employees	74- 81
Superannuation or Gratuities	82

PART	SECTION
IV ELECTIONS	83-202
Election by General Vote	83
Election by Electoral Divisions	84
Qualification of Councillors	85- 87
Qualification of Voters	88- 92
Preparation for Nomination Meeting at First Election	93- 95
Preparation for Nomination Meeting at General Election	96- 99
Preparation for Nomination Meeting at Special Election	100-101
Annual Meeting and Nomination Meeting	102-109
List of Electors	110-120
Enumeration	110-114
Preparation of List of Electors	115-119
Revision of List of Electors	120
Procedure Preliminary to Holding a Poll ..	121-135
Oath of Election Officials	136
Poll at Elections	137-160
Proceedings After Close of Poll	161-173
Count by Returning Officer	174-177
Disposal of Election Material	178-183
Recount by Judge	184-189
General Provisions	190-194
Election Offences and Penalties	195-202
V VOTING ON BY-LAWS	203-221
Qualification of Electors on By-laws	203-206
Procedure Preliminary to Holding a Vote on By-laws	207-211
Proceedings at Poll for Voting on By-laws	212-219
General Provisions	220-221
VI POWERS AND DUTIES OF THE COUNCIL	222-329
General Provisions as to By-laws	222-230
Infraction of By-laws	231-233
Highways and Public Works	234-245
Control of Highways	234-235
Temporary Roads	236
Private Roads	237
Construction of Highways	238-239
Maintenance of Highways	240-245
Snow Fences	246
Closing of Highways	247
Acquisition of Land, Buildings and Machinery	248-269
Acquisition of Land and Buildings	248-251
Acquisition of Machinery	252
Co-operation with Other Municipalities..	253
Expropriation of Land	254-267
Acquisition of Land by Gift	268
Disposal of Lands	269

PART	SECTION
Drainage Ditches	270
Control of Vehicles and Highway Traffic	271-273
Protection to Person and Property	274-286
Fire Protection	274
Destruction of Pests	275-280
Noxious Weeds	281-285
General By-laws Relating to Protection to Person and Property	286
Public Health	287-295
Infectious Disease, Nurses, Physicians...	287
Medical, Nursing or Clinical Care	288-289
Hospitals	290-291
Hospitalization Agreements	292-293
Indigent Persons	294
Grants	295
Water, Gas, Electricity	296-298
Seed Grain, Fodder and Other Commodities	299-319
By-laws and Tax Expenditure for Hamlets	320
Licences	321-325
Miscellaneous By-laws	326
Municipal Forms	327
Bonuses and Exemptions	328
Expenditure on Public Works	329
 VII RATES AND TAXES	 330-375
Tax Year	330
Estimates and Levies	331-336
School Requisitions	337-338
Municipal Hospital Requisitions	339-340
Minimum Taxes	341-344
Taxes on Transient Traders	345
Dog Tax	346
Tax Collection	347-353
Recovery of Taxes by Suit or Distress	354-368
Payment of Taxes by Tenant or Purchaser	369-370
Tax Lien on Crops	371-372
Compromise and Remission of Taxes	373-375
 VIII FINANCE	 376-405
General Revenue Deposit	376
Temporary Loans	377-380
Money By-laws—General	381-383
Debenture By-laws	384-390
Submission of Debenture By-laws to Board of Public Utility Commissioners	391-393
Issue of Debentures	394-398
Repayment of Debentures	399-401
Debenture Register	402-403
Reserve Funds	404-405
 IX LEGAL PROCEEDINGS	 406-412
Actions By and Against Municipal Districts	406-408

PART	SECTION
	Quashing By-laws and Resolutions 409-410
	Executions Against Municipal Districts 411-412
X	GENERAL OFFENCES AND PENALTIES 413-424
	Offences by Councillors 413-415
	Offences by Officials 416-420
	Miscellaneous Offences 421-424
XI	MISCELLANEOUS 425-427
	District Highways 425
	Repeal 426
	Coming into Force 427

PART II

FORMATION, ALTERATION AND DISSOLUTION OF DISTRICTS

Formation of District

11. Municipal districts lawfully organized or formed before the passing of this Act continue to be municipal districts. Continu-
ation of
municipal
district

12. (1) The Minister shall prepare a map of the Province on which shall be outlined the boundaries of all municipal districts. Map of
municipal
districts

(2) The map shall be filed in the Department of Municipal Affairs and open to inspection at all reasonable hours.

13. (1) When a municipal district is wholly or in part described in the order forming the district as comprising certain townships, parts of townships or sections in accordance with the system of Alberta Land Survey, the boundary lines of the municipal district, unless otherwise expressly set out in the order, are the posted side of the road allowance between adjoining sections or townships except in the case of correction lines, where the south side of the road is the boundary. Boundaries

(2) A road allowance between either an Indian reserve or a forest reserve and a municipal district shall be deemed to be in the municipal district, notwithstanding anything herein to the contrary. Road
allowance

14. The Minister by written order may form into a municipal district any part of the Province that is not included in a city, town or village and may do so either of his own motion or upon receipt of a petition. Formation
of municipal
district

Petition to form municipal district

- 15.** (1) The petition referred to in section 14
- (a) shall be in the prescribed form,
 - (b) shall be signed in respect of each township within that portion of the Province by at least six persons who have been resident in and owners, conditional owners or purchasers of land in the township for the two months immediately before the date of the petition,
 - (c) shall be accompanied by a plan showing the proposed boundaries of the district.
- (2) Every signature shall be attested by a person entitled to sign the petition.

Order forming municipal district

- 16.** The written order of the Minister referred to in section 14 shall contain
- (a) an accurate description of the district, the content of which may be either that of the proposed district or such content changed either by exclusion or inclusion as seems proper to the Minister,
 - (b) an accurate description of the electoral divisions as determined by the Minister,
 - (c) the date upon which the order is to become effective,
 - (d) a statement of the day upon which the nomination of members of the council is to take place,
 - (e) a statement of the name and number of the district.

Publication of order

17. Every order shall be published in *The Alberta Gazette* and becomes effective upon the date named therein, or in the absence of a date, upon the date of its publication.

Publication conclusive evidence

18. The publication of the order is conclusive evidence of the legal formation of the district and of the fulfilment of all conditions precedent thereto.

Official Administrator

Appointment of official administrator

19. (1) Immediately upon signing the order forming a municipal district, the Minister, by order, shall appoint an official administrator who shall initiate and complete the arrangements for the first election of councillors of the municipal district as set out in Part IV.

Powers and duties of official administrator

(2) The official administrator appointed pursuant to subsection (1) has the powers and duties of a council of the municipal district until such time as the first council of the municipal district is sworn into office at the first meeting of the council of the newly formed municipal district.

Municipal Committee

20. (1) The Minister shall appoint five of the petitioners, or where there has been no petition five persons, to be known as the municipal committee, who shall assist the official administrator in an advisory capacity in the performance of his duties respecting the appointment of election officials and the selection of polls. Municipal committee members

(2) If a member of the municipal committee Substitute member

(a) dies or leaves the municipal district before the completion of the duties of the municipal committee pursuant to subsection (1), or

(b) refuses or is unable to act,
the official administrator may appoint another person in his place.

(3) The Minister at any time may dismiss any member or members of the municipal committee and appoint another or others in his or their place. Dismissal from municipal committee

21. (1) Each member of the municipal committee is entitled to be paid Expenses

(a) the necessary expenses incurred in attending to matters affecting the appointment of election officials and the selection of polls, and

(b) eight dollars *per diem* for each day during which the member is necessarily engaged in attending to such matters.

(2) Notwithstanding the provisions of clause (e) of section 86, in the event that any money of the municipal district remains to be paid to a member of the municipal committee pursuant to the provisions of subsection (1), the entitlement to the money from or the payment of the money by the municipal district does not affect the eligibility of the member to be elected a member of the council or to sit or vote therein.

Alteration in Boundaries of District

22. (1) After the formation of a municipal district, the Minister, by order, Order altering boundaries

(a) may alter the area thereof by exclusion of any part thereof, and also by inclusion therein of any part of the Province that is not included in a city, town or village,

(b) may include any excluded part in an improvement district or other municipal district,

(c) may establish electoral divisions and define their areas,

(d) may alter in any way the area of any division in any municipal district,

(e) may change the number of electoral divisions

- (i) by combining any two or more divisions, or
- (ii) by adding a portion of a division to another division or divisions,

(f) may declare that the term of office of any member of the council representing a division that has been merged with another division or divisions shall be deemed to have expired,

(g) may state the date upon which the order is to become effective.

Publication of order

(2) The order shall be published in *The Alberta Gazette* and shall become effective upon the date set out in the order, or in the absence of a date upon the date of its publication.

Publication conclusive evidence

(3) The publication of the order is conclusive evidence of the fulfilment of all conditions precedent thereto.

Rights and liabilities of new district

23. (1) When a municipal district or an improvement district, or any part of either, each of which is hereinafter referred to as "the old district", is included in a municipal district or improvement district, each of which is hereinafter referred to as "the new district", either at the time of its formation or after its formation, the property, rights and liabilities of the old district, including all taxes then due, pass to the new district.

Settlement of questions re division

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

Tax Recovery Act governs

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

Rights of debenture holders

(4) Nothing in this section in any way prejudices the rights of debenture holders.

Merger of districts

24. (1) The Minister, by order, may direct that any or any part or parts of municipal districts or improvement districts be merged into one municipal district and assign thereto a name and number, and thereupon the then existing councils of each entirely included municipal district are dissolved.

(2) When only a part of a municipal district is included in the new district the order may direct

(a) that the council of the old district retain its identity and control respecting the part of the old district not included in the new district, or

(b) that the council of the old district be dissolved and that the part of the old district not included in the new district be treated in the manner provided by subsection (5).

(3) The affairs of each old municipal district and improvement district included in whole or in part in the new district, as to the area included therein, shall be administered by one council consisting of such number of persons elected or appointed in such manner as the Minister may prescribe, and the council so elected or appointed is the council for the new district. Councils

(4) An order made by the Minister pursuant to this section shall contain Order merging districts

- (a) an accurate description of the district,
- (b) an accurate description of the electoral divisions as determined by the Minister,
- (c) the date upon which the order is to become effective,
- (d) directions as to the preparation of a list of electors for the new district and as to any other matter or thing requisite for the proper carrying on of an election,
- (e) a statement of the day upon which the nomination of members of the council is to take place.

(5) An order made by the Minister pursuant to this section may add to a municipal district or an improvement district any portion of a municipal district or improvement district that is not included in the new district and that formed part of a district partly included in the new district.

(6) All of the provisions of this Act relating to a first election, except as otherwise varied by this section, apply to the first election in the new district. First election in new district

25. (1) No misnomer, misdescription or omission in an order forming a municipal district or altering its area, or that of any electoral division thereof, in any way suspends or impairs the operation of this Act with respect to the matter misnamed, misdescribed or omitted. Misnomer, misdescription, etc., in order

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

Dissolution of District

26. (1) The Lieutenant Governor in Council, by order, may declare that a municipal district be dissolved and thereupon the council of that municipal district shall cease to exercise any of the rights, powers or privileges vested in a municipal district by this Act. Order dissolving district

(2) The order shall make provision for the inclusion in some improvement district or districts or other municipal district or districts of the area that has ceased to be a municipal district. Inclusion in other district

Disposition
of assets and
liabilities of
dissolved
district

(3) Upon such dissolution of a municipal district the Minister may appoint one or more persons to adjust and settle the assets and liabilities thereof and he or they, subject to the approval of the Minister, may sell or otherwise dispose of all the assets and property of the district and apply the same or the proceeds of the sale thereof, first in payment of the liabilities of the municipal district and secondly 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 municipal district.

Assessment
to cover
liabilities

(4) If the assets of the municipal district are insufficient to satisfy its liabilities, including therein the remuneration fixed by the Minister, then such person or persons may impose a tax and with a view thereto may make an assessment of property and strike such rates of taxation as are necessary to satisfy all the liabilities and all expenses connected with the assessment.

(5) The tax

- (a) falls upon the same property,
- (b) shall be collected,
- (c) has the same priority, and
- (d) shall be enforced

as if it were an ordinary municipal tax imposed by the council under the provisions of this Act.

Publication
of order

(6) Every order made under this section shall be published in *The Alberta Gazette* and becomes effective upon the date named in the order or in the absence of a date upon the date of the publication of the order in *The Alberta Gazette*.

PART III

GENERAL GOVERNMENT AND ADMINISTRATION

Incorporation of Municipal Districts

Continu-
ation of body
corporate

27. (1) The reeve, councillors and electors of every municipal district in the Province now or hereafter created, established or formed continue to be or are a body corporate and subject to all the liabilities of a corporation.

Powers and
duties of
body
corporate

(2) The body corporate

- (a) may acquire, hold and alienate both real and personal property for all municipal purposes, and
- (b) has 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 and may alter and modify the same at pleasure, and
 - (e) is capable of receiving by donation and acquiring, holding, disposing of and conveying any property, real or personal, for any purpose within its corporate powers, and
 - (f) is capable of becoming a party to any contracts or agreements within the powers of a municipal district, and
 - (g) is capable of acting by the council.
- (3) The council may exercise all powers vested in the body corporate by this Act or otherwise.

DIVISION A—THE COUNCIL

Jurisdiction and Membership

28. (1) The council of a municipal district is a continuing body, notwithstanding any general or other election. Council continuing body

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

29. (1) The council of a municipal district shall consist of such number of councillors as the Minister by order may direct. Number of councillors

(2) The members of the council shall be elected in the manner set out in Part IV.

30. (1) Every member of the council, before entering upon the duties of his office, shall make and subscribe the official oath, solemn affirmation or declaration prescribed by *The Oaths of Office Act*. Oath of office

(2) In the case of councillors elected at a first election, the oath, solemn affirmation or declaration shall be handed to the returning officer at the first meeting of the council to be afterwards deposited by him with the secretary-treasurer.

Terms of Office of Councillors

31. (1) In the case of a first election, in order to determine the terms of office of the successful candidates, the Minister, by order, shall fix the number of slips to be first drawn and the number to be next drawn, pursuant to subsection (2), for the purpose of determining the three year term and the two year term respectively. Determining terms of office

(2) At the first meeting of the council

- (a) the returning officer shall write the names of the successful candidates upon slips of paper and place them in a receptacle and the reeve shall draw the slips one at a time from the receptacle,
- (b) the candidates whose names appear upon the number of slips first drawn, as fixed in the order may hold office from the date of election until the third day of April in the third year following the election,
- (c) the candidates whose names appear upon the number of slips next drawn, as fixed in the order, may hold office from the date of election until the third day of April in the second year following the election,
- (d) the candidates whose names appear upon the remaining slips so drawn may hold office from the date of the election until the third day of April in the next year following the election.

(3) If the first meeting of the council after a general election follows a first election is held upon a day subsequent to the third day of April, then subsection (2) relating to tenure of office shall be read as if the subsequent day were mentioned therein instead of the third day of April.

Councillors
to fill
vacancies

32. At every general election held after the first election a sufficient number of councillors shall be elected annually to fill the vacancies that have occurred on the council through effluxion of time and they may hold office for three years commencing with the third day of April.

Term of
office of
councillor
filling
vacancy

33. A councillor elected to fill a vacancy caused otherwise than by effluxion of time may hold office for the same period as his predecessor could have held office if the predecessor had continued to be a member of the council.

First
meeting of
council
subsequent
to April 3rd

34. If the first meeting of the council after a general election is held upon a day subsequent to the third day of April then the provisions of section 32 relating to tenure of office shall be read as if the subsequent day were mentioned therein instead of the third day of April.

Electoral
divisions

35. (1) When in any municipal district no electoral divisions have been established and the council has been elected by general vote, the Minister, by order, may establish electoral divisions and in the order may fix the number of divisions, and the terms of office of all the then councillors expire at a date prescribed by the order.

(2) The order shall set out

- (a) the dates for receiving nominations and for holding an election, if required, and
- (b) directions as to any other matter or thing requisite for the proper carrying on of an election.

(3) The provisions of section 31 apply with the necessary changes to every first election after an order changing the method of election under the provisions of this section.

Reeve

36. (1) The council, at its first meeting in each year, shall elect from among its number a chairman who shall be known as the reeve. Election of reeve

(2) In the case of a first election, the reeve elected immediately after a first election may hold office from the date of his election until the third day of April in the next year following his election and every other reeve may hold office for one year. Term of office of reeve

37. (1) The council, at its first meeting in each year and also six months thereafter, shall elect one of its number as deputy reeve. Deputy reeve

(2) In case the reeve, through illness, absence or other cause, is unable to perform the duties of his office, or in case the office of reeve is vacant, the deputy reeve has all the powers and shall perform all the duties of the reeve during his inability or while the office is vacant. Powers and duties of deputy reeve

Duties of Reeve

38. The reeve is the chief executive officer of the municipal district and Duties of reeve

- (a) shall cause the laws governing the municipal district to be duly executed,
- (b) shall inspect the conduct of all municipal officers,
- (c) shall so far as is in his power, cause all negligence, carelessness and violation of duty to be duly prosecuted and punished, and
- (d) shall communicate from time to time to the council all such information and recommend such measures as tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the municipal district,
- (e) is *ex officio* a member of all committees appointed by the council.

Meetings and Proceedings of Council

39. (1) The first meeting of the council after a general election shall be held on the third day of April 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 at the hour of two o'clock at a place to be fixed by the returning officer. First council meeting

- (2) When the third day of April is a Sunday or other holiday, the meetings shall be held at the same time on the next subsequent day that is not a Sunday or other holiday.
- Notice of meeting** (3) The secretary-treasurer or the returning officer, whichever is the case, shall give written notice of the meeting to each councillor
- (a) by mailing the notice to the councillor's address at least six clear days before the date of the meeting, or
- (b) by personally delivering the notice to the councillor, or in the absence of the councillor from his residence, to any adult person thereat, at least three clear days before the date of the meeting.
- Regular meetings** 40. The council, at any meeting at which all the members of the council are present, may decide by resolution to hold regular meetings of the council and the resolution shall state the day, hour and place of every meeting and a notice of any such meeting is unnecessary thereafter.
- Meetings to be held openly** 41. (1) The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct.
- Improper conduct at meeting** (2) The person presiding at a meeting may cause a person who has been guilty of improper conduct at the meeting to be expelled and excluded.
- Preservation of order at meeting** 42. (1) The reeve, or in his absence the deputy reeve, shall preside at every meeting of the council and shall preserve order and enforce the rules of the council.
- Chairman** (2) If the person who ought to preside at any 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 the person who ought to preside.
- Quorum** 43. (1) A majority of the whole council constitutes a quorum.
- (2) No act or other proceeding of the council that is not adopted at a regular or special meeting of the council at which a quorum is present is valid or binding on any person.
- Validity of proceedings** (3) The proceedings of the council or of any committee thereof are not invalidated by a vacancy among its members or by any defect in the appointment or election of or by any disqualification of a member thereof.
- Rules and regulations** 44. The council may make rules and regulations for calling meetings, governing its proceedings, governing the conduct of its members, appointing committees and generally for the transaction of its business.

45. Every question shall be submitted to the council on the motion of the reeve or a member of the council and no seconder shall be required. Submission of question to council

46. The reeve 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. Voting rights

47. A question upon which there is an equality of votes shall be deemed to be decided in the negative. Equality of votes

48. When a division that requires the recording of names voting for or against a question is called, the reeve, if present, and all the councillors present shall vote on the division, unless excused by resolution of the council or unless disqualified from voting by reason of interest or otherwise. Division of votes

49. (1) A special meeting of the council shall be called by the secretary-treasurer when he is required in writing to do so by the reeve or by three members of the council. Special meeting

(2) Written notice of a special meeting stating the time and place, when and where the meeting is to be held and in general terms stating the nature of the business to be transacted thereat shall be given by the secretary-treasurer in the manner provided by section 39. Notice of special meeting

(3) 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 at special meeting

(4) If all members of the council are present the council by unanimous consent may waive notice of any meeting and may hold a meeting at any time.

50. (1) A meeting of the council shall be held either in the municipal district or in a city, town or village, the area of which lies within or touches at some point the limits of the municipal district. Place of meeting

(2) By the unanimous consent of the council, to be expressed by resolution passed prior to holding any such outside meeting, a meeting may be held at a point outside the limits of the municipal district. Minutes of meeting

51. (1) The council, by by-law, may provide for publishing the minutes of its meetings and for publishing information concerning other municipal subjects and for that purpose may cause circulars to be prepared and distributed to all resident proprietary electors of the municipal district. Publishing minutes of meeting

(2) Where in a municipal district there is in circulation one or more weekly newspapers, the council by by-law, may

provide for the publication of the matters referred to in subsection (1) in that newspaper, and for the distribution of a copy thereof to each resident proprietary elector of the municipal district.

(3) Any expense incurred pursuant to subsections (1) or (2) shall be defrayed out of the general revenue of the municipal district,

School
division
represent-
ative

52. (1) A person appointed pursuant to clause (d) of section 186 of *The School Act, 1952*, as a representative of a school division that is included wholly or in part in a municipal district,

(a) may attend meetings of the council of the municipal district and 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.

Municipal
represent-
ative at
meetings of
school
division
trustees

(2) The council, annually as soon as practicable after a first or general election, by resolution, shall appoint a member of the council to represent the municipal district at meetings of the board of trustees of each school division that is in whole or in part within the boundaries of the municipal district, and by the same resolution, may appoint another member of the council who may represent the municipal district as aforesaid if the first named member is unable to attend.

(3) If an administrator has been appointed in the place of the council under any of the provisions of *The Department of Municipal Affairs Act*, the administrator shall represent the municipal district at meetings of the board of trustees of any school division, and if the administrator is unable to attend any such meeting he may appoint the secretary-treasurer to attend the meeting in his stead.

Committees

Powers of
committees

53. (1) The council, from time to time, may appoint standing or special committees consisting of one or more of its members and may delegate to the committees

(a) any matter for consideration, inquiry, management or regulation, and

(b) any of the duties and powers by this Act imposed and conferred upon the council, except the powers

(i) to borrow money,

(ii) to pass a by-law, or

(iii) to enter into a contract.

(2) A committee to which a duty or power is delegated pursuant to subsection (1) may exercise or perform the duty or power in like manner and with the same effect as the council.

Civil
defence
committee

(3) Each year the council, at its first meeting pursuant to subsection (1) of section 39, shall appoint a civil defence committee consisting of a minimum of three members with at least one member being a member of the council.

Public Meeting

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

Petition for
public
meeting

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

Date of
public
meeting

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

Payments to Councillors

55.(1) The council may pass a resolution for paying the members of the council a sum not exceeding ten dollars *per diem* for each councillor attending each meeting of the council and not exceeding twelve cents for every mile necessarily travelled in coming to and returning from meetings of the council.

Payment to
councillors

(2) No payment shall be made to any person in respect of more than twelve meetings in any one year.

Limit to
payments

(3) If a meeting of the council is held outside the limits of the municipal district no member of the council shall be paid for the mileage travelled by him beyond the limits of the municipal district.

Meeting
outside
municipal
district

(4) The council may pass a resolution for paying the reeve ten dollars for each day necessarily spent in the discharge of his duties as reeve, other than attendance at council meetings, and not exceeding twelve cents for every mile necessarily travelled in the discharge of his duties as reeve.

Additional
payment to
reeve

(5) No payment shall be made under the provisions of subsection (4) in respect of more than twelve days in any one year.

(6) A council may pass a resolution for paying the members thereof a sum not exceeding twelve cents per mile for every mile necessarily travelled in, and a sum not exceeding ten dollars per day for the time necessarily occupied in, laying out or inspecting work performed or to be performed for the benefit of the municipal district.

Payment to
councillors
for inspec-
tion work

(7) No payment shall be made under the provisions of subsection (6)

(a) for more than fifteen days in any one year, in respect of a municipal district that is not greater than fifteen full townships in area, nor

(b) for more than thirty days in any one year, in respect of a municipal district that is greater than fifteen full townships in area.

(8) The work so performed or to be performed shall be duly authorized by a resolution of the council, excepting where the work is of an urgent nature, in which case the payment of the councillors' fees for laying out and inspecting the work shall be in the discretion of the council.

Special report

(9) A special report setting forth the work performed by the members of the council and the remuneration received therefor under the provisions of this section shall be prepared and submitted to the electors of the municipal district at the next nomination meeting and a copy of the report shall be mailed to the Minister.

Appointment of inspector

(10) The council of a municipal district, in place of inspecting and laying out work itself, may appoint a competent foreman or engineer to do so.

Payment of committee members

(11) The council may pass a resolution for paying the members of the council who are members of a committee appointed by resolution of the council to attend to matters affecting the municipal district, the necessary expenses incurred in attending to such matters and a sum not exceeding ten dollars *per diem* for each day during which the member is necessarily engaged in attending to such matters.

Payment to representative at school division meeting

(12) The council may pass a resolution for paying a member or members of the council who are appointed to represent the municipal district at a meeting or meetings of the board of trustees of a school division or school divisions, a sum not exceeding ten dollars *per diem* for each councillor for each such meeting and not exceeding twelve cents for every mile necessarily travelled in coming to and returning from such meeting.

(13) No payment pursuant to subsection (12) shall be made to any person in respect of more than twelve meetings in any one year.

Resignations, Vacancies, Forfeiture of Seat

Resignation of reeve or councillor

56. (1) A reeve or councillor may resign his seat in the council, and a reeve may resign his position as reeve while retaining his seat in the council by sending notice of his resignation in writing to the secretary-treasurer.

Filling of vacancy

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

Vacancy in position of reeve

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

Special election to fill council vacancy

(4) If a seat in the council becomes vacant by death, resignation or otherwise, the council shall fix forthwith 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 before the third Saturday 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 possible in the manner provided by this Act for other elections.

(6) In the event of a special election being held, the references in this Act to the third Saturday in February and the second Saturday in March and to the fourth Saturday following nomination day, shall be construed to be references to the day fixed for nominations as provided by subsection (4), and the same day in the third following week and to the same day in the fourth following week, respectively.

57. (1) If, after the election of a person as a member of the council, Forfeiture
of seat

- (a) he is convicted of a felony, or
- (b) he makes an assignment in bankruptcy for the general benefit of his creditors or is adjudged a bankrupt, or
- (c) he absents himself from the meetings of the council for three consecutive months without being authorized by a resolution of the council to do so, or
- (d) he ceases to be a resident of the municipal district, or
- (e) he becomes disqualified from sitting or voting in the council under the provisions of section 86, or
- (f) he is convicted of signing an acceptance of a nominated person containing a false statement, or
- (g) he is convicted of an offence under The Defence of Canada Regulations or is interned pursuant to those regulations,

his seat in the council shall be vacated forthwith and the council shall forthwith declare his seat vacant.

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

Appointed Councillors

Insufficient
councillors

58. (1) If in a municipal district 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 in the council or, for the purpose of filling such vacancies, may direct that an election be held under the provisions of this Act, and appoint a returning officer for that purpose.

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

DIVISION B—OFFICIALS AND EMPLOYEES

Secretary-Treasurer

Appoint-
ment of
secretary-
treasurer

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

Vacancy in
office 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 is practicable.

Notice to
Minister

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

Appoint-
ment of
secretary-
treasurer
disallowed

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

Security of
secretary-
treasurer

60. (1) The secretary-treasurer of every municipal district, within one month after entering upon his duties, shall furnish security to the municipal district in an amount to be fixed by the council, by a bond or guarantee of any corporation empowered to grant bonds or policies for the integrity of persons occupying positions of trust.

Renewal of
security

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

Failure to
take security

(3) The members of a council failing to take the security or renew it are jointly and severally liable for any default of the secretary-treasurer to the extent of the amounts for which security should have been taken.

Demand for
security

(4) When the majority of the council refuse or neglect to take security from the secretary-treasurer, then on the de-

mand of a councillor or joint demand of any councillors for such security, which shall be duly recorded in the minutes, such councillor or councillors are relieved from all personal liability in case of the default of the secretary-treasurer.

(5) The security shall be in a form approved by the Minister and shall be transmitted forthwith to the Minister for his inspection. Form of security

61. The secretary-treasurer

- (a) shall keep a full and correct record in the English language of the proceedings of every meeting of the council in the minute book provided for that purpose and ensure that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the reeve or other presiding officer, Duties of secretary-treasurer re: minutes
- (b) shall 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 a vote was "aye" or "nay" on any question coming before the council, minute book
- (c) shall conduct the correspondence of the council as directed by it, correspondence
- (d) shall 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, by-law book
- (e) shall 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, records
- (f) shall faithfully prepare and duly transmit to the Minister such statements and reports and such other information in regard to the municipal district as may from time to time be required by the Minister and in such form as the Minister directs, transmission of reports to Minister
- (g) shall call special or other meetings of the council in the manner provided by this Act, calling meetings
- (h) shall advise the secretary-treasurer of the board of trustees of a school division as soon as practicable of the names of the members of the council appointed pursuant to subsection (2) of section 52 to represent the municipal district at board meetings, report to school division secretary-treasurer
- (i) shall advise the councillor or councillors appointed to attend the meetings of the board of trustees of a school division of the date, place and time of each report to councillors

- such meeting and of the matters to be dealt with at any such meeting,
- report re council meetings (j) shall advise the secretary-treasurer of the board of trustees of a school division situate in whole or in part within the boundaries of the municipal district, and the representative of any such board appointed pursuant to clause (d) of section 186 of *The School Act, 1952*, of the date, time and place of all meetings of the council and of the matters to be dealt with at any such meeting, and shall forward to the secretary-treasurer of the board of trustees of a school division a copy of the minutes of meetings of the council insofar as such minutes deal with matters of interest to him,
- inspection by inspector (k) shall 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,
- report to Minister of names of councillors, etc. (l) shall advise the Minister of the names and addresses of all persons elected councillors for the municipal district 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 reeve, within five days of his election,
- report to Minister of Education (m) shall faithfully prepare and duly submit to the Minister of Education such statements, reports and other information as is from time to time required by the Minister of Education, and in such form as that Minister directs,
- certification to school secretaries (n) shall faithfully prepare and duly transmit to the secretary
 (i) of each school district not included in a division, the certificate required pursuant to subsection (1) of section 283 of *The School Act, 1952*, and
 (ii) of each school division, the certificate required pursuant to section 296 of *The School Act, 1952*,
- collection of moneys (o) shall collect, receive and safely keep all moneys belonging to the municipal district from whatever source received,
- deposit in bank (p) shall deposit to the credit of the municipal district daily, or as often as the council directs, in a treasury branch or chartered bank designated by the council, all moneys received by him,
- submission of accounts to council (q) shall submit for the consideration of the council all accounts and charges against the municipal district that he receives,
- payment of accounts (r) shall pay all accounts against the municipal district but only when they have been passed by the

council and certified by the reeve or other presiding officer,

- (s) shall make all payments on behalf of the municipal district by cheque signed by himself and countersigned by the reeve or by the deputy reeve and drawn on the treasury branch or chartered bank in which the moneys of the municipal district are deposited, payment by cheque
- (t) shall give and take receipts for all the moneys of the municipal district received and disbursed and keep on file all vouchers of expenditures, receipts
- (u) shall keep in a cash book or such books of record and in such form as is prescribed from time to time by the Minister, a complete and detailed record of all the financial transactions of the municipal district, cash book
- (v) shall prepare in the prescribed form and within five days after the end of each month a statement of moneys received 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, monthly statements
- (w) shall produce when called for by the council, auditor, inspector or other competent authority, all books, vouchers, papers and moneys belonging to the municipal district and hand over the same to his successor or such person as the council directs on his ceasing to hold office, production of books
- (x) shall complete and make ready for the auditor, not later than the tenth day of January in each and every year, all the books and accounts for the last preceding year, audit
- (y) shall faithfully perform all other duties imposed upon him by this Act and generally carry out such instructions as the council issues to him from time to time. general duties

62. (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. Certificate of search in assessment or tax roll

(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. Statement of arrears

(3) Every such fee forms part of the general revenue of the municipal district.

63. (1) An elector under the supervision of the secretary-treasurer and during the office hours of the secretary-treasurer, may inspect Inspection of books, etc., by elector

- (a) any account, contract, by-law, minutes of council meetings, report of any committee or of any official of the municipal district, after the same has been submitted to the council, other than a report of the municipal district's solicitor or any counsel engaged by the municipal district,
 - (b) the list of electors, poll books or other documents, other than marked ballots relating to any election or voting.
- (2) A copy of any book, record, document or account certified under the hand of the secretary-treasurer and the seal of the municipal district shall be received in evidence without proof of the seal of the municipal district or of the signature or official character of the person appearing to have signed the same, unless the court or a judge thereof otherwise orders.

Assessor

Appoint-
ment of
assessor

64. (1) An assessor shall be appointed by by-law by every council at its first meeting after the formation of the municipal district, or so soon thereafter as is practicable.

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

Notice of
appointment
of assessor

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

(4) The assessor appointed pursuant to this section shall be the assessor for the municipal district for all purposes other than the reassessment of all or any part of the municipal district in accordance with the provisions of section 65.

Reassess-
ment

65. (1) The council, by resolution, may request the Director of Assessments to make a reassessment of all lands, buildings and improvements in the municipal district or in any part of it, and in such case the assessor for the purposes of the reassessment shall be such assessor on the staff of the Director of Assessments as may be designated by the Director.

Cost of re-
assessment

(2) Whenever a reassessment is made by an assessor appointed by the Director of Assessments pursuant to subsection (1), twenty-five per cent of the cost of the reassessment of any hamlet shall be absorbed by the Department of Municipal Affairs and seventy-five per cent of the cost of the reassessment of any hamlet, together with the entire cost of the reassessment of any part of a municipal district, other than a hamlet, constitutes a debt due to the Crown and shall be paid by the municipal district concerned upon submission to it of the account of the Department of Municipal Affairs.

Auditor

66. (1) The council, at its first meeting in each year or within two months thereafter, shall appoint an auditor. Appointment of auditor

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

(3) No person who then is or during the preceding year was Persons ineligible as auditor

(a) a member of the council, or

(b) secretary-treasurer of the council, or

(c) interested directly or indirectly in any contract made by the municipal district, or

(d) employed by the municipal district in any capacity except that of auditor,

shall be appointed auditor.

(4) An auditor becoming

(a) a member of the council, or

(b) secretary-treasurer of the council, or

(c) interested directly or indirectly in any contract made by the municipal district, or

(d) employed by the municipal district in any capacity except that of auditor,

shall immediately vacate his office.

(5) The appointment of an auditor is subject to the approval of the Minister, who shall forthwith be advised thereof by letter and the Minister may confirm the appointment or disallow it. Approval of appointment of auditor

(6) If the Minister disallows the appointment of an auditor, 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 confirmation or disallowance of the Minister under subsection (5). Disallowance of appointment of auditor

67. (1) The auditor, at least once a year, shall examine and report upon all books and accounts affecting the municipal district or relating to any matter under its control or within its jurisdiction. Auditor's report

(2) After examination of the books and accounts hereunder referred to, the auditor shall stamp in indelible letters the word "Audited" and initial the same, "Audited" stamp

(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 cash
balance

(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.

Auditor's
special
report

(4) Where it appears to the auditor

(a) that an expenditure has been made contrary to law, by-law or resolution, or

(b) that there has been an irregularity on the part of the council or of an official of the council in dealing with money or property of the municipal district,

the auditor shall write a special report respecting the same and shall deliver that report to the reeve who shall lay the same before the council at its next regular meeting.

Notice of
arrears in
taxes

(5) Not later than the last day of February in each year, the auditor shall send out a notice to not less than fifteen 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.

Abstract of
revenues and
expenditures
and
assets and
liabilities

68. (1) On or before the first day of February in each year, the auditor shall prepare in duplicate, in such form as the Minister directs, an abstract of the revenue and expenditures of the municipal district during the last preceding financial year, and of the assets and liabilities of the municipal district upon the last day of that financial year.

(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 disposed of, and the disposition thereof, and those remaining on hand.

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

Statement of
receipts and
payments

(4) The auditor shall also prepare in duplicate, in such forms as the Minister may direct, a statement of the receipts and payments of the municipal district during the last preceding financial year.

(5) The auditor shall forward to the Minister one duplicate of the abstract and report together with one duplicate of the statement of receipts and payments and shall deliver the other to the secretary-treasurer.

Copies of
abstract

(6) The secretary-treasurer, on or before the tenth day of February, shall cause a printed copy of the abstract and report referred to in subsections (1), (2) and (3) to be mailed to every person whose name appears upon the assessment roll.

(7) Each copy of the abstract and report mailed under this section shall have printed thereon or attached thereto a notice in Form 1 in Schedule A.

69. The financial year of the municipal district shall commence on the first day of January and close on the thirty-first day of December in each year. Financial year

Constables

70. (1) The council by resolution may appoint the constables required under *The Police Act* within the municipal district. Appointment of constables

(2) A chief of police or police constable appointed under this Act has the powers and duties of a municipal constable as defined in *The Police Act*. Powers of constables

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

71. (1) The reeve, at any time and from time to time, by writing, may appoint one or more special constables within the municipal district for such time as is stated in the appointment, and shall report the appointment with the reasons therefor to the council at its next regular meeting. Special constables

(2) The appointment of every such constable ceases if his appointment is not confirmed at the next regular meeting of the council. Confirmation of appointment

Solicitor

72. (1) The council, by resolution, may appoint as solicitor for the municipal district a solicitor who is 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. Appointment of solicitor

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

Other Officials

73. 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. Other officials

General Provisions Relating to Officials and Employees

- Ineligibility of council member for other office** **74.** A member of the council is not eligible for appointment to a municipal district office.
- Tenders** **75.** The council shall not call for tenders from an applicant for an office.
- Term of office** **76.** An official appointed by the council may hold office during the pleasure of the council or as expressed in his appointment.
- Oath of office** **77.** (1) An official of the municipal district, before entering upon the duties of his office, shall make and subscribe the official oath or solemn affirmation 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, solemn affirmation or declaration before a commissioner for oaths, a notary public or a justice of the peace.
- Deposit of oath** (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 municipal district records.
- Suspension of official** **78.** (1) The reeve may suspend any municipal district 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.
- Salary upon dismissal** (2) If an official or employee is dismissed by the council, the official or employee shall not receive any salary or remuneration from the date of his suspension by the reeve unless the council, by a resolution, otherwise determines.
- Other duties** **79.** 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 are required of them by the council.
- Liability of officials** **80.** An official, servant or agent of a municipal district is 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.
- Security of officials** **81.** (1) In addition to defining the duties of any official, the council may require him to give such security as it deems expedient for the faithful performance of his duties.
 (2) Prior to the first day of May in each year all securities shall be produced to the reeve and shall be laid by him before the council for examination and approval.

Superannuation or Gratuities

82. (1) The council, by by-law, may provide for a plan of superannuation or annuity payment to any employee upon his retirement from the service of the municipal district, and any such plan may require such contributory participation on the part of the employee as the council in its discretion may provide in the by-law. Superannuation plan

(2) Notwithstanding the provisions of subsection (1), the council, by by-law, may grant any employee who has been in the service of the municipal district 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 who has attained 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 his dismissal or resignation, which gratuity may, in the discretion of the council, be instead of or in addition to any annuity that might be paid to him under the provisions of subsection (1). Gratuity payment

PART IV

ELECTIONS

Election by General Vote

83. When in a municipal district no electoral divisions have been established and the council is elected therein by general vote, the Minister, by order, Conduct of general election

- (a) may prescribe the method of preparation of the list of electors and the nominating of candidates, and
- (b) may give directions as to any other matter or thing requisite for the proper conduct of an election.

Election by Electoral Divisions

84. Where in a municipal district electoral divisions have been established, each division shall be represented by a councillor and when a vacancy occurs in the representation of that division an election shall be held for that division, as is hereinafter prescribed. Representation

Qualification of Councillors

85. No person is qualified to be elected a member of the council of a municipal district unless at the date of his nomination Qualification of councillors

- (a) he can read and write in the English language,
- (b) he is a Canadian citizen,
- (c) he is the full age of twenty-one years,

- (d) he is not disqualified under this or any other Act,
- (e) he is resident in the electoral division with respect to which he has been nominated,
- (f) his name appears upon the assessment roll of the municipal district as the owner, conditional owner or purchaser of land that is not exempted from taxation, or in the case of a first election he has been for a period of at least two months prior to the date of his nomination the owner, conditional owner or purchaser of assessable land included in the municipal district,
- (g) he is not indebted to the municipal district for taxes for more than the two calendar years immediately preceding the year in which the election is held or if he is so indebted, then unless he has entered into an agreement for the consolidation of the arrears of taxes owing by him to the municipal district and the agreement remains in force.

Persons
ineligible as
councillors

86. The following persons are not eligible to be elected a member of the council, and are not entitled to sit or vote therein,

- (a) any judge of any court of civil jurisdiction,
- (b) any sheriff, deputy sheriff or bailiff,
- (c) any gaoler or keeper of any house of correction,
- (d) any constable, assessor, secretary-treasurer, auditor or other paid official of the municipal district,
- (e) any person having himself or by or with or through another an interest in any contract with the council, or with any person or persons acting for the council, or in any contract under which any money of the municipal district is to be paid for any service, work, matter or thing,
- (f) any person who is surety for an officer or employee of the council,
- (g) any person who has been convicted of a criminal offence punishable by death or by imprisonment for more than two years,
- (h) any 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 any money received by him in contravention of any of the provisions of this Act, until the expiration of three years from the date of his resignation,
- (i) any person whose seat on the council has been declared vacant by reason of clauses (a), (f) or (g) of subsection (1) of section 57, until the expiration of three years from the date upon which his seat was so declared vacant.

87. (1) Clause (e) of section 86 does not apply to a person by reason only of the person

Non-appli-
cation of
clause (e) of
section 86

- (a) being a shareholder in an incorporated company having a contract or dealings with the council, unless the contract or dealings are for the building, construction or repair of a public work,
- (b) contracting with the council for the supply to him of any service or commodity that the council has statutory authority to supply,
- (c) being interested in any publication that official advertisements of the council appear in or that is supplied to the council or any official thereof at the usual rates,
- (d) selling or leasing to the council land, or interest in land, that the council has statutory authority to expropriate.

(2) No councillor who is a shareholder in any company shall vote in the council on any question affecting the company, and no councillor who sells or leases to the municipal district shall vote in the council on any question affecting any sale or lease to the municipal district.

Councillor
holding
shares pro-
hibited from
voting in
certain cases

Qualification of Electors

88. Where there is an owner and a purchaser of any parcel or of any part, share or interest therein, the only person entitled to vote in respect of the parcel or share or interest therein is the purchaser entitled to the possession of the parcel or of any part, share or interest therein, and where there is no such purchaser, the only person entitled to vote in respect thereof is the owner.

Vote of
owner or
purchaser

89. The persons entitled to vote at an election held prior to the completion of the first municipal list of electors are persons of the full age of twenty-one years who are and who have been for a period of at least two months immediately prior to the date of holding the election the owners, purchasers or conditional owners of assessable land included in the district.

Persons
entitled to
vote prior to
completion
of first list
of electors

90. The persons entitled to vote at an election held subsequent to the completion of the first municipal list of electors are

Persons
entitled to
vote after
completion
of first list
of electors

- (a) persons of the full age of twenty-one years whose names appear on the municipal list of electors by virtue of being on the assessment roll, whether the names are placed upon the list prior to the second Saturday in March or are placed thereon upon election day,
- (b) persons whose names do not appear on the list of electors pursuant to clause (a) but who are Canadian citizens of the full age of twenty-one years,

who have continuously resided in the division in which the election is being held for a period of six months immediately preceding the day fixed for the nomination of candidates.

Elector to
vote in
division
where
qualified

91. (1) Where electoral divisions have been established in a municipal district, every elector resident in a division and qualified in respect of land therein, shall vote only in that division in which he is resident and qualified.

(2) Where electoral divisions have been established in a municipal district, every elector not within the terms of the previous subsection, whether resident in the municipal district or not, shall vote in the division in which the land in respect of which he is qualified as an elector is situated.

Elector
qualified in
more than
one division

(3) If an elector is qualified in respect of land in more than one division, then he shall vote only in that division in which his assessment is higher than in any other division.

(4) In the case of equality of assessment an elector shall vote only in that division that bears the lower or lowest number.

(5) A person who is qualified to vote otherwise than in respect of land shall vote in the electoral division in which he resides.

Vote of
corporation

92. (1) A corporation, the name of which is entered upon the list of electors, may vote by an officer, member or employee of the corporation who is of the full age of twenty-one years.

Authority to
vote for
corporation

(2) The officer, member or employee, before voting, shall produce a certificate from the head office of the corporation in question authorizing him to represent it, and shall make and subscribe the oath in Form 2 in Schedule A.

(3) No person shall represent more than one corporation.

(4) No person shall represent a corporation under the provisions of this section if he is otherwise entitled to vote.

Preparation for Nomination Meeting at First Election

Procedure
prior to
nomination
meeting

93. (1) At the first election for councillors and three weeks prior to the date fixed by the order of the Minister for the nomination of candidates under the provisions of Part II, the official administrator, by resolution,

- (a) shall name a place for holding the nomination meeting,
- (b) shall appoint a returning officer,
- (c) shall provide for polls in each electoral division and assign a name or number for each poll,
- (d) shall appoint a deputy returning officer for each poll,
- (e) shall fix the time and place for the first meeting of the council.

(2) The official administrator, by resolution, may authorize the deputy returning officer for any or all of the polls to appoint a poll clerk who, in the absence or disability of the deputy returning officer, shall act as deputy returning officer.

Poll clerk

(3) The place named for holding the nomination meeting shall be within the municipal district or within a city, town or village bordering on the municipal district.

Place of nomination meeting

(4) A poll for an electoral division shall be within the electoral division or within a city, town or village bordering thereon.

Poll

(5) A special poll may be provided for in a city, town or village bordering on the municipal district if at least ten proprietary electors entitled to vote in that electoral division reside within the city, town or village.

Special poll

(6) If for any reason a person who has been appointed as returning officer becomes incapable of carrying out his duties, the official administrator may appoint, by writing, a returning officer in his place.

Substitute returning officer

(7) If a person who has been appointed as a deputy returning officer for any reason becomes incapable of carrying out his duties, the returning officer may appoint a deputy returning officer in his place.

Substitute deputy returning officer

(8) The returning officer shall act as secretary-treasurer for the purposes of the election.

Secretary-treasurer for election purposes

94. Prior to a nomination day, the returning officer shall cause to be issued a notice in Form 3 in Schedule A.

Notice of nomination of councillors

95. The returning officer shall cause the notice referred to in section 94 to be posted up in at least four widely separated conspicuous places in each electoral division of the municipal district at least seven clear days before nomination day.

Posting of nomination notice of councillors

Preparation for Nomination Meeting at General Election

96. (1) Prior to the thirty-first day of December in each year the council, by resolution, shall provide for holding a nomination meeting upon the third Saturday of February in the next following year for the purpose of nominating candidates to fill the vacancies occurring in the council on the third day of April in the next following year.

Procedure prior to nomination meeting

(2) The place named for holding the nomination meeting shall be within the municipal district or within a city, town or village bordering on the municipal district.

Place of nomination meeting

(3) Notwithstanding subsection (1), if it appears to the council that it is desirable to hold the nomination meeting upon some other day it may provide by resolution for holding the meeting upon any other day within three days before or after the third Saturday of February.

Petition to
change date
of nomina-
tion meeting

(4) If at any time prior to the first day of December a petition is delivered to the secretary-treasurer, signed by at least fifteen per cent of the proprietary electors of the district, requesting that the nomination meeting be held on another day within three days before or after the third Saturday of February, the council by resolution shall provide for holding the meeting upon the day named in the petition.

(5) In the event of a resolution being passed pursuant to subsection (3) or (4), the references in this Act to the third Saturday in February and the second Saturday in March, and to the fourth Saturday following nomination day, shall be construed to be references to the day so fixed and the same day in the third following week and to the same day in the fourth following week.

Annual
meeting

(6) The council shall also provide for holding an annual meeting for the discussion of municipal affairs at one o'clock in the afternoon on the same day and at the same place as the nomination meeting.

(7) This section is not applicable to a municipal district in respect of which an administrator has been appointed in the place of the council under any of the provisions of *The Department of Municipal Affairs Act*.

Notice of
municipal
and nomina-
tion meeting

97. (1) Prior to nomination day, the returning officer shall cause to be issued a notice in Form 4 in Schedule A.

(2) The returning officer shall publicize the notice by causing it to be

- (a) posted up in at least two widely separated conspicuous places in each electoral division of the municipal district at least seven clear days before nomination day, or
- (b) mailed to each resident proprietary elector of the municipal district at least ten clear days before nomination day, or
- (c) published in an issue of a newspaper pursuant to the provisions of subsection (2) of section 51, if the issue is one that will be entered in the mail at least ten clear days before nomination day.

Returning
officer,
deputy
returning
officer;
polls

98. (1) At least three weeks prior to the day fixed for the nomination of candidates, the council, by resolution,

- (a) shall appoint a returning officer,
- (b) shall provide for polls in each electoral division in which an election is required and assign a name or number for each poll,
- (c) shall appoint a deputy returning officer for each poll.

Poll clerk

(2) The council, by resolution, also may appoint a poll clerk for each or any poll.

(3) A poll for an electoral division shall be within the electoral division or within a city, town or village bordering thereon.

(4) A special poll may be provided for in a city, town, or village bordering on the municipal district if at least ten proprietary electors entitled to vote in that electoral division reside within the city, town or village. Special poll

99. (1) If for any reason a person who has been appointed as returning officer becomes incapable of carrying out his duties, the reeve, by writing under his hand, may appoint another person in his place. Substitute returning officer

(2) If any person who has been appointed as a deputy returning officer or poll clerk for any reason becomes incapable of carrying out his duties, the returning officer may appoint another person in the place of the person becoming incapable. Substitute deputy returning officer or poll clerk

Preparation for Nomination Meeting at Special Election

100. (1) When a special election to fill a vacancy in the council is required pursuant to section 56, the council by resolution Special election to fill council vacancy

- (a) shall appoint a returning officer,
- (b) shall fix a day and place for holding a nomination meeting for the purpose of the nomination of candidates to fill the vacancy in the electoral division in which the vacancy occurs.

(2) The resolution shall provide that nominations will be received by the returning officer between the hours of three o'clock and four o'clock in the afternoon on the day fixed for nominations. Time for nominations

(3) Subject to the provisions of subsection (6) of section 56, the provisions of this Act respecting a general election apply to a special election.

101. (1) Prior to nomination day, the returning officer shall cause to be issued a notice in Form 3 in Schedule A. Notice of nomination

(2) The returning officer shall publicize the notice by causing the notice Publication of notice of nomination

- (a) to be posted up in at least four widely separated and conspicuous places in each electoral division in which the election is required at least seven clear days before nomination day, or
- (b) to be mailed to each resident proprietary elector of the electoral division in which the election is required at least ten clear days before nomination day, or
- (c) to be published in an issue of a newspaper pursuant to the provisions of subsection (2) of section 51, if the issue is one that will be entered in the mail at least ten clear days before nomination day.

108. A person nominated may withdraw at any time within forty-eight hours after the close of nominations by filing with the returning officer a signed declaration in writing to that effect signed in the presence of two witnesses or the returning officer. Withdrawal of nomination

109. If by reason of any withdrawal or withdrawals there is only one candidate for councillor for an electoral division, the election shall not take place with respect to such division and the returning officer shall forthwith declare the candidate duly elected and shall send to the secretary-treasurer, if any, a signed statement giving the full name and address of the councillor declared elected. No poll if only one candidate remains after withdrawals

List of Electors

Enumeration

110. (1) For the purpose of a general election, the council, by resolution, not later than the second Saturday in February in each year, shall appoint an enumerator or enumerators for each electoral division in which the term of office of the councillor expires in that year, and for each division in which a vacancy has occurred for reasons other than effluxion of time. Appointment of enumerators

(2) If, after the passing of the resolution pursuant to subsection (1), a further vacancy on the council occurs prior to the time set for receiving nominations, the reeve, in writing under his hand, shall appoint an enumerator or enumerators for the division in which such vacancy has occurred.

(3) If for any reason an enumerator appointed pursuant to this section is unable to perform his duties or is unwilling to act, the reeve, in writing under his hand, shall appoint another enumerator in his place. Substitute enumerator

111. (1) In the case of a special election, the council, at least one week prior to nomination day, shall appoint an enumerator or enumerators for each division in which an election is to be held. Enumerators for special election

(2) If for any reason an enumerator appointed pursuant to this section is unable to perform his duties or is unwilling to act, the reeve, in writing under his hand, shall appoint another enumerator in his place. Substitute enumerator

112. An enumerator appointed pursuant to section 110 or section 111, before acting as such shall take the oath of office in Form 8 in Schedule A which may be sworn before the returning officer, a justice of the peace or a commissioner for oaths. Oath of enumerator

113. After the expiry of forty-eight hours from the close of nominations, each enumerator who has been appointed for a division in which an election is to be held shall Enumerator's list

complete a list in duplicate giving the names and addresses of all persons whose names do not appear on that portion of the list of electors prepared pursuant to subsection (1) of section 116, who

- (a) reside in the division, and
- (b) are Canadian citizens, and
- (c) are of the full age of twenty-one years, and
- (d) have continuously resided in the division in which the election is to be held for a period of six months immediately preceding the day fixed for the nomination of candidates.

Delivery of
enumerator's list

114. An enumerator shall complete the list referred to in section 113 and shall deliver it into the hands of the secretary-treasurer not later than three days prior to the second Saturday in March.

Preparation of List of Electors

Preparation
of list of
electors

115. Immediately after the expiry of forty-eight hours from the close of nominations, the secretary-treasurer shall prepare a list of all electors in each division for which an election is to be held.

Arrange-
ment and
particulars
of list of
electors

116. (1) The secretary-treasurer shall arrange the list of electors according to electoral divisions, and subject to the provisions of section 91, shall enter in the appropriate columns of the prescribed form

- (a) the name of every purchaser entitled to the possession of assessed land, if the purchaser is of the full age of twenty-one years,
- (b) the name of every owner of assessed land for which there is no such purchaser, if the owner is of the full age of twenty-one years,
- (c) the name of every conditional owner of assessed land if the conditional owner is of the full age of twenty-one years,
- (d) the name of every lessee of land that is agricultural land as defined in *The Public Lands Act*, who is in actual occupation of such land as lessee under the provisions of section 11 of the said Act, if the lessee is of the full age of twenty-one years,
- (e) the word "purchaser", "owner", "lessee" or "conditional owner", whichever is the case,
- (f) a brief description of the property that is assessed,
- (g) the word "resident" or "non-resident", whichever is the case,

and the particulars, when possible, shall be taken from the assessment roll of the municipal district.

Persons
entitled to
be on list of
electors

(2) Where the assessment roll shows an owner and a purchaser of any parcel, or of any part, share or interest

therein, the only person entitled to be placed upon the list of electors in respect of the parcel or of any part, share or interest therein, is the purchaser entitled to the possession of the parcel, or any part, share or interest therein, and where there is no such purchaser, the only person entitled to be placed upon the list of electors is the owner of the parcel, or of any part, share or interest therein.

(3) The secretary-treasurer shall also enter on the list of electors for each electoral division, in a separate portion thereof, the names, in alphabetical order, of all persons whose names do not already appear on the list of electors but whose names appear on the list or lists prepared by the enumerator or enumerators for that division.

117. On the second Saturday of March in each year, the secretary-treasurer, immediately after the last name on the list of electors for each electoral division shall write the words "certified correct" followed by his signature. Certification of list of electors

118. (1) The secretary-treasurer, forthwith after certification of the list of electors shall make a true and correct copy of each list of electors and post the same in his office. Posting of copy of list of electors

(2) A copy or the original of the list of electors shall be open to inspection by any person at all reasonable hours. Inspection of list of electors

119. After certification of the list of electors the secretary-treasurer shall forthwith prepare and cause to be posted in two widely separated and conspicuous places in each electoral division in which an election is to be held a copy of the list of electors for that division. Posting of list of electors

Revision of List of Electors

120. (1) Whenever, through inadvertence or otherwise, any mistake, error, wrongful entry or omission whatsoever has been made in the list of electors or copy thereof, the secretary-treasurer, upon being notified in writing by any person of the mistake, error, wrongful entry or omission, shall revise the list or copy accordingly. Revision of list of electors

(2) No such revision shall be made in the list of electors except for the purpose of correcting the spelling of names

(a) unless notification is received by the secretary-treasurer at least four clear days prior to the date fixed for the election, and

(b) unless the assessment roll of the municipal district when compared with the list of electors shows the list of electors to be inaccurate or incomplete in the manner complained of in the notification.

(3) Every alteration of the list of electors or copy shall have placed opposite it the date of the alteration and the initials of the secretary-treasurer.

Procedure Preliminary to Holding an Election or Vote

Date of election

121. When an election is required it shall be held upon the fourth Saturday following the day of nomination.

Notice of election

122. (1) After the expiry of forty-eight hours from the close of nominations, the returning officer shall cause to be issued a notice of the election in Form 9 in Schedule A.

Publication of notice of election

(2) The returning officer shall publicize the notice by causing it to be either

- (a) posted up in at least four widely separate and conspicuous places in each electoral division in which an election is to be held, at least fourteen clear days before election day, or
- (b) mailed to each resident proprietary elector of each electoral division in which an election is to be held, at least sixteen clear days before election day, or
- (c) published in an issue of a newspaper that, pursuant to the provisions of subsection (2) of section 51, is required to be mailed to each resident proprietary elector of each electoral division in which an election is to be held, if the issue is one that will be entered in the mail at least sixteen clear days before polling day.

Ballot boxes

123. The returning officer shall procure for each poll a suitable ballot box to be made of some dry durable material, and each box shall be provided with a lock and key and shall be so constructed that the ballot papers can be placed therein when the box is locked and cannot be withdrawn therefrom unless the box is unlocked.

Voting by secret ballot

124. Voting shall be by secret ballot.

Printing of ballot papers

125. The returning officer shall cause to be printed or otherwise prepared a supply of ballot papers sufficient for the purposes of the election.

Composition of ballot papers

126. The ballot papers may be either printed or typewritten and must be of the same colour and general appearance.

Names on ballot papers

127. (1) The ballot papers shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames, or if there are two or more candidates with the same surname, in the order of their Christian or first names.

- (2) The ballot paper shall be in Form 10 in Schedule A. Form of ballot papers
- 128.** (1) Before each election the secretary-treasurer shall furnish the returning officer with at least two copies of Form 11 in Schedule A for every poll. Notice of election penalties
- (2) The deputy returning officer for each poll shall post the two copies of Form 11 in Schedule A in conspicuous places at his poll and ensure that they are kept so posted during the hours of voting. Posting of notice of election penalties
- 129.** The secretary-treasurer before every election shall furnish the returning officer with at least two copies of sections 4 and 5 of *The Controverted Municipal Elections Act* for each poll, and the officer presiding at a poll shall post the same in conspicuous places at his poll and ensure that they are kept so posted during voting hours. Posting of copies of sections 4 and 5 of *The Controverted Municipal Elections Act*
- 130.** The secretary-treasurer, before the opening of the poll, shall cause to be prepared such number of printed directions for the guidance of voters in voting as he may deem sufficient and the directions shall be printed in conspicuous characters and may be in Form 12 in Schedule A. Directions for guidance of voters
- 131.** At least twenty-four hours before the opening of the poll, the returning officer shall deliver to each deputy returning officer the ballot papers and all other necessary material. Delivery of ballot papers
- 132.** A deputy returning officer shall ensure that his poll is furnished with a compartment in which the voter can mark his ballot while screened from observation. Voting compartments
- 133.** A deputy returning officer, before the opening of the poll, shall cause to be posted on the outside of the entrance to the poll, as well as in the compartment in the poll, a copy of the directions for the guidance of voters and shall ensure that it remains so posted until the close of the voting. Posting of directions for guidance of voters
- 134.** At least forty-eight hours before the opening of the poll, the secretary-treasurer shall furnish to the returning officer such number of copies of the list of electors, if any exists, as the returning officer requires. Copies of municipal list of electors
- 135.** The returning officer shall also furnish to each deputy returning officer a poll book which shall be in Form 13 in Schedule A in which shall be entered the record of the poll. Poll book

Oath of Election Officials

Oaths of
election
officials

136. Before exercising any of the rights or functions of his office the oath in Form 14 in Schedule A shall be taken and subscribed by

- (a) a returning officer before a justice of the peace or before the secretary-treasurer,
- (b) a deputy returning officer before the returning officer or before a person authorized to administer oaths within the Province,
- (c) a candidate, poll clerk, constable or agent authorized to be present in a poll, before the deputy returning officer or before a person authorized to administer oaths within the Province.

Poll at Elections

Hours of
polling

137. The polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon.

Presence of
deputy
returning
officer

138. The deputy returning officer shall be present at the poll at least fifteen minutes before the time appointed for opening the poll.

Agent of
candidate

139. (1) A person producing to the deputy returning officer a written authority from a candidate to represent that candidate as his agent at the poll shall be recognized as such by the deputy returning officer.

(2) Not more than one agent of a candidate is entitled to be present at a poll during the voting or the counting of votes.

Preserva-
tion of order
at poll

140. The deputy returning officer may

- (a) appoint a constable,
- (b) summon to his assistance at the poll 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 voting or wilfully violating the provisions of this Act.

Persons
entitled to
be present
in the poll

141. During the time appointed for voting no person is entitled or permitted to be present in the poll other than

- (a) the officers, candidates, poll clerks, constables or agents authorized to attend at the poll, and
- (b) voters who are for the time being actually engaged in voting.

Opening of
poll and
display of
ballot box

142. (1) At the time fixed for the opening of the poll, the deputy returning officer

- (a) shall declare the poll open, and
 - (b) immediately after the opening of the poll, shall show the ballot box to such persons as are present at the poll so that they can see that the ballot box is empty.
- (2) The deputy returning officer shall then
- (a) lock the ballot box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal,
 - (b) place the ballot box in his view for the receipt of ballot papers, and
 - (c) keep the ballot box so in his view and locked and sealed during the hours of voting.

143. A returning officer, deputy returning officer and poll clerk appointed pursuant to this Act may by virtue of his office administer an oath to any person who makes any declaration, affidavit or other statement under oath authorized or required by this Act in the course of the holding of an election or the taking of a vote pursuant to this Act.

Who may administer oaths

144. (1) At an election held before the completion of the first list of electors, each person who presents himself for the purpose of voting, before he is handed a ballot, shall sign a solemn affirmation in Form 15 in Schedule A.

Elector's affirmation before first municipal list of electors

(2) The deputy returning officer or poll clerk shall record in the poll book the name of each person who signed the affirmation.

145. At an election held after the completion of the first list of electors, the deputy returning officer shall

Oath if name not on list of electors

- (a) satisfy himself that the name of the person who presents himself for the purpose of voting, or a name apparently intended for that of such person, is on the list of electors, or
- (b) administer to the person who presents himself for voting the oath or affirmation provided for in Form 16 in Schedule A.

146. (1) The deputy returning officer, while the poll is open, and if required to do so by a person whose name does not appear on the list of electors shall administer to such person an oath or affirmation in the proper form set out in Form 16 in Schedule A.

Oath to place name on list of electors

(2) When the oath or affirmation in Form 16 in Schedule A has been subscribed to by a person, the deputy returning officer shall cause the name of that person to be added to the list of electors with the word "sworn" or "affirmed" written thereafter, according to the fact.

(3) If the name of any other person appears upon the list of electors as qualified to vote in respect of the parcel in respect of which the person requiring an oath to be ad-

Name of other person on list of electors

ministered to him claims to be entitled to vote, the deputy returning officer shall not administer an oath or affirmation to such last mentioned person, and such person is not entitled to vote.

Establishing identity **147.** (1) If a person representing himself as being entitled to vote applies for a ballot paper after another person has voted in respect of the same qualification the person representing himself as being entitled to vote is entitled to receive a ballot paper and to vote after taking the oath in Form 17 in Schedule A or otherwise establishing his identity to the satisfaction of the deputy returning officer.

(2) The name of the voter shall be entered in the poll book and a note made stating

- (a) the fact that he voted after taking the oath, and
- (b) the objections, if any, made and on whose behalf.

Record in poll book **148.** The deputy returning officer or poll clerk shall record in the poll book the name of each person presenting himself to vote.

Objection to person voting **149.** Before a ballot paper is given to a person presenting himself to vote, a candidate or his agent may object to such person voting and if there is any such objection the deputy returning officer shall require such person to take the oath or affirmation in Form 17 in Schedule A.

Entry of objection in poll book **150.** When the oath or affirmation in Form 17 in Schedule A has been taken, the deputy returning officer or poll clerk shall enter opposite the name of the person referred to in section 149 in the proper column of the poll book the word "sworn" or "affirmed", according to the fact.

Refusal to take oath **151.** Whenever a person is required to take the oath or affirmation in Form 17 in Schedule A and he refuses to do either,

- (a) the deputy returning officer or the poll clerk shall enter opposite the name of that person in the proper column of the poll book the words "refused to swear or affirm", and
- (b) that person shall not be allowed to vote, but shall be required to leave the poll immediately, and shall not be allowed to enter it again for any purpose whatever.

Requirements before giving ballot **152.** The deputy returning officer shall not give a ballot paper to any person until the deputy returning officer has

- (a) made the required entry or entries regarding that person, and
- (b) initialled the back of the ballot paper.

153. The deputy returning officer, either personally or through his poll clerk, may, and upon request shall, explain to the person presenting himself to vote as concisely as possible the proper method of voting. Explanation as to method of voting

154. (1) If a person presenting himself to vote Voting by blind or incapacitated person
 (a) is incapacitated by blindness or other physical cause from marking his ballot paper, or
 (b) claims to be unable to read and takes the declaration in Form 18 in Schedule A,

the deputy returning officer, if required to do so by the voter and if the voter is accompanied by a friend, shall permit the friend to accompany the voter into a voting compartment for the purpose of marking the voter's ballot paper.

(2) The ballot paper when marked shall be delivered by the voter or the friend to the deputy returning officer to be placed by the deputy returning officer in the ballot box.

155. (1) Where electoral divisions have been established in a municipal district a voter shall vote for one candidate only. Voter to vote for one candidate only

(2) If a voter votes for more than one councillor his ballot is void and shall not be counted.

156. The receipt by a voter of a ballot paper within the poll is *prima facie* evidence that he has then and there voted. Evidence of vote

157. (1) When a voter has received a ballot paper he shall Marking of ballot paper

- (a) proceed forthwith into the compartment provided for the purpose, and
- (b) mark his ballot paper by placing a cross on the right hand side opposite the name of the candidate for whom he desires to vote or at any other place within the marked off space that contains the name of the candidate.

(2) The voter after voting

- (a) shall fold his ballot paper so as to conceal its face and to expose the initials of the deputy returning officer, and
- (b) shall immediately after leaving the compartment and without showing the front of the ballot paper to anyone or so displaying the ballot paper as to make known to any person how he has voted, deliver the ballot paper so folded to the deputy returning officer.

(3) The deputy returning officer, without unfolding the ballot paper or in any way disclosing the face thereof, shall verify his own initials and at once deposit the ballot paper in the ballot box. Deposit of ballot paper in ballot box

- (4) The voter shall forthwith leave the poll.
- Entry in poll book (5) Immediately after the ballot paper of a voter has been deposited in the ballot box, the deputy returning officer or poll clerk shall enter in the poll book in the proper column after the voter's name the word "voted".
- Privacy of voting compartment **158.** While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the voter's choice of candidate.
- Forfeiture of vote **159.** (1) A voter who, having received a ballot paper from the deputy returning officer, leaves the poll without first delivering the same to the officer in the manner prescribed forfeits his right to vote.
- Entry in poll book of declined vote (2) The deputy returning officer shall make an entry in the poll book in the column for "remarks" to the effect that the voter received a ballot paper but took the same out of the poll or returned the same declining to vote, whichever was the case.
- (3) When a voter who has received a ballot paper declines to vote, the deputy returning officer shall immediately write the word "declined" upon the ballot paper and shall preserve the same.
- Replacement of ballot paper **160.** (1) A voter who has inadvertently dealt with his ballot paper in such a way that it cannot be conveniently used as a ballot paper, on delivering it to the deputy returning officer, may receive another ballot paper in the place of the ballot paper so delivered up.
- Cancellation of ballot paper (2) The deputy returning officer shall immediately write the word "cancelled" upon the ballot paper delivered to him as inadvertently dealt with under subsection (1) and he shall preserve the ballot paper until he makes his returns.
- Proceedings After Close of Poll**
- Close of poll **161.** (1) Promptly at the hour of five o'clock in the afternoon, the deputy returning officer shall declare the poll closed.
- (2) If when the poll is closed there is an elector in the poll who desires to vote he shall be permitted to do so but no other person shall be allowed to enter the poll for that purpose.
- Persons entitled to be present at count of votes **162.** The persons entitled to be present in the poll during the counting of the ballots are the returning officer, the deputy returning officer, the poll clerk, any of the candidates and not more than one agent of each candidate.
- Count of votes **163.** In each poll the deputy returning officer, immediately after the close of the poll and 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 count the votes.

164. The deputy returning officer shall examine all the Void ballots ballot papers and every ballot paper

- (a) that does not bear the initials of the deputy returning officer on the reverse side, or
- (b) on which more votes are cast than the voter is entitled to cast, or
- (c) on which anything is written or marked by which the voter can be identified, or
- (d) that 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.

165. The deputy returning officer

- (a) shall note any objection made by a candidate or his agent authorized to be present to any ballot paper found in the ballot box, and
- (b) shall decide any question arising out of the objection.

Note of objection to ballot paper

166. The deputy returning officer 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 poll book statement in words as well as in figures stating

- (a) the name or number of the poll, the name and number of the municipal district, the date of the election and the number of the electoral division,
- (b) the number of persons who voted at the poll,
- (c) the number of votes for each candidate for councillor,
- (d) the number of ballot papers supplied to the deputy returning officer,
- (e) the number of rejected ballot papers,
- (f) the number of unused and cancelled ballot papers and ballot papers marked "declined".

167. Upon completion of the statement in the poll book the deputy returning officer shall make a duplicate thereof Signing of statement separate from the poll book and the statement in the poll book and the duplicate shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign the same.

168. The deputy returning officer, upon being requested to do so, shall deliver to each of the persons authorized to attend at this time at his poll a certificate Certificate of number of votes and rejected ballot papers

- (a) of the number of votes given at that place for each candidate, and
- (b) of the number of rejected ballot papers.

169. (1) The deputy returning officer in the presence of the candidates or their agents or such of them as are present shall make up into separate packets Packets of ballot papers

- (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.
- Sealing of packets of ballot papers** (2) The packets referred to in subsection (1)
 (a) shall be sealed with the seal of the deputy returning officer and with the seals of such candidates or agents of candidates as desire to affix their seals, and
 (b) shall be marked upon the outside with
 (i) a short statement of the contents of the packet,
 (ii) the date of the election,
 (iii) the name of the deputy returning officer,
 (iv) the name or number of the poll,
 (v) the number of the electoral division,
 (vi) the name and number of the municipal district.
- Locking and sealing of ballot boxes** **170.** The deputy returning officer shall then place all the packets referred to in section 169 in the ballot box and the ballot box shall be locked and sealed with the seal of the deputy returning officer and with the seals of such candidates or agents of candidates as desire to affix their seals.
- Certificate of entries in poll book** **171.** Before leaving the poll, the deputy returning officer shall enter in the poll book a certificate in Form 19 in Schedule A which shall be signed by him in the presence of a witness.
- Making up of packets** **172.** (1) After having entered his certificate in the poll book and before leaving the poll the deputy returning officer shall enclose in separate packets
 (a) the duplicate of the statement entered in the poll book of the number of votes given,
 (b) the list of electors, poll book and declarations.
- Sealing and marking of packets** (2) The packet containing the list of electors, poll book and declarations
 (a) shall be sealed with the seal of the deputy returning officer and with the seals of such candidates or agents of candidates as may desire to affix their seals, and
 (b) shall be marked on the outside with
 (i) a short statement of the contents of the packet,
 (ii) the date of the election,
 (iii) the name of the deputy returning officer,
 (iv) the name or number of the poll,
 (v) the number of the electoral division,
 (vi) the name and number of the municipal district.

173. The deputy returning officer of each poll shall forthwith deliver to the returning officer

Delivery of election material to returning officer

- (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 ballot papers,
- (c) the sealed packet containing the list of electors, poll book and declarations,

and upon receipt of the same the returning officer shall give the deputy returning officer a receipt therefor.

Count by Returning Officer

174. At twelve o'clock noon on the day and at the place previously appointed by him in the notice of election, the returning officer in the presence of such of the candidates or their agents as are present shall sum up the result of the vote as shown by the duplicate statements furnished him by the various deputy returning officers.

Result of vote

175. (1) If a candidate

Recount of ballots

- (a) is dissatisfied with the result, as shown by the duplicate statement of the deputy returning officer, of a vote in an electoral division for which he was a candidate, and

(b) shows reason for his dissatisfaction,

the returning officer shall break the seals of the ballot box delivered to him by the deputy returning officer and shall count the ballot papers contained therein in the same manner as the deputy returning officer is directed to do by this Act.

(2) After counting the ballot papers under subsection (1) the returning officer

- (a) shall make such corrected statement as is necessary and initial the correction, and
- (b) shall place in the ballot box all the documents contained therein at the time he broke the seals, and
- (c) shall lock the said box and seal it with his seal and with the seal of any candidate who desires to affix his seal.

176. (1) If 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 shall give a casting vote so as to decide the election at the time when he declares the result of the election.

Casting vote

(2) The returning officer shall write upon the casting vote or ballot paper a statement in Form 20 in Schedule A and shall sign it.

Statement of casting vote

- (3) Except under this section no returning officer shall vote at an election.
- Declaration of result of election** (4) When the returning officer has summed up the result of the election as shown by the duplicate statements and subject to the provisions of section 175 and of this section
- (a) he shall immediately declare the result of the election, and
 - (b) he shall forward a certified statement of the result of the election to the secretary-treasurer.

- Oaths of office** **177.** The person or persons elected
- (a) shall make and subscribe the necessary oath of office, and
 - (b) shall assume office accordingly.

Disposal of Election Material

- Delivery of election material** **178.** (1) The returning officer after declaring the result of the election shall deliver forthwith to the secretary-treasurer
- (a) the duplicates of the statements entered in the poll books of the number of votes given, together with the correction made by the returning officer on the statements, if any,
 - (b) the sealed ballot boxes,
 - (c) the sealed packets containing the list of electors, poll books and declarations,
 - (d) the ballot papers, if any, cast by the returning officer pursuant to subsection (1) of section 176.
- Retention of election material** (2) The secretary-treasurer shall keep the ballot boxes and all papers used in connection with the election and received by him and shall be responsible for their safekeeping and for their delivery when required by a judge.

- Disposition of election material** **179.** The secretary-treasurer unless otherwise ordered by a judge shall retain for two months the ballot boxes with their seals unbroken, and then unless otherwise ordered as aforesaid shall cause the ballot boxes to be opened and the packets therein to be burned in the presence of two witnesses.

- Order permitting inspection of ballot papers** **180:** (1) No person shall be allowed to inspect any ballot papers in the custody of the secretary-treasurer of a municipal district except under order of a judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required
- (a) for the purpose of maintaining a prosecution for an offence in relation thereto, or
 - (b) for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election.

(2) An order referred to in subsection (1) for the inspection or production of ballot papers shall be obeyed by the secretary-treasurer.

- 181.** The order referred to in section 180 shall
- (a) state the time and place for inspecting the papers, and
 - (b) name the persons to be present at the inspection, and
 - (c) be made subject to such conditions as the judge thinks expedient.

Requirements of order permitting inspection of ballot papers

182. (1) The secretary-treasurer shall retain for two months all the documents relating to the election that are not contained in the ballot box.

Retention of other election material

(2) Pursuant to section 63 the secretary-treasurer shall produce for inspection any of the documents referred to in section 178, other than those contained in the ballot box.

183. Unless otherwise ordered by a judge, after the expiration of two months, the secretary-treasurer shall cause the documents relating to the election to be burned in the presence of two witnesses.

Disposition of election material

Recount by Judge

184. (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

Time for recount

- (a) that the returning officer or deputy returning officer in counting the votes given at an election had improperly counted or rejected a ballot paper, and
- (b) that this action had materially affected the result of the election,

the judge may appoint a time to recount the votes.

(2) The judge shall cause notice in writing to be given to the candidate or candidates whose seat or seats might be affected by the recount of votes and to the secretary-treasurer of the time and place at which the judge will recount the votes.

Notice of recount

185. At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of fifty 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.

Security of recount

- 186.** No person other than
- (a) the judge,
 - (b) the secretary-treasurer,

Persons entitled to be present at recount

(c) each candidate notified to attend the recount of ballot papers and his agent or solicitor, and

(d) the representative of the press, shall be present at the recount of the votes except with the sanction of the judge.

Recount by judge

187. (1) The secretary-treasurer shall attend at the recount of the votes with the ballot boxes and the duplicate statements at the time and place appointed by the judge.

(2) The judge

(a) in the presence of such of the authorized persons as attend the recount, shall open the sealed ballot boxes and packets of ballot papers received by the secretary-treasurer from the returning officer as having been given in the election complained of, and

(b) shall recount all the ballot papers.

(3) In recounting the ballot papers care shall be taken that the choice of candidates made by a particular voter shall not be made known.

Examination of ballot papers

Void ballots

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

(2) A ballot paper

(a) on which votes are given for more candidates than are to be elected for the office in question, or

(b) 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

(c) that 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.

Note of objection

(3) The judge

(a) shall take a note of an objection made by a candidate or by his agent to a ballot paper, and

(b) shall decide any questions arising out of the objection.

(4) The decision of the judge under this section is final.

Statement of recount

(5) The judge shall then count the votes given for each candidate upon the unrejected ballot papers and shall make a statement in words as well as in figures of

(a) the names of the candidates,

(b) the number of votes for each candidate,

(c) the ballot papers without the initials of the returning officer,

(d) the ballot papers rejected as marked for more candidates than were to be elected,

- (e) the 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) the ballot papers rejected as unmarked or void for uncertainty.

(6) If the ballot box for a poll has been lost or destroyed ^{Lost ballot box} 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.

(7) Upon the completion of the recount or as soon as he has ascertained the result of the election the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the secretary-treasurer.

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

(9) If 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, the judge ^{Equality of votes}

- (a) shall write the names of such candidates separately on blank pieces of paper of equal size, colour and shape, one candidate to each piece of paper,
- (b) shall fold the papers in such a way that the names are concealed,
- (c) shall deposit the papers in a receptacle,
- (d) shall shake the receptacle, and
- (e) shall direct the clerk of the court or some other person to withdraw by chance one of the papers.

(10) 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.

(11) Nothing contained in this section prevents or affects any remedy that a person has under the provisions of *The Controverted Municipal Elections Act* by proceedings in the nature of *quo warranto* or otherwise.

189. (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 that in the opinion of the judge have been caused by vexatious conduct or unfounded allegations, whether on the part either of the applicant or the respondent, or otherwise. ^{Expenses of recount}

(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.

(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

Legal proceedings

190. In legal proceedings to question the election or the returns or otherwise relating thereto no person who has voted at the election shall be asked or required to answer for whom he has voted.

Candidate may undertake agent's duties

191. A candidate

- (a) may undertake personally the duties that an agent of his might have undertaken, or may assist his agent in the performance of such duties, and
- (b) may be present at any place at which his agent is authorized to attend by this Act.

Non-attendance of agent

192. (1) When in the sections of this Act relating to the election of councillors, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of the agent of a candidate, 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 does not invalidate it.

Expenses paid by municipal district

193. All reasonable and necessary expenses incurred for an election under this Act shall be paid out of the funds of the municipal district upon the production of proper accounts verified in such manner as the council may direct.

Contesting election

194. All proceedings for contesting in any way an election under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*.

Election Offences and Penalties

Election offences

195. (1) No person

- (a) shall supply a ballot paper to a person without due authority, or

- (b) shall fraudulently put into a ballot box a paper other than the ballot paper that he is authorized by law to put in, or
- (c) shall fraudulently take a ballot paper out of the poll, or
- (d) shall 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) shall 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, or
- (f) shall 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.

(2) Clause (e) of subsection (1) shall not be construed to include a person who applies for a ballot paper believing that he is the person intended by the name entered on the list of electors in respect of which he so applies.

(3) An attempt to commit an offence specified in this section is an offence.

(4) A person who contravenes a provision of this section is guilty of an offence and liable on summary conviction Election penalties

- (a) if he is the returning officer, to imprisonment for a term of not more than two years,
- (b) if he is a person other than the returning officer, to imprisonment for a term of not more than six months,

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.

196. 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 this Act in addition to any other penalty or liability to which he might be subject shall forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of two hundred dollars. Additional penalties for election officials

197. (1) Any officer, clerk or agent in attendance at a poll shall maintain the secrecy of the voting at the poll. Maintenance of secrecy of vote

(2) No person

- (a) shall interfere with or attempt to interfere with a voter marking his ballot paper, or Interference with voter

(b) shall otherwise attempt to obtain at the poll any information as to the candidate or candidates for whom a voter is about to vote or for whom a voter has voted.

(3) No person shall communicate at any time to any person information obtained at a poll as to the candidate or candidates for whom a voter is about to vote or for whom a voter has voted.

(4) Officers, clerks and agents in attendance at the counting of the votes

(a) shall maintain the secrecy of the voting,

(b) shall not communicate or attempt to communicate information obtained at the counting as to the candidate or candidates for whom a particular vote is given.

(5) No person shall directly or indirectly induce a voter after he has marked his ballot paper to display 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.

(6) A person who contravenes any provision of this section is guilty of an offence and liable on summary conviction

(a) to imprisonment for a term not exceeding six months, or

(b) to a fine of not less than fifty dollars nor more than five hundred dollars, or

(c) to both fine and imprisonment.

Failure to
initial ballot
paper

198. A deputy returning officer 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 poll upon which the deputy returning officer has not signed his initials.

Penalty for
display of
ballot paper

199. A person who after he has marked his ballot paper displays 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 is guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars.

Penalty for
false state-
ment

200: A person subscribing to the declaration of an elector as set out in Form 15 or in Form 16 in Schedule A, and who thereby makes any false statement, is guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars, unless he can prove he did not know the statement to be false.

Penalty for
improper
vote

201. A person who

(a) votes knowing he is not entitled to do so under this Act, or

(b) votes more often than he is entitled to under this Act is guilty of an offence and liable on summary conviction therefor to a fine of fifty dollars.

202. (1) A person who, other than as witness, signs a candidate's acceptance that contains a false statement is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars, together with the costs of the proceedings.

Penalty for
false state-
ment in
acceptance

(2) If a person convicted under subsection (1) has been elected a member of the council, his office forthwith becomes vacant and the council shall forthwith so declare it.

Forfeiture
of seat

PART V

VOTING ON BY-LAWS

Qualification of Electors on By-laws

203. (1) The owner of a parcel or of any part, share or interest therein is entitled to vote in respect of the parcel, share or interest therein.

Persons
entitled to
vote on
by-law

(2) Where there is an owner and a purchaser of a parcel or of any part, share or interest therein, the only person entitled to vote on a by-law in respect of the parcel, share or interest therein is the purchaser.

(3) Where the names of two or more non-resident persons appear on the assessment roll in respect of one parcel one only of the persons is a proprietary elector in respect of that parcel and entitled to vote as such.

204. A person

- (a) who is of the full age of twenty-one years, and
- (b) who has been the owner, purchaser or conditional owner of assessable land in the municipal district for a period of at least two months immediately before the date of submission of the by-law that it is sought to pass, and
- (c) who signs the solemn affirmation in Form 15 in Schedule A,

Persons
entitled to
vote on
by-law
before
completion
of first list
of electors

is entitled to vote on a by-law submitted to the proprietary electors before the completion of the first list of electors.

205. A person of the full age of twenty-one years

- (a) whose name appears upon the list of electors as a proprietary elector, or
- (b) whose name does not appear upon the list of electors as a proprietary elector but, subject to the provisions of section 203, whose name appears upon the assessment roll in respect of land liable to taxation,

Persons
entitled to
vote on
by-law

if such person takes the oath or affirmation set out in Form 16 in Schedule A is entitled to vote on a by-law submitted to the proprietary electors after completion of the first list of electors.

Vote by corporation or religious organization

206. (1) Where a by-law requires the assent of the proprietary electors before the final passing thereof, any corporation and any church or other religious organization whose name appears upon the list of electors is entitled only to one vote each, which

- (a) in the case of a corporation may be given by a resident representative thereof authorized by the corporation, or
- (b) in the case of a church or other religious organization may be given by a resident representative thereof nominated for the purpose by the local governing body.

Authority to represent corporation or religious organization

(2) A person voting under subsection (1) shall be of the full age of twenty-one years and before voting he shall produce a certificate

- (a) from the head office of the corporation or from its principal office within the Province, or
- (b) from the local governing body of the church or other religious organization,

authorizing him to represent it.

Procedure Preliminary to Holding a Vote on By-laws

Poll

207. (1) When a by-law is required to be submitted to a vote of the proprietary electors the council by resolution

- (a) shall appoint the time for holding a vote on the by-law,
- (b) shall appoint a returning officer,
- (c) shall provide for polls in each electoral division in which voting on the by-law is required,
- (d) shall assign a name or number for each poll,
- (e) shall appoint a deputy returning officer for each poll, and
- (f) shall appoint the time and place when and where the returning officer is to sum up the votes given for and against the by-law.

Poll clerk

(2) The council by resolution also may appoint a poll clerk for each or any poll.

Location of poll

(3) A poll for an electoral division shall be within that electoral division or within a city, town or village bordering thereon.

Substitute returning officer

208. (1) If for any reason a person who has been appointed returning officer becomes incapable of carrying out his duties, the reeve may appoint by writing under his hand another person in the place of the person becoming incapable.

(2) If a person who has been appointed deputy returning officer or poll clerk for any reason becomes incapable of carrying out his duties, the returning officer may appoint another person in the place of the person becoming incapable. Substitute deputy returning officer or poll clerk

209. (1) The resolution appointing the date for holding the voting on a by-law shall be passed not less than thirty clear days before the date so appointed. Date for voting on by-law

(2) If the council deems it advisable a vote on the by-law may be held on the day appointed for the election of councillors pursuant to Part IV.

210. (1) The returning officer before the date set for the voting on the by-law shall cause to be issued a notice of the voting on the by-law in Form 21 in Schedule A. Notice of voting

(2) The returning officer shall publicize the notice of the voting by causing it to be Publication of notice of voting

(a) posted up at least fourteen clear days before voting day in at least four widely separated conspicuous places in each electoral division in which a vote on a by-law is to be held, or

(b) mailed at least sixteen clear days before voting day to each resident proprietary elector of each electoral division in which a vote on a by-law is to be held, or

(c) published in an issue of a newspaper pursuant to the provisions of subsection (2) of section 51, a copy of which shall be mailed to each resident proprietary elector of each electoral division in which a vote on a by-law is to be held at least sixteen clear days before voting day.

211. The ballot papers for voting on the by-law shall be in Form 22 in Schedule A. Form of ballot papers

Proceedings for Voting on By-laws

212. (1) At the day and hour fixed by the notice of voting referred to in section 210 a vote shall be taken in each poll in the municipal district set out in the notice. Time of voting

(2) All proceedings for the purpose thereof and preliminary and subsequent thereto, including a recount of votes, shall be conducted in the same manner as nearly as possible as at an election for councillors. Conduct of voting

213. On the application of a person interested in promoting or opposing the by-law, the reeve shall authorize the attendance of one person on behalf of the party applying at each poll and at the final summing up of the votes, but no more than one such person to represent each of the two interests shall be so authorized. Promoting or opposing by-law

Oath of voter before completion of list of electors

214. At a poll held for voting on a by-law before the completion of the first list of electors, each person who presents himself for voting, before he is handed a ballot, shall sign a solemn declaration in Form 15 in Schedule A.

Oath of voter

215. At a poll for voting on a by-law held after the completion of the first list of electors, the deputy returning officer

- (a) shall 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 list of electors as a proprietary elector, or
- (b) shall administer to him the oath in Form 16 in Schedule A.

Oath when name not on list of electors

216. The deputy returning officer, while the poll is open and if required to do so by a person whose name does not appear on the list of electors as a proprietary elector

- (a) shall administer to such person an oath in Form 16 in Schedule A, and
- (b) shall cause, after the oath has been taken, that person's name to be added to the list of electors as a proprietary elector with the word "sworn" or "affirmed" written thereafter according to the fact.

One vote only

217. (1) A proprietary elector may vote once only on the passing or otherwise of a by-law.

(2) Notwithstanding subsection (1), a proprietary elector who is also the resident representative of a corporation, church or other religious organization may vote once in his personal capacity and once on behalf of the corporation, church or other religious organization, if he is authorized to vote as the representative thereof.

Electoral division in which voter may vote

218. (1) A proprietary elector resident in an electoral division and qualified in respect of land therein may vote only in that division.

(2) A proprietary elector not within the terms of subsection (1) and whether resident in the municipal district or not may vote in the electoral division in which the land is situated in respect of which he is qualified as a proprietary elector.

(3) If a proprietary elector is qualified in respect of land in more than one electoral division then he may vote only in that electoral division in which his assessment is higher than in any other electoral division in which he holds land.

Equality of assessment

(4) In the case of equality of assessment the proprietary elector referred to in subsection (3) may vote only in the

electoral division that bears the lower or lowest number and in which he holds land.

219. The returning officer at the time and place appointed by the council and in the presence of those authorized to attend or such of them as might be present

Count of votes and declaration of result

- (a) shall count and sum up the number of votes for and against the by-law, and
- (b) shall then and there declare the result, and
- (c) shall certify forthwith to the council under his hand the percentage of the voters voting on the by-law who have approved of the same.

General Provisions

220. All reasonable and necessary expenses incurred for voting on a by-law under this Act shall be paid out of the funds of the municipal district upon the production of proper accounts verified in such manner as the council may direct.

Expenses of vote on by-law

221. All proceedings taken in any way to contest the voting on a by-law under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*.

Contesting vote on by-law

PART VI

POWERS AND DUTIES OF THE COUNCIL

General Provisions as to By-laws

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

Council to act by resolution or by-law

(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 may exercise by by-law any of the duties and powers that this Act permits it to exercise by resolution.

223. A majority vote of the members of the council present at a duly constituted meeting of the council is necessary, except as otherwise provided, to pass a resolution or by-law.

Majority vote

224. No by-law or resolution that is inconsistent with an Act or regulation made pursuant to an Act in force in the Province is valid insofar as it is so inconsistent.

Validity of by-law or resolution

Seal and
signing of
by-law

225. A by-law

- (a) shall be under the seal of the municipal district, and
- (b) shall be signed by
 - (i) the reeve or person presiding at the meeting at which the by-law is finally passed, and
 - (ii) the secretary-treasurer or by the person acting as secretary-treasurer at that meeting.

By-law to
have three
readings

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

Application
to quash
by-law

227. (1) A by-law is valid and binding, notwithstanding any lack of compliance with the provisions of this Act either in substance or in form before or at the passing of the by-law, unless an application to quash the by-law is made within two months next after the final passing of the by-law.

(2) Notwithstanding subsection (1), where a by-law that requires the assent of the proprietary electors has not been submitted to or has not received the assent of the proprietary electors, an application to quash the by-law may be made at any time by a proprietary elector.

Money
by-law

228. Except as otherwise provided in this Act, no by-law for raising money by way of debentures has any effect until it has received

- (a) the assent of two-thirds of the proprietary electors of the municipal district voting thereon, and
- (b) the approval of the Board as hereinafter provided.

Failure to
comply with
by-law

229. (1) Where a council has authority to direct by by-law that a matter or thing 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 be done at the expense of the person in default.

(2) The municipal district in question may in a case under subsection (1) recover the expenses with costs by action in a court of competent jurisdiction or in like manner as a municipal tax.

Evidential
value of
by-law

230. (1) A copy of a by-law, order or resolution

- (a) written or printed without erasure or interlineation,
- (b) under the seal of the municipal district, and
- (c) certified to be a true copy by the secretary-treasurer and a member of the council,

shall be deemed authentic and shall be received in a court of law without any further proof as *prima facie* evidence

of the contents of such by-law and that the said by-law has been passed, unless it is specially pleaded or alleged that the seal or signature of the secretary-treasurer or the member of council has been forged.

(2) The secretary-treasurer shall deliver the copy of the by-law referred to in subsection (1) upon payment of a fee at the rate of twenty-five cents for every one hundred words.

Fee for
copy of
by-law

Infraction of By-laws

231. (1) The council by by-law

Penalty
by-laws

- (a) may impose a fine not exceeding one hundred dollars, exclusive of costs, for a breach of a by-law,
- (b) may provide for reasonable punishment by imprisonment 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 of a by-law unless the fine and costs, including the costs of committal, are sooner paid,
- (c) may provide that if the conviction is for the non-payment of a licence fee payable to the municipal district under a by-law, the court on conviction may adjudge the payment thereof in addition to the fine.

(2) The council, by a general penalty by-law governing breaches of a by-law or a number of specified by-laws, may impose

General
penalty
by-law

- (a) 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
- (b) payment of the licence fee in addition to the fine in a case within clause (c) of subsection (1).

232. A penalty or fine imposed under a by-law of a municipal district, if no other provision is made respecting it, belongs to and forms part of the general revenue of the municipal district.

Disposition
of fines and
penalties

233. If a person is committed to gaol for a breach of a by-law of a municipal district there shall be chargeable to that municipal district such part of the expenses paid by the Province for the transportation of the person to gaol and for his maintenance while in gaol as the Lieutenant Governor in Council may designate.

Gaol
expenses

Highways and Public Works

Control of Highways

234. (1) The title to all public roads, highways, streets and lanes in a municipal district is vested in the Crown in the right of the Province.

Title to
public
roads, etc.

Control of
highways

(2) Each such public road, highway, street and lane is subject to the direction, control and management of the council of the municipal district in which it is situated, subject, however, to the provisions of *The Water, Gas, Electric and Telephone Companies Act*.

(3) Subsection (1)

(a) applies only to the property in the surface of a public road, highway, street or lane and in so much of the soil below and the air above the same as is reasonably required for the control, protection and maintenance thereof as a highway for the use of the public,

(b) does not apply 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.

(4) Notwithstanding anything contained in this section, any street railway company or other electric railway company, subject to such regulations and specific directions as from time to time are made and given by the Minister of Railways and Telephones

(a) may put down, take up, relay, connect, disconnect, repair and maintain its track and wiring for the transmission of electricity, or

(b) may operate its railway along, over and across every public road, highway, street and lane, or bridge, watercourse, stream or public place whatsoever.

Right of
entry by
Minister of
Public
Works

235. (1) The Minister of Public Works at all times has the right to enter a municipal district for the purpose of constructing, erecting, maintaining or repairing any public work as defined by *The Surveys and Expropriation Act*.

Right of
entry by
Minister of
Highways

(2) The Minister of Highways at all times has the right to enter a municipal district for the purpose of constructing, erecting, maintaining or repairing a highway as defined in *The Highways Department Act*.

Right of
entry by
Minister of
Railways
and
Telephones

(3) The Minister of Railways and Telephones at all times has the right to enter a municipal district to construct, extend, erect, maintain or repair any part of the government telephone or telegraph system or systems or any appliance used in connection therewith.

(4) For the purposes mentioned in this section every public road, highway or other public place or the part or parts thereof used for such purposes is under the direction, control and management of the Minister who has charge of the work until those purposes are completed.

Temporary Roads

236. (1) A council may pass a by-law to open and maintain a temporary road or right of way for public purposes, for a term not exceeding two years across any private property or properties when in the opinion of the council the condition of the public roads in the neighborhood makes such action necessary or expedient. Temporary roads

(2) In a case within subsection (1) the council shall pass a by-law to provide funds for the payment to the owner or occupant of any land so taken as a temporary road of such compensation Compensation

(a) for the use of the land, and

(b) for any damage occasioned thereby

as is mutually agreed upon between the council and the person interested.

(3) Where there is disagreement under subsection (2) the compensation shall be determined by arbitration under the provisions of *The Arbitration Act*.

Private Roads

237. (1) If a person petitions a council for the provision of a road through any land and the council is of the opinion that the desired road is necessary for the convenience and benefit of the petitioner but is not required in the interest of the public generally, the council may require the petitioner to deposit with the secretary-treasurer such sum as the council considers sufficient to cover the cost of providing the road and paying compensation in connection therewith. Petition for road

(2) If the deposit is made the council by by-law

(a) may provide for the desired road or such other road as in the opinion of the council will be substantially of equal convenience to the petitioner, and Deposit re private road

(b) may provide for the acquisition of any land required for the purpose thereof.

(3) For the purpose of acquiring land required for the provision of any such road, the council has all the powers of acquisition and expropriation of land as are conferred upon it by section 254. Expropriation of land for private road

(4) If the road asked for in the petition is provided, or if any other road that in the opinion of the council is substantially of equal convenience and benefit to the petitioner is provided, the sum deposited shall be applied toward the expenses incurred by the council in providing the road and for any compensation payable in connection therewith, and the surplus thereof, if any, shall be repaid *pro rata* to the persons depositing the same. Surplus deposit

Construction of Highways

By-laws re
highways,
etc.

238. A council may pass a by-law or resolution authorizing the construction, maintenance and repair of highways, roads, streets, lanes, bridges, culverts, sidewalks, ditches and drains.

Agreement
with
Minister of
Highways

239. (1) Where the council of a municipal district proposes to enter into an agreement with the Minister of Highways under the provisions of *The Public Highways Act* for the construction of a highway and to defray one-half of the cost of the construction out of its yearly revenue, the council may pass a by-law authorizing the agreement and payment of the amount to be expended thereunder in not more than fifteen yearly instalments.

(2) If the council desires to enter into any such agreement and to raise money by the issue of debentures for the purpose of defraying the expenses payable by the district under the terms of the agreement, it shall pass a by-law for that purpose.

(3) Any such by-law

(a) shall be in the form prescribed by the Board or to a like effect,

(b) shall be under the seal of the municipal district, and

(c) shall be submitted to the proprietary electors in accordance with the provisions of Part V.

Maintenance of Highways

Mainten-
ance of
highways

240. (1) All roads, bridges, culverts and sidewalks that have been constructed or provided

(a) by the municipal district, or

(b) by a person with the permission of the council, or

(c) by the Province and have been transferred to the control of the council by written notice,

shall be kept by the council in a reasonable state of repair having regard to the locality in which such works are situated.

Liability
damage for

(2) If the council does not keep the works referred to in subsection (1) in repair, the municipal district is liable for all damages sustained by any person by reason of the default of the council.

(3) Default under this section shall not be imputed to a municipal district in any action without proof by the plaintiff that the municipal district knew or should have known of the disrepair of the road or other work hereinbefore mentioned.

(4) The provisions of this section and of section 234 extend to all roads and road diversions surveyed for the purpose of opening a road allowance as a diversion

from the road allowance on the south or west boundary of the district although such roads and road diversions lie outside the boundaries of the municipal district.

241. Section 240 does 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. Maintenance of private road, etc.

242. (1) No action shall be brought under the provisions of section 240 except within six months from the date on which the cause of action arose and unless notice in writing of the cause of the action has been mailed to or served upon the secretary-treasurer of the municipal district within one month after the date on which the cause of action arose. Limitation of action

(2) If a person injured as a result of the alleged default of the council under section 240 dies, or if the court or judge before whom the action is tried considers that there is a reasonable excuse for the absence or insufficiency of the notice and that the defendant council has not thereby been prejudiced in its defence, the absence or insufficiency of the notice is no bar to the maintenance of the action. Notice of action

243. (1) A council shall make adequate provision for Drainage

(a) the drainage of all highways constructed or maintained by the council, and

(b) the disposition of any water collected in a drainage ditch or other artificial depression created by the council on or contiguous to the road allowance forming the site of the highway,

in such a manner as to prevent the flooding of other land.

(2) A person who is the owner or occupant of land in the vicinity of a highway mentioned in subsection (1) and who claims that default has been made by the council in performing the duty cast upon it by subsection (1) may lodge his complaint before the council. Lodging of complaint

(3) The complaint

- (a) shall be in writing,
- (b) shall be forwarded by registered mail to the secretary-treasurer of the municipal district,
- (c) shall contain a description of the land in respect of which default is claimed, and
- (d) shall contain a statement of the nature of the alleged default.

(4) Upon receipt of the complaint the secretary-treasurer Consideration of complaint by council

(a) shall by registered mail advise the complainant

- (i) that his complaint has been received, and

- (ii) that he may appear before the council personally or through an accredited agent for the purpose of speaking in support of the complaint, and
 - (iii) of the time and place of the next meeting of the council, and
- (b) shall lay the complaint before the council for its consideration at its next meeting.
- Inquiry re complaint** (5) The council shall make or cause to be made by a committee consisting of not less than three members of the council an inquiry as to whether or not there are grounds for the complaint.
- Report of committee of inquiry re complaint** (6) After the inquiry is made the committee shall report the results of the inquiry to the council and if there are grounds for the complaint made the council
- (a) shall determine the measures to be taken to remedy the cause of complaint, and
 - (b) shall by resolution order such measures to be taken, and
 - (c) shall forward a copy of the resolution to the complainant by registered mail.
- Order re remedial action** (7) The order of the council shall state a time for completion of the measures to be taken which shall not be later than sixty days from the date of the receipt of the complaint unless the complainant agrees in writing to a later time in which case the agreed later time shall be stated in the order.
- Notice that no grounds for complaint** (8) If the council considers that there are no grounds for the complaint it shall notify the complainant in writing to that effect within thirty days after the meeting at which the complaint was considered.
- Objection to decision re complaint** **244.** (1) An owner or occupier of land who has complied with the provisions of subsections (2) and (3) of section 243 may make a complaint in writing to the Minister
- (a) that a default has been made by the council in performing the duty cast upon it by section 243, or
 - (b) that the decision of the council on a complaint under section 243 is unfair and unwarranted.
- (2) Upon receipt of the complaint the Minister shall refer the same to the Director of Water Resources.
- Inquiry by Director of Water Resources** (3) The Director of Water Resources shall make or cause to be made by such person as he may appoint, an inquiry into the complaint and the Director of Water Resources or the person appointed by him
- (a) shall examine the site of the complaint, and
 - (b) shall have access to the records of the secretary-treasurer with respect to all matters concerning the complaint for the purpose of the inquiry.
- Report by Director of Water Resources** (4) The Director of Water Resources shall report to the Minister

- (a) whether or not there are grounds for the complaint, and
 - (b) if there are grounds for the complaint, the measures that should be taken by the council to remedy the default that contributed to the cause of the complaint.
- (5) The Minister in his discretion by order
- (a) may require the council to carry out any such measures as he deems proper, and
 - (b) may state a time for the completion of the measures.
- (6) If the Minister does not issue an order respecting the disposal of the complaint he shall notify the council and the complainant Disposal of complaint
- (a) that no order will issue, and
 - (b) that the complainant is entitled upon receipt of the notification to bring an action in any court of competent jurisdiction.

245. (1) No action shall be brought in respect of an omission or default on the part of a council to perform a duty imposed upon it by section 243 by a person who has not made a complaint in the manner set out in section 243. Right of action

(2) No action shall be brought by a person who has made a complaint in the manner set out in section 243 if the council complies with an order made by the Minister in respect of the default of the council respecting the cause of the complaint.

Snow Fences

- 246.** (1) The council by agents, workmen and servants Snow fences
- (a) may enter upon any land abutting on a road in the district for the purpose of erecting snow fences on that land to prevent the road from becoming blocked by snow drifts, and
 - (b) may erect snow fences upon that land, and
 - (c) may from time to time enter upon that land to maintain, repair, replace or remove the snow fences.
- (2) If any loss or damage is caused to the person in occupation of the land through the placing or maintaining of snow fences Compensation for loss or damage
- (a) that person shall be compensated therefor in such amount as the council may determine, and
 - (b) the decision of the council as to the amount of the compensation is final and conclusive.
- (3) If a snow fence erected pursuant to subsection (1) is not removed from the land by the council on or before the fifteenth day of April in any year, the person in occupation of the land Removal of snow fence
- (a) may remove the snow fence, and
 - (b) may recover from the council the cost of the removal.

Closing of Highways

Closing of
highways

247. (1) The council subject to the approval of the Minister of Highways may pass a by-law to close any public street, lane, road or highway or any portion thereof permanently or temporarily.

Notice of
closing of
highway

(2) Notice of the intention of the council to pass a by-law to close a public street, lane, road or highway or any portion thereof shall be served at least two weeks prior to the date fixed for the passing of the by-law upon the occupiers of and the persons registered as the owners of or otherwise interested in the lands abutting upon the street, lane, road or highway or any portion thereof proposed to be closed.

(3) The notice shall be served either by delivering the notice personally or by mailing it by registered mail to the names and addresses of those persons mentioned in subsection (2) 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.

(4) The notice shall also be published once each week for at least two consecutive weeks

(a) in a newspaper published in the municipal district, or

(b) if there is no such newspaper in a newspaper circulating therein,

and the last of the publications shall be at least two weeks before the date appointed for the passing of the by-law.

Petition
against
closing of
highway

(5) Before the passing of the by-law a person who

(a) claims that land in which he is interested as owner, occupier or otherwise will be prejudicially affected thereby, and

(b) petitions to be heard, shall be afforded an opportunity to be heard either by himself or his agent.

(6) Where a person who occupies, owns or is otherwise interested in land suffers loss by reason of the exercise of the powers conferred under subsection (1) he shall be compensated for such loss in an amount mutually agreed upon by the council and him.

Arbitration

(7) Where the amount of compensation is not agreed upon the compensation shall be determined by arbitration under the provisions of *The Arbitration Act*.

Acquisition of Land, Buildings and Machinery

Acquisition of Land and Buildings

Acquisition
of land

248. (1) The council may pass a by-law authorizing the purchase, lease or other acquisition of land or of any interest therein within or without the municipal district

(a) to erect municipal offices thereon,

(b) for use as exhibition or recreation grounds,

- (c) for use as a nuisance ground,
- (d) for use as a cemetery,
- (e) for use as quarry, gravel or sand pit,
- (f) for use as a highway, ditch, drain, easement or right of way,
- (g) to erect or maintain thereon machine sheds or other buildings used for general municipal purposes,
- (h) for use as a community grazing pasture,
- (i) for use as an airport or landing field,
- (j) to construct thereon a dam to provide public facilities for the watering of livestock and authorizing the carrying out of all works necessary for the purpose of the construction of any such dam.

(2) Where a cemetery has been acquired by a council under this section the council has all the powers and duties exercised by trustees and directors of a cemetery under *The Cemetery Act*. Powers re cemetery

(3) For the purpose of providing dwellings for indigent residents of the municipal district the council by by-law may authorize Dwellings for indigent residents

- (a) the purchase, lease or other acquisition of land,
- (b) the alteration or repair of any buildings on any land acquired pursuant to this section,
- (c) the erection of buildings on any land acquired under this section.

249. (1) The council by by-law may authorize the erection, purchase or improvement of municipal offices and of such buildings and fences as are necessary Municipal offices

- (a) on exhibition or recreation grounds, or
- (b) on other land

that the council is permitted to acquire for municipal purposes.

(2) A resolution of the council is sufficient to authorize the furnishing, maintenance and ordinary repair of municipal buildings and fences.

250. (1) If it is proposed by by-law that an expenditure or liability be made or incurred in any one year under the provisions of sections 248 or 249 so as to cause the expenditure or liability under either of those sections in that year to be in excess of fifteen thousand dollars, the by-law before it is finally voted on by the council Approval of expenditures by proprietary electors

- (a) shall be submitted to a vote of the proprietary electors, and
- (b) shall receive the approval of a majority of the proprietary electors voting thereon.

(2) The provisions of Part V apply to the taking of a vote under subsection (1).

(3) If the proposed expenditure or liability to be assumed under either section 248 or 249 in any one year does not ex- Public notice of by-law

ceed fifteen thousand dollars but does exceed five thousand dollars

- (a) notice of the proposed by-law shall be posted up for a period of not less than thirty days in not less than fifteen conspicuous places in the municipal district, one of which places shall be the office of the secretary-treasurer, and
- (b) there shall also be inserted in a newspaper of general circulation in the municipal district a notice in Form 31 in Schedule A or to the like effect.

(4) If no such petition as is mentioned in Form 31 in Schedule A is received by the council or by the secretary-treasurer within thirty days of the publication of the notice of the by-law the council may proceed to pass the by-law.

Petition to
submit
by-law to
vote

(5) If within the period of thirty days a petition is received from ten per cent of the proprietary electors of the municipal district asking that the by-law be submitted to a vote of the proprietary electors of the district

- (a) the by-law shall be submitted to a vote of the proprietary electors and the provisions of Part V apply to the taking of the vote, and
- (b) the by-law shall not be finally passed by the council until it has been approved by a majority of the proprietary electors voting thereon.

Seed
cleaning
plant

251. (1) A council by by-law may authorize the expenditure of municipal funds for the purpose of implementing an agreement

- (a) for the construction and operation of a seed cleaning plant, or
- (b) for such other approved programme as can be entered into under the provisions of *The Agricultural Service Board Act*.

(2) A by-law authorizing the expenditure of municipal funds under subsection (1) is subject to all the provisions of section 250 with respect to the amounts involved and the method of obtaining the approval of the proprietary electors if required.

Acquisition of Machinery

Acquisition
of public
works equip-
ment

252. (1) A council by by-law may authorize the purchase, either separately or jointly with any other municipality or municipalities, of any equipment deemed necessary for the purpose of road or bridge construction or maintenance or other public work within the municipality or municipalities.

(2) Notwithstanding the provisions of section 382, where a by-law passed under the provisions of subsection (1) requires that a debt not payable out of the revenue of the current year be incurred the by-law does not require the issue of debentures nor the approval of the proprietary electors if

- (a) the debt does not exceed an amount equal to five mills levied on the total assessed value of land, buildings and improvements in the municipal district, and
 - (b) the debt is made payable within a period of not more than two years.
- (3) It is not necessary to pass a by-law to authorize any purchases permitted under subsection (1) if the proposed expenditure will be less than one thousand dollars.

Co-operation with Other Municipalities

253. Subject to the other provisions of this Act a council if authorized by by-law may Joint agree-
ments

- (a) co-operate with the councils of other municipalities or the board of trustees of a school division for the construction and maintenance of a public work or the performance of any matter or thing deemed by all the councils or boards of trustees concerned to be of benefit to their respective municipalities or school divisions, and
- (b) enter into an agreement with such councils or boards of trustees for the joint control and management of anything that concerns their respective municipalities or school divisions.

Expropriation of Land

254. (1) Where a council desires to expropriate land that the council is authorized to acquire or that is necessary for the use, construction, maintenance or repair of any municipal works authorized by this Act or that is necessary for obtaining better access thereto, the council Expropri-
ation of
land

- (a) may pass a by-law for that purpose, and
- (b) may enter into and upon private land, and
- (c) may thereon survey and take levels deemed necessary for any purpose relative to the construction of any municipal works authorized by this Act.

(2) All land entered upon under this section shall be surveyed and marked on the ground by a duly qualified surveyor within one year of the date of taking possession of the land, and the surveyor shall prepare proper plans in triplicate for the same. Survey of
expropri-
ated land

- (3) The plans
 - (a) shall be certified by the surveyor in the form set out in Form 23 in Schedule A, and
 - (b) shall be certified by the secretary-treasurer in Form 24 in Schedule A, and
 - (c) shall be approved by the Director of Surveys of the Province who shall forward the plans to the proper Land Titles Office.

(4) Nothing contained in this Act requires the survey to be made or the plan to be prepared before or at the time of the entry upon the land.

Vesting of
title to
land

255. (1) When the plans of survey in triplicate are deposited in the Land Titles Office, the Registrar notwithstanding the provisions of any other Act shall immediately file the same and thereupon the land shown on the plans so far as the same is not Crown land vests

(a) in the case of lands taken for a highway, road, street, lane, bridge, culvert, ditch or drain, in the Crown in the right of the Province, and

(b) in all other cases in the municipal district, subject to the right of any person who has an interest in the land to compensation as provided herein.

(2) After having filed the plans the Registrar

(a) shall forward one of the plans of survey to the Highways Department and one to the secretary-treasurer, and

(b) shall furnish the council with a statement of all fees payable in connection with the filing.

(3) The council shall forthwith pay the fees mentioned in subsection (2).

Title to
mines and
minerals

256. (1) Neither the Crown nor the municipal district is entitled to any mines or minerals whether solid, liquid or gaseous existing within, upon or under any land vested in the Crown under the provisions of section 255 unless they are expressly purchased.

(2) The title to any mines or minerals referred to in subsection (1) is not affected by the filing of any plans of survey as in this Part provided.

Filing of
plans

257. The provisions of *The Land Titles Act* apply with the necessary changes to plans of survey filed under this Act.

Compensa-
tion notice

258. (1) The council of the municipal district

(a) within two months of the filing of the plans of survey, or

(b) if no plans of survey have been filed then within one year of the date of the entry upon the land for any purpose,

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 a compensation notice setting forth the compensation that the council is prepared to pay for the land so vested or in respect of damage to the land so entered upon.

(2) A copy of sections 258 to 267 shall be sent along with the notice referred to in subsection (1).

(3) Where compensation in respect of the same right is claimed by two or more persons who are unable to agree as to the division thereof, the municipal district may pay the amount of the compensation to the clerk of the Supreme Court whose office is nearest to the land affected and on application therefor it shall be paid out to the interested parties in such proportion as a judge of the Supreme Court may order

Payment of compensation into court

259. (1) If a person entitled to damages or compensation for lands taken under this Part is dissatisfied with the amount offered therefor

Claim for increased compensation

- (a) he shall inform the secretary-treasurer in writing of his dissatisfaction, and
- (b) he shall state the amount he claims as compensation or damages, and
- (c) he shall state the facts on which he relies in support of his claim

within two months from the date of the mailing of the compensation notice.

(2) If no such claim for increased compensation or damages is received by the secretary-treasurer within the period referred to in subsection (1) the person entitled to compensation or damages is not entitled to a larger amount of compensation or damages than that mentioned in the compensation notice.

260. The council

- (a) shall consider a claim for increased compensation or damages submitted, and
- (b) shall notify the claimant of its decision in respect thereof by registered letter addressed to the claimant's last known place of abode.

Consideration of claim for increased compensation

261. (1) If dissatisfied with the decision of the council the claimant may within two months after being notified as aforesaid of the decision give notice in writing to the secretary-treasurer, either personally or by registered letter, that the claimant will submit the claim to arbitration.

Arbitration of compensation claim

(2) The claim shall thereupon be submitted to arbitration by an arbitration board consisting of two arbitrators, one to be appointed by the claimant and one by the council, and the arbitrators shall otherwise be governed by the provisions of *The Arbitration Act*.

Arbitration board

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

Security for arbitration costs

(2) In place of a money deposit the claimant may deposit a bond with two sureties satisfactory to the secretary-treasurer, but in double the amount of the money deposit.

Forfeiture
of claim to
compensation

263. If the claimant does not notify the secretary-treasurer and make the required deposit within the appointed period, he shall be deemed to have accepted the decision of the council and he shall not thereafter question it.

Arbitration
costs

264. The only costs allowable upon any arbitration under this Part are the fees of the arbitrators and witnesses.

Proportioning
of
arbitration
costs

265. (1) All allowable costs and expenses shall be in the discretion of the arbitrators.

(2) If costs are awarded against the claimant the council of the municipal district may deduct the costs of the district 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.

Refund of
deposit

266. If the claimant is not required to pay the costs of the municipal district incurred in the arbitration, the full sum deposited by the claimant shall be returned to him or the bond delivered up to be cancelled, whichever is the case.

Determining
award
of compensation

267. (1) In estimating the amount to which the person divested of any land is entitled, the arbitrators shall consider and find separately the value of the land taken and of all improvements thereon, the damage, if any, to the remaining property of the person and the original cost only of extra fencing that might be necessary by reason of the taking of the land.

(2) If the value of the remaining property of the person, in the opinion of the arbitrators, is increased by reason of the construction of the public work on or through his property, the increase in value shall be deducted from the amount estimated and found under subsection (1), and the balance, if any, shall be the amount awarded to the claimant.

Acquisition of Land by Gift

Acquisition
of land by
gift

268. (1) A council may acquire by gift

- (a) from the Crown in the right of Canada or from the Soldier Settlement Board, land situated within the boundaries of the municipal district, and
- (b) from any person, land that at the time of transfer is free from all encumbrances whatsoever and is situated within the boundaries of the municipal district.

(2) A council may acquire lands situated within the boundaries of the municipal district under an order of the Board cancelling a plan of subdivision.

(3) A parcel of land acquired pursuant to subsection (2) shall continue to be assessed from the date of acquisition by the municipal district, and the taxes in respect thereof payable to the municipal district and to a school district that collects its own taxes shall continue to be charged against the

parcel in the manner prescribed by subsection (5) of section 22 of *The Tax Recovery Act*.

(4) If the parcel referred to in subsection (3) 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*. Sale or leasing of land acquired by gift

(5) 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 conditions as the council by resolution may prescribe.

Disposal of Lands

269. (1) Subject to the approval of the Minister a council may pass a by-law Approval of Minister to disposal of land

(a) to sell, lease or otherwise dispose of, or

(b) to devote to some other municipal purpose, in whole or in part any property acquired by the municipal district by gift or otherwise for a specific purpose, when the property, in the opinion of the council, is no longer needed for the specific purpose.

(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 no longer required for such highway, road, street or lane.

(3) A transfer or agreement concerning land shall be executed by the municipal district by affixing thereto the seal of the municipal district attested by the reeve and the secretary-treasurer.

(4) 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 municipal district under the provisions of any statute that provides or provided for the recovery of taxes.

Drainage Ditches

270. (1) "Owner" and "occupant" in this section have the same meaning as in *The Drainage Districts Act*. "owner" and "occupant"

(2) If the construction by a municipal district of a ditch or drain benefits land in addition to the road or highway for which that ditch or drain was built, Assessment for drainage ditch

(a) the land so benefited may be assessed and charged with its proper proportion of the cost of the ditch or drain, and

(b) the manner of assessment shall be as hereinafter set out.

(3) Upon completion of the ditch or drain the council shall appoint forthwith a board of three assessors to make an estimate of the amount of benefit to each parcel of land and to any roads or highways occasioned by the ditch or drain.

Municipal
drainage
assessment
roll

(4) The board of assessors shall cause to be prepared a special assessment roll to be called "The Municipal Drainage Assessment Roll" in which shall be set down

- (a) in the first column thereof, the name of the owner or occupant of each parcel of land in the district benefited by the ditch or drain, and
- (b) in the second column thereof, a description of the parcel of land benefited, and
- (c) in the third column, the amount of the net estimated benefit or damage to the said parcel of land.

(5) Immediately after the preparation of a municipal drainage assessment roll the secretary-treasurer and the board of assessors shall take all necessary steps to

- (a) serve notices, and
- (b) hear complaints, and
- (c) amend the roll,

in the manner provided in *The Drainage Districts Act*.

(6) For the purposes of subsection (5), the secretary-treasurer and the board of assessors have the same powers as if they were the secretary and the board of trustees, respectively, of a drainage district formed under *The Drainage Districts Act*.

Appeal from
assessment

(7) All the provisions of *The Drainage Districts Act* with regard to appeals from the court of revision to the district court apply to appeals against the assessment shown on the revised municipal drainage assessment roll as fully and completely as though

- (a) the said provisions were part of this Act, and
- (b) the secretary-treasurer and the board of assessors were, respectively, the secretary and board of trustees of a drainage district formed or continued under *The Drainage Districts Act*.

Apportion-
ing of
assessment

- (8) The amount required in each year to pay
 - (a) the costs of construction of the ditch or drain, or
 - (b) the instalments of interest and principal payable under the terms of any debentures issued under the provisions of this Act in connection with the ditch or drain

shall be charged against the various parcels of land benefited, including highways or roads in proportion to the benefit to each such parcel of land or highway or road as shown by the municipal drainage assessment roll as finally amended.

- (9) The secretary-treasurer
 - (a) shall enter upon the assessment roll of the municipal district for the current year in a separate column the amount to be charged against each parcel of land benefited as provided by subsection (8), and
 - (b) shall collect the same as taxes.
- (10) The amount to be charged against highways or

roads under subsection (9) shall be included in the annual estimate of expenditure.

(11) A ditch or drain referred to in this section shall be maintained by the municipal district by which it is constructed and at the expense of the various parcels of land benefited in proportion to the benefit to each as shown by the municipal drainage assessment roll.

Mainten-
ance of
ditch or
drain

(12) The costs of maintenance referred to in subsection (11) shall be assessed against each parcel annually in the same manner as the cost of construction of the ditch or drain.

Removal of
obstruction

(13) If the ditch or drain becomes obstructed by dams, bridges, fences, washouts or other obstruction caused by the owner or person in possession of the land where the obstruction occurs so that the free flow of water is impeded thereby, the person owning or occupying the land, upon reasonable notice in writing given by the council or the secretary-treasurer, shall remove the obstruction.

(14) If the obstruction referred to in subsection (13) is not removed within the time specified in the notice, the council shall forthwith cause the obstruction to be removed and the cost of removing it shall be paid by the owner or occupant to the municipal district after the completion of the work.

(15) If the owner or occupant does not pay the cost of removal of the obstruction the council may pay the same.

Cost of
removal of
obstruction

(16) If the cost of removal of the obstruction is paid by the council the secretary of the municipal district shall place or cause to be placed upon the assessment roll against the lands upon which the obstruction occurred the amount of the cost of removal together with an additional charge of ten per cent added thereto.

(17) The cost of removal of the obstruction plus the ten per cent added thereto shall be collected in the same manner as other taxes.

(18) In constructing a ditch or drain mentioned in this section the council for the purpose of carrying water by a proper channel to a sufficient outlet may continue the work outside the boundaries of the municipal district.

Continu-
ation of
ditch or
drain out-
side district

(19) The costs of any work referred to in subsection (18) and done outside the limits of the municipal district shall be deemed to be a part of the cost of the ditch or drain.

(20) Any other municipal district or any drainage district or company or individual desiring to use a ditch or drain referred to in this section as an outlet for water

- (a) may do so with the permission of the council, and
- (b) may be charged for the use of the ditch or drain as an outlet such amount as the Minister may approve.

(21) Before constructing a ditch or drain under the provisions of this section the council shall obtain the approval of the Minister charged with the administration of *The Water Resources Act* as provided in section 59 of that Act.

Approval to
construct
ditch or
drain

Control of Vehicles and Highway Traffic

271. The council of a municipal district by by-law may impose a maximum speed limit of not less than twenty-five miles per hour for all vehicles travelling upon a designated highway within the limits of a specified hamlet forming part of the municipal district.

272. A council by by-law

(a) may prohibit the placing of any obstruction on, over or under any road allowance, road, street, lane or other public place, and compel the removal of the obstruction by or at the expense of the person by whom or by whose direction the obstruction is so placed, and provide that any expenses incurred by the municipal district in the removal of any such obstruction 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 the expenses were taxes levied pursuant to this Act and so recoverable,

(b) may compel the removal of dirt, stones, filth, dust or rubbish from off the road allowances, roads, lanes or other public places within the municipal district by the party depositing the same or responsible therefor, and the placing of the same where ordered by the council,

(c) may prohibit the ploughing of roads, road allowances, and other public places,

(d) may regulate the crossing of bridges and culverts by traction engines and by vehicles bearing heavy loads.

273. The council by resolution may prohibit or restrict the use of highways, local roads or portions thereof within its jurisdiction, by traction engines, public service vehicles or commercial vehicles, pursuant to the provisions of section 8a of *The Public Service Vehicles Act*.

Protection to Person and Property

Fire Protection

274. For the prevention or extinguishing of fires within the municipal district, a council may pass by-laws

(a) for the prevention of prairie or running fires and the enforcement of the provisions of *The Forests Act* in that behalf,

(b) for the purchase of apparatus and equipment for extinguishing fire and preserving life and property from injury or destruction by fire,

(c) for the regulation of the storage of explosives or other highly inflammable or dangerous matter in a hamlet and prohibiting the storage thereof in a hamlet except by permit from the council.

Destruction of Pests

275. A council by by-law

Destruction
of pests

- (a) may provide for the destruction of animal, insect or other pests and diseases likely to be destructive or dangerous to grain, livestock, poultry or other property, and
- (b) may prescribe the methods by which such destruction is to be carried out or for complying with the provisions of *The Agricultural Pests Act*, including the establishment of a mixing station for bait for the destruction of grasshoppers.

276. If the owner or occupier of any land fails to carry out the directions of a by-law passed for the extermination of pests upon his land, the council may direct a person to enter upon the land and take the proper steps for the extermination of pests thereon but in so doing the council shall not expend more than twenty-five cents per acre for the extermination of any pest.

Expenses re
extermina-
tion of pests

277. At least one month before the thirty-first day of December following any expenditure under section 276, the council shall notify the owner or occupier of the land in respect of which the expenditure has been made of the amount chargeable against the land by reason thereof.

Notice to
owner

278. (1) If the amount referred to in section 277 is not paid on or before the thirty-first day of December of the same year in which the notice was given, the amount

Recovery of
costs

- (a) shall be added to the municipal taxes upon the land, and
- (b) forms part of the municipal taxes in all respects as if it were an ordinary municipal tax, and
- (c) may be recovered in any of the modes available for the recovery of such tax.

(2) The amount recovered under subsection (1) forms part of the general revenue of the municipal district.

279. Not later than the tenth day of January in each year, a report in the form prescribed by the Minister shall be made to the Minister setting forth the amount spent for the destruction of pests by the municipal district during the previous year.

Report to
Minister re
destruction
of pests

280. All sums of money charged to the municipal district under the provisions of Part II of *The Agricultural Pests Act* relating to grasshopper control shall be levied and collected as a tax upon all assessable land within the district.

Grasshop-
per control

Noxious Weeds

281. "Occupant" in sections 282 to 285 means a person occupying or having the right to occupy any land, and

"occupant"
"owner"

“owner” in the said sections includes every person who has an estate or interest in land or grain or who has a right to be vested with such estate or interest.

Noxious
weeds
inspector

282. (1) A council shall appoint such inspector or inspectors as are required to carry out and enforce the provisions of *The Noxious Weeds Act* within the municipal district.

(2) An inspector so appointed

(a) has the same powers and shall perform the same duties as an inspector under the said Act, and

(b) shall be paid such remuneration as the council may fix.

(3) Nothing herein contained shall be deemed to limit or in any other way affect the powers conferred upon the Minister of Agriculture or the inspectors appointed by him under the provisions of *The Noxious Weeds Act*.

Destruction
of noxious
weeds by
inspector

283. (1) Where

(a) there is non-compliance with a notice given by an inspector pursuant to *The Noxious Weeds Act* requiring the destruction of noxious weeds and seeds or either of them upon any land, or

(b) the name or address of the owner of the land is unknown,

the inspector or a person directed by him, subject to the provisions of the said Act, may forthwith enter upon the land with the necessary implements and destroy the weeds or weed seeds in such manner as the inspector considers fit.

Expenses

(2) The inspector shall forthwith make a return to the secretary-treasurer of the amount expended in the work performed under the provisions of this section and the council upon being satisfied that the return is correct shall pay the amount to the inspector.

Demand
for payment

(3) The secretary-treasurer forthwith after payment of the amount expended shall prepare and forward a statement of the amount with a demand for payment thereof to the owner, or if the land is occupied to the occupant at his last known address.

Recovery of
expenses

(4) If the amount so expended is not paid within one month from the date the statement is mailed it may be recovered from the owner or occupant of the land entered upon

(a) by legal action by the municipal district, or

(b) by distress levied by the reeve or his agent upon any chattels on the land.

Certificate
of expendi-
ture

284. A certificate purporting to be signed by the secretary-treasurer to the effect that an amount set out therein has been expended during any year for the destruction of noxious weeds upon an area of land described therein is

prima facie evidence that the amount set out has been so expended.

285. A fine, penalty or forfeiture imposed by *The Noxious Weeds Act* for a violation of any of its provisions Fine or penalty

- (a) is payable to the municipal district whose council takes the necessary steps to enforce the fine, penalty or forfeiture, and
- (b) when paid forms part of the general revenue of the municipal district.

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

- 286.** A council may pass by-laws Council may pass by-laws:
- (a) to restrain and regulate the running at large of dogs and to provide for the killing of dogs unlawfully running at large, controlling dogs
 - (b) under the provisions of *The Domestic Animals Act (Municipalities)*,
 - (c) to encourage the destruction of wolves, coyotes and rats within the municipal district by the payment of bounty for the destruction thereof, encouraging destruction of wolves
 - (d) to prohibit loose wire and open wells or other excavations that might be dangerous to stock, prohibiting excavations
 - (e) to regulate the storage of threshed grain upon any premises accessible to livestock, regulating storage of grain
 - (f) to provide for the prevention and abatement of any nuisance, preventing nuisances
 - (g) to prevent cruelty to animals, preventing cruelty to animals
 - (h) to prevent preventing indecent
 - (i) the posting or exhibiting of placards, play bills, posters, writings or pictures, posters, etc.
 - (ii) the writing of words,
 - (iii) the making of pictures or drawings that are indecent or might tend to corrupt or demoralize the public or an individual, on walls or fences or elsewhere, in, on or along highways or public places,
 - (i) to prevent or regulate the bathing or washing of the person in any public water in the municipal district, and regulating public bathing
 - (j) to regulate nuisance grounds and to make provision for the disposal of the refuse in hamlets by licensed scavengers or otherwise, regulating nuisance grounds

and without restricting the generality of clause (f) may pass by-laws declaring any building, structure or erection of any kind whatsoever, or a drain, ditch or other matter or thing in or upon any private lands, street or road or in or about any building or structure to be a nuisance and

dangerous to the public welfare, safety or health, and directing the removal, filling up or other abatement of the nuisance.

Public Health

Infectious Disease, Nurses, Physicians

Public
health
by-laws

287. (1) A council may pass by-laws

- (a) to provide for the health of the municipal district and to prevent the spread of infectious and contagious diseases,
- (b) to provide for the residence and practice in a municipal district of a duly licensed medical practitioner
 - (i) by payment to that medical practitioner of an annual or other grant, whether he be already resident and practising in that municipal district or not, or
 - (ii) by guaranteeing an income to the medical practitioner in consideration of his residence and practice in the municipal district,
- (c) to engage such nurses as are deemed necessary at any time to provide for the care of the indigent sick,
- (d) to engage a physician, a public health nurse or a clinic
 - (i) to attend residents of the municipal district, whether indigent or not, who might require such services, and
 - (ii) to give instructions and deliver lectures on matters of public health,
- (e) to employ one or more public health nurses
 - (i) to inspect the schools,
 - (ii) to conduct child welfare stations, and
 - (iii) to give instructions and advise on all matters of public health,
- (f) to make arrangements with the Department of Public Health and with any city, town, village or other municipal district, and with the Minister in respect of any improvement district as to the sharing of expenses in connection with the employment of nurses mentioned in clause (e),
- (g) to erect and maintain residential buildings for the use of medical practitioners or nurses and for that purpose to purchase land or land and buildings or to erect a building or buildings upon land purchased hereunder.

(2) A by-law passed pursuant to this section is valid but inoperative until it has been approved by the Minister.

Approval of
public
health
by-laws

(3) No provision made pursuant to clause (d) of subsection (1) is operative until it has been approved in writing by the Minister of Health.

Medical, Nursing or Clinical Care

288. (1) A council by by-law may make provision for the supplying of medical, nursing or clinical care and attention to the residents of the whole or a part of the municipal district by means of a contract or agreement or by way of guarantee or upon any other basis and either alone or in conjunction with the council of any other municipality.

Medical,
nursing or
clinical care
by-laws

(2) Where an agreement has been entered into to supply medical care and attention to the residents of the whole or a part of a municipal district the council by by-law may levy a special tax to cover the cost of the medical service upon all the property liable to assessment and taxation in the whole or in that part of the municipal district.

Levy for
medical
services

(3) For the purpose of the medical service the by-law referred to in subsection (2) may fix a minimum tax to be paid by any person resident in the area covered by the medical service and assessed upon the assessment and tax roll.

(4) Where a council has passed a by-law fixing a minimum tax for medical service the council by by-law may provide

Persons
entitled
to
medical
benefits

(a) that a resident of the municipal district or part thereof covered by the medical service who is not assessed upon the assessment and tax roll be permitted to 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

(b) that only a non-assessed person who has entered into such a contract be entitled to the benefits of the medical service.

(5) A by-law passed pursuant to this section is valid but inoperative until it has been approved by the Minister.

(6) No contract or agreement made pursuant to this section is operative until it has been approved in writing by the Minister of Health.

Approval of
medical
health
by-laws

289. Where an agreement in conjunction with another municipality has been made to provide medical, nursing or clinical care and attention for the residents of the whole or part or parts of each such municipality, the proportionate share of the moneys payable by each municipality shall be determined according to the assessed value of all property in each municipality comprised in the area covered in the agreement compared to the total assessed value in the total area covered in the agreement.

Proportion-
ing costs of
medical
health
benefits

Hospitals

290. (1) A council by by-law may authorize the granting of aid for the erection and maintenance of hospitals within or without the municipal district.

Hospital
by-laws

Approval of hospital by-laws (2) A by-law authorizing the expenditure of municipal funds under subsection (1) is subject to all the provisions of section 250 with respect to the amounts involved and the method of obtaining the approval of the proprietary electors if required.

By-law for isolation hospital **291.** (1) A council by by-law may authorize
 (a) the making of an agreement jointly with one or more cities, towns, villages or municipal districts
 (i) for the joint construction or leasing, and
 (ii) for the equipping 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) 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.

Debenture borrowing for isolation hospital (2) Notwithstanding any other provision 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 share of the capital cost of the construction and equipment of the isolation hospital without submitting a by-law authorizing the borrowing to the proprietary electors or to the Board.

Hospitalization Agreements

Hospitalization agreements **292.** (1) The council may pass a by-law for the purpose of entering into an agreement with a hospital within the meaning of *The Hospitals Act* for the provision of hospital facilities to the residents of the municipal district or of a part or parts of the municipal district.

Approval of hospitalization agreement (2) No agreement made pursuant to subsection (1) is operative until it has been approved by the Minister of Health.

Agreements with approved hospital **293.** (1) The council of a municipal district in accordance with *The Hospitals Act* may pass by-laws applicable to the whole or a part of the municipal district that is not included within a municipal hospital district and for the purpose of

- (a) entering into an agreement with an approved hospital
 - (i) for the care and treatment of a person
 - (A) liable to pay taxes in respect of real property in the municipal district or part thereof, or
 - (B) liable to deliver a share of the crop as rent on provincial government lands in the municipal district or part thereof,

- and 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 or deliver the share or crop for which the deceased person was liable, and
- (ii) for the care and treatment of a person on a voluntary contract basis including the spouse and dependent family of that person,
- (A) who is a resident of the municipal district or part thereof, and
- (B) who is not liable to pay taxes in respect of real property in the municipal district or part thereof or to deliver a share of the crop as rental on provincial government lands in the municipal district or part thereof,
- (b) providing for the admission and care and treatment 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 municipal district has entered into an agreement under the circumstances set out in section 3c of *The Hospitals Act*.
- (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 that may be fixed under subsection (2) may be made sufficient to pay for part or all of the expenses likely to be incurred in respect of such persons.
- (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 within the municipal district, 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).
- (5) For the purpose of a hospital agreement entered into under the provisions of this section where there is an owner and a purchaser of real property or of any share or interest therein the only person entitled to the benefits of the agreement by reason of liability to pay taxes in respect of the real property is the purchaser entitled to the possession of the property or of any share or interest therein and if there is no such purchaser the owner thereof.

Amount payable for hospitalization

Levy for hospitalization

Persons entitled to hospital benefits

(6) Where the assessment and tax roll shows that any real property has been assessed in the name of a person who was the owner or purchaser of the property and that his name has been struck off and replaced on the roll by the name of another person who subsequently became the owner or purchaser of the property,

- (a) the person whose name has been struck off the roll shall be deemed not to be the person liable to pay taxes under subclause (i) of clause (a) of subsection (1) in respect of that property from the date his name is replaced on the roll by the name of another,
- (b) the person whose name has been entered on the roll shall be deemed to be the person liable to pay taxes under subclause (i) of clause (a) of subsection (1) in respect of that property from the date his name is entered on the roll to replace the name of the previous owner or purchaser.

Indigent Persons

Care of indigent sick persons

294. (1) Subject to subsections (2) to (19), a council shall make provision for the maintenance or partial maintenance of the indigent residents of the municipal district and for their care and treatment when sick.

(2) In cases of sudden and urgent necessity the council shall make similar provisions for indigent and indigent sick persons who are temporarily within the municipal district but are not resident therein.

Determining residence of indigent person

(3) In order to determine whether or not a person is a resident of an area controlled by a local authority for the purposes of this section the rules of interpretation in Schedule B hereto shall be applied.

Order for indigent relief

(4) All provision for the relief of indigent persons shall be made pursuant to a written order.

Indigent relief in emergency

(5) When an indigent resident receives medical advice, attention, medical 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 municipal district is liable to pay to the medical practitioner or surgeon any reasonable charges in respect of the services, 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.

Continuation of indigent relief

(6) The municipal district is not 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 said indigent resident by a written order from a proper officer of the municipal district.

Dispute re residence of indigent

(7) If a dispute arises as to whether or not a person is an indigent or a resident of a municipal district the

question shall be referred by such person or by the municipal district to a judge of the district court who shall decide the question in a summary manner and whose decision is final.

(8) The liability of the council for the hospital treatment of indigent sick persons is governed by the provisions of *The Hospitals Act*. Liability for hospitalization of indigent

(9) A member 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. Signing of orders for indigent relief

(10) Where under the provisions of this section the council assists an indigent or causes an indigent sick person who is not a resident of the municipal district to be medically treated otherwise than in a hospital Reimbursement for indigent relief

(a) the city, town, village, or other municipal district or special area of which the said person is a resident at the time of the assistance or treatment, or

(b) the Minister of Public Welfare if the person is a resident at the time of an improvement district or is a transient person within the meaning of Rule 3 of the rules of interpretation in Schedule B,

shall upon demand repay the expenses incurred by the council.

(11) The value of any assistance given by a municipal district to a person who is a resident thereof, whether indigent or not, for food, fuel, clothing, shelter, medical advice, attention, medicine, surgical treatment, hospitalization or for any other assistance, together with the amount of all moneys expended by the municipal district for such assistance, Recovery by distress

(a) is a charge on the lands of a person for whose benefit the assistance or money was given or paid, and

(b) constitutes a debt due to the municipal district,

(i) from the person for whose benefit it was given or paid, and

(ii) from any other person who was legally responsible for the maintenance of the person for whom the assistance or money was given or paid,

and may be recovered from that person 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.

(12) The municipal district

(a) has a charge upon the lands owned by any such person and situate within the Province for the expenses incurred under this section, and Security for indigent relief

(b) may lodge a caveat for the protection of the charge in the appropriate Land Titles Office.

Liability of other body for indigent relief

(13) If, under the provisions of this Act, any assistance is given to a person who is a member of a body, whether corporate or not, whose lands are held for the common use of the members of the body, the municipal district

- (a) has a charge upon the lands within the Province owned by the body of which he is a member for the expenses incurred by giving such assistance, and
- (b) may lodge a caveat for the protection of such charge in the proper Land Titles Office, and
- (c) is also entitled, if such body is a corporate body, to recover from that corporate body the amount of the expenses in an action brought for that purpose.

(14) For the purpose of subsection (13) a person who has previously been a member of a body mentioned in subsection (13) shall be deemed to continue to be a member thereof until the expiration of the tenth year after the last day on which he was a member thereof.

Liability of municipal district for indigent relief

(15) Where a municipal district has granted food, fuel, clothing, shelter, assistance, medical or surgical attention or treatment, hospitalization or any of them, under this Act or *The Hospitals Act* to a person resident in the municipal district for whom the municipal district is legally liable to provide such relief, the liability of the municipal district under the mentioned Acts

- (a) continues so long as the relief is either paid or payable, and
- (b) continues until such time as that person has become a resident of the area administered by another local authority.

Burial of indigent person

(16) The council shall provide for the burial of an indigent person whose death takes place within the municipal district and if the indigent was not at the time of his death a resident of the municipal district the council is entitled to recover the reasonable expenses of the burial from the city, town, village, municipal district, improvement district or special area of which the indigent was at the time of his death a resident within the meaning of this section.

(17) If a dispute arises under subsection (16) as to the identity of the city, town, village, municipal district, improvement district or special area of which the deceased indigent person was at the time of his death a resident the dispute shall be referred to the Minister.

(18) The Minister shall determine the question referred to him under subsection (17) in such manner as he thinks fit and his decision is final.

(19) The cost of the burial recoverable under subsection (16) shall not exceed such sum as the Minister may prescribe.

Grants

By-law authorizing grant

295. A council may pass by-laws

- (a) to grant aid or relief to a needy person who is a resident of the municipal district,
- (b) to grant a sum or sums of money not exceeding five hundred dollars to any one organization to aid agricultural societies, farmers' organizations approved by the Minister, boards of trade or similar bodies, school fairs and boy scout and girl guide organizations,
- (c) to grant a sum or sums of money to the Red Cross, the Canadian Legion or to other charitable organizations,
- (d) to grant a sum or sums of money not exceeding two hundred dollars to assist in paying the expenses of investigating the possibilities of irrigation and of organizing irrigation districts in which the municipal district is interested.

Water, Gas and Electricity

296. (1) The council by by-law may authorize the reeve and the secretary-treasurer on behalf of the municipal district to enter into and execute a contract with a person, hereinafter called the "contractor", to supply light, power, gas, natural gas or water to persons resident in the municipal district or in any specified part or parts thereof for a period not exceeding ten years, subject to

Public
utility
by-laws

- (a) the approval of the Board, and
- (b) the ratification of the by-law so approved by two-thirds of the proprietary electors voting thereon.

(2) If the by-law authorizes the reeve and secretary-treasurer to execute a contract on behalf of the municipal district for the supply of light, power, gas, natural gas and water, or any of them, to persons resident in a part or parts only of the municipal district as specified therein, the by-law is subject to ratification by two-thirds of the proprietary electors of the specified part or parts only of the municipal district voting thereon.

Contract for
public
utilities

(3) The by-law and contract shall provide specifically that the municipal district will be under no liability or obligation to do any act or thing whatsoever in relation to the privileges granted thereby that will cause an increase in the uniform rate to be levied annually by the council.

Levy for
public
utilities

(4) Application for approval of the by-law shall be made to the Board before or immediately after the first reading of the by-law.

Approval of
public
utility
by-law

(5) A contract under this section whether or not it contains an express provision as to renewal is subject to the conditions

Renewal of
public
utility
contract

- (a) that at the expiration of the term thereof the contract may be renewed for a period not exceeding ten years and so from time to time with such alterations, if any, as may be agreed upon by the parties and approved by the Board, and

- (b) that if either party refuses to renew the contract or the parties fail to agree as to the conditions of the renewal, then the council, subject to the consent of the Board, may purchase all the rights of the contractor in all matters and things under the contract and in all apparatus and property used for the purposes thereof for such price and on such terms as are 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 on the application of either of the parties.

Termination of public utility contract

- (6) If
- (a) a contract referred to in subsection (5) is not renewed either on or before the expiration of the original term or of any renewal thereof by express agreement of the parties as aforesaid, or
- (b) the council does not complete the purchase of the subject matter thereof as provided in clause (b) of subsection (5),

the contract continues in full force and effect until such time as either party terminates it on six months' written notice given to the other with the approval of the Board.

Joint contract for operation of public utilities

297. (1) The council by by-law

- (a) may authorize the acquisition, purchase, leasing, construction, extension, reconstruction, holding, maintaining and operating within or partly within and partly without the boundaries of the municipal district of an electric light, heat, power, water supply, sewerage system, natural gas or gas plant, and
- (b) may authorize the reeve and secretary-treasurer of the municipal district to enter into an agreement or agreements with any other municipality, person or corporation for the purpose of transmitting, distributing electric light, heat, power, water, sewerage system, natural gas or gas or the operation of these facilities between a plant operated pursuant to the by-law and a plant of such other municipality, person or corporation carrying on similar operations.

(2) A by-law passed pursuant to the provisions of subsection (1) may provide

- (a) for the distribution within the boundaries of the municipal district or any part thereof of electric light, heat, water, power, natural gas or gas and for operation of a sewerage system, and
- (b) for the delivering of an account of indebtedness and the collection of all accounts owing from all persons served therewith as debts owing to the municipal district, and
- (c) for the making of contracts by the council with such persons on such terms as the council deems proper.

Approval of Board

(3) Immediately after the first reading of any by-law authorized by subsection (1), the by-law shall be submitted to the Board for approval.

(4) The approval of the Board is a condition precedent to the final passing of the by-law.

(5) If the by-law is approved by the Board it shall before it is finally passed be submitted to a vote of the proprietary electors and receive the approval of two-thirds of the proprietary electors voting thereon, and the provisions of Part V apply to the taking of the vote.

Vote on
public
utility
by-law

298. (1) The council by by-law

(a) may authorize the drilling of a well and the provision of equipment therefor in any hamlet as defined in subclause (i) of clause (j) of section 2 to provide a supply of water for the residents of the hamlet, and

Water
supply
by-law

(b) may recover the cost of the same by a levy of a special tax on all property in the hamlet appearing on the assessment roll of the municipal district.

(2) The levy referred to in subsection (1) shall be made in the same manner, at the same time as, and in addition to the annual levy of taxes under this Act, and any tax so levied shall be added to, and forms part of, the municipal taxes for the year in which the levy is so made.

Levy for
water supply

(3) The amount to be recovered pursuant to subsection (1) may be recovered by a single levy in the year following the year in which the expenditure was made or, in the discretion of the council, may be recovered in two or three instalments by levies made in two or three consecutive years following the year in which the expenditure was made.

Seed Grain, Fodder and Other Commodities

299. For the purpose of sections 300 to 319 "commodity" means seed grain, fodder, feed grain, fuel oil and lubricating oil.

"commod-
ity"

300. The council of a municipal district may pass a by-law authorizing the making of advances in such monetary sums as it considers necessary to supply any commodities

Farmers
eligible for
commodity
advances

(a) for the next ensuing spring seeding season, or

(b) for the sustenance of stock, or

(c) for any other good and sufficient reason

to farmers who reside in the municipal district and who are owners, purchasers or lessees of land therein and who are unable to procure the required commodities themselves because of adverse conditions.

301. (1) Where necessary the council of a municipal district may pass a by-law authorizing the borrowing from a person, bank or corporation of such sums of money as the council considers necessary for the purpose of making the advances referred to in section 300.

Borrowing
to cover
commodity
advances

(2) The municipal district may repay the sum or sums of money so borrowed to the lender together with interest

Repayment
of commod-
ity advances

(a) at such rates not exceeding seven per cent per annum, and

(b) at such time or times

as is agreed upon between the municipal district and the lender.

Term of
commodity
borrowing

(3) The borrowing of the sum or sums of money shall not be for a longer period than three years and the borrowed sum or sums of money shall be repaid by annual payments equal to the sum obtained by dividing the principal by the number of years for which the loan is to run.

(4) There shall be paid out of the collection of taxes, current and arrears, in each of the years during which the loan is to run and as a first charge against the taxes the sum necessary to make the payment of principal together with interest on the whole amount borrowed as is necessary, and consideration shall be given to the amount or amounts that have been repaid by the resident farmers who have obtained any such commodity.

Commodity
supplied to
purchaser
or lessee

302. No commodity shall be supplied to a purchaser or lessee of land without the consent in writing of the registered owner of the land.

Commodity
supplied
only by
municipal
district

303. A commodity shall be supplied only by the municipal district or by an agent or agents of the municipal district duly appointed for that purpose by resolution of the council.

Charges for
commodity
supplied

304. The municipal district shall charge the recipient of a commodity supplied pursuant to this Act such an amount and no more as it deems reasonably sufficient to cover the cost of the commodity and the expenses entailed by the purchase and distribution of the commodity.

Security for
commodity
advance

305. (1) When the municipal district advances a commodity the municipal district shall take from the recipient thereof his note or notes for the price thereof.

(2) The notes mentioned in subsection (1)

(a) shall bear interest at the same rate as the rate of interest payable by the municipal district in respect of borrowings made by the municipal district for the purposes of this Act, and

(b) shall be payable on demand at the office of the secretary-treasurer of the municipal district.

(3) A lien in Form 25 in Schedule A shall be taken from the recipient of a commodity

(a) for a lien upon all crops grown or to be grown

(i) upon the land in respect of which the commodity is supplied, and

(ii) upon any other land farmed by the recipient until all advances made pursuant to this Act together with interest thereon have been repaid, and

- (b) for a charge
 - (i) upon the interest of the recipient in the land in respect of which the commodity is supplied, and
 - (ii) upon his interest in any other land.

306. Within ninety days of the making of an advance for the purpose of supplying a commodity to a person pursuant to this Act, the municipal district

Notice of commodity advance and registration of lien

- (a) shall cause to be published in *The Alberta Gazette* a notice that an advance has been made for that person, and
- (b) shall register in the office of the proper land registration district the agreement for a lien which may be in Form 25 in Schedule A.

307. The charge referred to in section 305 has precedence over all other encumbrances against the land except

Priority of lien

- (a) taxes and sums that by law can be charged against the land in the same manner as taxes, and
- (b) any mortgage
 - (i) that is a first registered encumbrance against the land at the time the lien is registered by the municipal district, or
 - (ii) that, being registered at the time, subsequently becomes a first registered encumbrance by the discharge of previous encumbrances, and
- (c) sums remaining unpaid in respect of advances previously made under a statute providing for seed grain advances.

308. (1) If within ninety days after the making of an advance pursuant to this Act the municipal district causes to be published in *The Alberta Gazette* a notice to the effect that an advance has been so made setting out the name and post office address of the recipient of the commodity there is created as from the date of the publication

Creation of lien

- (a) a lien
 - (i) upon all crops grown from any seed supplied pursuant to this Act at any time within twelve months after the advance referred to in the notice,
 - (ii) having priority over all claims and demands of whatsoever kind, nature or description, except liens that pursuant to the provisions of *The Crop Liens Priorities Act* are prior to the lien created by this section,
- (b) a lien
 - (i) upon all crops grown or to be grown
 - (A) upon the land in respect of which the commodity is supplied, and

- (B) upon any other land farmed by the recipient,
until all advances made pursuant to this Act together with interest thereon have been repaid,
- (ii) having priority over all other claims and demands of whatsoever kind, nature and description, except only as is otherwise provided by *The Crop Liens Priorities Act*.

Duration
of lien

(2) In the event of foreclosure or sale by the owner of a mortgage that is or that becomes a first registered encumbrance within the meaning of section 307, the lien referred to in clause (b) of subsection (1) ceases to exist from and after the date of the foreclosure or sale.

Application
of *Bills of
Sale Act*

309. *The Bills of Sale Act* does not apply to an agreement for a lien taken pursuant to this Act.

Disposition
of grain
subject to
lien

310. (1) No person for whom an advance for a commodity has been made and who has been supplied with the commodity under this Act shall during the year in which the advance is made and in any ensuing years so long as any money is owing in respect thereof, either by himself, his servant or agent directly or indirectly sell, ship or otherwise dispose of any grain that is subject to a lien for such an advance without the consent in writing of the municipal district or some person duly authorized by the municipal district for that purpose.

Penalty for
disposition
of grain
subject to
lien

(2) A person contravening the provisions of this section is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs to which sum shall be added the amount owing in respect of the advance and in default of payment forthwith the person convicted is liable to imprisonment for a term of not more than one year.

Enforce-
ment of lien
on crops

311. (1) A lien upon crops created pursuant to this Act is enforceable by seizure and by sale of the crops

- (a) in the same manner as is provided for the recovery by distress of taxes owing to the municipal district in which the crop is grown,
- (b) at any time before severance and at any time after severance wherever the crop is found except only where a buyer has acquired a good title thereto pursuant to the provisions of section 26 of *The Sale of Goods Act*.

Costs of
seizure and
sale

(2) The costs chargeable in respect of seizure and sale under this section are those payable to bailiffs under *The Seizures Act*.

Application
for com-
modity
advance by
occupant of
Crown land

312. Where an application for an advance for commodities is made by an occupant of land the title to which is in the Crown in the right of the Province, the municipal district with the consent of the Minister of Lands and

Forests may supply commodities to the occupant of the land and the amount advanced for the commodities is a first charge against the interest of the applicant in the land.

313. Where the applicant for an advance for commodities pursuant to this Act is a person whose interest in the land that he farms is that of lessee or a homesteader or a purchaser under an agreement for sale, the municipal district may require that the applicant give to the municipal district a mortgage upon his livestock and its increase to secure the repayment of the amount of the advance with interest.

Application for commodity advance by holder of agreement for sale

314. *The Bills of Sale Act* applies to a mortgage mentioned in section 313

Application of *The Bills of Sale Act*

- (a) except that the time for registration of the mortgage is sixty days instead of thirty days as prescribed by that Act,
- (b) except that section 11 of *The Bills of Sale Act* does not apply to the mortgage, and
- (c) except that no fee is payable upon the registration of the mortgage.

315. Where a mortgage is taken under this Act to secure an advance of feed or fodder for the feeding of any livestock that is subject to a prior mortgage, charge or encumbrance the mortgage under this Act has priority over every prior mortgage, charge or encumbrance upon the livestock.

Priority of mortgage

316. An advance made pursuant to sections 300 to 319 shall be made to the recipient in kind and not otherwise and under no circumstances shall any money be advanced to the recipient instead of or in addition to the commodity supplied.

Monetary advance prohibited

317. (1) Upon payment in full of the amount secured by the lien agreement the secretary-treasurer if so requested shall give a discharge of the lien agreement in Form 26 in Schedule A.

Discharge of commodity lien

(2) The discharge may be registered with the Registrar in the Land Titles Office in which the agreement was registered.

Registration of discharge of commodity lien

318. A Registrar of Land Titles

Duty of Registrar of Land Titles re commodity lien

- (a) shall receive and file a lien agreement delivered to him for filing pursuant to this Act, and
 - (b) shall make all necessary entries and memorandum with reference thereto, and
 - (c) shall register each lien agreement and each discharge thereof
- without fee or charge.

Lodging of complaint **319.** No complaint shall be made and no information shall be laid with respect to an offence under sections 300 to 318 except within twelve months from the time when the matter of complaint or information arose.

By-laws and Tax Expenditure for Hamlets

Powers of council **320.** (1) A council with the approval of the Minister may pass any by-law for a hamlet that a village council can pass under the provisions of *The Town and Village Act, 1952*.

(2) A by-law so passed has force only in a hamlet in which there are more than ten buildings used in whole or in part as dwelling places.

Licences

Provincial licence **321.** Where a provincial licence is required no licence shall be issued under this Act by a municipal district to an applicant until the provincial licence has been obtained.

Licence fee **322.** A licence fee

- (a) may be imposed by the council in any case where it is authorized to pass a by-law governing matters requiring the holding of a licence, and
- (b) subject to the other provisions of this Act, shall not be imposed for the purpose of exacting revenue, and
- (c) shall be restricted to a sum reasonably sufficient to cover the cost of issuing a licence, inspection and other matters of a regulatory nature.

Licence not required in certain cases **323.** (1) No licence shall be required under any of the provisions of this Act for hawking, peddling or selling any goods, wares or merchandise grown, produced or manufactured in the Province if the same are hawked, peddled or sold

(a) by the person who is the grower, producer or manufacturer thereof, or

(b) by his employee or servant authorized in writing by him to do so.

(2) An employee or servant shall on demand produce his authority in writing to an officer of the municipal district or to a peace officer.

Onus of proof (3) In a prosecution for hawking or peddling or selling without a licence 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 is upon the defendant.

Licensing regulations **324.** Where it is provided in this Act that a council may license a person, place or thing, the council may make regulations

- (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 referred to in clause (a) and any other conditions that seem advisable,
- (c) governing the conduct of those persons who use or frequent the place,
- (d) fixing the fees to be charged for licences,
- (e) providing the method of collection or payment of the fees,
- (f) governing the prices or fees to be charged by the holders of the licences,
- (g) fixing the period during which all or any licences are to be valid,
- (h) providing penalties for failure to obtain a licence,
- (i) providing penalties, including forfeiture of licence for breach of the conditions on which licences are issued, and
- (j) making general rules for the protection of persons holding licences.

325. (1) A council may pass by-laws for licensing, **By-laws re:**
gulating and controlling

- (a) auctioneers, hawkers and pedlars, auctioneers
- (b) 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 is or is not in use, pool or
billiard
tables
- (c) persons within a hamlet proprietors
in hamlets
 - (i) who are proprietors of livery, feed and sales stables or of automobile liveries, or
 - (ii) who are porters, carriers, common carriers, draymen, hackmen or omnibus drivers, or
 - (iii) who for reward perform work or carry passengers with horses or mules or motor vehicles within the limits of a hamlet,
- (d) public bowling alleys, bowling
alleys
- (e) soft drink and ice cream vendors, parlours in which soft drinks and ice cream are sold, restaurants, cafes and lunch counters, soft drink
and ice
cream
vendors
- (f) persons operating for profit public halls, theatres, moving picture shows, rinks, swimming pools or other places of amusement, recreation or entertainment, public halls,
etc.

- circuses, etc. (g) circuses, trained or wild animal shows, menageries, 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.
- Penalty for violation of licensing by-law (2) No licence fee imposed by a by-law authorized by clause (g) 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 licence fee, fine, if any, and costs may be collected by sale of the goods
- (a) belonging to the showman or other person required to be licensed, or
- (b) belonging to or used in connection with the show or exhibition,
- and in addition the offender may be imprisoned for six months.

Miscellaneous By-laws

- By-laws re: **326.** A council may pass by-laws
- census (a) for taking the census of the municipal district or a part thereof,
- tree planting (b) providing for the planting and protection of trees on highways and for the embellishment of cemeteries and other public places,
- public scales (c) establishing and maintaining public scales within the municipal district or within a town or village situate wholly or partly within the boundaries of the municipal district or adjacent thereto for weighing or measuring anything sold by weight or measurement,
- penalties (d) imposing penalties for light weight and short measurement.

Municipal Forms

- Municipal forms **327.** (1) The Minister may prescribe the forms to be used for a receipt, notice, return, statement or other form whatsoever used by a municipal district.
- (2) No council shall issue a receipt for taxes or other moneys received by the municipal district or a notice, return, statement or other form whatsoever unless the receipt or the notice, return, statement or other form
- (a) is in the form prescribed by the Minister for the purpose, and
- (b) has printed thereon the words "Approved by the Department of Municipal Affairs", together with the name of the person or firm printing the same.

Bonuses and Exemptions

- Bonuses and exemptions prohibited **328.** The council
- (a) shall not grant a bonus or any other aid to a person,

company or corporation for the construction, establishment or operation of a factory, mill, railway, or any other business or concern whatever either within or without the municipal district,

- (b) shall not exempt from taxation any such factory, mill, railway or other business or concern, or subscribe for stock in or guarantee the bonds, debentures or other securities thereof.

Public Works Expenditures

329. (1) Immediately after the preparation of the estimates as required by section 331, the council Report re public works

- (a) shall cause to be prepared a report or reports in Form 27 in Schedule A setting out the works of a public nature that are recommended to be undertaken throughout the municipal district, and
- (b) for that purpose may appoint such person or persons as the council by resolution determines.

(2) Upon receipt of the recommendation the council

- (a) at its discretion shall determine Resolution authorizing public works expenditure
 - (i) the works that will be undertaken, and
 - (ii) the amount that will be expended thereon, and
- (b) by resolution shall authorize the location of the works and the amount of the expenditures in connection therewith.

(3) In determining the work to be undertaken and the amounts to be expended thereon the council Distribution of public works expenditure

- (a) shall consider the municipal district as a single unit, and
- (b) shall not consider electoral divisions as a basis for the distribution of expenditures on public works.

(4) Except in a case of sudden and urgent necessity, no public work shall be undertaken or expense incurred in connection therewith until the resolution authorizing the expenditure has been passed by the council as provided by subsection (2).

(5) No grant by the Province to a municipal district to be expended on public works therein shall be disbursed until a resolution as required by subsection (2) has been passed by the council, unless the Province in making the grant otherwise directs. Grant for public works

(6) A grant by the Province to a municipal district to be expended on public works therein

- (a) shall not be distributed for expenditure on the basis of electoral divisions,
- (b) shall be deposited in the general revenue fund of the municipal district, and
- (c) shall form a part of the funds estimated to be expended as provided by subsections (2) and (3).

(7) Where in a municipal district allocation of public works expenditures have been made and charged in the

municipal accounting system against individual electoral divisions all such allocations and all such over-expenditures and under-expenditures shall be cancelled from the accounting records when this Act comes into force.

(8) When this Act comes into force the allocation of public works estimates and the allotment of expenditure thereon according to electoral divisions shall neither be instituted nor maintained.

PART VII

RATES AND TAXES

Tax Year

Tax due date **330.** All taxes levied under the provisions of this Act, except as otherwise provided, shall be deemed to be due on the first day of January in the year in which they are imposed and shall be payable at the office of the secretary-treasurer of the municipal district.

Estimates and Levies

Estimate of expenditures **331.** A council as soon as practicable in each year

(a) shall prepare in the prescribed form a detailed estimate of the probable expenditure of the municipal district for the year for ordinary municipal purposes, and

(b) shall cause a copy of the estimate to be incorporated in the minutes of the council.

Levy for municipal taxes **332.** When the estimate of probable expenditure has been completed the council

(a) shall make an estimate of the probable revenue of the municipal district for the year to be derived from sources of revenue other than taxation, and

(b) 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 set out 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 as estimated by the council less the amount of the estimated probable revenue from sources other than taxation, and due allowance shall be made for the amount of taxes reasonably expected to remain unpaid.

School requisitions and municipal hospital requisitions **333.** (1) Upon receipt of the annual requisition from the board of a school division, school district or municipal hospital district

(a) the secretary-treasurer shall deduct the proportion-

ate amount of the requisition that is attributable to the estimated nominal value of crop share lease lands, if any, shown on the certificate required pursuant to *The School Act, 1952*, or *The Municipal Hospitals Act*, and

- (b) the council by by-law shall authorize the secretary-treasurer to levy a tax at such uniform rates on the dollar as is sufficient to produce
 - (i) the amount of the balance of the requisition after the deduction, or
 - (ii) if there be no such deduction necessary, the full amount of the requisition, upon the assessed value of all lands, improvements and personal property set out in the assessment roll that are situated in the part of the municipal district, within the school division, school district or municipal hospital district, whichever is the case.

(2) Such rates shall be levied in addition to and together with the rate authorized for ordinary municipal purposes.

(3) In acting under subsection (1) in respect of school divisions, school districts or municipal hospital districts due allowance shall be made for taxes reasonably expected to remain unpaid. Allowance to be made for unpaid taxes

(4) An allowance made under the provisions of subsection (3) in respect of school divisions for non-collection taxes or discount on taxes shall not exceed ten per cent the amount of the requisition.

(5) Where the requisition received from the board of a school division, school district or municipal hospital district contains an amount attributable to the estimated nominal value of crop share lease lands the proportionate amount of the requisition so attributable shall be paid out of the general revenue fund of the municipal district.

334. (1) If the council of a municipal district owes a debt to the Crown under the provisions of *The Agricultural Pests Act* it may by resolution authorize the secretary-treasurer to levy for the purpose of paying the debt a tax on the assessed value of all lands within the municipal district at such uniform rate on the dollar as the council deems sufficient to produce the amount of the debt, and due allowance shall be made for the amount of taxes reasonably expected to remain unpaid. Levy for debt under The Agricultural Pests Act

(2) The tax referred to in subsection (1) shall not be levied upon timber when the timber is assessed separately. Assessment on timber

335. (1) On or before the fifteenth day of September in each year the secretary-treasurer of each municipal district shall enter in the assessment and tax roll for the year a statement of all taxes against each parcel or the personal property assessed upon the roll. Assessment and tax roll

(2) The statement of taxes shall show

- (a) the several rates of taxation for the current year,
- (b) the total of the mill rates levied,
- (c) the total taxes due for the current year on each parcel of land or other property,
- (d) the total arrears of taxes due on each parcel of land or other property.

Tax rate **336.** (1) An owner, purchaser and conditional owner of assessed land, whether his name appears on the assessment roll or not, shall 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.

(2) No sum in excess of the taxes, penalties or costs due in respect of any property shall be demanded or exacted.

School Requisitions

School taxes **337.** (1) The council of a municipal district is bound to levy and collect school taxes as hereinbefore directed.

Special school taxes (2) Where the estimate of the board of trustees of a school district or division has not been received before the mailing of the tax notices the council upon subsequent receipt of the estimate

- (a) shall impose such special rate as will meet the amount of the estimate, and
 - (b) shall levy and collect such rate in the same manner as other municipal rates and taxes.
- (3) When a council has imposed such special rate
- (a) it may charge the expenses incurred by it in respect of the imposition of the rate against the school district or division concerned, and
 - (b) the expenses are a debt recoverable by legal action by the municipal district.

Payment of school requisition **338.** (1) The council of a municipal district in each year shall pay to each school district or school division the amount of the requisition duly transmitted by the board of trustees of each such school district or school division under the provisions of *The School Act, 1952*, and the amount of the requisition 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 school requisition (2) If the council fails to pay to a school district or school division the amount required from time to time as hereinbefore provided that amount becomes a debt due, owing and payable by the municipal district to the school district or school division, whichever is the case.

Permission to sue for school requisition (3) The debt is not recoverable by a suit at law unless permission to enter suit is granted by the Minister of Education.

Municipal Hospital Requisitions

339. The council of a municipal district is bound to levy and collect municipal hospital taxes as hereinbefore directed. Municipal hospital taxes

340. The levy and collection of municipal hospital taxes and the payment of requisitions is governed by the provisions of *The Municipal Hospitals Act* in that regard. Application of *The Municipal Hospitals Act*

Minimum Taxes

341. (1) A minimum annual tax of four dollars for municipal purposes shall be paid by every person assessed upon the assessment and tax roll. Minimum municipal tax

(2) An annual tax of four dollars shall be paid by each resident of the municipal district of the full age of twenty-one years Persons liable for minimum municipal tax

- (a) who has resided therein for a period of sixty days or more during a calendar year, and
- (b) who is gainfully employed, and
- (c) who has not been assessed upon the assessment and tax roll

whether he has resided in the district before the date of the completion of the roll or not.

(3) Where a tax is collected under subsection (2) the name of the resident paying the tax shall be added to the assessment and tax roll for that calendar year.

(4) Where a person has in any year paid a tax for municipal purposes of the nature of that provided in subsection (2) and in the amount of at least four dollars to a city, town, village or other municipal district, and such person was not assessed upon the assessment roll of that city, town, village or other municipal district for that year he is not liable in that year to the tax imposed by subsection (2).

342. (1) The council by by-law may fix a minimum annual tax of four dollars for school purposes to be paid by each resident of the municipal district assessed upon the assessment and tax roll. By-law for minimum school tax

(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 municipal district of the full age of twenty-one years Persons liable for minimum school tax

- (a) who has not been assessed upon the assessment and tax roll, and
- (b) who has resided therein for a period of sixty days or more during a calendar year, and
- (c) who is gainfully employed,

whether he has resided in the municipal district before the completion of the roll or not.

(3) Where a tax is collected under subsection (2) the name of the resident paying the tax shall be added to the assessment and tax roll for that calendar year.

(4) Where any person in any year has paid a tax for school purposes of the nature of that provided in subsection (2) and in the amount of at least four dollars to a city, town, village, improvement district, school district, special area or other municipal district, and such person was not assessed upon the assessment roll of that city, town, village, improvement district, school district, special area or other municipal district for that year, he is not liable in that year to the tax imposed by subsection (2).

Payment
of tax

343. (1) A person liable to pay any tax pursuant to subsection (2) of section 341 or subsection (2) of section 342 shall pay the tax

(a) to the secretary-treasurer of the municipal district,
or

(b) to such person as is appointed by the council to collect it,

within three days after demand is made therefor.

Recovery of
taxes by
distress

(2) Where there is neglect or refusal to pay the tax referred to in subsection (1) levy may be made by distress and sale of goods and chattels of the person in default.

Deduction
of taxes by
employer

(3) 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 the amount of the tax 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 341 or subsection (2) of section 342,

and to forward it to the secretary-treasurer immediately after making the deductions directed.

Penalty for
failure of
employer to
deduct tax

(4) An employer who fails

(a) to furnish the information requested, or

(b) to make the deductions directed to be made, or

(c) to forward the amount of the deductions directed, is guilty of an offence and liable upon summary conviction to a penalty not exceeding fifty dollars.

Recovery of
penalty by
distress

(5) The amount of the penalty imposed under subsection (4) shall be paid to the secretary-treasurer who in the event of the penalty not being paid within two weeks of its imposition may levy by distress and sale of goods and chattels of the employer in default the amount of

(a) the penalty, and

(b) all costs incurred by reason of the proceedings leading to the imposition of or the enforcing of payment of the penalty.

(6) All sums paid or recovered in respect of a penalty

imposed under subsection (4) form part of the general revenue of the municipal district.

344. (1) Where council has entered into an agreement with an approved hospital and has levied a mill rate for purposes of the agreement, subject to the provisions of subsection (4) of section 293, the council by by-law may fix an annual minimum hospital tax in an amount not in excess of eight dollars for such hospital agreement purposes to be paid by a person assessed upon the assessment and tax roll.

Minimum
hospital tax

(2) Notwithstanding the provisions of subsection (1), where the names of two persons appear upon the assessment and tax roll as joint owners of real property and each of such persons is the spouse of the other, one only of such persons is liable to pay the minimum annual tax for the purposes of the hospital agreement.

Taxes on Transient Traders

345. (1) The council by by-law may provide for the imposition of taxes upon transient traders.

Transient
trader tax
by-law

(2) The by-law

- (a) may 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 but not exceeding ten dollars for a tax by the day and twenty-five dollars for a tax by the week,
- (b) may prohibit a transient trader
 - (i) from commencing to carry on business in the municipal district unless he has previously deposited with the secretary-treasurer an amount equal to that amount that would be payable as tax if he had then carried on business for one week, or
 - (ii) from continuing to carry on business at any time at which the tax by the day or week payable in respect of his business has not been paid in advance,
- (c) may provide that a transient trader who at any time carries on business without having paid the tax payable for so doing
 - (i) will be guilty of an offence in respect of each day during which he carries on business without paying the tax, and
 - (ii) will be liable on summary conviction to a fine of not more than fifty dollars and costs for each offence and in default of payment to imprisonment for a term of not more than thirty days for each offence.

Dog Tax

- Dog tax** **346.** (1) The council may pass a by-law
- (a) to restrain and regulate the running at large of dogs, and
 - (b) to impose a tax on the owners, possessors or harbourers of dogs, and
 - (c) to direct the killing of dogs running at large contrary to the by-law.
- Penalty for failure to pay 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 will be guilty of an offence and liable on summary conviction to the penalty provided by this Act for the breach of a by-law.

Tax Collection

- Tax notice** **347.** (1) The secretary-treasurer shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by him in respect of the property for which he is assessed.
- Evidence of mailing of tax notice** (2) The entry on the tax and assessment roll of the date of mailing the notice followed by the initials or stamped with a symbol representing the initials of the secretary-treasurer or of any person authorized by the secretary-treasurer for the purpose is *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the secretary-treasurer.
- Address of assessed person unknown** (3) The absence of entry of the date and initials referred to in subsection (2) is *prima facie* evidence that the address of the person referred to in subsection (1) is unknown.
- (4) A notice shall show
 - (a) the property assessed,
 - (b) the assessed value,
 - (c) the several rates of taxation for the current year,
 - (d) the total taxes levied for the current year, and
 - (e) the arrears of taxes and the total taxes due,
 and shall be in the prescribed form.
- Tax notice to purchaser** (5) Notwithstanding subsection (1), no tax 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 be sent to him has been duly received by the secretary-treasurer.
- Validity of tax notice** **348.** (1) No tax notice shall be considered irregular, incomplete or otherwise invalid by reason of
- (a) an error, omission or misdescription in the notice, or
 - (b) non-receipt of the notice by the person liable to pay the tax.
- Exemption from taxation** (2) No exemption from taxation shall be conferred by reason of

- (a) an error, omission or misdescription in the notice, or
- (b) non-receipt of the notice by the person liable to pay the tax.

349. (1) The council by by-law may provide that if ^{Penalty on arrears of taxes} after the last day of February in any year any taxes that became due and payable in the preceding year remain unpaid, an amount not exceeding six per cent of the unpaid taxes be added thereto by way of penalty on the first day of March of that year and each succeeding year so long as the taxes remain unpaid.

(2) An amount so added forms a part of the taxes that are made a special lien upon land or real or personal property under the provisions of this Act.

(3) A by-law passed pursuant to subsection (1) remains in force until it is repealed or amended by subsequent by-law and an amending by-law remains in force until repealed or amended.

(4) Nothing 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.

(5) 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.

350. (1) Subject to the provisions of subsection (2) a ^{Discount for prepayment of taxes} council by by-law may authorize

- (a) a discount of not more than six per cent on all payments made before a date or dates to be fixed in the by-law on taxes that become due and payable in the year in which the payment is made, and
- (b) different rates of discount for payments on such taxes before different specified dates.

(2) The discount allowed under the provisions of subsection (1) shall include discounts on minimum taxes appearing on the tax roll but shall not include

- (a) payments made on taxes payable pursuant to subsection (2) of section 341 or,
- (b) payments made on taxes payable pursuant to subsection (2) of section 342.

(3) No by-law passed pursuant to subsection (1) is effective unless it is passed before the first day of May, but a by-law so passed remains 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 remains in force until repealed or amended in the same manner.

351. If arrears of taxes are due by a person on any property and that 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 of taxes on that property. ^{Application of payment on arrears of taxes}

Pro rata
distribution
of tax
payment

352. 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 such person does not signify in writing 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 municipal district that are on the assessment roll in the name of that person.

Tax receipt

353. When the secretary-treasurer receives any taxes

- (a) he shall issue an official receipt therefor upon a form approved by the Minister, and
- (b) he shall enter the number of the receipt upon the assessment roll opposite the property in respect of which the taxes are paid.

Recovery of Taxes by Suit or Distress

Recovery
of taxes

354. (1) The taxes due in respect of land, personal property, mineral or timber may be recovered with costs and with interest as a debt due to the municipal district from a person

- (a) who was the owner, conditional owner or purchaser of the land, personal property or the mineral or the timber licensee of the timber at the time of its assessment, or
- (b) who subsequently became the owner, conditional owner, purchaser or timber licensee of the whole or any part thereof, saving his recourse against any other person.

Lien for
unpaid taxes

(2) The taxes, costs and interest referred to in subsection (1) are a special lien on

- (a) the land,
- (b) personal property, or
- (c) mineral or timber that is not exempt from taxation by the Province,

in priority to a claim, privilege, lien or encumbrance of any person except the Crown and the lien and its priority are not lost or impaired by any neglect, omission or error.

Evidence of
unpaid taxes

(3) The production of a copy of so much of the assessment roll as relates to the taxes payable by a person and purporting to be certified as a true copy by the secretary-treasurer is *prima facie* evidence of the debt.

Unpaid
taxes
charge on
fire insur-
ance policy

355. (1) All taxes due in respect of a parcel of land and whether or not proceedings are pending for the recovery thereof under an Act relating to the recovery of taxes are a first charge upon any money payable under a policy of fire insurance in respect of an assessed building or erection on the said parcel 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 municipal district in which the insured property is situated of the loss of the insured property.

(3) The municipal district within ten days after 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.

(4) When an insurer becomes liable for the payment of money under a policy of fire insurance in respect of a building or erection in a municipal district the insurer, subject to the rights of a mortgagee as provided in subsection (1), shall pay to the municipal district the full amount of the taxes stated to be due to the municipal district in the notification received by the insurer from the municipal district.

(5) If the amount that the insurer is liable to pay is insufficient to pay the full amount of the taxes, the insurer shall pay to the municipal district the full amount for which that insurer is liable to pay 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.

Insurance
coverage
insufficient
to pay taxes

356. For the purpose of enforced collection only

Enforced
collection
of taxes

- (a) 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 tax and assessment roll, and
- (b) where the address of an 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.

357. (1) If taxes that are a lien upon the land remain unpaid for one month after the mailing of the tax notice hereinbefore provided for, the secretary-treasurer or any person appointed by him in writing may levy the amount of the taxes with costs by distress in the same manner as a landlord can recover rent in arrears

Levy by
distress

- (a) upon the goods or chattels wherever found within the Province belonging to an owner, purchaser or conditional owner of the land, each of whom is hereinafter referred to as a "taxable person", or belonging to an occupier of the land, or
- (b) upon the interest of a taxable person or an occupier of 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 can become the owner thereof upon performance of any condition, or

(c) upon goods or chattels found on the land where the title to the goods or chattels is claimed

(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 a taxable person or occupier if the 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.

Exemption
from levy
by distress

(2) Notwithstanding anything heretofore contained in this Act, no distress shall be made upon the goods or chattels of an occupier for any taxes that are a lien upon land occupied by him if the taxes were not first placed upon the tax roll during the period of his tenancy or occupancy of the land assessed.

Proof of
ownership
of chattels

(3) The onus of proof that any goods or chattels found upon land are not the property of a taxable person or occupier lies upon the person making the assertion.

Levy by
distress
where no
lien on land

358. (1) When taxes that are not a lien on land remain unpaid

(a) for fourteen days in the case of a resident of a municipal district, or

(b) for one month in the case of a non-resident of a municipal district,

after the mailing of the tax notice, the secretary-treasurer or any person appointed by him in writing may levy the same with costs by distress.

(2) The distress with costs may be levied

(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 can become the owner thereof upon the performance of a 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 the person taxed if the

relative lives with the person taxed or assists him in his business,

- (d) upon the goods and chattels or interest therein that fall within any of the classes mentioned in clauses (a), (b) or (c) and that are the goods, chattels or interest of a person who occupies premises in respect of which a business tax was unpaid as purchaser of the business that was carried on therein before the sale of the business by the person against whom the business tax was levied.

359. (1) Where a distress warrant has been issued pursuant to section 357 or section 358 whether or not any seizure has then been made if Seizure under distress warrant

- (a) the person
- (i) who is the owner, or
 - (ii) who is in possession of any of the goods liable to seizure under the distress warrant, or
- (b) any other person as duly authorized agent of the owner or of the person in possession,

signs an undertaking or other agreement in writing undertaking or agreeing to hold and keep the goods described therein as bailee for or on behalf of the secretary-treasurer or other person authorized to make the distress, a seizure shall be deemed to have been validly made under the distress warrant.

(2) After an undertaking or other agreement has been signed under subsection (1) the goods shall be deemed to be continuously under seizure until Duration of seizure

- (a) the secretary-treasurer or other person making the levy by notice in writing abandons the seizure, or
- (b) the goods have been sold under distress.

(3) On and after the signing of the undertaking or agreement by the owner or person in possession of the goods or by a duly authorized agent of either of them, neither the municipal district nor a person acting on behalf thereof is liable for Wrongful or illegal seizure

- (a) damages in an action for wrongful or illegal seizure, or
- (b) loss or damage to the said goods while in the possession of the owner or person in possession thereof as bailee.

360. (1) If at any time after the mailing of the tax notice and before the expiration of the time allowed before levy by distress can be made, the secretary-treasurer or a person authorized by him for the purpose 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 municipal district, and the secretary-treasurer or a person authorized by him for the purpose makes an affidavit to that effect before a justice of the peace, the justice may Warrant to levy by distress

issue a warrant to the secretary-treasurer or to a person authorized by the secretary-treasurer for the purpose authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act even though the time for payment thereof has not then expired.

(2) The secretary-treasurer or any person authorized by him for the purpose may levy accordingly.

Distribution
of proceeds
of sale of
seized goods

361. (1) Where personal property liable to seizure for taxes as hereinbefore provided

- (a) is under seizure or attachment, or
- (b) has been seized by the sheriff or by a bailiff of a court, or
- (c) is claimed by or in possession of any assignee for the benefit of creditors or a liquidator or of any trustee or authorized trustee in bankruptcy, or
- (d) has been converted into cash and is undistributed,

it is sufficient for the secretary-treasurer to give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy notice of the amount due for taxes and he shall give such notice.

(2) The sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, after deducting the lawful costs, charges and expenses of and incidental to the making and carrying out of the seizure shall pay the balance remaining 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.

Exemption
from distress

362. Notwithstanding anything contained in this Act no goods in the possession of an 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.

Goods and
chattels
exempt
from seizure

363. (1) The goods or chattels exempt by law from seizure under execution are not 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 even though his name does not appear on the tax and assessment roll.

(2) The person who claims the exemption shall select and point out the goods or chattels for which he claims exemption.

Seizure of
goods in
hands of
receiver

364. Goods in the hands of

- (a) a receiver for the general benefit of creditors, or
- (b) an authorized trustee in bankruptcy, or
- (c) a liquidator under a winding-up order

are liable only for the taxes of the assignor or of the company that 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 or thereafter charged upon the premises while the receiver, trustee or liquidator occupies the premises or while the goods remain thereon.

365. The costs chargeable in respect of a distress and levy are those costs payable to bailiffs under *The Seizures Act*. Costs of distress and levy

366. (1) The secretary-treasurer by advertisement posted up in at least three public places in the municipal district near to the distrained property Notice of sale of distrained property

- (a) shall give at least five days' public notice
 - (i) of the time and place of sale, and
 - (ii) of the name of the person whose property is to be sold, and
- (b) shall sell at public auction either by himself or by his duly authorized agent at the time named in the notice the goods or chattels distrained or so much thereof as is necessary.

(2) Notwithstanding subsection (1) the secretary-treasurer

- (a) may have any grain seized by the municipal district hauled
 - (i) to the nearest elevator, or
 - (ii) to any other convenient and suitable place of storage, and
- (b) may dispose of the grain at the current market price.

367. (1) If

- (a) the property distrained has been sold for more than the amount of the taxes and costs, and
- (b) no claim to the surplus is made by any other person on the ground
 - (i) that the property sold belonged to him, or
 - (ii) that he was entitled by lien or other right to the surplus,

Surplus from sale of property distrained

the surplus shall be returned to the person in whose possession the property was when the distress was made.

(2) If a claim to surplus under subsection (1) is made by the person for the payment of whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

368. If a claim to surplus under subsection (1) of section 367 is contested the surplus shall be retained by the municipal district until the respective rights of the parties have been determined by action or otherwise. Dispute re surplus from sale of distrained property

Payment of Taxes by Tenant or Purchaser

369. (1) Where taxes are due in respect of any land occupied by a tenant the secretary-treasurer or a person Rental as payment on taxes

authorized by him for the purpose may give the tenant notice in writing requiring him to pay to 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, and costs.

(2) The secretary-treasurer or any person authorized by him for the purpose has the same authority as the landlord of the premises mentioned in subsection (1) would have to collect the rent by distress or otherwise to the amount of the unpaid taxes, and costs.

(3) Nothing in this section prevents or impairs any other remedy for the recovery of the taxes or a portion thereof from the tenant or from any other person liable therefor.

Deduction
by tenant of
taxes paid

370. A tenant or purchaser may deduct from his rent or moneys payable under his contract of purchase any taxes paid by him that as between him and his landlord or vendor the latter ought to pay.

Tax Lien on Crops

Tax lien
on crops

371. (1) Notwithstanding anything in any statute or in the common law,

- (a) all arrears of taxes outstanding on the eighth day of April, 1941, in respect of land in a municipal district are a special lien or charge upon all crops grown or to be grown on the land until the taxes are paid, and
- (b) the lien or charge has priority over all other claims, liens, privileges or encumbrances on the crops except as set out in *The Crop Liens Priorities Act*.

(2) Notwithstanding anything in any statute or in the common law,

- (a) the taxes levied in any year upon or in respect of land in the municipal district are a special lien or charge upon
 - (i) all crops grown on the land in the year in which the taxes are levied, and
 - (ii) all crops grown on the land in every year thereafter until the said taxes are paid, and
- (b) the lien or charge has priority over all other claims, liens, privileges or encumbrances on such crops except as set out in *The Crop Liens Priorities Act*.

Priority of
crop lien
or taxes

(3) No person or corporation other than a country elevator as defined in the *Canada Grain Act* or the holder of a lien that pursuant to the provisions of *The Crop Liens Priorities Act* is prior to the lien created by this section shall receive or accept any or any part or share of a crop grown on land in a municipal district or any part of the proceeds of the sale of any such crop until all taxes owing in respect of that land have been paid.

(4) A person or corporation other than a country elevator taking, receiving or accepting, except as permitted by this section, any or any part or share of any crop or any part of the proceeds of sale of any such crop is liable to the municipal district for the payment of the taxes owing in respect of the land on which the crop was grown to the extent of the part or share of the crop or of the proceeds of the crop so taken, received or accepted.

(5) The taxes due in respect of any land from a person by reason of his taking, receiving or accepting, otherwise than in accordance with the priorities established by *The Crop Liens Priorities Act*

(a) any crop or any part or share of any crop, or

(b) any part of the proceeds of sale of any such crop, may be recovered with interest and costs as a debt due to the municipal district from that person.

(6) Subsections (3) and (4) insofar as they refer to the proceeds of the sale of a crop do not apply

(a) to a person, firm or corporation that receives or accepts from a farmer proceeds of the sale of his crop in payment of or on account of

(i) the price of goods purchased, or

(ii) advances first made

in the same calendar year as that in which the proceeds are received,

(b) to deposits made

(i) in a treasury branch constituted under the provisions of *The Treasury Branches Act*, or

(ii) to a treasury branch agent authorized to receive deposits, or

(iii) in a chartered bank incorporated under the provisions of the *Bank Act* (Canada)

to the extent that the deposits are not applied on advances first made or indebtedness first incurred prior to the first day of January of the year in which the deposits are made.

372. (1) "Judge" for the purposes of this section means "Judge" either a judge of the Supreme Court or a judge of the district court.

(2) Where

(a) a farmer has sold or otherwise disposed of his crop or any part or share of the crop that was grown on land on which taxes are owing to the municipal district, and

(b) the secretary-treasurer has not received a satisfactory report from the farmer with respect to the disposition of his crop or any part or share of the crop,

the secretary-treasurer of the municipal district or his duly authorized representative is entitled to apply to a judge or a police magistrate for an order or direction that the farmer

Application
to examine
farmer

appear before a judge, police magistrate, justice of the peace, notary public or commissioner for oaths for examination under oath touching the disposition of any or any part or share of his crop or any part of the proceeds thereof.

(3) The judge or police magistrate may order the examination of any farmer pursuant to the application and the secretary-treasurer of the municipal district or his duly authorized representative

(a) may examine the farmer, and

(b) may procure an appointment for the examination from the judge, police magistrate, justice of the peace, notary public or commissioner for oaths before whom the examination is ordered to take place.

(4) The farmer to be examined, upon being served with a copy of the appointment at least four clear days before the date fixed for the examination, shall attend thereon at his own expense and submit to examination.

Warrant to
examine
farmer

(5) If, after the farmer has been duly served with notice of the appointment,

(a) he refuses, neglects or fails to attend at the time and place appointed for his examination, and

(b) no just excuse is offered for his non-appearance,

then after proof upon oath that the notice of appointment has been served as aforesaid or that the farmer to whom the appointment is directed has kept out of the way to avoid service, the person before whom the farmer ought to have appeared for examination may issue a warrant under his hand directed to a constable to bring the farmer before him in order to be examined at a time and place to be set out in the warrant.

(6) The constable may thereupon take the farmer into custody and bring him for examination before the person who issued the warrant.

(7) A farmer examined orally pursuant to this section may give further evidence or be further examined in explanation of any matter in respect of which he has already been examined.

(8) Unless the judge or the police magistrate otherwise directs, the farmer to be examined, if so required by notice, shall produce at the examination all books, papers and documents relating to the harvesting and disposition of the crop or of the proceeds thereof.

(9) A farmer who admits upon his examination that he has in his custody or power any book, paper or document relating to the harvesting or disposition of the crop or of the proceeds thereof, shall produce it for inspection by the secretary-treasurer or his duly authorized representative,

(a) upon the order of the judge or police magistrate, or

(b) upon the direction of the examiner,
within a reasonable time which shall be fixed by the order or direction.

(10) A farmer who refuses to be sworn or to answer any question properly put to him or to produce any document relating to the harvesting or disposition of the crop or of the proceeds thereof Refusal of farmer to submit to examination

- (a) is liable to attachment upon application by notice of motion to a judge of the Supreme Court, and
- (b) may be punished as for contempt of court.

(11) Unless taken in shorthand the depositions on an examination under this section of any farmer may be taken down in writing by the examiner in the form of a narrative expressed in the first person and when completed Notes on examination

- (a) shall be read over to the person examined, and
- (b) shall be signed by him if approved, and
- (c) shall be certified by the examiner.

Compromise and Remission of Taxes

373. The council may pass a by-law, subject to the approval of the Minister, for the purpose of compromising payment of arrears of taxes upon such terms as are agreed upon. Compromising arrears of taxes

374. The council may pass a by-law to remit taxes levied with respect to lands of which a mentally diseased person is the owner or occupant. Remission of taxes

375. The council may pass a by-law, subject to the approval of the Minister, for the purpose of cancelling arrears of taxes that Cancellation of arrears of taxes

- (a) appear on the assessment and tax roll, and
- (b) are no longer secured by a charge against land or other property, and
- (c) are no longer collectible from the person taxed.

PART VIII

FINANCE

General Revenue Deposit

376. (1) The total amount of all taxes collected and all money received in any year General revenue

- (a) shall be paid into the general revenue of the municipal district, and
- (b) shall be deposited in a chartered bank or treasury branch to the credit of the municipal district, and
- (c) shall be made available for the payment of
 - (i) the general expenditures of the municipal district, and

- (ii) any amount payable by the municipal district to any municipal hospital district, school division or school district, and
- (iii) any amount payable by the municipal district under *The Educational Tax Act* and *The Municipal Hail Insurance Act*.

(2) Arrears of taxes that have been hypothecated as security for a loan shall when collected be kept separate and applied as far as necessary in the payment of the loan.

Temporary Loans

Power to borrow

377. (1) Where authorized under the provisions of this Act or any other Act to levy taxation for any purpose, including ordinary current expenditure and if authorized by by-law, the council either before or after the passing of the by-law authorizing the rate of taxation may by promissory note or notes under the seal of the municipal district duly attested by the signatures of the reeve or the deputy reeve 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.

Security for borrowing

(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 repayment of the money

- (a) the whole or any part of all unpaid taxes and penalties on taxes assessed or levied in any previous years, together with penalties thereon, and
- (b) the whole of the taxes for the current year or such part thereof as is considered expedient.

Additional security for borrowing

378. (1) As additional security the amount of a borrowing under section 377 is a first charge for the year in which the borrowing takes place upon the taxes collected for the purpose for which the amount was borrowed.

(2) The municipal district shall retain out of the taxes a sum sufficient to repay the amount referred to in subsection (1).

Borrowing limited

379. When any borrowing takes place to meet the current ordinary expenditure of the municipal district the total amount borrowed and outstanding shall not exceed seventy-five per cent of the total taxes levied in the current year by the municipal district to meet the expenditure.

Responsibility of lender

380. A person lending a sum to a municipal district under section 377 is not required

- (a) to establish the necessity for borrowing the same,
- (b) to ensure that it is expended for the purpose for which it is borrowed.

Money By-laws—General

381. Subject to section 382 and section 383, a municipal district may pass by-laws Powers of municipal district to contract debts

- (a) to contract debts by borrowing money or otherwise, and
- (b) to levy taxes for the payment of the debts on the lands, buildings and improvements in the municipal district,

for a purpose within the jurisdiction of the municipal district or for roads, bridges, waterworks or drainage works to be built outside the limits of the municipal district.

382. (1) If the council desires to borrow money or contract a debt for any lawful or authorized purpose and the repayment of the money borrowed or the debt contracted is not provided for out of the revenues of the current year, it shall pass a by-law for that purpose. Debenture by-law

(2) Except as otherwise provided in this Act, a by-law for borrowing money or contracting debts not payable out of the revenues of the current year Debts not payable out of revenue

- (a) shall provide for the issue of debentures, and
- (b) shall provide for the levy of annual taxes for the payment of the borrowings or the debts contracted, and
- (c) shall receive the assent of two-thirds of the proprietary electors voting thereon before the final passing of the by-law.

(3) No municipal district has power to pass by-laws to contract general debts to a greater extent than five per cent of the assessed value of the lands, buildings and improvements in the municipal district. General debts limited

383. 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 exceeding forty years from the date of the debentures issued thereunder. Term of debt

Debenture By-laws

384. (1) A by-law creating a debt shall state by recital or otherwise Requirements 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 year,
- (c) the rate of interest and whether the interest is to be paid annually or semi-annually,
- (d) the assessed value of the lands, buildings and improvements in the municipal district according to the last revised assessment roll,

- (e) the amount of the existing debenture debt of the municipal district and how much, if any, of the principal or interest thereof is in arrears, and
- (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.
- Form of debenture by-law**
- (2) The by-law
- (a) shall authorize the issue of debentures for the amount of the debt to be created by the issue of debentures,
- (b) shall determine the amount or denomination of the debentures,
- (c) shall fix the rate or rates of interest payable on the debentures and name the places where and the times when the principal and interest are payable,
- (d) shall provide for the levy of an annual tax sufficient to pay the principal and interest of the debenture, and
- (e) shall generally be in such form and contain such further provisions as may be required by the Board.
- Effective date of debenture by-law**
- (3) The by-law shall name a day when the by-law is to come into effect which shall not be more than three months after the day on which the voting is to take place.
- (4) If no day is named the by-law takes effect on the day of the final passing thereof.
- Repayment provisions of debenture by-law**
- 385.** The by-law may provide that the indebtedness will be payable
- (a) in such manner that the principal and interest are combined and made payable in as nearly as possible equal annual instalments during the period for which the debentures have to run, or
- (b) in such other manner as may be approved by the Board.
- Redemption of debentures**
- 386.** (1) Subject to the approval of the Board the by-law may provide that all or some of the debentures authorized thereby are redeemable at the option of the municipal district at any time or at such time or times in advance of maturity as the by-law prescribes.
- (2) The by-law shall specify
- (a) the place of redemption,
- (b) the manner of publishing notice of intention to redeem,
- (c) the price or prices at which the debentures can be so redeemed.
- Premium on redemption of debentures**
- (3) The price or prices specified in the by-law may include such premium or premiums if any on redemption as may be provided in the by-law.
- (4) The council

- (a) may subsequently exercise the option to redeem all or any of the redeemable debentures, and
- (b) may set a date for redemption in advance of the maturity thereof.
- (5) If a notice of intention to redeem has been given as hereinafter set forth, the principal of every debenture so to be redeemed becomes due and payable on the date set for redemption and from and after that date interest ceases to accrue on the debentures so to be redeemed. Notice of intention to redeem debentures
- (6) A notice of intention to redeem
- (a) shall be sent by post at least thirty days before the date set for redemption to the person, if any, in whose name the debenture is registered and addressed to him at the address shown in the debenture register, and
- (b) shall be published in such manner as may be set out in the by-law.
- (7) A debenture that is redeemable shall contain a provision or endorsement stating that the debenture is issued subject to redemption and the provision or the endorsement shall specify Redemption endorsement on debenture
- (a) the place of redemption,
- (b) the price or prices at which the debenture is redeemable, and
- (c) the manner of giving notice of intention to redeem.
- (8) Where only some of the debentures issued under the by-law are to be redeemed at any one time the debentures to be redeemed shall be only those having the latest maturity dates so that no debenture issued under the by-law will be called for redemption before a debenture that has a later maturity date. Debentures available for redemption
- (9) Where only some of the debentures maturing together on a stated day are to be redeemed the debentures to be redeemed shall be selected by lot. Selection of debentures to be redeemed
- (10) Where a debenture is redeemed on a day before maturity the redemption does not affect Effect of redemption of debenture
- (a) the validity of a by-law by which special assessments are imposed or instalments thereof levied,
- (b) the validity of the special assessments or levies, or
- (c) the powers of the council to continue to levy and collect the special assessments and instalments thereof.
- (11) The provisions of this section apply Validity of debenture by-law
- (a) to a by-law heretofore passed providing for redemption of debentures as herein set out and containing provisions substantially the same as those contained in subsection (2), and
- (b) to the debentures issued pursuant to that by-law and having an endorsement in compliance with subsection (7),

and the by-law and the debentures as so passed and issued are valid and binding to the same extent as if the by-law had been passed and the debentures issued after this section comes into force.

Retire-
ment of
outstanding
debentures

387. (1) A municipal district, subject to the following provisions and with the approval of the Board may pass by-laws

- (a) to contract debts by borrowing money, and
- (b) to levy taxes for the payment of such debts on the lands, buildings and improvements in the municipal district

for the purpose of purchasing or redeeming in advance of the maturity thereof the whole or some of the outstanding debentures of the municipal district.

(2) Notwithstanding the provisions of this Act or *The Public Utilities Act*, it is not necessary for a by-law referred to in subsection (1) to be referred to or assented to by the proprietary electors nor does subsection (3) of section 382 apply to a by-law passed under the provisions of this section.

Manner of
repayment
of debentures

388. 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
debenture
by-law

389. (1) A by-law that 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 for
passing
debenture
by-law

(2) Notwithstanding subsection (1), the Board, upon the application of the council made either before or after the expiration of the period of four weeks, may extend the time for passing the by-law beyond the period of four weeks and in such case the by-law may be passed within the extended time.

Certificate
of approval
of debenture
by-law

390. The council of a municipal district

- (a) that pursuant to a law authorizing the municipal district to do so has heretofore passed, or
- (b) that pursuant to the authority of this Act hereafter passes

a by-law for contracting a debt or incurring a liability or for borrowing money may apply to the Board for a certificate approving the by-law.

Submission of Debenture By-laws to Board of Public Utility Commissioners

Require-
ments of
granting
certificate
of approval
of debenture
by-law

391. (1) No certificate approving a by-law shall be granted

- (a) while an action or proceeding

(i) in which the validity of the by-law is called in question, or
(ii) by which the by-law is sought to be quashed, is pending, or
(b) until two months after the final passing of the by-law,
unless notice of the application is given in such manner and to such persons as the Board may direct.

(2) The certificate may be in Form 28 in Schedule A.

(3) A municipal district that 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 before 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 passed have been substantially complied with.

(5) A by-law approved by the certificate of the Board and the debentures issued or that are thereafter issued in conformity with its provisions are valid and binding upon

(a) the municipal district, and

(b) the property liable to the tax imposed by or under the authority of the by-law

and the validity of the by-law and of every such debenture is not thereafter open to question in any court.

392. (1) Where a by-law has been approved under the provisions hereof the Board upon the application of the council may countersign debentures issued or that are thereafter issued under the authority of the by-law. Counter-signing of debentures

(2) Notwithstanding anything to the contrary in this Act, a countersigning by the Board is conclusive evidence of the validity of the debenture and the validity of the debenture is not thereafter open to question in any court.

(3) The countersigned debentures are valid and binding upon the municipal district and upon the property liable to the tax imposed by or under authority of the by-law.

393. (1) The debentures to be issued under the by-law may be in Form 29 in Schedule A or may be in such other form as is approved by the Board. Interest on 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 is payable thereon, or it may provide for the payment of principal and interest secured thereby in any other manner approved by the Board.

(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.

Series of
debentures

(4) When a series of debentures of the same denomination is issued at the same time each debenture of the series at the time of issue shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same series.

(5) The debentures of each series shall also be distinguished by a mark or symbol different from the mark or symbol appearing on other debentures of any other series.

(6) The said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

Issue of Debentures

Signing
and sealing
of debentures

394. (1) A debenture being issued

(a) shall be sealed with the seal of the municipal district, and

(b) shall be signed

(i) by the reeve or by some person authorized by by-law to sign the debenture in his place, and

(ii) by the secretary-treasurer or by some person authorized by by-law to sign in his place.

(2) A coupon that is attached to a debenture shall bear the signature

(a) of the reeve or of some person authorized by by-law to sign the coupon in his place, and

(b) of the secretary-treasurer or of some person authorized by by-law to sign in his place.

(3) The signatures on the coupons may be engraved or lithographed.

Manner of
issuing
debentures

395. (1) Debentures may be issued all at one time or in instalments at such times as the council deems expedient.

(2) No debenture shall be issued after the expiration of four years after the final passing of the by-law.

(3) A debenture provided it be actually issued within the period of four years may bear any date within the four year period.

Validity of
debenture

396. A debenture that is issued under this Act is valid and binding upon the municipal district notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the municipal district in respect of the debenture, if

(a) the by-law has received the assent of the required number of proprietary electors voting thereon, where the assent of the proprietary electors is required, and

(b) no successful application has been made to quash the by-law in respect of the debenture within two months after its final passing.

397. Where

- (a) the interest for one year or more on a debenture issued under a by-law, or
- (b) the principal of a debenture that has matured,

has been paid by the municipal district, the by-law and the debentures issued under it are valid and binding upon the municipal district and are not open to question in any court even if the assent of the required number of proprietary electors has not been obtained.

Validity of
debenture
where
assent
lacking

398. (1) The council of a municipal district pending the issue or the sale of any debentures authorized by by-law or instead of selling and disposing of the same may by resolution or by-law authorize the reeve or the deputy reeve and secretary-treasurer

- (a) by way of a loan on the debentures to raise money not exceeding eighty per cent of the par value of the debentures, and
- (b) to hypothecate the debentures for the loan.

(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.

(3) The lender is not required to ensure the application of the proceeds of the loan to the purposes thereof.

Hypothecation of
debenture

Repayment of Debentures

399. (1) The council of a municipal district that has issued a debenture under this Act shall in every year when preparing the estimates pursuant to section 331 include in the estimate the sum or sums necessary to meet the debenture instalments falling due during the year.

(2) The council by by-law shall authorize the secretary-treasurer to levy the amount required to be raised to pay the instalment of a debenture debt falling due in each year.

(3) The levy for debenture repayment purposes shall be made in addition to and together with the levy authorized for ordinary municipal purposes.

Levy to
cover
debenture
debt

400. (1) If a council in any year neglects to levy the amount required to be raised to pay the instalment falling due of a debenture debt of the municipal district before the time for levying the next annual rates, each member of that council is disqualified from holding any municipal district office for the next two years.

(2) If a member of the council shows to the satisfaction of a judge or tribunal before whom or before which the question of the member's qualification arises that the member made reasonable efforts to procure the levying of the amount required to be raised to pay the instalment of a debenture debt, that member of the council is not liable to the penalty imposed by this section.

Failure to
levy to
cover
debenture
debt

Separate
account for
debenture
debt

401. (1) The secretary-treasurer shall keep in his books a separate account of each debenture debt which shall be distinguished from all other accounts in the books by a heading sufficient to designate the purpose for which the debt was contracted.

(2) The secretary-treasurer shall keep the account referred to in subsection (1) with any others that are necessary so as to exhibit at all times the state of each such debt and the amount of moneys raised, obtained and appropriated for repayment thereof .

Debenture Register

Debenture
register

402. (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

- (a) each by-law authorizing the issue of debentures, and
- (b) all debentures issued thereunder.

Memoran-
dum on
debenture

(2) A debenture being issued shall have written, printed or stamped thereon a memorandum with the proper particulars inserted therein in Form 30 in Schedule A.

Validity of
registration
of debenture

(3) If a debenture is registered in the debenture register it is valid and binding in the hands of the municipal district or a *bona fide* purchaser for value notwithstanding a defect in form or substance therein.

Evidence of
registration
of debenture

- (4) A certificate
 - (a) signed by the reeve and secretary-treasurer, and
 - (b) sealed with the corporate seal of the municipal district,

to the effect that a debenture has been duly registered in the debenture register is *prima facie* evidence of the registration thereof.

(5) A debenture being issued by the council may contain a provision in the following words:

"This debenture or any interest therein shall not after a certificate of ownership has been endorsed thereon by the secretary-treasurer of this municipal district be transferable except by entry by the secretary-treasurer in the debenture register of this municipal district."

Transfer of
debentures

(6) Where debentures are issued containing the provision mentioned in subsection (5) the secretary-treasurer shall enter in the debenture register

- (a) a copy of all certificates of ownership of debentures that he gives, and
- (b) each subsequent transfer of each such debenture.

Authority to
transfer
debenture

(7) No entry shall be made in the debenture register except upon the written authority of the person last entered in the book as the owner of the debenture or his executors or administrators or his or their lawful attorneys and such authority shall be retained and duly filed by the secretary-treasurer.

(8) After a certificate of ownership has been endorsed under subsection (7) the debenture is transferable only 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.

403. (1) Where a debenture that is 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 municipal district by by-law may cancel the debenture 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 payable by the same or a different mode of payment, and
- (b) make such debenture redeemable at the option of the municipal district, and
- (c) increase or decrease the rate of interest on such debenture.

(2) Where a debenture has been sold, transferred, mortgaged, pledged, hypothecated or otherwise disposed of, the municipal district may amend, cancel and re-issue the debenture upon acquiring the debenture as holder or upon the request of the holder of the debenture.

(3) Neither the period over which the indebtedness was originally spread nor the term at the end of which the indebtedness was made payable, whichever is the case, 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.

(4) No by-law shall be passed pursuant to this section until it has been approved by the Board and it is not necessary for any such by-law to be referred to or assented to by the proprietary electors.

(5) For the purposes of this section the hypothecation of debentures under section 398 at any time heretofore or hereafter made does not constitute a sale or other disposal thereof.

Reserve Fund

404. (1) A reserve fund may be formed by a municipal district

- (a) 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 municipal district for the previous year, and
- (b) by including in the estimate for each of the two following years a sum calculated in the same way.

(2) All money collected in respect of the reserve fund shall be paid into a reserve fund trust account.

- Withdrawals from reserve fund (3) The reserve fund when completely formed may be drawn upon to discharge a liability of a nature for which money can be temporarily borrowed under the provisions of this Act.
- Redeposits in reserve fund (4) Money withdrawn 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.
- (5) Money that is not redeposited under subsection (4) before the preparation of the succeeding annual estimate shall be provided for in that annual estimate.
- Investment of reserve funds **405.** If the municipal district's general revenue on deposit exceeds the indebtedness, liabilities or commitments of the municipal district 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, but in no other investment.

PART IX

LEGAL PROCEEDINGS

Actions by and against Municipal Districts

- Right of action **406.** Where
- (a) duties, obligations or liabilities are imposed by law upon a person, company or corporation, or
 - (b) contracts or agreements are or have heretofore been created, enacted or validated by a statute imposing such duties, obligations or liabilities,
- the municipal district may by action enforce the duties or obligations and the payment of the liabilities and obtain as complete and full relief and 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.
- Notice of intention to bring action **407.** (1) Where
- (a) a by-law, order or resolution is illegal in whole or in part, or
 - (b) anything has been done under it that by reason of the illegality gives any person a right of action,
- no 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 municipal district.
- Action against municipal district alone (2) The action shall be brought against the municipal district alone and not against a person acting under the by-law, order or resolution.

408. (1) Where the municipal district tenders amends Costs of action to the plaintiff or his solicitor,

(a) if the tender is pleaded and if traversed proved, and
 (b) if no more than the amount tendered is recovered, the plaintiff shall have no costs but costs shall be taxed to the municipal district 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.

(2) The council of a municipal district upon a claim being Payment of compensation into court made or action brought for damages for alleged negligence on the part of the municipal district, may tender or pay into court pursuant to the Rules of Court in that behalf such amount as the council considers proper compensation for the damages sustained.

(3) If

- (a) the claimant does not accept the tender or the amount paid into court, and
- (b) the action is proceeded with, and
- (c) no greater amount is recovered than the amount so tendered or paid into court,

the costs of the suit, or the costs of the suit subsequent to payment into court, if no tender has been made, shall be awarded to the municipal district and set off against any amount recovered against the municipal district.

Quashing By-laws and Resolutions

409. (1) An elector of the municipal district may apply Application to quash by-law to a judge upon motion to quash for illegality a by-law, order or resolution of the council in whole or in part.

(2) The judge upon the motion may

- (a) quash the by-law, order or resolution in whole or in part, and
- (b) according to the result of the application, award costs for or against the municipal district, and
- (c) determine the scale of the costs.

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

(4) Before the motion is made the applicant, or if the applicant is a corporation, some person on its behalf, shall enter into recognizance before the judge, the applicant or the person on behalf of the corporation, 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 that might be awarded against the applicant. Recognizance

(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.

(6) Instead 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 that might 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.

(7) Upon determination of the proceedings the judge in his discretion may order that the money that was paid into court

(a) be applied in the payment of costs, or

(b) be paid out to the applicant,

according to the result of the application.

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

Time limit
for appli-
cation 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 proprietary electors that has not been submitted to or has not received the assent of the proprietary electors entitled to vote thereon, when an application to quash the by-law may be made at any time.

Violation of
*The Contro-
verted
Municipal
Elections
Act*

410. A by-law the passing of which has been procured through or by means of any violation of the provisions of section 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 Municipal Districts

Writ of
execution

411. (1) A writ of execution against a municipal district may be endorsed with a direction to the sheriff of the judicial district in which the municipal district is situate to levy the amount named in the writ by rate.

(2) Where the sheriff is directed to levy by rate he shall deliver a copy of the writ and endorsement to the secretary-treasurer of the municipal district with a statement in writing of the amount required to satisfy the execution, including the sheriff's fees and the amount of interest calculated to a day as near as is convenient to the day of the service.

Failure to
satisfy writ
of execution

(3) If the amount with interest thereon from the day calculated in the statement is not paid to the sheriff within thirty days after delivery of the copy of the writ to the secretary-treasurer the sheriff

(a) shall examine the assessment roll of the municipal district, and

(b) shall in like manner as taxes are fixed for general municipal district purposes set a tax sufficient to cover the amount claimed with such addition to the

amount claimed as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when the tax will probably be available.

- (4) The sheriff
 - (a) shall thereupon issue an order under his hand and seal of office directed to the secretary- treasurer, and
 - (b) shall annex thereto a statement of the tax set by him, and
 - (c) shall by the order after reciting the writ and that the corporation had neglected to satisfy the writ and referring to the tax annexed to the order, command the secretary-treasurer to levy the tax at the same time and in the same manner as the general annual taxes.

(5) At the time for levying the annual taxes next after the receipt of the order, the secretary-treasurer

- (a) shall add a column to the tax roll headed "Execution tax in..... versus the
(name of plaintiff)
Municipal District of..... No.....", adding a similar column if there are more executions than one, and
- (b) shall insert the amount that is required to be levied upon each person respectively pursuant to the order, and
- (c) shall levy the amount of the execution tax, and
- (d) within the time that he is required to make the returns of the general annual tax shall 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 within ten days after receiving the amount levied return any surplus to the secretary-treasurer for the general purposes of the municipal district.

Surplus after satisfying writ of execution

(7) If the secretary-treasurer of a municipal district against which an execution has issued is not paid by percentage fixed by a by-law of the municipal district he shall be paid for the collections a sum not exceeding two and one-half per cent of the total amount of the collections.

Collection fee

412. For the purpose 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.

Duties re writs of execution

PART X

GENERAL OFFENCES AND PENALTIES

Offences by Councillors

Forfeiture of
council seat

413. A member of the council

- (a) holding, enjoying, undertaking or executing a contract or agreement the holding, enjoying, undertaking or execution 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,

is 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, and in default of payment to imprisonment for a term of not more than two months.

Penalty on
councillor
for unauthor-
ized public
works
expenditure

414. (1) A member of a council who spends or authorizes the expenditure of any funds of the municipal district

- (a) upon or with respect to any public work in the municipal district, or
- (b) 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, is 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 of not more than two months, in addition to incurring liability for any civil action instituted against him by the municipal district or any ratepayer thereof.

(2) A councillor is not liable under this section for authorizing necessary work in an emergency where the authorization is subsequently ratified by the council.

Penalty for
diversion of
debenture
proceeds

415. (1) If the council diverts any of the proceeds of a debenture issue for current or other expenditure

- (a) the members of the council who vote for the diversion of the moneys are personally liable for the amount so diverted, and
- (b) the amount diverted may be recovered by the municipal district by action in the Supreme Court against the members who voted for the diversion.

(2) The members of the council who vote for any such diversion are disqualified from holding any municipal office for a period of two years.

(3) If the council upon the request of an elector refuses or neglects for one month after the request to bring an action for improper diversion under subsection (1) in the name of

the municipal district, the action may be brought by an elector on behalf of himself and the other electors of the municipal district.

Offences by Officials

- 416.** (1) A secretary-treasurer Penalties on secretary-treasurer for offences
- (a) who refuses or neglects to prepare any list of electors as required by this Act, or
 - (b) who neglects or omits to enter upon the list of electors the name of a person whose name appears upon the assessment roll, or
 - (c) who neglects or omits to enter upon the list of electors any other particular or the name of any other person that he is required by this Act to enter thereon, or
 - (d) who refuses, neglects or omits to revise the list of electors in accordance with any of the requirements of this Act,

is guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars and costs in respect of each such refusal, neglect or omission.

(2) For the purposes of this section the expression "list of electors" includes a copy thereof that the secretary-treasurer is required to prepare under this Act. "list of electors"

- 417.** (1) The secretary-treasurer Duty of secretary-treasurer re financial statement
- (a) shall keep and make use of such books of record and account as the Minister requires him to keep and use, including the debenture register required under this Act, and
 - (b) shall prepare and submit monthly to the council a correct statement of the moneys to the credit of the municipal district.
- (2) An official of the municipal district Penalty for improper discharge of duties
- (a) who wilfully refuses, neglects or fails to discharge the duties of his office, or
 - (b) who knowingly signs a statement, report or return that is required by this Act or by any other enactment in force in the Province and that contains a 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 municipal district in his possession,

in addition to any civil liability that he might incur is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars.

Penalty on
secretary-
treasurer re
assessment
roll offences

418. If a secretary-treasurer

- (a) wilfully or fraudulently inserts in the assessment roll the name of a person that should not be entered therein, or
- (b) wilfully or fraudulently omits from the assessment roll the name of any person that should be entered therein, or

(c) wilfully neglects a duty required of him by this Act, he is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars.

Inspector
under *The
Noxious
Weeds Act*

419. An inspector appointed by the municipal district in accordance with the provisions of *The Noxious Weeds Act* who refuses or neglects to perform a duty placed upon him by that Act or by the council is guilty of an offence and liable on summary conviction to a fine of not less than ten dollars nor more than fifty dollars.

Penalty for
misuse of
forms

420. A secretary-treasurer or other officer of a municipal district

- (a) who issues a receipt for taxes or other moneys that he has received on behalf of the municipal district, or
- (b) who uses any notice, return, statement or other form whatsoever,

that is in a form other than that prescribed by the Minister is guilty of an offence and liable on summary conviction to a fine of not less than ten dollars and not more than one hundred dollars.

Miscellaneous Offences

Penalty for
improper
forms

421. (1) No person shall print, publish or sell blank receipts or any notices, returns, statements or other forms whatsoever to or to be used by or intended to be used by a municipal district in a form other than that prescribed by the Minister.

(2) A person or firm printing, publishing or selling blank receipts or any notices, returns, statements or other forms whatsoever to be used or intended for use by a municipal district contrary to the provisions of this Act is guilty of an offence and liable on summary conviction to a fine of not less than ten dollars and not more than one hundred dollars.

Penalty for
hindering
construction
of public
works

422. A person who interrupts, hinders or molests a person while engaged under the authority of a council in making an examination for, or in constructing, maintaining or repairing any public work or any works connected therewith on any land is guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars and costs or to imprisonment for a period of not more than thirty days, or to both.

423. 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. Enforcement of penalties, etc.

424. All moneys accruing from fines or penalties under this Act, otherwise than from violations of municipal district by-laws, belong to the General Revenue Fund of the Province unless otherwise provided by this Act. Disposition of fines and penalties

PART XI

MISCELLANEOUS

District Highways

425. (1) In this section "district highway" means a district highway established as such by the District Highways Board appointed pursuant to *The Public Highways Act*. "district highway"

(2) Subject to this section, a council by by-law may prohibit the construction, placing or laying, either above or below the ground, of District highway by-laws

(a) power transmission poles, lines or cables,

(b) telegraph poles, lines or cables, and

(c) buildings or wells,

closer to the centre line of a district highway than fifty-one feet.

(3) In lieu of or in addition to prohibiting the construction, laying or placing of any of the works or things referred to in subsection (2) within fifty-one feet of the centre line of a specified district highway, the by-law may permit the same within fifty-one feet of the centre line of a specified district highway or any part of such highway upon such terms and conditions as may be set out in the by-law.

(4) A by-law made pursuant to subsection (1)

(a) shall make provision for funds for the payment of compensation to any person who might suffer damage as a result of the by-law,

(b) may prescribe, for failure to comply with a by-law made pursuant to subsection (2) or to comply with any terms or conditions of the construction, laying or placing of any of the works or things referred to in subsection (2), a fine not exceeding two hundred dollars, and for a term of imprisonment not exceeding thirty days for default of payment of any fine under the by-law,

(c) may authorize the removal, at the expense of the owner, of any works or things that were constructed, laid or placed in contravention of the by-law.

(5) Where there is a disagreement between the council and a person who claims to have incurred damage or loss as a result of a by-law under this section, compensation shall be determined by arbitration under the provisions of *The Arbitration Act*.

Repeal **426.** *The Municipal District Act*, being chapter 151 of the Revised Statutes of Alberta, 1942, is hereby repealed.

Coming into force **427.** This Act comes into force on the first day of July, 1954.

SCHEDULE A

FORM 1

(Section 68)

NOTICE TO ACCOMPANY AUDITOR'S REPORT

Take notice that a meeting of the electors of the Municipal District of..... No..... will be held at one o'clock in the afternoon on Saturday the day of February, 19....., for the discussion of municipal affairs, and that at the same place and on the same day, the returning officer will receive nominations of candidates for the office of councillor from three o'clock in the afternoon to four o'clock in the afternoon.

.....
Secretary-Treasurer.

FORM 2

(Section 92)

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 corporation known as.....
2. That I am of the full age of twenty-one years.
3. That the said corporation is entered on the assessment roll of the municipal district as the owner, conditional owner or purchaser of assessable land within the Municipal District of No.....

4. That I am not entitled to vote at this election otherwise than as representing the said corporation.

Sworn before me at.....
 in the Province of Alberta,
 this.....day of.....
 19.....

.....

*Returning Officer, Deputy
 Returning Officer or Poll
 Clerk.*

FORM 3

(Sections 94, 101)

NOTICE OF NOMINATION OF CANDIDATES FOR THE OFFICE OF COUNCILLOR AT A FIRST OR SPECIAL ELECTION

Notice is hereby given that on.....the.....
 day of.....19..... (*here insert the date fixed
 for nomination*) I will at.....from
 three o'clock in the afternoon until four o'clock in the after-
 noon receive nominations for the office of councillor.

(*Here set out the number of councillors to be elected or
 the electoral divisions in which a vacancy exists, in the
 following or a similar form.*)
councillors are to be elected (*or as the
 case may be.*)

Councillors are to be elected for the following electoral divisions:

.....

 day of....., 19.....

Returning Officer.

FORM 4

(Section 97)

NOTICE OF MUNICIPAL MEETING AND NOMINATION OF CANDIDATES AT GENERAL ELECTION

Notice is hereby given that a meeting of the electors of the Municipal District of..... No..... will be held at..... at one o'clock in the afternoon on Saturday, the.....day of February, 19..... (*here insert the date of the third Saturday in February*) for the discussion of the affairs of the district, and that from three o'clock in the afternoon to four o'clock

in the afternoon on the same day and at the same place nominations for the office of councillor will be received.

.....Councillors are to be elected (*or as the case may be*).

Councillors are to be elected for the following electoral divisions :

.....
.....
.....
..... day of, 19.....

Returning Officer.

FORM 5

(Section 105)

NOMINATION PAPER

We, the undersigned electors (of Electoral Division Number.....) of the Municipal District of..... No....., hereby nominate.....

(here insert the name, residence

and occupation of the person nominated)

for the office of councillor.

..... day of, 19.....

(Signatures of two electors)

FORM 6

(Section 105)

CANDIDATE'S ACCEPTANCE

I, of..... hereby state:

1. That I can read and write in the English language, and
2. That I am a Canadian citizen, and
3. That I am of the full age of twenty-one years, and
4. That I am not disqualified under this or any other Act, and
5. That I am a resident at this date in Electoral Division No..... of the Municipal District of..... No....., and

6. That I am assessed in the said municipal district with respect to the following lands and no other lands.....

(description of lands)

7. That my name appears upon the last revised assessment roll of the municipal district as the owner, conditional owner or purchaser of land that is not exempted from taxation.

(or in the case of a first election)

That I have been the owner, conditional owner or purchaser of assessable land in the municipal district for a period of at least two months prior to the date of my nomination, and

8. That I will accept the office if elected.

Signed this day of 19

Signature of Candidate.

In the presence of

Signature of Witness

FORM 7

(Section 105)

CERTIFICATE OF QUALIFICATION FOR NOMINATION

I do hereby certify that of is not at the present time disqualified by virtue of clause (g) of section 85 of The Municipal District Act, 1954, from being a candidate for election as a member of the council of the Municipal District of

Dated at , the day of 19

Secretary-Treasurer

Municipal District of

FORM 8

(Section 112)

ENUMERATOR'S OATH

I, the undersigned (name in full)

of (residence) (occupation)

appointed enumerator for Division No. of the Municipal District 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 Enumerator R.O., J.P., a Commr. or N.P.

FORM 9

(Section 122)

NOTICE OF ELECTION

Election by Electoral Divisions

Public notice is hereby given that an election will be held for a councillor for Electoral Division Number..... of the Municipal District of..... No..... for the year 19....., and the election will take place on....., the day of....., 19....., from nine o'clock in the forenoon to five o'clock in the afternoon.

The electoral division has been provided with the following polls:

Poll No. 1 is at.....

Poll No. 2 is at.....
(etc.)

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

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

.....
Returning Officer

FORM 10

(Section 127)

BALLOT PAPER

COUNCILLORS

ANDREWS, Harry

BLACK, William

DAVIES, Edward

FORM 11

(Section 128)

ELECTION PENALTIES

Section 195 of *The Municipal District Act, 1954*

"195. (1) No person

"(a) shall supply a ballot paper to a person without due authority, or

"(b) shall fraudulently put into a ballot box a paper other than the ballot paper that he is authorized by law to put in, or

- “(c) shall fraudulently take a ballot paper out of the poll,
or
- “(d) shall 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) shall 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.
or
- “(f) shall 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.
- “(2) Clause (e) of subsection (1) shall not be construed to include a person who applies for a ballot paper believing that he is the person intended by the name entered on the list of electors in respect of which he so applies.
- “(3) An attempt to commit an offence specified in this section is an offence.
- “(4) A person who contravenes a provision of this section is guilty of an offence and liable on summary conviction
- “(a) if he is the returning officer, to imprisonment for a term of not more than two years,
- “(b) if he is a person other than the returning officer, to imprisonment for a term of not more than six months,
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.”

FORM 12

(Section 130)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

The voter shall go into the compartment and with a pencil provided in the compartment place a cross (thus X) on the right hand side opposite the name of the candidate for whom he votes or at any other place within the division which contains the name of the candidate.

The voter shall fold up his ballot paper so as to show the initials of the deputy returning officer on the back and immediately after leaving the compartment shall without showing the front of the ballot paper to any person, deliver the ballot paper so folded to the deputy returning officer and forthwith quit the poll.

If the voter inadvertently spoils his ballot paper he may return it to the deputy returning officer who will 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 and shall 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 his ballot paper has been torn, defaced or otherwise dealt with by him so that he may thereby be identified it will be void and not counted.

If the voter takes a ballot paper out of the poll or deposits in the ballot box any other paper than the one given to him by the officer he will be guilty of an offence and liable on summary conviction to imprisonment for any term of not more than six months.

FORM 13
(Section 135)
POLL BOOK

For Poll No. (of Electoral Division No.), of the Municipal District of No.
Record of voting held this day of 19..... for voting on
(state purpose of vote)

Name of Voter	His No. on the list of electors	Voted	Sworn or refused to swear	Remarks

FORM 14
(Section 136)

OATH OF ELECTION OFFICIALS

Canada } I,
Province of Alberta } of
To wit: }

in the Province of Alberta, do swear:

1. That I will not at any time disclose to anyone the name of any person who has voted at the election to be held in the Municipal District of No. on the day of, 19....., and
2. That I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted, and

3. That I will not in any way aid in the unlawful discovery of the candidate or candidates for whom an elector has voted, and

4. That I will keep secret all knowledge that may come to me of the person for whom an elector has voted.

So help me God.

Sworn before me at.....
in the Province of Alberta,
this..... day of.....,
19..... }
..... }
R.O., D.R.O., J.P., N.P. or
Commr., etc.

FORM 15

(Sections 144, 200, 204, 214)

AFFIRMATION OF ELECTOR BEFORE FIRST LIST OF ELECTORS

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 Electoral Division No..... of the Municipal District of..... No....., a description of which land is set opposite his name.

NAME	LAND VOTED ON

FORM 16

(Sections 145, 146, 200, 205, 215, 216)

OATH FOR THE PURPOSE OF GETTING ON THE LIST OF ELECTORS

You do swear (or solemnly affirm) that on the second Saturday in March last you were entitled to be placed upon the list of electors of the Municipal District of..... (in Division No.....) and that

you are of the full age of twenty-one years, and that you are the purchaser who is entitled to the possession of or (or whichever is the case) that you are the lessee under the provisions of *The Public Lands Act* of.....

(here insert the description of the parcel in respect of which the person swearing or affirming claims to be entitled to vote) (or whichever is the case)

That there is no purchaser of.....

(here insert the description of the parcel) and that you are the owner thereof.

Sworn or affirmed before me }
at the }
..... day of..... }
19..... }
..... }
R.O., D.R.O., or Commr. }

Or

You do swear (or solemnly affirm) that you are a Canadian citizen, that you are of the full age of twenty-one years, and that you have resided in Division No..... in the Municipal District of..... for a continuous period of six months immediately preceding the third Saturday of February, 19....., and that you now reside in said division.

Sworn or affirmed before }
me at }
the day of }
....., 19..... }
..... }
R.O., D.R.O. or Commr. }

FORM 17

(Sections 147, 149 and 150)

OATH OF PERSON OBJECTED TO

You swear (or solemnly affirm)

1. That you are the person named (or intended to be named) by the name of..... on the list of electors now shown to you;
2. That you are duly qualified to vote in this municipal district in Electoral Division No.;
3. That you have not voted before at any poll in this municipal district at this election;
4. That you have not directly or indirectly received any reward or gift and do not expect to receive any reward or gift for the vote that you tender at this election;
5. 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, travelling expenses, hire of teams or any other service connected with this election;

6. That you are of the full age of twenty-one years; (and in case the elector is not qualified by virtue of his name being on the assessment roll);

7. That you are a Canadian citizen.

Sworn (or affirmed) before me at....., the day of....., 19..... } Officer Presiding at the Poll.

FORM 18 (Section 154)

AFFIRMATION OR DECLARATION OF ILLITERATE ELECTOR

I, of being a duly qualified elector at the election hereby declare that I am unable to read.

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

In the presence of (Mark)

Deputy Returning Officer

FORM 19 (Section 171)

CERTIFICATE OF DEPUTY RETURNING OFFICER

I, the Deputy Returning Officer for Poll No..... of Electoral Division No....., of the Municipal District of..... No..... 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

Deputy Returning Officer

FORM 20 (Section 176)

STATEMENT AS TO CASTING VOTE

This casting vote was given by me to ensure the election of.....

Returning Officer

FORM 21

(Section 210)

NOTICE OF VOTING ON BY-LAWS

Public notice is hereby given that a vote will be held in the Municipal District of..... No..... for voting on By-law No....., being a by-law for the purpose of

(here insert a short synopsis of the by-law)

The voting will take place on..... the..... day of....., 19....., from nine o'clock in the forenoon to five o'clock in the afternoon. .

Polls will be situated at the following locations:

Poll No. 1 is at.....

Poll No. 2 is at.....

etc.

I will at..... on..... the..... day of....., 19....., at twelve o'clock noon sum up the votes for and against the by-law and declare the result of the vote.

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

Returning Officer

FORM 22

(Section 211)

BALLOT FOR VOTING ON BY-LAWS

BY-LAW NO.....

(Insert the title of the By-law)

FOR

AGAINST

FORM 23

(Section 254)

SURVEYS

I, of the..... (name of surveyor) (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 dates of and, 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
in the Province of Alberta,
this day of
19..... }
..... } *Alberta Land Surveyor*
A Commissioner, etc.

FORM 24
(Section 254)

SURVEYS

I hereby certify that the survey represented by this plan has been made according to the instructions of the council of the Municipal District of No..... under the provisions of *The Municipal District Act, 1954*.

.....
Secretary-Treasurer

FORM 25
(Sections 305 and 306)

LIEN

I, of the Municipal District of No....., in the Province of Alberta, farmer, having obtained an advance of from the municipal (seed grain, fodder, or whichever was the case) district to the value of dollars, for which I have this day given the municipal district my promissory note payable on demand, with interest at the rate of per cent per annum, hereby agree that the said amount and interest shall be and remain a lien and charge upon my interest in section township range west of the meridian, and upon my interest in any other lands, and also upon all the crops grown or to be grown upon the lands herein described and upon all crops grown or to be grown on any other lands farmed by me, and upon all crops owned by me, until all advances made pursuant to this Act, together with interest thereon, are repaid.

Signed at in the Province of Alberta,
the day of, 19.....

.....
Witness sign here

.....
Borrower to sign here

.....
*Signature of owner where
the borrower is not the
owner*

FORM 26

(Section 317)

DISCHARGE OF LIEN

I do hereby certify that of the
Municipal District of No.
in the Province of Alberta, farmer, has satisfied all money
due under the lien agreement that was filed upon the
day of, 19, in the office of the
Registrar of Land Registration District of
upon the section township range
west of the meridian, and upon all other lands in
which he has an interest and that such lien is therefore dis-
charged.

Dated this day of, 19.....

.....
*Secretary-Treasurer of the Municipal
District of*

FORM 27

(Section 329)

RECOMMENDATION AS TO PUBLIC WORK TO BE
UNDERTAKEN

Recommendation as to work to be undertaken in the year
19.....

Nature of work	Amount to be expended during year	Location

Recommended by
Approved by resolution of the council this day
of, 19.....

.....
Secretary-treasurer

FORM 28
(Section 391)

CERTIFICATE OF BOARD OF PUBLIC UTILITY COMMISSIONERS

Pursuant to *The Municipal District Act, 1954*, 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.....

.....
Chairman

[SEAL]

FORM 29
(Section 393)

FORM OF DEBENTURES

\$..... Debenture No.....

The Municipal District of..... No.....
promises to pay to the bearer at the..... at

..... the sum of.....

dollars of lawful money of Canada in..... equal
consecutive annual instalments of principal and interest at

the rate of..... per cent per annum on the terms
and in the amounts specified in the coupons attached hereto.

Dated this day of, 19.....

.....
Reeve

.....
Secretary-treasurer

[Corporate Seal]

COUPONS

Coupon No..... Debenture No.....

The Municipal District of..... No.....
will pay to the bearer at the..... at.....

on the..... day of....., 19....., the
sum of..... dollars, being the..... instalment

of principal and interest at the rate of..... per cent per
annum due on that date on Municipal Debenture No.....

.....
Reeve

.....
Secretary-treasurer

FORM 30
(Section 402)

MEMORANDUM ON DEBENTURE

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

FORM 31

(Section 250)

PUBLIC NOTICE OF A BY-LAW

Public notice is hereby given that there has been introduced in the council of..... a by-law of which the following is a short synopsis: (*here insert short synopsis of by-law*) and that a copy of the same may be seen in each of the following places: (*here insert a list of the places at which the by-law may be seen*), and further that unless within thirty days from the publication of this notice at least ten per cent of the proprietary electors of the municipal district petition the council to submit such by-law to the vote of the proprietary electors of the municipal district the council will proceed to consider, and if it thinks fit, to pass the same.

SCHEDULE B

Rules under Section 294 (3)

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.

No. 12

SECOND SESSION
TWELFTH LEGISLATURE
3 ELIZABETH II
1954

BILL
An Act respecting Municipal
Districts

Received and read the

First time

Second time

Third time

HON. MR. GERHART
