

BILL

No. 1 of 1911.

An Act respecting Rural Municipalities.

(Assented to

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

SHORT TITLE.

1. This Act may be cited as "*The Rural Municipality Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the Interpretation expression—

1. "Minister" means the Minister of Municipal Affairs for Minister Alberta;
2. "Municipality" means any rural municipality established Municipallty under the provisions of this Act;
3. "Council" means the council of a rural municipality; Council
4. "Reeve" means the reeve of a rural municipality; Reeve
5. "Councillor" means a member of the council of a rural Councillor municipality;
6. "Resident elector" means:
 - (a) For the purpose of any municipal or other election Resident elector provided by this Act held prior to the completion of before completion of the first municipal voters' list or the organization of of voters' list a municipality any person, male or female, of the full age of eighteen years who is actually residing in the municipality or proposed municipality, as the case may be, and who has so resided therein and owned or been the occupant of assessable land therein as provided by this Act for a period of at least two months immediately prior to the date of such election;
 - (b) After the completion of the first municipal voters' Resident elector list any person, male or female, of the full age of eighteen after completion of voters' list years actually residing in the municipality whose name appear on the municipal voters' list and who has paid all taxes due by him to the municipality up to the 31st day of December last preceding:

Provided that in no case shall the owner of land Occupant's right to vote occupied by some person other than such owner be deemed to be a resident elector unless the area of such land exceeds three hundred acres in which case the owner if an actual resident of the municipality as well as the occupant shall be deemed to be a resident elector;
7. "Elector" means any person, male or female, of the full Elector age of eighteen years whose name appears on the municipal voters' list as the owner of assessable land in the municipality and who has paid all taxes due by him to the municipality up to the thirty-first day of December last preceding in respect of such lands;

8. "Owner" includes any person who has any right, title or estate whatever or other interest than that of a mere occupant in any land in a rural municipality; **Owner**

9. "Occupant" includes the inhabitant occupier of any land in a rural municipality or if there be no inhabitant occupier the person entitled to the possession thereof; **Occupant**

10. "Person" includes corporations, joint stock companies and partnerships; **Person**

11. "Secretary" means the secretary or the secretary-treasurer of the municipality; **Secretary**

12. "Treasurer" means the treasurer or the secretary-treasurer of the municipality; **Treasurer**

13. "Assessor" means the assessor of the municipality; **Assessor**

14. "The municipal voters' list" means the voters' list of the municipality as finally revised; **Municipal voters' list**

15. "Land" or "property" includes lands, tenements and hereditaments and any estate or interest therein; **Land**

16. "Public work" includes lands, streams, water courses and property real and personal acquired for public works, dams or dugouts erected or made for the storage of water, roads, culverts, bridges, ferries, ditches, sidewalks, wells, drains, and public buildings and all improvements, alterations and additions made to any such public work; **Public works**

17. "Felony" means any indictable offence which since the passing of *The Criminal Code* is punishable with death or imprisonment for a period of five years or over; **Felony**

18. "Misdemeanour" means any indictable offence for which under *The Criminal Code* the penalty is imprisonment for a term of less than five years; **Misdemeanour**

19. "Hawker" or "pedlar" means and includes any person who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries or exposes samples or patterns of any goods, wares or merchandise to be afterward delivered within the municipality to any person not being a wholesale or retail dealer in such goods, wares or merchandise, but shall not mean or include any person selling meat, fish, fruit, agricultural implements, sewing machines or farm produce by retail. **Hawker and pedlar**

3. Wheresoever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only. **Definition of "herein"**

4. Where forms are prescribed any deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice. **Deviation from forms**

5. Where power to make by-laws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time except where by-laws are made for the purpose of raising money, levying assessments or striking rates. **Power to alter or revoke by-laws**

6. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had taken and if it appears that such date was fixed having regard to an earlier date fixed on or by which certain things are to be done or proceedings had or taken then notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date. **Extension of time**

7. If anything to be done by or under this Act at or within a fixed time cannot be or is not so done the Minister may by order from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired.

Extension
of time by
order of
Minister

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

PART I.

MUNICIPAL ORGANIZATION.

AREA AND BOUNDARIES OF MUNICIPALITIES.

8. Every municipality shall in so far as the same is practicable comprise an area of eighteen miles square or three hundred and twenty-four square miles and all municipalities shall be laid out on a uniform plan as nearly as the conditions of the system of Dominion land survey and the physical features of the province will allow.

Area of
municipal-
ity

9. Prior to the organization of any rural municipality under the provisions of this Act the Minister shall prepare a map of the province on which shall be outlined the area and boundaries of municipalities to be hereafter organized under the provisions of this Act and such boundaries shall be fixed as provided in the next preceding section commencing at the south-eastern corner of the province.

Map of
municipal-
ities

10. No city, town or incorporated village, nor any portion thereof, shall be deemed for the purpose of this Act to be included within the limits of any municipality to be hereafter organized thereunder.

Cities
towns
or villages
not
included

11. The map thus prepared shall at all reasonable hours be open to inspection and the boundaries of every municipality petitioned for shall subject to such variations as may be approved by the Minister correspond with those indicated on the said map.

Map open to
inspection

ORGANIZATION OF A MUNICIPALITY.

12. Whenever the residents of any portion of the province deem it advisable to take steps to organize a municipality in their neighbourhood they shall apply to the Minister for a form of petition and for a plan showing the boundaries of the proposed municipality as indicated on the map referred to in section 9 hereof.

Application
by petition

(2) No such application received by the Minister in any year shall be acted upon by him unless it is received before the first day of August in such year.

13. No portion of the province shall be organized as a municipality unless it contains actually resident therein a population in proportion of one person to each square mile of the area of the proposed municipality.

14. Every petition for the organization of a municipality shall be in such form as is prescribed by the Minister, shall be signed by five resident electors who shall be known as "The Municipal Committee" and shall be verified in such manner as the Minister may direct.

15. Every such petition shall be accompanied by a statement signed by at least fifty resident electors setting forth that the subscribers thereof are desirous of having a vote taken to determine whether or not the proposed municipality shall be organized as provided by this Act which statement shall be in such form as is prescribed by the Minister.

16. Upon receipt of such petition and statement in due form the Minister may forthwith authorize the municipal committee to proceed with an election as hereinafter provided.

17. Upon receipt of such authorization the municipal committee shall forthwith—

- (a) Fix a day, hour and place for taking the poll for and against the organization of a municipality, which day shall not be later than 30 days after the receipt of such authorization;
- (b) Divide the proposed municipality into polling divisions and name a polling place for each division;
- (c) Appoint a suitable person to act as returning officer at the election for the organization of the proposed municipality;
- (d) Appoint a deputy returning officer for each polling place one of whom may be the returning officer.

(2) The polling places shall be located as provided by section 97 hereof.

18. On the taking of a poll for the organization of a proposed municipality all proceedings at the poll and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the manner as nearly as may be as at an election of councillors in an organized municipality.

19. It shall be the duty of the returning officer at least fourteen days prior to the day fixed for the election to post up a notice of such election which shall be in the form following, or to the like effect:

ORGANIZATION.

Public notice is hereby given that, pursuant to a petition forwarded to him, the Minister of Municipal Affairs has authorized a poll to be held to determine whether or not the following

area shall be organized into a municipality, as provided by *The Rural Municipality Act*, namely: (*description of boundaries of proposed municipality*).

That a vote of the resident electors for and against the organization of the proposed municipality will be taken on (*day of week*) the.....day of.....19.... from nine o'clock in the forenoon to five o'clock in the afternoon at the following places:

For Polling Division No. 1 consisting of (*description of division*) at (*name of polling place*).

(*Similarly describe other divisions and polling places.*)

And that I will at (*describe the place*), on (*day or week*) theday of.....19...., at twelve o'clock noon count and sum up the votes and declare the result of such poll.

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

.....
Returning Officer.

(2) Every such notice shall be posted up in the places provided by subsection (2) of section 100 hereof.

Where notices to be posted

20. On the taking of every such poll no poll clerk shall be appointed but the deputy returning officer shall have and perform all the powers and duties of a poll clerk under this Act.

No poll clerk

21. The returning officer shall cause to be printed or prepared a supply of ballot papers to be used for voting for or against the organization of the municipality which ballot papers shall be in the following form:

Form of ballot paper

FOR	
AGAINST	

22. The returning officer shall before the day of polling deliver or cause to be delivered to every deputy returning officer printed directions for the guidance of voters, which directions shall be supplied by the Minister and shall be in such form as he shall direct.

Directions to voters

23. The poll book for the purposes of the election for the organization of a proposed municipality may be in the following form:

Form of poll book

POLL BOOK.

For Polling Division No.....of the proposed municipality of..... Record of Poll held this..... day of.....19....

Name of voter	Voted	Remarks

24. The persons entitled to vote at the taking of the poll for the organization of a proposed municipality shall be

Who may vote

the resident electors thereof; and every person who presents himself for the purpose of voting shall be required by the deputy returning officer before he is handed a ballot paper to sign a declaration that he is a qualified resident elector which declaration shall be in such form as is prescribed by the Minister.

(2) The returning officer if otherwise qualified to vote at the poll may vote but he shall have no casting vote.

(3) Every person who signs such declaration shall be entitled to vote.

(4) Any voter who is unable to write may sign the declaration by making his mark thereon in the presence of the deputy returning officer who shall initial the same and the deputy returning officer shall mark the ballot of such voter in the presence of those who are in the room at the time in accordance with the wishes of such voter.

(5) Every resident elector shall be entitled to vote only in the polling division in which he actually resides.

(6) Any person subscribing to the declaration as aforesaid and who thereby makes any false statement shall be unless he can prove he did not know such statement to be false, guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

25. On the application of any person interested in pro-Scrutineers moting or opposing the organization of the municipality the returning officer or deputy returning officer shall authorize the attendance of two persons on behalf of the party applying at each polling place and at the final summing up of the votes:

Provided however that not more than one set of scrutineers on each side shall be authorized at any one polling place or at the final summing up of the votes.

26. Whenever a person presenting himself to vote has signed the declaration referred to in section 24 hereof, the deputy returning officer shall immediately enter the name of such person in the poll book and hand to such person the ballot paper, which shall be initialled on the back by the deputy returning officer.

27. At the close of the poll each deputy returning officer shall sum up the number of votes cast for and against the organization of the proposed municipality and shall enter a statement thereof in the poll book; and all the ballot papers used or that were intended to be used in voting for or against the organization of the proposed municipality shall in all respects be dealt with in the manner provided by section 144 hereof respecting other ballot papers.

28. Each deputy returning officer shall inclose in the ballot box with the other packets the declaration signed by the voters in his polling division.

29. The returning officer shall at the time and place appointed count and sum up the votes cast for and against the organization of the proposed municipality and shall publicly declare the result.

30. In case of a recount of the votes polled at a vote for the organization of a proposed municipality the judge shall in lieu of the statement required by clause 9 of section 155 hereof transmit to the returning officer a statement showing the number of votes allowed by him for and against such organization.

(2) In case of an equality of votes for and against organization on a recount by a judge the proposal to organize the municipality shall be deemed to have been negated. Equality of votes

31. Until such time as the municipality is declared to be organized the returning officer shall have and exercise all the powers and duties of a secretary as prescribed by sections 149 to 155 inclusive hereof. Returning officer to be secretary

32. At the expiration of the five days provided by section 153 hereof if no recount has been applied for or if a recount has been applied for forthwith after the returning officer has received from the judge a statement of the result of the recount the returning officer shall transmit to the Minister a written statement of the result of the election which statement shall be in such form as is prescribed by the Minister. Statement to be sent to Minister

33. If the statement received by the Minister shows an equal number of votes for and against the organization of a proposed municipality the proposal to organize the municipality shall be deemed to have been negated. Equality of votes defeats organization

34. Upon receipt of such statement and upon being satisfied that the provisions of this Act have been substantially complied with the Minister if the result of the poll was in favour of the organization of the proposed municipality shall by written order declare the municipality to be organized and assign to it a name and number. Minister to declare municipality organized

(2) Such order shall take effect only on, from and after the second Monday of December next following the date of such order.

(3) Notice of such order shall be sent by the Minister to the municipal committee.

35. Notice of the organization of a municipality giving its name and number and a description of its boundaries shall be published in *The Alberta Gazette* and such notice shall be conclusive evidence of the organization of the municipality as of the date provided by the section last preceding and that all the necessary formalities required by this Act have been complied with. Notice of organization

36. If there is a majority of votes against the organization of a proposed municipality all reasonable expenses necessarily incurred in connection with such election shall after the accounts therefor have been approved by the municipal committee be apportioned by the returning officer at such election among the local improvement districts including any large local improvement district which in whole or in part were within the boundaries of such proposed municipality in proportion to the area of each included in such proposed municipality; and unless paid within thirty days after demands made on such local improvement districts as aforesaid by such returning officer the respective sums may be sued for and recovered from the local improvement districts as a debt due from them to the returning officer. Expenses when result against organization

37. The following fees and expenses and no others shall be allowed to the several officers mentioned respectively for Fees

their services and disbursements at the poll for the organization of a municipality and the first election of a reeve and council:

To returning officers:

1. When no poll held..... \$20
2. When poll held..... \$35
3. For necessary printing, the actual reasonable cost.
4. For providing ballot boxes, the actual reasonable cost.

To deputy returning officers:

5. When poll held..... \$5
6. For providing polling booth, the amount actually paid or agreed to be paid, not exceeding..... \$3

ALTERATIONS IN BOUNDARIES OF MUNICIPALITIES.

38. The Minister may by order, notice of which shall be published in *The Alberta Gazette*—

1. Sever any portion of a municipality and annex the same to any adjoining municipality;
2. Annex to any municipality any outlying area hereafter adjacent to but not included within the limits of any municipality;
3. Alter and adjust the boundaries of two or more coterminous or adjacent municipalities;
4. Withdraw from any municipality any area hereafter established as a village under the provisions of *The Village Act*, being chapter 10 of the Statutes of Alberta, 1907, or any Act passed in amendment or substitution thereof.

39. In the event of the boundaries or area of any municipality being altered or changed in any manner as provided in the next preceding section the Minister shall subject to the approval of the Lieutenant Governor in Council have power to make due provision for the settlement and adjustment of all matters arising out of such alteration or change including the disposition of the assets and liabilities of the municipalities affected and every decision of the Minister approved as aforesaid with respect to any such settlement and adjustment shall be final and binding on all parties concerned.

MISDESCRIPTION AND ERRORS IN DEFINING BOUNDARIES.

40. No order purporting to be made under sections 34 or 38 of this Act shall be deemed invalid on account of any non-compliance with any of the provisions of said Act as preliminary to such order; and no misnomer, misdescription or omission in any such order shall in any manner suspend or impair the operation of this Act with respect to the matter misnamed, misdescribed or omitted.

41. Any misnomer, misdescription, omission, or other error in any order made by the Minister under the provisions of this Act may by any subsequent order be corrected and confirmed by the Minister as of the date of the original order.

BOUNDARY LINES OF MUNICIPALITIES.

42. For the purposes of this Act whenever any municipality is wholly or in part described as comprising certain townships, parts of townships or sections in accordance with the system of Dominion lands survey the boundary lines of such municipality except as varied by the description given in the notice required by section 35 hereof shall be 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 allowance shall be the boundary.

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

DISORGANIZATION OF MUNICIPALITY.

43. The Lieutenant Governor in Council may by order notice of which shall be published in *The Alberta Gazette* declare that on and after a day therein to be named any municipality shall be disorganized and thereupon the same and the council thereof shall cease to exercise any of the rights, powers or privileges vested in such corporations by this Act; and upon any such disorganization of a municipality the Minister may appoint one or more persons to adjust and settle the assets and liabilities of such municipality; and such person or persons so appointed shall have subject to the approval of the Minister full power and authority to sell, dispose of and convert into money all the assets and property of such municipality and apply the same so far as the same will extend, first in payment of the liabilities of the said municipality and second in payment of his or their remuneration as hereinafter mentioned; and the surplus, if any, the Minister shall cause to be expended within the area of the municipality disorganized; and in case the amount so realized shall be insufficient to pay and satisfy the liabilities of the said municipality and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment of such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith including his or their remuneration which shall be fixed by the Minister in the same manner as a council and its officers are authorized to do by this Act.

HAMLETS.

44. If at the time of the organization of a municipality there is comprised within its limits any area of land which has been subdivided into building lots or as a townsite and a plan of which has been registered in the land titles office of the land registration district in which it is situated such area shall be known as a hamlet and it shall be under the control of the council of such municipality.

45. Subsequent to the organization of a municipality the registration of any plan as aforesaid shall at once create the area described in such plan a hamlet which shall be under the control of the council of the municipality in which it is situated.

46. The property in every hamlet shall be subject to assessment and taxation by the municipality in the manner hereafter provided and the council shall each year cause at least one-half of the amount of the taxes estimated to be collected within such hamlet for municipal purposes to be expended in public works within the hamlet, if requested so to do by a majority of the owners of lands therein as shown by the last revised assessment roll.

PART II.

MUNICIPAL COUNCIL.

CONSTITUTION OF COUNCIL.

47. The council of every municipality shall consist of five councillors who shall be elected by a general vote of the resident electors of the municipality. Constitution of council

48. The council may, at any time, by by-law, divide the municipality into divisions, to be approved by the Minister, and provide for the election of a councillor from each of such divisions by the vote of the resident electors of the municipality resident within such division; such by-law before coming into force shall be submitted to the resident electors of the municipality and receive the approval of two-thirds of the number of such resident electors voting thereon, according to the procedure herein prescribed for voting on debenture by-laws: Council may be elected by divisions

Provided that the council of any municipality which has passed such a by-law may at any time after the expiration of two years from the date of the passing thereof by by-law, in like manner, abolish such divisions and provide for the election of councillors by a general vote of the resident electors of the municipality.

(2) The provisions of this Act in regard to the election of councillors by a general vote of the resident electors of the municipality shall *mutatis mutandis* apply to the election of councillors from divisions as aforesaid and the Minister shall have power, from time to time, to make such regulations, not inconsistent with such provisions, as he may deem expedient for the conduct of such elections.

49. Every councillor shall hold office for two years. Terms of office

OATHS OF OFFICE.

50. Every member of the council and every officer of the municipality shall before entering upon the duties of his office, make and subscribe a declaration of office to the following effect:

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office (*insert the name of the office*), to which I have been elected (*or appointed, as the case may be*) in this municipality, and that I have not received any payment or remuneration or promise thereof for the exercise of any partiality, abuse or undue execution of the said office, and that I have not by myself or partner, either directly or indirectly any interest in any contract with or on behalf of the said municipality (*here insert if such is the case, except that arising out of the contract for the publication of an advertisement in [here insert name of newspaper] a public newspaper*), save and excepting that arising out of my office as (*naming the office*). So help me God. Form of oath of office

51. The person making such declaration shall before entering upon the duties of his office deposit the same in the office of the secretary: Deposit of form of oath

Provided that in the case of the councillors first elected for any municipality the said declaration shall be handed to the reeve at the first meeting of the council to be afterwards deposited by him with the secretary of the municipality.

MUNICIPALITY A CORPORATION.

52. Every municipality is hereby declared a body corporate and the name of the body corporate shall be "The Rural Municipality of (*naming the same*), No.

Municipality
a body
corporate

CHANGE OF NAME.

53. The Minister may from time to time alter the name of any municipality upon the petition of a majority of the council and notice of such alteration shall be published in *The Alberta Gazette*; and in such case the seal theretofore used by such municipality shall continue to be the seal thereof until changed by the council.

Change of
name

54. No change in the name of any municipality made in accordance with the provisions of the next preceding section shall affect any obligation, right, action or property incurred, established, done or acquired prior to such change.

Effect of
change

MEETINGS OF COUNCIL.

55. The first meeting of each council shall be held at a place to be fixed by the returning officer appointed to have charge of the election at which such council was elected, at the hour of two o'clock in the afternoon on the first Monday in January, except when that day is a public holiday, in which case such meeting shall be held at the same time on the next subsequent day which is not a public holiday; such returning officer shall give written notice of such meeting to each councillor by mailing the same to his address at least eight clear days prior to the date of such meeting or by personally delivering the same to each councillor, or in the absence from his residence of any such councillor to any adult person thereat, at least three clear days prior to the date of such meeting.

First
meeting of
council

(2) The council of the previous year shall hold office until the new council meets; provided, however, that the first council of any municipality shall hold office from the date of the election.

Proviso

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

Regular
meetings

57. A special meeting of the council shall be called by the secretary of the municipality when he is required so to do in writing by the reeve or by any three members of the council and written notice of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be given by the secretary in the manner provided by section 55 hereof.

Special
meetings

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

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

Waiver of
notice of
meeting

59. Every meeting of the council shall be held either in the municipality or in a city, town or village the area of which lies within or touches at some point the limits of the municipality:

Provided that by the unanimous consent of the council and its meetings may be held at any other point outside the limits of the municipality.

PROCEEDINGS AT MEETINGS.

60. Every council may make rules and regulations for calling meetings, governing its proceedings, the conduct of its members, appointing committees and generally for the transaction of its business provided that no such rule or regulation be contrary to law or the provisions of this Act.

61. A majority of the whole council shall be necessary to form a quorum and no business shall be transacted unless there be a quorum present.

62. The council shall at its first meeting elect from among its number a chairman, who shall be known as the reeve, who shall hold such office until the expiration of the term for which he has been elected as councillor.

(2) 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.

63. The council shall at its first meeting and every three months thereafter elect one of their number as deputy reeve who shall hold office for six months or until his successor be appointed and in case the reeve through illness, absence or any other cause is unable to perform the duties of his office or in case the office is vacant the deputy reeve shall have all the powers of the reeve.

64. In the absence of the reeve and deputy reeve from any meeting another member of the council shall be elected as chairman to preside at such meeting.

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

66. Every question shall be submitted to the council on the motion of the reeve or any other member thereof and no seconder shall be required.

67. At every meeting of the council all questions shall be decided by the majority of the votes and the reeve, deputy reeve or chairman of the council, as the case may be, shall have the right to vote but in the case of an equality of votes the question shall be decided in the negative.

68. The reeve when present and all the councillors present shall vote unless excused by resolution of the council, on every division.

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

Place of
meeting

Regulations
and by-laws
for
government
of proceed-
ings

Quorum

Election of
Reeve

Reeve to
preside

Deputy
reeve

Chairman
to preside

No act
valid unless
adopted
at regular
meeting

Motions
need not be
seconded

Question
decided by
majority

Members of
council
must vote

Meetings
to be
open

REEVE.

70. The reeve shall be the chief executive officer of the municipality and it shall be his duty to be vigilant and active in causing the laws governing the municipality to be put in force and duly executed, to inspect the conduct of all municipal officers and so far as may be in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the municipality.

Duties

71. The reeve may suspend any municipal officer and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is dismissed such officer shall receive no salary or remuneration from the date of such suspension.

Power of suspension

72. The reeve may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the municipality for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the council.

Appointment of special constables

73. In each year in which an election is to be held the reeve shall by public notice conspicuously posted in at least ten widely separated places in the municipality call a meeting of the electors of the municipality for the discussion of municipal affairs to be held within two weeks preceding the date fixed for the nomination for councillors and if so requested at any time by the written petition of twenty electors the reeve shall in like manner call a public meeting of the electors to be held on a date to be named in the notice thereof for the discussion of municipal affairs or of any matter relating thereto.

Public meeting

(2) Every council may pass a resolution for paying the members thereof a sum not exceeding 10 cents per mile for every mile necessarily travelled, and a sum not exceeding \$3 per day for the time not exceeding 10 days in any one year necessarily occupied in laying out or inspecting work performed or to be performed for the benefit of the municipality; provided the work so performed or to be performed shall be duly authorized by a resolution of the council, excepting where such work is of an emergent nature, in which case the payment of the councillors' fees for laying out and inspecting such work shall be in the discretion of the council; provided further that 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 said municipality at the nomination meeting thereof and a copy of such report shall be mailed to the Minister.

74. Every council may pass a resolution for paying the members thereof a sum not exceeding \$4 per diem for the reeve and \$3 per diem for each councillor for each meeting and ten cents for every mile necessarily travelled in coming to and returning from such meetings of the council:

Payment of council

Provided that the total number of meetings for which each councillor may be paid during the term for which he is elected shall not exceed ten in each year:

And provided further that in case any meeting of the council is held outside the limits of the municipality no member of the council shall be paid for the mileage travelled by him beyond the limits of the municipality.

COMMITTEES.

75. The council may from time to time appoint standing Committee or special committees consisting of one or more of its members and may delegate to such committees any matter for consideration, inquiry, management or regulation and may delegate to any such committee any of the duties and powers by this Act conferred and imposed upon the council except the power to borrow money, pass a by-law or enter into a contract. .

(2) Every committee to whom any duty or power is delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the council.

VACANCIES.

76. Any reeve or councillor may resign his seat in the council Resignation at any time, or any reeve may resign his position as reeve while retaining his seat in the council, by sending notice in writing of such resignation to the secretary and every such notice shall be brought to the attention of the council at its next meeting and steps shall be taken immediately by the council to fill the vacancy.

77. If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any Act in force in the province, or assigns his property for the benefit of his creditors, or, if not a British subject fails to become naturalized within the time prescribed by section 92 hereof, or if without being authorized by a resolution of the council so to do he absents himself from the meetings of such council for three consecutive months, his seat in the council shall forthwith become vacant. Declaration of vacancy

78. If the position of reeve becomes vacant by death, resignation or otherwise the council shall forthwith elect some person from among its number to fill the position for the unexpired portion of the term of the council. Vacancy

(2) If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be held as nearly as may be in the manner provided by this Act for other elections; but if such vacancy occurs after the first day of November in any year in which an election is to be held such election shall not take place.

APPOINTED COUNCILLORS.

79. If in any municipality the number of councillors required by this Act is for any reason not elected, the Minister may Minister may appoint councillor appoint some person or persons to fill the vacancies caused thereby.

80. The Lieutenant Governor in Council may at any time Lieutenant Governor in Council may appoint whole dismiss the whole council or any member or members thereof and appoint some person or persons to act as reeve, councillor or councillors for the municipality in the place and stead of whole the person or persons so dismissed, and every such person

so appointed shall have all the powers and authorities conferred by this Act on elected members of the council and shall be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine.

(2) Upon the appointment of any person or persons as aforesaid the person or persons, as the case may be, previously elected as members of the council and in whose stead such appointment or appointments were made shall cease to hold office.

PART III.

MUNICIPAL ELECTIONS.

FIRST ELECTION FOR COUNCILLORS.

81. In the case of every municipality declared by the Minister to be organized as of the second Monday of December, 1912, the municipal committee shall by resolution at least two weeks prior to the last Monday of November—

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer who shall be a resident elector of the municipality;
- (c) Divide the municipality into polling divisions and assign a number to each division and name a polling place therefor which shall not be a licensed hotel;
- (d) Appoint a deputy returning officer for each polling place.

82. In case a member or members of the municipal committee dies or leaves the municipality before the passing of the resolution provided for in the last preceding section or refuses or is unable to act the remaining member or members may appoint another resident elector or electors in the place of the member or members so dying or leaving the municipality or refusing or being unable to act; and such remaining member or members together with those so appointed shall thereafter be the municipal committee.

83. Whenever it appears to him to be necessary or expedient the Minister may dismiss the whole municipal committee or any member thereof and may appoint some person or persons to act in their place and stead, and such person or persons so appointed shall have all the powers and authority conferred by this Act upon members of the municipal committee.

84. Until such time as a secretary is appointed the returning officer at the first election for a reeve and councillors in a municipality shall have and exercise all the powers and duties of such secretary as prescribed by sections 149 to 155 inclusive hereof.

THE MUNICIPAL VOTERS' LIST.

85. The council of every municipality shall as soon as may be in each year in which an election is to be held divide the municipality into polling divisions and fix the boundaries thereof, and the treasurer of every municipality shall on or before the first day of November in each year in which an

election is to be held prepare a list of all persons whose names appear on the last revised assessment roll of the municipality and such list shall be in the form following and shall be arranged according to the divisions aforesaid and shall be known as the "Municipal Voters' List":

Voters' List of the Rural Municipality of.....
No....., for the year 19.....

No. on List	Name of Voter	Description of Property					Owner or Occupant	Resident or Non-Resident	No. of Acres Ass'd	Ass'd Value of Land	Taxes unpaid to Dec. 31st last preceding
		Pt. of Sec.	Sec.	Tp.	Rge.	Mer.					

86. In preparing the said list the treasurer shall enter in the appropriate column of the form prescribed the following particulars which shall be taken from the last revised assessment roll of the municipality:

1. The names of all persons assessed arranged alphabetically according to their surnames;
2. A brief description of the land or other property for which each such person is assessed;
3. The word "owner" or "occupant," as the case may be;
4. The word "resident" or "nonresident," as the case may be;
5. The number of acres for which each such person is assessed;
6. The assessed value of the land for which each such person assessed;
7. The amount of taxes due by such person to the municipality up to the 31st day of December last preceding.

87. When the said list has been prepared as provided in the next preceding two sections the treasurer shall immediately after the last name on the list for each polling division write the words "certified correct" followed by his signature and the date on which such certificate is made which date shall not be later than the first day of November as aforesaid.

Treasurer's
certificate

88. The treasurer shall then forthwith make a true and correct copy of the said list and post the same in his office and such copy or the original thereof shall be open to inspection by any person at all reasonable hours.

Post copy
of list in
treasurer's
office

89. Whenever through inadvertence or otherwise any mistake, error, wrongful entry or omission whatsoever has been made in the said original list or copy it shall be the duty of the treasurer upon being notified in writing by any person of such mistake, error, wrongful entry or omission to revise the said list accordingly; but no such revision shall be made except for the purpose of correcting the spelling of names unless the said notification is received by the treasurer at least seven clear days prior to the date fixed for the annual election in the municipality and unless the last revised assessment roll of the municipality when compared with the said list shows the latter to be inaccurate or incomplete in the manner complained of in the said notification.

Revision
list

(2) It shall be the duty of the treasurer to revise the said original list and copy thereof from time to time by adding the word "paid" in the proper column after the name of every person who pays all taxes due by him to the municipality up to the thirty-first day of December last preceding, at any time prior to seven clear days before the date preceding the date fixed for the annual election in the municipality.

(3) Every revision of the said original list and the said copy by way of alteration, correction or addition shall have placed opposite it the date of such revision and the initials of the treasurer.

90. Any treasurer who refuses or neglects to prepare the said list as herein provided or who neglects or fails to enter on the said list the name of any person whose name appears on the last revised assessment roll of the municipality or who neglects or fails to enter in the said list any other particular as provided herein or who enters in the said list the name of any person that does not appear in the said roll or who refuses, fails or neglects to revise the said list in any particular as herein provided shall for each such refusal, neglect or failure be guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

Penalty for
treasurer

(2) The provisions of this section shall apply to the preparation of any copy of the said list which by the provisions of this Act the treasurer is required to prepare.

BI-ANNUAL ELECTION.

91. There shall be held every two years in every municipality an election for councillors which election shall be conducted at the time and in the manner hereinafter provided.

QUALIFICATION OF COUNCILLORS.

92. The persons eligible for election as councillors shall be the male resident electors of the municipality who are of the full age of twenty-one years, who can read and write and are British subjects or have not resided long enough in Canada to comply with the conditions of qualification of residence to be naturalized, but who have made a statutory declaration of their intention to become naturalized as British subjects:

Provided that if any person making such declaration neglects or refuses to become naturalized as a British subject within one month after expiration of the time of residence in Canada required as a qualification for naturalization, his seat in the council shall forthwith become vacant.

The said declaration shall be in the following form:

CANDIDATE'S DECLARATION OF INTENTION.

Canada:
Province of Alberta
To wit: } I,, of,
do hereby solemnly declare: } in the Province of Alberta (*occupation*)

1. That I am not a British subject;
2. That I have not resided in Canada for a sufficient period of time to comply with the conditions of qualification of residence to be naturalized and that it is my intention to become naturalized as a British subject as soon as the conditions of qualification by residence permit me to do so;
3. That I am in all other respects than naturalization eligible and qualified for election as councillor of a rural municipality.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at
in the Province of Alberta }
this day of }
..... A.D. 19... }

.....
A J.P., N.P., or Comr., etc.

93. No secretary, treasurer, assessor, auditor, constable or other paid official of the municipality, no inspector of licenses, no person having by himself or his partner any interest in any contract with or on behalf of the municipality or being indebted to the municipality, no surety for an officer or an employee of the municipality and no person who has been convicted of treason or felony shall be qualified to be a member of the council.

94. No person shall be disqualified from being elected as a shareholder member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the municipality or by reason of his having a contract for the publication of any advertisement in a public newspaper.

MEETINGS FOR NOMINATION OF COUNCIL.

95. The council shall in all elections subsequent to the first election for councillors by resolution at least two weeks prior to the last Monday in November in each year in which an election is to be held—

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer who shall be a resident elector of the municipality;
- (c) Name a polling place for each of the polling divisions of the municipality established under the provisions of section 85 hereof;
- (d) Appoint a deputy returning officer for each polling place;
- (e) The council may also, if it deems advisable, authorize the returning officer or the deputy returning officer for any or all of such polling places to appoint a poll clerk to assist him in the discharge of his duties.

96. The place named for holding every nomination meeting shall be within the municipality or within a city, town or village the area of which is within or touches at some point the limits of the municipality.

97. The place named as a polling place for any polling division shall be within such polling division or within a city, town or village the area of which is within or touches at some point the limits of the division and shall not be a licensed hotel.

98. Every meeting called for the nomination of members of a council shall be held from two o'clock to four o'clock in the afternoon of the first Monday of December in each year in which an election is to be held.

ELECTION OFFICIALS' DECLARATION.

99. Every returning officer shall before entering upon the duties of his office take and subscribe before a justice of the peace or other person authorized to administer oaths, the oath in the form following and every deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon their respective duties take and subscribe before the returning officer or any person authorized to administer oaths within the province the said oath.

FORM OF OATH.

Canada
Province of Alberta } I,
To wit: } of in the Province
of Alberta, do swear that I will not at any time disclose to anyone the name of any person who has voted at the election to be held in the municipality of on the

.....day of....., A.D. 19....; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God.
Sworn before me at.....
in the Province of Alberta
this.....day of.....,
19.....

.....
A J.P., N.P. or Comr., etc.

100. It shall be the duty of the returning officer at least seven clear days prior to the date fixed for the nomination meeting to post up a notice of such meeting which shall be in the form following or to the like effect:

NOTICE FOR NOMINATION FOR ELECTIONS.

Rural Municipality of.....No.....
Municipal elections 19... ..

Public notice is hereby given that a meeting of the resident electors of the rural municipality of.....No..... will be held at (*description of place*) on (*day of week*) the... .. day of....., 19....., from two o'clock to four o'clock in the afternoon for the purpose of nominating candidates for the office of councillors for the municipality.

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

.....
Returning Officer.

(2) Every such notice shall be posted in at least two widely separated conspicuous places in each polling division of the municipality and also in all post offices, if any, within the municipality.

PROCEEDINGS AT NOMINATION MEETING.

101. At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as councillors for the municipality, and the meeting shall remain open until four o'clock in the afternoon, when if no more than the required number of persons are nominated for councillors the returning officer shall declare the persons so nominated duly elected as councillors.

102. Every nomination for councillor shall be in writing in the form following and shall be signed by at least five resident electors of the municipality.

NOMINATION PAPER.

We, the undersigned resident electors of the rural municipality of.....hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of councillors for the said municipality.

Witness our hands this.....day of....., A.D. 19.....

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

(*Signature of resident electors.*)

103. Every such nomination to be valid shall also be accompanied by a written statement signed by the person nominated to the effect that he is eligible for election as provided by section 92 hereof, and that he will accept office if elected and such statement shall be in the following form:

CANDIDATE'S ACCEPTANCE.

I, the said.....nominated in the foregoing nomination, hereby state that I am eligible for election and that I will accept the office if elected.

Signed in the presence of)

(*Name of Witness*)

(*Name of Candidate*)

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

105. Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect signed in the presence of two witnesses or the returning officer.

106. If by reason of any such withdrawal or withdrawals there are not more than the required number of candidates for councillors remaining in nomination the polling shall not take place and the returning officer shall forthwith declare the persons nominated to be elected and shall post up in the manner provided by section 100 hereof, a notice in the following form:

NOTICE.

Rural Municipality of.....No.....
Municipal Election, 19.....

Whereas....., nominated for the office of councillor, have withdrawn their candidatures for the said office, leaving.....the only candidates therefor, I hereby give notice that no voting will take place on the.....day of.....(*date of polling*).

TIME AND NOTICE OF POLL.

107. Whenever a poll is required to be taken for the election of councillors it shall be held on the same day of the week as the nomination for the said election but in the next week following and every such poll shall be open from the hour of nine o'clock in the forenoon to five o'clock in the afternoon in each polling division of the municipality.

Hour of
Poll

108. Notice of every such poll required to be taken shall within seventy-two hours after the nomination be posted up by the returning officer in the manner provided by section 100 hereof and every such notice shall be in the form following:

Notice of
Poll

NOTICE OF POLL.

Rural Municipality of.....No.....
Municipal Elections, 19.....

Public Notice is hereby given that an election will be held for councillors for the municipality of..... for the years 19..... and 19....., and the polling will take place on (*day of week*), the.....day of....., 19....., from nine o'clock in the forenoon to five o'clock in the afternoon at (*specify polling places*) and that I will at (*describe the place*) on (*day of week*) the..... day of....., 19....., at twelve o'clock noon sum up the votes and declare the result of the elections.

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

.....
Returning Officer.

PREPARATIONS FOR POLL.

109. If so authorized by the council the returning officer and each deputy returning officer may appoint a poll clerk who in the absence of the returning officer or deputy returning officer for any cause shall have all the powers of the said returning officer or deputy, as the case may be.

Poll clerk

110. The returning officer shall procure for each polling division of the municipality 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 deposited therein and cannot be withdrawn therefrom unless the box is unlocked.

Ballot box

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

Ballot
papers

112. The ballot papers may be either printed or written or partly printed and partly written.

Printed or
written

113. The ballot paper for the éléction of councillors shall contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames and shall be in the following form:

COUNCILLORS.	
Andrews, Harry	
Black, William	
Davies, Edward	
Foster, Henry	
Lee, Martin	
Murray, Alfred	
Smith, Frank	

114. The secretary shall at least twenty days prior to every election furnish the returning officer with at least two copies of section 166 hereof for every polling division of the municipality, and it shall be the duty of the deputy returning officer for each division to post the same in conspicuous places at his polling booth and see that they are kept so posted up during the hours of polling.

115. At least twenty-four hours before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the polling division for which such deputy returning officer shall have been appointed to act and such other materials as are necessary to enable the electors to mark their ballot papers.

116. The returning officer shall before the opening of the poll cause to be prepared such number of printed directions for the guidance of voters in voting as he may deem sufficient, and such directions shall be printed in conspicuous characters and may be according to the following form:

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 such candidate.

The voter shall fold up his ballot paper so as to show the initials of the deputy returning officer on the back and imme-

113. The ballot paper for the éléction of councillors shall contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames and shall be in the following form: ^{Form for councillor}

COUNCILLORS.	
Andrews, Harry	
Black, William	
Davies, Edward	
Foster, Henry	
Lec, Martin	
Murray, Alfred	
Smith, Frank	

114. The secretary shall at least twenty days prior to every election furnish the returning officer with at least two copies of section 166 hereof for every polling division of the municipality, and it shall be the duty of the deputy returning officer for each division to post the same in conspicuous places at his polling booth and see that they are kept so posted up during the hours of polling.

115. At least twenty-four hours before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the polling division for which such deputy returning officer shall have been appointed to act and such other materials as are necessary to enable the electors to mark their ballot papers. ^{Supplies for deputy returning officers}

116. The returning officer shall before the opening of the poll cause to be prepared such number of printed directions for the guidance of voters in voting as he may deem sufficient, and such directions shall be printed in conspicuous characters and may be according to the following form: ^{Directions for voters}

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 such candidate.

The voter shall fold up his ballot paper so as to show the initials of the deputy returning officer on the back and imme-

POLL BOOK.

For Polling Division No.....of the Rural Municipality
of.....No.....
Record of Election held this.....day of.....,
19....., for the election of (*state purpose of election*).

Name of Voter	His No. on Voters' List	Vote	Sworn or Refused to Swear	Remarks

122. Any person producing to the deputy returning officer a written authority from a candidate to represent him as his agent at the polling place shall be recognized as such by the deputy returning officer but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes.

Agents

123. The persons entitled to be present at any one time in any polling booth during the hours of polling shall be the returning officer, the deputy returning officer, the poll clerk and any of the candidates and not more than two agents of any such candidate and one voter.

Persons present in polling booth

124. At the time fixed for the opening of the poll the deputy returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated; and shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling booth so that they may see that it is empty. He shall then lock the box and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during hours of polling.

Proceedings at opening of poll

125. The persons entitled to vote for councillors shall be the resident electors of the municipality, subject to the provisions of section 329 hereof in regard to persons jointly owning or occupying land.

Persons entitled to vote

126. At every general election each resident elector shall be entitled to vote once only for not more than the number of councillors to be elected.

One vote for councillor

(2) At any special election of a councillor each resident elector whose name appears on the municipal owners' list shall be entitled to vote.

Vote at special election

DECLARATION OF RESIDENT ELECTORS.

127. At every election held prior to the completion of the first municipal voters' list every person who presents himself for the purpose of voting shall be required before he is handed a ballot paper or papers to sign a declaration in the form following and the deputy returning officer shall permit every person who signs the said declaration to vote and shall record in the poll book the name of each person who signs such declaration.

Vote prior to first voters' list

Taken this.....day of....., 19....
The undersigned severally declare each for himself:
1. That he is of the full age of eighteen years;
2. That he is actually residing in the rural municipality of.....No.....and that he has so resided therein for the two months immediately prior to this election;
3. That during the whole of the said two months he has been the owner or occupant of assessable land in this polling division, being division No.....of the said municipality, a description of which lands is set opposite his name.

Name	Land Voted on

(2) At such election each person signing the said declaration shall be entitled to vote once only for not more than the number of councillors to be elected.
(3) Any voter who is unable to write may sign the declaration by making his mark thereon in the presence of the deputy returning officer who shall initial the same.
(4) Any person subscribing to the declaration as aforesaid and who thereby makes any false statement shall, unless he can prove he did not know such statement to be false, be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

128. At every election held subsequently to the completion of the first municipal voters' list the deputy returning officer shall satisfy himself that the name of every person who presents himself for the purpose of voting or a name apparently intended for such person is on the municipal voters' list supplied to him by the returning officer and that all taxes due by such person to the municipality up to the thirty-first day of December last preceding have been paid, and the deputy returning officer or poll clerk shall record in the poll book the name of each such person.

Voters' name must be on voters' list

(2) The deputy returning officer shall not permit to vote any person whose name does not appear on the said list nor any person whose name does appear on the said list unless all taxes due by such person to the municipality up to the thirty-first day of December last preceding are shown by the said list to have been paid or unless such person produces to the deputy returning officer an official receipt from the treasurer of the municipality to the effect that all taxes due by such person to the municipality up to the thirty-first day of December last preceding have been paid.

Voters must pay taxes

129. Before a ballot paper is handed by the deputy returning officer to any person presenting himself to vote, any candidate or his agent shall have the right to object to such person voting and if there be any such objection it shall be the duty of the deputy returning officer to administer to such person the following oath:

Swearing voter on demand of agent

You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of.....
in the municipal voters' list now shown to you (*showing the list to the voter*); that you are of the full age of eighteen years; that you are actually residing within the municipality; that you have not voted before in any polling division of the municipality at this election; that you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election; that you have not received anything nor has anything been promised you either directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses, hire of teams or any other service connected with this election; that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

130. If the voter takes the said oath or affirmation the deputy returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book the word "sworn" or "affirmed" according to the fact.

Entry of oath on poll book

131. Whenever a voter is required to take the said oath or affirmation and he refuses to do so the deputy returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear or affirm" and such person shall not be allowed to vote but shall be required to immediately leave the polling booth and shall not be allowed to again enter the same on the day of election for any purpose whatever.

Refusal of voter to be sworn

132. When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner hereinbefore provided the deputy returning officer shall place his initials on the back of the ballot paper to which such person is entitled and hand the same to him.

Deputy returning officer to initial ballot paper

133. The deputy returning officer may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

Explanation of method of voting

134. If a person claiming to be entitled to vote is incapacitated by blindness or other physical cause from marking his ballot paper or if he makes a declaration that he is unable to read the deputy returning officer shall in plain view of the agents of the candidates cause the vote of such person to be marked on a ballot paper for the candidate or candidates directed by such person and shall cause the ballot paper to be deposited in the ballot box.

Incapacity of voter

(2) The declaration aforesaid may be in the following form:

I, A.B., of....., being named.....
 on the voters' list for the municipality of.....
 and being a duly qualified resident elector of the said municipality, hereby declare that I am unable to read.

A.B. (*His X mark*).

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

(3) The deputy returning officer shall attest the said declaration in the following form:

I, C.D., the undersigned, being the deputy returning officer for division No. in the rural municipality of do hereby certify that the above declaration having first been read to the above named A.B. was signed by him in my presence with his mark.

(Signed) C.D.,
Returning Officer.

Dated this day of, 19.....

135. Every deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by section 132 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid. Penalty for omission to initial ballot paper

136. When the name of any resident elector appears on the municipal voters' list for more than one polling division of the municipality he shall vote in that polling division of the municipality in which he actually resides. Place of voting

137. Any person who votes oftener than he is entitled to do under the provisions of this Act shall be liable on summary conviction to a penalty of \$50. Penalty for double vote

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

139. Upon receiving the ballot paper prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper in the manner mentioned in the directions contained in section 116 hereof by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any place within the division which contains the name of the candidate; he shall then fold the ballot paper so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the deputy returning officer and immediately after leaving the compartment shall without showing the front to anyone or so displaying the ballot paper as to make known to any person the name of the candidates for whom he has or has not marked his ballot paper, deliver the ballot paper so folded to the deputy returning officer who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place, and the voter forthwith shall leave the polling place. Method of voting

(2) Immediately after the ballot paper of a voter has been deposited in the ballot box as provided by subsection (1) of this section 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."

140. 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 mode in which the voter marks his ballot paper. Secrecy of vote

141. No person who has received a ballot paper from the deputy returning officer shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "refused" upon such ballot paper and shall preserve the same.

142. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering same to the deputy returning officer receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him; and he shall preserve the same.

PROCEEDINGS AT CLOSE OF POLL.

143. Promptly at the hour of five o'clock the deputy returning officer shall declare the poll closed:

Provided that if when the poll is so closed there is a voter in the polling booth who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose.

144. Immediately after the close of the poll the deputy returning officer shall in the presence of the poll clerk, if any, and of such of the candidates or of their agents as may then be present open the ballot box and proceed as follows:

1. He shall examine the ballot papers individually and any ballot paper which is not initialled as herein provided or on which more than one vote is given or on which anything is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall not be counted but shall be set aside as rejected;

2. The deputy returning officer shall take notice of any objection made by a candidate or his agent or any elector authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection;

3. 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 words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) The number of the polling division and the name and number of the municipality and date of election;
- (b) The number of persons who voted at the polling booth;
- (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 cancelled ballot papers and ballot papers marked "refused";

4. Upon completion of the statement the deputy returning officer shall make, separate from the poll book, a duplicate thereof and such statement and 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;

Signed statement

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

Certificate of count

6. The deputy returning officer shall then in the presence of the candidates or their agents or such of them as may be present make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents—

Sealing packets of ballot papers

- (a) The ballot papers counted for councillors;
- (b) The ballot papers rejected for councillors;
- (c) The unused, cancelled and refused ballot papers;

7. Before leaving the polling booth the deputy returning officer shall enter in the poll book the following statement which shall be signed by him in the presence of the poll clerk, if any, or some other witness:

Statement of deputy returning officer

I,, the deputy returning officer for Polling Division No. of the Rural Municipality of No. do hereby declare 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.

8. The deputy returning officer shall then place in the ballot box all the said packets, the poll book, the municipal voters' lists and all declarations, and said box shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seal.

Sealing ballot box

145. The deputy returning officer of each polling division shall forthwith deliver to the returning officer the sealed ballot box and the duplicate of the statement entered in the poll book and upon receipt of the same the returning officer shall give to such deputy a receipt therefor.

Delivery to returning officer

146. At twelve o'clock noon on the day and at the place previously appointed by him for the purpose the returning officer shall in the presence of such of the candidates or their agents as may be present break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as are by section 144 hereof required to be taken by a deputy returning officer and shall make and initial all necessary corrections in the statement entered in the poll book.

Returning officer to count and sum up ballots

(2) If the ballot box used in any division has been lost or destroyed the returning officer shall use the duplicate statement delivered to him by the deputy returning officer for such polling division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates.

(3) When the ballot papers have all been examined and counted the returning officer shall forthwith sum up and announce the number of votes he has allowed for each candidate, including any votes he has allowed under subsection (2) of this section and shall publicly declare to be elected the required number of candidates for councillor, having the highest number of votes.

147. If it appears upon the casting up of the votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer shall at the time he declares the result of the poll give a casting vote so as to decide the election.

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

149. Forthwith after the election the returning officer shall transmit to the secretary of the municipality the sealed ballot boxes and duplicate statements used in the election and thereafter the said secretary shall be responsible for their safe keeping and for their delivery when needed.

150. The secretary of the municipality shall unless otherwise ordered by the judge of the District Court of the judicial district within which the municipality is wholly or mainly situated retain for two months the said ballot boxes with their seals unbroken and shall then unless otherwise ordered as aforesaid cause the ballot boxes to be opened and the packets therein to be burned in the presence of two witnesses.

151. No person shall be allowed to inspect any ballot papers in the custody of the secretary of a municipality except under order of the judge of the District Court of the judicial district within which the municipality is wholly or mainly situated to be granted by the said judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the said secretary.

152. The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge of such District Court thinks expedient.

RECOUNT.

153. If at any time within five days from the time of the returning officer's declaration as aforesaid it is on the affidavit of a credible person made to appear to such returning officer that he or any deputy returning officer or other officer in counting the votes given at any election has improperly counted or rejected any ballot papers and that such action has materially affected the result of such election and the sum of \$50 as security for the payment of costs and expenses is deposited

with such returning officer; such returning officer shall forthwith forward such affidavit and deposit to the clerk of the District Court of the judicial district within which the municipality is wholly or mainly situated who shall forthwith notify the judge of such court; the judge shall thereupon appoint a time to recount the votes and cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same and to the secretary of the municipality whose duty it shall be to be present at the recount with the sealed ballot boxes and duplicate statements used at the election.

(2) The said deposit of \$50 shall not be paid out by the clerk without the order of the said judge.

154. The judge, the clerk of the court, the secretary of the municipality and each candidate notified to attend the recount of votes and his agent or solicitor and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of votes.

155. At the time and place appointed and in the presence of those notified or entitled to attend as provided by the next preceding section the judge shall proceed to recount all the ballot papers received by the deputy returning officers of the several polling divisions of the municipality as having been given in the election complained of and he shall proceed with such recount as follows:

1. The judge shall break the seals on one of the ballot boxes containing the votes to be counted and take from such ballot box the packets deposited therein;

2. He shall then examine singly and in the presence of those entitled to be present all ballots counted or rejected by the returning officer and during the course of such examination the judge shall keep a tally or count of the votes cast for each candidate and he shall reject as void and shall not count—

- (a) Any ballot paper which is not initialled by the deputy returning officer as hereinbefore provided;
- (b) Any ballot paper on which more votes are given than the voter is entitled to give;
- (c) Any ballot paper on which anything except the initials of the deputy returning officer on the back is written or marked by which the voter can be identified;
- (d) Any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

3. In case the ballot box used in any polling division has been lost or destroyed the judge shall use the duplicate statement for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates;

4. The judge shall take notice of any objection made by a candidate or his agent to any ballot paper and shall decide any question arising out of the objection and the decision of the judge shall be final;

5. Upon the completion of the examination and count of the ballot papers contained in the first ballot box opened the judge shall forthwith announce the result of the count and replace the ballot papers in the box which shall be locked and sealed by the secretary in the presence of the judge;

6. The judge shall then proceed, if the recount applied for is of such a nature as to make it necessary, to examine and count in a similar manner the ballot papers contained in each of the other ballot boxes in turn

7. When the ballot papers have all been so examined and counted the judge shall forthwith sum up and announce the number of votes which he has allowed for each candidate including any votes allowed under clause 3 of this section and he shall there and then declare elected the candidate having the highest number of votes;

8. In case any two or more candidates have been allowed by the judge the same number of votes, and if there are not sufficient vacancies in the council to permit of all such candidates being declared elected, he shall write the names of such candidates separately on blank pieces of paper and after folding the same in such way that the names shall be concealed deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the said papers, and the candidate whose name appears on the paper thus withdrawn shall by the judge be declared elected, and the judge may cause as many names to be thus withdrawn as are required to fill all the vacancies;

9. The judge shall then make and transmit forthwith to the secretary of the municipality a written statement of the result of the recount and every written statement shall show—

- (a) The names of the candidates;
- (b) The number of votes allowed for each candidate;
- (c) The number of ballot papers rejected;
- (d) The names of the candidates declared elected.

156. Nothing in the next preceding section contained shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of *quo warranto* or otherwise.

157. 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 costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

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

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

159. If equal portions of the municipality are situated within two or more judicial districts, the judge of the District Court of any such judicial district shall have jurisdiction under the provisions of sections 150 to 158 hereof, inclusive.

GENERAL PROVISIONS.

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

161. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his

Quo
warranto
proceedings

Costs

Scale of
costs

Enforce-
ment of
payment
of costs

Equal
portions
of muni-
cipality in
two or more
judicial
Districts

Secrecy
of votes

Candidate
acting on
his own
behalf

agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend; provided however that no candidate shall be present at the marking of the ballot of any voter under the provisions of section 134 hereof.

162. When in this Act expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing be done in the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is done the nonattendance of any agent at such time and place shall not invalidate it.

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

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

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

OFFENCES AND PENALTIES.

166. No person shall—

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

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

(3) A person who violates any of the provisions of this section shall be liable on summary conviction before a police magistrate or two justices of the peace if he is the returning officer or deputy returning officer to imprisonment for any term not

exceeding two years with or without hard labour and if he is any other person to imprisonment not exceeding six months with or without hard labour, or to a fine not exceeding \$500 or to both.

167. Every returning officer, deputy returning officer or Penalties poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 99 to 168 inclusive hereof shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

168. Every officer, clerk and agent in attendance at a polling Duties of place shall maintain and aid in maintaining the secrecy of Section officers the voting at the polling place.

(2) No officer, clerk, agent or other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

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

(4) Every officer, clerk and agent in attendance at the counting of votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

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

(6) Every person who violates any of the provisions of this section shall be liable on summary conviction to imprisonment for any term not exceeding six months with or without hard labour.

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

PART IV.

MUNICIPAL OFFICIALS.

APPOINTMENT.

170. Every council shall at its first meeting or so soon thereafter as practicable by by-law or resolution appoint the following Officers officers:

1. A secretary and a treasurer or a secretary-treasurer who shall be entrusted with all the powers and charged with all duties conferred or imposed upon the secretary and the treasurer under the provisions of this Act;

2. An assessor who may be the secretary, the treasurer or the secretary-treasurer.

(2) Every municipal official shall have his office within the limits of the municipality or in some city, town or village which is within or touches at some point the limit of such municipality.

171. Every council may also appoint from time to time such other officers, 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 of the municipality and may fix the remuneration of any such officers, servants or employees so appointed.

Appoint-
ment of
officers

172. A councillor shall not be eligible to be appointed to any municipal office.

Councillor
not eligible
for office

173. The council shall not make any appointment to any office or arrangement for the discharge of the duties thereof by tender or by application at the lowest remuneration.

Appoint-
ment not
to be by
tender

174. All officers appointed by the council shall hold office until removed by the council or as expressed in their appointment; and in addition to the duties assigned to them by this Act or by any general law of the province shall perform such other duties as may be required of them by the council.

Tenure of
office

SECURITY.

175. In addition to defining the duties of any officer the council may require him to give such security as it may deem expedient for the faithful performance of his duties and during the month of January in each year all such securities shall be produced to the reeve and shall be laid by him before the council for examination and approval.

Security for
faithful
performance
of duties

176. The treasurer of every municipality shall within one month after entering upon his duties furnish to the municipality security in a penal sum to be named by the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust; and 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.

Security for
faithful
accounting

(2) The members of any council failing to take such security or renew same shall be jointly and severally liable for any default of the treasurer to the extent of the sums for which such bond should have been taken:

Provided that when the majority of the council refuse or neglect to take such security on the demand of any councillor such demand being duly recorded in the minutes such councillor shall be relieved from all personal liability in case of the default of such officer.

(3) Such bond shall be in a form approved by the Minister.

177. Every officer, servant or agent of the municipality shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge any of the duties imposed upon him by law or by this Act or by the by-laws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

Liability

SECRETARY.

178. It shall be the duty of the secretary of the municipality— Duties of
secretary

1. To 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 to see 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;

2. To enter in the minutes of every meeting the names of the members of the council present at such meeting and if required by the council to record the name of every member voting and whether aye or nay on any question coming before the council;

3. To conduct the correspondence of the council as directed by it;

4. To 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 to prepare a proper index for such by-laws;

5. To 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, 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;

6. To faithfully prepare and duly transmit to the Minister such statements and reports and such other information in regard to the municipality as may from time to time be required by the Minister and in such form as he may direct;

7. To call any special or other meeting of the council in the manner provided by this Act;

8. To produce for inspection the minute and other books and all papers and records of whatsoever kind in his possession when required so to do by an inspector;

9. To faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council.

TREASURER.

179. It shall be the duty of the treasurer of the municipality— Duties of
treasurer

1. To receive and safely keep all moneys belonging to the municipality from whatever source received;

2. To deposit daily or as often as the council may direct in some chartered bank designated by the council all money received by him;

3. To submit all accounts and charges against the municipality which he receives for the consideration of the council;

4. To pay all accounts against the municipality only when they have been passed by the council and certified by the reeve or other presiding officer;

5. To make all payments on behalf of the municipality by cheque on the chartered bank in which the moneys of the municipality are deposited; and every such cheque in addition to being signed by the treasurer shall be countersigned by the reeve or in his absence by the deputy reeve;

6. To give and take receipts for all the moneys of the municipality received and disbursed and to keep on file all vouchers of expenditure;

7. To keep in a cash book or such books of record and in such form as may from time to time be prescribed by the Minister a complete and detailed record of all the financial transactions of the municipality;

8. To submit to the council quarterly and whenever otherwise required so to do by the council a balance sheet showing the financial standing of the municipality;

9. To produce when called for by the council, auditor, inspector or other competent authority all books, vouchers, papers and moneys belonging to the municipality and to hand over the same to his successor or such person as the council may direct on his ceasing to hold office;

10. To faithfully prepare and duly transmit to the Minister such reports and statements as may from time to time be required by the Minister and in such form as he may direct;

11. To faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council.

180. The financial year of the municipality shall commence ^{Financial} on the first day of January and close on the thirty-first day ^{year} of December in each year.

AUDITOR.

181. The council shall at its first meeting in each year or ^{Auditor} within two months thereafter appoint an auditor but no one who then or during the preceding year is or was a member of the council or is or was secretary or treasurer or who has directly or indirectly or had during the preceding year any share or interest in any contract made by the municipality or who is employed by the municipality in any capacity except that of auditor shall be appointed; the council may appoint any incorporated company or partnership as auditor.

182. On or before the fifteenth day of November in each ^{Auditor's} year the auditor shall prepare in such form as the Minister ^{reports} may direct an abstract of the receipts, expenditures and liabilities of the municipality up to the preceding thirty-first day of October including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise disposed of and those remaining on hand.

(2) The treasurer on or before the first day of December in each year shall mail a copy of such abstract to the Minister and to every elector of the municipality.

183. Any elector may inspect the said abstracts and reports ^{Inspections} or any of them and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

(2) On or before the first day of March in each year the ^{Abstract of} auditor shall prepare in such form as the Minister may direct ^{receipts,} an abstract of the receipts, expenditures, assets and liabilities ^{expendi-} of the municipality for the financial year ending on the thirty- ^{tures, etc.,} first day of December of the preceding year including a state- ^{for the} ment showing the total amount of debentures authorized to ^{year} be issued, the debentures actually issued, those actually sold,

or otherwise and how disposed of and those remaining on hand; he shall make a special report respecting any expenditures made contrary to law; he shall deliver the said abstract and report to the reeve who shall lay the same before the council at its next meeting; and the council on or before the first day of April in each year shall cause the said abstract and report to be published in some newspaper published in the municipality, or, if there be no newspaper published therein, in the newspaper the place of publication of which is nearest thereto and shall cause a copy of such abstract and report to be forwarded to the Minister.

184. The declaration of office to be made and subscribed by every auditor shall be as follows: Auditor's declaration of office

I, A.B., having been appointed to the office of auditor for the Rural Municipality of.....No.....do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor) with, by or on behalf of the municipality. So help me God.

Declared before me at..... }
this.....day of..... }
19..... }

.....
A Comr., etc., N.P. or J.P.

PART V.

MUNICIPAL BY-LAWS AND GENERAL POWERS AND DUTIES OF COUNCILS.

BY-LAWS.

185. Except as herein provided the council of every municipality may exercise the duties and powers conferred on it by this Act either by resolution or by by-law. Resolutions of council

186. Every by-law shall be under the seal of the municipality and shall be signed by the reeve or person presiding at the meeting at which the by-law is finally passed and by the secretary; and every such by-law shall have three distinct and separate readings before the same shall be finally passed but not more than two readings shall be had at any one meeting except by the unanimous vote of the members of the council present. By-law to be under seal Three readings

187. In case no application to quash a by-law is made within two months next after the final passing thereof the by-law shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of passing thereof: Validation of by-laws

(2) Provided, however, that in case of a by-law requiring the assent of the electors where the by-law has not been submitted to or has not received the assent of the electors, an application to quash the by-law may be made at any time.

188. No by-law for raising money by way of debentures shall have any effect until the same has received the assent of two-thirds of the electors of the municipality voting thereon and the approval of the Minister as hereinafter provided. Assent of electors and Minister to money by-law

189. When any council has authority to direct by by-law that any matter or thing shall be done by any person such council may also by the same or another by-law direct that in default of its being done by the person such matter or thing shall be done at the expense of the person in default and the municipality may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes.

Council may
do omitted
work

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

Evidence
of by-law

191. The council of any municipality may pass such by-laws not inconsistent with any law or regulations having the force of law in force in this province as it may deem expedient for all or any of the following purposes:

By-laws
generally

1. Providing for the health of the municipality and the prevention of the spread of infectious and contagious diseases;

Public
health

2. Regulating nuisance grounds within the municipality and making provision for the disposal of the refuse of hamlets by licensing scavengers or otherwise;

Nuisance
grounds

3. Acquiring any plot of land within or without the municipality for cemetery purposes and improving, caring for and beautifying such land, and preventing the burial of the dead within any hamlet; provided that whenever a municipality acquires by purchase, donation or otherwise any plot of land for cemetery purposes outside the limits of the municipality the provisions of *The Cemetery Ordinance* shall apply *mutatis mutandis* to the said municipality;

Cemetery

4. Granting aid for the erection and maintenance of hospitals within or without the municipality or assisting any incorporated body of nurses by a grant of money thereto;

Hospitals,
etc.

5. Granting aid or relief to any needy person who is a resident of the municipality;

Aid to
needy
person

6. Providing for planting and protecting trees on highways and public places;

Trees

7. Imposing penalties for light weight and short measurement;

Light
weight

8. Preventing cruelty to animals;

Cruelty to
animals

9. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;

Dogs

10. Providing for the destruction of wolves within the municipality by the payment of bounty for the destruction thereof;

Wolf
bounty

11. Preventing prairie or running fires and making provisions for the enforcement of *The Prairie Fire Ordinance*; or any Act passed in amendment or in substitution thereof.

Prairie
fire

12. Licensing, regulating and governing hawkers or pedlars, but a license shall not be granted by a rural municipality unless the applicant is a holder of a provincial license for hawkers or pedlars;

Hawkers
and pedlars

13. Compelling the removal of dirt, stones, filth, dust or rubbish off the roads, lanes or other public place within the municipality by the party depositing the same and the placing of the same where ordered by the council;

Removal of
dirt, etc.,
from roads

14. Regulating the storage of gunpowder and other combustible, explosive or dangerous materials within the municipality; Storage of gunpowder
15. Preventing the ploughing, encumbrance or obstructing of roads and other places by vehicles or other articles or things; Encumbering the streets
16. Regulating the driving and riding of horses and cattle on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges and making provision for the carrying out of any provincial law respecting the same; Regulating use of bridges and highways
17. Making provision for regulating the use of bridges and culverts by portable engines or traction engines; Traction engines
18. Granting aid to agricultural societies; Aid to agricultural societies
19. Taking the census of the municipality or any part thereof; Census
20. Providing ways and means for the extermination of such animals as are found to injure or impede agriculture; Extermination of animals
21. Preventing the posting or exhibiting of placards, play bills, posters, writings or pictures, which are indecent or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize the public or individuals, on walls or fences or elsewhere in streets or public places; Indecent placards, etc.
22. Preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language and other immorality and indecency; Vice, drunkenness etc.
23. Suppressing disorderly houses and houses of ill-fame; Lewdness
24. Suppressing gambling houses, seizing and destroying farobanks, rouge et noir, roulette tables, and other devices for gambling found therein; Gambling
25. Restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place; Vagrants
26. Preventing indecent public exposure of the person and other indecent exhibitions; Indecent exposure
27. Preventing or regulating the bathing or washing the person in any public water in the municipality; Bathing
28. Licensing, regulating and governing all persons who for gain or hire, directly or indirectly, keep or have in their possession, on their premises or under their control any pool, billiard or bagatelle table, in a place of public entertainment whether such pool, billiard or bagatelle table be used or not, and regulating and governing all persons who use or frequent premises where any pool, billiard or bagatelle table is so kept. Regulating pool-rooms etc.
- (2) Licensing, regulating and governing public bowling alleys and regulating and governing all persons who use or frequent same.

INFRACTION OF BY-LAWS.

192. The council of every municipality may pass by-laws for inflicting reasonable fines and penalties not exceeding \$100 exclusive of costs for breach of any of the by-laws of the municipality and for reasonable punishment by imprisonment with or without hard labour in the nearest common gaol for any period not exceeding thirty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the costs of committal are sooner paid. Power to inflict penalties

(2) Two copies of every such by-law under the seal of the municipality and certified as correct by the reeve and the secretary shall be transmitted to the Minister and no such by-law shall have any force or effect until one of the said duplicate copies is returned to the secretary approved by the Minister.

Copies of
by-law to
be sent to
Minister

(3) Any penalty or fine under any by-law of a municipality shall if no other provision be made respecting it belong to the municipality for the public use of the same and form part of the general revenue of the municipality.

Penalty to
be paid to
municipal-
ity

193. In the event of any person being committed to gaol by reason of a breach of any by-law of a municipality there shall be chargeable to such municipality such part of the expenses paid by the province for the transportation of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

Transporta-
tion and
mainten-
ance of
prisoners

QUASHING BY-LAWS AND RESOLUTIONS.

194. Any elector of the municipality may apply to the judge of the District Court of the judicial district within which the municipality is wholly or mainly situated, or if equal portions of the municipality are situated within two or more judicial districts to the judge of the District Court of any such judicial district, upon motion to quash any by-law, order or resolution of the council in whole or in part for illegality; and the judge upon such motion may quash the by-law, order or resolution in whole or in part and may according to the result of the application award costs for or against the municipality and may determine the scale of such costs.

Motion to
quash

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

Notice of
motion

(3) The by-law, order or resolution may be proved by the production of a copy thereof written or printed without erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary and a member of the council; and the secretary shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

Proof of
by-law

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into recognizance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

Security
for costs

(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.

Affidavits
of justifi-
cation

(6) In lieu of the recognizance mentioned in subsections (4) and (5) of this section the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him and the certificate of such payment into court having been made shall be filed in the District Court with the other papers relating to the motion.

Payment
into court

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

Payment
out of court

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

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

195. Any by-law which has been procured to be passed through or by means of any violation of the provisions of sections 4 and 5 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions therein contained. By-laws procured by bribery and corruption

POWERS AND DUTIES OF COUNCILS.

196. In addition to all other duties and powers conferred on councils by this Act the council of every municipality shall have power to pass by-laws— Further powers of council

1. To purchase, lease or otherwise acquire for the use of the municipality any estate in landed property within or without the municipality for exhibition grounds, nuisance grounds or a cemetery or for the purpose of erecting thereon any municipal building and to erect, furnish, maintain and repair such buildings as may be beneficial to the municipality: Acquire lands

Provided that in any one year no expenditure or liability of more than \$500 shall be incurred under the provisions of this clause until a by-law shall have been submitted to the vote of the electors and passed by a vote of at least two-thirds of those voting thereon and such vote shall be taken as nearly as may be in the manner provided herein for a vote of the electors of the municipality on a by-law for raising money by way of debentures; Proviso

2. To establish and maintain or to assist in establishing and maintaining public scales for weighing or measuring anything sold by weight or measurement within the municipality or within any village or town; Weigh scales

3. To lay out, construct, repair and maintain roads, lanes, bridges, culverts and any other necessary public work in the interests and for the use of the municipality; Roads

4. Subject to the provisions of *The Public Health Act* to make provision for a supply of water for the municipality or any portion thereof and to regulate the use of the same to prevent the placing of anything prejudicial to health in any stream or body of water in the municipality; Water supply

5. 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 neighbourhood make such action necessary or expedient; and the council shall in every such instance pay to the owners or occupants of any land so opened as a temporary road such compensation for the use thereof and for any and all damages occasioned thereby as may be mutually agreed upon between the council and the persons interested or in the event of a disagreement such compensation as may be determined by arbitration under the provisions of *The Arbitration Act*; Temporary road

6. Subject to the approval of the Minister to lease any portion of any public highway or road not required for public use to any person for a term not exceeding five years; but every such lease shall be subject to cancellation by either the lessor or lessee on one year's notice in writing; Lease roads
7. To establish and operate within or without the municipality any ferry licensed under the provisions of *The Public Works Act*; Ferries
8. To acquire either separately or jointly with any other municipality any grader, pile driver, stone crusher, roller or any other machine or implement for use in the construction, repair or maintenance of any road, bridge or other public work within the municipality or municipalities; Pile drivers, stone crushers, etc.
9. To sell, lease or otherwise dispose of or to devote to some other municipal purpose in whole or in part any property acquired by the municipality by gift or otherwise for a specific purpose when such property in the opinion of the council is no longer needed for such purpose; Disposal of property
10. To unite with the councils of other municipalities for the construction and maintenance of any public work or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective municipalities and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities; Unite with other municipalities
11. To exempt in its discretion from the payment of municipal taxes wholly or in part any indigent persons residing within the municipality; Exemption from taxation
12. To enter upon and take and use and acquire so much real property as may be required for any highway, road, street, bridge, ferry or other public work in the municipality without the consent of the owners of such real property making due compensation therefor to the parties entitled thereto; and in the event of the amount of such compensation not being mutually agreed upon by the parties concerned it shall be determined by arbitration under *The Arbitration Act*. Expropriation
- 197.** No council of any municipality shall have power— Bonus, etc., prohibited
1. To grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill, railway, or any other business or concern whatever either within or without the municipality;
 2. To exempt from taxation any such manufactory, mill, railway or other business or concern nor to subscribe for stock in or to guarantee the bonds, debentures or other securities thereof.

APPORTIONMENT OF EXPENDITURES.

- 198.** The council shall cause at least one-half of the total amount estimated to be expended in the municipality for general municipal purposes to be apportioned among the townships comprising such municipality in proportion to the amount of taxable land therein respectively, as shown by the last revised assessment roll, and the amount so apportioned to each such township shall be expended on public works in such township; provided that the council may, by resolution unanimously adopted at a meeting of the whole council, decide that the amount to be apportioned as aforesaid may be reduced to any amount not less than one-quarter of the said total estimate. Apportionment of expenditure between divisions

NOXIOUS WEEDS.

199. It shall be the duty of every council and it shall have power to appoint from time to time such inspector or inspectors as are required to carry out and enforce the provisions of *The Noxious Weeds Act* within the municipality, and every inspector so appointed shall have the same powers and shall perform the same duties as an inspector, as provided for in said Act, and shall be paid such remuneration as the council may fix.

Appoint-
ment of
inspectors

(2) 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 said Act.

200. In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to any notice given by an inspector of a municipality in accordance with the provisions of *The Noxious Weeds Act* or in case the name or address of the owner of such land is unknown the said inspector or any person or persons directed by him may forthwith enter upon the land with the necessary teams and implements and destroy such weeds in such manner as the inspector may see fit and such inspector shall forthwith make a return to the treasurer of the amount expended in the work performed under the provisions of this section.

Inspector
may
destroy
weeds

201. The amount expended in the work performed under the next preceding section may be recovered from the owner or occupant of the land by action in the name of the reeve or the inspector or by distress by the reeve or inspector or the agent of either of any chattels on the land.

Recovery
of amount
expended

202. Any such amount which has not been satisfied on or before the first day of January next following its expenditure shall be added to and form part of the taxes assessed for municipal purposes of such lands in all respects as if it were an original tax; and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes and the amount so recovered shall form part of the general revenue of the municipality.

Amount
expended
recovered
in same
manner as
taxes

203. A certificate purporting to be signed by the treasurer to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described therein shall be *prima facie* evidence that the amount named has been so expended.

Certificate
prima
facie
evidence of
expenditure

204. Every inspector who refuses or neglects to perform any duty placed upon him by *The Noxious Weeds Act* or by the council shall be liable on summary conviction thereof to a penalty not less than \$10 nor more than \$50.

Neglect by
inspector

205. Every fine, penalty and forfeiture imposed by *The Noxious Weeds Act* for a violation of any of its provisions shall be payable to the municipality whose council takes the necessary steps to enforce such fine, penalty or forfeiture, as the case may be.

Penalty to
go to muni-
cipality

RESTRAINING ANIMALS AT LARGE.

206. The provisions of *The Herd Ordinance* and *The Pound District Ordinance* shall cease to be operative within any municipality on the first day of May next following its organi-

Herd and
Pound
Ordinance

zation or upon the coming into effect of any by-law passed by the council in pursuance of the powers conferred upon it by section 208 hereof, whichever shall be later.

207. The Minister shall have power from time to time to prescribe a tariff of fees the same or different in different localities to be charged by the persons with whom animals restrained within any municipality are impounded; and such fees and no others shall be payable to such persons.

Minister
to fix
tariff

208. Subject to the provisions of Section 207 hereof, the council shall have full power to pass by-laws for restraining animals at large and in any such by-law may—

Restraining
and
regulating
the running
at large of
animals

(a) Describe the several kinds of animals the by-law purports to restrain;

(b) Determine what condition shall constitute an animal at large;

(c) Determine whether animals at large shall be restrained throughout the whole year or only a portion thereof, and if only a portion what portion;

(d) Determine whether such by-law is to be made applicable to the whole municipality or only to a portion or portions thereof and if only a portion or portions what portion or portions;

(e) Determine whether animals not the property of occupants shall be permitted to be at large within the municipality; and if such permission is given by such by-law the conditions under and the time or times during which such animals may be at large in the municipality;

(f) Determine whether animals not the property of occupants within any portion of the municipality shall be permitted to be at large within such portion of the municipality and if such permission is given by such by-law the conditions under and the time or times during which such animals may be at large within such portions;

(g) Prescribe the manner in which animals required by such by-law to be restrained from being at large shall be distrained and kept during such distraint and the places at which and the persons with whom animals so distrained shall be impounded;

(h) Determine the manner in which the amount of damage, if any, done by any animals impounded under the provisions of any such by-law shall be appraised and collected.

(2) In every such by-law the council shall incorporate all the provisions of this Act following and any amendments thereto relating to the restraining of animals at large:

Provided always that no such by-law shall take effect until the expiration of one month after the passing thereof.

209. If any poundkeeper impounds or assists or incites or employs any person to impound any animal in any municipality unless such animal was an stray or was trespassing upon the poundkeeper's own land he shall in addition to any civil liability which he may incur by reason thereof be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100.

Penalty for
improper
impounding

(2) Every poundkeeper shall at his own cost keep the pound to which he is appointed clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome sustenance and provide for them such shelter as is commonly provided at the time for animals of similar age

Notices to
be given by
pound
keeper

and class in the vicinity and the poundkeeper may send such animals out of his pound at fit times and to fit places for grazing or watering and every poundkeeper shall be responsible to the owner of any impounded animal for all loss or damage occasioned by any act or negligence of himself or his agent; in no case shall an open wire corral be regarded as a suitable pound.

210. If the owner of any impounded animal is known to the poundkeeper as the owner of such animal the poundkeeper shall forthwith deliver at or mail by registered post to the address of such owner a notice in the form hereinafter provided.

(2) In case such owner is not known or such owner or person notified shall not within ten days after the posting or delivery of such notice appear at the pound and release the animal so impounded by the payment of the lawful fees, mileage rates and claim for damage, the poundkeeper shall cause to be inserted once each week for two consecutive weeks in some newspaper circulating in the vicinity of the pound, a notice in the form hereinafter provided.

(3) The notice referred to in the two preceding subsections shall be in the following form or to the like effect:

To *(name of owner if known)*:

Notice is hereby given under section 210 *The Rural Municipality Act* that *(description of animal impounded giving registered brands, if any, marks and points)* was impounded in the pound kept by the undersigned on the *(description of quarter section or other place where pound is located)* on..... day of....., 19.....

.....
(Signature of Poundkeeper.)

211. Every poundkeeper shall without charge in addition to any copies of and notice which he may be required under this Act to post or deliver a copy of every such notice in a conspicuous place at his pound and in the nearest post office and shall keep and maintain such notice at his pound during the whole of such time such notice may refer to.

212. When any animal shall not have been released from the pound within twenty days after the notice has been inserted in *The Alberta Gazette* as in section 210 hereof mentioned the said animal shall be sold by public auction after notice of such sale shall have been posted for eight days in three conspicuous places within the municipality one of which shall be the post office nearest the pound and at such sale the poundkeeper shall be the auctioneer; and such sale shall be held at the pound or at such other place as may be designated by by-law of the municipality and shall commence at the hour of two o'clock in the afternoon and the poundkeeper shall not either in person or by his agent purchase any animal at such sale or have any interest of any kind in any animal so purchased.

213. If more than one animal is impounded and the owner thereof is known the poundkeeper shall only sell sufficient of such animals to satisfy the claims for damages, expenses and fees chargeable against the animals and the owner of the animals shall be entitled to those remaining unsold.

(2) If the owner of the animals is unknown the poundkeeper shall sell all the animals impounded.

Notice to
be given by
pound-
keeper

Copies of
all notices
to be posted
at pound

When
impounded
animals
may be sold

Pound
keeper
not to have
interest in
sale

When
animals
may not
be sold

(3) The poundkeeper shall immediately after such sale send to the treasurer a description of each animal sold, the date of sale, the amount realized and the disposition thereof.

214. No poundkeeper making a sale under the provisions of this Act shall be liable to a penalty for selling without a license as an auctioneer.

Pound
keeper need
not be
licensed as
auctioneer

215. The proceeds of the sale of any impounded animal sold under the provisions of this Act shall be applicable in payment—

Disposal of
proceeds of
sale

(a) Of any costs and charges attending such sale;

(b) Of all sustenance fees;

(c) To the impounder of such animal of the amount due to him for mileage charges and for damage done; and the residue, if any, shall be paid to the owner of such animal or if not claimed at the time of sale by any person entitled thereto to the treasurer of the municipality.

216. Any money received by the treasurer under the provisions of the next preceding section shall be paid to the owner of the animal sold on evidence satisfactory to the council being furnished as to applicant's title thereto and application therefor being made to the council within twelve months from the date of the sale; otherwise such money shall form part of the general revenue of the municipality.

Owner's
claim to net
proceeds

HIGHWAYS AND PUBLIC PLACES.

217. The title to all public roads, highways, streets and lanes in every municipality created under this Act is hereby declared to be vested in the Crown in the right of the province and every such public road, highway, street and lane shall be subject to the direction, control and management of the council of the municipality in which it is situated.

Title to
street, etc.

218. The Minister of Public Works shall at all times have the right to enter any municipality for the purpose of constructing, erecting, maintaining or repairing any public work as defined by *The Public Works Act*, and the Minister of Railways and Telephones shall at all times have the right to enter any municipality for the purpose of constructing, extending, erecting, maintaining or repairing any part of the government telephone or telegraph system or systems or any appliance used in connection therewith, and for any or all of these purposes every public road, highway or other public place or that part or parts thereof on which such work is being carried on shall until such work is completed be under the direction, control and management of whichever of the said Ministers shall have charge of such work.

Right of
entry

219. Every council shall keep in repair all bridges, roads, culverts and ferries and the approaches thereto which have been constructed or provided by the municipality or by any person with the permission of the council or which if constructed or provided by the province have been transferred to the control of the council; and in default of the council so to keep the same in repair the municipality shall be liable for all damage sustained by any person by reason of such default.

Repair of
Public
Works

220. No action shall be brought under the provisions of the next preceding section except within six months from the date upon which the cause of action arose and unless notice

Limitation
of time for
action

in writing of the accident shall have been mailed to or served upon the secretary of the municipality within one month after the date upon which the cause of action arose:

Provided that in case of the death of the person injured or if the court or judge before whom the action is tried considers that there is a reasonable excuse for the want or insufficiency of such notice and that the defendants have not thereby been prejudiced in their defence, the want of the notice required under this section shall be no bar to the maintenance of this action.

CARE OF SICK.

221. The council of every municipality may make due provision for the care and treatment of any person who has been a resident of the municipality for at least three months who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment.

Care of
the sick

222. Should the council deem it advisable to place any such person in any hospital which receives aid from the general revenue of the Province of Alberta the board of such hospital may demand and collect from the council a sum not exceeding one dollar per day for each day's actual care of the patient in such hospital.

Demand by
hospital
board

223. Any sum thus paid by the municipality to the hospital may be recovered from the said patient by action or by distraint by the treasurer of the municipality or if deemed advisable it may be added to and form part of the taxes levied by the municipality against any land owned by the said patient and shall be collectable in the same manner and to the same extent as all other taxes of the municipality; and in the event of the death of the said patient the council may recover the said sum from his estate, if any.

Recovery
of payment
from
patient

224. Notwithstanding anything contained in the next two preceding sections any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients of the municipality for such annual sum and subject to such conditions and restrictions as may be agreed upon.

Agreement
between
council and
board

PART VI.

MUNICIPAL LOANS.

TEMPORARY.

225. The council of every municipality except as herein-after provided may from time to time by resolution authorize the reeve and treasurer to borrow from any bank or person such sum or sums of money as may be required to meet the current expenditures of the municipality until such time as the taxes for the current year are available; and such resolution shall regulate the amount to be borrowed and the rate of interest to be paid; and every such loan shall be repaid out of and shall be a first charge upon the taxes which are collected for the year in which such loan was made and may be secured by the promissory note or notes of the reeve and treasurer given under the seal of the municipality and on behalf of the council.

Temporary
loans

(2) In any calendar year the total amount of all loans thus made shall not exceed sixty per centum of the total taxes levied by the municipality for the preceding year.

226. The council of a municipality may at any time within twelve months after its organization in anticipation of the collection and payment of the general taxes payable in any year from time to time borrow moneys on the credit of the municipal rates to an amount not exceeding one-half of the total estimated revenues of the municipality for the year.

Temporary
loan
during
first year
of organiza-
tion

DEBENTURE LOANS.

227. Should it appear desirable to the council of any municipality that a sum of money should be borrowed on the security of the municipality for the purpose of purchasing or constructing any road, highway, bridge, ferry or other municipal public work or for the purpose of purchasing or otherwise acquiring any land, gravel pit, right-of-way, easement or other interest in any land for the use of the municipality or for the purpose of draining any portion of the municipality or for the purpose of providing a supply of water for any portion of the municipality or for the purpose of purchasing or otherwise securing any machinery, tools or implements for the use of the municipality or for the purpose of assisting in the erection or enlargement of a hospital either within or without the limits of the municipality or for the purpose of purchasing, erecting, improving, altering, adding to or furnishing any building for the use of the municipality or for all or any of the said purposes it shall pass a by-law to that effect which by-law shall be in such form as is prescribed by the Minister or to the like effect and which shall be under the corporate seal of the municipality.

Debentures
by-laws

228. Within fifteen days from the passing of the by-law the council shall give notice to the electors of the municipality of its intention to apply to the Minister for authority to borrow the amount specified in the by-law on the conditions therein set forth.

Notice to be
given to the
Minister

(2) Every such notice shall be in the form prescribed by the Minister and shall be posted in at least ten widely separated conspicuous places in the municipality and also in all post offices (if any) within the municipality and shall also be inserted in at least one issue of some newspaper published in the municipality or if there is no newspaper published in the municipality then in the newspaper whose place of publication is nearest thereto.

Form of
and posting

(3) Such notice shall be inserted in a newspaper as aforesaid and posted in all the places above prescribed within the said period of fifteen days.

229. Within fifteen days from the date of posting of the last of the said notices or the insertion of such notice in a newspaper as provided by section 228 whichever shall be later, any ten electors of the municipality may demand a poll of the electors for and against the said by-law and such a poll shall be held as provided by section 231 to 237 hereof, inclusive.

Notice con-
cerning poll

(2) Every demand for a poll shall be in writing and shall be delivered to the secretary of the municipality or in his absence to the reeve and a certified copy of such demand shall be forthwith transmitted to the Minister.

230. In the event of a poll not being demanded as hereinbefore provided the secretary of the municipality shall forthwith transmit to the Minister—

Certificate
from
secretary
to Minister
re passing
of by-law

- (a) A certified copy of the by-law under the seal of the municipality;
- (b) A certified copy of the notice provided in section 228 hereof and a statutory declaration or declarations proving the posting of such notice and the insertion thereof in a newspaper as provided by said section and that a poll has not been demanded;
- (c) A statutory declaration showing the total area of assessable land in the municipality and the assessed value thereof as shown by the last revised assessment roll;

and upon receipt of the same and upon being satisfied that the several conditions required by this Act have been substantially complied with the Minister may in writing authorize the council to borrow by way of debenture the sum or sums mentioned in the by-law or any less sum and notice of such authorization shall be published in *The Alberta Gazette*; and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

231. In the event of a poll being demanded as provided by section 229 hereof the council shall by resolution fix the time for the holding of such a poll, appoint a returning officer, divide the municipality into polling divisions and name a polling place in each of the said polling divisions and a deputy returning officer therefor and appoint the time and place when and where the returning officer shall sum up the votes given for and against the by-law.

Poll to be
taken

(2) Such polling place shall be within the polling division or within a city, town or village which is within or touches at some point the area of such polling division, and shall not be a licensed hotel.

(3) If the council deem it advisable such poll may be held on the day herein fixed for the election of councillors.

232. Notice of the poll shall be posted up at least fourteen clear days before the date of voting in the manner prescribed by section 100 hereof and every such notice shall be in the form prescribed by the Minister.

Notice
of poll

233. At the day and hour fixed by the said notice a poll shall be taken in each polling division of the municipality and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the same manner as nearly as may be as at an election for reeve and councillors.

Proceed-
ings at
poll, etc.

234. The ballot papers for voting on the by-law shall be in the following form:

Ballot
paper

BY-LAW No.	
For	
Against	

235. On the application of any person interested in promoting or opposing the by-law the reeve shall authorize the attendance of two persons on behalf of the party applying at each polling place and at the final summing up of the votes but no more than two such persons on each side shall be so authorized.

Agents
at poll

236. Every elector of the municipality shall be entitled to vote once only on the by-law and such vote shall be recorded at the polling booth in the polling division in which such elector resides or in case the elector is not a resident of the municipality then in the polling division or one of the polling divisions of the municipality in which his name appears on the municipal voters' list.

One vote
only

237. The returning officer shall at the time and place appointed by the council and in the presence of those authorized to attend or such of them as may be present count and sum up the number of votes for and against the by-law according to the provisions of section 146 hereof and shall then and there declare the result and forthwith certify to the council under his hand whether or not two-thirds of the electors entitled to vote who have voted on the by-law approved of the same.

Declaration
of result
of poll

238. In the event of a recount not being applied for within the time specified by section 153 hereof the secretary of the municipality shall forthwith forward to the Minister—

Certificate
from
secretary
concerning
passing
of by-law

- (a) A certified copy of the by-law under the seal of the municipality;
- (b) A certified copy of the notice provided in section 228 hereof and a statutory declaration or declarations proving the posting of such notice and the insertion thereof in a newspaper as provided by said section and that a poll has not been demanded;
- (c) A statutory declaration showing the total area of assessable land in the municipality and the assessed value thereof as shown by the last revised assessment roll;
- (d) A certified copy of the returning officer's statement as to the result of the poll;

and in the event of a recount being applied for the secretary after such recount has been held shall transmit to the Minister the aforesaid documents together with a certified copy of the written statement of the judge as to the result of such recount.

239. Upon receipt of the several documents referred to in the next preceding section and upon being satisfied that the several requirements of this Act have been substantially complied with the Minister may in writing authorize the council to borrow by way of debenture the sum or sums of money mentioned in the by-law or any less sum; and notice of such authorization shall be published in *The Alberta Gazette* and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

Minister
authoriza-
tion of
by-law

240. Whenever the council of any municipality is authorized by the Minister to borrow any sum of money as provided by section 239 hereof the council may thereupon issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorized or of any less sum upon the terms specified in the by-law; and the debenture or debentures

Issue of
debentures

when signed by the reeve and treasurer of the municipality and sealed with the corporate seal thereof and the coupons thereto attached when signed by the reeve and treasurer of the municipality, shall when the Minister shall have countersigned the debenture as hereinafter provided be sufficient, notwithstanding anything in this Act to the contrary, to bind the municipality and create a charge or lien upon all municipal property and rates and taxes in the municipality.

(2) The signatures on such coupons may be engraved or lithographed.

241. Every debenture issued by any municipality may be in the following form or to the like effect:

\$..... Debenture No.....

The Rural Municipality of.....No.....
promises to pay to the bearer at the.....
at.....the sum of.....dollars of lawful
money of Canada in.....equal consecutive annual instal-
ments with interest at the rate of.....per centum
per annum on the terms and in the amounts specified in the
coupons attached hereto.

Dated this.....day of.....19.....

Reeve.

(Corporate Seal)

Treasurer.

COUPONS.

Coupon No..... Debenture No....

The Rural Municipality of.....No.....
will pay to the bearer at the.....
at.....on the.....day of.....
19....., the sum of.....dollars being the.....
instalment of principal with the total interest at the rate of
.....per centum per annum due on that date on municipal
debenture No.....

Reeve.

(Corporate Seal)

Treasurer.

(2) Any debentures or coupons for the interest thereof issued under the provisions of this Act may be made 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.

(3) Any debenture under this Act may be in any other form approved by the Minister, or may provide for the payment of principal or interest secured thereby in any other manner approved by the Minister.

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

242. The total face value of all debentures issued by any municipality shall not be for a greater sum than five per cent. of the assessed value of the land assessed in the municipality as shown by the last revised assessment roll thereof.

Limit for
debentures

243. Debentures shall not carry interest at a greater rate than six per centum per annum.

Rate of
interest

244. Debentures issued for payment for the construction of iron or steel bridges or concrete culverts shall not, except as in the next succeeding sections provided, run for a longer period than thirty years and other debentures shall not, except as so provided, run for a longer period than twenty years and may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in *The Alberta Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture.

Term of
debentures

245. In the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture as provided in the next preceding section such debenture may run for such longer term than twenty years as may be necessary to allow of repayment of the loan in nineteen years from the date of the payment of the first instalment of principal and interest.

Extension
of term

246. Every debenture before being issued by the council shall be sent for registration to the Minister who shall cause a proper record to be kept of the same.

Debenture
to be
registered
by Minister

247. The Minister shall thereupon if satisfied that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn register and countersign the debenture and such countersigning by the Minister shall be conclusive evidence that the municipality has been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questioned by any court; but the same shall to the extent of the revenues of the municipality issuing the same be a good and indefeasible security in the hands of any *bona fide* holder thereof.

Debentures
to be
counter-
signed by
Minister

248. The treasurer of every municipality shall open and keep a book to be known as "The Debenture Register" which shall be in such form as is prescribed by the Minister and in which shall be entered full particulars of every debenture issued by the municipality.

Debenture
register

PART VII.

MUNICIPAL ASSESSMENT AND TAXATION.

ASSESSMENT.

249. All municipal taxes shall be levied equally upon all rateable land in the municipality according to the assessed value of such land and it shall be the duty of the assessor to make the assessment of such land in the municipality in the manner hereinafter provided.

250. In every municipality all land shall be liable to assessment and taxation subject to the following exemptions:

1. All lands belonging to Canada or to the province;
2. All lands held by or in trust for the use of any tribe of Indians;
3. The land to the extent of three acres held by or for the use of any school district erected under *The School Ordinance*;
4. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;
5. The land in use as a public cemetery not exceeding twenty-five acres;
6. All land belonging to the municipality when held for the public use of the municipality;
7. The land of agricultural societies organized under *The Agricultural Societies Ordinance*;
8. All lands used by any institution for hospital purposes and not for any other purpose for hire or reward not exceeding two acres except such part as may have any other buildings thereon.

251. As soon as may be in each year but not later than the first day of July the assessor shall assess every person the owner or occupant of land in the municipality and shall prepare an assessment roll in which shall be set out as accurately as may be—

(a) The name of the owner and the name of the occupant of each lot or parcel of land in the municipality which is not exempt from assessment and the post office address, if known, of every such owner and occupant;

(b) A brief description of each such lot or parcel of land, the number of acres which it contains and the assessed value thereof.

(2) Such assessment roll shall be as in the form following or to the like effect or in such form as may be prescribed from time to time by the Minister:

Assessment
of land

Exemptions

Assessment
to be made
prior to 1st
July in
each year

	No.		
	Pt. of Sec.	Land Assessed	
	S		
	T		
	R		
	M		
	No. of Acres		
	Assessed Value of Land		
	Name of Owner		
	P.O. Address of Owner		
	Name of Occupant		
	P.O. Address of Occupant		
	General	Municipal School	Rate of Taxation
	Debenture		
	Public		
	Separate		
	Total Rate		
	Date of Mailing Notice		
	Initials of Secretary		
	Total Tax for Current Year		
	Arrears		
	Total		
	Date of Tax Notice		
	Initials		
	Amount Paid		
	Receipt No.		

252. Land shall be assessed at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor, exclusive of the value of any buildings erected thereon or of any other increase in value caused by any other expenditure of labour or capital thereon. Mode of
assessment

253. If at the time of the preparation of the assessment roll there exists in the municipality any hamlet it shall be the duty of the assessor to assess every person the owner or occupant of land in such hamlet; and the assessor shall enter in the assessment roll— Provisions
for hamlet

1. The name and post office address, if known, of the owner or (if occupied) the occupant of each lot or parcel of land in the hamlet which is not exempt from taxation;

2. A brief description of each such lot or parcel of land and the value thereof.

254. It shall be the duty of every person whose land is assessable to give to the assessor all information necessary to enable him to make up the roll; but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness. Informa-
tion for
assessor

(2) Any person who refuses upon demand to give such information to the assessor or wilfully furnishes to the assessor false information shall be liable on summary conviction to a penalty not exceeding \$10. Penalty

255. If the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied lot or parcel of land in the municipality the same shall be deemed to be duly assessed if entered on the roll with a note stating that such owner is unknown. Where
owner is
unknown

256. If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or Fraudulent
assessment

fraudulently omits the name of any person who should be inserted therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty not exceeding \$100.

257. Upon the completion of the assessment roll as provided in section 251 hereof the assessor shall forthwith mail to each person whose name and address appear on the roll a notice of his assessment and the entry of the date of the mailing of such notice followed by the initials of the assessor shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the assessor and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown. Mailing of notice

(2) When all of the said notices are mailed as herein provided the assessor shall forthwith transmit the said roll to the secretary of the municipality.

258. The assessor shall also within two weeks after the completion of the said roll post up a notice in the following form which notice shall be posted in the manner provided by section 100 hereof: Post office

The Rural Municipality of.....No..... Form
.....Assessment Roll, 19.....

Notice is hereby given that the assessment roll of the Rural Municipality of.....No.....for the year 19..... has been prepared and is now open to inspection at the office of the secretary of the municipality from ten o'clock in the forenoon until four o'clock in the afternoon on every day not a public holiday except Saturday (and on that day from ten o'clock in the forenoon until two o'clock in the afternoon) and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing with the secretary of the municipality.

Dated this.....day of.....19.....
A.B.,
Assessor.

259. Every notice of assessment given as provided by section 257 hereof shall be in such form as may be prescribed from time to time by the Minister; and every such notice shall contain a statement of the last date upon which complaints may be lodged with the secretary of the municipality as fixed by the public notice under section 258 hereof. Notice of assessment

260. No assessment shall be invalidated by reason of any error, omission or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it was addressed. Error in form of assessment notice

261. If any person thinks that he or any other person has been wrongly assessed or assessed too high or too low or that his name or the name of any other person has been wrongly inserted in or omitted from the roll he may within the time limited as aforesaid lodge a complaint with the secretary of the municipality and every such complaint shall contain a post office address to which any notice required may be sent to the complainant. Complaints against assessment

262. Every such complaint shall be in the following form: Form of
notice of
appeal
To the secretary of the Rural Municipality of.....
No.....
SIR,—I hereby appeal against assessment (or nonassessment)
of.....on the following grounds (here state grounds of
appeal).
Dated this.....day of.....19....
C.D.,
Appellant.

263. The secretary shall forthwith notify every such appel- Notice of
hearing
lant and every other person whose assessment is affected or
may be affected thereby of the time and place of the sittings
of the council to hear the said appeal.

264. The council shall not call a special meeting to hear When
meeting
held
such appeals but the same shall be heard at the first regular
meeting the date of which will allow the giving of the length
of notice herein provided for.

265. Every such notice shall be mailed by registered post Time of
notice
to the post office address of such person, if any, entered on the
assessment roll indicated in the notice of complaint at least
fifteen days before the sitting of the council unless such person
resides within the municipality in which case the secretary-
treasurer shall cause the said notice to be served at such residence
or so posted at least ten days before the sitting of the council.

266. The council shall be the court of revision for revising Court of
revision
the assessment roll.

267. Before the sittings of the council the secretary shall List of
appeals
prepare a list of the appeals in the following form which list
shall be posted at the office of the secretary and shall continue
so posted during the sittings of the council:
Appeals to be heard by the council of the Rural Municipality
of... No.....on the.....day of
....., 19.....

Appellant	Respecting whom	Matter complained of
A.B.	Self	Overcharged on land
C.D.	E.F.	Name omitted
G.H.	J.K.	Not bona fide owner or tenant
etc.	etc.	etc.

268. The secretary shall be the clerk and secretary of the Clerk
council in connection with assessment appeals.

(2) The clerk may when required so to do issue a summons
to any person to attend as a witness at the court of revision;
and if any person so summoned having been tendered compen-
sation for his time at the rate of \$1 per day and mileage at
the rate of ten cents per mile (both ways) where a railway
is not available or actual railway fare (both ways) where a
railway is available, disobeys such summons he shall be guilty
of an offence and liable on summary conviction to a penalty
not exceeding \$50:
Provided however that the council hearing the appeal may Proviso
for good and sufficient reasons excuse such persons from attend-
ing before it and in such event no penalty shall be incurred
by reason of such nonattendance.

269. The appeals shall be heard as far as possible in the order in which they stand upon the said list; but the council may adjourn or expedite the hearing of any appeal.

270. If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent the council may proceed in his absence.

271. It shall not be necessary to hear upon oath the complainant or assessor or the person complained against except where the council deems it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal.

272. All the duties of the council as a court of revision shall be completed by the first day of September and no appeal to the council shall be heard after that date except as provided in section 289 hereof.

273. Forthwith after the conclusion of the sittings the secretary shall amend the assessment roll in accordance with the decisions of the council; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the secretary.

274. The roll with any amendments made as aforesaid shall be the assessment roll of the municipality:

Provided that there shall be a right of appeal from the decision of the council to the judge of the District Court of the judicial district within which the municipality is wholly or mainly situated, or in case equal portions of the municipality are situated within two or more judicial districts to the judge of the District Court of any such judicial district.

275. The council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialled by the secretary.

APPEAL FROM COURT OF REVISION TO JUDGE.

276. An appeal to the judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

277. The person appealing shall in person or by agent serve upon the secretary of the municipality personally within eight days after the decision of the court of revision a written notice of his intention to appeal to a judge.

278. The secretary shall immediately after the time limited for filing notices of appeal forward a list of the same to the judge of the District Court for the judicial district in which the municipality is wholly or mainly situated; and such judge shall fix a day and place for the hearing of such appeals.

279. The secretary shall thereupon give notice to all parties appealed against in the same manner as is provided for giving notice on a complaint; but in the event of failure by the secretary to have the required service in any appeal made or to have

the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit.

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

Notice of
appeals

281. The secretary shall be the clerk of such court.

Clerk of
court

282. At any court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon for a period not exceeding one month from the date of the hearing of such appeal.

Adjourn-
ment of
court

283. At the court to be holden by the judge to hear the appeals the secretary of the municipality shall appear and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given the secretary of the municipality shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction.

Production
and
amendment
of roll

(2) In all such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the District Court.

Witnesses

284. All process or other proceedings in about or by way of appeal may be entitled as follows:

In the matter of appeal from the court of revision of the Rural Municipality of.....

Between:

A.B.,
Appellant.

and

C.D.,
Respondent.

285. The costs of any proceedings before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the District Court or in the same manner as upon an ordinary judgment for costs in such court.

Costs

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

Taxation

287. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon.

Decision of
Judge final

288. If at any time before the fifteenth day of October it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll the council may direct the secretary to enter the name of such person on the roll or to correct the error and every such entry or correction shall be dated and initialled by the secretary.

Council
may order
addition
to roll

289. In the event of any such addition to or correction of the roll without the knowledge or consent of the person or persons affected thereby a notice as required by section 257 hereof shall be mailed by registered post to the post office address of such person or persons by the secretary; and every such person shall be given every reasonable opportunity to complain or appeal against the said assessment and all complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act.

Notice of
persons
affected by
correction
of roll

290. When the roll is finally completed the secretary shall over his signature enter at the foot of the last page of the roll the following certificate filling in the date of such entry: "Roll finally completed this.....day of....., 19...."; and the roll as thus finally completed and certified to shall be valid and bind all parties concerned subject to amendment on appeal to the court of revision and to further amendment on appeal to the District Court judge notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit any such notice.

Binding
effect of
amended
roll

291. A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

Evidence
of roll

TAXATION.

292. The council of every municipality shall as soon as practicable in each year prepare in detail an estimate of the probable expenditures of the municipality for the year and such estimate shall include the sum or sums required to repay any temporary loan or to meet any debenture coupons which may fall due during the year.

Estimates

293. Upon the completion of the said estimate the secretary shall lay before the council the revised assessment roll of the municipality for the year certified to as provided by section 290 hereof and the council shall by resolution authorize the treasurer of the municipality to levy upon all lands entered in the said roll such tax at a uniform rate on the dollar as shall be deemed sufficient to meet the said estimate of expenditures; and in fixing the said rate the council shall make due allowance for the nonpayment of taxes.

Levy of
rate

294. The uniform rate of taxation to be authorized by the council as provided in the next preceding section shall not in any one year exceed one per cent. of the assessed value of the land shown on the last revised assessment roll:

Uniform
rate of
taxation

Provided that in the case of any municipality which has

raised a loan by way of debentures the council may in any year if deemed advisable increase the said maximum rate by such additional rate as shall be sufficient to meet any debenture coupons that may be accruing due during the year:

Provided further that taxes imposed at any time under *The Local Improvement Act* upon lands within the municipality may be collected by the municipality and when so collected shall form part of the general revenue of the municipality.

295. In case any municipality includes within its limits the whole of any rural school district erected under *The School Ordinance* which has not been declared a village or town district for purposes of assessment as provided by *The School Assessment Ordinance* it shall be the duty of the council through its proper officers notwithstanding anything to the contrary in *The School Assessment Ordinance* to impose and collect such rates on the land and other property of the persons liable to assessment for school purposes in such district as may be fixed by the resolution of the trustees of the district; and such rates and taxes shall be collected in the same manner as all other rates and taxes of the municipality.

(2) In case any portion of any such rural school district is within the limits of a municipality and the remaining portion is not within the limits of any other municipality the whole of such rural school district shall for the purposes of this section be deemed to be within the municipality that includes a portion thereof within its limits.

(3) In case any such rural school district is partly within more than one municipality the whole of such rural school district shall for the purposes of this section be deemed to be within the municipality that comprises within its limits the larger portion of such district or in the case of a dispute within such municipality as the Minister may determine.

296. On or before the first day of August in each year the board of trustees of every such rural school district shall transmit to the treasurer of each municipality in which the district is situated in whole or in part as by section 295 provided—

- (a) A map or plan showing the area and boundaries of the said district;
- (b) A summary of the estimated expenditures of the district for the year;
- (c) A certified copy of a resolution of the board of trustees fixing the amount for which the school district is liable for school purposes and the rate of taxation to be levied on all assessable lands in the district for the year;

and in case the board of trustees of any such district in which a hamlet is situated desires the property in such hamlet to be taxed for school purposes in the manner hereinafter provided it shall notify the treasurer of the municipality in writing to that effect.

297. On or before the first day of September in each year the treasurer of every municipality shall enter in the assessment roll for the year in the several columns provided for the purpose as shown in the form contained in section 250 hereof a statement of all taxes levied against each lot or parcel of land assessed as shown by the said roll and every such statement when completed shall show—

(a) The rate on the dollar levied by the municipality to meet the estimated expenditures of the municipality as heretofore provided;

(b) The rate fixed by each rural school district as aforesaid to be levied by the treasurer on such lands of the school district as are situated in the municipality as in section 295 provided;

(c) The sum total of the rates levied against each lot or parcel of land;

(d) The total taxes due for the current year on each lot or parcel of land;

(e) The arrears of taxes levied under any authority due on each lot or parcel of land;

(f) The sum total of all taxes due on each lot or parcel of land.

(2) In the event of the total tax payable by any person under this section for the purposes of the municipality being less than two dollars the tax to be entered in the roll as payable by such person for such purpose shall be the said two dollars.

(3) In the event of the total tax payable by any person under this section for school purposes being less than two dollars the tax to be entered in the roll as payable by such person for such purpose shall be the said two dollars.

298. The 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 such person in respect of the land for which he is assessed; and the entry of the date of mailing each such notice followed by the initials of the treasurer on the roll shall be *prima facie* evidence of the mailing

Minimum
municipal
tax

Minimum
school tax

Mailing
tax
notice

of the notice on the date entered without proof of the appointment or signature of the treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) Every such notice shall show the property assessed, the several rates of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due and shall be in such form as may from time to time be approved by the Minister.

299. 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 treasurer of the municipality.

300. The taxes accruing upon or in respect of any land in the municipality shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon except claims of the Crown.

301. In the event of any taxes remaining unpaid after the thirty-first day of December of the year for which the same are levied there shall be added thereto by way of penalty a sum equal to five per centum of the amount of taxes remaining unpaid and in the event of any taxes or any part thereof remaining unpaid on the first day of July next following there shall be added thereto by way of penalty an additional sum equal to five per centum of the amount of such taxes at that date remaining unpaid and the same additional sum shall be added thereto in the same manner upon any taxes remaining unpaid half-yearly upon the first days of January and July in each year following; and such amount or amounts so added shall form a part of the taxes which by section 300 hereof are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes.

302. The treasurer shall enter with the date of receipt all amounts paid him for taxes on the assessment roll opposite the lot or parcel of land for which such payment is made and he shall issue an official receipt for every such payment in such form as may from time to time be approved by the Minister.

303. The treasurer shall upon the written request of any person assessed who pays only a portion of the taxes due by him credit such person in the assessment roll as having paid such taxes as such person may select provided that if arrears of taxes are due by such person the taxes received shall first be applied in payment of such arrears.

304. In case any person only pays a portion of the taxes due by him and such person does not as provided in the next preceding section signify the manner in which such taxes are to be applied the treasurer shall first apply such taxes in payment of any arrears due by such person and the remainder of the taxes so paid, if any, shall be applied in payment of the taxes levied for the current year as the treasurer may direct.

305. In case any person fails to pay the taxes assessed against him within thirty days from the mailing of the tax notice provided by section 298 hereof the treasurer may by himself or his agent levy the same with costs by distress in the same manner as the landlord may recover rent in arrears—

1. Upon the goods or chattels belonging to or in the possession of the owner or occupant of the land whose name appears on the roll and who is hereinafter called "the person taxed"; or

Taxation
due

Taxes
when due

Penalty for
nonpay-
ment of
taxes

Receipt
book for
taxes

Arrears
first charge
on tax
payment

Arrears
first charge
on tax
payment

Distress
for taxes

2. Upon the interest of the person taxed in any goods found on the land including his interest in any goods to the possession of which he is entitled under a contract for purchase or under a contract by which he may become the owner thereof upon performance of any condition; or

3. Upon any goods or chattels of the owner of the land although the name of such owner does not appear upon the roll; or

4. Upon any goods and chattels on the land where the title to such goods and chattels is claimed in any of the ways following:

- (a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; or.
- (b) By purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; or
- (c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or of such owner or by any relative of his in case such relative live on the land as a member of the family; or
- (d) By virtue of any assignment or transfer made for the purpose of defeating distress.

(2) The treasurer shall by advertisement posted up in at least five widely separated conspicuous places in the municipality give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and at the time named in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs including \$2 for posting notices.

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

(4) If the claim is contested such surplus money shall be paid over by the treasurer to the clerk of the District Court for the judicial district within which such municipality is wholly or mainly situated; or if equal portions of the municipality are situated within two or more judicial districts to the clerk of the District Court of any such judicial district.

306. Any taxes or arrears of taxes due to the municipality ~~suit for~~ or levied by it may be recovered by suit in the name of the ~~taxes~~ municipality as a debt due to the municipality; in which case the assessment roll shall be *prima facie* evidence of the debt.

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by section 298 hereof were mailed as shown by the assessment roll.

307. All taxes due on any land included in a municipality ~~Taxes on~~ but which may thereafter be withdrawn therefrom and com- ~~area~~ prised within the limits of a village, town or city shall continue ~~created a~~ to remain as taxes due to the municipality; and for the purposes ~~village~~ of the collection of such taxes the said land shall be deemed to be in the municipality and all the provisions of this Act with respect to the collection of such taxes shall apply:

Provided that in the case of such taxes due on land comprised within the limits of a village the treasurer of such municipality shall as such taxes are collected pay over to the council of the village one-half of the amounts received.

308. If in any year the amount of the taxes collected by the treasurer for any rural school district falls short of the total taxes levied by him for such district the council may by resolution direct the deficiency to be made up from the general fund of the municipality; and every sum so advanced shall be deemed to be a loan to the district to be repaid out of the future collection of taxes for such district.

Deficiency
in school
taxes to be
made up
from
general
fund

FORFEITURE OF LAND FOR NONPAYMENT OF TAXES.

309. The treasurer of every municipality shall during the month of January in each year prepare a separate statement to be known as "The Tax Enforcement Return"; and the treasurer shall enter in such return the following information in the columns provided for the purpose:

Tax
enforce-
ment

1. The name and post office address of each person whose name appears on the last revised assessment roll of the municipality and who has not paid all taxes due by him to the municipality for the year next preceding the preparation of the said return or for any former year;

2. A description of each lot or parcel of land for which each such person is assessed and the value thereof;

3. A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed including the taxes of the next preceding year and showing the years for which all such taxes were levied.

310. When duly prepared as provided in the next preceding section the treasurer shall submit the tax enforcement return to the auditor of the municipality who upon auditing the same and upon being satisfied that the said return is correct shall endorse thereon the following statutory declaration:

Audit of
tax
enforce-
ment return

I,, auditor of the Rural Municipality of No., hereby solemnly declare that I have audited the above return and that to the best of my knowledge and belief it is correct in every particular.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at..... }
this..... day of..... } Auditor.
19..... }
.....
A Comr., J.P. or N.P.

311. The said return as thus verified by the auditor of the municipality shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

Return to
be prima
facie
evidence

312. The lands shown on the said return shall continue liable to assessment and taxation in the same manner as other lands in the municipality unless and until they become vested in the municipality as hereinafter provided and the treasurer shall continue to collect arrears of taxes due to the municipality as shown by the said return and all taxes accruing due after such date, including any penalties imposed under the provisions of section 301 hereof, and upon receipt of any such payment he shall enter in the return the amount paid followed by his initials and the date of payment.

Treasurer
to collect
arrears

313. On the application of the treasurer of the municipality or some solicitor authorized by the council to the judge of the District Court within whose judicial district the municipality is wholly or mainly situated such judge may appoint a time and place for the holding of a court of confirmation of the said return notice of which shall be published in every issue of *The Alberta Gazette* for two months and once each week for at least eight weeks in such local newspaper published in the vicinity of the lands entered on the said return as shall be named by the judge.

(2) If equal portions of any municipality are situated in more than one judicial district the judge of the District Court of any such judicial district shall have jurisdiction under the provision of this section.

314. A notice of the time and place fixed for confirmation of such return shall be sent by registered mail by the treasurer of the municipality at least sixty days prior to the time so fixed to each person who appears by the records of the Land Registration District within which the lands lie or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands in the said return of the date of mailing such notice together with the signature or initials of the treasurer shall without proof of the appointment or signature or initials of the treasurer be *prima facie* evidence that the required notice was duly mailed on the date so entered.

315. If after the date for confirmation has been fixed as provided in section 313 hereof any person interested in any parcel of land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return such person may do so on condition that he pays in addition to the said taxes the sum of two dollars for each parcel of land for costs of application to the judge and advertising and postage in connection with such proceedings; and any sums so paid shall form part of the general revenue of the municipality.

316. At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him under oath and thereupon adjudge and determine whether or not the taxes imposed respectively upon each lot or parcel of land included in the tax enforcement return were either wholly or in part in default and report the adjudication to the treasurer of the municipality and shall also confirm the said return as to those lands on which any taxes are determined to be in arrears naming the amounts of such arrears and adding thereto a reasonable amount for the expenses of advertising together with such sums as he may fix for costs of the application; and the effect of such adjudication when registered as hereinafter provided shall be to vest in the municipality the said lands freed from all liens, mortgages and encumbrances of every nature and kind whatsoever subject however to redemption by the owners respectively of the said lands at any time within three years from the date of the adjudication by the payment to the treasurer of the municipality of the amounts named including expenses as aforesaid together with a redemption fee of five cents per acre for each and every acre in the parcel of land so redeemed and any taxes which may have accrued due on the said lands since the date of such adjudication including any penalties imposed under section 301 hereof; but no such redemption fee shall be less than \$2.

(2) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the municipality.

Successful
opposition
to con-
firmation

(3) A copy of such adjudication certified by the treasurer shall be forwarded by registered mail to the Registrar of Titles of the land registration district in which the lands named in the adjudication or any of them are situated; and it shall be the duty of the registrar to register the same against the lands therein named.

Copy of
adjudica-
tion to be
registered

(4) A copy of such adjudication shall also be sent by registered mail to the persons to whom by section 314 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as hereinafter provided.

Copy of
confirm-
ation to be
sent to all
interested
persons

(5) The treasurer of the municipality shall after the expiration of two years and ten months and before the expiration of two years and eleven months from the date of such adjudication cause to be published in *The Alberta Gazette* and also in a newspaper published within the municipality or if there is no newspaper published within the municipality, in the newspaper published nearest thereto, a notice stating that the land named therein has been forfeited for nonpayment of taxes and stating the time at which the period of redemption provided by law will expire; and shall also not less than 60 days and not more than 90 days before the time at which the period of redemption provided by by-law shall expire, send a copy of such notice by registered mail to the persons to whom by section 314 hereof notice of the time and place fixed for confirmation of the return is required to be sent.

Publication
of notice of
forfeiture

317. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 316 hereof have been paid to the treasurer within three years from the date of the said adjudication the treasurer shall issue to the person paying the taxes a certificate in the form following verified by an affidavit of attestation in the form following which certificate shall on presentation to the registrar of the land registration district in which the lands named are situated be registered by him free of charge and the said certificate when so registered shall discharge and release the said land from the said adjudication and the effect thereof.

Payment of
taxes to
treasurer
after con-
firmation

The Rural Municipality Act.

CERTIFICATE OF REDEMPTION.

This is to certify that the following lands, viz.:

as to which an adjudication under the provisions of section 317 of *The Rural Municipality Act* bearing date the..... day of..... was made by His Honour....., Judge of the District Court of the Judicial District of..... in the Province of Alberta, have been, under the provisions of the said section, redeemed and the said lands are therefore discharged and released from the said adjudication and the effect thereof.

Dated at.....this.....day of....., 19....
Witness.....

AFFIDAVIT OF ATTESTATION.

CANADA:
Province of Alberta.
To Wit:

I,.....
of.....in the Province of Alberta,
(*occupation*) make oath and say:

1. That I was personally present and did see.....
named in the within instrument who is personally known to me
to be the person named therein, duly sign and execute the same
for the purposes named therein.

2. That the same was executed at the.....of.....
in the Province of Alberta, and that I am the subscribing witness
thereto.

Sworn before me at.....
of.....in the Province
of Alberta this.....
day of.....A.D. 19....
.....
A J.P., Comr., or N.P.
(*or as the case may be.*)

318. If after the expiration of three years from the date of the said adjudication the taxes which had accrued due to that date both before and after the date of adjudication together with any penalties imposed under the provisions of section 301 hereof and the expenses and redemption fee as provided in section 316 hereof have not been paid to the treasurer the registrar on the written application of the treasurer shall issue a certificate of title under the provisions of *The Land Titles Act* in favour of the municipality freed from all liens, mortgages and encumbrances of every nature and kind whatsoever.

Issue of
certificate
of title

319. So soon as the said return has been confirmed by the judge as provided by section 316 hereof the treasurer of the municipality shall out of the general revenue of the municipality pay all taxes levied for school purposes which are shown to be due on the several parcels of land in the said confirmed return; and at the expiry of the period fixed for redemption if such lands have not been redeemed, shall out of the general revenue of the municipality pay all taxes for school purposes which have accrued during such period and thereafter, while owned by the municipality, each parcel of land shall be assessed in the name of the municipality for all taxes required to be levied except taxes for the purpose of the municipality and as if the land were assessed to an ordinary individual.

Forfeited
land to be
liable for
school
taxes

320. Any lot or parcel of land which becomes the property of the municipality in the manner provided by section 316 hereof may subject to the approval of the Minister be sold, leased or otherwise disposed of by the council of the municipality on such terms and conditions as it may fix.

Forfeited
land may
be sold

PART VIII.

MISCELLANEOUS.

PENALTIES.

321. Any secretary, treasurer or other officer of a municipality who refuses, neglects or fails to discharge the duties of his office or who knowingly signs any false statement, report or return required by this Act or any law in force in the province or who refuses or neglects to hand over to his successor in office or such persons as may be designated in writing to him by the council or by the Minister all moneys, books, papers and other property of the municipality in his possession in addition to any civil liability which he may incur shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$50.

Penalties
for nonper-
formance
of duties

322. 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.

Recovery of
penalties

323. All moneys accruing from fines or penalties under this Act otherwise than from violations of municipal by-laws shall unless otherwise provided belong to the general revenue fund of the Province of Alberta.

Penalties to
go to
general
revenue
fund of
province

ACTIONS BY AND AGAINST MUNICIPALITY.

324. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities the municipality shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or a plaintiff upon the relation of any person interested.

Rights
as in
proceedings

325. In case a by-law, order or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the municipality; and every such action shall be brought against the municipality alone and not against any person acting under the by-law, order or resolution.

Notice of
action in
certain
cases

326. In case the municipality tenders amends to the plaintiff or his solicitor if such tender is pleaded and if traversed, proved and no more than the amount tendered is recovered the plaintiff shall have no costs; but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases.

Tender of
amends

(2) The council of any municipality upon any claim being made or action brought for damages for alleged negligence on the

part of the municipality may tender or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained; and in the event of the non-acceptance by the claimant of such tender or of the amount paid into court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants and set off against any amount recovered against them.

327. No proceedings of the council of or any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election of or any disqualification of any such person.

Disqualification of member not to invalidate proceedings

EXECUTIONS AGAINST RURAL MUNICIPALITIES.

328. Any writ of execution against a municipality may be endorsed with a direction to the sheriff of the judicial district in which the municipality is wholly or mainly situated to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Procedure on writs of execution in sheriff's hands

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Copy writ to be delivered to treasurer Demand for payment

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the municipality and shall in like manner as rates are struck for general municipal purposes strike a rate sufficient to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

Execution rate

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the treasurer and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the municipality had neglected to satisfy the same and referring to the roll annexed to the precept command the treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Sheriff's precept to treasurer

4. At the time for levying the annual rates next after the receipt of such precept the treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the Rural Municipality of No. (as the case may be)" adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Levy of special rate

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the treasurer for the general purposes of the municipality;

Surplus

6. In case the treasurer of any municipality against which an execution has issued is not paid by percentage fixed by by-law he shall be paid for such collections a sum not exceeding two and one-half per centum;

Treasurer's
percentage

7. The treasurer and the assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such 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.

Treasurer
and assessor
officers of
court

329. At a first election, notwithstanding anything herein contained, if land not situated in any hamlet is jointly owned or occupied by more than four persons only those of such joint owners or occupants to the number that there are half sections of the land so jointly owned or occupied first presenting themselves for the purpose of voting hereunder shall be deemed to be the owners or occupants of such land within the meaning of clause 6 of section 2.

Assessment
of and
voting by
joint
owners

(2) At such first election if land situated in any hamlet is jointly owned or occupied by more than one person only those of such joint owners or occupants to the number that there are lots so jointly owned or occupied first presenting themselves for the purpose of voting herein shall be deemed the occupants of such land.

(3) For the purposes of any subsequent election when land not situated in any hamlet is so jointly owned or occupied by more than four persons the assessor shall in assessing such land enter the names of all such persons on the assessment roll, but only those of such joint owners or occupants to the number that there are half sections so jointly owned or occupied first presenting themselves for the purposes of voting hereunder shall be deemed owners or occupants of such land within the meaning of clause 6 of section 2.

(4) For the purposes of any subsequent election when land situated in any hamlet is jointly owned or occupied by more than one person the assessor when entering or assessing such land shall enter the name of all such persons in the assessment roll but only those of such joint owners or occupants to the number that there are lots so jointly owned or occupied first presenting themselves for the purpose of voting hereunder shall be deemed the owners of such land within the meaning of clause 6 of section 2.

DISSOLUTION OF LOCAL IMPROVEMENT DISTRICT.

330. Whenever a large or small local improvement district or a portion thereof is organized as a municipality under this Act, or is included within a municipality organized under this Act such local improvement district or part thereof shall, on, from and after the date of such organization or inclusion as aforesaid cease to be a local improvement district or part thereof; and all property assets, rights and liabilities of such local improvement district or part thereof as existed at the date of such organization or inclusion shall be deemed and taken for all purposes to be property assets, rights and liabilities of the municipality and all remedies that were available for the collection of any taxes within such local improvement district or part thereof shall be available to the municipality in all respects as though such taxes or arrears had originally been due to the municipality.

Disposition
of assets
and
liabilities
on
dissolution
of local
improve-
ment
districts and
disposition
of assets,
etc., of local
improve-
ment
district
organized
as a
municipality

331. All questions arising upon the organization of a local improvement district or districts into a municipality under this Act or upon the inclusion of a portion or portions of any local improvement district or districts in a municipality organized under this Act as to the division or apportionment of the assets and liabilities of such local improvement district or districts or part or parts thereof, or otherwise, shall unless other provision for the settlement or adjudication of the same has been made in this or any other Act be determined finally and without appeal by the Minister, and the Minister may give such orders and directions as shall be necessary to give effect to his decisions.

No. 1

THIRD SESSION

SECOND LEGISLATURE

2 GEORGE V

1911

BILL

An Act respecting Rural Municipalities.

Received and read the

First time

Second time

Third time

HON. C. R. MITCHELL

EDMONTON:

JAMES E. RICHARDS, Government Printer
A.D. 1912