

BILL

No. 12 of 1911.

An Act respecting Towns.

(Assented to 1912.)

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

PRELIMINARY.

1. This Act may be cited as "*The Town Act*."

Short title
2. In this Act, unless the context otherwise requires, the expression—

Interpre-
1. "Elector" means a person, male or female, entitled to vote at any town election;

Elector
2. "Council" means the municipal council of a town;

Council
3. "Burgess" is an elector who is such in respect of freehold property;

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

Owner
5. "Occupant" means any person who occupies any land under any title whatsoever;

Occupant
6. "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, and "misdemeanour" means any offence for which under the said code the extreme penalty is imprisonment for a term less than five years;

Felony, etc.
7. "Special franchise" shall mean every right, authority or permission whether exclusive or otherwise to construct, maintain or operate within the town, in, under, above, on or through or across any highway, road, street, lane, public place or public water within the jurisdiction of the town, any poles, wires, pipes, tracks, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or for the purposes of conducting steam, heat, water, gas, natural gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water or heat, light, power, transportation, telegraphic, telephonic or other service;

Special Franchise
8. "Judge" means a judge of the District Court of the judicial district within which the town is wholly or mainly situated, or if equal portions of the town are situated within two or more judicial districts the judge of the District Court of any such judicial district, and "Court" or "District Court" means the said District Court.

Judge

9. "Land" includes lands, tenements and hereditaments and any estate or interest therein, and for the purposes of assessment only "land" means land and any estate or interest therein exclusive of the value of buildings or other improvements thereon; Land

10. "Improvements" mean any buildings or any other increase in the value of land caused by the expenditure of labour or capital thereon; Improvements

11. "Municipality," "town" or "town municipality" means and includes any town or town municipality now incorporated as such and also any town or town municipality hereafter incorporated under the provisions of this Act; Municipality and town

12. "Person" includes a corporation or partnership; Person

13. "Revised assessment roll" means the assessment roll of the town as finally adopted by the council; Revised assessment roll

14. "Secretary-treasurer" means the secretary-treasurer of the town and includes the secretary or treasurer; Secretary-Treasurer

15. "Referred by-law" means a by-law referred to the vote of the burgesses and assented to by them as provided in this Act; Referred by-law

16. "Assessor" means the assessor of the town; Assessor

17. "Revised voters' list" means the voters' list of the town as finally revised by the council;

18. "Minister" means the Minister of Municipal Affairs for Alberta; Minister

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 and exposes samples or patterns of any goods, wares or merchandise to be afterwards delivered within the town 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" "Pedlar"

20. "Transient trader" means and includes any person who occupies premises in the town for temporary periods and whose name has not been duly entered on the assessment roll and who may offer goods or merchandise of any description for sale by auction or in any other manner conducted by himself or by a licensed auctioneer or otherwise; Transient trader

Provided that the term shall apply only to and include such persons commencing in the town the business mentioned in this section who have not resided continuously in such town for a period of at least three months next preceding the time of the commencement by them of such business therein.

(2). Wherever 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.

3. Where anything is required to be done on a day which falls on any holiday such thing may be done on the next day which is not a public holiday; but nothing in this section contained shall extend or apply to the day fixed by this Act for the nomination or election of candidates for the offices of mayor or councillors.

4. Where in this Act a certain day is fixed on or by which certain things are to be done or proceedings had if it appears that such date was fixed having regard to an earlier date fixed on or by which certain other things are to be done or proceedings had 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.

5. Where forms are prescribed deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice.

6. 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 and to make others, excepting where by-laws are made for the purpose of raising money, levying assessments or striking rates.

PART I.

APPLICATION OF ACT AND REPEAL OF CERTAIN ORDINANCES, ETC.

7. This Act shall apply to all towns or town municipalities now existing in the province and the same shall continue to exist as town municipalities and be subject to the provisions of this Act; and this Act shall also apply to all towns or town municipalities hereafter created or established within the province.

8. Every town in the province now or hereafter created or established is hereby declared to be a body corporate and subject to all the liabilities of a corporation with full power to acquire, hold and alienate both real and personal estate for all municipal purposes and by the same name they and their successors shall have perpetual succession and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever; and they shall have a common seal with power to alter and modify the same at their pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property (real or personal) for the use of the town and of becoming parties to any contracts or agreements in the management of the affairs of the town.

(2) The name of the body corporate shall be "The Town of (naming the town)."

9. Upon the coming into force of this Act, *The Municipal Ordinance* being chapter 70 of the Consolidated Ordinances 1898 and all Ordinances or Acts passed in amendment thereof shall no longer apply to town municipalities and the said *Municipal Ordinance* and amendments thereof shall on, from, and

after the coming into force of this Act stand repealed and the provisions of this Act shall be deemed provisions substituted for the said Ordinance and amendments thereof so repealed:

Provided however that no town municipality existing at the time of the coming into force of this Act shall by reason of anything contained in this Act or by reason of the repeal of the said Ordinances and sections of Acts be relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing due or accruing due to any person, corporation or company and whether the same arises or exists by reason of or by virtue of any Statute, Ordinance, by-law, law, contract or tort or by virtue of any proceedings heretofore taken, passed, existing or in force; and notwithstanding the repeal of the said Ordinances and sections of Acts such duty, obligation, liability or indebtedness shall continue with the same force and effect as if the said Ordinances and sections of Acts had not been repealed; and

Provided further that until a new council is elected under this Act the head and members of the council of such town municipalities respectively shall be deemed and taken for all purposes to be the head and members of the council of such town municipalities; and

Provided further that until altered under the authority of this Act all by-laws existing at the time of the coming into force of this Act in the said town municipalities respectively shall be deemed and taken for all purposes to be the by-laws of such town municipalities respectively; and

Provided further that the repeal of the said Ordinances and sections of Acts shall not be construed as depriving in any way any town municipality of its real or personal property as assets of any kind or of any part thereof; but on, from and after the coming into force of this Act all town municipalities shall have and possess the same rights therein and thereto as they had or possessed respectively immediately prior to such repeal taking effect; and

Provided further that nothing herein contained shall affect the legality of any proceedings begun, had or taken pursuant to any of the said Ordinances or sections of Acts; but such proceedings may be continued and concluded under the provisions of any of the said Ordinances or sections of Acts applicable thereto.

TOWN BOUNDARIES.

10. Whenever a majority of the resident land owners of any territory adjacent to a town desire annexation thereto and present a petition to the council to that effect the Lieutenant Governor in Council with the consent of the council of the town may by proclamation annex the said territory to and make it a part of the town; the said annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

Additions
to town at
instance of
petitions

11. The Lieutenant Governor in Council may upon the petition of the council of any town include within the town any territory adjacent thereto which from the proximity of streets or buildings or the probable future exigencies of the town it may be deemed desirable to include therein or to annex thereto; the said annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

Additions
to town at
instance of
the council

12. For the purpose of defining boundaries of a town municipality under this Act those sides of road allowances on which monuments or posts have been or may hereafter be placed under a survey made or to be made pursuant to any Act of the Dominion of Canada respecting the survey of Dominion lands, from time to time in force in Alberta, shall be the boundaries either of townships or sections:

Boundaries

Provided however that in the case of correction lines the south side of the road allowance shall be the boundaries and that the boundaries of any Indian Reserve shall be the lines defining that side of the road allowance immediately next to such Indian Reserve.

PART II.

MUNICIPAL GOVERNMENT.

13. The powers of the said corporation shall be exercised by the council of the town which shall consist of a mayor and six councillors.

Powers of
council

(2) The council shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the council for the next year it may take up and carry on to completion all proceedings commenced but not completed by the last year's council.

Council a
continuing
body

14. Subject to the provisions hereinafter contained respecting the term of office of the mayor and councillors elected at the first election after a village becomes a town the term of office of the mayor shall be for two years and the term of office of the councillors shall be for two years and both the mayor and the councillors shall be elected by a general vote of the electors.

Term of
office of
mayor and
councillors

(2) Upon the coming into force of this Act nothing in this section or elsewhere in this Act shall be construed as affecting the term of office of any member of any town council but all such members shall hold office until the expiration of the respective terms for which they were elected.

Persons
eligible for
council

15. After the first election every person shall be eligible for election as mayor or councillor who is a British subject by birth or by naturalization, is a male of the full age of twenty-one years, is able to read and write the English language, is not subject to any disqualification under this Act or *The Controverted Municipal Elections Act*, is resident within the town or within two miles of the limits of the town and is at the time of nomination the owner of freehold estate within the town of the value of \$500 over and above charges, liens and encumbrances affecting the same and whose name is on the last revised assessment roll of the town:

Persons
disqualified
for council

Provided however that no judge of any court of civil juris-

diction, no sheriff, no deputy sheriff, no gaoler or keeper of any house of correction, no constable, assessor, secretary-treasurer, auditor or other paid official of the town, no bailiff, no hotel licensee, no inspector of licenses, no person having by himself or his partner an interest in any contract with or on behalf of the town or being indebted to the town, no surety for any officer or employee of the town and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for five years or over shall be qualified to be a member of the council; and

Provided further that no person shall be disqualified from being elected a member of the council by reason of his having a contract for the publication of any advertisement in any public newspaper or by reason of his being a shareholder in any incorporated company having dealings or contracts with the town or by his having a lease of twenty-one years or upwards of any property from the town; but no such leaseholder shall vote in the council on any question affecting any lease from the town and no such shareholder shall vote on any question affecting such company.

Disqualifi-
cation not
to exist in
certain
cases

VACANCIES.

16. The mayor or any councillor may resign his seat in the council at any time by giving written notice to the secretary-treasurer who shall bring the same to the notice of the council at its next meeting and the said resignation shall take effect and the seat shall become vacant upon the receipt of the said notice by the secretary-treasurer.

Resignation

17. 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 Alberta or assigns his property for the benefit of his creditors or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered upon its minutes his seat in the council shall *ipso facto* become vacant and the council shall forthwith declare the seat vacant.

Declaration
of vacancy

18. 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 in the manner as nearly as may be as other elections under this Act and if the seat in the council of a councillor whose term would not otherwise have expired at the end of the then current year become vacant after the first day of November in any year then such vacancy may be filled by the election of an extra councillor at the next general election and the person obtaining the next highest number of votes after the regular number of councillors have been elected shall be the person to fill such vacancy and in such cases every elector shall be entitled to vote for one extra candidate for each vacancy to be filled; and in case not more candidates are nominated than the number required to be elected the candidate last nominated shall be deemed to be elected to fill such vacancy.

Election to
fill vacancy
in council

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

Compulsory
resignation

MEETINGS OF COUNCIL.

20. The first meeting of the council in each year shall be held on the first Monday in January except when that Monday is a public holiday in which case the meeting shall take place on the next subsequent day which is not a public holiday; and the council of the previous year shall hold office until the new council meets.

21. A majority of the whole council shall be necessary to form a quorum and no act nor 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.

22. 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 has been guilty of improper conduct at such meeting.

MAYOR.

23. The mayor shall be the chief executive officer of the town and it shall be his duty to be vigilant and active in causing the laws governing the town to be duly executed, to inspect the conduct of all town officers and so far as 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 town.

(2) The mayor shall during his term of office be *ex officio* a justice of the peace unless disqualified by law.

24. The mayor may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the town 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; such special constable shall for the time being form a part of the police force of the town.

25. The mayor 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 unless the council by a resolution otherwise determines.

26. The mayor or in his absence the deputy mayor shall preside at all meetings of the council; he shall preserve order and enforce the rules of the council and he shall sign (jointly with the treasurer) all the cheques issued by the town.

27. The council shall at its first meeting and every three months thereafter from amongst its members appoint a deputy mayor who shall hold office for three months and until his successor is appointed and who in case the mayor through illness, absence or any other cause is unable to perform the duties of his office or in case his office is vacant shall have all the powers of the mayor during such inability or vacancy.

28. If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting the members of the council who are present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had. Chairman

29. The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise and (save as otherwise provided herein) any question upon which there is an equality of votes shall be deemed to be negatived. Vote

30. The mayor shall call special meetings of the council whenever requested in writing so to do by a majority of the council and all the members of the council shall be duly notified of the meeting at least twenty-four hours prior thereto and (in general terms) of the business to be transacted thereat. Special meetings

31. If so requested at any time by the written petition of twenty electors the mayor shall by a printed public notice conspicuously posted in at least ten places in the town call a public meeting of the electors for the discussion of the municipal affairs of the town or of any matters relating thereto. Public meetings

OFFICIALS.

32. The council may appoint a secretary, a treasurer or a secretary-treasurer, an assessor, a town solicitor and one or more auditors and they may also appoint such other officers as they deem necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any by-law of the town including a chief of police and all necessary police constables or officers. Council to appoint certain officials

(2) The same person may be appointed to more than one office.

33. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or by application at the lowest remuneration. Appointment not to be by tender

34. All officers appointed by the council shall hold office until dismissed by the council; and in addition to the duties assigned to them by this Act or by the general law of Alberta shall perform such other duties as may be required of them by the by-laws of the council. Tenure of office

35. In addition to defining the duties of any officer the council may by by-law require him to give such security as they 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 mayor and shall be laid by him before the council. Security

36. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the town. Character of

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

38. A council may grant any officer who has been in the service of the town for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation. Gratuities

SECRETARY-TREASURER.

39. The secretary-treasurer shall attend all meetings of the council and shall truly record in a book without note or comment all resolutions, decisions and other proceedings of the council; and (if required by any member present) shall record the name and vote of every member voting on any matter submitted; he shall safely keep all the books, documents and records of the council and the originals (or duly certified copies) of all the by-laws thereof. Secretary-treasurer to attend meetings, etc.

(2) The secretary-treasurer shall within one month after entering on his duties furnish to the town security in a penal sum to be named by the council for the true and faithful performance of all the duties required of him by this Act and the said security shall be a guarantee bond of a guarantee company authorized to do business in the province. Secretary-treasurer to furnish bond

40. Any elector may at all reasonable times inspect any account or demand, contract, by-law, report of the commissioners or of any committee or of any official of the town (other than the town solicitor or any counsel engaged by the town) after the same respectively have been submitted to the council and also the voters' lists, poll books or other documents relating to any election or voting; and the secretary-treasurer shall within a reasonable time after demand by any elector furnish him with copies of any such documents or parts thereof at the rate of ten cents per one hundred words. Records open to inspection

41. A copy of any such book, record, document or account certified under the hand of the secretary-treasurer and the town seal shall be received in evidence without proof of the seal of the town or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders. Copies of records

42. The secretary-treasurer shall collect, receive and safely keep all moneys belonging or accruing due to the town from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by the by-laws of the council. Moneys

43. The secretary-treasurer shall daily or as often as the council may direct deposit in the name of the town in some chartered bank designated by resolution of the council all such moneys received by him; and he shall (jointly with the mayor) sign all necessary cheques. Deposits and cheques

44. The secretary-treasurer shall keep and make use of such books of record and account as the Minister shall from Books to be kept by secretary-treasurer

time to time require him to keep and use including the debenture register required by the provisions of this Act and shall also prepare and submit to the council half-yearly a correct statement of the moneys at the credit of the town.

45. The secretary-treasurer shall collect a fee of twenty-five cents per lot for every search made in the assessment or tax rolls; and shall also, if required, without additional fee, give a certificate under his hand showing whether or not all taxes due in respect of any such lot have been paid and if not the amount of the arrears chargeable against the said lot; and such fee shall form part of the general revenue of the town.

46. In case the secretary-treasurer is absent or is incapable of performing his duties the council may by resolution appoint some person to act in his stead during the period of such absence or incapacity and during such period the person so appointed shall have all the powers of the secretary-treasurer.

47. The council of any town which has appointed a secretary and a treasurer may by by-law divide the duties herein assigned to the secretary-treasurer between such officials in such manner as they may deem proper.

SOLICITOR.

48. The town solicitor shall be a member of the Law Society of Alberta and the council may determine his duties and the terms and period of his employment.

49. In case the remuneration of the town solicitor is to be paid wholly or partly by salary the town shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the town is a party; provided such costs are by the terms of the engagement of the town solicitor payable to him as part of his remuneration in addition to his salary.

AUDIT.

50. The council shall at its first meeting in each year or within two months thereafter appoint one or more auditors but no one who then or during the preceding year is or was a member of the council or is or was secretary-treasurer or who has or had during the preceding year directly or indirectly alone or with any other person a share or interest in any contract or employment with or on behalf of the town (except as auditor) shall be so appointed:

Provided that an incorporated company or a partnership may be appointed as auditor.

51. The auditor or auditors so appointed shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the town or relating to any matter under its control or within its jurisdiction and after the examination of every account, voucher, receipt and paid debenture shall stamp thereon in indelible letters the word "audited" and initial the same.

(2) The auditor shall on every occasion write a special report respecting all expenditures made contrary to law, by-law or resolution and shall deliver the said report to the mayor who shall lay the same before the council at its next meeting.

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

53. On or before the fifteenth day of November in each year the auditor or auditors shall prepare in such form as the Minister may direct and on or before the first day of December the secretary-treasurer shall cause to be printed in such quantity as the Minister shall direct an abstract of the receipts, expenditures, assets and liabilities of the town 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 how disposed of and those remaining on hand. ^{Auditor's abstract}

(2) On or before the first day of March in each year the auditor or auditors shall prepare in such form as the Minister may direct an abstract of the receipts, expenditures, assets and liabilities of the town for the financial year ending on the thirty-first day of December of the preceding year including a statement showing the total amount of debentures authorized to 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 mayor who shall lay the same before the council at its next meeting; and the council shall on or before the first day of April in each year cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the town, or, if there is 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. ^{Abstract of receipts, expenditure, etc., for the year}

(3) The financial year of the town shall commence on the first day of January and close on the thirty-first day of December in each year. ^{Financial year}

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

OATHS OF OFFICE.

55. Every member of the council, the secretary-treasurer, the assessor, the town solicitor, town engineer and every other town officer who may by the terms of his appointment be required so to do shall before entering upon the duties of office make and subscribe a declaration of office to the following effect: ^{Officials, etc.}

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), (*or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time, that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices of as the case may be*) to which I have been elected (*or appointed*) in this town, and that I have not received, and will not receive any payment or reward or promise thereof, for the exercise of any partiality or abuse or undue execution of the said office (*or offices*), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said town, save and except that arising out of my office as (*naming the office*). So help me God.

56. Any person who has been elected or appointed to two or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed. ^{Holders of more than one office}

57. Every returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering ^{Returning officers, etc.}

upon the duties of his office make and subscribe a solemn declaration to the effect following:

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

58. When any oath or affirmation or declaration is required to be taken or made by a returning officer and no special provision is herein made therefor the same may be made and subscribed before the poll clerk or before a notary public, commissioner for taking affidavits or justice of the peace; and the returning officer, notary public, commissioner for taking affidavits or justice of the peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

59. The declaration of office to be made and subscribed by every auditor shall be as follows:

I, A.B., having been appointed to the office of auditor for the town of.....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 had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, if reappointed) with, by or on behalf of the town, during the preceding year, and that I have not any such contract or employment except that of auditor for the present year. So help me God.

60. The mayor and councillors and the other town officers who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before a commissioner for taking affidavits, a notary public or justice of the peace.

61. The mayor, any notary public, commissioner for taking affidavits of justice of the peace may administer any oath, affirmation or declaration relating to the business of the town except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

62. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the secretary-treasurer who shall preserve it among the town records.

63. The mayor or in his absence the presiding officer of the council or of any committee thereof may administer an oath or affirmation to any person concerning any account or other matter submitted to or being dealt with by the council or any committee thereof.

POLICE.

64. The police force shall consist of a chief of police and as many constables and other officers and assistants as may be deemed necessary from time to time.

65. The members of the police force shall be appointed by the council and shall hold office until dismissed by the council and shall before entering upon their duties as members of such force take and subscribe the following oath: Members of force to be appointed by the council

I, A.B., do swear that I will well and truly serve His Majesty the King in the office of chief of police (or police constable as the case may be) for the town of..... Form of oath
with no favour or affection, malice or ill will; and that I will to the best of my power cause the peace to be kept and preserved and will prevent all offences against the person and properties of all persons and that I will to the best of my skill and knowledge discharge all the duties of my office faithfully and according to law. So help me God.

66. The council shall from time to time make such regulations as they may deem expedient for the government of the force and for preventing neglect or abuse and for rendering the force efficient in the discharge of all its duties. Council to make regulation

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

68. Any person who upon the coming into force of this Act is acting either as chief of police or police constable in any town in the province is hereby declared to have been lawfully appointed to such office and every such person is hereby further declared to be as subject to the government of the council of the town in which he is so acting as if he had been appointed to such office under the provisions of this Act. Existing appointments confirmed

69. Any member of the force may be dismissed or suspended by the council at any time. Dismissal or suspension from force

70. The council shall from time to time fix the remuneration to be paid to the chief and constables or men employed. Council to fix remuneration

PART III.

MUNICIPAL ELECTIONS.

71. The persons qualified to vote at the first election after a village becomes a town for mayor and councillors in any town shall be the persons, male or female, of the full age of twenty-one years— First election

1. Whose names are on the last revised assessment roll of the village now comprised within the town; or

2. Whose names are on the last revised assessment roll of the rural municipality or local improvement district for that portion of the town not formerly comprised within the said village.

72. For the purposes of the said first election in any town every person is eligible for election as mayor or councillor who is a British subject by birth or naturalization, is a male of the full age of twenty-one years, is able to read and write the English language, is not subject to any disqualification under this Person eligible at first election as candidates

Act or *The Controverted Municipal Elections Act*, is resident within the town or within two miles of the limits of the town and is the owner at the time of nomination of a freehold estate within the town of the value of \$500 over and above all charges, liens and encumbrances affecting the same and is on the last revised assessment roll of the village now comprised within the town or on the last revised assessment roll of the rural municipality for that portion of the town not formerly comprised within the village.

73. Only persons qualified to vote for candidates shall be qualified to nominate candidates for the office of mayor or councillor.

Who may
nominate
candidates

74. The term of office of the mayor at the said first election shall be to the end of the calendar year then next following the year in which such election is held.

Term of
office of
mayor

75. The three candidates first nominated for councillors in the event of there being no poll or the three candidates receiving the highest number of votes in the event of a poll being held shall be declared elected for the term ending at the end of the calendar year next following or next but one following the date of the election according as such election is held prior or not prior to the first day of July; and the remaining three candidates so nominated or elected shall be declared elected for the term ending with the then calendar year or the next following calendar year according as such election is held prior or not prior to the first day of July; and thereafter one-half the required number of councillors shall be elected annually and shall hold office for two years unless otherwise provided.

Term of
office of
councillors

(2) The returning officer for the said first election shall be the secretary-treasurer for the town.

76. In the event of an election being held after the said first election but before the preparation and revision of a voters' list the provisions of this Act as to the first election including the qualification of voters and candidates shall apply.

Special
election
before
preparation
of voters'
list

77. For the purposes of the said first election the secretary-treasurer of the said rural municipality or local improvement district and the proper officer of the village shall respectively two days prior to nomination day furnish the returning officer with a list of all the ratepayers and persons on the last revised assessment rolls of the said municipality, local improvement district and village for that part of the town formerly included in them or any of them.

Names to be
furnished
the
secretary-
treasurer

VOTERS' LISTS.

78. The persons qualified to vote at elections shall be the persons, male or female, of the full age of twenty-one years whose names appear upon the last revised voters' lists of the town:

Qualifica-
tion of
voters

Provided always that a town may by by-law declare that no person shall be entitled to vote who has not on or before a day to be named therein paid all taxes due by him to such town either for the current year or all arrears of taxes or both.

Proviso
to non-
payment
of taxes

(2) In towns which have passed a by-law under the provisions of the proviso to subsection (1) of this section on

Defaulters'
list

or before the day of nomination of candidates the secretary-treasurer shall prepare and verify on oath a correct alphabetical list of the names of all persons who have not complied with the terms of any such by-law, such list to be called "the defaulters' list."

(3) Any person named in such defaulters' list may vote if at the time of tendering his vote he produces and leaves with the officer holding such election a certificate from the secretary-treasurer of the town showing that the taxes in respect of which default has been made have been paid; and such officer shall file such certificate, receive the vote and note the same on the defaulters' list.

79. The secretary-treasurer shall on or before the first day of September in each year prepare a voters' list in alphabetical form and shall place thereon the names of all persons, male or female, of the full age of twenty-one years who are assessed upon the last revised assessment roll for \$200 or upwards; and the assessor shall cause such voters' list to be printed, type written or written with the next following four sections hereof prefixed thereto; a copy thereof shall be posted up in the office of the secretary-treasurer on or before the fifteenth day of September.

80. Any person who has been resident in the town in the then current year prior to the first day of July and continuously and who is otherwise duly qualified but whose name is put down in error or whose name has been omitted from the last revised assessment roll may either by himself or his agent apply to have the voters' list amended upon giving the secretary-treasurer a notice in the following form:

To the Secretary-treasurer of the town of.....

Take notice that I intend to apply to the council to have my name added to the voters' list (or as the case may be) for the following reasons (here state the grounds according to the facts).

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

(Signature of applicant)

Applicant.

or

(Name of applicant)

Applicant by his agent.

81. If before the first day of October in the then current year a person has disposed of the property for which he was qualified as a voter or if any person's name is wrongfully put down he shall be disqualified as a voter and any elector may apply to the council to have the name of the person so or otherwise disqualified struck off the voters' list and the name of the proper person, if any, substituted therefor; the person so applying shall give six clear days' notice in writing to the secretary-treasurer of his intention to apply to the council for that purpose as provided in the next preceding section.

82. Notice served upon the secretary-treasurer under the three next preceding sections shall be served on or before the first day of November.

83. On or before the fifth day of November the secretary-treasurer shall make a list of all applicants for amendments to the voters' list stating names and grounds of each of such applications and shall post the same in a conspicuous place in his office; and he shall immediately thereafter notify the parties interested of the time and place fixed by the council for hearing such applications.

84. On or before the fifteenth day of November in each year the council shall meet as a final court of revision on the voters' list and shall then hear and determine all applications of which notice has been given to the secretary-treasurer as hereinbefore provided; and the secretary-treasurer shall thereupon amend the voters' list in all cases provided for by sections 80 and 81 inclusive hereof as may be right; and the list so amended shall be the voters' list of the town for the ensuing year or until a new voters' list has been finally revised.

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

ELECTIONS, GENERAL PROVISIONS.

86. The council shall at least one week prior to the last Monday in November in each year by by-law appoint a returning officer for the next town elections and name the place therein where the votes are to be polled; provided the council may, if it deem proper, divide the town into polling divisions, name a polling place for each such division, appoint the returning officer to have charge of one of such polling places and a deputy returning officer to have charge of each of the remaining polling places.

87. The secretary-treasurer shall at least one week prior to the last Monday in November in each year cause to be posted up in at least five conspicuous places in the town a notice of the annual meeting of the electors in the following form:

NOTICE.

Public notice is hereby given that a meeting of the electors of the town of.....will be held (*description of place*) on Monday, the (*here fill in date on which the last Monday in November falls*) day of November, 19....., at eight o'clock p.m., for the purpose of receiving the auditor's report of the finances of the town up to the preceding thirty-first day of October and for the purpose of receiving the reports of the chairmen of the various committees of the council.

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

.....
Secretary-treasurer.

88. At the time and place set out in the notice mentioned in the next preceding section the mayor, secretary-treasurer, auditor, the chairman of the various committees shall attend and submit to the meeting their respective reports for that portion of the current year ending the thirty-first day of October.

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

89. The returning officer shall at least six days prior to the first Monday in December post up in five conspicuous places in the town a notice in the following form:

NOTICE.

Town of.....Municipal Elections, 19.....
Public notice is hereby given that a meeting of the electors
of the town of.....will be held (*description of
place*) on Monday, the.....day of December, 19.....,
(*here fill in the date on which the first Monday in December falls*),
from eleven o'clock in the forenoon until twelve o'clock noon,
for the purpose of nominating candidates for the office of coun-
cillors (*and if such is the case, for the office of mayor*) for the next
ensuing two years.
Given under my hand at.....this.....
day of.....19.....

.....
Returning Officer.

90. At the time and place named in the notice provided
for in the next preceding section the returning officer shall
declare the meeting open for the purpose of receiving nomina-
tions and any person whose name appears on the last revised
assessment roll may propose or second the nominations of any
duly qualified person to serve as mayor or councillor of the
town and the meeting shall remain open until noon when if
the number of persons nominated to serve as mayor and
councillors does not exceed the requisite number the returning
officer shall declare the persons so nominated duly elected.

Nominations

91. Every nomination for mayor or councillor shall be
accompanied by a written consent from the person named in
such nomination to accept the office if elected and a written
statement that he is eligible to be elected for such office which
shall be in the following form:

Consent to
nomination

CANDIDATE'S ACCEPTANCE.

I,hereby state that I am
eligible for election as mayor (*or councillor, as the case may be*)
of the Town of....., and that I will accept
office if elected.

Signed in the presence of

.....
(*Name of Witness.*)

.....
(*Name of Candidate.*)

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

Poll

93. Whenever a poll has to be taken the returning officer
shall without any unreasonable delay after the nomination
cause to be posted up in at least five conspicuous places within
the town a notice to the following effect:

Notice of
posting

NOTICE.

Town of.....Municipal Elections.....
Public notice is hereby given that an election will be held
for councillors (*and if such is the case for the office of mayor*),
of the Town of.....for the years 19and 19....

and that the polling will take place on *(here insert date of polling)*
the.....day of.....19...., from ten
o'clock in the forenoon until seven o'clock in the afternoon at
the following place or places *(here specify polling place or places)*
and that I will at *(describe the place)* on *(day of week)*, the.....
day of.....19...., at.....o'clock in the fore-
noon, sum up the votes and declare the result of the election.

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

Returning Officer.

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

Withdrawal
of
candidate

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

Abandon-
ment of poll

NOTICE.

Town of.....Municipal Elections, 19...
Whereas.....nominated for the office of
.....*(as the case may be)* has withdrawn
his *(or their)* candidature for the said office, leaving.....
the only candidate *(or candidates)* therefor, I hereby give
notice that no voting for the said office *(or offices)* will take
place on the.....day of *(date of polling)*.
Dated at.....this.....day of.....
19.....

G.H.,
Returning Officer.

96. In case of a poll at a town election the vote shall be given by ballot.

Vote by
ballot

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

Ballot
boxes

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

Their con-
struction

99. When it becomes necessary for the purposes of an election to use the ballot boxes it shall be the duty of the secretary-treasurer to deliver the same to the returning officer for the purposes of the election at least twenty-four hours before the opening of the poll.

Their dis-
tribution

100. Where a poll is required the returning officer shall

Printed
ballots

forthwith cause to be printed at the expense of the town such a number of ballot papers as will be sufficient for the purposes of the election.

(2) Every ballot paper shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname in the order of their Christian names.

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

102. The ballot papers shall be in the following forms:

FORM FOR MAYOR.

MAYOR	Election of Mayor for the Town of..... for 19.....	ALLAN. CHARLES ALLAN, of the town of Merchant.
		BROWN. WILLIAM BROWN, of the town of Banker.

FORM FOR COUNCILLORS.

COUNCILLORS	Election of Councillors for the Town of..... for 19.....	ARGO. JAMES ARGO, of the town of Gentleman.
		BAKER. SAMUEL BAKER, of the town of Baker.
		DUNCAN. ROBERT DUNCAN, of the town of Printer.

Directions for voters

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

(2) 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 one of the compartments and with pencil provided in the compartment place a cross on the right hand side opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the returning officer on the back and immediately after leaving the compartment shall without showing

the front of the paper to any person deliver such ballot so folded to the returning officer and forthwith quit the polling place.

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

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

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

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

In the following forms of ballot paper given for illustration the candidates for mayor are Jacob Thompson and Robert Walker, for councillors John Bull and Morgan Jones and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor and the second ballot paper in favour of John Bull for alderman.

MAYOR	Election of mayor for the town of for 19.....	THOMPSON. JACOB THOMPSON, of the town of Merchant.	X
		WALKER. ROBERT WALKER, of the town of Physician.	
COUNCILLORS	Election of councillors of the town of for 19.....	BULL. JOHN BULL, of the town of Butcher.	X
		JONES. MORGAN JONES, of the town of Grocer.	

104. Every polling place shall be furnished with a compartment or compartments in which the voters may mark their votes screened from observation and it shall be the duty of the returning officer or deputy returning officer to see that a proper compartment or compartments for that purpose is or are provided at each polling place.

voting
compartment-
ments

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

Posting
up of
directions

106. The poll book shall be in the following form:

[illegible]

ELECTIONS, PROCEDURE.

107. In the following sections 108 to 161 both inclusive ^{Interpreta-}
the returning officer acting as such at any polling place at ^{tion}
the municipal election is referred to as "the officer presiding
at the poll."

108. The officer presiding or appointed to preside at any Poll clerks
poll at an election may by writing under his hand appoint a
poll clerk who in the absence of the returning officer or the
deputy returning officer or in case of his illness or inability to
fulfil the duties required of him by this Act shall have the
powers of the officer by whom he was appointed.

(2) The officer presiding at the poll may also appoint a constable to maintain order at the polling place or he may summon to his assistance in the polling place any police constable or peace officer for the purpose of maintaining order or of preserving the public peace or preventing any breach thereof or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Act.

109. Every returning officer, deputy returning officer, ^{Oath}poll clerk, constable, candidate or agent authorized to be present at any polling place before exercising at any polling place any of the rights or functions of the office for which he has been so appointed shall take and subscribe before a justice of the peace or before the sec-

retary-treasurer or (in the case of a poll clerk or constable or agent) before the returning officer at whose polling place he is appointed to act an oath in form following:

I, A.B., do swear that I will not at the election to be held in the town of.....on the.....day of19.. attempt in any way unlawfully to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person or persons for whom any elector has voted. So help me God.

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

Duration
of poll

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

Agents

112. Every elector may vote once only for a mayor.

One vote
for mayor

113. Every elector may vote once only for the number of councillors to be elected and any ballot containing votes for more or less than the number of councillors to be elected shall be void.

One vote for
councillors

114. Any person who votes oftener than he is entitled to vote under the provisions of this Act shall incur a penalty of \$50.

Penalty

115. 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

116. The officer presiding at the poll shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during the hours of polling.

Exhibition
of ballot box

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

Procedure
in voting

1. He shall ascertain that the name of such person or a name apparently intended therefor is entered upon the voters' list;
2. He shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification, residence and occupation of such person;
3. When the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "objected to," noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate;
4. If any candidate or his agent demands that the voter be sworn the officer presiding at the poll shall administer to him the following oath:

You swear (or solemnly affirm) that you are the person named (or intended to be named by the name of.....) in the voters' list now shown to you (*showing the list to the voter*);

That you have not voted before at this election;

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 services connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election;

So help you God;

5. If the voter takes the said oath the officer presiding at the poll shall receive the vote and shall enter or cause to be entered opposite such persons' name in the proper column of the said poll book the word "sworn" or "affirmed," according to the fact;

6. Where the voter has been required to take the oath or affirmation and refuses to take the same the officer presiding at the poll shall enter or cause to be entered opposite the name of such voter in the proper column of the poll book the words "refused to swear" or "refused to affirm" according to the fact and the vote of such person shall not be taken or received; and if the officer presiding at the poll takes or receives such vote or causes the same to be taken or received he shall incur a penalty of \$100;

7. When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper;

8. Except in the case mentioned in clause 6 the ballot papers shall then be delivered to the voter.

118. The officer presiding at the poll 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.

119. Every officer presiding at the poll who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by clause 7 of section 117 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 subdivision upon which the officer presiding at the poll has not signed his initials as aforesaid.

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

121. Upon receiving from the officer presiding at the poll the ballot paper or papers prepared as aforesaid the voter shall

Explanation
to voter

Breach of
duty by
presiding
officer

Inttialling
poll book

Marking
of ballot

forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper or papers in the manner mentioned in the directions contained in section 103 hereof by placing a cross on the right hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidates, he shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer and immediately after leaving the compartment shall without delay and without showing the front to anyone or so displaying the ballot paper or papers as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper or papers deliver same so folded to the officer presiding at the poll who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper or papers verify his own initials and at once deposit the ballot paper or papers in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

122. 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

123. No person who has received a ballot paper from the officer presiding at the poll 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 "declined" upon such ballot paper and shall preserve the same.

Ballot
received but
not used

124. If a person claiming to be entitled to vote is incapacitated by blindness or other physical cause from marking his ballot paper or if a person claiming to be entitled to vote makes a declaration that he is unable to read or when the voting is on a Saturday that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by section 121 hereof the proceedings shall be as follows:

Inability,
etc., to
mark ballot

1. The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box;

2. The officer presiding at the poll shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked;

3. The declaration aforesaid may be in the following form:
I, A.B., of....., being named.....
on the voters' lists for the town of....., and

being a duly qualified elector of the said town of.....,
do hereby declare that I am unable to read (or that I object
on religious grounds to mark a ballot paper, as the case may be).

A.B. his (X) mark.

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

4. In the case of a person who objects on religious grounds
to mark a ballot paper the declaration may be made orally and
to that effect and such declaration shall at the time of the
polling be made by the person claiming to be entitled to vote
before the officer presiding at the poll who shall attest the same
according to the following form:

I, C.D., the undersigned, being the returning officer or deputy
returning officer as the case may be) of the town of.....,
do hereby certify that the above (or as the case may be) declar-
ation, having been first read to the above named A.B., was
signed by him in my presence with his mark (or in the case
of one who objects on religious grounds to mark a ballot paper
was orally made before me).

(Signed) C.D.,

Returning Officer (or Deputy Returning Officer).

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

125. A person claiming to be entitled to vote who has inad-
vertently dealt with his ballot paper in such a manner that
it cannot be conveniently used as a ballot paper may on deliver-
ing to the officer presiding at the poll the ballot paper so inad-
vertently dealt with and proving the fact of the inadvertence
to the satisfaction of the said officer receive another ballot
paper in the place of the ballot paper so delivered up; and
the said officer shall immediately write the word "cancelled"
upon the ballot paper so delivered to him; and he shall preserve
the same till he makes his return under section 142.

Ballot
spoiled
before
voting

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

Persons
entitled to
be in
polling
place

127. In every polling place the officer presiding at the poll
shall immediately after the closing of the poll in the presence
of the poll clerk, if any, and of such of the candidates or of
their agents as may then be present open the ballot box and
proceed to count the votes as follows; he shall examine the
ballot papers and any ballot paper which has not on its back his
initials or on which more or less votes are given than the elector
is entitled to give or on which anything except the initials
of the said officer on the back is written or marked by which
the voter can be identified or which has been torn, defaced or
otherwise dealt with by the voter so that he can thereby be
identified shall be void and shall not be counted.

Procedure
on close of
poll

128. The officer presiding at the poll shall take a note of
any objection made by a candidate or his agent or any elector
authorized to be present to any ballot paper found in the ballot
box and shall decide any question arising out of the objection.

Objections
to be noted

129. Every objection shall be numbered and a corresponding
number shall be placed on the back of the ballot paper and
initialled by the officer presiding at the poll.

Ballot to be
numbered
and
initialled

130. The officer presiding at the poll shall indorse "rejected" Ballot to be indorsed on any ballot paper which he rejects as invalid and shall indorse "rejection objected to" if any objection is made to his decision.

131. The officer presiding at the poll shall then count up Count the votes given for each candidate upon the ballot papers not rejected and shall make up a statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) Name of the town and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

132. Upon the completion of the statement it shall Signed statement be signed by the officer presiding at the poll, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign such statement.

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

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

135. Every officer presiding at a poll shall at the close of Certificate on poll book and sealing up of packages the poll certify under his signature on the poll book in full words the total number of persons who have voted and shall at the completion of the counting of votes in the presence of the candidates or agents of the candidates make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding and of the town:

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to but which have been counted by him;
- (d) The rejected ballot papers;
- (e) The declined and cancelled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of voters whose votes have been marked by the officer presiding at the poll under section 124 hereof with the declaration of inability; and the notes taken of objections made to ballot papers found in the ballot box; and shall make and subscribe before a justice of the peace or before the poll clerk a declaration in the following form:

I, C.D., returning officer (or deputy returning officer as the case may be) for the town of., do solemnly declare (or if he is a person permitted by law to affirm do solemnly affirm) that to the best of my knowledge the annexed

copies of the voters' list and poll book used at this election held on the.....day of December, 19...., were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

(Signed) C.D.,

Returning Officer (or Deputy Returning Officer).

Declared or affirmed before me at....this.....day of19 .

(Signed)

K.Y.

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

136. The packets shall be accompanied by a statement made by the returning officer or deputy returning officer showing the number of ballot papers entrusted to him and accounting for them under the heads of (1) counted, (2) rejected, (3) unused, (4) cancelled, (5) ballot papers given to voters who afterwards returned the same declining to vote, and (6) ballot papers taken from the polling place; which statement shall give the number of papers under each head and is in this Act referred to as "The Ballot Paper Account."

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

If there be more than one polling place the deputy returning officers for the additional polling places shall forward such voters' lists, poll-books, packets, ballot box and declarations to the returning officer who shall forward same to the secretary-treasurer at the same time as he forwards the voters' lists, poll-book, packets, ballot box and declarations for his own polling place.

(3) Such voters' lists, poll-books, packets, ballot boxes and declarations may be inspected at any time by any elector in the presence of the secretary-treasurer.

137. If there be only one polling place the returning officer shall on the date and at the place previously appointed publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; he shall also post up on some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

(2) If there be more than one polling place the returning officer shall on the date and at the place previously appointed in the presence of such of the candidates or their agents as may be present break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as are by Section 135 hereof required to be taken by the returning officer or deputy returning officers and shall make and initial all necessary corrections in the statement required by said section; the returning officer shall then add the votes given for each candidate at each polling place, including his own, and shall publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be voted upon by the electors; he shall also post up on some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

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

139. Except in such case no returning officer shall vote at any election. And no other

140. All poll clerks and constables shall if otherwise qualified be entitled to vote. Other officials no disqualified

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

142. Forthwith after the election the returning officer shall deliver to the secretary-treasurer the ballot boxes, packets and returns aforesaid; and the secretary-treasurer shall thereafter be responsible for their safe keeping and for their delivery when required. Return by returning officer to secretary-treasurer

143. The secretary-treasurer shall retain for one month all ballot papers received by him as aforesaid and shall then unless otherwise ordered by a judge cause them to be burned in the presence of two witnesses whose affidavit that they have witnessed the burning of the said papers shall be taken before the mayor or a justice of the peace and filed by the secretary-treasurer among the records of the town. Destruction of ballots

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

145. 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 thinks expedient. Order for

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

147. At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of \$25 as security for the payment of costs and expenses and the said sum shall not be paid out by the clerk without the order of the judge. Deposit

148. The judge, the secretary-treasurer and each candidate ^{Attendance} 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 the votes.

149. The secretary-treasurer shall attend with the ballot ^{Procedure} boxes at the time and place appointed and the judge shall ^{opening of} proceed to recount all the ballot papers received by the secretary-treasurer from the returning officer as having been given in the election complained of and he shall in the presence of the parties aforesaid if they attend or in the presence of such of them as do attend open the sealed packets containing—

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

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

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

151. The judge shall proceed to recount the votes as follows:

1. He shall examine the ballot papers;
2. Any ballot paper on which votes are given for more or ^{Mode of} less candidates than are to be elected for the office in question ^{counting} or on which anything except the initials of the returning officer on the back is written or marked by which the voter can be identified and any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted;
3. The judge shall take a note of any objection made by a candidate or by his agent to any ballot paper and shall decide any questions arising out of the objection; and the decision of the judge shall be final;
4. The judge shall then count the votes given for each candidate upon the ballot papers not rejected and shall make a statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:
 - (a) Names of the candidates;
 - (b) Number of votes for each candidate;

- (c) Ballot papers wanting initials of returning officer;
- (d) Ballot papers rejected as marked for more candidates than were to be elected;
- (e) Ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) Ballot papers rejected as unmarked or void for uncertainty;

5. Upon the completion of the recount or as soon as he has thus ascertained the result of the voting the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the secretary-treasurer, who shall thereupon by notice to be posted in his office declare elected the candidate having the highest number of votes; and in case of an equality of votes the secretary-treasurer shall have the casting vote;

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

152. All costs, charges and expenses of and incidental to an ^{Costs} application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to any costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

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

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

153. No person shall—

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

^{Penalties}

- (f) Having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

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

(3) A person guilty of any violation of this section shall be liable on summary conviction before two justices of the peace if he is the 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 for a term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

154. Every returning officer, deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 108 to 161 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. Penalties

155. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Penalties

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

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

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

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

(6) Every person who acts in contravention of any of the provisions of this section shall be liable on summary conviction before a police magistrate or two justices of the peace to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

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

Secrecy of
vote

157. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to

Candidate
may act
as agent

attend; but no candidate shall be present at the marking of a ballot for a voter under section 124 hereof.

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

Candidates
and Agents

159. No election shall be declared invalid by reason of 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.

Errors not
affecting
result

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

Expenses

161. The secretary-treasurer shall prior to every election or the voting upon any by-law furnish the returning officer with at least two copies of sections 4 and 5 of *The Controverted Municipal Elections Act* and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and see that they are so kept posted during polling hours.

Returning
officer to be
furnished
with copies
of Contro-
verted
Municipal
Elections
Act

PART IV.

POWERS AND DUTIES OF THE COUNCIL.

162. The jurisdiction of the council shall be confined to the limits of the town except where authority beyond the same is expressly given by this or any other Act.

Local
extent

163. The council of every town may pass by-laws not inconsistent with any Statute of Canada or Act of the province or with any rules or regulations having the force of law made pursuant to any such Statute or Act for—

1. Raising of its revenue by assessment on lands;
2. Authorizing the mayor to borrow such sum of money as may be required to meet the expenditure of the town until such times as the taxes levied therein can be collected but such amount shall not exceed three-quarters of the estimated amount of taxes of the town for the then current year;
3. Exemption from taxation for the then current year;
4. Compromising upon such terms as may be agreed upon for the payment of arrears of taxes;

Raising
revenue

Temporary
loans

Exemption
from
taxation

Comprom-
ising taxes.

5. Compelling the payment of taxes for the current year or arrears of taxes or both before voting at any municipal election or on any by-law of the municipality;
 6. The prevention of cruelty to animals;
 7. Granting aid to agricultural societies or to boards of trade or incorporated mechanics' and literary institutes; **Agricultural societies**
 8. The relief of the poor; **Poor relief**
 9. Appointing policemen or a license inspector or inspectors and regulating and defining their duties and their remuneration; **Police**
 10. Providing for the health of the town and against the spreading of contagious or infectious diseases and appointing and defining the duties of a health officer and a local board of health; **Public health**
 11. The making of provisions for the proper scavenging of the town and licensing and regulating scavengers and fixing a schedule of rates to be charged by scavengers; **Scavengers**
 12. Providing for planting and protecting trees on highways and other public places; **Planting trees**
 13. Taking the census of the town; **Census**
 14. Appointing such officials under such names as the council may deem necessary for the carrying out of the work of the town, defining their duties and providing for their remuneration; **Appointing officials**
 15. Acquiring so much real property as may be required for highways, roads, streets, bridges, alleys and byways in the town and for parks and acquiring any real property for the purpose of preventing the operation of any and all such coal mines and coal pits within, upon or under any portion of the limits of the town as in the opinion of the council injuriously affect or endanger property within the limits of the town making due compensation therefor to the parties entitled thereto; **Expropriating land**
 16. Laying out, constructing, repairing and maintaining highways, roads, streets, bridges, alleys, byways and culverts; **Public works**
 17. Closing, selling or leasing any public street, lane, road or highway the fee of which is not vested in the Crown; notice of the intention of the council to pass such by-law shall at least two weeks prior to the date fixed for the passing thereof be served upon the occupiers of and the persons registered and assessed as the owners of, or otherwise interested in the lands abutting upon the portion of the street, lane, road or highway so proposed to be closed either by delivering such notice to said owners or occupiers or other persons interested, personally or by mailing same by registered mail to their address as shown by the last revised assessment roll of the town or by the records of the land titles office for the registration district within which such land is situated; such notice shall also be published once each week for at least two consecutive weeks in some newspaper published in the town or if there be no newspaper published in the town in some newspaper circulating therein; the last of such publications shall be at least two weeks before the date fixed for the passing of the by-law; **Closing streets, etc.**
- (a) Before the passing of such by-law any person claiming that any land in which he is interested in as owner occupier or otherwise, will be prejudicially affected thereby and petitioning to be heard shall be afforded an opportunity to be heard either by himself or his agent; and any person occupying, owning or otherwise

interested in land sustaining damages thereby shall be compensated for such damages in accordance with sections 228 to 242 hereof;

- (b) No by-law for the closing of any public street, lane, road or highway leading to any river or situated on the bank of any river, stream, lake or other water shall take effect until approved by the Minister.

18. The erection of halls, lockups, weigh houses, markets and such buildings as may be beneficial to the municipality and the expropriation of lands therefor;

Public
buildings

19. The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in public markets and restraining or preventing selling on the streets;

Public
markets

Selling on
streets

20. Establishing town scales for weighing or measuring and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement and establishing or regulating the fees to be paid for weighing and measuring on such scales and compelling dealers in coal to weigh upon such scales all coal sold by them if requested to do so by the purchaser and prohibiting the owners of private scales from charging fees for the use of the same when such town scales are in operation;

Public
scales

21. Acquiring, erecting, establishing and operating parks, skating rinks and curling rinks and acquiring land within or without the town for the purposes of the same;

Parks,
rinks, etc.

22. Installing, maintaining and operating any ferry where-soever situated licensed under the provisions of *The Public Works Act*;

Ferries

23. Regulating and controlling the use of wells and other sources of supply of water for the town and making provision for a supply of water for the town and regulating the use and rates to be paid for same and preventing the putting of anything prejudicial to health in any stream or any body of water for use within the town;

Public wells

24. Regulating the size and structure and number and construction of doors in churches, theatres and halls or other places of public meeting or places of amusement and the street gates leading thereto and also the size and structure of stairs and stair railings in all such buildings and the strength of beams and joists and other supports, the method of lighting the same and the provisions of stand pipes and other fire appliances in all such buildings;

Regulating
public
buildings

25. Preventing the obstruction of the halls, aisles, passage ways, alleys or approaches in any church, theatre, hall or other place of public meeting during the occupation of the same for a public assemblage;

Preventing
obstructions
in aisles,
etc.

26. Providing for and regulating the construction and maintenance upon all buildings more than two storeys in height of a sufficient number of proper ladders, fire balconies and fire escapes;

Regulating
fire
escapes

27. Regulating the size and strength of walls, beams, joists, rafters, roofs and other supports in all buildings within the town;

Regulating
walls, etc.

28. Subject to the provisions of *The Public Health Act*, constructing and controlling such sewers, drains and ditches either within or without the bounds of the town as may be expedient to secure the proper drainage of the town and the disposal of the sewage thereof;

Construct-
ing sewers,
etc.

29. Building and repairing sidewalks, preventing the leading, riding and driving of cattle or horses on sidewalks; Building sidewalks etc
30. Controlling or preventing the riding of bicycles or tricycles on any sidewalk; Bicycles
31. Compelling persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them; Clearing snow, etc., by residents
32. Providing for the clearing of sidewalks adjoining property of nonresidents and all other persons who for twenty-four hours neglect to clean the same and in case of nonpayment of the expenses thereof by the owner or occupant charging the same against the property as a special tax to be recovered in like manner as and with other taxes; By non-residents
33. Purchasing, contracting and working any quarry, gravel or sand pit wherever situated for the purpose of the town; Quarries, etc.
34. Fixing the quality and weight of bread offered for sale or sold within the town and prescribing the marks which it should bear and making and enforcing regulations for the sanitary conditions of bread, bake houses and bakeries; Assize of bread
35. Regulating the sale of any articles used for food or drink and providing for the inspection of the same and for seizure and forfeiture of such articles offered or exposed for sale; Regulating food products
36. Granting any special franchise subject to such regulations as the council may make and subject to the ratification of the by-law by two-thirds of the burgesses voting thereon as hereinafter provided but no such special franchise shall save as herein otherwise provided be granted for a longer period than twenty years; Authorizing construction of gasworks, etc.
37. Building, erecting, buying or leasing, controlling and operating any electric light, heat, power, natural gas or gas plant and, subject to the provisions of *The Public Health Act*, any waterworks plant or purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on any of the said businesses subject to the ratification of the by-law by two-thirds of the burgesses voting thereon—Electric and other works
- (a) For all purposes connected with the carrying on of any of the above works the town is hereby authorized to acquire any lands either within or without the town and to enter into any contract necessary for the proper carrying on of said businesses, including in the case of natural gas plants all contracts in regard to drilling for such natural gas, and generally to conduct said works and businesses, including in the case of natural gas plants necessary drilling, arising in connection therewith either by the council or by commissioners or agents appointed for the purpose as fully and freely and with all the powers and rights they would have if specially incorporated for the purpose of carrying on said business;
- (b) In case the town engage in any of the businesses heretofore referred to the council shall have power to appoint by by-law commissioners for the purpose of carrying on such businesses or any of them and all necessary contracts in connection therewith may be done and performed in the name of the said commissioners who shall be called "electric light

commissioners," or as the case may be, and by that name shall have all the powers for properly carrying on the business which are herein granted to the town;

Provided that the mayor or any councillor may be appointed a commissioner and shall not by accepting such position forfeit his seat in the council or be deemed to be disqualified therefor under the provisions of section 15 hereof;

- | | |
|--|-----------------------------------|
| 38. Authorizing the mayor and secretary-treasurer to sign any contract with any person to supply light, power, gas, natural gas or water for the use of the corporation for any period not exceeding ten years subject to the ratification of the by-law by two-thirds of the burgesses voting thereon; | Contracts for light or water |
| 39. Purchasing or otherwise acquiring and holding any lands situated within or without the limits of the town which may be required for a nuisance ground for the purpose of disposing of the sewage and other refuse of the town; | Purchase of nuisance ground |
| 40. Compelling the removal of dirt, filth, dust or rubbish off the roads, lanes or any other places within the town by the party depositing the same and the placing of the same where ordered by the council either within or without the town; | Removal of rubbish |
| 41. Regulating and controlling the use of nuisance grounds owned or controlled by the town; | Control of nuisance ground |
| 42. Preventing or controlling the construction of privy vaults and providing for the keeping of the same in a proper state of cleanliness; | Controlling privies, etc. |
| 43. Preventing nuisances and compelling the abatement thereof generally; | Abatement of nuisances |
| 44. Preventing or controlling the erection and use of slaughter houses within the boundaries of the town; | Slaughter houses |
| 45. Inspecting and regulating slaughter houses, dairies and all other places outside the area of the town from or through which food is brought for sale within the boundaries of the town and framing and enforcing building and sanitary regulations for the said slaughter houses; | Outside the town |
| 46. Preventing or controlling the storage of gunpowder and other combustible, explosive or dangerous materials within the boundaries of the town; | Storage of explosives |
| 47. Directing the removal of doorsteps, porches, railings or other erections or obstructions projecting into or over any sidewalk, street or other public place at the expense of the proprietor of the property connected with which such projections are found and assessing said expense if not paid against said lot or property; | Removal of obstructions |
| 48. Appointing street and building inspectors and providing their duties and for providing for the summary removal of any pole or wire or other obstruction from the street or for the pulling down or removal or closing to the use of the public of any building or other erection within the town which shall be deemed dangerous by such inspectors; | Building inspectors |
| 49. Naming or numbering the streets or avenues and changing the name and numbers or any of them of streets and avenues now existing or hereafter laid out within the town; | Naming streets, etc. |
| 50. Regulating the rate or pace of riding or driving any vehicle other than a motor vehicle within the town; | Regulating speed of vehicles |
| 51. Preventing the encumbrance of the streets and other public places by vehicles or otherwise; | Preventing encumbering of streets |
| 52. Preventing or controlling the erection and use of bill-boards for advertising purposes whether the notices be printed or otherwise displayed; | Controlling bill boards |

53. Regulating and licensing billposters and preventing the pulling down and defacing of signboards and billboards or printed or other notices lawfully affixed and for preventing the defacing of private or other property by printed or other notices; **Billposters**
54. Licensing, regulating and governing hawkers or pedlars and transient traders, but a municipal license shall not be granted to any hawker or pedlar unless the applicant is the holder of a provincial license for hawkers or pedlars; **Licensing hawkers**
55. Licensing and regulating all persons carrying on business as sellers of horses or mules within the town or bringing horses or mules within the town for the purpose of selling or offering the same for sale; **Licensing horse dealers**
56. 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; **Dog tax**
57. 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 tables, in a place of public entertainment whether such pool, billiard or bagatelle table be used or not, and for regulating and governing all persons who use or frequent premises where any pool, billiard or bagatelle table is so kept. **Licensing billiard tables**
- (2) Licensing, regulating and governing public bowling alleys and regulating and governing all persons who use or frequent same;
58. Preventing or regulating and licensing exhibitors of wax works, menageries, circusses, shows, theatres, caravans and for requiring the payment of license fees for authorizing the same not exceeding \$500 per day and for imposing fines on persons for infringing such by-laws to the amount of \$50 over and above the amount of the license fee; provided such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not and in addition the offender may be imprisoned for six months; **Licensing shows, etc.**
59. Preventing or regulating and licensing exhibitions held or kept for hire or profit, halls, opera houses and other places of amusement; **Licensing places of amusement**
60. Controlling, regulating and licensing livery, feed and sale stables, insurance companies, offices and agents, real estate dealers and agents, intelligence offices or employment offices or agents, butcher shops or stalls, skating, roller or curling rinks and all other businesses, industries or callings carried on or to be carried on within the municipality or commercial travellers or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or otherwise for or on account of any merchant, manufacturer or other person selling directly to the consumer not having his principal place of business in the town and collecting license for the same; **Licensing businesses, etc.**
61. Licensing porters, water dealers, milk dealers or carriers or common carriers, draymen, hackmen, omnibus drivers and all persons performing work with horses or mules within the town for hire and regulating the same and fixing a schedule of fees to be charged by the same; **Licensing porters, etc.**
62. Establishing a fire department, appointing the officers thereof, regulating and providing their remuneration and prescribing their duties; **Fire department**

63. Providing protection from fire by the purchase of engines and equipment and authorizing the building of firewalls and granting bonuses for the same; **Fire protection**
64. Compelling the inhabitants to assist and aid in the extinguishing of fires, pulling down and razing building and removing property in the vicinity of fires for the purpose of preventing the spreading of the same; and providing compensation for loss or damage sustained by reason of said pulling down, razing or removal: **Compelling assistance in putting out fire, razing buildings**
- Provided that in all cases where a building is razed by the order of anyone acting under the authority of the council the council shall in all cases compensate the owner to the amount of three-quarters of the value of the property destroyed;
65. Regulating the erection and repair of buildings and their distance from streets and lanes and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the town and prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material within defined areas of the town and regulating the construction and dimensions of chimneys and enforcing the proper cleaning of the same and authorizing the pulling down or removal at the expense of the owner thereof of any building or erection which may be constructed or placed in contravention of any by-law prohibiting the maintenance or erection of any building used or to be used as a livery, feed or sale stable, blacksmith shop, laundry, implement warehouse, creamery, or lumber, coal or wood shed in such parts of the town as the council may designate; **Regulating erection of wooden buildings, etc.**
Chimneys
Removal of unauthorized buildings
66. Generally establishing such measures as the safety and welfare of the town may require for the prevention and extinguishment of fires; notwithstanding any other provisions of this Act; **Prevention of fires**
67. Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year; **Destruction of noxious weeds**
68. Prohibiting the discharge of firearms or explosives in the town;
69. Taking over, purchasing, erecting, maintaining and regulating hospitals or granting aid for the erection and maintenance of the same either by direct payment or by guaranteeing the repayment of the principal and interest of any loan obtained by the hospital authorities provided that the amount of any such guarantee together with the debenture indebtedness of the town shall not exceed the amount fixed by section 178 hereof subject to the ratification of the by-law by two-thirds of the burgesses voting thereon; **Hospitals**
70. Assisting any incorporated order of nurses by a grant of money thereto; **Assisting Nurses**
71. Licensing and regulating pawnshops, junk stores or shops and second hand stores or shops and fixing the amount to be paid for license for the same and the time such license shall be in force; **Licensing pawnshops**
72. Sanctioning and permitting the track of any railroad, street railway or tramway to be laid on, along or across any street, lane or avenue of the town subject to the ratification of the by-law by two-thirds of the burgesses voting thereon as hereinafter provided and to provide compensation for any damage that may be done on the property or on said streets, lanes or avenues, **Regulating railways**

the amount of said damage if any to be settled in the manner provided therein in regard to the expropriation of land and to regulate the use of locomotive engines and of steam or other motive power on any or every portion of any railroad within the town and to provide and regulate the speed of cars upon any and every part of any railroad within the town and to impose a penalty of not less than \$50 nor more than \$500 for any breach of such by-law;

73. Regulating the rate of speed of railway trains and engines along or across any of the streets, lanes or avenues of the town and preventing the obstruction of any streets, lanes or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time and preventing the loading or unloading of any car or truck alongside or from any street crossing or sidewalk in the town and blowing of whistle or ringing of bells while the engine is going along or across any street, lane or avenue except under conditions mentioned in such by-law and imposing a penalty for breach of such by-law of not more than \$500;

Regulating
railway
trains

- (a) In any proceedings taken for infraction of by-laws passed under the two preceding clauses service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad and any of the persons in charge of the engine, car, truck or train as well as the railroad company shall be liable for the penalty provided in the by-law and proceedings may be taken against either or any of them;

Procedure

74. Acquiring any estate in landed property within or without the town for a public park, garden or walk or for exhibition grounds or a site for industrial or manufacturing purposes, and for the disposal thereof when no longer required for the purpose or when the council of the town may deem it advisable to dispose of the same; and for accepting and taking charge of landed property within the town dedicated for a public park, garden or walk for the use of the inhabitants of the town;

Parks,
exhibition
grounds,
etc.

75. The erection of buildings and fences for the purpose of such garden, walk or place for exhibitions as the council deems necessary;

Erecting
of build-
ings, etc.

76. The management of such park, garden, walk or place for exhibitions and buildings;

Manage-
ment of
parks, etc.

77. Purchasing, maintaining and controlling a cemetery outside the town and preventing the burial of the dead within the town;

Regulating
burial of
the dead

78. Subject to the provisions of the *Early Closing Act* the enforcement of closing at any specified hour of all retail shops as the same are defined by the said Act;

Closing of
shops

79. Restraining and regulating the running at large or trespassing of any animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such by-law and for services rendered in respect to and sustenance supplied for animals distrained or impounded; for appointing pound-keepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the poundkeeper to impound; for appraising the damages to be paid by the owners of animals impounded for trespassing and (subject to the provisions hereinafter referred to) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid:

Restraining
running at
large of
animals

Provided that in addition to any provision that may be contained in any by-law passed by the council of any town under this clause the provisions of sections 26, 27, 28, 29 and 30 of *The Pound District Ordinance* or any provisions that may be substituted therefor or enacted in amendment thereof shall apply to and be observed in the case of any proceedings under such by-law:

Provided however that the sale of any impounded animal as provided for in section 28 of *The Pound District Ordinance* may be held at such place in the town as may be designated by by-law;

80. Disposing of or devoting to some other town purpose in whole or in part any property acquired by the town for a specific purpose by gift or otherwise when such property is in the opinion of the council no longer required or not required for the time being for the purpose for which it was originally acquired or to which it has been subsequently devoted;

81. Regulating the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hours appointed;

82. 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;

83. Preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language and other immorality and indecency;

84. Suppressing disorderly houses and houses of ill-fame;

85. Suppressing gambling houses, and for seizing and destroying faro-banks, and rouge et noir, roulette tables, and other devices for gambling found therein;

86. Regulating horse-racing;

87. Restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place;

88. Preventing indecent public exposure of the person and other indecent exhibitions;

89. Preventing or regulating the bathing or washing the person in any public water in or near the municipality;

90. Generally to make and establish all such by-laws for the government and good order of the municipality and the suppression of vice and immorality, protection of property and the promotion of health not inconsistent with the law.

Disposing
of town
property

Preventing
children
being on the
streets at
nightfall

Indecent
placards, etc

Vice,
drunken-
ness, etc.,

Lewdness

Gaming

Horse
racing

Vagrants

Indecent
exposure

Bathing

Preserve
order, etc.

164. Notwithstanding anything contained in the next preceding section or elsewhere in this Act no town shall have the power to bonus in any manner, exempt from taxation, acquire stock in or guarantee the payment of any bonds or debentures issued by any railway company.

Bonuses to
railways
prohibited

165. It shall be the duty of the council to make due provision for the care and treatment of any person who has been a resident of the town 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

166. Should the council deem it advisable to place any such person in any hospital which receives aid from the general revenue of the province the board of such hospital may demand and collect from the council the sum of seventy-five cents per day for each day's actual care of the patient in such hospital.

Demand by
hospital
board

167. Any sum thus paid by the town to the hospital may be recovered from the said patient by action or by distraint by the treasurer of the town or if deemed advisable it may be added to and form part of the taxes levied by the town 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; 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

168. 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 for such annual sum and subject to such conditions and restrictions as may be agreed upon.

Agreement
between
council and
board

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

Power to
establish
fuel yards
in event of
emergency

170. In all cases in which in this Act it is provided that the council may license any business, building, calling, trade or occupation or the keeper of any articles or animals for use or hire the council shall also have full power and authority by by-law to provide regulations in connection therewith and governing the conduct of same and providing the manner of collecting of such licenses and providing penalties for not having such license and for breach of conditions on which such licenses are issued and also for fixing fees to be charged for such licenses and regulating the prices or fees to be charged by the holders of such licenses and providing for the collection or payment of the same and generally for the protection of those persons holding licenses.

Licenses

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

Liability for
both license
fees and
taxes

172. When the council has authority to direct that any matter or thing shall be done by any person the council may also direct that in default of its being done by such person it shall be done at the expense of the person in default and the town may recover the expense thereof with costs by action or in like manner as municipal taxes.

Council
may do
omitted
work

173. Every by-law under this Act shall be under the seal of the town and shall be signed by the mayor and countersigned by the secretary-treasurer and every by-law shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at any one meeting of the council except by the unanimous vote of the members present thereat.

By-law to
be signed
and have
three dis-
tinct read-
ings before
passed

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

Evidence of
its passing

175. When one-half of the ratepayers whose names appear on the last revised assessment roll petition the council for the submission of a by-law on any question concerning a matter within the legislative jurisdiction of the council the same shall be granted and a by-law introduced by the council within four weeks after the presenting of the said petition which by-law shall be advertised in some newspaper published in the town or in case there is no newspaper published in the town in any newspaper circulated therein in at least one number of such paper each week for two successive weeks and if the majority of the votes polled is in favour of the said by-law the by-law shall be finally passed by the council within four weeks of the voting thereon.

Petition for
submission
of by-laws

(2) The proceedings upon a vote under the provisions of this section shall be the same *mutatis mutandis* as those provided herein for voting on money by-laws.

176. 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 the passing thereof.

Validation
of by-laws

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

MONEY BY-LAWS.

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

178. Every town may subject to the following provisions pass by-laws for contracting debts by borrowing money or otherwise and for levying rates for the payment of such debts on the rateable property of the town for any purpose within the jurisdiction of the town or for roads, bridges, waterworks or drainage works outside the limits of the town:

Provided that no town shall have power to pass such by-laws for contracting debts to a greater extent than fifteen per cent. of the rateable land in the town.

179. By-laws for contracting debts or borrowing money which do not provide for the payment of the debts contracted or money borrowed within the financial year shall before the final passing thereof receive the assent of two-thirds of the burgesses voting thereon in the manner provided hereinafter.

180. By-laws for contracting debts shall provide for the issuing of debentures and the levying of annual rates for the payments of such debts.

181. The by-law creating a debt shall state by recital or otherwise—

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

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

183. The by-law may provide that the indebtedness shall as the council may deem expedient be payable—

1. In such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run; or
2. In such manner that the principal shall be repayable at the end of the period of years during which the debentures are to run together with interest on such debentures to be paid annually or semi-annually as the council may by the by-law provide;

Provided however that if the indebtedness is to be made payable by debentures payable in the manner set forth in this clause there shall be raised annually by way of sinking fund a sum sufficient with interest thereon compounded yearly at four per cent. per annum to retire the debentures at maturity and any such sum shall be added each year to the amount of the other rates and taxes of the town and collected along therewith.

(2) If the above provisions or either of them are contained in any by-law of any town to which this Act applies whether such by-law has been passed prior to the coming into force of this Act or is contained in any by-law hereafter to be passed, then the debt to be incurred and the debentures to be issued in respect thereof may be made payable in whichever of the above modes the council may by by-law determine.

184. The debentures to be issued under such by-law shall be in the form following or to the like effect:

Form of
debentures

FORM 1.

Town of.....
\$..... Debenture No.....

Under the authority of *The Town Act* and of By-law No..... of the town of....., passed on the.....day of....., 19....., the said town promises to pay the bearer at.....the sum of.....dollars with interest at the rate of.....per cent. per annum in.....consecutive annual instalments according to the terms of the several coupons hereto attached.

{Corporate seal }
{ of the town. } Mayor.
.....
Secretary-Treasurer.

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

.....
Mayor.
.....
Secretary-Treasurer.

FORM 2.

Town of.....

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

Under the authority of *The Town Act* and of By-law No.....
of the town of....., passed on the.....
day of....., 19....., the said town hereby promises
to pay to the bearer at.....the sum of.....
dollars on the.....day of....., 19.....,
(if interest is payable in the meantime add) and to pay the bearer
the amount of each of the several interest coupons hereto
attached as the same shall respectively become due.

{ Corporate seal } Mayor.
{ of the town. }
Secretary-Treasurer.

And the coupons may be in the following form:

Coupons.....
Coupon No.....
Debenture No.....
The town of.....will pay to the bearer at
.....on the.....day of.....
19....., the sum of.....dollars.
..... Mayor.
..... Secretary-Treasurer.

(2) Provided that any debenture under this Act may be in
such other form as is approved by the Minister or may provide
for the payment of principal and interest secured thereby
in any other manner approved by the Minister.

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

185. In case of debentures issued for local improvements
the words "local improvement debenture" shall also be printed
on the face of the debentures issued in respect of that part
of the cost which is to be raised by special assessment.

186. Every debenture issued as aforesaid shall be sealed with
the seal of the town and signed either by the mayor or by some
person authorized by by-law to sign the same in his stead
and by the secretary-treasurer or by some person authorized
by by-law to sign in his stead; and every coupon issued as
aforesaid shall be signed either by the mayor or by some person
authorized by by-law to sign the same in his stead and by
the secretary-treasurer or by some person authorized by by-law
to sign in his stead.

Local
improve-
ment
debentures

Execution
of
debentures
and coupons

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

Times and modes of issue

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

188. Any debenture issued under this Act shall be valid and binding upon the town notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the town in respect thereof; provided that the by-law has received the assent of two-thirds of the burgesses voting thereon and that no successful application has been made to quash it.

Validation of debentures

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

Final passing of by-law

SUBMISSION OF DEBENTURE BY-LAWS TO MINISTER OF MUNICIPAL AFFAIRS.

190. The council of any town which has heretofore and in pursuance of any law authorizing such town so to do passed and the council of any town which shall hereafter in pursuance of the authority of this Act pass a by-law for contracting a debt or incurring a liability or for borrowing money may apply to the Minister for a certificate approving the by-law.

Application for approval of debenture by-law by minister

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

Certificate not to be granted while proceedings pending

(3) The certificate may be in the following form:
In pursuance of *The Town Act* the Minister of Municipal Affairs hereby certifies that the within by-law is valid and binding and that its validity is not open to be questioned in any court on any ground whatever.

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

(SEAL) Minister of Municipal Affairs.

191. The Minister may grant the certificate notwithstanding any defect or irregularity in substance or in form in the proceedings prior to the final passing of the by-law or in the by-law itself if in the opinion of the said Minister the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with.

Minister may grant certificate upon proof of substantial compliance with law

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

By-law and debentures not to be open to question after approval

193. Where a by-law has been approved under the provisions hereof the Minister may upon application of the town council countersign any debenture or debentures issued or which may thereafter be issued under the authority of the by-law and such countersigning by the Minister shall, notwithstanding anything to the contrary in this Act, be conclusive evidence of the validity of such debenture or debentures and the legality of the issue of such debenture or debentures shall be thereby conclusively established and its or their validity shall not be open to question in any court; and every such debenture so countersigned shall be valid and binding upon the town and upon the property held for the rate imposed by or under authority of the by-law and the signature of the Minister may be written or stamped on the debentures.

Counter-
signing of
debentures

ASSENT OF BURGESSES TO BY-LAWS.

194. Where a by-law requires the assent of burgesses before the final passing thereof any bank or other corporation assessed on the last revised assessment roll as the freeholder of real property which if held by an individual would entitle him to vote shall be entitled to one vote only which may be given by the chief resident officer of such corporation.

Corporation
voting

195. In case a by-law requires the assent of two-thirds of the burgesses before the final passing thereof the following proceedings shall except in cases hereinafter otherwise provided for be taken for obtaining such assent:

Publication
of by-law
and notice

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

2. The council shall by the by-law fix the day and hour for taking the votes of the burgesses and the place in the town where a poll shall be opened and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed by-law; the council, may also if it deem proper by the by-law divide the town into polling divisions, fix the boundaries thereof and the place within which where such votes shall be taken, appoint the returning officer to have charge of one of such polling places and a deputy returning officer to have charge of each of the remaining polling places.

3. The council shall before the final passing of the proposed by-law publish a copy thereof in some newspaper published in the town or in case there is no newspaper published in the town in a newspaper circulated therein; and the publication for the purpose aforesaid shall be made in at least one number of such paper each week for three successive weeks; the returning officer shall also post up a printed copy of the proposed by-law at five or more conspicuous places in the town one of which shall be the post office.

4. To each copy so published and posted shall be appended a notice over the printed or written signature of the returning officer stating that the above is a true copy of a proposed by-law which has been introduced and which will be finally passed by the council in the event of the assent of the burgesses being obtained thereto within four weeks of the voting thereon and that upon the day and at the place or places fixed for taking the vote of the burgesses the voting thereon will be held between the hours of ten o'clock in the forenoon and seven o'clock in the afternoon.

196. Forthwith after the day has been fixed as aforesaid ^{Printing} for taking the votes of the burgesses upon a by-law the return- ^{ballots} ing officer shall cause to be printed at the expense of the town such a number of ballot papers as will be sufficient for the purposes of voting.

197. The ballot paper shall be in the following form: ^{Form of} ^{ballot}

19..... Voting on by-law (here insert object of the by-law), submitted to the burgesses of the town of this (date).	FOR THE BY-LAW
	AGAINST THE BY-LAW

198. The council shall by the by-law fix a time when and ^{By-law to} ^{fix times} a place where the returning officer shall sum up the number ^{and places} of votes given for and against the by-law.

199. At the time and place named the mayor if requested ^{Appoint-} shall appoint by writing signed by him two persons to attend ^{ment of} at such polling place and at the final summing up of the votes ^{representa-} on behalf of the persons interested in and desirous of promoting ^{tives} or opposing the passing of the by-law respectively.

200. Before any person is so appointed he shall make and ^{Oath of} subscribe before the mayor or the returning officer a declara- ^{appointee} tion in the following form:

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

(Signature) A.B.

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

C.D.,

Mayor.

or E.F.,

Returning Officer.

201. Every person so appointed before being admitted to ^{Production} the polling place or to the summing up of the votes, as the ^{of appoint-} case may be, shall produce his written appointment to the ^{ment} returning officer or deputy returning officer presiding at the poll.

202. In the absence of any person authorized as aforesaid ^{Substitute} to attend at a polling place or at the final summing up of the votes any burgess in the same interest as the person so absent may attend upon making and subscribing before the returning officer or deputy returning officer a similar declaration to that in section 200 set out.

203. During the time appointed for polling no person shall ^{Who} be entitled or permitted to be present in any polling place ^{allowed in} other than the officers, clerks and persons or burgesses author- ^{polling} ized to attend as aforesaid at the polling place. ^{place}

204. If the town has been divided into polling divisions ^{Voters' lists} the secretary-treasurer shall deliver to the returning officer and each deputy returning officer a voters' list containing the names arranged alphabetically of the burgesses owning land within the limits of the polling division for which he has been appointed, and a brief description of such land; and he shall attest such list by writing under his own hand.

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

205. The voters' list shall be in the following form:

Name of the Burgesses.	Column for Mark in favour of that voter has voted.	Description of property in respect of which the burgess is entitled to vote.	Objections	Sworn or Affirmed	Refusal to affirm or swear.	REMARKS

206. At the day and hour fixed as aforesaid the poll shall ^{Polling} be held and the votes shall be taken by ballot.

207. The poll shall be kept open from ten o'clock in the ^{Poll opens} forenoon until seven o'clock in the afternoon of the same day, mountain standard time.

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

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

A.B.

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

C.D.,

Justice of the Peace (Returning Officer or Deputy Returning Officer).

209. The printed directions to be delivered to the returning officer shall be in the following form: ^{Directions to voters}

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

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

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

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

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

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any ballot paper or papers except those given to him by the returning officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of \$200 or to both.

In the following form of ballot paper (given for illustration) the voter has marked his paper in favour of the passing of the by-law:

<p>19.</p> <p>Voting on by-law to <i>(here insert object of the by-law)</i>, submitted to the burgesses of the town of this <i>(date)</i>.</p>	<p>FOR THE BY-LAW</p> <p>AGAINST THE BY-LAW</p>	<p>X</p>
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210. Every burgess shall be entitled to vote only once on any referred by-law; if there be more than one polling place such burgess shall vote at the polling place for any polling division upon the voters' list for which his name appears. Vote

211. Every person tendering a vote on the by-law may be required by the returning officer or deputy returning officer or by any burgess entitled to vote on the by-law to make before his vote is recorded the following oath or affirmation or any part thereof or to the effect thereof:

You swear that you are of the full age of 21 years;
 That you are a freeholder in your own right;
 That you have not voted before on the by-law;
 That you are according to law entitled to vote on this by-law;
 That you have not directly or indirectly received any reward
 or gift nor do you expect to receive any for the vote which
 you now tender;

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

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

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

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

212. The chief resident officer of any corporation tendering a vote on the by-law may be required by the returning officer or deputy returning officer or by any burgess to make before his vote is recorded the following oath or affirmation or any part thereof;

That you are the chief resident officer of the (*naming the corporation*);

That the said corporation is a freeholder in this town;

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

That you are according to law entitled to vote on the by-law as chief resident officer of the said corporation;

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

That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly received any reward or gift for the vote which you now tender nor do you or to the best of your knowledge and belief the said corporation expect to receive any;

That neither you nor to the best of your knowledge and belief the said corporation has received anything or been promised anything directly or indirectly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

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

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

1. Name of town and date of voting;
2. Number of votes for and against the by-law;
3. Rejected ballot papers.

214. The returning officer or deputy returning officer shall take a note of any objection made by any person authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection; each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the returning officer or deputy returning officer (*as the case may be*).

215. Every returning officer or deputy returning officer at the completion of the counting of the votes shall in the presence of the persons authorized to attend make up into separate packets sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet and the date of the voting and the name of the returning officer or deputy returning officer (*as the case may be*).

1. The statement of votes given for and against the by-law and of the rejected ballot papers;
2. The used ballot papers which have not been objected to and have been counted;

3. The ballot papers which have been objected to but which have been counted by the returning officer or deputy returning officer (*as the case may be*);

4. The rejected ballot papers;

5. The declined and cancelled ballot papers;

6. The unused ballot papers;

7. The voters' list, the poll book and a statement of the number of burgesses whose votes are marked by the returning officer under section 124 hereof with their declaration of inability and note taken of objections made to ballot papers found in the ballot box and shall make and subscribe before a justice of the peace or before the poll clerk a declaration in the following form:

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

C.D.,
Returning Officer (or Deputy Returning Officer,
as the case may be).

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

A.B.,
Justice of the Peace (or Poll Clerk, as the case may be).

(2) Such voters' list, poll book, packets, ballot boxes and declaration shall be dealt with in the same manner as prescribed by section 136 hereof, and the same may be inspected at any time by any burgess in the presence of the secretary-treasurer.

Voters' list,
etc., to be
returned to
secretary-
treasurer

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

Returns

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

Certificate
of result

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

Declaration
of result

219. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Offences

(2) No officer, clerk or other person shall interfere with or attempt to interfere with a burgess when polling his vote or otherwise attempt to obtain at the polling place information as to the manner in which any burgess at any polling place is about to vote or has voted on a by-law.

(3) No officer, clerk or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any burgess is about to vote or has voted on a by-law.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any burgess has voted on the by-law.

(5) No person shall directly or indirectly induce any burgess to display his ballot paper after he has marked the same so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction to imprisonment for any term not exceeding six months with or without hard labour or to a fine of \$200 or to both.

220. If within two weeks after the returning officer has ^{Scrutiny} declared the result of the voting on a by-law any person who was entitled to vote thereon applies upon petition to a judge after giving such notice of the application and to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petitioner enters into recognizance before the judge in the sum of \$100 with two sureties to be allowed as sufficient by the judge upon affidavits of justification in the sum of \$50 each conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the judge may if he thinks fit appoint a day and place for entering into the scrutiny.

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

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

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

224. All the provisions of sections 108 to 161 inclusive hereof so far as not inconsistent with the provisions of the preceding thirty sections hereof shall *mutatis mutandis* apply to proceedings under sections 194 to 223 inclusive hereof.

QUASHING BY-LAWS, ETC.

225. Any elector of the town may apply to a judge upon ^{Motion to} motion to quash any resolution, order or by-law of the council ^{quash} 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 town and may determine the scale of such costs.

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

(3) The by-law, order or resolution may be proved by the production of a copy thereof certified under the hand of the secretary-treasurer and the town seal; and the secretary-treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every one hundred words.

(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 a 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.

(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 court with the other papers relating to the motion.

(6) In lieu of the recognizance mentioned in subsections (4) and (5) of this section the applicant may pay into the 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 court with the other papers relating to the motion.

(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 or to be paid out to the applicant in the discretion of the judge according to the result of the application.

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

(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.

226. 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-law
procured by
bribery or
corruption

EXPROPRIATION.

227. If the council desires to acquire land for any purpose authorized by this Act and if it cannot acquire the land at a fair price by agreement with the owners or occupiers thereof or other persons interested therein it may acquire the same by expropriation in the name and on behalf of the town.

Council
may acquire
land

228. The said council shall make to the owners or occupiers or other persons interested in any land taken by the town in the exercise of any of the powers conferred by this Act due compensation therefor and pay damages for any land or interest therein injuriously affected by the exercise of such powers the amount of such damages being such as necessarily

Compensa-
tion

result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Act.

229. Before taking any land the council or commissioners shall deposit with the secretary-treasurer plans and specifications showing the land to be taken or used and the work to be done thereon and the names of the owners or occupiers thereof according to the last revised assessment roll.

Deposit of
plan of land
taken

(2) The secretary-treasurer shall thereupon notify such owners and occupiers of the deposit of the said plans and specifications and of the date of such deposit and that all claims for compensation for the land so to be taken and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications which date shall be that with reference to which the amount of the compensation for such lands shall be ascertained.

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

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

Claims for
damages

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

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

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

231. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land and shall pass by any transfer or conveyance thereof.

Compensa-
tion
appurtenant
to land

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

Trustees,
etc.

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

(3) In case any person acting as aforesaid had not the absolute estate in the property the town shall pay the amount to be paid in respect of such property as a judge shall direct into court and the town shall not be bound to see to the application of any sum so paid.

233. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as aforesaid shall stand in the stead of such lands and shall be subject to the limitations and charges, if any, to which the said lands were subject and any claim to or encumbrance upon the said lands or to or upon any portion thereof shall as against the said town be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof. **Compensation and damages to stand in lieu of land**

234. If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer, discharge or other instrument or cannot be found or is unknown the town may pay such compensation or damages into court and thereupon the judge on the application of the town may grant an order vesting in the town the absolute title to the lands in respect whereof such compensation or damages have been paid into court. **Vesting order**

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

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interest therein and to the compensation or damages therefor and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

235. The council in all cases where claims for compensation or damages are made against the town which under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree may tender to any person making such claim such amount as they consider proper compensation for the damages sustained or the land taken; and in the event of the nonacceptance by the claimant of the amount so tendered and of the arbitration being proceeded with if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the town and set off against any amount awarded against them. **Tender**

236. Where a claim is made for compensation or damages by the owner or occupier of or other person interested in lands taken by the council or which is alleged to have been **Arbitration**

injuriously affected in the exercise of any of the powers of the council in the event of the council not being able to agree with the claimant as to the amount of compensation or damages the same may be settled and determined by the award of a judge or of a barrister to be appointed by him.

237. The fees to be paid to a judge or to the barrister appointed by him in any arbitration shall be as follows: Arbitrator's fees

For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party \$3;

For every day's sitting to consist of not less than six hours \$20;

For every sitting not extending to six hours (fractions or parts of hours being excluded) actually proceeded with for each hour occupied \$3.

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

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

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

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

PART V.

MUNICIPAL FINANCE.

FINANCE. /

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

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

Disposal
of surplus

244. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the town.

Sinking
fund

245. Subject to the approval of the Minister the council may by by-law direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debenture debt instead of being invested as hereinafter provided shall from time to time as the same occurs be applied toward payment or redemption at such value as the council may agree for of any part of such debt or any of the debentures representing or constituting such debt or any part of it though not then payable to be selected as provided in such by-law; and the council shall thereupon apply and continue to apply such part of the procedure of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner prescribed by such by-law.

Redemption
of
debentures
not yet
payable

246. In the event of the council diverting any of the said moneys for current or other expenditure the members of the council who vote for the diverting of said moneys shall be personally liable for the amount so diverted and the said amount may be recovered by the town by action against them in the Supreme Court.

Liability in
case of
diversion of
moneys

(2) The members of the council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the council upon the request of any elector refuse or neglect for one month thereafter to bring an action therefor in the name of the town the action may be brought by an elector on behalf of the town.

247. In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund or for the instalment necessary for the payment of any debenture debt of the town every member of the council shall be disqualified from holding any town office for the next two years; but no member of the council shall be liable to the penalty hereby imposed who shows to the satisfaction of any judge or tribunal before whom or before which the question of such member's qualification arises that he made reasonable efforts to procure the levying of the said amounts.

Neglect to
levy sink-
ing fund

248. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable the council shall from time to time invest the same in government securities, municipal or school debentures or in local improvement debentures of the town or in any other debentures of the town or in first mortgage of freehold real estate within the town

Investment
of sinking
fund

to an amount not exceeding one-third of the sworn cash valuation of an independent appraiser and from time to time as such securities mature may invest in other like securities.

(2) The council may regulate by by-law the manner in which such investment shall be made in the aforesaid securities.

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

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

249. The council may appropriate to the payment of any debt the surplus income derived from any town work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or may be applied in payment of any instalment thereof accruing due or the council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any town work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith.

250. No member of the council shall take part in or be a party to the investment of any moneys referred to in section 249 hereof otherwise than is therein authorized and any person so doing shall be held personally liable for any loss thereby sustained by the town.

251. In order to obviate a difficulty which has been found to prevail in negotiating local improvement debentures in consequence of many of the same having to be issued for small and broken amounts the council may from time to time after the passing of by-laws covering the several amounts required for particular local improvements and without in any way affecting the liens on the property therein described pass a collective or accumulative by-law consolidating the several amounts of the said debentures and may issue the new consolidated debentures in a general consecutive issue under such consolidated by-law apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual by-law passed in the first instance.

252. After a referred by-law has been finally passed by the council the council may by by-law authorize the mayor and treasurer to raise from time to time by way of a temporary loan in anticipation of the issue or sale of the debentures authorized by the referred by-law and for the purposes thereby authorized such sum or sums not exceeding in the aggregate eighty per cent. of the total principal sum authorized by the referred by-law to be raised as the council deems expedient

and all such temporary loans shall be a special charge upon the debentures in anticipation of the issue or sale whereof such temporary loans were made.

253. The secretary-treasurer shall open and keep a book to be known as "The Debenture Register"; in the said book there shall be entered particulars of every by-law authorizing the issue of debentures and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the treasurer with the proper particulars inserted therein in the following form:

Registered in the debenture register as No.....under By-law No..... this..... day of....., 19.....

254. In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the town or of any *bona fide* purchaser for value notwithstanding any defect in form or substance therein.

255. A certificate signed by the mayor and treasurer and sealed with the corporate seal of the town that any debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

256. In case any debenture issued under the authority of any by-law has been sold, mortgaged, pledged or hypothecated the town may upon again acquiring the same or at the request of the holder thereof cancel the same and the entry in the debenture register of the issue thereof and thereupon issue one or more new debentures in substitution thereof; and may make such new debenture or debentures payable by the same or a different mode of payment:

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

257. Any debenture issued by the council may contain a provision in the following words:

This debenture or any interest therein shall not after a certificate of ownership has been indorsed thereon by the secretary-treasurer of this town be transferable except by entry by the secretary-treasurer in the debenture register of the town.

258. In case of the issue of any debentures containing the provision in the last section mentioned the secretary-treasurer shall open and keep a debenture register in which he shall enter a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of such debenture; no such entry shall be made except upon the written authority of the person last entered in such book as the owner of such debenture or of his executors or administrators or of his or their lawful attorney which authority shall be retained and duly filed by the secretary-treasurer.

(2) After a certificate of ownership has been indorsed as aforesaid the debenture shall only be transferable by entry by the secretary-treasurer in such debenture register from time

to time as transfers of such debenture are authorized by the then owner thereof or his lawful attorney.

DEPOSIT OF SINKING FUND WITH THE PROVINCIAL TREASURER.

259. Notwithstanding the foregoing provisions of this Act the council where it proposes to pass a by-law for borrowing money by the issue of debentures and to create a sinking fund for the repayment thereof may pass a by-law wherein it may be provided that the annual amount to be levied on account of the sinking fund shall be paid by the secretary-treasurer to the Provincial Treasurer.

Sinking fund may be paid into provincial treasury

(2) Where a municipality avails itself of the right conferred by the next preceding subsection the Provincial Treasurer may receive from the secretary-treasurer of the town the annual amounts so levied on account of the sinking fund and allow and credit the town with interest thereon at the rate of four per cent. per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

(3) All moneys received by the Provincial Treasurer under the provisions of this section shall form part of the general revenue fund of the province and a statement of the amount at the credit of each town shall be set forth annually in the public accounts of the province.

Money received to form part of general revenue fund

(4) The Lieutenant Governor in Council may from time to time should such course be deemed advisable direct the Provincial Treasurer to invest the amount at the credit of the town or any part thereof as directed by section 26 of *The Treasury Department Act*, being chapter 5 of the Statutes of Alberta, 1906, or any Act passed in amendment or substitution thereof, or in the debentures of such town to redeem which such sinking funds were paid to the Provincial Treasurer.

Sinking fund may be invested in the debentures, etc

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

Plan of payment

261. Where a by-law has been passed under the authority of section 259 hereof the amount payable in any year to the credit of the sinking fund which under the provisions of the by-law is to be paid to the Provincial Treasurer shall be deemed a debt due to him and in default of payment thereof he may sue therefor in any court of competent jurisdiction in his own name as for a debt due to the Crown.

Amount payable into sinking fund to be a debt due to the treasurer

262. Every town the council of which shall hereafter pass any by-law under the provisions of section 259 hereof shall within thirty days after the final passing of the by-law transmit a duly certified copy thereof to the Minister.

Debenture by-laws to be sent to minister

263. Where by any by-law heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the by-law the town in each year in which the sinking fund is required to be raised shall transmit to the Minister a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with and the state of the investment of any part of the sinking fund therefor collected which return shall

Annual return as to sinking fund to be sent to minister

be verified by the affidavit or statutory declaration of the mayor and of the secretary-treasurer of the town.

264. Any town which does not comply with the provisions of the next preceding section and the mayor and secretary-treasurer thereof shall be guilty of an offence; and for every offence each shall incur a penalty not exceeding \$100 to be recovered with costs by summary conviction.

PART VI.

ASSESSMENT AND TAXATION.

265. All boards of school trustees shall when applying to council for the sums of money required for the maintenance of the said schools attach to such application an estimate showing in detail the amounts required for the purposes of the said boards of school trustees respectively.

Board of
school
trustees to
furnish
estimate of
money to
the
council

266. The assessor shall complete his assessment roll in each year by the thirty-first day of May.

Assessment
roll

267. Unless the Minister otherwise provides the assessment roll shall be in the following form:

	No. of Assessment.	ASSESSMENT ROLL FOR YEAR 19	TOWN OF
	The names in full (if the same can be ascertained) of every person taxable in the town.		
	Post Office address.		
	Ow. (owner), occ. (occupant)		
	Brief description of taxable property.		
	Frontage and depth.		
	The actual cash value of each parcel or lot of real property or of the interest of the taxable person thereon exclusive of buildings and improvements.		
	Total Amount of Assessment.		
	Public or separate school supporter.		
	Date of assessment		
	Date of delivery or posting of notice.		

268. 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 fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100.

269. The assessor within fifteen days after completing the said roll shall publish in a newspaper published in the town and post up in five conspicuous places in the town a notice in the following form:

Town of.....
Assessment Roll, 19.....

Notice is hereby given that the assessment roll of the town of.....for the year 19..... has been prepared and is now open to inspection at the office of the secretary-treasurer of the town from 10 o'clock in the forenoon to four o'clock in the afternoon on every day which is not a public holiday except Saturday (and on that day from 10 o'clock in the morning to 12 o'clock noon), and that any ratepayer who desires to object to the assessment of himself or of any other person must within thirty days after the date of this notice lodge his complaint in writing at my office.

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

270. The assessor shall also within fifteen days after the completion of the assessment roll transmit by mail to every person named therein an assessment slip containing the particulars appearing in the roll with respect to such person.

(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 269 hereof and there shall be indorsed thereon a written or printed form of complaint as given in section 272 hereof.

(3) No assessment shall be invalidated by an error in the assessment slip transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

271. If any person thinks that he or any other person has been assessed too low or too high or that his name or the name of any other person has been wrongly inserted in or omitted from the roll or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa* he may within the time limited as aforesaid give notice in writing to the assessor that he appeals to the council to correct the said error and in such notice he shall give an address where notices may be served upon him.

272. Every such complaint shall be in the following form:
To the Assessor of the Town of.....

Sir,—I hereby appeal against assessment No.....(or as the case may be) on the following (*here state grounds of appeal*).
C.D.
Applicant.

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

273. The assessor shall forthwith notify every such appellant 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.

Notice of
hearing

274. Every such notice shall be mailed by registered post to the post office address of such person as entered on the assessment roll at least fifteen days before such sitting of the council unless such person has a place of business within the town in which case the assessor shall cause the said notice to be served at such place of business at least six days before the sitting of the council.

Time of
notice

275. Before the sittings of the council the assessor shall prepare a list of the appeals in the following form which list shall be posted on a notice board at the office of the secretary-treasurer and shall continue so posted during the sittings of the council:

List of
appeals

Appeals to be heard by the council of the Town of.....
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 <i>bona fide</i> owner
etc.	etc.	or tenant

276. The assessor shall be the clerk and secretary of the council in connection with assessment appeals.

Secretary

(2) As such clerk the assessor may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$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 disobey such summons he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the council hearing the appeal may for good and sufficient reasons excuse such person from attending before them and in such event no penalty shall be incurred by reason of such nonattendance.

277. 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 as it thinks fit.

Conduct of
hearing

278. 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 *ex parte*.

Non-
appearance

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

Evidence

(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.

280. All the duties of the council under the foregoing sections shall be completed by the tenth day of August, and no appeal to the council shall be heard after that date. Termination of sittings

281. Forthwith after the conclusion of the sittings the assessor 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 assessor. Amendment of roll

282. The roll as finally passed by the council and certified by the assessor as so passed shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in the notice required by section 273 of this Act or any omission to deliver or to transmit such notice. Binding effect of amended roll

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

284. If at any time before the first day of December it shall be discovered that the property of any taxable person or any part of same is not included in the roll the assessor shall notify such taxable person by registered letter mailed to the post office address of such person if such address be known that at a meeting of the council to be held at least fifteen days after the mailing of such notice an application will be made to the council to assess such taxable property for such sum as may be deemed right and that such taxable person is required to attend at such meeting to show cause why the said taxable property should not be assessed and as to the amount the same should be assessed for. Omissions from assessment roll

(2) After such notices have been mailed as aforesaid and after the expiration of the time mentioned therein or if such taxable person or his address be not known then without any notice the council may assess such taxable property and direct the assessor to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known:

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

(3) Immediately after such assessment shall be made as aforesaid the assessor shall place the same on the tax roll at the end thereof and shall rate the same at the same ratio as the rest of the said roll and thereafter the taxes on same shall be collectable in the same manner as the rest of the taxes.

285. Where a person claims to be assessed or claims that another person should be assessed or named in the assessment roll so as to be entitled to be an elector and the assessor has reason to suspect that the person so claiming or the person on whose behalf the claim is made has not a just right to be so assessed or to be named in the roll so as to be entitled to be Duties of assessors as to entries

an elector the assessor shall make reasonable inquiries before assessing or naming any such person in the assessment roll.

(2) Any person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted without any request in that behalf; and a person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted in the assessment roll as the other person would or could have had personally unless such other person actually dissents therefrom.

(3) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll or assesses or procures the assessment of a person at too low an amount with intent in any such case to deprive that person of his right to be an elector shall upon summary conviction thereof be liable to a penalty of \$25 and costs.

(4) In the absence of any declaration by the ratepayer as to whether he desires to be rated as a supporter of public school or of separate school the assessor shall enter the ratepayer as the supporter of the public school.

286. It shall be the duty of every assessable person to give Information to the assessor all information necessary to enable him to make to be given 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.

287. The roll with any amendments made as aforesaid shall Adoption of roll be adopted by the council on or before the fifteenth day of August and shall thereupon become and be the revised assessment roll of the town:

Provided that there shall be a right of appeal from the decision of the council to the judge as provided by and according to the procedure prescribed herein.

288. The council may at any time correct any gross and Correction of errors palpable errors in the roll and any corrections so made shall be initialled by the assessor.

APPEAL FROM COURT OF REVISION TO THE JUDGE.

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

290. In all appeals under the provisions of the preceding Proceedings on appeal section the proceedings shall be as follows:

1. The appellant shall in person or by agent serve upon Notice of appeal the assessor within eight days after the decision of the court

of revision a written notice of his intention to appeal to the judge;

2. The assessor shall immediately after the time limited for service of such notice forward a list of all appeals to the judge and the judge shall fix a day for the hearing of such appeals;

3. The assessor shall immediately upon the judge fixing the day for the hearing of such appeals give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same;

Assessor to
notify
parties
interested
in appeals

4. Every such notice shall be mailed by registered letter to the post office address of the appellant as entered on the assessment roll at least fifteen days before the day fixed by the judge for hearing the appeals unless such person has a place of business within the town in which case the assessor shall cause the said notice to be served at such place of business at least six days before the day fixed by the judge for hearing the appeals:

Time of
notice

Provided however that in the event of failure by the assessor to have the required service of notice made or to have the same made as required by this Act the judge may direct the service to be made for some subsequent day then to be fixed by him for the hearing of the appeal;

5. The assessor shall immediately upon the judge fixing the day for the hearing of such appeals cause a conspicuous notice to be posted up in his office and in the place where the council holds its sittings containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal, also a statement of the time and place fixed by the judge for the hearing of such appeals;

Assessor to
post notice
of appeals

6. The secretary-treasurer shall be the clerk of the court to be held by the judge for hearing the appeals and may issue subpoenas for the attendance of witnesses and the production of documents at said court;

Secretary-
treasurer to
be clerk of
court

7. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but all appeals shall be determined before the fifteenth day of September; all deferred judgments shall be in writing and when given shall be filed with the secretary-treasurer;

Hearing and
determina-
tion of
appeals

8. At the court to be holden by the judge to hear the appeals the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be confirmed, altered or 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 judge reserves his judgment the secretary-treasurer shall when the same is given forthwith alter and amend the roll according to the terms of the judgment and shall write his own name opposite every such alteration or correction;

Proceedings
before
judge

9. In 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, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might

Judge's
powers

be exercised by a judge of the District Court in respect of any civil proceeding in said court;

10. 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 town of.....
Between

A.B.,
Appellant,
and
C.D.,
Respondent;

11. The costs of any proceeding 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 recovered in such court;

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

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

TAXATION.

291. All municipal and school taxes shall be levied equally upon all rateable land in the town and it shall be the duty of the assessor to make an assessment of such land in the town in the manner hereinafter provided.

292. In every town all land shall be liable to assessment and taxation for both municipal and school purposes subject to the following exemptions:

1. The interest of the Crown in any land, including any land held by any person in trust for the Crown.
2. Land specially exempted by law or held for the public use of the Province of Alberta.
3. If any land mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed therefor but the land itself shall not be liable.
4. The land upon which there is erected any building used for church purposes and not used for any other purpose for hire or reward, and the lands attached to or *bona fide* used in connection therewith, not exceeding one-half acre.
5. The land not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of every university, every school established under the authority of *The School Ordinance*, every incorporated hospital or the associations known as "The Young Men's Christian Association" and "The Young Women's Christian Association" respectively, so long as said land is actually used and occupied by such institutions but not if otherwise occupied.

6. The land exempted under the two preceding clauses shall nevertheless be liable to be assessed for local improvements.

7. All land belonging to the town and used only for town purposes.

8. The land vested in any library board established under the provisions of *The Public Libraries Act*.

9. The land used by agricultural societies organized under *The Agricultural Societies Ordinance*, or any Act passed in amendment or substitution thereof.

293. Land shall be assessed at its actual cash value as it ^{Assessment} would be appraised in payment of a just debt from a solvent ^{of} debtor exclusive of the value of any buildings thereon or any other increase in value thereof, caused by any other expenditure of labour or capital thereon.

(2) Whenever two or more persons are as business partners, joint tenants, tenants in common or by any other kind of a joint interest the owners or occupants of any land liable to taxation hereunder the names of each such persons shall be entered on the assessment roll in respect of his share or interest of or in such land.

RATES.

294. The council shall in each year fix by by-law and levy upon all lands assessed upon the last revised assessment roll such rate or rates as shall be sufficient to pay all the debts of the town falling due within the year making due allowance for the cost of collection and for the abatement and losses which may occur in the collection thereof; but the council shall not levy in any one year more than an aggregate of ten mills on the dollar (exclusive of debenture rates, school rates and local improvement rates) upon the total value of the assessable property within the town according to the last revised assessment roll thereof.

295. The council may pass one by-law or several by-laws authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the assessable property in the town as shall be sufficient to raise the sum required according to such estimates.

296. If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any unappropriated fund belonging to the town.

297. If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them.

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

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

TAXES.

300. On or before the first day of October in each year the secretary-treasurer with the assistance of the assessor shall prepare a tax roll and shall proceed to collect the taxes specified therein.

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain—

- (a) The name of every person assessed;
- (b) His residence;
- (c) The value of the land in respect of which he is assessed;
- (d) The total amount for which he is assessed;

and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which such person is chargeable by way of taxes on account of (1) the general rate, which may include the general debenture rate; (2) special rate; (3) school rate; and (4) arrears and the total thereof.

301. If a taxable person is a resident of the town the secretary-treasurer shall either transmit to him by mail a written or printed notice showing the amount of the taxes payable by such person and distinguishing between—

- (a) Taxes on land;
- (b) School taxes; and
- (c) Local improvement or other special tax;

or serve such notice upon any grown up person at the residence or business office of the person taxed; and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of the service or mailing of such notice and shall verify it by his initials; and such entry shall be *prima facie* evidence that the notice was served or mailed as aforesaid and of the date thereof.

302. In case the taxable person is a nonresident the secretary-treasurer shall transmit to him by mail a similar statement of the taxes charged against him in the roll; and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials and such evidence shall be *prima facie* evidence that the said notice was so transmitted and of the date of such transmission.

303. The council may by by-law require payment of taxes to be made by the taxable person at the office of the secretary-treasurer on any day or days and in bulk or by instalments.

304. The council may by resolution allow a rebate or allowance, not exceeding five per centum of the amount of the said taxes, by way of discount for payment of the aforesaid taxes on or before the day, when the same on the first instalment thereof are payable.

(2) 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 on 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 305 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 which is provided by this Act for the collection of the said taxes.

305. The taxes due upon any land may be recovered with costs from any owner or tenant originally assessed therefor and from

Tax notice

Tax Notice
non-resident

Instalments

Rebate

Penalty
for non-
payment of
taxesLand tax
a lien

any subsequent owner of the whole or any part thereof (saving his recourse against any other person); and such taxes shall be a special lien upon the land and shall be collectable by action or distress as a landlord may recover rent in arrear in priority to every claim, privilege, lien or encumbrance of every person except that of His Majesty; and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the town.

306. The production of a copy of so much of the roll as ^{Evidence} relates to the taxes payable by any person in the town certified as a true copy by the secretary-treasurer shall be *prima facie* evidence of the debt.

307. Any tenant may deduct from his rent any taxes paid ^{Deduction} by him which as between him and his landlord the latter ought ^{by tenant} to pay.

308. When taxes as due upon any land occupied by a ^{Collection} tenant the secretary-treasurer may give such tenant notice in ^{from tenant} writing requiring him to pay the secretary-treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid including costs; and the secretary-treasurer shall have the same authority as the landlord of the premises would have had to collect such rent by distress or otherwise to the amount of the unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

309. In case taxes which are a lien upon land remain unpaid ^{Distress for} in the case of a resident of the town for fourteen days after ^{taxes where} notice given under section 301 hereof or in case of nonresidents ^{lien} for one month after the mailing of the statement provided for by section 302 hereof the secretary-treasurer may levy the same with costs by distress as a landlord may recover rent in arrear either—

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

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 or chattels on the land where the title to such goods or 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.

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

311. No distress shall be made upon the goods or chattels ^{Tenant's goods} of a tenant for any taxes not originally assessed against him as such tenant.

312. In case taxes which are not a lien on land remain unpaid ^{Distress where no lien} in the case of a resident of the town for fourteen days after notice given under section 301 hereof or in case of a nonresident for one month after the mailing of the statement and demand provided for by section 302 hereof the town may recover same as a debt due to the town or the secretary-treasurer may levy the same with costs by distress as a landlord may recover rent in arrear either:

1. Upon the goods or chattels of the person taxed wherever found within the town; or

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

3. Upon the goods or chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by subclauses (a), (b), (c) of clause 4 of section 309 hereof and with the words "or against the owner though his name does not appear on the roll" and the words "or such owner" and the words "on the land" omitted therefrom;

313. Notwithstanding anything herein contained no goods ^{Stranger's goods} in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

314. Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon. ^{Assignee or liquidator}

315. Any goods or chattels exempt by law from seizure ^{Exemptions} under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner though his name does not appear on the roll.

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.

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

311. No distress shall be made upon the goods or chattels ^{Tenant's goods} of a tenant for any taxes not originally assessed against him as such tenant.

312. In case taxes which are not a lien on land remain unpaid ^{Distress where no lien} in the case of a resident of the town for fourteen days after notice given under section 301 hereof or in case of a nonresident for one month after the mailing of the statement and demand provided for by section 302 hereof the town may recover same as a debt due to the town or the secretary-treasurer may levy the same with costs by distress as a landlord may recover rent in arrear either:

1. Upon the goods or chattels of the person taxed wherever found within the town; or

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

3. Upon the goods or chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by subclauses (a), (b), (c) of clause 4 of section 309 hereof and with the words "or against the owner though his name does not appear on the roll" and the words "or such owner" and the words "on the land" omitted therefrom;

313. Notwithstanding anything herein contained no goods ^{Stranger's goods} in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

314. Goods in the hands of an assignee for the benefit of ^{Assignee or liquidator} creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

315. Any goods or chattels exempt by law from seizure ^{Exemptions} under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner though his name does not appear on the roll.

316. The person who claims such exemption shall select and point out the goods or chattels as to which he claims exemption.

317. If at any time after demand has been made or notice given pursuant to sections 301 and 302 hereof and before the expiration of the time for payment of the taxes the secretary-treasurer has reason to believe that any person in whose hands goods or chattels are subject to distress is about to move the goods or chattels out of the town and if he makes affidavit to that effect before any justice of the peace the justice may issue a warrant to the secretary-treasurer authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the secretary-treasurer may levy accordingly.

318. The costs chargeable in respect of any distress and levy shall be those payable to bailiffs under chapter 34 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Distress for Rent and Extra Judicial Seizure* or any Act passed in amendment or substitution thereof.

319. No defect, error or omission in the form or substance of the notice or statement required by sections 301 and 302 hereof or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of the taxes.

320. The secretary-treasurer shall by advertisement posted up in at least three public places in the town near to the distrained property give at least five days' public notice of the time and place of sale and of the name of the person whose property is to be sold and at the time named in the notice the secretary-treasurer shall sell at public auction the goods or chattels distrained or so much thereof as may be necessary.

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

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

323. If the claim is contested the surplus shall be retained by the secretary-treasurer until the respective rights of the parties have been determined by action or otherwise.

324. If any of the taxes mentioned in the roll remain unpaid on the thirty-first day of December in any year and the secretary-treasurer is not able to collect the same he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words "nonresident" or "not sufficient property to distrain" or "instructed by council not to collect" or "instructed by council to return not collected," or as the case may be.

325. In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same are imposed there shall be added thereto by way of penalty a sum equal to ten per centum of such taxes remaining unpaid and the same additional sum shall be added thereto after the thirty-first day of December in each succeeding year during which the said taxes remain unpaid and such amount or amounts so added shall form part of the taxes which by section 307 hereof are created a special lien upon 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.

Arrears of
taxes

SALE OF LAND FOR TAXES.

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

Tax
enforcement

1. The name and post office address of each person whose name appears on the last revised assessment roll of the town and who has not paid all taxes due by him to the town 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;
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.

327. When duly prepared as provided in the next preceding section the secretary-treasurer shall submit the tax enforcement return to the auditor of the town 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
enforcement
return

I,, auditor of the Town of, 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, 19... } Auditor.
.....
A Comr., J.P. or N.P.

328. The said return as thus verified by the auditor of the town 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

329. The land shown on the said return shall continue liable to assessment and taxation in the same manner as other lands in the town unless and until they become vested in the town as hereinafter provided and the secretary-treasurer shall continue to collect arrears of taxes due to the town as shown by the said return and all taxes accruing due after such date including any penalties imposed under the provisions of section 305 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

330. On the application of the secretary-treasurer of the town the town solicitor, or some other solicitor authorized by the council, the judge may appoint the time and place for holding a court of confirmation of the said returns, 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 newspaper published in the town, or if there be no newspaper published in the town, in such newspaper circulating therein, as a judge may direct.

Court of
confirmation
of the said
return

331. A notice of the time and place fixed for confirmation of such return shall be sent by registered mail by the secretary-treasurer of the town 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 secretary-treasurer shall without proof of the appointment or signature or initials of the secretary-treasurer be *prima facie* evidence that the required notice was duly mailed on the date so entered.

Notice of
confirmation
court

332. If after the date for confirmation has been fixed as provided in section 330 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 town.

Payment of
arrears
after date
fixed for
confirmation
of return

333. 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 secretary-treasurer of the town 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 town the said lands freed from all liens, mortgages and encumbrances of every nature and kind whatsoever subject however to redemption by the owners respec-

Hearing of
application
for
confirmation
of return

tively of the said lands at any time within three years from the date of the adjudication by the payment to the secretary-treasurer of the town 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 land since the date of such adjudication including any penalties imposed under the provisions of section 304 hereof; but no such redemption fee shall be less than \$2.

(2) For the purposes of this section all taxes shall be deemed to be due on the first day of January of the calendar year within which they are imposed.

(3) 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 town.

(4) A copy of such adjudication certified by the secretary-treasurer shall be forwarded by registered mail to the registrar of land 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.

(5) A copy of such adjudication shall also be sent by registered mail to the persons to whom by section 334 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.

(6) The secretary-treasurer of the town 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 town or if there is no newspaper published within the town in a newspaper circulating therein, 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 sixty days and not more than ninety days before the time at which the period of redemption provided by law shall expire send a copy of such notice by registered mail to the persons to whom by section 331 hereof notice of the time and place fixed for confirmation of the return is required to be sent.

334. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 333 hereof have been paid to the secretary-treasurer within one year from the date of the said adjudication the secretary-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.

The Town Act.

CERTIFICATE OF REDEMPTION.

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

 as to which any adjudication under the provisions of section
 333 of *The Town 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)

335. If after the expiration of three years from the date of
 the said adjudication the taxes which have accrued due to that
 date both before and after the date of adjudication together
 with any penalties imposed under the provisions of section 304
 hereof together and the expenses and redemption fee as provided
 in section 333 hereof have not been paid to the secretary treas-
 urer the registrar on the written application to the secretary-
 treasurer shall issue a certificate of title under the provisions
 of *The Land Titles Act* in favour of the town freed from all
 liens, mortgages and encumbrances of every nature and kind
 whatsoever.

336. So soon as the said return has been confirmed by the
 judge as provided by section 333 hereof the secretary-treasurer
 of the town shall out of the general revenues of the town pay
 all taxes levied for school purposes which are shown to be due
 on the several parcels of land in the confirmed return and at
 the expiration of the period fixed for redemption if such lands
 have not been redeemed shall out of the general revenues of
 the town pay all taxes for school purposes which have accrued

Issue of
 certificate
 of title

Forfeited
 land to be
 liable for
 school
 taxes

during such period and thereafter while owned by the town each parcel of land shall be assessed in the name of the town for all taxes required to be levied except taxes for the purposes of the town and as if the land were assessed to an ordinary individual.

337. Any lot or parcel of land which becomes the property of the town in the manner provided by section 333 hereof may subject to the approval of the Minister be sold, leased or otherwise disposed of by the council of the town on such terms and conditions as it may fix. ^{Forfeited land may be sold}

PART VII.

MISCELLANEOUS.

LOCAL IMPROVEMENTS.

338. The term "local improvements" shall be taken to mean— ^{Interpre-}
^{tation}

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

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made according to the number of lineal feet measured along the front or other abutting portion of the said several lands of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on the said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made:

Provided that where the street or place whereon or wherein the local improvement is made abuts on several parcels of land some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement; such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each

parcel of land abutting on the local improvement bear a fair, just and equitable proportion of the cost of the improvement; and

Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or lots or parcel or parcels of land fronting or abutting thereon or to the absence of buildings thereon such sewer would not have been carried except as a means of affording an outlet as aforesaid; such lot or lots, parcel or parcels of land shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances:

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

(3) The term "special local benefit assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of the local improvement whether or not such land abuts on the street or place whereon or wherein such local improvement is made as is increased or is likely to be increased in market value or is otherwise benefited by reason of the local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion having regard to all other parcels of land benefited by the local improvement to such total charge.

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

339. The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall with interest at a rate not exceeding six per cent. per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest

Amount of
assessment
and mode of
collection

in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable and shall be payable in the same manner and collectable by the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general town taxes:

Provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof less any amounts previously paid on account thereof.

. 340. The council may pass by-laws—

- (a) For providing the means of ascertaining and finally ^{Procedure} determining what portion of the cost of a local improve- _{by-laws} ment shall be raised by special frontage assessment or by special local benefit assessment and what portion of it, if any, shall be borne by the town at large and in the case of special frontage assessment what lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected and of assessing the cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment; and in the case of common sewers and water mains and water service connections heretofore constructed or hereafter to be constructed what portion of the cost thereof shall be raised by uniform frontage assessment and what portion shall be borne by the town at large;

and it is hereby declared that a by-law or by-laws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special by-law in each particular instance;

- (b) For borrowing by the issue of debentures upon the credit of the town at large the money required to meet the whole or any part of the costs of any local improvement provided (1) that by-laws for the purpose of raising money in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof although a portion thereof is to be borne by the town at large and a portion is to be payable by special assessment or comprising the whole or a part of any portion of that part of the cost which is to be borne by the town at large or of that part of the cost which is payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of the ratepayers to the passing of any by-law for raising such portion of the cost of a local improvement as is or is to be levied by special assessment nor of any by-law for raising such portion of the costs as is to be borne by the town at large of an extension of a town system of sewerage originally constructed as a local improvement or of any other local improvement unless in the case of such other local improvement the share of the cost

to be borne by the town at large shall be greater than can be properly paid out of the current revenue of the town for the current year or greater than forty per cent. of the cost of such local improvement; and (4) that nothing herein contained shall be construed as authorizing an extension of the general debt of the town beyond the limits thereof fixed by this Act;

- (c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the town at large the whole or any part of the cost of a local improvement provided that section 179 hereof shall not apply to the case of such temporary loans;

and it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the town within the meaning of this Act and it shall not be necessary to cite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money but it shall be sufficient to state in any such by-law that the amount of the general debt of the town as therein set forth is exclusive of local improvement debts secured by special assessments.

341. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided:

- (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is to be made or of lands to be benefited by the local improvement, as the case may be, and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition;

- (b) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part:

Provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made.

- (2) (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid unless the majority of the owners of the lands to be affected representing at least one-half in value thereof as aforesaid petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement; such notice to be inserted once in each week for two con-

secutive weeks in at least one newspaper published in the town or if there is no newspaper published therein, in any newspaper circulating therein;

- (b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council no second notice for the same shall be given by the council within the then current calendar year;
- (c) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

342. Any local improvement may in the discretion of the council be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained. Time of making improvement

343. If in any case the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded ratably to those by whom it was paid. Invalid assessment

344. There shall be rights of appeal against every assessment made under the authority of any by-law passed respecting local improvements in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment. Appeal

345. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth— Notice of assessment

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of the local improvement;
- (d) The portion, if any, of the cost to be borne by the town at large;
- (e) The portion of the cost to be provided by special assessment and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sitting of the council for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

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

347. No assessment under the provisions of this Act respecting ^{Quashing} local improvements shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends unless an application to quash the same shall have been made in accordance with the provisions of sections 225 and 226 hereof and before the date fixed for the sittings of the court of revision.

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

349. The moneys required to pay the costs of local improve- ^{Contents of} ments may be borrowed under the authority of one or more ^{by-law} by-laws; and the portion payable by way of special assessment and the portion to be borne by the town at large may be provided for in one or more separate by-laws; and every by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise—

1. The amount of the debt which such by-law is intended to create and in general terms the object for which it is to be created;

2. The total amount required to be raised annually for paying the debt and interest under the by-law and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable;

3. The total value of the land charged with the special assessment and if any portion of the debt created by such by-law is to be borne by the town at large the value of the whole rateable property of the town according to the last revised assessment roll;

4. That the debt is contracted on the credit and security of the town at large but as to so much as is not to be paid by the town at large the town is to collect the same only by way of special assessment as aforesaid.

PART VIII.

HIGHWAYS AND PUBLIC PLACES AND ACTIONS BY AND AGAINST THE TOWN.

HIGHWAYS AND PUBLIC PLACES.

350. All public roads, streets, bridges, highways, lanes, ^{Within the} alleys, squares or other public places in a town shall be vested ^{town} in and subject to the direction, management and control of the council for the public use of the town but always subject to the right of the Province to utilize the same for or in connection with any public work of the Province.

351. The Lieutenant Governor in Council may ^{Without the} direct that any highway, bridge or stream not wholly ^{town} within the town limits or any part of such highway, bridge or stream shall be subject to the direction, management and control of the council for the public use of the town.

352. Every public road, street, bridge, highway, square, ^{Repairs} alley or other public place subject to the direction, management and control of the council including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the town or by any person with the permission of the council shall be kept in repair by the town and on default of the town so to keep the same in repair the town besides being subject to any penalty provided by law shall be responsible for all damage sustained by any person by reason of such default.

(2) No action shall be brought under the provisions of this section except within six months from the date on which the cause of action arose and unless notice in writing of the accident shall be mailed to or served upon the secretary-treasurer of the town within one month after the date on which the cause of action arose:

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

353. The last preceding section shall not apply to any road, ^{Private} street, bridge, alley or square, crossing, sewer, culvert, side-^{dedication} walk or other work made or laid out by any private person until the same has been established as a public work by by-law or has been assumed for public use by the council.

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

355. The town shall be entitled to such remedy over in the ^{In same} same action if the other party is made a party to the action; ^{action} and if it is established in the action as against the other person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by such other person the town may in such action have the other person added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the town); and the other person may defend such action as well against the plaintiff's claim as against the claim of the town to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

356. If such other person be not a party defendant in such ^{In separate} action or be not added as a party defendant or third party or ^{action} if the town has paid the claims for such damages before any action is brought to recover the same or before the recovery of damages or costs against the town therein the town shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

357. Such other person shall be deemed to admit the validity of the judgment if any obtained against such town in cases only where a notice has been served on such person pursuant to the provisions of *The Judicature Ordinance* or of any rules of court made thereunder or where such other person has admitted or is estopped from denying the validity of such judgment. Admission
of third
party's
liability

358. Where no such notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the town or when damages have been paid without action or without recovery of judgment against the town the liability of the town for such damages and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person must be established in the action against such other person in order to entitle the town to recover in such action. Non-admis-
sion of
liability

359. Where the town and an adjacent city, town, village, rural municipality or local improvement district are jointly liable for the non-repair of a public road, bridge, street or other highway there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair; and any action brought by any such person shall be brought against all of such municipalities jointly and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined therein and in settling such proportions either in the action or otherwise regard shall be had to the extent in which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered and the damages and costs shall be apportioned between them accordingly. Joint
liability

360. Nothing contained in sections 352 or 353 hereof shall cast upon the town any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law and over which the town has no control where the town is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a by-law, order, resolution or license of the council. Limitation
of liability

361. Where an action may be brought against the town by any person who has suffered damages by reason of the default of the town in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place no action shall be brought in respect of such damage against any member of the council or officer or employee thereof personally but the remedy thereof shall be wholly against the town. No liability
on officer of
town

(2) This section shall not affect the liability of a mere contractor with the town nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

ACTIONS BY AND AGAINST TOWN.

362. 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, Rights as in
proceedings

obligations or liabilities the town shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

363. 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 months' notice in writing of the intention to bring the action has been given to the town; and every such action shall be brought against the town alone and not against any person acting under the by-law or resolution.

Notice of
action in
certain
cases

364. In case the town tender 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 town upon any claim being made or action brought for damages for alleged negligence on the part of the town 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 nonacceptance 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 the suit shall be awarded to the defendants, and set off against any amount recovered against them.

Procedure
on writs of
execution
in sheriff's
hands

EXECUTIONS AGAINST TOWNS.

365. Any writ of execution against a town may be indorsed with the direction to the sheriff of the judicial district in which the town is situate to levy the amount thereof by rate and the proceedings thereon shall be as follows:

1. The sheriff shall deliver a copy of the writ and indorsement to the secretary-treasurer of the town 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
secretary-
treasurer
Demands 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 town and shall in like manner as rates are struck for general town purposes strike a rate sufficient in the dollar 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 secretary-treasurer of the town and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary-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
secretary-
treasurer

4. At the time for levying the annual rates next after the receipt of such precept the secretary-treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the town of.....(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 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 secretary-treasurer for the general purposes of the town;

Surplus

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

Secretary-
treasurer's
percentage

366. The secretary-treasurer and 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.

Secretary-
treasurer
and assessor
officers
of court

PART IX.

PENALTIES.

367. Any person who shall either directly or indirectly, personally or through any servant, employee or agent:

- (a) Kindle a fire and let it run at large on any land not his own property—
- (b) Permit any fire to pass from his own land; or
- (c) Allow any fire under his charge, custody or control or under the charge, custody or control of any servant, employee or agent to run at large;

Setting fires
within town

shall be guilty of an offence and shall on summary conviction thereof be liable to a penalty of not less than \$25 and not more than \$200 and in addition to such penalty shall be liable to civil action for damages at the suit of any person whose property has been injured or destroyed by any such fire.

Penalty

368. Any penalty or fine under any by-law of the town shall if no other provision is made respecting it belong to the town for the public use of the same and form part of the general revenue of the town.

Application
of fines

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

Transporta-
tion and
maintenance
of prisoners

369. The council may by any by-law—

- 1. Impose a penalty not exceeding \$100 exclusive of costs for breach of any provision of any by-law;

Amount of
penalty, etc.

2. Enact that in case the conviction be for the nonpayment of any license fee payable to the town under the provisions of any by-law of the town the convicting justice may adjudge payment thereof in addition to the penalty.

370. Any such penalty and license fee or any other penalty imposed under the provisions of this Act may unless any other provision is specially made in respect thereof be recovered and enforced with costs on summary conviction before a justice of the peace. ^{Recovery of Penalties}

PART X.

MISCELLANEOUS.

GOVERNMENTAL COMMISSION OF INQUIRY.

371. In case one-third of the members of the council or one-fourth of the electors of the town petition the Lieutenant Governor in Council for a commission to issue under the great seal to inquire into the financial affairs of the town the Lieutenant Governor in Council may issue a commission accordingly; and the commissioner or commissioners shall have all the powers of commissioners appointed under chapter 2 of the Statutes of 1908 intituled *An Act respecting Inquiries concerning Public Matters* or any Act passed in amendment or substitution thereof. ^{Inquiry by government}

JUDICIAL COMMISSION OF INQUIRY.

372. In case the council pass a resolution requesting a judge of the Supreme Court or of the District Court of the judicial district in which the town is wholly or mainly situated to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the council or commissioner or other officer, servant or agent of the town or of any person having a contract therewith in relation to the duties or obligations of such person to the town or in case the council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the town or the conduct of any part of the public business thereof and pass a resolution requesting a judge to make inquiry, the judge shall inquire into the same and thereupon he shall for that purpose have all the powers which may be conferred upon commissioners under chapter 2 of the Statutes of 1908, intituled *An Act respecting Inquiries concerning Public Matters* or any Act passed in amendment or substitution thereof; and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon. ^{Inquiry by judge}

(2) The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 238 hereof.

(3) The council requesting any such investigation may engage and pay counsel to represent the town therein and may pay all proper witness fees to persons summoned to give evidence at the instance of the town; and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by counsel thereon.

373. The council may at any time by resolution appoint a committee of its members to investigate any charge which may be made against any employee of the town and the committee so appointed may summons such employee before it to answer the charge and shall have power to summons witnesses and to take evidence under oath and may pay all proper witness fees to persons summoned to give evidence and the committee shall report the result of its inquiry to the council.

COMING INTO FORCE OF ACT.

374. The Lieutenant Governor in Council may by proclamation published in *The Alberta Gazette* provide the time and manner of the coming into force of this Act and of any part or parts thereof and the said Act or part or parts thereof mentioned in the said proclamation shall come into force at the time and manner set forth in said proclamation or proclamations if more than one.

No. 12

THIRD SESSION

~~SECOND LEGISLATURE~~

2 GEORGE V.

1911

BILL

An Act respecting Towns.

Received and read the

First time

Second time

Third time

HON. C. R. MITCHELL

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