

BILL

No. 77 of 1913.

An act to amend Chapter 3 of the Statutes of the Province of Alberta, 1911-12, intituled "An Act respecting Rural Municipalities."

(Assented to 1913).

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

The Rural Municipality Act is amended as follows:—

1. Section 2: (a) By repealing clause 8 thereof and substituting therefor the following:

" ' Owner' means and includes any person who appears by the records of the land titles office for the land registration district within which such land is situated, to have any right, title or interest in the land within the limits of the municipality other than that of a mortgagee or encumbrancee."

(b) By repealing clause 9 thereof and substituting therefor the following:

" ' Occupant' means the person in actual occupation other than in an official capacity of any land exempt from taxation under the provisions of this Act."

(c) By adding to clause 15 the following:

" And for the purpose of assessment and of taxation only, 'land' means land or any estate or interest therein exclusive of the value of the buildings or other improvements thereon."

(d) By inserting after clause 15 the following:

"15a. 'Improvements' means any buildings or any other increase in the value of land caused by any expenditure of either labour or capital thereon."

(e) By repealing clause 19 and substituting therefor the following:

" ' Hawker' or 'Pedlar' means and includes any person who, whether as principal or agent, goes from house to house, selling or offering for sale goods, wares or merchandise to any person, not being a wholesale or retail dealer in such goods, wares or merchandise or offers or exposes to any person not being a wholesale dealer in such goods, wares or merchandise samples or patterns of any goods, wares or merchandise to be afterwards delivered in the municipality but shall not mean or include any person selling meat, fruit, fish, agricultural implements, sewing machines or farm produce by retail."

(f) By adding to the said section the following:

"(2) 'Transient Trader' means and includes any person who occupies premises in the municipality who offers goods, wares or merchandise for sale, either personally or through a licensed auctioneer or other agent or servant, whose name has not been entered on the last revised assessment roll of the municipality or who has not before he offers such goods,

wares or merchandise for sale as aforesaid resided continuously in the village for a period of three months next preceding the date at which he offers such goods, wares or merchandise for sale."

2. Section 9: By adding thereto the following:

"On every such map shall be outlined, the area and boundaries of six division of as nearly equal area as may be into which the municipality shall be divided in the event of a vote of the resident electors being in favour of such division as hereinafter provided."

3. Section 16: By adding thereto the following:

"At the same time as the vote is taken upon the question of the organization of the municipality a vote shall be taken on the question of whether there shall be divisions established in such municipality and a councillor elected from each such division or whether the councillors shall be elected by a vote of the municipality at large."

4. Section 19: By adding to the first paragraph of the notice in the said section contained the following:

"And whether divisions shall be established in such municipality, if organized and a councillor elected from each division or whether the councillors shall be elected by a vote of the municipality as a whole."

5. Section 21: By repealing same and substituting therefor the following:

"The returning officer shall cause to be printed or otherwise prepared a supply of ballot papers to be used for voting for or against the organization of the municipality and another supply of ballots for voting upon the question as to whether or not divisions are to be established in such municipality and such first ballot paper shall be in the following form:

FOR	
AGAINST	

And such second ballot paper shall be in the following form:

"If your are in favour of the organization of the municipality, are you in favour of the establishment of divisions therein and a councillor elected from each such division?"

FOR	
AGAINST	

6. Section 27: By inserting after the word "municipality" wherever the same occurs therein, the words "and the number of votes cast for and against the establishment of divisions."

7. Section 29: By inserting after the word "municipality" in the third line thereof the words "and if appears that the vote has resulted in favour of the organization of

the proposed municipality the number of votes cast for and against the establishment of divisions therein."

8. Section 34: By inserting immediately after clause 1 the following:

"1a. If the result of such poll is in favour of the establishment of divisions, the Minister shall by such order establish six divisions, whose area and boundaries shall as nearly as may be, be the same as those shown on the map hereinbefore referred to and assign a number to each such division."

9. Section 38: By adding thereto the following:

"(5) Alter and adjust the boundary of the divisions of the municipality."

10. Section 47: By repealing same and substituting therefor the following:

"The council of every municipality shall consist of six councillors, such councillors shall be elected by the general vote of the resident electors of the municipality or one councillor shall be elected from each division according as the electors of the municipality have determined upon the organization of such municipality."

11. Section 48: By repealing same and substituting therefor the following:

"The council of any municipality may at any time by by-law alter the manner in which councillors are elected in the municipality so as to provide for one councillor being elected from each division instead of by the general vote of the resident electors or to provide for election by the general vote of the resident electors instead of by divisions. Such by-law before coming into force shall be submitted to the resident electors of the municipality and shall receive the approval of two-thirds of the number of such resident electors voting thereon according to the procedure herein prescribed for voting on debenture by-laws:

"Provided that the council of any municipality, which has passed such a by-law, may at any time after the expiration of two years from the date of the passing thereof by by-law passed in the same manner and approved by the same majority of resident electors, revert to the former method of election."

12. That Section 88 be amended by adding the following:

Clause a.: "The treasurer shall also forthwith after the completion of such certified voters' list as provided for by section 87 hereof send by prepaid registered mail to the secretary or secretary-treasurer of every school district wholly or in part included within the boundaries of the Municipality of which he is treasurer, a true and correct list of all persons appearing on such certified voters' list who are assessed by the municipality for lands within such school district, and a description of the lands for which they are so assessed."

13. Section 95: By adding to clause C thereof the following:

"Or for each of the divisions thereof, if divisions have been established in the municipality, under the provisions of this Act."

14. Section 97: By inserting after the word "any" in the first line thereof the words "division or" and inserting after the word "such" thereof the words "division or."

15. Section 102: By adding after the word "municipality" in the third line thereof the following:

"Or in municipalities in which divisions have been established by at least two resident electors of the division and by adding after the word 'of' in the second line of the form of nomination paper in such section contained, the words 'or of division number of the rural municipality of'"

16. Section 106: By repealing the form of notice in the said section contained and substituting therefor the following notice:

"Rural Municipality of
Municipal Election."

"Whereas nominated for the office of Councillor (or whereas nominated for an office of councillor for division No. and nominated for the office of councillor for division No. etc.) have withdrawn their candidatures, leaving the only candidates therefor (or, leaving the only candidate for division No., and the only candidate for division No., etc.), I hereby give you notice that no voting will take place on the day of 19 (date of polling) (here add, if necessary, in the following divisions of the municipality)."

17. Section 108: By inserting after the word "of" in the fourth line of the form of notice therein contained "or for a councillor for division No. and Division No., respectively."

18. Section 113: By adding thereto the following:

"(2) In rural municipalities in which divisions have been established, separate ballots in like form shall be prepared for each division."

19. Section 116: By adding after the word "more" in the fifteenth line of the form in the said section contained, the words "or less."

20. Section 126: By repealing same and substituting therefor the following:

"At every general election every resident elector shall be entitled to vote once only for the number of councillors to be elected, if divisions have not been established in the municipality, and shall be entitled to vote only once for a councillor for his division, if divisions have been established.

"(2) At every special election of the council each person whose name appears on the voters' list shall be entitled to vote once.

"(3) If any person votes for more or less than the total number of councillors to be elected, his ballot shall be void and not counted."

21. Section 178: By adding thereto the following:

"10. To advise the Minister of his appointment as secretary within five days of such appointment, of the names and addresses of all persons elected councillors for the municipi-

pality within five days after the first meeting of the council at which they are entitled to be present, and of the name and address of the reeve, within five days of his election.

"11. To faithfully prepare and duly submit to the Minister of Education such statements, reports and other information as may from time to time be required by the Minister of Education, and in such form as he may direct.

"12. To faithfully prepare and duly transmit to the treasurer of each rural school district which is in whole or in part included within the boundaries of the municipality a statement showing the total amount of the assessed value of the lands in such school district that are included within the boundaries of the municipality, such statement to be transmitted to the school district as soon as assessment roll for the year has been revised."

22. Section 179 to be amended by adding the following:

"12. To faithfully prepare and duly submit to the Minister of Education such statements, reports and other information as may from time to time be required by the Minister of Education and in such form as he may direct."

By inserting immediately after section 179 the following:

"179a. The treasurer shall collect a fee of twenty-five cents for every search made in the assessment or tax roll and shall, if required, without an additional fee, give a certificate under his hand, showing whether or not all taxes in respect of such lot have been paid, and if not, the amount of arrears payable against such lot, and such fee shall form part of the general revenue of the municipality."

23. Section 191, Clause 12: By adding after the word "Pedlars" in the first line thereof the words "and transient traders."

By adding thereto the following:

"29. Preventing or regulating and licensing exhibitions of wax works, menageries, circuses, shows, theatres, and caravans and for requiring the payment of license fees for authorizing the same, not exceeding \$500 per day and for imposing fines for infringing such by-laws to the amount of \$50 over and above the costs 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."

"30. Preventing or regulating or licensing exhibitions held or kept for hire or profits in halls, opera houses, moving picture theatres and other places of amusement."

24. Section 196: By adding to clause 11 thereof the following:

"Or on land enclosed by a lawful fence used exclusively for the purpose of pasture and upon which horses or cattle to the number of at least one or sheep to the number of at least three for every ten acres so enclosed have been pasturing for six months during the previous year."

25. That section 206 be amended by inserting after the word "of" in the first line thereof the words "*The Stray Animals Ordinance, The Entire Animals Ordinance.*"

By adding after the word "Ordinance" in the second line thereof the following words: "except as hereinafter provided."

2. By adding after section 206 the following:

"**206a.** No such by-law shall be finally passed by the council of any municipality unless and until notice of the intention of the council to pass same, in the form herein provided, has been published at least once a week for three consecutive weeks in some newspaper published in the rural municipality or if there is no newspaper published therein, in some newspaper having a circulation therein.

"(2) If within twenty days after the last insertion of such notice any ten electors of the municipality petition the council to submit such by-law to the vote of the electors of the municipality before the same is finally passed, such by-law shall be submitted to the vote of such resident electors and the proceedings for taking such a vote shall be in the manner hereinafter provided for the taking of votes on debentures by-laws.

"(3) Such notice shall be in the following form:

"Public notice is hereby given that the following by-law has been introduced in the council of the rural municipality of No. and that unless within twenty days after the last insertion of this notice at least ten electors of the municipality petition the council to submit such by-law to the vote of the resident electors of the municipality, the council will proceed to pass same (*here insert by-law*). The last date of insertion of this notice is (*here give last date for insertion*).

Secretary of the Rural Municipality of "

26. Section 208: By adding immediately thereafter the following:

"**208a.** Notwithstanding anything herein contained the provisions of sections 33 to 36 inclusive, of *The Pound District Ordinance* shall continue in force in all rural municipalities and the owner of any animal may take proceedings under the provisions of these sections for the purpose of having determined any complaint which he might make for any of the reasons therein set forth."

27. That sections 228, 229, and 230 be repealed.

28. Section 231 to be amended by striking out the words "in the event of a poll being demanded as provided by section 229 hereof" in the first and second lines thereof and substituting therefor the following: "before such by-law is finally passed it shall be submitted to a vote of the electors and receive the approval of two-thirds of the electors voting thereon and."

29. Section 251: By repealing clause A thereof and substituting therefor the following:

"The name of the owner of every lot or parcel of land in the municipality which is not exempt from assessment and the name of the occupant of any lot or parcel of land within the municipality, which is exempt from assessment and post office address, if known, of every such owner or occupant."

30. Section 252: By adding thereto the following:

"If the value at which any specified land has been assessed appears to be more or less than its true value, the amount of assessment shall nevertheless not be varied on

appeal if the value at which it is assessed bears a fair and just proportion to the value at which lands in the immediate vicinity of the lands in question, are assessed.”

31. Section 277: By adding after the word “revision” in the third line thereof “or in case of the omission, neglect or refusal of the said court to hear or decide an appeal to it before the 9th day of September in any year.”

32. Section 295: By striking out sub-sections 2 and 3 thereof and substituting therefor the following:

“If any rural school district is situated partly in two or more rural municipalities, the board of trustees of such school district shall before the first day of August in each year prepare a detailed estimate of the probable amount of the expenditure for the year and shall determine, having regard to the amount and value of the assessable land in each such rural municipality as shown by the return made to the school district under section 178 hereof, the amount to be contributed for the purposes of the school district from each such rural municipality and shall forthwith forward a requisition to the council of such municipality for such amount; such council shall forthwith levy such rate and collect same in the same way as the municipal taxes and pay the proceeds thereof to the said school district forthwith after collection.

“(4) If any rural school district is situated partly within the boundaries of one or more municipalities and partly outside the boundaries of any municipality the board of trustees in such district shall before the first day of August in each year prepare a detailed estimate of the probable amount of the expenditure for the year and shall determine, having regard to the amount and value of the assessable land lying outside of the boundary of any such municipality, the amount to be contributed from each municipality for the purposes of the school district and shall forward a requisition to the council of such municipality who shall levy such rate and collect same in the same manner as municipal taxes and pay the same to the board of trustees of such school district forthwith after collection.

“(5) The board of trustees of such school district shall strike a rate and levy the taxes upon the lands in the part of the district not included within the boundary of any municipality. Such taxes shall be imposed upon such property as would be liable to assessment and taxation, if such portion of the school district were within the boundary of the rural municipality and all the provisions in regard to the levying of assessment, the imposition of taxes including the provisions in regard to appeals and to forfeiture for non-payment of taxes in this Act contained shall apply to such assessment and collection of taxes in such portion of any school district.”

33. Section 314: By adding thereto the following:

“Such application shall be in the following form:—

“In the matter of the court of confirmation of the tax enforcement return of the rural municipality of

“Take note that His Honour Judge, Judge of the District Court of the District of has appointed the day of 19 . . ., for the holding of the Court of confirmation to confirm the tax enforcement return of the rural municipality of

“and further take notice that you appear to have an interest in (here insert full description of the land mentioned in the said tax enforcement return).

“Dated the day of 19 . . .

Secretary-Treasurer of the Rural Municipality of”

34. Section 316: (a) By striking out the words “three years” in the seventeenth line of sub-section 1 thereof and substituting therefor the words “one year”.

(b) By striking out the words “two years and” wherever the same occur in clause five thereof and by adding thereto the following:

“(6) Such clause shall be in the following form:—

“Take notice that the tax enforcement return of the rural municipality of was confirmed in respect of the herein described lands at the court of confirmation held at on the day of 19 . . . , and unless such lands are redeemed on or before the day of 19 . . . , the same will be absolutely forfeited for non-payment of taxes.

“Dated this day of 19 . . .

Secretary-Treasurer of the Rural Municipality of”

“You appear to be interested in the following lands (here insert full description of the lands). The amount required to redeem this parcel is \$, made up as follows:

“Amount due as shown by tax enforcement return \$	
“Taxes accrued since that date	\$
“Expenses of advertising, etc.	\$
“Costs	\$
“Redemption fee	\$”

35. Section 317: By striking out the words “three years” in the third line and substituting therefor “one year”.

36. Section 318: By striking out the words “three years” in the third line and substituting therefor “one year”.

(2) By adding thereto the following:—

“Such application shall be in the following form:

“The Registrar of the Land Registration District.

“The rural municipality of hereby makes application to be registered as owner of (here insert full description of land) being land as to which the tax enforcement return of the said rural municipality was confirmed at the court of confirmation held on the day of 19 . . . and which has not been redeemed.

“Dated this day of 19 . . .

Secretary-Treasurer of the Rural Municipality of”

(3) Every such application shall be accompanied by a statutory declaration by the Secretary-Treasurer of the rural municipality in the following form:

"In the matter of *The Rural Municipality Act* and in the matter of an application of the Rural Municipality of for the issue of a certificate of title to (here insert full description of the land).

"1,, the Secretary-treasurer of the rural municipality of make oath and say:

"1. That I have knowledge of the matters hereinafter deposed to.

"2. That the court of confirmation held at on the day of the tax enforcement return of the said rural municipality was confirmed in so far as such tax enforcement return affects these lands.

"3. That the notice hereto annexed was, after the expiration of ten months and before the expiration of eleven months published in *The Alberta Gazette* and was published in the (the newspaper published in the village or having a circulation in the village, as the case may be).

"4. That a similar notice and also a statement showing the amount required to redeem such lands was mailed not more than sixty days nor less than thirty days before the expiration of the time limited for redemption to each person appearing by the record in the land titles office for this land registration district to have any interest in such land.

"Sworn before me at
in the province of Alberta this
. day of 19.

.....
A Commissioner, etc."

No. 77

FOURTH SESSION
SECOND LEGISLATURE
3 GEORGE V
1913

BILL

An Act to amend Chapter 3 of the Statutes of the Province of Alberta, 1911-12, intituled "An Act respecting Rural Municipalities."

Received and read the

First time

Second time

Third time

EDMONTON :
J. W. JEFFERY, Government Printer
1913