

BILL

No. 59 of 1913 (Second Session).

An Act to Amend the Village Act.

(Assented to 1913.)

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

The Village Act, being chapter 5 of the Statutes of Alberta, 1913, is amended as follows:

1. Section 12, subsection 1: By adding thereto the words "or Local Improvement District".

2. Section 24: By adding after the word "meeting" in the sixth line thereof the following words: "Provided that 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."

3. Section 33: By adding thereto the following: "The Lieutenant Governor in Council may at any time dismiss the whole council, or any member or members thereof and appoint some person or persons to act as reeve, councillor or councillors for the village, in the place and stead of the person or persons so dismissed, and every such person so appointed shall have all the powers and authorities conferred by this Act on elected members of the council and shall be remunerated out of the funds of the village or otherwise, as the Lieutenant Governor in Council may determine.

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

4. Section 34: By adding thereto the words "and until the new council meets".

5. Section 60: By adding thereto the following subsections:

"(a) The auditor or auditors so appointed may at least once in every three months during the year examine, audit and report upon all books and accounts affecting the village 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.

"(b) 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 reeve, who shall lay the same before the council at its next meeting."

6. Section 61: By striking out said section and subsection and substituting therefor the following:

“On or before the 15th 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 1st 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 village up to the preceding 31st day of October, including a statements 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.

“(2) On or before the 1st 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 village for the financial year ending on the 31st 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 reeve, who shall lay the same before the council at its next meeting and the council shall on or before the 1st 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 village, or if there is no newspaper published therein in the newspaper the publication of which is nearest thereto, and shall cause a copy of such abstract and report to be forwarded to the Minister.

“(3) The financial year of the village shall commence on the 1st day of January and close on the 31st day of December in each year.”

7. Section 63, subsection 29: By striking out the words “Insurance companies’ offices and agents”.

8. Section 63, subsection 34: By adding the word “auctioneers” after the word “governing” in the first line thereof and after the word “any” in the third line thereof.

9. Section 63, subsection 47: By repealing same.

10. Section 65, subsection 2: By striking out the word “fifty” in the fourth line thereof and substituting therefor the words “seventy-five”.

11. Section 71: By striking out all the words after the word “subject” in the fourth line thereof and substituting the words “to the provisions of section 7, chapter 10 of the Statutes of Alberta, 1906, being *The Public Works Act.*”

12. Section 73: By adding after the word “council” in the fifth line thereof the words “which said transference shall be by written notice to the council to that effect”.

13. Section 78: By adding after the word “Minister” in the tenth line thereof the words “or his deputy”.

14. Section 79: By adding thereto subsection (5) as follows:

“(5) 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 number.....
under by-law number..... this.....day of
.....A.D. 19....”

15. Section 80: By adding after the word “Minister” in the first and fifth lines thereof the words “or his deputy”.

16. Section 113, subsection 2: By striking out said subsection and substituting therefor the following:

“In the event of the taxes payable on any lot or portion of land under this section for the purposes of the village being less than \$1, the amount to be entered in the roll as payable for such purposes shall be \$1.”

17. Section 113, subsection 3: By striking out said subsection and substituting therefor the following:

“In the event of the taxes payable on any lot or portion of land under this section for school purposes being less than \$1, the amount to be entered in the roll as payable for such purposes shall be \$1.”

18. Section 114: By striking out the words “may be” in the seventh line thereof and substituting therefor the words “as will raise the amount,” and by adding after the word “taxes” in the eighth line thereof the words “and all arrears of taxes”.

19. By adding to said *Village Act* the following sections:

“RESTRAINING ANIMALS AT LARGE

“**161.** The council of every village shall have full power to pass a by-law or by-laws for restraining animals at large and in such by-law or by-laws may:

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

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

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

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

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

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

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

“**162.** In every such by-law the council shall incorporate substantially all the provisions of sections 163 to 170 inclusive of this Act, substituting the word “by-law” for “Act” where the meaning requires it.

“(2) In every such by-law the council shall incorporate substantially all the provisions of this Act following:

“**163.** Any person claiming any damage for trespass by any animal impounded may, at any time before the animal is released, deliver to the poundkeeper a statement in writing, showing the amount of his demand.

“(b) Upon the receipt of such statement the poundkeeper shall apply to the reeve or to any one of the councillors of the village, or to a justice of the peace, who is hereby authorized and required to forthwith summon three disinterested inhabitants of the village, and such three appraisers or any two of them shall, within twenty-four hours after notice as aforesaid, view the ground on which the animal or animals were found doing the damage and appraise the damage committed, and the determination of a majority of the said appraisers shall be conclusive as to the amount of such damages and they shall, within twenty-four hours after having made the view, give, in writing, to the poundkeeper a statement of the amount of damages assessed by them, and said amount shall be the amount to be collected from the owner or to be retained from the sale of the animal or animals as damages by the poundkeeper.

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

“(2) Every poundkeeper shall keep the pound to which he is appointed, clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome sustenance and provide for them such shelter as is commonly provided at the time for animals of similar age and class in the vicinity, and the poundkeeper may send such animals out of his pound at fit times and to fit places for grazing or watering and every poundkeeper shall be responsible to the owner of any impounded animal for all loss or damage occasioned by any act or negligence of himself or his agent; in no case shall an open wire corral be regarded as a suitable pound.

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

“(2) In case such owner is not known, or such owner or person notified shall not within ten days after the posting or delivery of such notice appear at the pound and release the animal so impounded by the payment of the lawful fees, mileage rates and appraised claim for damage, the poundkeeper shall cause to be inserted once each week for

two consecutive weeks in some newspaper circulating in the vicinity of the pound, a notice in the form hereinafter provided:

“ Notice is hereby given that (*description of animal impounded, giving registered brands, if any, marks and points*) was impounded in the pound kept by the undersigned on (*description of place where pound is located*) on..... day of.....19.....

.....
Signature of Poundkeeper.’

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

“**167.** When any animal shall not have been released from the pound within twenty days after the notice has been inserted for the last time in a newspaper as is herein provided the said animal shall be sold by public auction after notice of such sale shall have been posted for eight days in three conspicuous places within the village one of which shall be the post office nearest the pound and at such sale the poundkeeper shall be the auctioneer; and such sale shall be held at the pound or at such other place as may be designated by by-law of the village and shall commence at the hour of two o’clock in the afternoon and the poundkeeper shall not either in person or by his agent purchase any animal at such sale or have any interest of any kind in any animal so purchased.

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

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

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

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

“**170.** The proceeds of the sale of any impounded animal sold under the provisions of this Act shall be applicable in payment:

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

“(b) Of all sustenance fees;

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

“**171.** Any money received by the treasurer under the provisions of the next preceding section shall be paid to the owner of the animal sold on evidence satisfactory to the council being furnished as to applicant’s title thereto and application therefor being made to the council within

twelve months from the date of the sale; otherwise such money shall form part of the general revenue of the village.

“172. 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 has been published at least once a week for three consecutive weeks in some newspaper published in the village, 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 resident electors of the municipality petition the council to submit such by-law to the vote of the resident 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 substantially in the manner hereinafter provided for the taking of votes on debenture by-laws and said by-law shall be declared carried if a majority of such resident electors vote in favour of same.

“(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 village of, and that unless within twenty days after the last insertion of this notice at least ten resident electors of the village petition the council to submit such by-law to the vote of such resident electors of the village 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 Village of”

“173. The following shall be the tariff of the pound-keeper’s fees under any by-law passed in accordance with the provisions of this Act:

- “For each stallion or jack. \$.50
- “For each bull.50
- “For each other animal.25

“Provided that the total poundkeeper’s fees, not including commission on sales, shall not exceed \$10 and disbursements for advertising.

“For posting notices, each such notice to include all such animals impounded at one distress. \$1.00

“For notice in newspaper: actual cost.

“For selling impounded animals, as directed by the by-law: 2½% commission upon the amount realized on the sale.

“For attending for summonses and serving same on appraisers each, .25 and 10c. per mile one way for each mile necessarily travelled.

“(b) That the amount to be allowed the poundkeeper for the care and sustenance of each animal for each day or portion of a day shall be as follows:

- “For each stallion or jack. \$1.00
- “For each bull.50
- “For each other animal.25

“(c) That the amount to be allowed the owner or tenant of any land in the village for capturing and impounding a stallion or bull of one year old or upwards at large, contrary to any village by-law, shall be five dollars and on receiving settlement or realizing from sale said amount shall be paid over to the person entitled by the poundkeeper.

“(2) And such fees and no others shall be payable for such purposes.

“174. Nothing contained in this Act shall deprive the owner of any animal impounded, of any action, remedy or right that he may have at common law or otherwise by reason of said animal being unlawfully impounded.

“175. The provisions of *The Stray Animals Ordinance*, *The Entire Animals Ordinance*, *The Herd Ordinance*, *The Fence Ordinance* and *The Pound District Ordinance* shall cease to be operative within any village upon the coming into effect of any by-law passed by the council in pursuance of the powers conferred upon it by this Act.”

No. 59

FIRST SESSION
THIRD LEGISLATURE

4 GEORGE V

1913
(SECOND SESSION)

BILL

An Act to Amend the Village Act.

Received and read the

First time.....

Second time.....

Third time.....

EDMONTON:
J. W. JEFFERY, Government Printer
A.D. 1913