

BILL

No. 76 of 1913 (Second Session).

An Act to amend The Rural Municipality 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 Rural Municipality Act, being chapter 3 of the Statutes of Alberta, 1911-12, and amendments thereto, is amended as follows:

1. By adding after section 37 the following new section:

“37a. Any small local improvement district which has been organized for twelve months may become a rural municipality on receipt of a resolution from the council of the local improvement district asking for such organization or on the receipt of a petition praying for such organization; such petition to be signed by at least fifty per cent. of the number of voters who voted at the last election for councillors in the local improvement district.

“(2) The petition shall be in such form as is prescribed by the Minister, and shall be certified as correct by the chairman and secretary-treasurer of the local improvement district so desiring to be organized as a rural municipality. Such petition may be divided into separate pages, every signature on each page shall be witnessed in writing by an elector of the district.

“(3) No action shall be taken by the Minister on any such resolution or on any such petition received by him later than the 10th day of November in any year.

“(4) Upon receipt of the resolution required by subsection (1) hereof, or upon receipt of the petition required by subsection (2) hereof, and upon being satisfied that the provisions of the Act have been substantially complied with, the Minister shall by written order declare the municipality to be organized, assign to it a name and number, divide the municipality into divisions and assign to each division a number.

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

“(6) Notice of such order shall be sent to the secretary-treasurer of the local improvement district.

“(7) The provisions of sections 12 to 37, both inclusive of this Act shall not apply to any resolution or petition filed under the provisions of this section.

“(8) In the case of any municipality declared to be organized as herein provided the council of the local improvement district shall have and exercise all the duties and powers of the municipal committee.”

2. Section 48: By adding thereto the following subsection 2:

“The provisions of this Act in regard to the election of councillors by a general vote of the resident electors of the municipality shall *mutatis mutandis* apply to the

election of councillors from divisions as aforesaid and the Minister shall have power, from time to time, to make such regulations, not inconsistent with such provisions as he may deem expedient for the conduct of such elections."

3. Section 55: By adding thereto the following words: "Excepting when the municipality shall have been a small local improvement district."

4. Section 74: By adding thereto the following proviso: "Provided that the council of any municipality may in place of inspecting and laying out work themselves appoint a competent foreman or engineer to do this work under the powers given them by section 171 hereof."

5. Section 191: By adding the word "auctioneers" after the word "governing" in the first line and after the word "for" in the third line of subsection 12 thereof.

6. By striking out sections 206 to 216 inclusive, and substituting therefor the following:

"RESTRAINING ANIMALS AT LARGE.

"**206.** The council of every municipality shall have full power to pass a by-law or by-laws for restraining animals at large and any such by-law or by-laws shall—

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

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

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

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

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

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

"(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.

"**207.** In every such by-law the council shall incorporate substantially all the provisions of sections 206 to 216, inclusive, of this Act, substituting the word 'by-law' for 'Act' where the meaning requires it.

“208. Any person claiming any damage for trespass by any animal impounded may, at the time of the impounding of such animal, deliver to the poundkeeper a statement in writing, showing the nature and amount of his demand, and any person failing to deliver such statement at such time shall have no recourse to the provisions of this Act as to the collection of damages.

“(b) Upon the receipt of such statement the poundkeeper shall, if the owner of the animal be unknown to him, apply to the reeve or to any one of the councillors of the municipality, or to the nearest justice of the peace, who is hereby authorized and required to summon three disinterested inhabitants of the municipality as appraisers and such three appraisers or any two of them shall, within twenty-four hours after being summoned 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 such claim and the amount thereof, and they shall within twenty-four hours after having made the view give in writing to the poundkeeper a statement of the amount of the damages assessed by them and said amount shall be the amount to be retained by the poundkeeper from the sale of the animal or animals as appraised damages.

“(c) Each appraiser shall be allowed the sum of \$1.00 as a fee for the appraisal and the amount of such fees shall be retained by the poundkeeper out of the proceeds of the sale of the animal or animals, to be paid by him to the appraisers.

“209. 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 following form:

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

“Given under my hand at.....this.....day ofA.D. 19.....

.....
(Signature of Poundkeeper.)

“To. ,

“(If a claim for damages shall have been made the poundkeeper shall embody in the said notice the following, or to the like effect):

“Notice is also given that a claim for damages to..... the amount of....., has been made by and that if you wish to have this claim appraised you are required, within three days from the receipt of this notice, to notify me to that effect, otherwise the claim will be taken to be admitted.’

“(If the owner shall, within three days from the receipt of this notice, inform the poundkeeper of his desire to have appraisers appointed the poundkeeper shall forthwith apply for the appointment of appraisers as in section 208 hereof and thereafter the provisions of section 208, as to appointment, view and award, shall govern. The appraisers shall be allowed the fees set out in section 208 hereof. If the amount of the appraised damages equals or exceeds the amount claimed by the claimant then the amount of

the appraisers' fees shall be paid by the owner or retained from the proceeds of the sale of the animal or animals, but if the amount of appraised damages shall be less than the amount claimed by the claimant then the appraisers' fees shall be paid by the claimant or retained out of the amount due him as appraised damages.)

“(2) If the owner shall not within three days from the receipt of the notice that a claim for damages has been made, inform the poundkeeper of his desire to have appraisers appointed, the claim and the amount thereof will be taken to be admitted, and thereafter shall be treated as appraised damages.

“(3) In case such owner is not known or such owner or person notified shall not within ten days after the posting or delivery of the notice referred to in subsection (1) hereof appear at the pound and release the animal so impounded by the payment of the appraised claim for damages, the poundkeeper's fees and mileage and allowances, and the appraisers' fees, where the same are due under this Act, the poundkeeper shall cause to be inserted once each week for two consecutive weeks in some newspaper circulating in the municipality a notice in the following form:

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

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

.....
Signature of Poundkeeper.

“(4) Every poundkeeper shall, without charge, in addition to any copies of any notice which he may be required 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.

“**210.** If any poundkeeper impounds or assists, or incites, or employs any person to impound any animal in any municipality, 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 \$100.00.

“(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. An open wire corral shall in no case be regarded as a suitable pound.

“**211.** 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 has been posted for eight days in three conspicuous places within the municipality, one of

which shall be the post office nearest the pound, and at such sale the poundkeeper shall be the auctioneer. The sale shall be held at the pound or at such other place as may be designated by by-law of the municipality and shall commence at the hour of two o'clock in the afternoon. 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.

“(2) 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.

“**212.** 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 or animals sold at such sale, the amount realized and the disposition thereof.

“**213.** 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 the amount due him for capturing and impounding the same; to the claimant for damage done; and of appraisers' fees, if the same shall be due under the provisions of this Act; and the residue, if any, shall be paid to the owner of such animal, or if not claimed at the time of sale by any person entitled thereto, to the treasurer of the municipality.

“(2) Any money received by the treasurer under the provisions of the next preceding subsection shall be paid to the owner of the animal sold on evidence satisfactory to the council being furnished as to the 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 fund of the municipality.

“**214.** No by-law for the restraining of animals at large shall be finally passed by the council of the municipality unless and until notice of the intention of the council to pass the same has been published at least once a week for three consecutive weeks in some newspaper published in the 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 resident electors of the municipality petition the council to submit such by-law to the resident electors of the municipality such by-law shall, before the same is finally passed, be submitted to the vote of such resident electors, and the proceedings for taking such vote shall be substantially in the manner hereinafter provided for the taking of votes on debenture by-laws, and such by-law shall be declared carried if a majority of such resident electors vote in favour of the 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 Rural Municipality of, number, and that unless, within twenty days after the last insertion of this notice, at least ten resident 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 the same. (*Here insert by-law.*) The last date for the insertion of this notice is (*here give last date for the insertion*).

.....
 “Secretary of the Municipality
 of, No.”

“215. The following shall be the tariff of the pound-keeper’s fees in accordance with the provisions of this Act:

- “For each stallion or jack \$.50
- “For each bull50
- “For each other animal25

“Provided that the total poundkeeper’s fees, not including commission on sales, shall not exceed \$10.00 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 by-law, 2½ per cent. commission on the amount realized on the sale.

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

“(b) To the poundkeeper for the care and sustenance of each animal for each day or portion of a day:

- “For each stallion or jack \$1.00
- “For each bull50
- “For each other animal25

“(c) To the owner or tenant of any land in the municipality for capturing and impounding a stallion or bull of one year old or upwards at large contrary to any municipal by-law \$5.00, and on receiving settlement or realizing from the sale such amount shall be paid over by the pound-keeper to the person entitled.

“(2) Such fees and no others shall be paid for such purposes.

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

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

7. Section 217: By striking out all the words after the word “situated” in the sixth line thereof, and by striking out subsection (2) of said section.

8. Section 219: By adding after the word “council” in the sixth line thereof the words “by written notice thereof”.

9. Section 222: By striking out the words "one dollar" in the fifth line thereof and substituting therefor the words "seventy-five cents".

10. Section 225: By adding thereto subsections (a) and (b) as follows:

"(a) The council of a municipality may borrow money on behalf of any school district on the credit of the taxes to be collected within the current year for such school district to an amount not exceeding 75 per cent. of the total estimate of taxes to be collected by the municipality for the school district within the year. The monies borrowed under the provision of the section shall be repaid out of and shall be a first charge upon the school taxes which are collected in the current year. Such loans may be arranged and secured in the manner provided in section 225 hereof for loans for municipal purposes.

"(b) All taxes collected and all moneys borrowed by a municipality every year on behalf of any school district shall be kept in a separate account and deposited in a chartered bank to be credited to a trust fund to be styled 'School Taxes Trust Fund'."

11. Section 238: By striking out subsection (b) thereof.

12. Section 240: By adding after the word "Minister" in the tenth line thereof the words "or his Deputy".

13. Section 247: By adding after the word "Minister" in the first and fifth lines thereof the words "or his Deputy".

14. Section 251: By striking out 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 liable to assessment, and the name of the occupant of any lot or parcel of land within the municipality, whose interest is liable to assessment, and the post office address, if known, of every such owner or occupant."

15. Section 295: By striking out subsection (2) thereof and substituting the following:

"If any rural or consolidated school district lies in more than one municipality the secretary-treasurer of each municipality shall each year on the completion of the assessment roll furnish the board of trustees with a list of the assessable lands of the district in the municipality, and the said board shall before the first day of August in each year prepare a detailed estimate of the expenditure for the year and a cash valuation of all the assessable lands of the district in each municipality. The estimated expenditure shall be divided among the municipalities on the basis of this valuation and the council of each advised thereof and such amounts shall be levied and collected by the municipalities in the same manner as municipal taxes."

16. Section 296: By striking out all the words of said section after the word "purposes" in the third line of subsection (c) thereof.

17. Section 297: By striking out subsection (b) thereof and substituting therefor the following:

“The rates to be levied by the treasurer on the land of the school districts situated in the municipality, as in section 295 provided.”

And by adding thereto the following new subsection:

“(g) The rate fixed by *The Educational Tax Act* on lands outside of organized school districts.”

18. Section 297, subsection (2): By striking out said subsection and substituting therefor the following:

“(2) In the event of the tax payable on any lot or portion of land under this section for the purposes of the municipality being less than \$1 the tax to be entered in the roll as payable for such purposes shall be \$1.”

19. Section 297, subsection (3): By striking out said subsection and substituting therefor the following:

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

20. Section 329: By striking out said section and substituting therefor the following:

“The Hail Insurance District shall be under the direction of a board to be known as the Hail Insurance Board, which board shall consist of three commissioners and shall have power, subject to the provisions of this Act, to adjust, settle and pay all claims of any person having an interest in any crop in the district for indemnity for damage to or destruction of such crop by hail.

“(2) One member of such board, who shall be the chairman thereof, shall be appointed by and shall hold office during the pleasure of the Minister.

“(3) The other two commissioners shall be appointed by the reeves of the several municipalities composing the Hail Insurance District, at a meeting thereof to be held at such place and time as is fixed by the Minister; notice of such meeting being sent in writing to the several municipalities. These two commissioners shall hold office for the term of one and two years respectively; the commissioner receiving the highest number of votes being appointed for the longer term.

“(4) The successor of each of such two commissioners shall be chosen at a meeting of the reeves of all the municipalities within the Hail Insurance District to be held annually at such time and place as the board may direct, and the term of each such commissioner shall be two years; provided that the council of any such municipality may appoint to attend at any such meeting on its behalf such other member or officer of the council in lieu of the reeve as by resolution it may determine.

“(5) The reeves or other members or officers of the council appointed to attend meetings of the reeves of all the municipalities within the Hail Insurance District shall be paid for the time necessarily occupied in attending such meetings at the rate of \$4.00 per diem, together with the actual cost of transportation incurred and paid by them.

“(6) The Minister may, in the event of the death or resignation of any commissioner, or of his office becoming or being declared vacant, appoint some person to fill such vacancy until same is filled by election or otherwise as herein provided.

21. Section 330: By striking out said section and substituting therefor the following:

"The Hail Insurance Board shall appoint a secretary-treasurer, and an inspector or inspectors, and, subject to the approval of the Minister, may define the duties and fix the remuneration of such officials and such other officials as may from time to time be required.

22. Section 331: By striking out said section and substituting therefor the following:

"The commissioners shall be paid for their services and expenses a per diem allowance of seven dollars, together with the actual cost of transportation incurred and paid by them for attendance at all meetings of the board."

23. Section 333: By striking out said section and substituting therefor the following:

"When any crop within the Hail Insurance District is damaged or destroyed by hail any person having an interest therein and wishing indemnity therefor shall within five days of such damage or destruction being sustained give notice to the secretary of the Hail Insurance Board by registered letter addressed to him at Edmonton, giving particulars of his claim verified by statutory declaration.

"(2) The secretary of the Hail Insurance Board, upon receipt of any claim of loss, shall deliver or forward the same to an inspector who shall enquire into, verify and report upon each such claim and the loss according to his judgment, and shall report to the secretary of the Hail Insurance Board.

"(3) Six dollars per acre shall be the maximum indemnity paid for total loss."

24. Section 334: By striking out the word "Chairman" where it occurs in the second and eighth lines thereof and substituting therefor the words "Secretary-treasurer".

25. Section 335: By striking out the word "on" where it occurs after the word "or" in the third line thereof and substituting therefor the word "from".

26. Section 336: By adding after the word "rate" in the sixth line thereof the words "per acre".

By striking out the word "value" in the tenth line thereof and substituting therefor the word "area".

By striking out subsection (2) and substituting therefor the following:

"Each such municipality shall, within thirty days from the receipt of such notification, pay the amount so required to the secretary-treasurer of the Hail Insurance District, and the amount so paid shall be levied equally upon all assessable lands (except lands that are subdivided into blocks and lots according to plan registered at the Land Titles Office) within the municipality upon or in respect to any interest in which they are assessable for municipal taxes under this Act, and such taxes shall become payable at the same time as all other municipal taxes and may be collected by any means provided for the collection thereof."

And by adding thereto subsection 5, as follows:

"(5) The secretary-treasurer of each municipality within the Hail District shall, on demand, furnish the secretary of the Hail Insurance Board with a statement setting forth the total acreage of assessable land within the boundaries of the municipality."

No. 76

FIRST SESSION
THIRD LEGISLATURE

4 GEORGE V
1913
(SECOND SESSION)

BILL

An Act to amend The Rural Municipality Act.

Received and read the

First time.....

Second time.....

Third time.....

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