

BILL

No. 46 of 1917.

An Act to amend The School Ordinance, and The School Assessment Ordinance.

(Assented to _____, 1917.)

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

1. *The School Ordinance* is amended as follows:

Section 2, subsection 10: By adding thereto the following:

“(e) The expression ‘resident ratepayer’ shall also mean and include the husband, wife, son or daughter of any resident ratepayer as hereinbefore defined, provided such husband, wife, son or daughter is of the full age of twenty-one years and resides in the school district.”

Section 39: By repealing the first amendment to this section which appears in section 1, line 5, of chapter 9 of the Statutes of Alberta, 1916.

Section 40*b*: By adding thereto the following subsection:

“(2) The publication in the official gazette of the notice of the order uniting any school districts into a consolidated school district shall be final and conclusive evidence that all matters required preliminary to such order have been complied with.”

Section 40*d*: By repealing the proviso and substituting therefor the following:

“Provided that the board of the consolidated district may with the consent of the Minister, take over the assets and assume the liabilities of the districts or any one or more of them, included in such consolidation, upon such terms and conditions as may be agreed upon by the said board and the trustees representing the district or districts the assets and liabilities of which are being taken over and assumed, but such agreement shall not prejudicially affect the rights or security of the holder of any debentures issued by the district or districts, the assets and liabilities of which are being taken over and assumed.”

Section 40*e*: By striking out all the words in said section after the word “shall” in the last line but one, and by substituting therefor the words “supply vans or conveyances to be approved by the department for the conveyance of pupils to school, and may determine the routes such vans or conveyances shall travel and what pupils in the opinion of the board it is necessary to so convey, and in case there shall be any dispute as to the distance any pupil is required to travel without conveyance to a van route or to the school the same shall be referred to an inspector whose decision shall be final.”

Section 95*a*: By striking out the word “town” where the same appears in the first line of said section and by striking out clause 2 in the said section 95*a* and by substituting therefor the following:

“(2) To employ a medical doctor, a dentist or nurse or one or more of each or every of them to care for the health of the pupils and advise parents and the board with respect thereto, and the board may make such expenditures as they may deem necessary to safeguard the health of such pupils.”

By adding to clause 3 the words “where more than twenty teachers are employed”.

By adding to said section 95a the following clause:

“5. To furnish the pupils with text books, exercise books, pens, pencils, and other supplies either free of charge or at a price to be fixed by the board.”

Section 95b: By repealing this section.

Section 98, clause 1: By repealing this clause and the proviso thereto and substituting therefor the following:

“(1) To give security to the board before entering upon his duties by bond of a guarantee company authorized to do business in the province, such bond to be in the form approved by and registered with the Minister. The bond shall be for such an amount as the board shall deem sufficient to cover any loss through default of the treasurer, and the members of any board failing to take such bond or security from its treasurer shall be jointly and severally liable for his default to the extent of the sum for which such bond should have been taken:

“Provided, however, that when the majority of the board refuse or neglect to take such security after demand by a trustee, the trustee so demanding the security to be taken shall be relieved from all personal liability for such default if his demand is duly recorded in the minutes of the board.”

Section 106: By inserting after the word “district” in the first line of said section the words “or of any district declared to be a village district for assessment and taxation purposes by order of the Minister”, and also by inserting after the word “municipality” where the same first occurs in said section the words “or of any district separated from a municipality by order of the Minister of Municipal Affairs.”

Section 111: By inserting after the word “demanded” in the first line thereof the words “in a district other than a town school district” and by adding thereto the following subsection:

“(2) In the event of a poll being demanded in a town school district situated wholly or partly within the limits of a town or city, the council of the town or city shall on receipt of a notice from the secretary-treasurer of the school district that a poll has been demanded, as provided by *The School Ordinance*, forthwith submit the proposed by-law or by-laws to the ratepayers of the school district entitled to vote on money by-laws of such town or city, and all the provisions of *The Town Act* or special Act incorporating a city or town, as the case may be, governing the taking of votes on money by-laws, including the procedure for questioning the validity of any such by-law, shall *mutatis mutandis* apply to and govern the taking of the vote on said by-law or by-laws, and after the period provided in *The Town Act* or special Act incorporating the city or town has lapsed then if the by-law passed has not been quashed the town or city clerk shall notify the school board that such by-law or by-laws passed are in

force and effect, and the secretary-treasurer of the school board shall thereupon forward to the Board of Public Utility Commissioners a copy of such by-law as passed, provided, however, and notwithstanding any provisions in *The Town Act* or special Act, it shall be sufficient if such proposed by-law shall receive a majority vote only of the ratepayers voting on such by-law."

SCHEDULE: By adding to schedule form A as A (b) and to schedule form B as B (d) the following:

(This form should be used in the case of a husband, wife, son or daughter of a resident ratepayer of any district.)

".....School District of the Province of Alberta.

"The undersigned severally declare each for himself or herself, that he or she is the husband, wife, son or daughter of a resident ratepayer, and that he or she is of the full age of 21 years and at the time of making this declaration resides in the school district.

NAMES	RESIDENCES
.....
.....
.....
.....

"Witnesses to above signatures:

.....
Chairman.

Secretary.

"Dated the day of, A.D. 19. "

2. The School Assessment Ordinance is amended as follows:

Section 2: By adding thereto the following clause:

"6. The expression 'land' means lands, messuages, tenements, and hereditaments, corporeal and incorporeal, of every nature and description, and every estate or interest therein, and whether such estate or interest is legal or equitable, together with all paths, passages, ways, water-courses, liberties, privileges, easements, mines, minerals, and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being, and without in any way restricting the generality of this description land shall also include for the purpose of this Ordinance the interest of an owner or lessee of mineral rights."

Section 12: By adding thereto the following proviso:

"Provided always that the Minister may by order authorize the board to strike a rate exceeding 12 cents per acre."

By adding the following section as 95a:

"**95a.** The Minister of Education may, by order, notice of which shall be published in the official gazette, declare that for the purposes of this Ordinance and any assessment and taxation for school purposes, any consolidated school district shall be deemed a rural district, and thereafter all the provisions of this Ordinance relating to rural districts

shall apply thereto, saving and excepting the provision limiting the rate of taxation to 12 cents per acre.

“(2) The Minister may also by order, notice of which shall be published in the official gazette, declare that any district the status of which has been changed as provided for in this section, shall be deemed to be a consolidated district and thereafter all the provisions of this Ordinance relating to consolidated districts shall apply thereto.”

By adding the following as section 96b:

“96b. No proof shall be necessary in any court of law or equity on, from and after the lapse of one year after the 31st day of December in any year in which taxes have been levied to establish in respect of such taxes that all or any of the provisions of this Ordinance with respect to assessment and taxation have been complied with, and the production of the assessment roll or tax roll as finally passed shall be conclusive evidence in a court of law or equity that all the provisions of the Ordinance respecting assessment or taxation respectively have been fully complied with, and after such lapse of time no court of law or equity shall hold any assessment or taxation made or levied under this Ordinance invalid unless it is established to the satisfaction of the court that the person or property assessed was not liable to be assessed or that the rate of taxation levied was in excess of the amount allowed by law and in the latter case if the court shall adjudge the assessment or taxation invalid it shall only be deemed invalid to the extent of the excess.

“(2) The provisions of this section shall apply to every assessment and taxation made at any time either before or after the passing of this Act.”

Schedule, form E, column 6: By adding after the words “personal property” the words “not exempted by this Ordinance”, and by striking out all the remaining words in said column.

No. 46.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act to amend The School Ordinance, and The School Assessment Ordinance.

Received and read the

First time

Second time

Third time

HON. MR. BOYLE.

EDMONTON:
W. JEFFERY, KING'S PRINTER.
1917