

BILL

No. 74 of 1923.

An Act to amend The Municipal District Act.

(Assented to _____, 1923.)

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

1. This Act may be cited as "*The Municipal District Act Amendment Act, 1923.*"

2. Section 2 of *The Municipal District Act*, being chapter 110 of the Revised Statutes of Alberta, 1922, is amended—

(a) by striking out paragraph (g) thereof, and substituting therefor the following:

“(g) ‘Improvements’ or ‘buildings and improvements’ shall mean—

“(i) all buildings or any part of any buildings and all structures and fixtures erected upon, in, over, under or affixed to land;

“(ii) all structures or fixtures erected upon, in, over, under or affixed to any highway, road, street, lane or public place or water”;

(b) as to paragraph (m) thereof by striking out the words “shall include,” and substituting therefor the words “shall mean.”

3. Section 29 of the said Act is amended—

(a) by striking out the words “large or small” where they occur therein;

(b) by striking out the word “local” wherever it occurs in the said section.

4. Section 30 of the said Act is amended by striking out the word “local” wherever it occurs therein.

5. Section 82 of the said Act is amended—

(a) by adding as paragraph (e) thereof the following:
“(e) Make provision for advance polls if necessary”;

(b) by adding as subsections (3), (4) and (5) the following:

“(3) In cases where it is known to the council that there are five or more resident electors in any one polling division who for religious reasons are averse from voting on a Saturday, then the council shall provide for holding an advance poll or polls on the Friday immediately preceding the date of holding the regular poll.

“(4) Every advance poll shall be conducted in the same manner as any other poll at an election for councillors.

“(5) Every person applying to vote at said poll shall be required by the returning officer or the deputy returning officer, as the case may be, to make out and sign before voting the following declaration which shall be kept with the other records of the poll. In case the name of the person appearing to vote does not appear on the voters’ list, the appropriate oath provided in section 115 hereof shall also be used.

“I,, hereby solemnly declare that I am an elector of the Municipal District of No. and am the person whose name appears or should appear on the list of electors as, and am entitled by law to vote at an advance poll, 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. } *Returning Officer or Deputy
 Returning Officer.’”*

6. Section 84 of the said Act is amended by adding as subsection (2) thereof the following:

“(2) A special polling place may be named in any city, town or village the area of which is within or touches at some point the limits of the municipal district, as a polling place for any polling division when at least five electors qualified to vote in such polling division reside within the said city, town or village.”

7. Section 89 of the said Act is amended by striking out in the form of nomination the words “subsection (6), clause (b),” and substituting therefor the words “paragraph (d) (ii).”

8. Section 90a is added to the Act as follows:

“**90a.**—(1) Where an advance poll has been granted as is hereinbefore provided the secretary-treasurer shall receive nominations on behalf of resident electors who for religious reasons are averse from attending the annual meeting and every such nomination shall be delivered in a sealed package to the secretary-treasurer not earlier than three days before and not later than the day of nomination, and shall be in the form and be accompanied by the candidates’ acceptance as is hereinbefore provided.

“(2) All such nominations shall be delivered by the secretary-treasurer to the returning officer on the date and at the time and place fixed for the nomination meeting.”

9. Section 94 of the said Act is amended by adding at the end thereof the following: “and in the case of an advance poll the poll shall be open from the hour of one o’clock p.m. to four o’clock p.m. upon the day preceding the regular poll day.”

10. Section 95 of the said Act is amended by adding as subsection (2) thereof the following:

“(2) Where an advance poll has been granted under the provisions of this Act there shall be inserted in the notice the following words: ‘and take notice that in the case of the following polling places an advance poll has been granted to take place on Friday, the . . . day of February, 19. ., from one o’clock p.m. to four o’clock p.m.’”

11. Section 157 of the said Act is amended—

(a) as to subsection (1) by striking out paragraphs (a) and (b) thereof, and substituting the following:

“(a) a secretary or secretary-treasurer, if the post be for any reason vacant;

“(b) a treasurer, if there is no secretary-treasurer, or if it is not intended to appoint one;

“(c) an assessor, who may be the secretary, the treasurer, or the secretary-treasurer”;

(b) by adding as subsection (1a) thereof the following:

“(1a) The appointment of a secretary or secretary-treasurer shall be subject to the approval of the Minister, who shall forthwith be advised by letter, and the said Minister may confirm the appointment or disallow the same, in which case the council shall at its regular meeting (or if there be no regular meeting within one month after receipt by the secretary of notice of such disallowance, then at a special meeting called for that purpose and held within the said period of one month) appoint another person as secretary or secretary-treasurer, subject to the Minister’s approval as aforesaid.”

12. Section 160 of the said Act is hereby struck out, and the following substituted therefor:

“**160.** The council shall not call for tenders from applicants for any office, nor accept any such application if it quotes the pecuniary terms upon which the applicant is willing to hold the office.”

13. Section 170 of the said Act is amended as to subsection (5) thereof by striking out in the form of notice contained therein the word "twentieth."

14. Section 178a is added to the said Act as follows:

"**178a.** Any municipal district may pass a by-law for the purpose of borrowing from any person, bank or corporation such sum as its municipal council may consider necessary to supply seed grain and fodder to resident farmers in the district who are owners of land therein, who, owing to adverse conditions, may be unable to procure the same for the next ensuing spring seeding season, or for the sustenance of their stock, as the case may be, and the municipal district may repay such sum to the lender, together with interest at such rates not exceeding eight per centum per annum, and at such time or times as shall be agreed upon between it and the lender; provided that no such borrowing shall be for a longer period than three years and shall be repaid by annual payments equal to the sum obtained by dividing the principal by the number of years for which the loan is to run and there shall be paid out of the collection of taxes, current and arrears, in each of the said years, and as a first charge against the same, the sum necessary to make such payment of principal together with interest on the whole amount borrowed as may be necessary, consideration being given to the amount or amounts which have been returned by the resident farmers who have obtained seed grain or fodder.

"(2) The purchase of all seed grain and fodder and the distribution thereof shall be entirely made and carried out by the council of the municipal district, or by such person or persons as may be appointed by resolution of the council and in the manner appearing to be best calculated to carry out the purpose of this section.

"(3) The council of the municipal district shall charge any person to whom seed grain or fodder is given such amount as shall be fairly deemed sufficient to cover the cost to the municipal district of the seed grain or fodder and the expense entailed in the purchase and distribution thereof.

"(4) Municipal districts supplying seed grain or fodder to any person under the authority of this section shall forthwith require and take from such person his promissory note or notes for the price charged for the seed grain or fodder so supplied to him and the said note or notes shall bear interest at a rate not exceeding the rate payable by the municipal district upon the amount borrowed by it under this Act for the purpose of the seed grain or fodder distribution and shall be made payable upon demand at the office of the secretary-treasurer of the municipal district.

"(5) The secretary-treasurer shall at the time of the signing of such promissory note take from every owner of

land to whom seed grain or fodder is supplied a written agreement for a lien which may be in form A of the schedule hereto and shall form a charge for each and all of the years during which the note remains unpaid upon the land named in his application as being the land upon which the seed grain is to be sown or the fodder is to be consumed, and upon all crops grown thereon and also upon all crops grown on all other lands owned or leased by the said person.

“(6) Such agreement shall be made in duplicate and one of the duplicates shall be registered in the Land Titles Office of each land registration district in which the land charged is included, within sixty days after its execution, and shall also be registered within the same period with the registration clerk for chattel mortgages in the registration district or districts in which the land, the crops upon which are charged, is situated.

“(7) Every agreement given under the provisions of this section shall remain ineffective as regards lands until it is registered in a land registration district, and as regards crops until it is registered in a chattel mortgage registration district.

“(8) No affidavits need be filed upon the registration of any agreement, or the discharge thereof, nor shall any fees be payable in respect of the registration thereof.

“(9) The charge upon land created by the lien agreement shall have precedence over all other incumbrances against the land except taxes and other sums which may by law be charged against the land in the same manner as taxes, and except first mortgages which were first mortgages at the time when the charge was created or lodged, also except such liens as the Province may file or have to secure the payment of any tax imposed by, or fee payable to it under the provisions of any provincial Statute.

“(10) The charge upon crops created by the lien agreement shall not have priority over chattel mortgages given under the provisions of section 16 of *The Bills of Sale Act*, or *The Mortgagees' Seed Grain Security Act, 1923*.

“(11) It shall be the duty of the secretary-treasurer of each municipal district to enforce any lien created by or under this Act if the full amount of principal and interest due under the demand note be not paid prior to the fifteenth day of October of the year in which the note is given; and the remedies provided by *The Municipal District Act* for the collection of taxes, with costs by distress or suit shall be available for the collection of the said indebtedness at any time after the date herein mentioned.

“(12) Upon payment in full of the amount secured by the lien agreement the secretary-treasurer shall, if so requested, give a discharge of the lien agreement in form B appended hereto, which said discharge may be registered with the registrar in the land titles office, and also

with the registration clerk in the registration district for chattel mortgages, in which the said agreement was registered.

“FORM A.

“LIEN.

“I, of the Municipal District of in the Province of Alberta, farmer, having obtained an advance of seed grain or fodder from the said municipal district to the value of . . . dollars, for which I have this day given the said municipal district my promissory note, payable on demand, with interest at the rate of . . . per centum per annum, which seed grain is to be sown on . . . section . . . township . . . range . . . , west of the . . meridian, and which fodder is to be consumed upon . . section . . township . . range, west of the . . meridian, hereby agree that the said amount and interest shall be and remain a lien and charge upon the said lands and also upon all the crops grown upon the said lands and also upon all crops grown on all other lands owned or leased by me during each and every year until the amount of such lien and interest thereon has been discharged.

“Signed at in the Province of Alberta, the . . . day of A.D. 19

(Witness sign here)

(Borrower sign here)

“FORM B.

“I do hereby certify that of the Municipal District of in the Province of Alberta, farmer, has satisfied all money due under the lien agreement which was filed upon the day of , 19 . . . , in the land registration district of upon the . . . section township range west of the meridian, in the Province of Alberta, and upon the day of 19 . . . , was filed with the registration clerk of the chattel mortgage district of , and that such lien is therefore discharged.

“Dated this day of 19

Secretary-treasurer of the Municipal District of ”

15. Section 200 of the said Act is amended as to subsection (3) thereof by striking out paragraph (c), and substituting therefor the following:

“(c) ‘Resident’ shall mean any person who has had his home in the municipal district at least three successive months during the six months immediately

prior to the date of his receiving assistance from the council or of being placed in the hospital, and is not a resident of any improvement district or other municipality or of some place outside the Province.”

16. Section 201 of the said Act is amended by striking out subsections (6) and (7), and substituting the following as subsections (6), (7) and (8):

“(6) Any municipal district may enter into an agreement with a hospital for the care and treatment of its residents or of its indigent residents for such total sum per year, or month or for such annual, monthly or per diem payment per patient as may be agreed upon and upon any such agreement being entered into the liability of the town shall be determined thereby in lieu of the provisions of this Act.

“(7) No such agreement shall be binding upon the parties thereto until it has received the approval of the Minister of Health.

“(8) No municipal district entering into any such agreement with a hospital shall be liable to any other hospital except by special agreement therewith.”

17. Section 203 of the said Act is amended—

(a) as to subsection (1) thereof:

(i) by striking out the words “from the person for whose relief, care or treatment it was paid”, and substituting therefor the words “from any person for whose relief, care or treatment it was paid or who was actually responsible for the maintenance of the person for whose relief, care or treatment it was paid”;

(ii) by striking out the word “patient” where it occurs therein, and substituting therefor the word “person”;

(b) by striking out subsection (3) thereof, and substituting as subsections (3), (3a), (3b) and (3c) thereof the following:

“(3) On or before the first day of April in each year the authorities of each hospital shall forward to the secretary-treasurer of each municipal district a statement of the accounts owing by the residents thereof for the care and treatment of themselves or of persons for whose maintenance they were legally responsible.

“(3a) The said statement shall give the name of every such resident, the amount of his account as of the preceding thirty-first day of December and his address and shall be accompanied by an affidavit from the responsible officer of the hospital that the correctness of the account has been admitted in writing by the person charged and that it is impossible for the hospital to collect such accounts otherwise than by the means herein provided.

“(3b) Upon the receipt of such statement the secretary-treasurer shall enter upon the tax roll the said amount as taxes opposite the names of the residents owing them and the payment thereof shall be enforced in the same manner as that of other taxes upon land.

“(3c) Notwithstanding any other provision of this section, the land of a resident shall not under the provisions of this section stand charged at any one time with a greater sum than two hundred dollars.”

18. Section 224 of the said Act is amended as to paragraph (c) thereof by striking out the word “three,” and substituting therefor the word “eight.”

19. Section 225 of the said Act is amended by adding as subsection (3) thereof the following:

“(3) Any by-law passed under the provisions of this section shall continue in force until repealed; provided however, that no such by-law shall be amended or repealed except by a by-law passed at a regular meeting of the council held in any year subsequent to the year in which the original by-law was passed and prior to the first day of May in said subsequent year.”

20. Section 226 of the said Act is amended—

(a) by striking out subsection (1), and substituting therefor the following:

“**226.**—(1) Land shall be assessed at its fair actual value exclusive of the value of any buildings or improvements thereon.”;

(b) as to subsection (2) thereof by striking out the words “true value,” and inserting the words “fair actual value.”

21. Section 228 of the said Act is amended as to subsection (1) thereof by striking out the words “in the municipal district” and “the secretary-treasurer shall prepare,” and inserting in lieu thereof the words “in the municipal district and shall report his assessment in detail to the secretary-treasurer, who shall thereupon prepare.”

22. Section 237 of the said Act is amended—

(a) as to subsection (1) thereof by striking out the word “assessor” wherever it occurs therein, and substituting the words “secretary-treasurer”;

(b) by striking out subsection (2) thereof.

23. Section 238 of the said Act is amended by striking out the word “assessor” wherever it occurs therein, and substituting therefor the words “secretary-treasurer.”

24. Section 257a is added to the said Act as follows:

“**257a.** Where any person had at the time of the assessment any taxable interest in the property in respect of which his name was entered upon the assessment roll and there has been no appeal to the court of revision in accordance with the provisions of this Act, then upon the expiry of the time hereinbefore limited for the lodging of complaints the assessment of the property placed opposite his name shall be deemed incontestably to be the proper, lawful and final assessment on his taxable interest therein.”

25. Sections 272a, 272b and 272c are added to the said Act as follows:

“**272a.** Where any person had at the time of the assessment any taxable interest in a property in respect of which his name was entered upon the assessment roll and there has been an appeal to the court of revision but there has been no appeal to the District Court as herein provided for, then immediately upon the expiry of the time limited for forwarding notices of appeal to the judge, the assessment of property placed opposite his name upon the roll or as altered by the court of revision as the case may be, shall be deemed incontestably to be the proper, lawful and final assessment of his taxable interest therein.

“**272b.**—(1) Where any person having an interest in property taxable under the provisions of this Act has in any year heretofore or hereafter been assessed in respect of such property and notice of such assessment has been sent to him, but he escaped from taxation by virtue of his assessment being declared to be invalid or a nullity by a court of competent jurisdiction, then such person may be assessed in any subsequent year in respect of such interest, and shall thereupon become liable to pay as taxes in such subsequent year, and in addition to any taxes, if any, to which he is liable in that year, the taxes which he would have been liable to pay in the year in which he escaped taxation, if he had then been correctly assessed and taxed.

“(2) The said assessment shall be made by the court of revision and the person assessed thereby shall immediately be notified thereof by the secretary-treasurer and the person so assessed shall have the right of appeal to the judge of the District Court of any judicial district in which the municipal district is wholly or partly situated.

“(3) The person appealing shall serve upon the secretary-treasurer of the municipal district, within thirty days after the decision of the court of revision, a written notice of his intention to appeal to a District Court judge.

“(4) The District Court judge so appealed to shall hear the appeal within one month after he has been notified by the secretary-treasurer of the desire of the said person to appeal and he shall either confirm the assessment made

by the court of revision, or if he thinks such assessment is incorrect, fix a sum as the proper assessment of the person appealing.”

“**272c.** In determining all matters brought before the court of revision or a District Court judge, such Court or judge shall have jurisdiction to determine not only the amount of the assessment, but also all questions as to whether any persons or things are or were assessable, or are or were legally assessed or exempted from assessment.”

26. Section 280 of the said Act is amended as to subsection (4) thereof by striking out the words “one dollar and twenty-five cents,” and substituting therefor the words “one dollar and twenty cents.”

27. Section 292 of the said Act is amended by striking out all the words after the word “taxes,” and substituting therefor the words “upon land.”

No. 74.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

BILL

An Act to amend The Municipal
District Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. REID.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1923