

BILL

No. 35 of 1925

An Act respecting Municipal Districts.

(Assented to _____, 1925.)

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

SHORT TITLE.

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

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
 - (a) "Conditional owner" shall mean any person entitled to the possession of land which is exempted from taxation otherwise than by this Act, and shall, but not so as to restrict the generality of this definition, include lessees of minerals or mineral rights from the Dominion of Canada or the Province, and timber licensees;
 - (b) "Elector" shall mean any person entitled to vote at any election, upon any by-law or at the taking of any vote (as the case may be) in a municipal district, as is set out in Part V;
 - (c) "Extra-urban area" shall mean all the parts of the Province which are not included in a city, town or village;
 - (d) "Felony" shall mean any indictable offence which under *The Criminal Code* is punishable with death or imprisonment for a period of five years or over;
 - (e) "First election" shall mean the election of councilors first held after the formation of a municipal district;
 - (f) "General election" shall mean the election in this Act directed to be held upon the fourth Saturday of February in each year;
 - (g) "Hamlet" shall mean any area of land subdivided into building lots or as a townsite, a plan of which is registered in a land titles office, or used by some person other than a farmer for trade or business purposes other than farm purposes and any area declared by an order of the Minister to be a hamlet;
 - (h) "Hawker" or "pedlar" shall mean any person who, whether as principal or agent, goes from house to house selling or offering for sale, any merchandise to any person, not being a wholesale or retail dealer

in such merchandise, or offers or exposes for sale to any such person by means of samples, patterns, cuts or blue prints, any merchandise to be afterwards delivered in or shipped into the municipal district, or sells merchandise upon the streets or roads or elsewhere than at a building which is his established place of business, but shall not include any person selling meat, fruit or other farm produce which has been produced, raised or grown by himself, or fish of his own catching, or agricultural implements or sewing machines;

- (i) "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 any parcel of land assessed;
 - (ii) all increase in the value of land caused by any expenditure of either labour or capital upon the parcel of land assessed;
 - (iii) the part of the cost of any irrigation or drainage project properly attributable to the parcel assessed;
- (j) "Judge" shall mean any judge of the District Court of any judicial district within which the municipal district is wholly or mainly situated;
- (k) "Land" shall mean lands, tenements and hereditaments and any estate or interest therein, and shall, but not so as to restrict the generality of this definition, include minerals and growing timber;
- (l) "Mineral" shall, but not so as to restrict in any way the ordinary meaning of the word, include coal, natural gas, petroleum, gasolene and all oils of a mineral nature;
- (m) "Minister" shall mean the Minister of Municipal Affairs;
- (n) "Misdemeanour" shall mean any indictable offence for which under *The Criminal Code* the penalty is imprisonment for a term of less than five years;
- (o) "Owner" shall mean any person who is registered under *The Land Titles Act* as the owner of a freehold estate in possession of land;
- (p) "Parcel" shall mean—
 - (i) any lot in any area of land a plan of subdivision of which has been registered in a land titles office;
 - (ii) where there is no such plan of subdivision and subject to paragraph (iii) a quarter section of land according to the system of surveys under *The Dominion Land Surveys Act*, or any smaller area owned by one person, or by more persons than one as tenants in common or as joint tenants;
 - (iii) all the land included in any one grazing, mineral or timber lease or permit from the Dominion of Canada or the Province;

- (q) "Person" shall include a partnership;
- (r) "Prescribed" shall mean prescribed by the Minister of Municipal Affairs;
- (s) "Proprietary elector" shall mean any person who is entitled to vote upon debenture by-laws under the provisions of Part V;
- (t) "Public work" shall include lands, streams, water-courses and property, real and personal, acquired for public works, dams or dugouts, erected or made for the storage of water, roads, culverts, bridges, ferries, ditches, sidewalks, wells, drains and public buildings and all improvements, alterations and additions made to any such public work;
- (u) "Purchaser" shall mean any person who has purchased land within the district whether he has bought direct from the owner of the said land or from another purchaser, and has not become the owner thereof;
- (v) "Special election" shall mean any election of a councillor or councillors other than a general or a first election;
- (w) "Timber licensee" shall include a holder of a license of a timber berth or of a permit to cut timber, from the Dominion of Canada or from the Province, or having an agreement with either of the same which confers a right to cut timber;
- (x) "Transient trader" shall mean any person (who occupies premises in the municipal district) who offers merchandise for sale, either personally or through a licensed auctioneer or other agent or servant, whose name does not appear upon the assessment roll of the municipal district or who has not resided continuously in the municipal district for a period of three months next preceding the date of such offer.

IMPLIED PROVISIONS.

3. Where in this Act a date is fixed on or by which a certain thing is to be done or proceedings had or taken and it appears that such date was fixed having regard to an earlier date on or by which a certain thing is to be done or proceedings had or taken, then notwithstanding anything herein contained, if delay be occasioned or an extension of time allowed, in respect of the earlier date, a like delay or extension of time shall be allowed in respect of the later date.

4.—(1) If anything to be done by or under this Act within a fixed number of days cannot be or is not so done, the Minister may by order from time to time appoint a further or other time for doing the same, whether the time within which the same ought to have been done has or has not expired.

(2) Anything done within the time specified in such order shall be as valid as if it had been done within the time fixed by or under this Act.

(3) This section shall not confer upon the Minister the right to change any date expressly fixed by this Act.

(4) Where in this Act a certain date is fixed on which or by which certain things are to be done or proceedings had or taken and the date so fixed is a Sunday or other holiday, such things or proceedings shall be so done, had or taken or by the next day following the date so fixed which is not a Sunday or a public holiday.

5. Where power to make by-laws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time except where by-laws are made for the purpose of raising money, making assessments or striking rates.

PART I.

MUNICIPAL ORGANIZATION.

AREAS OF MUNICIPAL DISTRICTS.

6. All municipal districts lawfully organized or formed prior to the passing of this Act shall continue to be municipal districts within the meaning thereof.

7. Subject to the provisions hereinafter contained, all municipal districts hereafter formed shall have such boundaries as may be set out in the ministerial order directing the formation thereof.

8.—(1) The Minister shall prepare a map of the Province on which shall be outlined the area and boundaries of all municipal districts.

(2) Such map shall be signed by the Minister, filed in the Department of Municipal Affairs, and open to inspection at all reasonable hours.

9. The Minister may by written order, form any portion of the extra-urban area of the Province into a municipal district either of his own motion or upon receipt of a petition.

10.—(1) Any such petition shall—

- (a) be in the prescribed form;
- (b) be signed in respect of each township within the said portion of the Province, by at least six (or such other number as may be prescribed by the Minister) persons who have been resident and owners, conditional owners or purchasers of land in the township for the two months immediately prior to the date of the petition;
- (c) set out by way of suggestion, the electoral divisions (if any) into which it is desired that the municipal district should be divided;
- (d) be accompanied by a plan showing the proposed boundaries of the district.

(2) Every signature shall be attested by some person entitled to sign the petition.

11. The written order shall contain—

- (a) an accurate description of the district, the content of which may be either that of the proposed district or such content changed either by exclusion or inclusion as may seem proper to the Minister;
- (b) an accurate description of the electoral divisions (if any) as determined by the Minister;
- (c) the date upon which it is to become effective;
- (d) a statement of the day upon which the nomination of members of the council is to take place;
- (e) a statement of the name and number of the district; and shall be published in *The Alberta Gazette*.

12. The due publication of the order shall be conclusive evidence of the legal formation of the district and of the fulfilment of all conditions precedent thereto.

13. Immediately upon signing the order, the Minister shall appoint five of the petitioners who shall be known as the municipal committee, and shall be charged with the duty of initiating the first municipal election as is set out in Part VI.

CHANGE FROM IMPROVEMENT DISTRICT TO MUNICIPAL DISTRICT

14.—(1) Whenever an improvement district or a portion thereof is formed as a municipal district, or is included within a municipal district, all its property assets, rights and liabilities shall become for all purposes the property assets, rights and liabilities of the municipal district and all remedies that were available for the collection of any taxes due to it shall be available to the municipal district in all respects as though such taxes or arrears had originally been due to the municipal district.

(2) All questions arising as to the division or apportionment of the said property assets and liabilities or otherwise shall, unless other provision for the settlement or adjudication of the same has been made in this or any other Act, be determined finally and without appeal by the Minister, and the Minister may give such orders and directions as shall be necessary to give effect to his decisions.

BOUNDARY LINES OF MUNICIPAL DISTRICTS.

15. For the purposes of this Act whenever any municipal district is wholly or in part described in the ministerial order forming the same as comprising certain townships, parts of townships or sections in accordance with the system of Dominion Lands Survey, the boundary lines of such municipal district shall, unless it is otherwise expressly set out in the said order, be the posted side of the road allowance between adjoining sections or townships except in the case of correction lines, where the south side of the road shall be the boundary.

16. Any road allowance between an Indian reserve and a municipal district shall be deemed to be in the municipal district notwithstanding anything herein to the contrary.

ALTERATION IN BOUNDARIES AND DISSOLUTION OF
MUNICIPAL DISTRICTS.

Alteration in Boundaries.

17.—(1) The Minister may by order—

- (a) alter the area of any municipal district by exclusion of any part thereof and also by inclusion therein of any part of the extra-urban area;
- (b) alter in any way the boundaries of any division of any municipal district.

(2) Every such order shall be published in *The Alberta Gazette* and shall become effective upon the date named therein, or, in the absence of any such date, upon the date of its publication.

(3) The Minister may by order, with the approval of the Lieutenant Governor in Council make provisions for the settlement and adjustment of all matters arising out of such alteration including the disposition of the assets and liabilities of the municipal districts concerned, and every such order shall be final and binding on all parties concerned.

18.—(1) No order purporting to be made under the provisions of the preceding section shall be deemed invalid on account of any non-compliance with the provisions of this Act as preliminary to such order; and no misnomer, misdescription or omission in any such order shall in any way suspend or impair the operation of this Act with respect to the matter misnamed, misdescribed or omitted.

(2) Any misnomer, misdescription, omission or other error in any order made by the Minister under the provisions of this Act may by any subsequent order be corrected, the order so corrected may be confirmed by the Minister as of the date of the original order.

Dissolution of District.

19.—(1) The Lieutenant Governor in Council may by order declare that any municipal district shall be dissolved and thereupon the council thereof shall cease to exercise any of the rights, powers or privileges vested in the municipal district by this Act.

(2) Upon any such dissolution the Minister may appoint one or more persons to adjust and settle the assets and liabilities thereof and he or they may, subject to the approval of the Minister, sell or otherwise dispose of all the assets and property of the district and apply the same or the proceeds of the sale thereof, first in payment of the liabilities of the municipal district and secondly in payment of his or their remuneration as fixed by the Minister, and the Minister shall cause the surplus, if any, to be expended within the area of the dissolved municipal district.

(3) In case the assets of the municipal district are insufficient to satisfy its liabilities, including therein the said remuneration, then such person or persons may impose a tax, and with a view thereto, make an assessment of property and strike such rates of taxation as may be necessary to satisfy all the said liabilities and all expenses connected with such assessment, and such tax shall be collected and have the same priority and be enforced as if it were an ordinary municipal tax imposed by the council under the provisions of this Act.

(4) Any such order shall be published in *The Alberta Gazette* and shall become effective upon the date named therein, or in the absence of any such date, upon the date of its publication.

(5) In case such order is made where there are school taxes outstanding, such taxes shall become due and payable to the school districts in which the lands are situated in connection with which the taxes are outstanding in the same way as if they had been levied by such districts under the provisions of *The School Assessment Act*, and the Minister shall by order make provision for the necessary returns showing all such taxes, and for an adjustment of all liabilities of such school districts.

(6) The order shall make provision for the inclusion of the area which has ceased to be organized as a municipal district in some improvement district or districts or other municipal district or districts.

INCORPORATION.

20.—(1) The reeve, councillors and electors of every municipal district in the Province now or hereafter created or established are hereby declared to continue to be and to be a body corporate and subject to all the liabilities of a corporation, and—

- (a) shall have power to acquire, hold and alienate both real and personal property for all municipal purposes; and
- (b) shall have perpetual succession; and
- (c) may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and in all actions, causes and suits at law and in equity whatsoever; and
- (d) shall have a common seal with power to alter and modify the same at pleasure; and
- (e) shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or personal, for any purpose within its corporate powers; and
- (f) shall be in law capable of becoming parties to any contracts or agreements within the powers of the municipal district.

(2) The said body corporate shall be capable of acting by the council, and the council shall exercise all powers vested in the corporation by this Act or otherwise.

(3) All transfers of or agreements concerning land shall be executed by affixing thereto the seal of the corporation attested by the reeve and the secretary-treasurer.

NAME OF DISTRICT.

21.—(1) The name of such body corporate shall be “The Municipal District of (*naming the same*). No.....”

(2) The Minister may from time to time alter the name of any municipal district upon the petition of a majority of the council and a notice of such alteration shall be published in *The Alberta Gazette*, and in such case the seal theretofore used by such municipal district shall continue to be the seal thereof until changed by the council.

(3) No such change of name shall affect any obligation, right, action, or property incurred, established, done or acquired prior to such change.

PART II.

THE COUNCIL, REEVE AND COUNCILLORS.

NUMBER OF COUNCILLORS.

22. The council of every municipal district shall consist of six councillors or such other number as the Minister may by written order direct in any particular case, who shall be elected in the manner set out in Part VI.

QUALIFICATIONS OF COUNCILLORS.

23. No person shall be qualified to be elected a member of the council of a municipal district unless—

- (a) he can read and write;
- (b) he is a British subject;
- (c) he is of the full age of twenty-one years;
- (d) he is not disqualified under this or any other Act;
- (e) he is resident at the date of his nomination in the electoral division with respect to which he has been nominated, or, where there are no electoral divisions, in the municipal district;
- (f) where there is a municipal voters' list, his name appears thereon, otherwise than merely by virtue of relationship to some other person upon the said list, or where there is no such list, he has been the owner, conditional owner or purchaser of land not exempted from taxation by this Act in the electoral division, or where there are no electoral divisions, in the municipal district, for a period of at least two months immediately prior to the date of his nomination.

24. The following shall not be eligible to be elected a member of the council, or be entitled to sit or vote therein:

- (a) any judge of any Court of civil jurisdiction;
- (b) any sheriff, deputy sheriff, or bailiff;
- (c) any gaoler or keeper of any house of correction;
- (d) any constable, assessor, secretary-treasurer, auditor, or other paid official of the municipal district;
- (e) any person having himself or by or with or through another an interest in any contract with the council, or with any person or persons acting for the council or in any contract under which any money of the municipal district is to be paid for any service, work, matter or thing;
- (f) any person who is surety for an officer or employee of the council;
- (g) any person who has been convicted of a criminal offence punishable by death or imprisonment for more than two years.

25.—(1) Paragraph (e) of section 24 shall not apply to any person by reason only—

- (a) of his being a shareholder in an incorporated company having a contract or dealings with the council, unless such contract or dealings are for the building, construction or repair of a public work of the municipal district;
- (b) of his contracting with the council for the supply to him of any service or commodity which the council has statutory authority to supply;
- (c) of his being interested in any publication in which official advertisements of the council appear or which is supplied to the council or any official thereof at the usual rates;
- (d) of his having a lease of twenty-one years or upwards of any property from the municipal district.

(2) No councillor being a shareholder in any company shall vote in the council on any question affecting such company, and no councillor being a leaseholder from the municipal district shall vote in the council on any question affecting any lease from the municipal district.

TERMS OF OFFICE OF COUNCILLORS.

First Election.

26. In the case of a first election, where the election has not been by electoral divisions, the one-half of the candidates first nominated for councillors in the event of there being no poll or the one-half of the required number of councillors receiving the highest number of votes in the

event of a poll being held, shall hold office for a term consisting of the period elapsing between the date of the election and the thirteenth day of March next following the same and for one year more, and the other one-half of the candidates elected shall hold office for a term consisting of the period elapsing between the date of the election and the thirteenth day of March next following the same.

27.—(1) In the case of a first election where the election has been by electoral divisions, the secretary-treasurer shall at the first meeting of the council write the names of the successful candidates upon slips of paper and place the same in a box or other receptacle and the reeve shall draw the said slips one at a time from the said receptacle.

(2) The candidates whose names appear upon that half of the slips which is first so drawn, shall hold office for a term consisting of the period elapsing between the date of the election and the thirteenth day of March following and for one year more, and the candidates whose names appear upon that half of the slips which is last so drawn, for a term consisting of the period elapsing between the date of the election and the thirteenth day of March next following.

First Election After By-law Changing Method of Election.

28.—(1) Whenever a by-law is adopted changing the method of election from a general vote to a vote by divisions, or *vice versa*, an election of all the councillors shall be held upon the fourth Saturday in February next following the date of such change, and the terms of all the then councillors shall expire at the end of the twelfth day of March next following the said election.

(2) The first half of the successful candidates at any such election shall hold office from the said twelfth day of March for two years, and the second half shall hold office from the said twelfth day of March for one year.

General Election.

29. At every general election held after the first election, one-half of the number of councillors shall be elected annually and shall hold office for two years, commencing with the thirteenth day of March.

Special Election.

30. Every councillor elected to fill a vacancy caused otherwise than by the expiry of the period of office shall hold office for the same period as his predecessor would have held office, if he had continued to be a member of the council.

General Provisions.

31.—(1) In the event of the number of candidates nominated being less than the required number of councillors, the persons to hold office for more than one year shall be ascertained as if the number of candidates were equal to the required number of councillors.

(2) In the event of the first meeting of the council after a general election being held upon a day subsequent to the thirteenth day of March, then the previous sections relating to tenure of office shall be read as if such subsequent day were mentioned therein in lieu of the thirteenth day of March.

(3) When the required number of councillors is an uneven number, it shall be deemed to be divided into two halves, the first of which shall consist of one more councillor than the other.

DECLARATION OF OFFICE.

32.—(1) Every member of the council shall before entering upon the duties of his office, make and subscribe a declaration of office to the effect of form A of the schedule hereto.

(2) Every person making such declaration shall before entering upon the duties of his office, deposit the same in the office of the secretary-treasurer:

Provided that in the case of councillors elected at a first election the said declaration shall be handed to the reeve at the first meeting of the council, to be afterwards deposited by him with the secretary-treasurer.

MEETINGS AND PROCEEDINGS OF COUNCIL.

33.—(1) The first meeting of the council after a first or general election shall be held at a place to be fixed by the secretary-treasurer (if any) and if not by the returning officer at the hour of two o'clock in the afternoon on the thirteenth day of March except when that day is a Sunday or other holiday, in which case such meeting shall be held at the same time on the next subsequent day which is not a Sunday or other holiday.

(2) The secretary-treasurer or the returning officer as the case may be, shall give written notice of such meeting to each councillor by mailing the same to his address at least six clear days prior to the date of such meeting, or by personally delivering the same to each councillor, or in the absence from his residence of any such councillor to any adult person thereat, at least three clear days prior to the date of such meeting.

34.—(1) The council may at any meeting at which all the members of the council are present decide by resolution to hold regular meetings of the council and such resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

(2) The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct, but the person presiding at any meeting may cause any person who has been guilty of improper conduct at such meeting to be expelled and excluded.

(3) The council may by unanimous consent waive notice of any first, special or other meeting and hold a meeting at any time, but every member of the council must be present at such meeting.

35.—(1) The council shall at its first meeting in each year as provided for in section 33 hereof elect from among its number a chairman, who shall be known as the reeve, and shall hold office until the thirteenth day of March next following his election.

(2) The council shall at its first meeting in each year and also six months thereafter elect one of its number as deputy reeve, and in case the reeve through illness, absence or other cause is unable to perform the duties of his office, or in case the office is vacant, the deputy reeve shall have all the powers and perform all the duties of the reeve during such inability or absence.

36.—(1) The reeve, or in his absence the deputy reeve, shall preside at every meeting of the council and shall preserve order and enforce the rules of the council.

(2) If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting, another member of the council shall be elected as chairman to preside at such meeting in the absence of such person.

37. A majority of the whole council shall be necessary to form a quorum.

38.—(1) No act or other proceeding of any council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council at which a quorum is present.

(2) No proceeding of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election of or any disqualification of any such person.

39. Every council may make rules and regulations for calling meetings, governing its proceedings, the conduct of its members, appointing committees and generally for the transaction of its business.

40. Every question shall be submitted to the council on the motion of the reeve or any member thereof and no second order shall be required.

41. At every meeting of the council all questions shall be decided by the majority of the votes and the reeve, deputy reeve or chairman of the council, as the case may be, shall have the right to vote, but in the case of an equality of votes, the question shall be decided in the negative.

42. The reeve when present and all the councillors present shall vote on every division, unless excused by resolution of the council, or disqualified to vote by reason of interest or otherwise.

43.—(1) A special meeting of the council shall be called by the secretary-treasurer of the municipal district when he is required to do so in writing by the reeve or by any three members of the council and written notice of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be given by the secretary-treasurer in the manner provided by section 33 hereof.

(2) No business other than that stated in the said notice shall be transacted at any special meeting of the council unless all the members of the council are present, in which case by unanimous consent any other business may be transacted.

44. Every meeting of the council shall be held either in the municipal district or in a city, town or village the area of which lies within or touches at some point the limits of the municipal district:

Provided that by the unanimous consent of the council, to be expressed by resolution passed prior to holding any such outside meeting, its meeting may be held at any other point outside the limits of the municipal district.

RESIGNATIONS, VACANCIES, FORFEITURE OF SEAT.

45.—(1) Any reeve or councillor may resign his seat in the council at any time, or any reeve may resign his position as reeve while retaining his seat in the council, by sending notice in writing of such resignation to the secretary-treasurer, and every such notice shall be brought to the attention of the council at the next meeting, and steps shall be taken immediately by the council to fill the vacancy.

(2) If the position of reeve becomes vacant by death, resignation or otherwise the council shall forthwith elect some person from among its number to fill the position for the unexpired portion of his year of office.

(3) If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold a special election to fill the vacancy and such election shall be held as nearly as may be in the manner provided by this Act for other elections; but if such vacancy occurs within the two calendar months immediately prior to the fourth Saturday of February such election shall not take place, and the vacancy shall be filled at the next general election of councillors, if the term of the vacating councillor has not then expired.

(4) If such general election is by divisions, a councillor shall be elected to represent the division previously represented by the vacating councillor, but if the election is by general vote the candidate receiving the next highest number of votes to the candidates elected to succeed councillors whose periods of office have expired by effluxion of time shall be declared elected to fill the vacancy.

46. If after the election of any person as a member of the council—

- (a) he is convicted of felony; or
 - (b) makes an assignment in bankruptcy for the general benefit of his creditors or is adjudged a bankrupt; or
 - (c) without being authorized by a resolution of the council so to do absents himself from the meetings of such council for three consecutive months; or
 - (d) ceases to be a resident of the municipal district—
- his seat in the council shall forthwith become vacant.

47. Where any elector has filed an affidavit showing that a member of the council—

- (a) has forfeited his seat on the council or his right thereto; or
- (b) never was qualified as a councillor; or
- (c) has become disqualified as a councillor; or
- (d) has otherwise vacated his seat—

and has paid into Court the sum of twenty-five dollars as security for costs to abide the event of the application, the judge may on an *ex parte* application direct that notice may be served upon such person of an application for an order ousting him from office, and where upon the hearing of the application the judge upon affidavit or oral evidence is satisfied that the councillor has forfeited his seat or is disqualified or that his seat is vacant, the judge may declare his seat vacant or refuse the application and in either case with or without costs.

REEVE.

48. The reeve shall be the chief executive officer of the municipal district and shall—

- (a) cause the laws governing the municipal district to be duly executed;
- (b) inspect the conduct of all municipal officers;
- (c) so far as may be in his power, cause all negligence, carelessness and violation of duty to be duly prosecuted and punished; and
- (d) communicate from time to time to the council all such information and recommend such measures as

may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the municipal district.

APPOINTED COUNCILLORS.

49. If in any municipal district the number of councillors required by this Act is for any reason not nominated or elected, or by resignation or otherwise has been reduced to a number less than a quorum, the Minister may appoint some person or persons to fill the vacancies caused thereby, or may, for the purpose of filling such vacancies, direct that an election be held under the provisions of this Act, and appoint a returning officer for that purpose, provided that where such provisions cannot be conveniently applied to the said election the Minister may make other regulations respecting the time and conduct of and the procedure at or otherwise respecting such election.

PAYMENT OF COUNCILLORS.

50.—(1) The council may pass a resolution for paying the members thereof a sum not exceeding five dollars per diem for the reeve and four dollars per diem for each councillor for each meeting and ten cents for every mile necessarily travelled in coming to and returning from meetings of the council.

(2) No payment shall be made to any person in respect of more than twelve meetings in any one year.

(3) In case any meeting of the council is held outside the limits of the municipal district no member of the council shall be paid for the mileage travelled by him beyond the limits of the municipal district.

(4) Every council may pass a resolution for paying the members thereof a sum not exceeding ten cents per mile for every mile necessarily travelled, and a sum not exceeding four dollars per day for the time not exceeding fifteen days in any one year necessarily occupied in laying out or inspecting work performed or to be performed for the benefit of the municipal district.

(5) The work so performed or to be performed shall be duly authorized by a resolution of the council, excepting where such work is of an emergent nature in which case the payment of the councillors' fees for laying out and inspecting such work shall be in the discretion of the council.

(6) A special report, setting forth the work performed by the members of the council, and the remuneration received therefor under the provisions of this section shall be prepared and submitted to the electors of the said municipal district at the next nomination meeting thereof and a copy of such report shall be mailed to the Minister.

(7) The council of any municipal district may in place of inspecting and laying out work itself, appoint a competent foreman or engineer to do this work.

(8) Every council may pass a resolution for paying the necessary expenses of any member or members of the council appointed by a resolution of the council as a deputation to attend to matters affecting the municipal district.

COMMITTEES.

51.—(1) The council may from time to time appoint standing or special committees consisting of one or more of its members and may delegate to such committees—

- (a) any matter for consideration, inquiry, management or regulation; and
- (b) any of the duties and powers by this Act imposed and conferred upon the council except the powers—
 - (i) to borrow money,
 - (ii) to pass a bylaw, or
 - (iii) to enter into a contract.

(2) Every committee to whom any duty or power is delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the council.

PUBLIC MEETING.

52. If so requested at any time by the written petition of twenty electors the reeve shall, by public notice conspicuously posted in at least ten widely separated places in the municipal district, call a public meeting of the electors of the district to be held on the date named in the notice thereof, for the discussion of municipal affairs or of any matter relating thereto.

EXPENDITURE ON PUBLIC WORKS.

53. The council shall at the time of the preparation of its estimates and if there are no electoral divisions in the municipal district, divide the municipal district into areas and allocate one of such areas to each councillor.

54.—(1) Immediately after the preparation of the estimates the councillor allocated to an area or representing an electoral division as the case may be, shall inspect such area or electoral division and shall recommend what works of a public nature should be undertaken in such area or division, and the amount which it is advisable to expend thereon.

(2) Such recommendation shall be in form B of the schedule hereto.

(3) Except in the case of sudden and urgent necessity no public work shall be undertaken or expense incurred in connection therewith until the recommendation hereinbefore provided for has been approved by resolution of the council.

(4) No grant of funds by the Province to a municipal district, to be expended on public works therein, shall be disbursed until a similar recommendation has been made and approved by the council, unless it is otherwise directed by the Province in making the grant.

RESERVE FUND.

55.—(1) A reserve fund may be formed by including in the estimate for any one year a sum not exceeding one-third of the sum estimated to be the amount of the probable expenditure of the municipal district for the previous year, and by including in the estimate for each of the two following years a sum calculated in the same way.

(2) All money collected in respect of the reserve fund shall be paid into a reserve fund trust account.

(3) The reserve fund, when completely formed, may be drawn upon to discharge any liability to meet which money could be temporarily borrowed under the provisions of this Act.

(4) The money withdrawn from time to time from the reserve fund shall be redeposited therein as soon as possible out of such part of the current taxes as is not required for the lawful payment of other obligations, and any money which is not so redeposited before the preparation of the succeeding annual estimate, shall be included in such estimate.

TAX TRUST FUND.

56.—(1) In every year all taxes collected by the municipal district under *The Educational Tax Act*, *The Supplementary Revenue Act*, *The Wild Lands Tax Act*, *The Municipal Hail Insurance Act*, and *The Municipal Hospitals Act*, shall be kept by the municipal district in separate accounts and deposited in a chartered bank to the credit of a trust fund account, to be styled "Tax Trust Fund," and shall be paid thereout according to the provisions of the respective Acts.

(2) If the council gives credit to any person for the payment of any of the said taxes, save upon the actual payment in cash thereof, or in any way authorizes the division of any money which ought to be paid into such fund, the members thereof shall be jointly and severally liable for the sums for which credit is so given and for all money so diverted, and an action may be taken for the recovery thereof by the Government:

Provided, however, that any member of the council who voted against the giving of such credit or against such division, as the case may be, shall not be subject to the liability imposed by this subsection.

(3) Any secretary-treasurer who neglects or fails to deposit the said taxes as herein directed and provided for by the council shall be personally liable for the loss thereof and subject to dismissal.

EXPENDITURE OF HAMLET TAXES.

57. The council shall in each year cause at least 50 per cent of the amount of the taxes estimated to be collected within any hamlet for municipal purposes to be expended on public works within such hamlet if a request to that effect is made by a majority of the owners, conditional owners and purchasers of lands therein as shown by the last revised assessment roll.

PART III.

MUNICIPAL OFFICIALS.

APPOINTMENT.

58.—(1) Every council shall at its first meeting after the formation of the municipal district, or so soon thereafter as practicable, and from time to time thereafter, appoint by resolution the following officers:

- (a) a secretary-treasurer;
- (b) an assessor, who may be the secretary-treasurer.

(2) The appointment of a secretary-treasurer shall be subject to the approval of the Minister, who shall forthwith be advised thereof by letter, and may confirm the appointment or disallow the same.

(3) In the event of disallowance the council shall at its next regular meeting (or if there is no regular meeting within one month after receipt by the secretary-treasurer 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-treasurer, subject to the Minister's approval as aforesaid.

(4) Every municipal district shall have an office at a place named by the council.

59. Every council may also appoint from time to time such other officers, servants or employees as it deems necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any bylaw or resolution of the council and may fix their remuneration.

60. A councillor shall not be eligible for appointment to any municipal office.

61. 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.

62. All officers appointed by the council shall hold office during the pleasure of the council or as expressed in their appointment; and in addition to the duties assigned to them by this or any other Act, shall perform such other duties as may be required of them by the council.

SUSPENSION.

63. The reeve may suspend any municipal officer and he shall thereupon report such suspension and the reasons therefor to the council, who may either dismiss or reinstate the suspended officer; and in case he is dismissed, no such officer shall, from the date of such suspension, receive any salary or remuneration.

DECLARATION OF OFFICE.

64. Every officer of the municipal district shall, before entering upon the duties of his office, make and subscribe a declaration of office to the effect of form C of the schedule hereto.

SECURITY.

65.—(1) In addition to defining the duties of any officer the council may require him to give such security as it may deem expedient for the faithful performance of his duties.

(2) Prior to the first day of May in each year all such securities shall be produced to the reeve and shall be laid by him before the council for examination and approval.

66.—(1) The secretary-treasurer of every municipal district shall within one month after entering upon his duties furnish to the municipal district security in a penal sum to be named by the council by a bond or guarantee of any corporation empowered to grant bonds or policies for the integrity of persons occupying positions of trust.

(2) Every such security shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council.

(3) The members of any council failing to take such security or renew the same shall be jointly and severally liable for any default of the secretary-treasurer to the extent of the sums for which such bond should have been taken:

Provided that when the majority of the council refuse to or neglect to take such security, then on the demand of any councillor or joint demand of any councillors, such demand being duly recorded in the minutes, such councillor or councillors shall be relieved from all personal liability in case of the default of such officer.

(4) Such security shall be in a form approved by the Minister, and a duplicate copy shall be forthwith transmitted to the Minister.

(5) In lieu of the provisions of subsections (1) and (2) hereof, the Minister may secure a bond or policy covering any number of municipal secretary-treasurers, and in such case no other security shall be required and every municipal district whose secretary-treasurer is covered by such bond or policy shall immediately forward to the Department of Municipal Affairs its proper proportion of the fee paid by the said Minister for such bond or policy.

67. Every officer, servant or agent of the municipality shall be personally liable for any damage arising from his negligent or unlawful acts or defaults or from his refusal or neglect to discharge any of the duties imposed upon him by law or by the by-laws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

SECRETARY-TREASURER.

68. The secretary-treasurer shall—

- (a) keep a full and correct record in the English language of the proceedings of every meeting of the council in the minute book provided for that purpose and see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the reeve or other presiding officer;
- (b) enter in the minutes of every meeting the names of the members of the council present at such meeting and if required by the council, record the name of every member voting and whether aye or nay on any question coming before the council;
- (c) conduct the correspondence of the council as directed by it;
- (d) transcribe into a special book to be provided for the purpose a true and correct copy of every by-law passed by the council which copy may be either written or printed or partly written and partly printed and prepare a proper index for such by-laws;
- (e) take charge of and keep on record all original by-laws of the council or certified copies thereof, books, papers, accounts, assessment rolls, plans, maps, and correspondence committed to his charge by the

council during his term of office and deliver the same to his successor or such other person as the council may direct on his ceasing to hold office;

- (f) faithfully prepare and duly transmit to the Minister such statements and reports and such other information in regard to the municipal district as may from time to time be required by the Minister and in such form as he may direct;
- (g) call any special or other meeting of the council in the manner provided by this Act;
- (h) produce for inspection the minute and other books and all papers and records of whatsoever kind in his possession when required so to do by an inspector of the Department of Municipal Affairs;
- (i) faithfully perform all other duties conferred upon him by this Act and generally carry out such instructions as may be issued to him from time to time by the council;
- (j) advise the Minister of his appointment as secretary-treasurer within five days of such appointment, of the names and addresses of all persons elected councillors for the municipal district 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;
- (k) 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;
- (l) 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 municipal district 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 municipal district, which statement shall be transmitted to the school district as soon as the assessment roll for the year has been revised;
- (m) collect, receive and safely keep all moneys belonging to the municipal district from whatever source received;
- (n) deposit to the credit of the proper fund as provided for herein daily or as often as the council may direct in some chartered bank designated by the council all moneys received by him;
- (o) submit all accounts and charges against the municipal district which he receives for the consideration of the council;

- (p) pay all accounts against the municipal district only when they have been passed by the council and certified by the reeve or other presiding officer;
- (q) make all payments on behalf of the municipal district by cheque, signed by himself and countersigned by the reeve or in his absence by the deputy reeve, and drawn on the chartered bank in which the moneys of the municipal district are deposited;
- (r) give and take receipts for all the moneys of the municipal district received and disbursed and keep on file all vouchers of expenditures;
- (s) keep in a cash book or such books of record and in such form as may from time to time be prescribed by the Minister a complete and detailed record of all the financial transactions of the municipal district;
- (t) submit to the council quarterly and whenever otherwise required so to do by the council a balance sheet showing the financial standing of the municipal district;
- (u) produce when called for by the council, auditor, inspector or other competent authority all books, vouchers, papers and moneys belonging to the municipal district and hand over the same to his successor or such person as the council may direct on his ceasing to hold office;
- (v) complete and make ready for the auditor not later than the tenth day of January in each and every year, all books and accounts for the last preceding year;
- (w) faithfully prepare and duly transmit to the Minister such reports and statements as may from time to time be required by the Minister and in such form as he may direct;
- (x) faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council;
- (y) 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.

69.—(1) The secretary-treasurer shall, if requested, make a search in the assessment or tax roll in respect of any assessable lot or parcel of land and shall for each such search charge a fee of twenty-five cents; 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 or parcel have been paid, and if not, the amount of arrears payable against such lot or parcel.

(2) Every such fee shall form part of the general revenue of the municipal district.

70. The financial year of the municipal district shall commence on the first day of January and close on the thirty-first day of December in each year.

AUDITOR.

71.—(1) The council shall at its first meeting in each year or within two months thereafter appoint an auditor.

(2) No one who then or during the preceding year is or was a member of the council or is or was secretary-treasurer or who has directly or indirectly or had during the preceding year any share or interest in any contract made by the municipal district or who is employed by the municipal district in any capacity except that of auditor shall be appointed.

(3) The council may appoint an incorporated company or a partnership as auditor.

(4) No secretary-treasurer of a municipal district shall be appointed auditor of any other municipal district.

(5) The appointment of an auditor shall be subject to the approval of the Minister, who shall forthwith be advised thereof by letter and the said Minister may confirm the appointment or disallow the same.

(6) In the event of disallowance the council shall at its regular meeting (or if there be no regular meeting within one month after the receipt by the secretary-treasurer 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, company or firm as auditor, subject to the Minister's approval as aforesaid.

72.—(1) The auditor shall audit and report upon all books and accounts affecting the municipal district 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 or write thereon in indelible letters the word "Audited" and initial the same, and he shall verify the cash balance as shown by the secretary-treasurer's books by counting the cash and in no case shall he certify to the correctness of the books until he has checked up the deposits entered in the cash book with the deposits shown in the bank book.

(2) The auditor shall in every case write a special report respecting all expenditure made contrary to law, bylaw or resolution, if there is such expenditure, and shall deliver the said report to the reeve, who shall lay the same before the council at its next regular meeting.

73.—(1) Not later than the thirtieth day of January in each year the auditor shall prepare in such form as the Minister may direct a statement of all receipts, expenditures, assets and liabilities of the municipal district, for the financial year ending the thirty-first day of December of the preceding year.

(2) Such statement shall show the amounts collected and expended in each hamlet, 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.

(3) In making such statement the auditor shall specially report as to money wrongfully received or expended.

(4) The auditor shall make the statement and report in duplicate, and shall forward one copy thereof to the Minister and deliver the other to the secretary-treasurer of the municipal district, who on or before the tenth day of February following shall cause a printed copy of the said statement and report to be mailed to every elector in the municipal district.

(5) Each copy of the said statement and report mailed to the electors under this section shall have printed thereon or attached thereto a notice in form of the schedule hereto.

Special Constables.

74.—(1) The reeve may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the municipal district for such time, not exceeding fifteen days, as shall be stated in the appointment; and shall report such appointment with the reasons therefor to the council before its next regular meeting.

(2) The authority of every such constable shall cease if his appointment is not confirmed at the next regular meeting of the council.

PART IV.

GENERAL POWERS AND DUTIES OF COUNCIL.—BY-LAWS.

HIGHWAYS AND PUBLIC PLACES.

75.—(1) The title to all public roads, highways, streets and lanes in every municipal district is hereby declared to be vested in the Crown in the right of the Province and every such public road, highway, street and lane shall be subject to the direction, control and management of the council of the municipality in which it is situated, subject, however, to the provisions of *The Water, Gas, Electric and Telephone Companies Act*.

(2) The preceding declaration shall be taken to have reference only to the property in the surface of a public road, highway, street or lane, and in so much of the actual soil below and the air above the same as may reasonably be required for its control, protection and maintenance as a highway for the use of the public, and to have no reference to road allowances or public travelled roads or trails or new roads vested in the Crown in the right of the Province by virtue of the provisions of *The Saskatchewan and Alberta Roads Act*.

(3) Notwithstanding anything herein contained any street railway company or other electric railway company may, subject to such regulations and specific directions as may from time to time be made and given by the Minister of Railways and Telephones, put down, take up, relay, connect, disconnect, repair and maintain its track and wiring for the transmission of electricity, or may operate its railway along, over and across every such public road, highway, street and lane, or bridge, watercourse, stream or public place of every and any description whatsoever.

76. The Minister of Public Works shall at all times have the right to enter any municipal district for the purpose of constructing, erecting, maintaining or repairing any public work as defined by *The Public Works Act*.

77. The Minister of Railways and Telephones shall at all times have the right to enter any municipal district for the purpose of constructing, extending, erecting, maintaining or repairing any part of the Government telephone or telegraph system or systems or any appliance used in connection therewith.

78. For any or all such purposes every public road, highway or other public place or that part or parts thereof on which such work is being carried on shall until such work is completed be under the direction, control and management of whichever of the said Ministers shall have charge of such work.

79.—(1) Every council shall keep in repair all bridges, roads, culverts and ferries and the approaches thereto which have been constructed or provided by the municipal district or by any person with the permission of the council or which if constructed or provided by the province have been transferred to the control of the council by written notice thereof and in default of the council so to keep the same in repair the municipal district shall be liable for all damage sustained by any person by reason of such default.

(2) The provisions of this section and of section 75 shall extend to all roads and road diversions surveyed for the purpose of opening a road allowance on the south or west boundary of the district although such roads and road diversions may lie within another municipal district.

80. No action shall be brought under the provisions of the next preceding section except within six months from the date on which the cause of action arose and unless notice in writing of the accident has been mailed to or served upon the secretary-treasurer of the municipal district within one month after the date on which the cause of action arose:

Provided that in case of the death of the person injured or if the Court or judge before whom the action is tried considers that there is a reasonable excuse for the absence or insufficiency of such notice and that the defendant has not thereby been prejudiced in its defence, the absence or insufficiency of the notice required under this section shall be no bar to the maintenance of the action.

ACQUISITION OF LAND.

81. Every council may pass a by-law for the purpose of purchasing, leasing or otherwise acquiring land within or without the municipal district, or any interest therein—

- (a) for the purpose of erecting thereon municipal offices;
- (b) for exhibition or recreation grounds;
- (c) for nuisance grounds;
- (d) for a cemetery;
- (e) for a quarry, gravel or sand pit.

Erection, Maintenance and Repair of Municipal Offices.

82. Every council may pass a by-law for the purpose of providing funds for the erection, furnishing, maintenance and repairing of municipal offices, and for the purchase or improvement of the same:

Provided that in any one year no expenditure or liability shall be made or incurred under the provisions of this or the immediately preceding section, so as to cause the expenditure or liability under both of such sections in that year, to be in excess of one thousand dollars, until a by-law authorizing such expenditure has been submitted to the proprietary electors and passed by a majority of the electors voting thereon in the manner prescribed in Part IX with regard to by-laws authorizing debenture loans.

Construction and Repair of Highways, etc.

83. Every council may pass a by-law for the laying out, construction, maintenance and repairing of highways, roads, streets, lanes, bridges, culverts, ditches and drains.

Temporary Roads.

84. Every council may pass a by-law for the opening and maintaining of a temporary road or right-of-way for public purposes for a term not exceeding two years, across any

private property or properties when in the opinion of the council the condition of the public roads in the neighborhood makes such action necessary or expedient.

85. Every council shall pass a by-law for the purpose of providing funds for the payment, in every such instance, to the owners or occupants of any land so opened as a temporary road, such compensation for the use thereof and for any and all damages occasioned thereby as may be mutually agreed upon between the council and the persons interested or in the event of a disagreement such compensation as may be determined by arbitration under the provisions of *The Arbitration Act*.

Private Roads.

86. If any one or more persons petition the council for the opening of a road through any land, and the council is of the opinion that such road may reasonably be opened for the convenience and benefit of such person or persons, but that such road is not required in the interest of the public generally, the council may pass a by-law requiring the said person or persons to deposit with the secretary-treasurer such sum as the council considers sufficient to cover the cost of opening the road and paying compensation in connection therewith, and if the said road or any road which in the opinion of the council will be of equal or nearly equal convenience and benefit to such person or persons as aforesaid is thereafter opened, the sum so deposited or so much thereof as may be necessary may be applied towards paying the expenses of opening the road and paying compensation in connection therewith, and any surplus which remains shall be repaid to such person or persons as aforesaid.

Machinery.

87. Every council may pass a by-law for the purpose of acquiring either separately or jointly with any other municipality, any grader, pile-driver, stone-crusher, roller or any other machine or implement for use in the construction, repair or maintenance of any road, bridge or other public work within the municipality or municipalities.

Entry Upon Lands.

88. Every council may pass a by-law for the purpose of entering upon and taking possession of any lands in whomsoever vested, by surveyors, engineers, foremen, agents, workingmen and servants, that may be required—

- (a) for municipal offices;
- (b) for exhibition or recreation grounds;
- (c) for nuisance grounds;
- (d) for a cemetery;
- (e) for a gravel pit;

- (f) for any highway, road, street, lane, bridge, culvert, ditch or drain;
- (g) for any ferry.

Survey of Lands.

89. Every council may pass a by-law for the purpose of entering upon and taking possession of any lands within the municipal district in whomsoever vested, the appropriation of which is, in the judgment of the council of the municipal district, necessary for the use, construction, maintenance or repairing of any of the said works, or for obtaining better access thereto.

90.—(1) Every council may pass a by-law for the purpose of entering into and upon any such lands in whomsoever vested, and survey and take levels of the same as shall be deemed necessary for any purpose relative to the construction of any such works.

(2) All lands taken for any of the purposes mentioned in section 88 shall be surveyed and marked on the ground by a duly qualified surveyor within six months of the date of taking possession of the said lands, and the said surveyor shall prepare proper plans in triplicate for the same.

91. Such plans shall be certified by the surveyor in the form set out in form D of the schedule hereto, and shall be certified by the secretary-treasurer in form E of the schedule hereto, and shall be approved by the Director of Surveys of the Province of Alberta, and one of such originals shall be filed in the office of the secretary-treasurer of the municipal district and another of such originals shall be filed in the Department of Public Works of the Province of Alberta; and nothing herein contained shall be taken to require such plan to be prepared before or at the time of the entry or taking possession of such lands as provided for in section 88.

92. Upon the filing in the land titles office of the plans of survey of any road or other work mentioned in section 88 the lands shown on such plans so far as the same are not Dominion lands, shall, in the case of land taken for municipal offices, nuisance grounds, or a cemetery, gravel pit or ferry, in the municipal district and in all other cases in the Crown in the right of the Province, subject to the right of any person who has acquired any interest in the said lands as far as the same are taken for any road allowance, diversion or new road, or other work mentioned in section 88 to compensation as provided for herein.

93. The Crown shall not be entitled to any mines or minerals, whether solid, liquid or gaseous, which may be found to exist within, upon or under any land vested in the Crown

under the provisions of the immediately preceding section, unless the same are expressly purchased, and the title to any such mines or minerals shall in no wise be affected by the filing of any plans of survey as herein provided.

94. The provisions of sections 83, 84 and 85 of *The Land Titles Act* shall *mutatis mutandis* apply with respect to plans filed under this Act.

95. Within thirty days of the filing of the plans the council of the municipal district shall serve or cause to be served by registered mail upon all persons shown by the records of the Land Titles Office to be interested in the land so taken, a notice setting forth the compensation which the municipal district is ready to pay for the land so taken, and a copy of this section shall be sent along with such notice:

Provided that when compensation is claimed by two or more persons who are unable to agree as to a division thereof, the municipal district may pay the same to the Clerk of the Supreme Court whose office is nearest to the land affected to be paid out to the parties interested in such proportion as may be ordered by a judge of the Supreme Court on application therefor.

96. If any person entitled to compensation for lands taken for any of the works mentioned in section 88 is dissatisfied with the amount offered therefor as herein provided, he shall within two months from the date of the mailing of the notice provided in the next preceding section notify the secretary-treasurer of the municipal district in writing of such dissatisfaction and shall in such notice state the amount he claims as compensation for the lands so taken, together with a full statement of the facts in support of his claim, and in the event of no such claim for increased compensation being received by the secretary-treasurer of the municipal district within the said period, the person entitled to compensation shall be deemed to be satisfied with and shall be bound to accept the amount of compensation mentioned in the notice referred to in the next preceding section.

97. The council of the municipal district shall consider such claims for increased compensation and shall notify the claimant of its decision in respect thereto by registered letter addressed to the claimant's last known place of abode.

98. Such claimant, if dissatisfied with the decision of the municipal district, may within sixty days after being notified as aforesaid of such decision give notice in writing to the secretary-treasurer of such municipal district, which may be by registered letter, that he will submit the claim to arbi-

tration, and the said claim shall thereupon be submitted to arbitration and such arbitration board shall consist of two arbitrators, one to be appointed by the claimant and one by the council of the municipal district, and the arbitrators shall otherwise be governed by the provisions of *The Arbitration Act*.

99. If the claimant does not so notify the secretary-treasurer and make the deposit as in the next following section required within the said period of sixty days from the registration of the notice mentioned in the preceding section, he shall be deemed to have accepted the council's decision, and shall not thereafter be at liberty to question it.

100. The claimant shall, with the notice of submission to arbitration, deposit with the secretary-treasurer of the municipal district, as security for the costs of the arbitration, a sum equal to ten per cent of the amount in dispute but not in any event less than twenty-five dollars:

Provided, however, that in place of a money deposit the claimant shall be entitled to deposit a bond with two sureties satisfactory to the secretary-treasurer of the municipal district, but in double the amount of such money deposit.

101. Subject to the provisions of section 103 of this Act all costs and expenses of the arbitration shall be in the discretion of the arbitrators; and in the event of costs being awarded against the claimant the council of the municipal district shall be entitled to deduct the costs of the district and the expenses of the arbitration out of the moneys deposited by the claimant, and the surplus, if any, shall be returned to the claimant.

102. In the event of the claimant not being required to pay the costs of the municipal district incurred in the arbitration, the full amount deposited by him shall be returned to him or the bond delivered up to be cancelled.

103. The only costs allowable upon any arbitration under this section shall be the arbitrators' and witnesses' fees.

104. In estimating the amount to which the person divested of any land is entitled, the arbitrators shall consider and find separately as to the value of the land taken and of all improvements thereon; the damage, if any, to the remaining property of such person and the original cost only of extra fencing which may be necessary by reason of the taking of the land, and if the value of the remaining property of such person is increased by reason of the construction of the public work through his property, the increase of value shall be deducted from the amount so estimated and found, and the balance, if any, shall be the amount awarded to the claimant.

Disposal of Lands.

105. The council may pass a by-law for the purpose of selling, leasing or otherwise disposing of or to devote to some other municipal purpose in whole or in part any property acquired by the municipal district by gift or otherwise for a specific purpose when such property in the opinion of council is no longer needed for such purpose, subject to the approval of the proprietary electors obtained in the same manner as a vote upon a debenture loan:

Provided that the council shall not sell any land formerly part of a highway, road, street or lane, but not required for such highway, road, street or lane, without the approval of the Department of Public Works.

106. The council may pass a by-law for the purpose of selling, leasing or otherwise disposing of lands finally acquired under the provisions of *The Tax Recovery Act*.

Co-operation With Other Municipal Districts.

107. The council may pass a by-law for the purpose of uniting with the councils of other municipal districts for the construction and maintenance of any public work or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective municipalities and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities.

PUBLIC ORDER AND MORALITY.

Light Weight and Short Measurement.

108. The council may pass a by-law for the purpose of imposing penalties for light weight and short measurement.

Cruelty to Animals.

109. The council may pass a by-law for the purpose of preventing cruelty to animals.

Indecent Posters.

110. The council may pass a by-law for the purpose of preventing the posting or exhibiting of placards, play bills, posters, writings or pictures, which are indecent or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize the public or individuals on walls or fences or elsewhere in, on or along highways or public places.

Public Bathing.

111. The council may pass a by-law for the purpose of preventing or regulating the bathing or washing of the person in any public water in the municipal district.

SAFETY OF PERSON AND PROPERTY.

Fires.

112. The council may pass a by-law for the purpose of preventing prairie or running fires and making provisions for the enforcement of *The Prairie Fires Act*.

Removal of Rubbish.

113. The council may pass a by-law for the purpose of compelling the removal of dirt, stones, filth, dust or rubbish off the roads, lanes or other public places within the municipal district by the party depositing the same or responsible therefor, and the placing of the same where ordered by the council.

Explosives.

114. The council may pass a by-law for the purpose of regulating the storage of gunpowder and other combustible, explosive or dangerous materials within the municipal district.

Driving and Riding.

115. The council may pass a by-law for the purpose of regulating the driving and riding of horses and cattle on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges and making provision for the carrying out of any provincial law respecting the same.

Obstructions.

116. The council may pass a by-law for the purpose of preventing the ploughing of roads and other public places and the incumbrance or obstruction thereof by vehicles or other articles or things.

Use of Bridges by Traction Engines.

117. The council may pass a by-law for the purpose of making provision for regulating the use of bridges and culverts by portable engines or traction engines.

Dogs.

118. The council may pass a by-law for the purpose of restraining and regulating the running at large of dogs and providing for killing of dogs running at large.

Wolf Bounty.

119. The council may pass a by-law for the purpose of providing for the destruction of wolves within the municipal district by the payment of bounty for the destruction thereof.

Domestic Animals.

120. The council may pass by-laws under the provisions of *The Domestic Animals Act*.

Loose Wire—Open Wells—Storage of Grain.

121. The council may pass a by-law for the purpose of providing for the prevention of loose wire, and open wells or other excavations of sufficient area and depth to be dangerous to stock which may come or stray upon the premises, and regulating the storage of threshed grain upon any premises accessible to stock which may come or stray upon the premises.

Destruction of Pests.

122. The council may pass a by-law providing for the destruction of animal, insect, disease or other pests likely to be destructive of or dangerous to grain, and prescribe the methods by which such destruction is to be carried out, or for complying with the provisions of *The Agricultural Pests Act*, including the establishment of a mixing station for bait for the destruction of grasshoppers.

123. In case the owner or occupier of any land fails to carry out the directions of any by-law passed for the extermination of such pests upon such land, the council may direct any person to enter upon such land and take the proper steps for the extermination of pests thereon, but in so doing, the council shall not expend more than two and one half cents per acre for the extermination of gophers or more than twenty-five cents per acre for the extermination of any other pest.

124. The council shall at least one month before the thirty-first day of December following any expenditure under the preceding clause, notify the owner or occupier of any land in respect of which such expenditure has been made, of the amount chargeable against such land by reason thereof.

125. If such amount is not paid before the said thirty-first day of December, it shall be added to the municipal taxes upon such land and shall form part thereof in all respects as if it were an original tax, and may be recovered in any of the modes available for the recovery of such tax, and the amount so recovered shall form part of the general revenue of the municipal district.

126. Not later than the tenth day of January in each year, a report shall be made to the Minister setting forth the amount spent by the municipal district during the previous year for the destruction of pests, which report shall be in the form prescribed by the Minister.

127. All sums of money charged to the municipal district under the provisions of Part II of *The Agricultural Pests Act* relating to grasshopper control, shall be levied and collected as a tax upon all assessable land within the district.

Noxious Weeds.

128.—(1) Every council shall appoint from time to time such inspector or inspectors as are required to carry out and enforce the provisions of *The Noxious Weeds Act* within the municipal district, and every inspector so appointed shall have the same powers and shall perform the same duties as an inspector, as provided for in the said Act and shall be paid such remuneration as the council may fix.

(2) Nothing herein contained shall be deemed to limit or in any other way affect the powers conferred upon the Minister of Agriculture or the inspectors appointed by him under the provisions of the said Act.

129. In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to any notice given by an inspector of a municipal district in accordance with the provisions of *The Noxious Weeds Act* or in case the name or address of the owner of such land is unknown, the said inspector or any person or persons directed by him may forthwith enter upon the land with the necessary teams and implements and destroy such weeds in such manner as the inspector may see fit and such inspector shall forthwith make a return to the secretary-treasurer of the amount expended in the work performed under the provisions of this section and the council shall, upon being satisfied that such return is correct, pay the said amount to the said inspector.

130. The secretary-treasurer shall forthwith after payment of the said amount so expended prepare and forward a statement of such amount, with a demand for payment thereof to the owner, or, if the land is occupied, to the occupant at his last known address.

131. If the amount so expended is not paid within one month from the date the said statement is mailed, it may be recovered from the owner or occupant of the land entered upon by action by the municipal district, or by distress of any chattels on the said land by the reeve or his agent.

132. Any such amount which has not been satisfied on or before the thirty-first day of December next following its expenditure shall be added to and form part of the taxes assessed for municipal purposes on such lands in all respects as if it were an original tax; and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes and the amount so recovered shall form part of the general revenue of the municipal district.

133. A certificate purporting to be signed by the secretary-treasurer to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described therein shall be *prima facie* evidence that the amount named has been so expended.

134. Every fine, penalty and forfeiture imposed by *The Noxious Weeds Act* for a violation of any of its provisions shall be payable to the municipal district whose council takes the necessary steps to enforce such fine, penalty or forfeiture, and shall form part of the general revenue of the municipal district.

PUBLIC HEALTH.

Infectious Diseases—Nurses—Physician.

135. The council may pass a by-law for the purpose of providing for the health of the municipal district and the prevention of the spread of infectious and contagious diseases; engaging such nurses as may be deemed necessary at any time to provide for the care of the indigent sick, and engaging a physician or a public health nurse to attend residents of the municipal district who may require such services whether indigent or not and to give instructions and deliver lectures on questions of public health.

Nurses for Schools.

136. The council may pass a by-law for the purpose of providing for the employment of one or more public health nurses to inspect the schools, to conduct child welfare stations, and to give instructions and advice on all matters of public health and authorizing arrangements with the Department of Public Health and with any city, town, village or other municipal district and with the Minister in respect of any improvement district as to the sharing of expenses in connection with the employment of such nurses.

Nuisance Grounds.

137. The council may pass a by-law for the purpose of regulating nuisance grounds within the municipal district and making provision for the disposal of the refuse of hamlets by licensed scavengers or otherwise.

Burials and Cemeteries.

138. The council may pass a by-law for the prevention of the burial of the dead in hamlets, or other localities.

139. When the council acquires a cemetery under the provisions of this Act, sections 20 to 33 inclusive of that Act shall apply thereto.

Water Supply.

140. The council may pass a by-law, subject to the provisions of *The Public Health Act*, for the purpose of making provision for a supply of water for the municipal district or any portion thereof, and to regulate the use of the same and to prevent the placing of anything prejudicial to health in any stream or body of water in the municipal district.

Indigents.

141.—(1) The council of every municipal district, shall, subject to the other subsections of this section, and to the provisions of *The Non-taxpayers' Medical Relief Act*, make provision for the maintenance or partial maintenance of its indigent residents and for their care and treatment when sick.

(2) The council of every municipal district may in cases of sudden and urgent necessity make similar provisions for indigent and indigent sick persons who are temporarily within the municipal district but are not resident therein.

(3) For the purposes of this and the next fourteen following subsections—

- (a) "Hospital" shall mean a hospital approved by the Minister of Health under the provisions of *The Hospitals Act*;
- (b) "Indigent person" shall mean a person who is actually destitute of means from his own resources of obtaining the food, clothing, shelter and medical attendance necessary for his immediate wants;
- (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 municipal district or of some place outside the Province.

(4) All such provision for the relief of indigent persons shall be made by means of a written order.

(5) Such written order may be dispensed with in respect of medical advice, attendance or medicines given by a medical practitioner at a first visit, and in respect of hospital

treatment if, in the one case the medical practitioner concerned certifies that the case was, or that he was informed that the case was one of sudden and urgent necessity, or in the other case, the superintendent or other medical officer of the hospital certifies that the case was one of sudden and urgent necessity, and in either case such practitioner or officer forwards to the secretary-treasurer of the municipal district of which the sick person is a resident, a report giving full particulars of the case.

(6) A council may delegate its duties under this section to a committee consisting of one or more of its members and may authorize each member of any such committee to issue the written orders hereinbefore referred to.

(7) Where the council, under the provisions of this section, assists any indigent or causes to be treated any indigent sick person who is not a resident of the municipal district, then the city, town, village or other municipal district of which the said person is a resident at the time of such assistance or treatment being given, or the Minister of Public Works upon the direction of the Minister if the said person is a resident at such time of an improvement district, shall upon demand repay the actual expenses incurred by the council.

(8) No council shall be liable for hospital treatment of any sick indigent person except where such person has been placed in an approved hospital under the provisions of the preceding section.

(9) Every council which is liable for the hospital treatment of any indigent sick person shall pay to the board of the hospital for the care and treatment of that person the public ward charge per day of that hospital.

(10) Such public ward charge may include all proper items in respect of ordinary operating room expenses, drugs, dressings, and other necessities and conveniences supplied by the hospital, but shall not include any fee to a medical practitioner and such charge may be fixed from time to time by the Minister of Health for all hospitals, or for any class of hospitals, or for any hospital.

(11) Notwithstanding any provisions of this Act, no municipal district shall pay to the hospital in respect of any indigent sick person more than two hundred dollars, but shall endeavour to collect such charge or the uncollected portion thereof, as the case may be, and out of any money so collected shall pay the amount of the balance due to the hospital before paying itself the amount already paid by it to such hospital.

(12) In the event of the death of any person so placed in an approved hospital and his interment at the expense of the hospital the municipal district within which such person was resident at the time of his death shall repay to the hospital the said expense, but not to an amount exceeding that fixed from time to time by the Minister of Health.

(13) The amount of the public ward charge and the value of any assistance given under the provisions of this Act shall constitute a debt due to the municipal district from any person for whose relief, care or treatment it was paid or who was legally responsible for the maintenance of the person for whose relief, care or treatment it was paid, and may be recovered from him by action or by distraint upon any of his goods found within the Province, or, if deemed advisable by the council, it may be added to the taxes levied by the municipal district against any land of which the said person is the owner, and shall be collected and enforced by any of the modes by which taxes may be collected and enforced.

(14) The municipal district shall have a charge upon the lands owned by any such person and situate within the province for the expenses incurred under the two preceding sections and may lodge a caveat for the protection of such charge in the proper land titles office.

(15) If any resident of a municipal district who is not an indigent person is admitted to a hospital, and the authorities of such hospital have failed to collect from such person the proper public ward charge after exhausting all reasonable methods of doing so, the council of the municipal district shall upon being notified of such failure, endeavour to collect the amount of the public ward charge remaining due by the same means as if the said person were an indigent, and shall pay over such sum as may be so collected to the hospital.

(16) In the event of any council failing to make provision for its indigent sick residents as directed by this Act, the Minister of Municipal Affairs may make such provision and may recover the cost thereof from the municipal district concerned as a debt due to the Crown.

(17) All accounts presented to a municipal district by a hospital may be taxed by the Minister of Municipal Affairs and upon their being so taxed the amount thereof and no more shall be taken to be due from such district to the hospital.

(18) As long as any municipal district is comprised in the Medical Relief District, as constituted by *The Non-taxpayers' Medical Relief Act*, it shall not be under any obligation to provide for the care and treatment of sick non-taxpayers, save such as is placed upon it by the terms of the said Act.

LICENSES.

Auctioneers, etc.

142. The council may pass a by-law for the purpose of licensing, regulating and governing auctioneers, hawkers or pedlars and transient traders.

Pool Licenses, etc.

143. The council may pass a by-law for the purpose of licensing, regulating and governing all persons who for gain or hire, directly or indirectly, keep or have in their possession, on their premises or under their control, any pool, billiard or bagatelle table in a place of public entertainment whether such pool, billiard or bagatelle table be used or not and regulating and governing all persons who use or frequent premises where any pool, billiard or bagatelle table is so kept.

Bowling Alleys.

144. The council may pass a by-law for the purpose of licensing, regulating and governing public bowling alleys and regulating and governing all persons who use or frequent same.

Theatres, Shows, etc.

145. The council may pass a by-law for the purpose of preventing or licensing and regulating exhibitions of wax-works, menageries, circuses, shows, theatres, and caravans and for requiring the payment of license fees for authorizing the same, not exceeding five hundred dollars per day and for imposing fines for infringing such by-laws to the amount of fifty dollars 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.

146. The council may pass a by-law for the purpose of preventing or licensing and regulating exhibitions held or conducted for hire or profit in halls, opera houses, moving picture theatres and other places of amusement.

Miscellaneous.

147.—(1) In any case where a provincial license is necessary, no license shall be issued by a municipal district to any applicant, until such provincial license has been obtained.

(2) License fees may be imposed by the council in any case where they are authorized to pass by-laws requiring a license, and such fees shall not be imposed for the purpose of exacting revenue, and shall be restricted to a sum reasonably sufficient to cover the cost of issuing licences, inspection, and other matters of a regulatory nature.

GRANTS.

Hospitals.

148. The council may pass a by-law for the purpose of granting aid for the erection and maintenance of hospitals within or without the municipal district.

Needy Persons.

149. The council may pass a by-law for the purpose of granting aid or relief to any needy person who is a resident of the municipal district

Agricultural Societies.

150. The council may pass a by-law for the purpose of granting aid to agricultural societies.

Doctors.

151. The council may pass a by-law for the purpose of making an annual or other grant to a duly licensed medical practitioner residing and practising in the municipal district or to a duly licensed medical practitioner as an inducement for him to reside or practise his profession in the municipal district, or guaranteeing the income or a portion of the income of such practitioner in consideration of such residence and practice; providing, however, that the amount paid in any one year under such guarantee shall not exceed two thousand dollars.

Red Cross.

152. The council may pass a by-law for the purpose of granting any sum or sums to the Red Cross Fund or to any association established under an Act to Incorporate the War Veterans' Association, or to other charitable organizations.

Irrigation Projects.

153. The council may pass a by-law for the purpose of granting any sum or sums not exceeding two hundred dollars, to assist in paying the expenses of investigating the possibilities of irrigation and of organizing irrigation districts in which the municipal district is interested.

DOG TAX.

154. The council may pass a by-law for the purpose of imposing a tax on the owners, possessors or harbourers of dogs.

MISCELLANEOUS.

Census.

155. The council may pass a by-law for the purpose of taking the census of the municipal district or any part thereof.

Trees and Embellishment of Public Places.

156. The council may pass a by-law for the purpose of providing for the planting and protection of trees on highways and for the embellishment of cemeteries and other public places.

Public Scales.

157. The council may pass a by-law for the purpose of establishing and maintaining public scales for weighing or measuring anything sold by weight or measurement within the municipal district or within any village or town; or that portion thereof located within the municipal district.

Compromise of Taxes.

158. The council may pass a by-law, subject to the approval of the Minister, for the purpose of compromising upon such terms as may be agreed upon for payment of arrears of taxes on lands which have been subdivided under a plan registered at the land titles office.

Insane Persons' Taxes.

159. The council may pass a by-law for the purpose of remitting taxes levied with respect to lands of which an insane person is the owner or occupant, whenever it seems proper so to do.

Limitation on Bonuses and Exemptions.

160. No council of any municipal district shall have power—

- (a) to grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill, railway, or any other business or concern whatever either within or without the municipal district;
- (b) to exempt from taxation any such manufactory, mill, railway or other business or concern nor to subscribe for stock in or to guarantee the bonds, debentures or other securities thereof.

SEED GRAIN AND FODDER.

161.—(1) The council of any municipal district may pass a by-law authorizing the borrowing from any person, bank or corporation, such sum as it may consider necessary to supply seed grain and fodder to resident farmers in the

district who are owners or purchasers 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) The council of every municipal district 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 person to whom seed grain or fodder is supplied a written agreement for a lien, which may be in form F of the schedule to this Act, 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 held under agreement for sale 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, are 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 G in the schedule to this Act, 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.

DRAINAGE DITCHES.

162.—(1) If by reason of the construction by a municipal district of any ditch or drain, land other than and in addition to roads or highways is benefited, the land so benefited may be assessed and charged with its proper proportion of the cost of such ditch or drain, and the manner of assessment shall be as hereinafter set out.

(2) Forthwith upon completion of the ditch or drain the council shall appoint a board of three assessors to make an estimate of the amount of benefit to each parcel of land and to any roads or highway benefited by the ditch or drain.

(3) The board of assessors shall cause to be prepared a special assessment roll to be called "The Municipal Drainage Assessment Roll" in which shall be set down in the first column thereof the name of the owner or occupant of each parcel of land in the district benefited by the ditch or drain, and in the second column thereof a description of the parcel of land benefited and in the third column the amount of the estimated benefit to the said parcel of land.

(4) Immediately after the preparation of a municipal drainage assessment roll the secretary-treasurer and the board of assessors shall take all necessary steps to serve notices and hear complaints and amend the said roll in the manner provided in *The Drainage Districts Act, 1921*, and with the same powers as though they were the secretary and board of trustees respectively of a drainage district formed under the said Act.

(5) All the provisions of *The Drainage Districts Act, 1921*, with regard to appeals from the court of revision to the District Court shall apply to appeals against the assessment shown on the revised municipal drainage assessment roll as fully and completely as though the said provisions were part of this Act and as though the secretary-treasurer and the board of assessors were respectively the secretary and board of trustees of a drainage district formed or continued under *The Drainage Districts Act, 1921*.

(6) The amount required in each year to pay the costs of construction of the ditch or drain or to pay the instalments of interest and principal payable under the terms of any debentures issued under the provisions of this Act in connection with such ditch or drain shall be charged against the various parcels of land benefited, including highways or roads, in proportion to the benefit to each such parcel of land as shown by the revised municipal drainage assessment roll as finally amended.

(7) The secretary-treasurer shall enter upon the assessment roll of the municipal district for the current year in a separate column the amount to be charged against each parcel of land benefited as by the preceding subsection provided and shall collect the same as taxes and with regard to the amount to be charged against highways or roads the same shall be included in the annual estimate of expenditure.

(8) Any such ditch or drain shall be maintained by the municipal district by which it is constructed and at the expense of the various parcels of land benefited, in proportion to the benefit as shown by the municipal drainage assessment roll for the said ditch or drain, and the costs of main-

taining shall be assessed against each parcel annually in the same manner as the cost of construction of the ditch or drain.

(9) In the event of such ditch or drain becoming obstructed by dams, bridges, fences, washouts or other obstruction caused by the owner or person in possession of the land where such obstruction occurs, so that the free flow of water is impeded thereby, the person or persons occupying or owning such land shall, upon reasonable notice in writing given by the council or the secretary-treasurer, remove such obstructions in any manner caused as aforesaid and if not so removed within the time specified in the notice the council shall forthwith cause the same to be removed and if the cost of removing is not paid by such owner or occupant to the municipal district forthwith after the completion of the work the council may pay the same and the secretary of the municipal district shall place or cause to be placed such amount upon the assessment roll against the said lands with ten per cent added thereto and the same shall be collected in the same manner as other taxes.

(10) In constructing any such ditch or drain, the council may, for the purpose of carrying water by a proper channel to a sufficient outlet continue the work outside the boundaries of the municipal district and the costs of any such work so done outside the limits of the municipal district shall be considered to be a part of the cost of the ditch or drain.

(11) Any other municipal district, or any drainage district or company or individual desiring to use any such ditch or drain as an outlet for water may do so with the permission of the council and may be charged for the use of such ditch or drain as an outlet such amount as may be approved by the Minister.

FORM OF BY-LAWS, ETC.

163. Except as herein specially provided the council of every municipal district may exercise the duties and powers conferred on it by this Act either by resolution or by by-law.

164. Every by-law shall be under the seal of the municipal district and shall be signed by the reeve or person presiding at the meeting at which the by-law is finally passed and by the secretary-treasurer.

165. Every by-law shall have three distinct and separate readings before it is finally passed, but not more than two readings shall be had at any one meeting except by the unanimous vote of members of the council present.

166. In case no application to quash a by-law is made within two months next after the final passing thereof the

by-law shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of passing thereof:

Provided, however, that in case of a by-law requiring the assent of the electors where the by-law has not been submitted to or has not received the assent of the electors, an application to quash the by-law may be made at any time.

167. No by-law for raising money by way of debentures shall have any effect until it has received the assent of two-thirds of the proprietary electors of the municipality voting thereon and the approval of the Minister as hereinafter provided.

168. When any council has authority to direct by by-law that any matter or thing shall be done by any person, such council may also by the same or another by-law direct that in default of its being done by the person such matter or thing shall be done at the expense of the person in default, and the municipal district may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes.

169. A copy of any by-law written or printed without erasure or interlineation and under the seal of the municipal district certified to be a true copy by the secretary-treasurer and a member of the council, shall be authentic and received as *prima facie* evidence of its passing and of the contents thereof without any further proof in any Court unless it is specially pleaded or alleged that the seal or the signature of the secretary-treasurer or member of the council has been forged.

INFRACTION OF BY-LAWS.

170. The council of every municipal district may pass by-laws for inflicting reasonable fines and penalties not exceeding one hundred dollars exclusive of costs for breach of any of the by-laws of the municipal district and for reasonable punishment by imprisonment with or without hard labour in the nearest common gaol for any period not exceeding thirty days in case of non-payment of the fine and costs inflicted for any such breach unless such fine and costs including the costs of committal are sooner paid.

171. Two copies of every such by-law under the seal of the municipal district and certified as correct by the reeve and the secretary-treasurer shall be transmitted to the Minister and no such by-law shall have any force or effect until one of the said duplicate copies is returned to the secretary-treasurer approved by the Minister.

172. Any penalty or fine under any by-law of a municipal district shall if no other provision be made respecting it belong to the municipal district and form part of the general revenue of the municipal district.

173. In the event of any person being committed to gaol by reason of a breach of any by-law of a municipal district there shall be chargeable to such municipal district such part of the expenses paid by the Province for the transportation of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

QUASHING BY-LAWS AND RESOLUTIONS.

174.—(1) Any elector of the municipal district may apply to a judge upon motion to quash any by-law, order or resolution of the council in whole or in part for illegality; and the judge upon such motion may quash the by-law, order or resolution in whole or in part and may according to the result of the application award costs for or against the municipal district and may determine the scale of such costs.

(2) Notice of motion shall be served at least seven clear days before the day on which the motion is to be made.

(3) The by-law, order or resolution may be proved by the production of a copy thereof written or printed without erasure or interlineation and under the seal of the municipal district certified to be a true copy by the secretary-treasurer and a member of the council and the secretary-treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

(4) Before any such motion is made the applicant or in case the applicant is a company, some person on its behalf shall enter into recognizance before the judge himself in the sum of one hundred dollars; and two sureties each in the sum of fifty dollars conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the District Court with the other papers relating to the motion.

(6) In lieu of the recognizance mentioned in subsections (4) and (5) of this section the applicant may pay into Court the sum of one hundred dollars as security for any costs which may be awarded against him and the certificate of such payment into Court shall be filed in the District Court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order the money so paid into Court to be applied in the payment of costs or to be paid out to the applicant in the discretion of the judge according to the result of the application.

(8) All moneys required to be paid into or out of Court under this section shall be paid in and paid out in like manner as moneys are paid into and out of Court in actions pending in the said Court.

(9) No application to quash a by-law, order or resolution in whole or in part shall be entertained unless the application is made within two months from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of the electors where the by-law has not been submitted to or has not received the assent of the electors entitled to vote thereon in which case an application to quash the by-law may be made at any time.

175. Any by-law the passing of which has been procured through or by means of any violation of the provisions of sections 4 and 5 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions herein contained.

PART V.

VOTERS AND THE MUNICIPAL VOTERS' LIST.

176. The secretary-treasurer of every municipal district shall, on or before the tenth day of January in each year, prepare a municipal voters' list in the prescribed form.

177.—(1) The secretary-treasurer shall arrange the list according to polling divisions and shall enter in the appropriate columns of the form prescribed the following particulars, which when possible shall be taken from the assessment roll of the municipal district:

- (a) the name of every lessee or tenant in possession of the surface of assessed land which has been leased or otherwise let to him or his predecessor in title for a term of two years or more, if such lessee or tenant is of the full age of twenty-one years;
- (b) the name of every purchaser entitled to the possession of assessed land or minerals, of which there is no such lessee or tenant, if such purchaser is of the full age of twenty-one years;
- (c) the name of every owner of assessed land or minerals of which there is no such lessee, tenant or purchaser, if such owner is of the full age of twenty-one years;
- (d) the name of every conditional owner of assessed land (including therein all timber licensees and lessees or grantees of mineral rights under or from the Dominion of Canada or the Province) who is of the full age of twenty-one years;

- (e) the word "tenant," "purchaser," "owner" or "conditional owner" as the case may be;
- (f) a brief description of the property which is assessed;
- (g) the word "resident" or "non-resident" as the case may be.

(2) The secretary-treasurer shall also enter upon the voters' list the names in so far as known to him of the wife, husband, father and mother and of each son and daughter of each such person—

- (a) if he or she is resident upon land of the said person within the municipal district and
- (b) if he or she is of the full age of twenty-one years and
- (c) if his or her name does not already appear on the list as a voter and
- (d) if he or she duly makes application in accordance with the notice hereinafter provided for.

(3) Such names shall be entered in alphabetical order as a separate part of the voters' list.

(4) The secretary-treasurer shall not later than the first day of November in the preceding year, cause to be posted up in at least six conspicuous places within the bounds of the municipal district a notice of the provisions of subsection (2) of this section in form H of the schedule hereto.

178. When both parts of the said list have been duly prepared the secretary-treasurer shall immediately after the last name on the list for each polling division write the words "certified correct" followed by his signature and the date on which such certificate is made, which date shall not be later than the tenth day of January.

179. The secretary-treasurer shall then forthwith make a true and correct copy of the said list and post the same in his office, and such copy or the original thereof shall be open to inspection by any person at all reasonable hours and he shall also prepare and post in a central and convenient place in each polling division a copy of the said list for such division.

180.—(1) Whenever through inadvertence or otherwise any mistake, error, wrongful entry or omission whatsoever has been made in the said original list or copy, the secretary-treasurer upon being notified in writing by any person of such mistake, error, wrongful entry or omission shall revise the said list accordingly; but no such revision shall be made except for the purpose of correcting the spelling of names, unless notification is received by the secretary-treasurer at least seven clear days prior to the date fixed for the annual election in the municipal district and unless the assessment roll of the municipal district when compared with the said list shows the latter to be inaccurate or incomplete in the manner complained of in the notification.

(2) Every alteration of the said list and the said copy shall have placed opposite it the date of such alteration and the initials of the secretary-treasurer.

PERSONS ENTITLED TO VOTE.

Voting Before Compilation of Voters' List

181. Subject to section 184 the persons entitled to vote at any election held or upon any by-law for raising money by way of debentures or upon any question submitted to the proprietary electors of the municipal district prior to the completion of the first municipal voters' list, shall be, any person, male or female of the full age of twenty-one years who has been the owner, purchaser or conditional owner of assessable land in the district for a period of at least two months immediately prior to the date of holding any such election or submitting any such by-law or question.

Money By-laws, Where There Is a Voters' List.

182. Subject to section 184 the persons entitled to vote upon any by-law for raising money by way of debentures or upon any question submitted to the proprietary electors of any municipal district subsequently to the completion of the first municipal voters' list, shall be—

- (a) every person, male or female of the full age of twenty-one years whose name appears on the municipal voters' list otherwise than merely by virtue of relationship to some other person upon the said list;
- (b) all persons who, upon the day of voting are of the full age of twenty-one years, and on that day are and were on the ninth day of January immediately preceding the same, owners, conditional owners or purchasers of assessable land within the district.

Elections of Councillors, Where There Is a Voters' List.

183. Subject to section 184 the person entitled to vote at any election held subsequently to the completion of the first municipal voters' list shall be—

- (a) every person, male or female of the full age of twenty-one years whose name appears on the municipal voters' list; and
- (b) the wife, husband, son, daughter, father or mother of every person upon the voters' list, provided that such person is upon the day of voting, and was prior to the tenth day of January immediately preceding the said day, resident upon the land of the person by virtue of relationship to whom the right to vote is claimed.

184. Where there is a tenant or lessee, owner and a purchaser or purchasers or any two or more of them, of any lot or parcel or of any part, share or interest therein so that such persons would otherwise be qualified to vote, only one person shall be entitled to vote in respect of such lot or parcel or share or interest therein, who shall be the tenant or lessee, and if there is no such tenant or lessee, shall be the purchaser (if any) who is entitled to the possession of such lot or parcel or of such part, share or interest, and if there is no such tenant or lessee or purchaser, shall be the owner thereof.

185.—(1) Any corporation the name of which is entered on the assessment roll as being tenant or lessee, owner, conditional owner or purchaser, as the case may be, of assessable land in the district, may vote by any person being an officer, member or employee of the corporation.

(2) Such person shall, before voting, produce a certificate from the head office of the corporation in question authorizing him to represent it, and shall make and subscribe the oath in Form I in the schedule hereto.

PART VI.

ELECTIONS OF COUNCILLORS.

186.—(1) The first election of councillors shall be held upon the date fixed by the Minister, and thereafter an election of councillors shall be held annually upon the fourth Saturday of February, as is hereinafter prescribed.

(2) Where electoral divisions have been established, each division shall be represented by a councillor and when a vacancy occurs in the representation of such division an election shall be held for that division, as is hereinafter prescribed.

(3) If there are no electoral divisions, the councillors shall be elected by a general vote of the electors of the municipal district.

187.—(1) The council of any municipal district may at any time by by-law alter the manner in which councillors are elected in the municipal district so as to provide for one councillor being elected from each division instead of by the general vote of the electors or to provide for election by the general vote of the electors instead of by divisions.

(2) Such by-law before coming into force shall be submitted at the annual general election to the proprietary electors of the municipal district and shall receive the approval of two-thirds of the number of such electors voting thereon according to the procedure herein prescribed for voting on debenture by-laws.

(3) In case such by-law receives the approval of the required number of electors, the Minister shall determine the boundaries of the said divisions.

(4) The council of any municipal district, 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 proprietary electors, revert to the former method of election.

188.—(1) At the first election for councillors three weeks prior to the date fixed by the order of the Minister for the nomination of candidates at a first election of councillors, the municipal committee shall, by resolution—

- (a) name a place for holding the nomination meeting;
- (b) appoint a returning officer who shall be a resident elector of the municipal district;
- (c) divide the municipal district or each electoral division as the case may be, into polling divisions and assign a name to each polling division, and name a polling place therefor;
- (d) appoint a deputy returning officer for each polling place.

(2) When an improvement district becomes a municipal district, the divisions existing in the improvement district shall continue until duly changed by by-law.

189. If any member of the municipal committee dies or leaves the municipal district before the passing of the resolution or refuses or is unable to act, the other members may appoint another qualified person in his stead.

190. The Minister may at any time dismiss any member or members of the municipal committee and appoint others in their stead.

191. Until a secretary-treasurer is appointed the returning officer shall act as such for the purposes of the election.

192.—(1) In the case of elections held after the first election, the council shall provide by resolution for such matters as are hereinbefore directed to be provided for by a resolution of the municipal committee.

(2) The council may also, if it deems advisable, authorize the deputy returning officer for any or all of such polling places to appoint a poll clerk to assist him in the discharge of his duties and in the case of the absence or disability of the deputy returning officer, the poll clerk shall act as deputy returning officer.

(3) In the case of elections held after the first election, the date of the nomination day shall be the third Saturday in February.

193. The nomination meeting shall be held within the municipal district or within a city, town or village bordering on the municipal district.

194.—(1) The polling place for a polling division shall be within the same or within a city, town or village bordering thereon.

(2) A special polling place may be provided for in any city, town or village bordering on the municipal district, if at least five electors qualified to vote in that polling division reside within such city, town or village.

195.—(1) Immediately prior to the nomination of candidates a meeting shall be held for the discussion of municipal affairs generally.

(2) At every such meeting the reeve and secretary-treasurer shall be present and have with them the minute book of the municipal district and shall give such information touching municipal affairs as they may be able.

196. The returning officer shall, at least seven clear days before nomination day, post up a notice in form J of the schedule hereto.

197. The notice shall be posted up in at least two widely separated conspicuous places in each polling division of the municipal district and also in all post offices, if any, in the municipal district.

198.—(1) At one o'clock p.m. on the third Saturday in February the returning officer shall declare the meeting open, and shall hold an election of a chairman who shall conduct the discussion of municipal affairs.

(2) At three o'clock p.m. on the same day, the returning officer shall receive nominations.

199.—(1) Every nomination shall be written, and in form K of the schedule hereto, and shall, in the case of nomination for an electoral division, be signed by at least two electors and where there are no electoral divisions shall be signed by at least five electors.

(2) No such nomination shall be received unless it be accompanied by a written statement signed by the person nominated to the effect that he is qualified for election and that he will accept the office, if elected.

(3) The said statement shall be in form L of the schedule hereto.

200.—(1) At the hour of four o'clock, if the election is not according to electoral divisions and no more than the required number of persons are nominated, the returning officer shall declare the persons so nominated, duly elected

as councillors, and shall send to the secretary-treasurer of the municipal district a signed statement giving their full names and indicating the terms for which they are elected.

(2) If the election is according to electoral divisions then in the case of all such divisions with respect to which not more than the required number of persons are nominated the returning officer shall declare the persons nominated in respect of such divisions duly elected as councillors and shall send to the secretary-treasurer, if any, a signed statement giving their full names.

201. In the event of more than the required number of persons being nominated at an election for the municipal district at large, or in respect of any electoral division as the case may be, the returning officer shall declare that a poll will be held for the municipal district at large or for such electoral division or divisions as the case may be.

202. Any person nominated may withdraw at any time within forty-eight hours after the close of nominations by filing with the returning officer a signed declaration in writing to that effect signed in the presence of two witnesses or the returning officer.

203. If by reason of any such withdrawal or withdrawals there are not more than the required number of candidates for councillors for the municipal district or an electoral division, as the case may be, the polling shall not take place with respect to such district or division as the case may be and the returning officer shall forthwith declare the person or persons nominated to be elected, and shall post up in at least two widely separated conspicuous places in each polling division of the municipal district, and also in all post offices, if any, within the municipal district, a notice in form M of the schedule hereto.

204. When a poll is required, it shall be held upon the Saturday following the day of nomination from nine o'clock a.m. to five o'clock p.m.

205. A notice of the poll shall be posted up by the returning officer within seventy-two hours after the nomination, in at least two widely separated conspicuous places in each polling division of the municipal district or the electoral division as the case may be, also in all post offices, if any, within the municipal district, or the electoral division as the case may be, and shall be in form N of the schedule hereto.

PREPARATION FOR POLL.

206. The returning officer shall procure for each polling division of the municipality a suitable ballot box, to be made of some dry durable material, and each box shall be provided with a lock and key and shall be so constructed that

the ballot papers can be placed therein when the box is locked and cannot be withdrawn therefrom unless the box is unlocked.

207. The returning officer shall also cause to be printed or otherwise prepared, a supply of ballot papers sufficient for the purposes of the election.

208. The ballot papers may be either printed or written or partly printed and partly written.

209.—(1) The ballot papers for the election of councillors shall contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname in the order of their Christian names.

(2) The ballot papers shall be in form O of the schedule hereto.

(3) In municipal districts in which electoral divisions have been established, separate ballots in like form shall be prepared for each division.

210.—(1) The secretary-treasurer shall at least twenty days before the election, furnish the returning officer with at least two copies of form P of the Schedule hereto for every polling division in the municipal district or electoral division as the case may be.

(2) The deputy returning officer for each polling division shall post the same in conspicuous places at his polling booth and see that they are kept so posted up during the hours of polling.

211. The secretary-treasurer shall, prior to every election or the voting upon any by-law furnish the returning officer with at least two copies of sections 4 and 5 of *The Controverted Municipal Elections Act* and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and see that they are so kept posted during polling hours.

212. Every returning officer, deputy returning officer, poll clerk, constable, candidate or agent authorized to be present at any polling place before exercising at any polling place any of the rights or functions of the office for which he has been so appointed shall take and subscribe before a justice of the peace or before the secretary-treasurer or (in the case of a poll clerk, constable or agent) before the returning officer at whose polling place he is appointed to act an oath in form Q of the schedule hereto.

213. Any person producing to the deputy returning officer a written authority from a candidate to represent him as his agent at the polling place shall be recognized as such by the deputy returning officer but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or the counting of votes.

214. At least twenty-four hours before the opening of the poll, the returning officer shall deliver to every deputy returning officer the proper ballot papers and all other necessary material.

215. The returning officer shall before the opening of the poll cause to be prepared such number of printed directions for the guidance of voters in voting as he may deem sufficient and such directions shall be printed in conspicuous characters and may be in form R of the schedule hereto.

PROCEEDINGS AT POLL.

216. On the day fixed for the taking of a poll the deputy returning officer shall be present at the polling booth in his polling division at least fifteen minutes before the time fixed for opening the poll.

217. Every deputy returning officer shall take care that his polling booth is furnished with a compartment, which may be arranged by hanging a screen, in which the voters can mark their ballots without being seen.

218. Every deputy returning officer shall before the opening of the poll cause to be posted on the outside of the entrance to the polling booth as well as in the compartment in the polling booth a copy of the directions for the guidance of voters.

219. At least twenty-four hours before the opening of the poll, the secretary-treasurer of the municipal district shall furnish to the returning officer such number of copies of the municipal voters' list, if any exists, as the returning officer may require.

220. The returning officer shall also furnish to each deputy returning officer a poll book in which shall be entered the record of the poll and such poll book shall be in form S of the schedule hereto.

221. The persons entitled to be present at any one time in any polling booth during the hours of polling shall be the returning officer, deputy returning officer, the poll clerk and any of the candidates for councillors and not more than two agents of any such candidate and one voter.

222.—(1) At the time fixed for the opening of the poll the deputy returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated; and shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling booth so that they may see that it is empty.

(2) He shall then lock the box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during the hours of polling.

223.—(1) Where no electoral divisions have been established in a municipal district, every elector shall vote for the total number of councillors to be elected and not for any less number.

(2) Where electoral divisions have been established in a municipal district every elector shall vote for one candidate only, or where such division is represented by a number of councillors greater than one, then for such number of candidates only.

224.—(1) Where electoral divisions have been established in a municipal district, every elector resident in the municipal district shall vote only in the electoral division in which he resides.

(2) Where electoral divisions have been established in a municipal district every elector who is not resident in the municipal district shall vote in the division in which the land in respect of which he becomes qualified as an elector is situated.

(3) If he is qualified in respect of land in more than one division, then he shall vote only in that division which he has selected by notice in writing given to the secretary-treasurer before casting his ballot.

(4) Such notice may be deposited with the deputy returning officer for the secretary-treasurer.

(5) Any elector who has given the notice mentioned in the preceding subsection shall be bound thereby as long as he remains qualified as an elector in respect of land in the electoral division which he has designated in the notice.

225. If any person votes for more or less than the required number of councillors to be elected his ballot shall be void and shall not be counted.

226.—(1) At every election held before the completion of the first municipal voters' list, every person who presents himself for the purpose of voting shall be required before he is handed a ballot to sign a declaration in form T of the schedule hereto.

(2) The deputy returning officer or poll clerk shall record in the poll book the name of each person who signed such declaration.

227. At every election held after the completion of the municipal voters' list, every deputy returning officer shall

either satisfy himself that the name of every person who presents himself for the purpose of voting, or a name apparently intended for that of such person is on the municipal voters' list, or shall administer to him the oath provided for in the next following section.

228. Every deputy returning officer shall, while the poll is open, if required so to do by any person whose name does not appear on the voters' list, administer to such person an oath in the proper form set out in form U of the schedule hereto, and upon such oath having been taken, shall cause such person's name to be added to the voters' list with the word "Sworn" or "Affirmed" written thereafter, according to the fact.

229. The deputy returning officer or poll clerk shall record in the poll book the name of each person presenting himself to vote.

230. Before a ballot is given to any person presenting himself to vote, any candidate or his agent shall have the right to object to such person voting and if there be any such objection the deputy returning officer shall require such person to take the oath or affirmation in form V of the schedule hereto.

231. After having taken the said oath or affirmation, the deputy returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book, the word "Sworn" or "Affirmed" according to the fact.

232. Whenever a voter is required to take the said oath or affirmation and he refuses to do so the deputy returning officer or the poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "Refused to swear (or affirm)" and such person shall not be allowed to vote but shall be required to immediately leave the polling booth and shall not be allowed to again enter the same day of election for any purpose whatever.

233. When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner hereinbefore provided the deputy returning officer shall place his initials on the back of the ballot paper to which such person is entitled and hand the same to him.

234. The deputy returning officer may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

235.—(1) If a person claiming to be entitled to vote is incapacitated by blindness or other physical cause from

marking his ballot paper or if he makes a declaration that he is unable to read, the deputy returning officer shall in plain view of the agents of the candidates cause the votes of such person to be marked on his ballot paper for the candidate or candidates directed by such person and shall cause the ballot paper to be deposited in the ballot box.

(2) The declaration aforesaid may be in form W of the schedule hereto.

(3) The deputy returning officer shall attest the said declaration in form X of the schedule hereto.

236. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has then and there voted.

237.—(1) Upon receiving the ballot paper prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper in the manner mentioned in the directions for voting hereinbefore referred to; he shall then fold his ballot paper so as to conceal its face and so as to expose the initials of the deputy returning officer, and immediately after leaving the compartment shall without showing the front to anyone or so displaying the ballot as to make known to any person how he has voted, deliver the ballot paper so folded to the deputy returning officer who shall without unfolding the same or in any way disclosing the face of the ballot paper, verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place, and the voter shall forthwith leave the polling place.

(2) Immediately after the ballot papers of a voter have been deposited in the ballot box the deputy returning officer or poll clerk shall enter in the poll book in the proper column after the voter's name the word "Voted."

238. While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

239. No person who has received a ballot paper from the deputy returning officer shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining

to vote, as the case may be; and in the latter case the said officer shall immediately write the word "Refused" upon such ballot paper and shall preserve the same.

240. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a way that it cannot be conveniently used as a ballot paper may on delivering the same to the deputy returning officer receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "Cancelled" upon the ballot paper as delivered to him; and he shall preserve the same.

PROCEEDINGS AT CLOSE OF POLL.

241. Promptly at the hour of five o'clock the deputy returning officer shall declare the poll closed:

Provided that if when the poll is so closed there is a voter in the polling booth who desires to vote he shall be permitted to do so, but no other voter shall be allowed to enter the polling booth for this purpose.

242. Immediately after the close of the poll the deputy returning officer shall in the presence of the poll clerk, if any, and of such of the candidates or their agents as may then be present, open the ballot box and proceed as follows:

- (a) He shall examine the ballot papers individually and any ballot paper which is not initialled as herein provided or on which more than the authorized number of votes are given or on which anything is written or marked by which the voter can be identified, or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, shall not be counted but shall be set aside as rejected;
- (b) The deputy returning officer shall take notice of any objection made by a candidate or his agent or any elector authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection;
- (c) The deputy returning officer shall then count the votes given for each candidate upon the ballot papers not rejected as aforesaid and shall enter in the poll book a statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be made under the following heads:
 - (i) the number of the polling division and the name and number of the municipal district and the date of election;

- (ii) the number of persons who voted at the polling booth;
 - (iii) the number of votes for each candidate for councillor;
 - (iv) the number of ballot papers supplied to the deputy returning officer;
 - (v) the number of rejected ballot papers;
 - (vi) the number of cancelled ballot papers and ballot papers marked "Refused";
- (d) Upon completion of the statement the deputy returning officer shall make, separate from the poll book, a duplicate thereof and such statement and duplicate shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign the same;
- (e) Every deputy returning officer upon being requested so to do shall deliver to each of the persons authorized to attend at his polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers;
- (f) The deputy returning officer shall then in the presence of the candidates or their agents or such of them as may be present make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents—
- (i) the ballot papers counted for councillors;
 - (ii) the ballot papers rejected for councillors;
 - (iii) the unused, cancelled and refused ballot papers;
- (g) Before leaving the polling booth the deputy returning officer shall enter in the poll book a certificate in form Y of the schedule hereto, which shall be signed by him in the presence of the poll clerk, if any, or some other witness;
- (h) The deputy returning officer shall then place in the ballot box all the said packets, the poll book, the municipal voters' list and all declarations, and the said box shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals.

243. The deputy returning officer of each polling division shall forthwith deliver to the returning officer the sealed ballot box and the duplicate of the statement entered in the poll book and upon receipt of the same the returning officer shall give to such deputy a receipt therefor.

244.—(1) At twelve o'clock noon on the day, and at the place previously appointed by him for the purpose, the returning officer shall in the presence of such of the candidates or their agents as may be present sum up the result of the poll as shown by the duplicate statements furnished him by the various deputy returning officers.

(2) If it appears upon the summing up of the result of the poll aforesaid that two or more candidates for councilorship have an equal number of votes the returning officer shall give such casting vote or votes as may be necessary to decide the election.

(3) The returning officer shall write upon such vote or ballot paper a statement in form Z of the schedule hereto and shall sign the same.

(4) Except in such case, no returning officer shall vote at any election.

245. Forthwith after the election the returning officer shall transmit to the secretary-treasurer of the municipal district the sealed ballot boxes and duplicate statements used in the election and thereafter the said secretary-treasurer shall be responsible for their safe keeping and for their delivery when needed.

246. The secretary-treasurer of the municipal district shall, unless otherwise ordered by a judge, retain for two months the said ballot boxes with their seals unbroken, and shall then, unless otherwise ordered as aforesaid, cause the ballot boxes to be opened and the packets therein to be burned in the presence of two witnesses.

247. No person shall be allowed to inspect any ballot papers in the custody of the secretary-treasurer of a municipal district except under order of a judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the said secretary-treasurer.

248. The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge thinks expedient.

RECOUNT.

249.—(1) If at any time within five days from the time of the returning officer's declaration as aforesaid it is on the affidavit of a credible person made to appear to such returning officer that he or any deputy returning officer or other officer in counting the votes given at any election has improperly counted or rejected any ballot papers and that such action has materially affected the result of such election and the sum of fifty dollars as security for the payment of costs and expenses is deposited with such returning officer, such returning officer shall forthwith forward such affidavit and deposit to the Clerk of the District Court of the district within which the municipal district is wholly or mainly situated, who shall forthwith notify a judge of such court.

(2) The judge shall thereupon appoint a time to recount the votes and cause notice in writing to be given to the candidate or candidates who may be affected thereby of the time and place at which he will proceed to recount the same and to the secretary-treasurer of the municipal district who shall be present at the recount with the sealed ballot boxes and duplicate statements used at the election.

(3) The said deposit of fifty dollars shall not be paid out by the clerk without the order of the said judge.

250. The judge, the clerk of the Court, the secretary-treasurer of the municipal district and each candidate notified to attend the recount of votes and his agent or solicitor and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of votes.

251. At the time and place appointed and in the presence of those notified or entitled to attend as provided by the next preceding section the judge shall proceed to recount all the ballot papers received by the deputy returning officers of the several polling divisions of the municipal district or of an electoral division as the case may be, as having been given in the election complained of and he shall proceed with such recount as follows:

- (a) The judge shall break the seals on one of the ballot boxes containing the votes to be counted, and take from such ballot box the packets deposited therein;
- (b) He shall then examine singly and in the presence of those entitled to be present all ballots counted or rejected by the returning officer and during the course of such examination the judge shall keep a tally or count of the votes cast for each candidate, and he shall reject as void and shall not count—
 - (i) any ballot paper which is not initialled by the deputy returning officer as hereinbefore provided;

- (ii) any ballot paper on which more votes are given than the voter is entitled to give;
 - (iii) any ballot paper on which anything except the initials of the deputy returning officer on the back is written or marked by which the voter can be identified;
 - (iv) any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (c) In case the ballot box used in any polling division has been lost or destroyed the judge shall use the duplicate statement for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates;
- (d) The judge shall take notice of any objections made by a candidate or his agent to any ballot paper and shall decide any questions arising out of the objection and the decision of the judge shall be final;
- (e) Upon the completion of the examination and count of the ballot papers contained in the first ballot box opened the judge shall forthwith announce the result of the count and replace the ballot papers in the box which shall be locked and sealed by the secretary-treasurer in the presence of the judge;
- (f) The judge shall then proceed, if the recount applied for is of such nature as to make it necessary, to examine and count in a similar manner the ballot papers contained in each of the other ballot boxes in turn;
- (g) When the ballot papers have all been so examined and counted the judge shall forthwith sum up and announce the number of votes which he has allowed for each candidate including any votes allowed under paragraph (c) of this section;
- (h) In case any two or more candidates have been allowed by the judge the same number of votes, and if there are not sufficient vacancies in the council to permit of all such candidates being declared elected, he shall write the names of such candidates separately on blank pieces of paper and after folding the same in such a way that the names shall be concealed deposit them in a receptacle and direct the clerk of the Court or some other person to withdraw one of the said papers, and the candidate whose name appears on the paper thus withdrawn shall by the judge be declared elected, and the judge may cause as many names to be thus withdrawn as are required to fill all the vacancies;

- (i) The judge shall then make and transmit forthwith to the secretary-treasurer of the municipal district a written statement of the result of the recount and every written statement shall show—
 - (i) the names of the candidates;
 - (ii) the number of votes allowed for each candidate;
 - (iii) the number of ballot papers rejected;
 - (iv) the names of the candidates declared elected.

252. Nothing in the next preceding section contained shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of *quo warranto* or otherwise.

253.—(1) All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine, regard being had to costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

(2) The costs shall be on the District Court scale and may if the judge so orders be taxed in the manner and according to the same principles as costs are taxed between solicitor and client.

254. Any costs ordered by the judge to be paid may be levied and collected under execution which shall be issued upon filing the order of the judge and a certificate showing the amount at which costs were taxed and an affidavit of the non-payment thereof.

GENERAL PROVISIONS.

255. No person who has voted at an election shall in any legal proceedings to question the election or returns or otherwise relating thereto be required to state for whom he has voted.

256. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend; provided, however, that no candidate shall be present at the marking of the ballot of any voter who is incapacitated from marking his ballot paper or is unable to read.

257. When in this Act expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing be done in the presence of such agents as are

authorized to attend and as have in fact attended at the time and place where such act or thing is done the non-attendance of any agent at such time and place shall not invalidate it.

258. No election shall be declared invalid by reason of a non-compliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms contained in the schedule to this Act or by reason of any other irregularity if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such non-compliance, mistake or irregularity did not affect the result of the election.

259. All reasonable and necessary expenses incurred for an election under this Act shall be paid out of the funds of the municipal district upon the production of proper accounts verified in such manner as the council may direct.

260. All proceedings for contesting in any way an election or the voting on any by-law under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*.

PART VII.

MUNICIPAL ASSESSMENT AND TAXATION.

PROPERTY ASSESSABLE.

261.—(1) All land which, or any interest in which is subject to taxation by the Province in every municipal district shall, subject to the following exemptions, be assessed at its fair actual value exclusive, save as is hereinafter otherwise expressly directed, of the value of any buildings, improvements or minerals.

(2) Land within a hamlet shall be assessed at its fair actual value inclusive of the value of buildings and improvements.

(3) The following lands and the minerals thereon or therein shall be exempt from assessment and taxation:

- (a) land to the extent of eight acres held by or for the use of the board of trustees of any school district established or formed under *The School Act* or *Ordinance*;
- (b) land held by or for the use of any religious body on which a building chiefly used for divine service or public worship is situated, but to the extent of three acres only;
- (c) land in use as a public cemetery, but to the extent of twenty-five acres only;

- (d) land belonging to any municipal district when held for the public use of such municipal district;
- (e) land of any agricultural society organized or formed under *The Agricultural Societies Act*;
- (f) land attached to and used in connection with and for the purposes of any hospital which received aid from the Province under the provisions of *The Hospital Act*;
- (g) land covered by water which is in the course of being reclaimed under a plan or scheme duly authorized by the Government of Alberta or the Government of Canada.

(4) Land held under a grazing lease or permit from the Government of Canada or of the Province, and land let by either of such Governments upon terms which restrict the user thereof to use for grazing purposes, shall not be assessed, but shall be subject to taxation as is hereinafter provided.

(5) The minerals or any mineral in or on any parcel or parcels of land may be assessed as a lot or parcel separate from the lots or parcels containing the surface on or in which such minerals lie, and, if separately assessed, shall be assessed at their or its fair actual value:

Provided however, that where any minerals or mineral in or on any parcel of land are not or is not separately assessed, such minerals or mineral shall be deemed to form one parcel with the surface unless the ownership of such minerals or mineral is vested in some person other than the owner of the surface, in which event the surface (together with all minerals, the ownership of which is vested in the owner of the surface and are not separately assessed, if any) shall be deemed to form one parcel of land, and the minerals or mineral separately owned shall form other parcels.

(6) The growing timber upon any parcel or parcels of land, which is held by any person as a timber licensee shall be separately assessed at its fair actual value.

ASSESSMENT.

QUINQUENNIAL ASSESSMENT FOR THE PURPOSES OF THE ASSESSMENT EQUALIZATION BOARD.

262.—(1) As soon as may be in the year one thousand nine hundred and twenty-nine and every fifth year thereafter, but not later than the first day of October, the assessor shall assess every assessable lot or parcel of land or minerals and all other assessable property, and shall make a return

thereof to the secretary-treasurer in the form prescribed by the Minister, giving a description of each lot or parcel and of all other property assessed.

(2) The secretary-treasurer, upon the receipt of such return, shall prepare an assessment roll in which he shall set out as far as his then information permits—

- (a) the name of the tenant or lessee in possession of the surface of any lot or parcel of land which has been leased or otherwise let to him or his predecessor in title for a term of two years or more (hereinafter called "a taxable tenant").
- (b) the name of the owner of every lot or parcel of land or minerals in the municipal district which is liable to assessment;
- (c) the name of the purchaser, if any, entitled to the possession of every such lot or parcel of land, or minerals;
- (d) the name of the conditional owner (including therein all timber licensees and lessees or grantees of mineral rights under or from the Dominion of Canada or the Province), of every lot or parcel of land, minerals or timber;
- (e) the post office address, if known, of every such taxable tenant, owner, purchaser, or conditional owner;
- (f) a brief description of every such lot or parcel of land, minerals or timber, and, unless it is subdivided according to a plan registered in a land titles office, the number of acres which it contains;
- (g) the assessed value of every such lot or parcel of land, minerals or timber;
- (h) the assessed value of every such lot or parcel which lies within a hamlet together with the improvements thereon.

(3) Failure to enter any of the particulars hereinbefore directed shall not invalidate the assessment of any lot, parcel or other property nor affect the liability of any person to pay taxes if the correct description and the assessed value of the same appear upon the assessment roll.

263. Every person whose property is assessable shall give the assessor or secretary-treasurer all information necessary to enable them to fulfil their duties under this Act.

264.—(1) When the assessment roll is duly prepared the secretary-treasurer shall forthwith mail to every person whose name appears on the assessment roll, an assessment slip containing the particulars appearing in the roll with respect to such person.

(2) The entry of the date of the mailing of such assessment slip followed by the initials of the secretary-treasurer shall be *prima facie* evidence of the mailing of such assessment slip upon the date entered, without proof of the appointment or signature of the secretary-treasurer, and the absence of any such date and initials shall be *prima facie* evidence that the person's address is unknown.

(3) Notwithstanding the previous subsections, no assessment slip need be sent to any taxable tenant or purchaser unless, prior to the said first day of October, a notice sent by him has been received by the secretary-treasurer showing his interest in the assessed lot or parcel, giving his name and postal address and requesting that notices of assessment and taxation shall be sent to him.

(4) Every assessment slip shall be in form AA of the schedule hereto.

(5) No assessment shall be invalidated nor right to exemption from taxation conferred by reason of any error, omission or misdescription in any assessment slip, or by reason of the non-receipt of such slip by the person to whom it was addressed.

265. The secretary-treasurer shall also within two weeks after the completion of the said roll, post up a notice in form BB of the schedule hereto, in at least two widely separated conspicuous places in each polling division of the municipal district, and also in all post offices, if any, within the municipal district.

APPEALS FROM ASSESSMENTS.

266.—(1) Any person desiring to complain may within forty days from the date of the mailing of the assessment slip, notify the secretary-treasurer in writing of the particulars and grounds of his complaint.

(2) Every such complaint shall contain the post office address to which every notice required to be sent to the complainant may be sent.

(3) Every such complaint shall be in form CC of the schedule hereto.

267. All complaints duly lodged with the secretary-treasurer shall be dealt with by the court of revision and subject to appeal to a District Court judge as is provided in this Part.

ANNUAL ASSESSMENT FOR THE PURPOSES OF TAXATION.

268.—(1) In the year one thousand nine hundred and twenty-five and every year thereafter, except the year one thousand nine hundred and twenty-six and every fifth year

thereafter, but not later than the first day of June, the assessor shall assess all assessable parcels of land and other property which do not appear upon the assessment roll of the previous year.

(2) In the year one thousand nine hundred and twenty-six and every fifth year thereafter, but not later than the first day of June, the assessor shall assess all assessable parcels of land or other property the assessed value of which has not been determined under the provisions of *The Supplementary Revenue Act*.

(3) All parcels of land or other property assessed under this section shall be assessed at their fair actual value at the date of the last quinquennial assessment made for the purposes of *The Supplementary Revenue Act*.

269. Upon the completion of his annual assessment, the assessor shall make a return thereof to the secretary-treasurer in the form prescribed by the Minister, giving a description of each lot or parcel of land and other property which does not appear upon the assessment roll of the previous year, or as the case may be, of all assessable parcels of land the assessed value of which was not determined at the time of the last determination of assessed values under the provisions of *The Supplementary Revenue Act*, and all other assessable property.

270. Upon the receipt of such return, the secretary-treasurer shall prepare an assessment roll in a similar manner to that in which he is directed to prepare the assessment roll in the case of a quinquennial assessment, and shall enter thereon all parcels of land the assessed value of which has been determined under the provisions of *The Supplementary Revenue Act* at that value, and all other parcels of land or other property at their assessed value as determined by the assessor, but failure to enter any of the particulars hereinbefore directed shall not invalidate the assessment of any lot, parcel, or other property, nor affect the liability of any person to pay taxes if the correct description and the assessed value of the same appears upon the assessment roll.

271. Immediately after the preparation of the said assessment roll, the secretary-treasurer shall mail assessment slips as hereinbefore directed with respect to the quinquennial assessment, to every person whose name is entered upon the assessment roll in respect of lots or parcels of land or other property which do not appear upon the assessment roll of the previous year, or in respect of assessable parcels of land the assessed value of which had not been determined at the time of the last determination of assessed values under the provisions of *The Supplementary Revenue Act*, or of any other assessable property.

272. Notwithstanding any other provision of this Act, no notice need be sent to any taxable tenant, or purchaser of land unless, prior to the said first day of June, a notice sent by him has been received by the secretary-treasurer, showing his interest in the assessed lot or parcel, giving his name and postal address and requesting that notice of assessment and taxation shall be sent to him.

273. The secretary-treasurer shall also, within two weeks after the completion of the said roll, post up a notice in form DD of the schedule hereto, in the same places as hereinbefore provided with regard to notice of preparation of the quinquennial assessment roll.

274. All complaints duly lodged with the secretary-treasurer shall be dealt with by the court of revision and subject to appeal to a District Court judge as is hereinafter provided.

275. All the provisions hereinbefore contained with respect to the preparation of the quinquennial assessment roll shall apply to the preparation of the annual assessment roll in so far as the same are applicable, and save as is herein otherwise expressly directed.

276. Upon the termination of the sittings of the court of revision, or where there are no complaints upon the expiry of the time for complaining thereto, the secretary-treasurer shall, over his signature, enter at the foot of the last page of the roll, the following certificate, filling in the date of such entry:

"Roll finally completed this.....day of.....19..," and the roll as thus finally completed and certified, shall be the assessment roll for that year, subject to amendment on complaint to a District Court judge and to any amendment that may be necessary to bring the roll into conformity with the assessment of the municipal district made by the Assessment Equalization Board, and any directions of the said Board with respect thereto, and subject to any further amendment as herein provided, and shall be valid and bind all parties concerned, notwithstanding any defect in or omission from the said roll or mistake made in or with regard to such roll or any defect, error or misstatement in any assessment slip or notice or any omission to deliver or to transmit any assessment slip or notice.

277. If at any time before the fifteenth day of September it is discovered any property which has not been assessed should be assessed or that the name of any person which should be entered upon the assessment roll, is not so entered, or that there is any error in any of the particulars contained in the roll, the council may direct the secretary-treasurer to cause the assessor to assess such property and

thereafter to enter such property and the assessment thereof upon the roll or to enter the name of any such person upon the roll or to correct the error, and every such entry or correction shall be dated and initialled by the secretary-treasurer.

278. In the event of any such entry upon or correction of the roll without the knowledge or consent of the person or persons affected thereby, an assessment slip as required by section 264 hereof shall be mailed by registered post to the post office address of such person or persons by the secretary-treasurer and every such person or persons shall be given every reasonable opportunity to complain against the said entry or correction, and all complaints so made shall be heard and determined as nearly as may be in the manner hereinbefore provided by this Act.

PROVISIONS APPLICABLE TO BOTH THE QUINQUENNIAL
ASSESSMENT AND THE ANNUAL ASSESSMENT.

279. The council may at any time correct any gross and palpable error in the roll, and any correction so made shall be initialled by the secretary-treasurer.

280. Where any person was at the time of the assessment taxable in respect of any part of or interest in the property in respect of which his name was entered upon the assessment roll, and there has been no complaint to the court of revision in accordance with the provisions of this Act, then upon the expiration 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 of his part of or interest in such property.

281. Where any person was at the time of the assessment taxable in respect of any part of or interest in the 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 the 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 part of or interest in such property.

282.—(1) Where the name of any person taxable in respect of any part of or interest in property taxable under the provisions of this Act, has in any year heretofore or hereafter been entered upon the assessment roll in respect of such property, and notice of such fact has been sent to him, but he has escaped taxation by virtue of the assessment

being declared to be invalid or a nullity, then such part or interest may be assessed in any subsequent year, and the name of such person entered upon the roll in respect of such part or interest, and he shall thereupon become liable to pay as taxes in such subsequent year, and in addition to the taxes, if any, for which he is liable in that year, the taxes for which he would have been liable in the year in which he escaped taxation if the said part or interest had been then correctly assessed and he had been taxed.

283.—(1) The said assessment shall be made by the court of revision and the person affected thereby shall immediately be notified thereof by the secretary-treasurer and shall have a right of appeal to a judge.

(2) 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 judge.

(3) The judge 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 a proper assessment.

APPEALS TO COURT OF REVISION AND DISTRICT COURT JUDGE.

284. The council shall form a court of revision for the trial of complaints of any person as to property being wrongfully assessed or assessed too high or too low or as to his name or the name of any other person being wrongfully entered upon or omitted from the roll.

285. Upon the termination of the sittings of the court of revision with respect to the quinquennial assessment or where there are no complaints upon the expiry of the time for complaining thereto, the secretary-treasurer shall immediately, and in any event not later than the thirty-first day of January, forward to the Department of Municipal Affairs a statement showing in such detail and in such form as the Minister may prescribe, the total assessed value of the land (including minerals and timber) in the municipal district, and the total acreage held under grazing lease or permit from the Government of Canada.

286. The secretary-treasurer shall be the clerk of the court of revision and shall record all the proceedings thereof.

287. The council shall not call a special meeting to hear complaints, and they shall be heard at the first regular meeting, the date of which will allow the giving of the length of notice herein provided for.

288.—(1) Upon the receipt by the secretary-treasurer of any complaint, the secretary-treasurer shall notify the complainant and every person who is affected thereby, of the time and place of the sitting of the council to hear such complaint.

(2) Every such notice shall be sent by registered letter to the post office address of such person, if any, which is entered in the assessment roll or is indicated in the complaint, at least fifteen days before the sitting of the council, unless such person resides within the municipal district, in which case the secretary-treasurer shall cause such notice to be served at his residence or so posted at least ten days before the sitting of the council.

(3) Before the sitting of the council, the secretary-treasurer shall prepare a list of the complaints in form EE of the schedule hereto, which list shall be posted at the office of the secretary-treasurer and shall continue so posted during the sitting of the council.

289. The clerk may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of one dollar per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available, or actual railway fare (both ways) where a railway is available, disobeys such summons he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars:

Provided, however, that the council hearing the appeal may for good and sufficient reasons excuse such person from attending before it and in such event no penalty shall be incurred by reason of such non-attendance.

290. The appeals shall be heard as far as possible in the order in which they stand upon the said list; but the council may adjourn or expedite the hearing of any complaint.

291. If the complainant or any other person whose assessment is affected or may be affected by the result of the complaint fails to appear in person or by an agent, the council may proceed in his absence.

292.—(1) It shall not be necessary to hear upon oath the complainant or assessor or the person complained against except where the council deems it necessary or proper or where the evidence of any person is tendered on his own behalf or an oath is required by the opposite party.

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal.

293. All the duties of the council as a court of revision shall in the case of the quinquennial assessment be completed by the fifteenth day of December and in the case of the annual assessment by the last day of August, and no complaint to the council shall be heard after that date except as provided for in section 277 hereof.

294.—(1) Forthwith after the conclusion of the sittings the secretary-treasurer shall amend the assessment roll in accordance with the decisions of the council.

(2) Every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the secretary-treasurer.

295. When the council has heard and determined any complaint the secretary-treasurer shall forthwith notify the complainant and any person affected by the decision, of the result of the hearing of the complaint either personally or by sending notice by registered mail to the post office address contained in the complaint.

296. When the court has omitted, neglected or refused to hear or decide an appeal by the day fixed for the completion of its duties, the secretary-treasurer shall immediately notify the complainant in a similar manner.

297.—(1) Any person who, or the assessment of whose property is affected by the decision of the court of revision, may appeal against such decision and may also appeal against the omission, neglect or refusal of the court to hear or decide a complaint made to it.

(2) The person appealing shall in person or by registered mail, serve upon the secretary-treasurer of the municipal district, within fourteen days after the service, or, as the case may be, the mailing of the said notification of the result of his appeal a written notice of his intention to appeal to a judge.

298.—(1) The secretary-treasurer shall, as soon as possible but in the case of the quinquennial assessment not later than the fifth day of January, and in the case of the annual assessment not later than the twentieth day of September, forward a list of all notices of appeal to a judge who shall fix a day and place for the hearing of such appeals.

(2) The secretary-treasurer shall thereupon give notice to all persons appealed against in the same manner as is provided for giving notice of a complaint; but in the event of failure on the part of the secretary-treasurer to send such notice or serve the same in proper time, the judge may direct that notice be given for some subsequent day.

(3) The secretary-treasurer shall cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal, together with the time and place at which a court will be held to hear appeals.

(4) The secretary-treasurer shall forthwith notify the Department of Municipal Affairs of the day and place fixed by the judge for the hearing of appeals, together with a list of such appeals.

299. The secretary-treasurer shall be the clerk of the court.

300. The judge may adjourn hearing of any appeal from time to time and may defer a judgment thereon for a period not exceeding one month.

301. The secretary-treasurer shall appear at the hearing and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal.

302. As soon as a decision is given upon any appeal the assessment roll shall be altered and amended to accord therewith, and the secretary-treasurer shall write his initials opposite any part of the roll which is amended.

303. At any such hearing the judge shall possess all such powers for compelling the attendance and for the examination on oath of all persons and for the production of all books, papers and documents and for the enforcement of his orders, decisions or judgments, which belong to or may be exercised by him, as a judge of the District Court.

304. All process or other proceedings in the appeal may be entitled as follows:

"In the matter of appeal from the court of revision of the Municipal District of.....No....."

"Between:

"A.B. Appellant
"and C.D. Respondent."

305. In determining all matters brought before a judge, the judge shall have jurisdiction to determine not only the amount of the assessment, but also all questions as to whether any things are or were assessable or persons were properly entered on the assessment roll or are or were legally assessed or exempted from assessment.

306. A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the municipal district certified to be a true copy by the secretary-treasurer, shall be received in any Court of justice as *prima facie* evidence of the matters stated therein without the production of the original assessment roll.

307. All costs of proceedings before the judge shall be paid or apportioned between the parties in such manner as he thinks proper, and payment thereof may be enforced by execution to be issued as the judge may direct from the District Court, or in the same manner as upon an ordinary judgment for costs in such court.

308. The costs chargeable or to be awarded in any case shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the District Court for such costs; and in cases where execution issues, the costs thereof as in the like court and of enforcing the same, may also be collected thereunder.

309. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon.

PART VIII.

RATES AND TAXES.

310. The council shall as soon as practicable in each year prepare in the prescribed form, a detailed estimate of the probable expenditure of the municipal district for the year for ordinary municipal purposes, including if it so seems good to the council the amount of any payments required to be made under the provisions of *The Municipal Hail Insurance Act*, and shall cause a copy of such estimate to be incorporated in the minutes.

311. Upon the completion of the said estimate the secretary-treasurer shall lay before the council the assessment roll of the municipal district for the year, certified to as hereinbefore provided for, and the council shall by resolution, authorize the secretary-treasurer to levy for ordinary municipal purposes upon the assessed value of all lands (including minerals and timber) and improvements set out in the said roll a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of the said estimate, due allowance being made for the amount of taxes which may reasonably be expected to remain unpaid.

312. Such uniform rate of taxation for ordinary municipal purposes shall not exceed two per cent. of the assessed value:

Provided that in the case of any municipal district which has issued debentures, the council may in any year if deemed advisable, increase the said rate so as to discharge any debentures or debenture coupons that may fall due during the current year.

313. If the council of the municipal district is bound to collect school taxes, it shall by resolution authorize the secretary-treasurer to levy for school purposes—

- (a) upon the assessed values of the lands (including minerals and timber) and improvements, set out in the said roll and comprised in a school district lying wholly within the municipal district, a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of estimated expenditure of the board of trustees of such district; and
- (b) upon the assessed values of the lands (including minerals and timber) and improvements, set out in the said roll and comprised in a school district lying partly within the municipal district, a tax at such uniform rate on the dollar as the council deems sufficient to produce the part of the estimated expenditure of the board of trustees of such district which is lawfully allocated to the council.

314. If a council of a municipal district owes a debt to the Crown under the provisions of *The Agricultural Pests Act* it shall by resolution authorize the secretary-treasurer to levy for the purpose of paying the same, upon the assessed value of all lands (but not upon minerals or timber when assessed separately) within the municipal district, a tax at such uniform rate on the dollar as the council deems sufficient to produce the amount of the debt, due allowance being made for the amount of taxes it may reasonably expect to remain unpaid.

315. The secretary-treasurer shall levy upon all land held under a grazing lease or permit from the Government of Canada or of the Province and upon all land let by such governments on terms which restrict the user thereof to use for grazing purposes, a tax at the rate of three-quarters of a cent per acre but in the case of such land no tax shall be levied for school purposes under the provisions of this Act.

316. On or before the first day of September in each year, the secretary-treasurer of every municipal district shall enter in the assessment roll for the year, a statement of all taxes against each lot or parcel assessed upon the said roll, and such statement shall show—

- (a) the rate imposed to fulfil ordinary municipal purposes of the district;
- (b) the school rates;
- (c) the rate of the supplementary revenue tax;
- (d) the rate of the wild lands tax;
- (e) the rate of the educational tax;
- (f) the rate of the municipal hospitals tax;

- (g) the rate of the tax to be levied under *The Reclamation Act*;
- (h) the total taxes due for the current year on each lot or parcel of land or other property, or by any person;
- (i) the arrears of taxes levied under any authority due on each lot or parcel of land or other property, or by any person;
- (j) the sum total of taxes due on each lot or parcel of land or other property or by any person.

317. In the event of the tax payable on any lot in any subdivision or plan, or on any fraction of a quarter section for the purposes of the municipal district being less than twenty-five cents, the tax to be entered on the roll as payable for such purposes shall be twenty-five cents.

318. In the event of the tax payable on any lot in any subdivision or plan, or on any fraction of a quarter section for school purposes being less than twenty-five cents, the tax to be entered on the roll as payable for such purposes shall be twenty-five cents.

319. Every owner, purchaser, conditional owner and taxable tenant of assessed property shall pay taxes upon the assessed value thereof at the rates lawfully imposed thereon irrespective of the amount or nature of his interest in such property:

Provided always that no sum in excess of the taxes, penalties or costs due in respect of any property shall be exacted from any or all of such persons.

320.—(1) The secretary-treasurer shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by such person in respect of the property for which he is assessed; and the entry of the date of mailing each such notice followed by the initials of the secretary-treasurer on the roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the secretary-treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) Every such notice shall show the property assessed, the several rates of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due and shall be in the prescribed form.

(3) Notwithstanding the previous subsections, no taxation notice need be sent to any taxable tenant or purchaser unless the notice, hereinbefore provided for, requesting that notices of assessment and taxation should be sent to him has been duly received by the secretary-treasurer.

(4) No taxation notice shall be considered irregular, incomplete, or otherwise invalid, nor shall any exemption from taxation be conferred by reason of any error, omission, or misdescription in any taxation notice, or by the reason of the non-receipt of such notice by the person to whom it was addressed.

321. All taxes levied under the provisions of this Act, except as otherwise provided, shall be deemed to be due on the first day of January in the year in which they are imposed and shall be payable at the office of the secretary-treasurer of the municipal district.

322.—(1) In the event of any taxes remaining unpaid after the fifteenth day of December of the year for which the same are levied there shall be added thereto by way of a penalty a sum equal to five per cent. of the amount of taxes unpaid and in the event of any taxes or penalties or any part thereof remaining unpaid on the first day of July next following there shall be added thereto by way of penalty an additional sum equal to five per cent. of the amount of such taxes and penalties at that date remaining unpaid and in like manner there shall be added five per cent. of any taxes or penalties remaining unpaid half-yearly upon the first day of July and the sixteenth day of December in each year following; and such amount or amounts so added shall form a part of the taxes which are created a special lien upon the land, under the provisions of this Act.

(2) Nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes.

323. The secretary-treasurer shall enter with the date of receipt all amounts paid him for taxes on the assessment roll opposite the property for which such payment is made and he shall issue an official receipt for every such payment in such form as may from time to time be approved by the Minister.

324. The secretary-treasurer shall upon the written request of any person who pays only a portion of the taxes due by him credit such person in the assessment roll as having paid such taxes as such person may select, provided that if arrears of taxes are due by such person on any property in respect of which payment is made, the taxes received shall first be applied in payment of such arrears.

325. In case any person pays a portion only of the taxes due by him and such person does not as provided in the next preceding section signify the manner in which such taxes are to be applied the secretary-treasurer shall first apply

such taxes in payment of any arrears due by such person and the remainder of the taxes so paid, if any, shall be applied in payment of taxes levied for the current year as the secretary-treasurer may direct.

COLLECTION OF TAXES.

326. The taxes due in respect of any land, mineral or timber with costs may be recovered with interest as a debt due to the municipal district from any person who was the owner, conditional owner or purchaser of the land or the mineral or the timber licensee of the timber at the time of its assessment or subsequently became the owner, conditional owner, purchaser or timber licensee of the whole or any part thereof, saving his recourse against any other person and shall be a special lien on the land, mineral or timber if not exempt from taxation by the Province in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority shall not be lost or impaired by any neglect, omission or error.

(2) The production of a copy of so much of the assessment roll as relates to the taxes payable by any person, purporting to be certified as a true copy by the secretary-treasurer, shall be *prima facie* evidence of the debt.

(3) For the purpose of this section all taxes shall be deemed to be due on the day on which the tax notice respecting the same was mailed as shown by the assessment roll.

327. Where taxes are due in respect of any land occupied by a tenant the secretary-treasurer may give such tenant notice in writing requiring him to pay to him the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid and costs; and the secretary-treasurer shall have the same authority as the landlord of the premises would have to collect such rent by distress or otherwise to the amount of such unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

328. Any tenant or purchaser may deduct from his rent or moneys payable under his contract of purchase, any taxes paid by him which as between him and his landlord or vendor (as the case may be) the latter ought to pay.

329.—(1) In case taxes which are a lien upon the land remain unpaid for one month after the mailing of the tax notice hereinbefore provided for, the secretary-treasurer may levy the same with costs by distress as a landlord may recover rent in arrears upon—

- (a) the goods or chattels wherever found within the municipal district belonging to or in the possession of any person whose name appears on the assessment roll (hereinafter called "the person taxed") or of any occupier of the land; or
- (b) the interest of the person taxed or any occupier in any goods found on the land, including his interest in any goods to the possession of which he is entitled under a contract for purchase or any contract by which he may become the owner thereof upon performance of any condition; or
- (c) any goods or chattels wherever found within the municipal district of any owner, purchaser, conditional owner, or taxable tenant of the land although the name of such person does not appear upon the assessment roll (each of which persons is hereinafter called "a taxable person"); or
- (d) any goods or chattels on the land where the title to such goods or chattels is claimed in any of the ways following:
 - (i) by virtue of an execution against the person taxed or any occupier, or any taxable person;
 - (ii) by purchase, gift, transfer or assignment from the person taxed or any occupier or taxable person whether absolute or in trust, or by way of mortgage or otherwise;
 - (iii) by the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or any occupier or taxable person, or by any relative of his in case such relative lives on the land as a member of the family;
 - (iv) by virtue of any assignment or transfer made for the purpose of defeating distress:

Provided that where the person taxed or an occupier whose tenancy or occupancy existed at the time of the completion of the assessment roll, or the taxable person (as the case may be) is not in possession, goods or chattels on the land not belonging to him shall not be subject to seizure, and the possession by an occupier of the said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him.

(2) No distress shall be made upon the goods or chattels of an occupier for any taxes which were not first ascertained during the period of his tenancy or occupancy of the land assessed.

(3) No goods in the possession of any person for the purpose only of storing or warehousing or of selling the same upon commission or as agent, shall be levied upon or sold for such taxes.

(4) Any goods or chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of an occupier or of a taxable person.

(5) The person who claims such exemption shall select and point out the goods and chattels as to which he claims exemption.

330. Goods in the hands of a receiver for the general benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order or thereafter charged upon the premises while the receiver or liquidator occupies the premises or while the goods remain thereon.

331. If at any time after the mailing of the tax notice and before the expiration of the time allowed before levy by distress can be made, the secretary-treasurer has reason to believe that any person in whose hands are goods or chattels subject to distress is about to move the goods or chattels out of the municipal district and if he makes affidavit to that effect before any justice of the peace the justice may issue a warrant to the secretary-treasurer authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the secretary-treasurer may levy accordingly.

332. The costs chargeable in respect of any distress and levy shall be those payable to bailiffs under *The Distress Act*.

333. Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff of any court or is claimed by or in possession of any assignee for the benefit of creditors or liquidator or of any trustee or authorized trustee in bankruptcy or where such property has been converted into cash and is undistributed, it shall be sufficient for the secretary-treasurer to, and he shall, give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy shall pay the amount of the same to the secretary-treasurer in preference and priority to any other and all other fees, charges, liens or claims whatsoever.

334. The secretary-treasurer shall by advertisement posted up in at least three public places in the municipal district near to the distrained property give at least five days' public notice of the time and place of sale and of the name of the person whose property is to be sold and at the time named in the notice the secretary-treasurer shall sell at public auction the goods or chattels distrained or so much thereof as may be necessary.

335. If the property distrained has been sold for more than the amount of the taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus the said surplus shall be returned to the person in whose possession the property was when the distress was made.

336. If the claim is made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant.

337. If the claim is contested the surplus shall be retained by the secretary-treasurer until the respective rights of the parties have been determined by action or otherwise.

338. If any of the taxes mentioned in the roll remain unpaid on the thirty-first day of December in any year and the secretary-treasurer is not able to collect the same he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words "Non-resident" or "Not sufficient property to distrain" or "Instructed by council not to collect" or "Instructed by council to return not collected," or as the case may be.

339. All taxes due on any land withdrawn from a municipal district and included within the limits of a city, town, village, improvement district or other municipal district, shall be transferred to the said city, town, village, improvement district or other municipal district, as the case may be, and thereupon become taxes due and payable to the municipality to which the said lands are transferred.

340. The provisions of *The Tax Recovery Act, 1922*, shall apply to the collection of all taxes remaining unpaid after the first day of July of the year following that in which such taxes were imposed.

SPECIAL PROVISIONS AS TO SCHOOL TAXES.

341.—(1) The council of every municipal district which was a municipal district prior to the first day of March, one thousand nine hundred and eighteen, and every municipal district which passes a by-law as hereinafter mentioned (all

which municipal districts are hereinafter comprised under the term "collecting municipal district"), shall be bound to collect school taxes as is hereinbefore directed.

(2) In any case where the estimate of the board of trustees has not been received before the completion of the tax roll the council shall impose such special rate as will meet the amount of such estimate and shall levy and collect such rate in the same manner as other municipal rates and taxes.

342.—(1) Every by-law providing for the collection of school taxes by the council of a municipal district, shall, at the next general election for municipal councillors after the date of the passing thereof, be submitted to a vote of the proprietary electors of the municipal district, and shall not come into force until it receives thereat the approval of two-thirds of the proprietary electors voting thereon.

(2) The council of any municipal district may at any time after the expiration of three years from the date of a change in the method of levying and collecting school taxes revert to the former method of levying and collecting such taxes by a by-law passed in the same manner and approved by two-thirds of the proprietary electors voting thereon.

(3) The council of every municipal district may of its own motion, pass a by-law providing for the collection of school taxes by it, and shall pass such by-law upon receipt of a petition signed by at least twenty per cent. of the proprietary electors of the municipal district.

343.—(1) Every collecting municipal district may cease to be such by means of a by-law passed in the same manner and approved by the same majority as hereinbefore provided for, and from time to time may pass by-laws so as to become a collecting municipal district, or to cease to be a collecting municipal district:

Provided that no by-law shall be submitted to the proprietary electors until after the lapse of three years from the date of the passing of the prior by-law.

(2) Taxes imposed by a municipal district for school purposes shall in the event of a subsequent contrary by-law being passed as aforesaid become and be payable to and collectable by the school district, and all taxes imposed by the school district directly whether before or after the establishment of the municipal district, shall during the time for which the municipal district shall have undertaken by by-law as aforesaid the imposition and collection of the school taxes of such school district, be payable to and collectable by the municipal district.

344.—(1) The Minister may by order withdraw all rural school districts situated wholly or partly within a municipal district from the jurisdiction of such municipal district, and where such order is made the school taxes in such school districts shall be levied and collected by such school districts under the provisions of *The School Assessment Act*.

(2) In case such order is made where there are school taxes outstanding from assessments levied by the municipal district, such taxes shall become due and payable to the said school districts in the same way as if they had been levied by such districts under the provisions of *The School Assessment Act*, and the said order shall make provision for the necessary returns showing all such taxes, and for an adjustment of all liabilities of such school districts as between them and the municipal district concerned.

345.—(1) The council shall pay to each rural school district the amount of the estimate duly transmitted by the trustees of a school district under the provisions of *The School Assessment Act*, in quarterly instalments commencing the thirty-first day of March in each year; provided, however, that in any case where the quarterly instalment is not sufficient to meet the immediate requirements of the school board, the council shall be required to pay to the school board on demand the additional amount required.

(2) In the event of the council failing to pay to any rural school district the amount required from time to time for school purposes, such amount shall become a debt due, owing and payable by the municipal district to such rural school district:

Provided, however, that such debt may not be recovered by suit at law unless permission to enter such suit is granted by the Minister of Education.

346. In order to meet the estimated expenditure of any school district duly transmitted to the secretary-treasurer of a municipal district under the provisions of *The School Assessment Act*, the council of every municipal district shall have borrowing powers similar to those possessed by it to meet the current expenditure of the municipal district, but the amount so borrowed for any such school district and outstanding under this section, with the amounts paid to such school district from taxes collected for the current year, shall not exceed the amount requisitioned for by such school district for the year in which such amount is borrowed, and the amount so borrowed under this section shall be by way of additional security a first charge against taxes which are collected for any such school district for the year in which such amount is borrowed, and the municipal district shall retain out of the said taxes a sum sufficient to repay the said amount.

347. In every year all taxes collected by the municipal district for school purposes and all moneys borrowed by the municipal district under the provisions of the preceding section shall be kept by the municipal district in a separate account and deposited in a chartered bank to the credit or a trust fund to be styled "School Taxes Trust Fund," and shall only be paid thereout to the several rural school districts entitled thereto.

348. Any person or bank lending any sum to a municipal district for the purpose of meeting the estimated expenditure of a school district shall not be bound to establish the necessity for borrowing the same nor to see to the payment of the same by the municipal district into the said school taxes trust fund, nor to the payment out thereof.

PART IX.

MUNICIPAL LOANS.

Temporary Loans.

349. Whenever the council is authorized under the provisions of this Act to levy taxation for any purpose, it may either before or after the passing of the resolution authorizing the rate of such taxation, by promissory note or notes, under the seal of the municipal district duly attested by the signatures of the reeve and the secretary-treasurer, borrow such sums as the council deems necessary to expend in carrying out such purpose, until such time as the taxes levied therefor can be collected.

350. The amount so borrowed shall be, by way of additional security, a first charge upon the taxes which are collected for the purpose for which it is borrowed, for the year in which the borrowing takes place, and the municipal district shall retain out of the said taxes a sum sufficient to repay the said amount.

351. When any such borrowing takes place to meet the current ordinary expenditure of the municipal district, the total amount so borrowed and outstanding shall not exceed sixty per cent. of the total taxes levied by the municipal district to meet such expenditure.

352. Any person lending any sum to a municipal district or the council of a municipal district under this section shall not be bound to establish the necessity for borrowing the sum, nor to the payment out thereof.

Debentures.

353. If the council desires to effect a loan (other than a temporary loan hereinbefore provided for) for any authorized purpose it shall pass a by-law for that purpose.

354. Such by-law shall be in the form prescribed by the Public Utility Commissioners, or to like effect, and shall be under the seal of the municipal district.

355. Before any such by-law is finally passed it shall be submitted to a vote of the proprietary electors and receive the approval of two-thirds of the proprietary electors voting thereon.

356. The council shall by resolution fix the time for holding such poll, appoint a returning officer, divide the municipal district into polling divisions and name a polling place in each of the said polling divisions and a deputy returning officer therefor and appoint the time and place when and where the returning officer shall sum up the votes given for and against the by-law.

357.—(1) The polling place for any polling division shall be within the same or within a city, town or village bordering thereon.

(2) A special polling place may be provided for in any city, town or village bordering on the municipal district, if at least five electors qualified to vote in that division reside within such city, town or village.

358. If the council deems it advisable such poll may be held on the day herein fixed for the election of councillors.

359. The ballot papers for voting on the by-laws shall be in form FF of the schedule to this Act.

360. Notice of the poll shall be posted up at least fourteen clear days before the date of voting in at least two widely separated conspicuous places in each polling division of the municipal district and also in all post offices, if any, within the municipal district, and every such notice shall be in the form prescribed by the Minister.

361. At the day and hour fixed by the said notice a poll shall be taken in each polling division of the municipal district, and all proceedings thereat and preliminary and subsequent thereto, and for the purpose thereof including a recount shall be conducted in the same manner as nearly as may be as at an election for councillors.

362. On the application of any person interested in promoting or opposing the by-law the reeve shall authorize the attendance of two persons on behalf of the party applying at each polling place and at the final summing up of the votes but no more than two such persons on each side shall be so authorized.

363.—(1) Every proprietary elector shall vote once only on the by-law.

(2) Every proprietary elector who is not resident in the municipal district shall vote in the electoral division in which the land in respect of which he becomes qualified as a proprietary elector is situated.

(3) If he is qualified in respect of land in more than one electoral division then he shall vote only in that division which he has selected by notice in writing given to the secretary-treasurer before casting his ballot.

(4) Such notice may be deposited with the deputy returning officer for the secretary-treasurer.

(5) Any elector who has given the notice mentioned in the preceding subsection shall be bound thereby as long as he remains qualified as a proprietary elector in respect of land in the electoral division which he has designated in the notice.

364. The returning officer shall at the time and place appointed by the council and in the presence of those authorized to attend or such of them as may be present count and sum up the number of votes for and against the by-law, and shall then and there declare the result and forthwith certify to the council under his hand whether or not two-thirds of the proprietary electors who have voted on the by-law, approved of the same.

365. In the event of a recount not being duly applied for the secretary-treasurer of the municipal district shall forthwith forward to the Board of Public Utility Commissioners—

- (a) a certified copy of the by-law under the seal of the municipal district;
- (b) a statutory declaration showing all the assessable property in the municipal district and the assessed value thereof as shown by the assessment roll;
- (c) a certified copy of the returning officer's statement of the result of the poll—

and in the event of a recount being applied for the secretary-treasurer after such recount has been held shall transmit to the Board of Public Utility Commissioners the aforesaid documents together with a certified copy of the written statement of the judge as to the result of such recount.

366. Upon receipt of the several documents referred to in the next preceding section and upon being satisfied that the several requirements of this Act have been substantially complied with the Board of Public Utility Commissioners may in writing authorize the council to borrow by way of debenture the sum or sums of money mentioned in the by-law or any less sum.

367. Notice of such authorization shall be published in *The Alberta Gazette* and such notice shall be conclusive evidence of the authorization of the loan and of due compliance with all the provisions of this Act as to the steps to be taken prior to such authorization.

368. Whenever the council of any municipal district is authorized by the Board of Public Utility Commissioners to borrow any sum of money the council may thereupon issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorized or of any less sum upon the terms specified in the by-law.

369. The debenture or debentures when signed by the reeve and the secretary-treasurer of the municipality and sealed with the corporate seal thereof and the coupons there-to attached bearing the signatures of the reeve and treasurer of the municipal district, shall when the Minister or his deputy shall have countersigned the debenture as hereinafter provided be sufficient, notwithstanding anything in this Act to the contrary, to bind the municipal district and create a charge or lien upon all municipal property and rates and taxes in the municipal district.

370. The signatures of such coupons may be engraved or lithographed.

371. Every debenture issued by the council of any municipal district may be in the form set out in form GG of the schedule hereto or to like effect, and may with the approval of the Minister provided, be in any other form and may, with the like approval, provide for the payment of principal and interest at any other time or times and in other manner.

372. Any debenture or coupons for the interest thereof, issued under the provisions of this Act may be made payable in gold or of its equivalent in lawful money of Canada, Great Britain, or of the United States of America, at a bank to be named in any part of Great Britain, the United States of America or Canada.

373. A debenture for the full amount or for a less amount than that mentioned in the by-law or a series of debentures aggregating such full amount or aggregating a less amount than is so mentioned may be issued, but whenever a series of debentures is so issued of the same denomination at the same time each of the series shall be distinguished by a mark or symbol different from the mark or symbol on the other debentures of the same issue, and the said mark or symbol respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

374. The total face value of all debentures issued by any municipal district shall not be greater than five per cent. of the assessed value of the property assessed in the municipal district as shown by the last revised assessment roll thereof.

375. Debentures shall not carry interest at a greater rate than six per cent. per annum.

376. Debentures issued to pay for the construction of iron or steel bridges or concrete culverts shall not, except as in the next succeeding sections provided, run for a longer period than thirty years and other debentures shall not, except as so provided, run for a longer period than twenty years and may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in *The Alberta Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture.

377. In the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture as provided in the next preceding section such debenture may run for such longer term than twenty years as may be necessary to allow of repayment of the loan in nineteen years from the date of the payment of the first instalment of principal and interest or for such longer term than thirty years as may be necessary to allow of repayment of the loan in twenty-nine years from the date of the payment of the first instalment of principal and interest according as the debenture is for twenty or thirty years.

378. If with the approval of the Minister debentures are made payable other than by equal consecutive annual instalments the debenture may run for eighteen months longer than twenty years from the date of the debenture, or than thirty years from the date of the debenture, according as the debenture is for twenty or for thirty years.

379. Every debenture before being issued by the council shall be sent for registration to the Minister who shall cause a proper record to be kept of the same.

380. The Minister or his deputy shall thereupon if satisfied that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn, register and countersign the debenture and such countersigning by the Minister or his deputy shall be conclusive evidence that the municipality has been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be open to question in any Court; but the same shall be a good and indefeasible security in the hands of any *bona fide* holder thereof.

381. The secretary-treasurer of every municipal district shall open and keep a book to be known as "The Debenture Register," which shall be in such form as is prescribed by the Minister and in which shall be entered full particulars of every debenture issued by the municipal district.

PART X.

ACTIONS BY AND AGAINST MUNICIPAL DISTRICTS.

382. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities the municipal district shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General as plaintiff or as plaintiff upon the relation of any person interested.

383. In case a by-law, order or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the municipal district, and every such action shall be brought against the municipal district alone and not against any person acting under the by-law, order or resolution.

384.—(1) In case the municipal district tenders amends to the plaintiff or his solicitor if such tender is pleaded and if traversed, proved and no more than the amount tendered is recovered the plaintiff shall have no costs; but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases.

(2) The council of any municipal district upon any claim being made or action brought for damages for alleged negligence on the part of the municipal district may tender or pay into Court, as the case may be, such amount as it may consider proper compensation for the damage sustained; and in the event of the non-acceptance by the claimant of such tender or of the amount paid into Court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into Court, the costs of suit shall be awarded to the defendant and set off against any amount recovered against it.

EXECUTIONS AGAINST MUNICIPAL DISTRICTS.

385. Any writ of execution against a municipal district may be indorsed with a direction to the sheriff of the judicial district in which the district is wholly or mainly situated to levy the amount thereof by rate and the proceedings thereon shall be as follows:

- (a) The sheriff shall deliver a copy of the writ and endorsement to the secretary-treasurer with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;
- (b) In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the municipal district and shall in like manner as rates are struck for general municipal purposes strike a rate sufficient to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;
- (c) The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the secretary-treasurer and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the municipal district had neglected to satisfy the same and referring to the roll annexed to the precept, command the secretary-treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;
- (d) At the time for levying the annual rates next after the receipt of such precept the secretary-treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the Municipal District ofNo.....(*as the case may be*)" adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time that is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;
- (e) The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary-treasurer for the general purposes of the municipal district;
- (f) In case the secretary-treasurer of any municipal district against which an execution has issued is not paid by percentage fixed by by-law he shall be paid for such collections a sum not exceeding two and one-half per cent.;
- (g) The secretary-treasurer and the assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provision of this Act with respect to such execution be deemed to be officers of the Court from which such writ issued and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

PART XI.

PENALTIES.

ELECTION OFFENCES.

386.—(1) No person shall—

- (a) without due authority supply any ballot paper to any person; or
- (b) fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (c) fraudulently take out of the polling place any ballot paper; or
- (d) without due authority, destroy, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of election; or
- (e) apply for a ballot paper in the name of some other person whether that name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person to so do; but this provision shall not be construed as including a person who applies for a ballot paper believing he is the person intended by the name entered on the voters' list in respect of which he so applies; or
- (f) having once voted and not being entitled to vote again at the same election apply for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

387. Any person who violates any of the provisions of the immediately preceding section shall be liable on summary conviction before a police magistrate or two justices of the peace if he is, the returning officer or deputy returning officer to imprisonment for any term not exceeding two years with or without hard labour and if he is any other person to imprisonment not exceeding six months with or without hard labour or to a fine not exceeding five hundred dollars or to both.

388. Every returning officer, deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of the provisions of this Act shall in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of two hundred dollars.

389.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, agent or other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information at such counting obtained as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

390. Every person who violates any of the provisions of the immediately preceding section shall be liable on summary conviction to imprisonment for any term not exceeding six months with or without hard labour.

391. Every voter who displays his ballot paper after he has marked on the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars.

392. Any person subscribing to the declaration of an elector as set out in form T of the schedule hereto and who thereby makes any false statement shall, unless he can prove he did not know such statement to be false, be guilty of an offence and liable on summary conviction to a penalty not exceeding twenty dollars.

393. Every deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper as hereinbefore directed shall forfeit to any person aggrieved by such refusal or omission the sum of one hundred dollars in respect of every ballot paper placed in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid.

394. Any person who votes oftener than he is entitled to do under the provisions of this Act shall be liable on summary conviction to a penalty of fifty dollars.

395. Any person who, being required by the provisions of this Act to select a division by notice in writing, votes in a division which he has not so selected, shall be liable on summary conviction to a penalty of not less than five and not more than twenty-five dollars.

396. Any nominated person who signs an acceptance containing any false statement shall be liable upon summary conviction to a fine not exceeding fifty dollars, together with the costs of the proceedings; and in case any person so convicted has been elected a member of the council, his office shall forthwith become vacant.

OFFENCES BY COUNCILLORS.

397. Any member of the council holding, enjoying, undertaking, or executing any contract or agreement the holding, enjoying, undertaking or executing of which is declared by the provisions of this Act to make the seat of such member liable to forfeiture, or any member of the council acting as surety for any officer or employee of the council, shall be guilty of an offence and liable on summary conviction thereof before a justice of the peace to a penalty of not less than ten dollars and not more than one hundred dollars and costs.

398. Any member of a council who spends or authorizes the expenditure of any funds of the municipal district upon or with respect to any public work in the municipal district or for the supplying of any material or labour for such work, unless he has first been empowered to do so by by-law or resolution of the said council, shall for every offence, in addition to being liable for a civil action instituted against him by the municipal district or any ratepayer thereof, be liable upon conviction to a fine of not less than ten dollars nor more than one hundred dollars and costs, and in default of payment to imprisonment for a term not exceeding two months:

Provided that a councillor shall not be liable under this section for authorizing work of an emergent nature which is subsequently ratified by the council.

OFFENCES BY OFFICIALS.

399.—(1) Any secretary-treasurer who refuses or neglects to prepare the municipal voters' list as provided in this Act or who neglects or fails to enter on the said list the name of any person whose name appears on the last revised assessment roll of the municipal district or who neglects or fails to enter in the said list any other particular as provided in this Act or who enters in the said list the name of any person that does not appear in the said roll or who refuses, fails or neglects to revise the said list in any particular

as herein provided shall for each such refusal, neglect or failure be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

(2) The provisions of this section shall apply to the preparation of any copy of the said list which by the provisions of this Act the secretary-treasurer is required to prepare.

400. Any secretary-treasurer or other officer of a municipal district who refuses, neglects or fails to discharge the duties of his office or who knowingly signs any false statement, report or return required by this Act or any law in force in the Province or who refuses or neglects to hand over to his successor in office or such persons as may be designated in writing to him by the council or by the Minister, all moneys, books, papers and other property of the municipal district in his possession in addition to any civil liability which he may incur shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding fifty dollars.

401. If any assessor makes a fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered thereon or wilfully or fraudulently omits the name of any person who should be inserted therein or wilfully neglects any duty required of him by this Act, he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars.

402. Every inspector appointed by the municipal district in accordance with the provisions of *The Noxious Weeds Act* who refuses or neglects to perform any duty placed upon him by the said Act or by the council, shall be liable, on summary conviction, to a penalty of not less than ten dollars nor more than fifty dollars.

Miscellaneous.

403. Any person who refuses on demand to give the assessor all information necessary to enable him to make up the assessment roll, or who wilfully furnishes the assessor with false information, shall be liable on summary conviction to a penalty not exceeding ten dollars.

404. Every person who interrupts, hinders or molests any person while engaged under the authority of the municipal district in making an examination for, or in constructing, maintaining or repairing any public work or any works connected therewith on any land, shall be guilty of an offence, and, upon summary conviction thereof, liable to a penalty not exceeding fifty dollars and costs, or to imprisonment for a period not exceeding thirty days, or to both.

405. All fines, penalties and forfeitures mentioned in this Act may be recovered and enforced with costs on summary conviction before a justice of the peace unless otherwise provided.

406. All moneys accruing from fines or penalties under this Act otherwise than from violations of municipal by-laws shall unless otherwise provided belong to the general revenue fund of the Province of Alberta.

407. *The Municipal District Act*, being chapter 110 of the Revised Statutes of Alberta, 1922, is hereby repealed.

408. This Act shall come into force on the.....day of.....19....

No. 35.

FIFTH SESSION
FIFTH LEGISLATURE
15 GEORGE V
1925

BILL
An Act respecting Municipal
Districts.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. GREENFIELD.

EDMONTON:
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A.D. 1925