

BILL

No. 40 of 1926.

An Act to amend The Village Act.

(Assented to _____, 1926.)

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

1. This Act may be cited as "*The Village Act Amendment Act, 1926.*"

2. *The Village Act*, being chapter 109 of the Revised Statutes of Alberta, 1922, is amended as to section 73 thereof by striking out subsection (7).

"(2a) Any sum of money borrowed under the provisions of the preceding paragraph, shall be, by way of additional security, a first charge upon the taxes which are collected for the year in which such amount is borrowed, and the village shall retain out of the said taxes a sum sufficient to repay the said amount."

3. Section 75 of the said Act is amended by adding thereto as paragraph 2a immediately after paragraph 2 thereof, the following:

4. Sections 79, 80, 81 and 82 of the said Act are hereby struck out and the following substituted therefor:

"**79.**—(1) The council of every village shall, subject to the other subsections of this section, 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 village may in cases of sudden and urgent necessity make similar provisions for indigent and indigent sick persons who are temporarily within the village, but are not resident therein.

"**80.**—(1) For the purposes of this section—

"(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 village for at least three successive months during the six months immediately prior to the date of his receiving assistance from the council.

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

“(3) Such written order may be dispensed with in respect of medical advice, attendance or medicines given by a medical practitioner at a first visit, if the medical practitioner concerned certifies that the case was, or that he was informed that the case was, one of sudden and urgent necessity.

“(4) The liability of the council for the hospital treatment of indigent sick persons shall be governed by the provisions of *The Hospitals Act*.

“81.—(1) 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.

“(2) Where the council, under the provisions of this section, assists any indigent or causes any indigent sick person to be treated, otherwise than in a hospital, who is not a resident of the village, then the city, town, municipal district or other village 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.

“82.—(1) The value of any assistance given under the provisions of this Act shall constitute a debt due to the village from any person for whose relief it was paid or who was legally responsible for the maintenance of the person for whose relief 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 village 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.

“(2) The village shall have a charge upon the lands owned by any such person and situate within the Province for the expenses incurred under this section, and may lodge a caveat for the protection of such charge in the proper Land Titles Office.

5. Section 87a is added to the said Act as follows:

"87a.—(1) Whenever any council desires to expropriate any land for use as a highway, street or road, it may pass a by-law for that purpose, and may enter into and upon such land, 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 so entered upon 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.

"(3) Such plans shall be certified by the surveyor in the form set out in form A of the schedule hereto, and shall be certified by the secretary-treasurer in form B 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 village, another in the proper Land Titles Office, and the third 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.

"(4) Upon the filing in the Land Titles Office of the plans of survey the lands shown on such plans shall vest 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 to compensation as provided for herein.

"(5) 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.

"(6) 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.

"(7) Within thirty days of the filing of the plans the council of the village 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 compensation notice setting forth the compensation which it 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 village 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.

“(8) If any person entitled to compensation for lands so taken is dissatisfied with the amount offered therefor, he shall within two months from the date of the mailing of the compensation notice inform the secretary-treasurer in writing of such dissatisfaction, stating the amount he claims as compensation, and the facts in support of his claim.

“(9) In the event of no such claim for increased compensation being received by the secretary-treasurer 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 compensation notice.

“(10) The council 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.

“(11) The claimant, if dissatisfied with the decision of the council, may within sixty days after being notified as aforesaid of such decision give notice in writing to the secretary-treasurer, either personally or by registered letter, that he will submit the claim to arbitration, and the said claim shall thereupon be submitted to arbitration by an arbitration board consisting of two arbitrators, one to be appointed by the claimant and one by the council, and the arbitrators shall otherwise be governed by the provisions of *The Arbitration Act*.

“(12) The claimant shall, with the notice of submission to arbitration, deposit with the secretary-treasurer of the village, 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, but in double the amount of such money deposit.

“(13) If the claimant does not so notify the secretary-treasurer and make the required deposit within the appointed period, he shall be deemed to have accepted the council's decision, and shall not thereafter be at liberty to question it.

“(14) The only costs allowable upon any arbitration under this section shall be the arbitrators and witnesses' fees.

“(15) All allowable costs and expenses shall be in the discretion of the arbitrators; and in the event of costs being awarded against the claimant the council of the village shall be entitled to deduct the costs of the village 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.

“(16) In the event of the claimant not being required to pay the costs of the village incurred in the arbitration, the full amount deposited by him shall be returned to him or the bond delivered up to be cancelled.

“(17) In estimating the amount to which the person divested of any land is entitled, the arbitrators shall consider and find separately 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."

6. A schedule is added to the said Act as follows:

"SCHEDULE.

"FORM A.

"(Section 87a.)

"SURVEYS.

"I, (*name of surveyor*), of the (*place of residence*), Alberta Land Surveyor, make oath and say:

"That the survey represented by this plan has been made by me in accordance with the provisions of *The Alberta Surveys Act*;

"That this survey was performed between the dates ofand.....A.D. 19..., and that this plan is correct and true and is prepared in accordance with the provisions of *The Land Titles Act*.

"Sworn before me at the.....	} <i>Alberta Land Surveyor.</i>
of.....in the Prov-	
ince of Alberta, this.....	
day of....., 19...	
.....	
A Commissioner, etc."	



"FORM B.

"(Section 87a.)

"SURVEYS.

"I hereby certify that the survey represented by this plan has been made according to the instructions of the council of the Village of.....under the provisions of *The Village Act*.

.....
Secretary-Treasurer."

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

No. 40.

SIXTH SESSION
FIFTH LEGISLATURE
16 GEORGE V
1926

BILL

An Act to amend The Village Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. REID.

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
A.D. 1926.