

BILL

No. 29 of 1930.

An Act to amend The Town Act, 1927.

(Assented to _____, 1930.)

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 Town Act, 1927, Amendment Act, 1930.*"

2. *The Town Act, 1927*, being chapter 55 of the Statutes of Alberta, 1927, is amended as to section 32 thereof, by adding thereto the following subsection:

"(2) In the event of it being necessary to elect at a general election, a person or persons to fill casual vacancies on the council, the candidate or candidates next in order of votes to the councillors elected under the provisions of the preceding subsection, shall be elected to fill the vacancy or vacancies and the candidate having the greater number of votes shall hold office for the longer period (if any)."

3. Section 60*a* is added to the said Act, immediately after section 60 thereof, as follows:

"**60*a.*** The council may, by by-law, appoint inspectors to carry out and enforce the provisions of *The Noxious Weeds Act, 1929.*"

4. Section 241*a* is added to the said Act, immediately after section 241, as follows:

"**241*a.***—(1) For the purpose of enabling electors, who have reason to believe that they will be necessarily absent from their places of residence on the day fixed for the election, to vote at an election held in the electoral division in which such electors reside, the returning officer shall upon direction of the council establish one special polling place to be known as an 'Advance Poll' in a central location in the town in which advance poll votes may be given by electors resident in any portion of the town.

"(2) An advance poll shall be open and shall only be open between the hours of four and five, in the afternoon of the Friday and Saturday of the week preceding that of the election.

"(3) Except as in this section provided, an advance poll shall be conducted and all things done in respect thereof in the same manner as is provided by this Act for the conduct of an election.

“(4) The returning officer shall publish the place, dates and time fixed for the holding of an advance poll in form I.

“(5) A qualified elector whose name appears on the list and who deems it necessary to vote at an advance poll may at any time after the voters’ list has been posted, apply in person to the returning officer for an ‘Advance Poll Voting Certificate’ which shall be in the following form:

‘CERTIFICATE TO VOTE AT ADVANCE POLL.

‘This is to certify that (*name, address and occupation as in voters’ list*) is a qualified voter in the town of.....but on account of his having reason to believe that he will be necessarily absent on the day fixed for the election, he is entitled to vote at the advance poll.

‘Dated at....., this.....day of 19....

.....
‘Returning Officer.’

“Such certificate shall be given by the returning officer if the applicant’s name appears on the list of voters and upon the granting of such certificate the returning officer shall mark opposite the name of such elector, on the voters’ list, the words ‘Advance Poll.’

“(6) An elector presenting a certificate and applying to vote at an advance poll, before being permitted to do so shall be required by the presiding officer, and in addition to any other oath which may be required of voters under this Act, to make and sign the following declaration which shall be attached to the certificate and kept by the presiding officer with the other records of the poll:

‘DECLARATION OF AN ELECTOR VOTING AT AN ADVANCE POLL.

‘I, (*name, address and occupation as on certificate*) do hereby declare that my name, residence and occupation are correctly set out herein; that I personally applied for and obtained the advance poll certificate now presented and bearing my name; and that I believe that it will be necessary for me to be absent from the place where I am entitled to vote at this election on election day.

.....
‘Name of Elector.’

‘Witness.....

.....
‘Presiding Officer.’

“(7) Any person who corruptly—

“(a) for the purpose of obtaining from the returning officer an advance poll certificate makes to such officer any false statement; or

“(b) forges or fabricates any such certificate or any name thereon, or not being the person named thereon presents any such certificate to any presiding officer or poll clerk at any poll; or

“(c) makes before any presiding officer a false declaration as to any statement contained therein; or

“(d) after having obtained an advance poll certifi-

cate, votes or attempts to vote at any other than the advance poll; or

“(e) in any other manner contravenes any of the provisions of this section—

shall be guilty of an offence against this Act and shall be liable on summary conviction to a penalty of not more than one hundred dollars.

“(8) The presiding officer at an advance poll shall record in the poll book supplied for the recording of all such votes in a column headed ‘Remarks’ after the name of each person who votes, a notation that he has signed the declaration referred to in subsection (6) hereof.

“(9) At the close of an advance poll on each day, the presiding officer, and also any candidate or agent of a candidate present who desires to do so shall affix their seals to the ballot box in such a manner that the same cannot be opened or any ballot be deposited in it without breaking such seals.

“(10) The presiding officer shall at all times after the opening of the advance poll take every precaution to prevent any person, other than an official at the poll, during the polling, to have access to the ballot box, and no seals placed thereon shall be removed between the opening of the advance poll and the time fixed for the closing of the polls on election day, except only at the opening of the advance poll on the second and third days’ polling, and then only such seals shall be removed as may be necessary to permit the insertion of ballots in the ballot box.

“(11) At the close of an advance poll on the third day the presiding officer and also any candidate or agent of a candidate present who desires to do so shall affix their seals to the ballot box in such a manner that the same cannot be opened or any ballots be deposited in it without breaking such seals, and the presiding officer shall take charge of and safely keep such ballot box until the closing of the poll on election day.”

5. Section 289*a* is added to the said Act, immediately after section 289, as follows:

“~~289~~*a*.—(1) Buildings erected by a tenant upon land leased by a railway company, whether affixed or not, shall be considered as land for the purposes of assessment, and shall be separately assessed at the same rate as improvements affixed to land.

“(2) The name of every such tenant shall be placed upon the assessment roll as owner of the buildings.

“(3) Every such tenant shall, whether his name appears on the assessment roll or not, pay taxes upon the assessed value of the buildings, at the rates lawfully imposed thereon, irrespective of the amount or nature of his interest therein.”

6. Section 292 of the said Act is amended as to subsection (6) thereof, by striking out the word “resolution” wherever it occurs therein, and substituting therefor the word “by-law.”

7. Section 304 of the said Act is amended as to subsection (1) thereof, by adding at the end of the second proviso thereto, the following words "unless the assessment of his property is changed."

8. Section 305 of the said Act is amended by adding thereto, as subsection (2) thereof, the following:

"(2) In every year in which the assessor makes his assessment by adopting the assessment of the previous year, he shall re-assess all parcels, the value of which has been lessened by the destruction of buildings or improvements thereon or the decrease in the value thereof from some other cause than fair wear and tear or the value of which has been increased owing to the erection, completion or substantial repair of buildings or improvements thereon."

9. Section 313 of the said Act is amended—

- (a) by striking out the words "District Court" where they occur therein and substituting therefor the words "Alberta Assessment Commission"; and
- (b) by striking out the word "judge" where it occurs therein and substituting therefor the word "Commission."

10. Section 315 of the said Act is amended by striking out the words "judge of the District Court of any judicial district in which the town is wholly or partly situated," and substituting therefor the words "Alberta Assessment Commission."

11. Section 316 of the said Act is amended—

- (a) by striking out the words "The District Court judge so appealed to," and substituting therefor the words "The Alberta Assessment Commission"; and
- (b) by striking out the word "he" wherever it occurs therein, and substituting therefor the word "it."

12. Section 319 of the said Act is amended by striking out the words "a District Court judge as is provided in this Part," and substituting therefor the words "the Alberta Assessment Commission."

13. Section 330 of the said Act is amended—

- (a) by striking out the words "to a District Court judge," and substituting therefor the words "to the Alberta Assessment Commission"; and
- (b) by striking out the words "by the Assessment Equalization Board," and substituting therefor the words "by the Alberta Assessment Commission"; and
- (c) by striking out the word "board," and substituting therefor the word "Commission."

14. Section 331 of the said Act is amended as to subsection (2) thereof, by striking out the words "to a judge," and substituting therefor the words "to the Alberta Assessment Commission."

15. Section 332 of the said Act is amended—

- (a) as to subsection (1) thereof, by striking out the words "to a judge," and substituting therefor the words "to the Alberta Assessment Commission"; and
- (b) as to subsection (2) thereof, by striking out the word "judge," and substituting therefor the word "Commission"; and
- (c) as to subsection (3) thereof, by striking out the words "a court," and substituting therefor the words "a sitting."

16. Section 333 of the said Act is amended by striking out the words "to the judge," and substituting therefor the words "to the Alberta Assessment Commission."

17. Section 334 of the said Act is hereby repealed and the following substituted therefor:

"334. The Commission or any member thereof in hearing appeals under the provisions of this Act may nominate a person to act as clerk."

18. Section 335 of the said Act is amended by striking out the words "The judge," and substituting therefor the words "The Alberta Assessment Commission."

19. Section 336 of the said Act is amended by inserting after the words "The secretary-treasurer" the words "when summoned by the Commission."

20. Section 338 of the said Act is amended—

- (a) by striking out the words "the judge," and substituting therefor the words "the Alberta Assessment Commission"; and
- (b) by striking out the word "his," and substituting therefor the word "its"; and
- (c) by striking out the words "which belong to or may be exercised by him, as a judge of the District Court," and substituting therefor the words "which belong to or may be exercised by a judge of the District Court."

21. Section 340 of the said Act is amended—

- (a) by striking out the words "a judge," and substituting therefor the words "the Alberta Assessment Commission"; and

- (b) by striking out the words "the judge" and substituting therefor the word "it."

22. Section 342 of the said Act is hereby repealed and the following substituted therefor:

"**342.** All costs of proceedings before the Commission shall be paid or apportioned between the parties in such manner as the Commission may direct, and payment thereof may be enforced in the same manner as upon an ordinary judgment for costs in a District Court."

23. Section 344 of the said Act is amended by striking out the words "the judge," and substituting therefor the words "the Alberta Assessment Commission."

24. Section 345 of the said Act is amended by striking out the words "a District Court judge," and substituting therefor the words "the Alberta Assessment Commission."

25. Section 355 of the said Act is amended—

- (a) by striking out the words "a judge," and substituting therefor the words "the Alberta Assessment Commission"; and
- (b) by striking out the word "judge," and substituting therefor the word "Commission."

26. Section 358 of the said Act is amended as to subsection (4) thereof, by striking out of the proviso thereto, the figures "15," and substituting therefor the figures "29."

27. Section 363 of the said Act is amended—

- (a) by striking out subsection (2) thereof; and
- (b) by striking out of subsection (3) thereof, the words "under the provisions of the next preceding section" and substituting therefor the words "under the provisions of *The School Act*."

28. Section 366 of the said Act is amended by striking out of subsection (4) the word "assessor," and substituting therefor the word "secretary-treasurer."

29. Form BB in the schedule to the said Act is amended by striking out the word "assessor" wherever it occurs therein, and substituting therefor the word "secretary-treasurer."

No. 29.

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act to amend The Town Act, 1927.

Received and read the

First time

Second time

Third time

HON. MR. REID

EDMONTON:
W. D. McLEAN, KING'S PRINTER
A.D. 1930