

BILL

No. 30 of 1930.

An Act to amend The Village 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 Village Act, 1927, Amendment Act, 1930.*"

2. *The Village Act, 1927*, being chapter 54 of the Statutes of Alberta, 1927, is amended as to section 14*a*, subsection (4), by adding thereto, as paragraph (g), the following:

"(g) the council shall not be required to make provision for the maintenance or partial maintenance of its indigent residents, or for their care and treatment when sick."

3. Section 61*a* is added to the said Act, immediately after section 61 thereof, as follows:

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

4. Section 188*a* is added to the said Act, immediately after section 188, as follows:

"188*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 village, in which advance poll votes may be given by electors resident in any portion of the village.

"(2) An advance poll shall be open and shall only be open between the hours of four and five o'clock 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 L.

“(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 village 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 certificates 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 returning 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 returning 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
“ ‘*Returning 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 therein presents any such certificate to any returning officer or poll clerk at any poll; or
- “(c) makes before any returning officer a false declaration as to any statement contained therein; or
- “(d) after having obtained an advance poll certificate, 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 returning 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 returning 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 returning 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 day’s 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 returning 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 returning officer shall take charge of and safely keep such ballot box until the closing of the poll on election day.”

5. Section 246 of the said Act is amended as to subsection (2) thereof, by adding at the end thereof, the words “or the value of improvements shall not be included in the said value.”

6. Section 246a is added to the said Act, immediately after section 246, as follows:

“246a.—(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.”

7. Section 247 of the said Act is amended by adding at the end thereof the words "or to provide for the non-inclusion of improvements in the said value."

8. Section 258 of the said Act is amended by striking out the words "to a District Court judge," and substituting therefor the words "to the Alberta Assessment Commission."

9. Section 259 of the said Act is amended as to subsection (1) thereof, by adding at the end of the second proviso thereto, the words "unless the assessment of his property is changed."

10. Section 260 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."

11. Section 266 of the said Act is amended—

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

12. Section 268 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 words "to a judge," and substituting therefor the words "to the Alberta Assessment Commission"; and
- (c) as to subsection (3) thereof—
 - (i) by striking out the words "The judge," and substituting therefor the words "The Alberta Assessment Commission"; and
 - (ii) by striking out the word "he" wherever it occurs therein and substituting therefor the word "it."

13. Section 269 of the said Act is amended by adding thereto the following subsection:

"(5) In any year any person may make a similar complaint with respect to the assessment of land in any hamlet on the ground that the buildings and improvements thereon

have been destroyed, or their value has been lessened from some cause other than fair wear and tear, or that owing to the completion or substantial repair of buildings or improvements or the making of additions thereto, their value has been increased."

14. Section 270 of the said Act is amended by striking out the words "to a District Court judge," and substituting therefor the words "to the Alberta Assessment Commission."

15. Section 280 of the said Act is amended as to subsection (3) thereof—

- (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" where it occurs for the second time, and substituting therefor the word "Commission."

16. Section 281 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 (3) thereof, by striking out the words "to a judge," and substituting therefor the words "to the Alberta Assessment Commission."

17. Section 284 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."

18. Section 285 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 words "the judge," and substituting therefor the words "the Alberta Assessment Commission"; and
- (c) by striking out subsection (4) thereof.

19. Section 286 of the said Act is hereby repealed and the following substituted therefor:

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

20. Section 287 of the said Act is amended by striking out the word "judge," and substituting therefor the word "Commission."

21. Section 288 of the said Act is amended by adding after the word "secretary-treasurer" the words "when summoned by the Commission."

22. Section 290 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."

23. Section 292 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."

24. Section 294 of the said Act is hereby repealed and the following substituted therefor:

"**294.** 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."

25. Section 296 of the said Act is amended by striking out the words "the judge," and substituting therefor the words "the Alberta Assessment Commission."

26. Section 297 of the said Act is amended by striking out the words "by a District Court Judge," and substituting therefor the words "by the Alberta Assessment Commission."

27. Section 307 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."

No. 30.

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act to amend The Village 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