

Bill No. 34 of 1933.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT.

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NOTE.

Section 1 of the Bill empowers the council of a district to accept gifts of land from the Government of Canada or from the Soldier Settlement Board, and authorizes the council to dispose thereof as it may decide.

Sections 3, 8 and 9 of the Bill provide that a ballot paper shall be void if it contains votes for fewer as well as for more candidates than there are councillors to be elected.

Section 4 of the Bill restricts the right of voting in the case of a tenant to one who has a certificate signed by the registered owner of the land which he occupies as a tenant.

Section 5 of the Bill makes provision for the appointment of substitute election officials in the event of any official becoming incapacitated after appointment.

Section 6 of the Bill gives every election officer the power to administer an oath which is required to be administered in the course of the holding of any election or the taking of any vote pursuant to the Act.

Section 7 of the Bill provides that upon the due delivery to the secretary or secretary-treasurer of a petition signed by a number of electors equal to fifteen per centum of the number of persons who voted at the last election, requesting that the nomination meeting be held on some other day of the week except Saturday and Sunday, the council shall provide for the holding of that meeting upon the day named in the petition.

Section 10 of the Bill limits the quantity of land exempt from taxation as being used in connection with a hospital to twenty-five acres.

Section 11 of the Bill provides that the council may call a special meeting for the purpose of hearing complaints as to assessments.

Section 12 of the Bill provides—

- (1) for a discount of five per centum upon all payments made on or before the fifteenth day of December on account of taxes which became due and payable in the year in which the payment is made;

- (2) for payment without discount and without penalty in case taxes are paid after the fifteenth day of December of the year in which they became due, and before the first day of July next thereafter; and
- (3) for the addition by way of penalty to any taxes which are not paid on or before the thirtieth day of June in the year following the year in which the same became due and payable of four per centum on the first day of July, and four per centum on the fifteenth day of December in that year and in each succeeding year so long as the taxes remain unpaid.

Section 13 provides that the sheriff or other person who makes the seizure of any goods liable to distress for taxes shall be entitled to deduct the costs of the seizure from the proceeds thereof before paying the taxes.

Section 14 changes the date for the payment of the quarterly instalments payable to a school district from the thirty-first to the fifteenth day of the month.

Section 15 amends forms in the schedule affected by amendments made by this Bill.

R. ANDREW SMITH,  
*Legislative Counsel.*

*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

# BILL

No. 34 of 1933.

An Act to amend The Municipal District Act.

(Assented to \_\_\_\_\_, 1933.)

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

**1.** This Act may be cited as "*The Municipal District Act Amendment Act, 1933.*"

**2.** *The Municipal District Act*, being chapter 41 of the Statutes of Alberta, 1926, is hereby amended by inserting therein, immediately after section 20 thereof, the following new section:

"**20a.** (1) The council may acquire by gift from the Crown in the right of the Dominion of Canada or from the Soldier Settlement Board any lands situate within the boundaries of the municipal district and from any other person lands situate within the boundaries of the district which are at the time of transfer free from all encumbrances whatsoever.

"(2) Any lands acquired pursuant to this section may be disposed of in such manner and at such times as the council may by resolution from time to time decide."

**3.** The said Act is further amended as to section 192 thereof—

(a) by striking out the words "any number of councillors to be elected" where the same occur in subsection (1) thereof, and by substituting therefor the words "as many candidates as there are councillors to be elected";

(b) by striking out subsection (3) thereof and by substituting therefor the following:

"(3) If any person votes for more or fewer candidates than the number of councillors to be elected, his ballot shall be void and shall not be counted."

**4.** The said Act is further amended as to section 195 thereof by striking out subsection (4) thereof and by substituting therefor the following:

"(4) Such tenant shall before voting produce a certificate signed by the registered owner of the land which he occupies as tenant and attested, authorizing the tenant to represent the owner, and shall make and subscribe to an oath in the appropriate Form J in the schedule hereto."

**5.** The said Act is further amended as to section 198 thereof by adding at the end thereof the following new subsection:

“(5) If for any reason a person who has been appointed as returning officer becomes incapable of carrying out his duties, the reeve may appoint, by writing under his hand, any resident elector of the district as returning officer in his place; and in case any person who has been appointed as a deputy returning officer, poll clerk (or other election officer) becomes incapable for any reason of carrying out his duties, the returning officer may appoint any other person in the place of the person so becoming incapable.”

**6.** The said Act is further amended by inserting therein, immediately after section 201 thereof, the following new section:

“**201a.** Every returning officer, deputy returning officer and poll clerk appointed pursuant to this Act is by virtue of his office authorized to administer an oath to any person who makes any declaration, affidavit or other statement under oath authorized or required by this Act in the course of the holding of any election or the taking of any vote pursuant to this Act.”

**7.** The said Act is further amended as to section 202 thereof by inserting therein, immediately after subsection (2) thereof, the following new subsection:

“(2a) If at any time before the meeting of the council held on or immediately before the fourth Monday of November in any year a petition is delivered to the secretary or secretary-treasurer signed by at least as many electors of the district as are equivalent to fifteen per centum of the number of persons who voted at the last election of councillors held in the district, requesting that the nomination meeting be held on some other day of the week except Saturday and Sunday, the council shall by resolution provide for holding that meeting upon the day named in the petition.”

**8.** The said Act is further amended as to section 250 thereof by striking out the words “on which more or less than the authorized number of votes are given” where the same occur therein, and by substituting therefor the words “or by which votes are given for more or fewer candidates than there are councillors to be elected.”

**9.** The said Act is further amended as to section 269 thereof by striking out clause (b) thereof and by substituting therefor the following:

“(b) any ballot paper by which votes are given for more or fewer candidates than there are councillors to be elected.”

**10.** The said Act is further amended as to section 286 thereof by striking out clause (f) of subsection (3) thereof and by substituting therefor the following:

“(f) land not exceeding twenty-five acres in area attached to and used in connection with and for the purposes of any hospital which receives aid from the Province under the provisions of *The Hospitals Act*.”

**11.** The said Act is further amended as to section 312 thereof by striking out the same and by substituting therefor the following:

“**312.** The council may, if it deems it necessary, provide by resolution for the calling of a special meeting of the council for the purpose of hearing complaints upon a date which will allow the giving of the length of notice herein provided for: in case provision is so made for a special meeting, the complaints shall be heard at that meeting; but if no special meeting is held, the complaints shall be heard at the first regular meeting, the date of which will allow the giving of the length of notice herein provided for.”

**12.** The said Act is further amended as to section 350 thereof by striking out the same and by substituting therefor the following:

“**350.**—(1) There shall be allowed by way of a discount five per centum upon all payments made on or before the fifteenth day of December on account of taxes which became due and payable in the year in which the payment is made.

“(2) If any taxes remain unpaid after the fifteenth day of December of the year in which the same became due and payable, the same shall be payable without discount at any time after the last mentioned date and before the first day of July next thereafter ensuing.

“(3) If after the thirtieth day of June in any year any taxes which became due and payable in the preceding year remain unpaid, there shall be added thereto by way of a penalty four per centum on the first day of July, and four per centum on the fifteenth day of December in that year and in each succeeding year so long as the taxes remain unpaid, and every amount so added shall form a part of the taxes which are created a special lien upon the land under the provisions of this Act.

“(4) 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.”

**13.** The said Act is further amended as to section 361 thereof by striking out the words “shall pay the amount,” where the same occur therein, and by substituting therefor the words “shall, after deducting the lawful costs, charges and expenses of and incidental to the making and carrying out of the seizure, pay the same.”

**14.** The said Act is further amended as to section 372 thereof by striking out the words “commencing thirty-first day of March,” where the same occur in subsection (1) thereof, and by substituting therefor the words “payable on the fifteenth day of March, the fifteenth day of June, the fifteenth day of September, and the fifteenth day of December.”

**15.** The said Act is further amended as to the Schedule thereto—

- (a) by striking out the words “A Commissioner, etc.” where the same occur at the end of the form of the Oath of an Officer of a Corporation and the form of the Oath of the Tenant of a Non-Resident, respectively, which forms appear under the heading “Form J,” and by substituting therefor the words “Returning Officer, Deputy Returning Officer, or Poll Clerk”;
- (b) as to Form Q thereof by striking out the words “If the voter votes for more candidates for any office than he is entitled to vote for,” where the same occur therein, and by substituting therefor the words “If the voter votes for more or fewer candidates than the number of councillors to be elected.”

**16.** This Act shall come into force on the day upon which it is assented to.

No. 34.

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THIRD SESSION  
SEVENTH LEGISLATURE  
23 GEORGE V  
1933

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**BILL**

An Act to amend The Municipal  
District Act.

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Received and read the

First time.....

Second time .....

Third time .....

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HON. MR. REID

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1933