

Bill No. 25 of 1934.

A BILL RESPECTING TOWNS AND VILLAGES.

NOTE.

This Bill amends and consolidates The Town Act, and with some slight modifications, makes its provisions applicable to villages.

Sections 1 to 8 are of general application.

Part I (sections 8 to 20) deals with the formation of villages.

Part II (sections 21 to 33) deals with the formation and alteration of towns.

Part III (sections 34 to 70) relates to the council, mayor and councillors in towns and villages.

Part IV (sections 71 to 99) relates to town and village officials.

Part V (sections 100 to 180) sets out the general powers and duties of councils.

Part VI (sections 181 to 201) relates to the voters' list.

Part VII (sections 202 to 273) provides for elections.

Part VIII (sections 274 to 330) provides for assessments in towns and villages.

Part IX (sections 331 to 342) contains provisions as to local improvements.

Part X (sections 343 to 346) relates to public utilities.

Part XI (sections 347 to 377) contains the provisions as to rates and taxes.

Part XII (sections 378 to 428) deals with town and village borrowings.

Part XIII (sections 429 to 442) relates to town and village finances.

Part XIV (sections 443 to 455) relates to actions by and against towns and villages.

Part XV (sections 456 to 476) prescribes penalties for offences under the Act.

Part XVI (sections 477 to 481) contains general miscellaneous provisions.

Section 160, providing for the taxation of transient traders, is new.

Sections 274 and 275, providing for assessment of property and of businesses, have been redrafted and amplified and replace sections 289 to 292 of *The Town Act, 1927*.

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. 25 of 1934.

An Act respecting Towns and Villages.

(Assented to 1934.)

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 Town and Village 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 the foregoing words, include lessees of minerals or mineral rights from the Dominion of Canada or the Province;
 - (b) "Elector" shall mean any person entitled to vote at any election, upon a by-law or at the taking of any vote (as the case may be), as set out in Part VI;
 - (c) "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;
 - (d) "First election" shall mean the election of mayor and councillors in a town and of councillors in a village first held after the formation of the town or village and any subsequent election held prior to the completion of the first voters' list;
 - (e) "First meeting" shall mean the first meeting of the council of a town or village after a first or general election;
 - (f) "General election" shall mean the election under this Act, nominations for which are directed to be made upon the first Monday of February in each year;
 - (g) "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, merchandise to be afterwards delivered in or shipped into the town or village 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; or any person selling newspapers or periodicals or books of any educational character or nursery stock;

- (h) "Improvements" and "buildings and improvements" shall mean all buildings or any part of any buildings and all structures and fixtures erected upon, in, over, under or affixed to the parcel of land assessed;
- (i) "Judge" shall mean any judge of the District Court of the judicial district within which the town or village is wholly or mainly situated;
- (j) "Land" shall mean lands, tenements and hereditaments and any estate or interest therein, and shall, but not so as to restrict the generality of the foregoing words, include minerals;
- (k) "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;
- (l) "Minister" shall mean the Minister of Municipal Affairs;
- (m) "Misdemeanour" shall mean any indictable offence for which under *The Criminal Code* the penalty is imprisonment for a term of less than five years;
- (n) "Owner" shall mean any person who is registered under *The Land Titles Act* as the owner of a freehold estate in possession of land;
- (o) "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 Alberta Surveys Act*, or any smaller area;
 - (iii) any mineral or minerals assessed as a unit and separately from the land in, on, or beneath which it or they lies or lie;
- (p) "Person" shall include a corporation or partnership;
- (q) "Prescribed" shall mean prescribed by the Minister of Municipal Affairs;
- (r) "Proprietary elector" means any person who is entitled to vote at an election under this Act and whose name appears on the assessment roll in respect of any land liable to assessment and taxation;
- (s) "Purchaser" shall mean any person who has purchased or otherwise acquired land within the town

or village whether he has purchased or otherwise acquired the land direct from the owner thereof or from another purchaser, and has not become the owner thereof;

- (t) "Referred by-law" shall mean a by-law referred to the vote of the proprietary electors;
- (u) "Special election" shall mean any election of a mayor or councillors other than a general or a first election;
- (v) "Transient trader" means any person who does not ordinarily maintain within the town or village a permanent and fixed place of business for the purpose of his business and who either as principal or agent offers for sale direct to the consumer any goods, wares or merchandise other than and except—
 - (i) agricultural products raised, grown or produced by him;
 - (ii) fish of his own catching;
 - (iii) agricultural implements;
 - (iv) sewing machines;
 - (v) nursery stock;
 - (vi) newspapers;
 - (vii) books or periodicals of an educational nature or character.

APPLICATION OF ACT.

3.—(1) This Act shall be applicable to all towns and villages incorporated pursuant to *The Town Act, 1927*, *The Village Act, 1927*, or any other Act of the Province existing as at the date of the coming into force of this Act as well as to towns and villages hereafter incorporated under the provisions of this or any other Act.

(2) Every provision of this Act shall apply to every such town and village except only where it is expressly provided that a provision is applicable only to a town or to a village, as the case may be.

(3) Where a reference is made therein to a town or village the reference shall be deemed to be to the town or village as the case may be; and where reference is made to corporate limits the reference shall be deemed to be to the corporate limits of the town or village as the case may be.

IMPLIED PROVISIONS.

4.—(1) 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.

(2) Whenever under this Act an election is to be held or a question to be submitted or some other thing is to be done at the time of a general or other election, and it becomes unnecessary to take a poll thereat, then such first mentioned election shall be held or question submitted, or other thing done at the time upon which such poll would have been held if necessary.

5.—(1) If anything to be done within a number of days or at a time fixed by or under this Act 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 at or within which the same ought to have been done, has or has not arrived or expired as the case may be.

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

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

7. 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 by-laws which have been made for the purpose of raising money, making assessments or striking rates.

PART I.

FORMATION, ALTERATION AND DISSOLUTION OF VILLAGES.

8. All villages lawfully organized or formed prior to the passing of this Act shall continue to be villages within the meaning thereof.

9. The Minister may by written order, form into a village any part of the Province which is not in whole or in part included in a city, town or village, if such part contains not less than fifty separate buildings, each of which has been occupied continuously as a dwelling house for a period of at least one month; and may do so either of his own motion, or upon receipt of a petition.

10.—(1) Any such petition shall—

- (a) be in such form as may be from time to time prescribed by the Minister;
- (b) be signed by at least twenty persons, who, if such part of the Province were erected into a village, would be qualified as voters therein;

(c) be accompanied by a plan showing the proposed boundaries of the village.

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

(3) Upon the receipt of any such petition, the Minister may change either by addition or subtraction, the proposed boundaries of the district.

11.—(1) Upon the receipt of any such petition, the Minister shall cause to be posted up in three conspicuous places within the proposed village, one of which shall be the post office (if any), and to be published in two issues of a paper having a general circulation within the proposed village, a notice in the prescribed form.

(2) Any person may file with the Minister, within a period of thirty days from the date of the said notice, objections to the formation of the proposed village.

(3) If during such period of thirty days, no objections are filed, or if in the opinion of the Minister, any objections filed do not disclose sufficient reasons against the formation of the village, the Minister may form the same by written order.

12. Any written order shall contain—

- (a) an accurate statement of the boundaries of the village;
- (b) the date upon which it is to become effective;
- (c) a statement of the day on and the time at which the nomination of members of the council is to take place.

13. For the purposes of defining boundaries of a village under this Act, those sides of road allowances upon which monuments or posts have been or may hereafter be placed under a survey made or to be made pursuant to *The Dominion Lands Surveys Act*, or any other Act of the Parliament of Canada or of the Province heretofore or hereafter in force, relating to surveys, shall be the boundaries either of townships or of sections:

Provided, however, that in the case of correction lines, the south side of the road allowance shall be the boundary and that the boundaries of all Indian reserves shall be the lines defining that side of the road allowance immediately next to such Indian reserve.

14.—(1) 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.

(2) The due publication of the order shall be conclusive evidence of the legal formation of the village and of the fulfilment of all conditions precedent thereto.

(3) Immediately upon signing the order, the Minister shall appoint a suitable person to act as Returning Officer at the first election of councillors, and to hold that election as set out in Part VII.

SUMMER VILLAGES.

15.—(1) The Minister may form into a summer village any summer resort, either of his own motion or upon receipt of a petition.

(2) All summer villages at any time herebefore constituted are hereby continued as such.

(3) The petition shall fulfill the requirements set out in section 9, except that it must be signed by ten persons who, if the summer resort were erected into a village, would be upon the assessment roll thereof.

(4) When any summer resort is erected into a summer village, all the provisions of this Act shall apply to such summer village, except that—

- (a) applications to be placed upon the voters' list shall be made by relatives of persons upon the assessment roll during the month of July;
- (b) nomination day shall be the first Saturday in August, and the election of councillors shall take place on the second Saturday in August;
- (c) the councillors shall assume office on the first Saturday in September at 7:30 p.m., and shall continue in office until their successors are elected;
- (d) three councillors shall be elected annually;
- (e) the appointment of an auditor shall be made at the first meeting in September in each year;
- (f) in order to qualify as an elector or councillor, no person shall be required to be a resident of the summer village.

(5) If in any particular or in any case, it appears to the Minister to be difficult or impossible to apply the provisions of this Act to summer villages, he shall have power at his uncontrolled discretion to decide any questions arising through such impossibility or difficulty, and in making such decision he may alter any dates prescribed by this Act for the doing of any matter or thing, and may give such other directions as are justified by any such impossibility or difficulty.

ALTERATION IN BOUNDARIES OF VILLAGE.

16. The Board of Public Utility Commissioners may by order—

- (a) annex any portion of a village to any adjoining municipality or improvement district;
- (b) annex to any village, any outlying area adjacent thereto, but not included within the limits of any city, or town, provided, however, that no area shall

be annexed to any village, the addition of which would make the area of such village, more than six hundred and forty acres;

- (c) alter and adjust the boundaries of two or more co-terminous or adjacent villages or of a village and a co-terminous or adjacent municipal district or municipal districts or improvement district or improvement districts.

17.—(1) 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 date, upon the date of its publication.

(2) The publication of the order shall be conclusive evidence of the fulfilment of all conditions precedent thereto.

18.—(1) Whenever under the provisions of this Act, any municipality or any part thereof (hereinafter referred to as "the old district") is included in another municipality (hereinafter referred to as "the new district"), either at the time of the formation of the village or subsequently thereto, the property, rights and liabilities of the old district, including all taxes then due, shall pass to the new district and all remedies that were available for the collection of any such taxes due to the old district, shall be available to the new district, in all respects as though such taxes or arrears had originally been due to it.

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

(3) This section shall be subject to the provisions of *The Tax Recovery Act, 1922*, relating to the transfer of land from one municipality to another.

(4) Nothing in this section contained, shall in any way prejudice the rights of debenture holders.

19.—(1) No misnomer, misdescription or omission in any order forming a village or altering its area, 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 or omission or other error in any such order may, by any subsequent order, be corrected and the order so corrected may be confirmed by the Minister as of the date of the original order.

DISSOLUTION OF VILLAGE.

20.—(1) The Lieutenant Governor in Council may by order declare that any village shall be dissolved and thereupon the council thereof and its officers shall cease to exer-

cise any of the rights, powers or privileges vested in them by this Act; and may further declare that all duties and rights of the council or its officers, under this or any other Act, shall be performed or exercised by such person or persons as may be named in the order.

(2) The order shall make provision for the inclusion of the area which has ceased to be a village in some other municipality or municipalities.

(3) Upon any such dissolution, the Minister may appoint one or more persons to adjust the assets and liabilities of the village and he or they may, subject to the approval of the Minister, sell or otherwise dispose of all the assets or property of the village and apply the same or the proceeds of the sale thereof—

(a) in payment of the liabilities of the village;

(b) 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 village.

(4) In case the assets of the village 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 the expenses connected with such assessment; and such tax shall fall upon the same property and 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.

(5) Every order made under this section 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.

PART II.

FORMATION AND ALTERATION OF TOWNS.

21.—(1) The Lieutenant Governor in Council may by proclamation form into a town any village, together with any land additional thereto—

(a) if the village contains over seven hundred inhabitants; and

(b) if the proposal to form the village, together with any additional land which it is desired to include with the village, into a town, has been approved by two-thirds of the electors of the village voting thereon at a meeting specially called for the purpose.

(2) No additional land shall be included in the proposal unless the plan of subdivision of such land has been registered in the proper Land Titles Office and unless there is

on the land at least one building actually occupied as a dwelling house or place of business for every five acres included therein.

22.—(1) The meeting may be called by the council of its own motion upon passing a resolution to that effect, and shall be called by the secretary-treasurer upon the receipt of a petition to that effect from at least twenty per centum of the persons whose names appear upon the assessment roll of the village.

(2) The meeting shall be held within fourteen days of the passing of the resolution by the council or of the receipt by the secretary-treasurer of the petition hereinbefore referred to, as the case may be.

(3) Notice of the meeting shall be posted up at least ten days before the date fixed for the meeting in at least three conspicuous places in the village, one of which shall be the post office, if any.

(4) The notice shall be in Form A of the schedule hereto.

23. The mayor of the village shall preside at such meeting.

24. If the proposal is duly approved, the secretary-treasurer shall not less than one month nor more than two months after the giving of such approval, forward to the Lieutenant Governor in Council a statement showing the fact of such approval, together with satisfactory proof of substantial compliance with the provisions of this Act.

25.—(1) The proclamation shall contain an accurate description of the area of the town, the content of which may be either that of the village or such content changed either by exclusion or inclusion as may seem proper, the date upon which it is to become effective, and the name of the town, and shall be published in *The Alberta Gazette*.

(2) The publication shall be conclusive evidence of the legal formation of the town and of the fulfilment of all conditions precedent thereto.

26. The council of the village shall, until the third Monday in February next following the date of the proclamation, be deemed to be the council of the town and shall have all the powers and be charged with all the duties of a town council, and shall carry out the same as nearly as possible in the manner hereinafter prescribed by this Act, and all the officers of the village shall be and become officers of the town and shall hold office until their successors are appointed, and the mayor of the village shall become the mayor of the town and shall hold office until the third Monday of February next following the date of the proclamation.

27. All by-laws or resolutions passed by the council of the village shall, until they are altered or repealed by the council of the town, continue to have the same force and effect as if they had been passed by the council of the town.

28. All taxes due to the village shall, on its erection into a town, be deemed to be arrears of taxes due to the town and the provisions of any Act relating to arrears of taxes and the collection thereof for or on behalf of the town shall apply thereto.

29. All suits and rights of action by or against the village shall after its erection into a town be continued or maintainable by or against the town and all debts and liabilities of the village be assumed and paid by the town.

30. The title to and all rights in respect of any real estate or other property of the village shall be vested in the town upon the erection of the village into a town.

BOUNDARY LINES OF TOWNS.

31. For the purposes of this Act whenever any town is wholly or in part described in the proclamation 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 the town shall, unless it is otherwise expressly set out in the said proclamation or 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.

32. Any road allowance between an Indian reserve and a town shall be deemed to be in the town, notwithstanding anything herein to the contrary.

ALTERATION IN BOUNDARIES.

33.—(1) Whenever a majority of the resident land owners of any territory adjacent to a town desire annexation thereto, and present a petition to the council to that effect, the Board of Public Utility Commissioners may, with the consent of the council of the town, make an order annexing the said territory to and making it a part of the town.

(2) No territory shall be annexed to any town unless a plan of subdivision of such territory has been registered in the Land Titles Office for the land registration district within which such land is situated and unless there is erected on such territory at least one building actually occupied as a dwelling-house or place of business, for every five acres included therein.

(3) The Board of Public Utility Commissioners may upon the petition of the council of any town, include within the town and territory adjacent thereto which, from the prox-

imity of streets or buildings or the probable future exigencies of the town, it may be deemed desirable to include therein or to annex thereto.

(4) Every order for annexation shall take effect on such date and on such terms and conditions as the Board of Public Utility Commissioners may provide.

(5) The Board of Public Utility Commissioners may, without a petition and of its own motion, exercise all or any of the powers hereinbefore given to it.

PART III.

COUNCIL, MAYOR AND COUNCILLORS.

INCORPORATION.

34.—(1) The mayor, councillors and electors of every town and village in the Province now or hereafter created, established or formed 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 the purposes of the town or village; 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 town or village.

(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.

35. The council shall be a continuing body, notwithstanding any general or other election.

MISCELLANEOUS.

FINANCIAL YEAR.

36. The financial year of every town and village shall commence on the first day of January and close on the thirty-first day of December in each year.

EXECUTION OF TRANSFERS, ETC.

37. All transfers or agreements concerning land shall be executed by affixing thereto the seal of the corporation attested by the mayor and the secretary-treasurer.

NAMES OF TOWNS AND VILLAGES.

38.—(1) In the case of a town the name of the body corporate shall be "The Town of (*naming the same*)," and in the case of a village the name of the body corporate shall be "The Village of (*naming the same*)."

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

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

VILLAGE AND TOWN OFFICES.

39. Every town and every village shall have an office at a place named by the council within the corporate limits thereof.

CONSTITUTION OF THE COUNCIL OF A TOWN.

40. The council of every town shall consist of a mayor and six councillors, who shall be elected in the manner set out in Part VII.

CONSTITUTION OF THE COUNCIL OF A VILLAGE.

41. The council of every village shall consist of three councillors who shall be elected in the manner set out in Part VII.

QUALIFICATION OF MAYOR AND COUNCILLORS.

42. No person shall be qualified to be elected mayor or a member of the council of a town or village unless—

- (a) he can read and write; and
- (b) he is a British subject; and
- (c) he is of the full age of twenty-one years; and
- (d) he is not disqualified under this or any other Act; and
- (e) he is resident in the town or village; and
- (f) where there is a voters' list, his name appears thereon otherwise than merely by virtue of relationship to some other person upon the list, or where there is no voters' list, he has been for a period of at least two months immediately prior to his nomination the owner, conditional owner or purchaser

of land not exempted from taxation by this Act, within the town or village or of any interest therein, which is of the value of one hundred dollars over and above charges, liens and encumbrances affecting the same; and

- (g) his name is on the assessment roll of the town or village (or in the case of a first election the assessment roll of a village, municipal district or improvement district, part of which is included in the town or village), in respect of land or interest in land not exempted from taxation by this Act, within the town or village, which is of the value of one hundred dollars over and above charges, liens and encumbrances affecting the same.

43. The following shall not be eligible to be elected a mayor or 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 town or village;
- (e) any person who is for the time being a party to any subsisting contract with the town or village under which any money of the town or village is payable or may become payable for any service, work, matter or thing or who has any pecuniary interest in any such contract whether such interest in direct or indirect;
- (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.

44.—(1) Paragraph (e) of section 43 shall not apply to any person by reason only—

- (a) of his being a shareholder in any 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 town or village;
- (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 town or village;

(e) of sales of goods and merchandise to the town or village or to persons contracting with the town or village made by a retail dealer in those goods and merchandise incidentally to and in the ordinary course of his business at the ordinary retail price to an amount not in excess of two hundred dollars in any one year;

(f) of any services rendered by a medical man to indigents who are residents of the town or village for which the town or village is or may become liable to pay.

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

TERMS OF OFFICE OF MAYOR AND COUNCILLORS.

MAYOR.

45. The mayor of a town shall hold office for a term of two years, and the mayor of a village shall hold office for a term of one year.

TOWN COUNCILLORS.

First Election.

46. In the case of a first election in a town the three candidates first nominated for councillorship in the event of there being no poll, or the three candidates receiving the highest number of votes in the event of a poll being held, shall hold office for a term of two years, beginning on the third Monday in February next following the date of the election, and the remaining three candidates elected shall hold office for a term consisting of one year from the same day.

General Election.

47.—(1) At every general election in a town held after the first election, three councillors shall be elected annually and shall hold office for two years commencing on the third Monday in February.

(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).

VILLAGE COUNCILLORS.

First Election.

48.—(1) In the case of an election in a village the councillors elected thereat shall hold office as follows:

- (a) The councillor elected first shall hold office from the date of election until the third Monday in February in the third year following the election.
- (b) The councillor elected second shall hold office from the date of election until the third Monday in February in the second year following the election.
- (c) The councillor elected third shall hold office from the date of election until the third Monday in February in the year following the election.

(2) For the purposes of this section a councillor shall be deemed to be elected first, second or third, as the case may be, if no poll being held his nomination is first, second or third in the order in which the nominations are made, or a poll being held he stands first, second or third on the poll.

General Election.

49.—(1) At every general election in a village held after the first election one councillor shall be elected and shall hold office for three years commencing with the third Monday in February next following his election.

(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 foregoing provisions of this section 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).

Special Election.

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

General Provisions.

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

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

DECLARATION OF OFFICE.

52.—(1) The mayor and 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 B of the schedule hereto.

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

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

MEETINGS AND PROCEEDINGS OF COUNCIL.

53.—(1) The first meeting of the council after a first or general election shall be held on the third Monday in February at the place and hour fixed for regular meetings, if any, and if there is no hour fixed, at the hour of two o'clock at a place to be fixed by the secretary-treasurer, if any, and if there is no secretary-treasurer, by the returning officer.

(2) When the third Monday in February is a holiday, the meeting shall be held at the same time on the next subsequent day which is not a holiday.

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

54. The council of every village shall hold at least six meetings in each year at such times and places as may be fixed by resolution except only in cases where the council is elected after the first day of August in any year, in which case the council shall hold at least three meetings.

55.—(1) The council may at any meeting at which the mayor and all the members of the council are present decide by resolution to hold regular meetings of the council and the 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 guilty of improper conduct thereat 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.

56. In the case of a town the council shall at its first meeting of each year and also every three months thereafter, elect one of its number as deputy mayor, and in case the mayor through illness, absence or other cause is unable to

perform the duties of his office, or in case the office is vacant, the deputy mayor shall have all the powers and perform all the duties of the mayor during such inability or absence.

57. In the case of a village the council shall at its first meeting in each year, elect from among its number a chairman, who shall be known as "the mayor."

58.—(1) The mayor, or in his absence the deputy mayor, 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 the meeting in the absence of such person.

59.—(1) A majority of the whole council shall be necessary to form a quorum.

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

(3) The proceedings of the council or of any committee thereof shall not be invalidated by any vacancy among its members or by any defect in the appointment, election of, or of any disqualification of any member thereof.

60. The 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.

61. Every question shall be submitted to the council on the motion of the mayor or any member thereof and no seconder shall be required.

62.—(1) The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise.

(2) Any question upon which there is an equality of votes shall be deemed to be decided in the negative.

63. The mayor when present, and all the councillors present shall vote on every division, unless excused by resolution of the council, or disqualified from voting by reason of interest or otherwise.

64.—(1) In the case of a town a special meeting of the council shall be called by the secretary-treasurer when he is required to do so in writing by the mayor or by any three members of the council.

(2) In the case of a village a special meeting of the council shall be called by the secretary-treasurer, when he is required to do so in writing by the mayor or by two members of the council.

(3) Written notice of every 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 this Act.

(4) No business other than that stated in the 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.

65.—(1) The council of a town or village may by by-law provide for an allowance of not more than two dollars, to be paid to the mayor and each councillor attending meetings of the council, for each meeting so attended; and for the payment to the mayor of a sum of not more than three dollars a day for each day spent by him in the laying out and inspection of works undertaken by the town or village.

(2) A by-law made pursuant to this section shall be submitted to a vote of the proprietary electors and shall take effect only if it is then approved by a majority of the electors voting thereon, in the manner prescribed by Part XII of this Act.

RESIGNATIONS, VACANCIES, FORFEITURE OF SEAT.

66.—(1) Any mayor or councillor may resign his seat in the council and any mayor of a village may resign his position as mayor while retaining his seat in the council, by sending at any time 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) In case the office of mayor of a town becomes vacant by death, resignation or for any other reason, the council shall proceed forthwith to elect a member of the council to hold the office of mayor; and thereupon his seat on the council shall become vacant.

(3) In case the office of mayor of a village 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, but no vacancy shall occur in the council by reason of such election.

(4) In case any seat in the council of any town or village becomes vacant by death, resignation or for any other reason the council shall forthwith fix a nomination day and appoint a returning officer to hold a special election to fill the vacancy, and the election shall be held as nearly as may be in the manner provided by this Act for other elections; but if the vacancy occurs within the four calendar months immediately prior to the second Monday of February the election need 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.

67.—(1) If after the election of any person as a member of the council, he—

- (a) 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 town or village; or
- (e) becomes disqualified from sitting or voting in the council under the provisions of section 43; or
- (f) is convicted of signing an acceptance of a nominated person containing a false statement—

his seat in the council shall forthwith become vacant.

(2) If any elector files 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 member of the council; or
- (c) has become disqualified as a member of the council; or
- (d) has otherwise vacated his seat—

and pays 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 if upon the hearing of the application the judge upon affidavit or oral evidence is satisfied that the member of the council 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.

DUTIES OF MAYOR.

68. The mayor shall be the chief executive officer of every town and village and shall—

- (a) cause the laws governing the town or village to be duly executed;

- (b) inspect the conduct of all town or village 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 town or village.

APPOINTED COUNCILLORS.

69. If in any town or village 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 those provisions cannot be conveniently applied to the election the Minister may make regulations respecting the time and conduct of and the procedure at or otherwise respecting the election.

PUBLIC MEETING.

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

PART IV.

TOWN AND VILLAGE OFFICIALS.

APPOINTMENT.

Secretary-Treasurer.

71.—(1) A secretary-treasurer shall be appointed by by-law by every council at its first meeting after the formation of the town or village or so soon thereafter as is practicable.

(2) In the event of a vacancy occurring in the office of secretary-treasurer, a successor shall be appointed as soon as practicable.

(3) Whenever a secretary-treasurer is appointed, the Minister shall forthwith be advised thereof by the mayor by prepaid registered mail.

In the event of the Minister disallowing any such appointment, the mayor shall immediately call a special meeting of the council for the purpose of appointing another person as secretary-treasurer.

Assessor.

72.—(1) Upon the appointment of a secretary-treasurer, the council may by the by-law making that appointment also appoint the secretary-treasurer as assessor.

(2) Unless the secretary-treasurer is also appointed as assessor by the by-law appointing him as secretary-treasurer, the council shall by resolution appoint in each year an assessor who may be the secretary-treasurer.

Solicitor.

73.—(1) The council may by resolution appoint a solicitor as solicitor for the town or village who shall be a member of the Law Society of Alberta, and his duties and the terms and period of his employment shall be determined by the council.

(2) In case the remuneration of the solicitor is to be paid wholly or partly by salary the town or village shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the town or village is a party; provided such costs are by the terms of the engagement of the solicitor payable to him as part of his remuneration in addition to his salary.

Auditor.

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

(2) An incorporated company or a partnership may be appointed as auditor.

(3) No one shall be appointed auditor who then or during the preceding year is or was—

- (a) a member of the council; or
- (b) secretary-treasurer of the council; or
- (c) interested directly or indirectly in any contract made by the town or village; or
- (d) employed by the town or village in any capacity except that of auditor.

(4) Any auditor becoming—

- (a) a member of the council; or
- (b) secretary-treasurer of the council; or
- (c) interested directly or indirectly in any contract made by the town or village; or
- (d) employed by the town or village in any capacity except that of auditor—

shall immediately vacate his office.

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

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 disallowance as aforesaid.

Police.

75.—(1) The council of a town or village may by resolution appoint a chief of police and such police constables as it deems necessary or expedient for the purpose of carrying into effect the provisions of this Act or of any by-law or resolution of the council, or of enforcing the law.

(2) Every constable shall before entering upon his duties, appear before a justice of the peace, and take and subscribe before him the oath in Form D in the schedule hereto.

(3) The mayor may at any time and from time to time by writing appoint one or more special constables within the town or village 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.

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

Fire Department.

76. The council may by resolution appoint officers of its fire department.

Health Officer.

77. The council may by resolution appoint a health officer.

License Inspector.

78. The council may by resolution appoint a license inspector.

Other Inspectors.

79. The council may by resolution appoint street and building inspectors and inspectors under the provisions of *The Noxious Weeds Act, 1932*.

80. The council may also by resolution 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 by-law or resolution of the council.

GENERAL PROVISIONS.

81. A councillor shall not be eligible for appointment to any town or village office.

82. 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.

TENURE OF OFFICE.

83. All officers appointed by the council shall hold office during the pleasure of the council or as expressed in their appointment.

SUSPENSION.

84. The mayor may suspend any town or village officer and he shall thereupon report the suspension and the reasons therefor to the council, which may either dismiss or reinstate the suspended officer; and in case he is dismissed, no officer so suspended shall, from the date of his suspension receive any salary or remuneration.

DECLARATION OF OFFICE.

85.—(1) Every officer of the town or village 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.

(2) The mayor and councillors and the other officers who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before a commissioner for oaths, a notary public or justice of the peace.

(3) The deponent, affirmant, or declarant shall subscribe every oath, affirmation or declaration required under this Act, and the person administering it shall duly administer, certify and preserve the same and shall within eight days deposit the same in the office of the secretary-treasurer, who shall preserve it among the town or village records.

SECURITY.

86.—(1) The secretary-treasurer of every town and village shall within one month after entering upon his duties furnish to the town or village security in a penal sum to be named by the council for the due and faithful performance of his duties, by a guarantee bond of a guarantee company authorized to transact business in the Province in such form as may be from time to time prescribed by the Minister.

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

(3) All the members of a council which permits a secretary-treasurer to enter upon his duties or discharge his duties at a time when he is not so bonded or guaranteed shall be jointly and severally liable for any default of the secretary-treasurer to the extent of the sum in which the secretary-treasurer should have been so bonded or guaranteed, except only those councillors who appear to have by the minutes of the council voted in favour of a resolution prohibiting the secretary-treasurer from entering upon or discharging his duties at a time when he is not so bonded.

PERSONAL LIABILITY.

87. Every officer, servant or agent of every town and village 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.

GRATUITIES.

88. A council may grant any officer who has been in the service of the town or village for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

DUTIES OF OFFICERS.

Secretary-Treasurer.

89. The secretary-treasurer shall—

- (a) keep a full and correct record 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 mayor 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 town or village 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) advise the Minister of the names and addresses of all persons elected as councillors 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 mayor, within five days of his election;
- (j) 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;
- (k) collect, receive and safely keep all moneys belonging to the town or village from whatever source received;
- (l) 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;
- (m) submit all accounts and charges against the town or village which he receives for the consideration of the council;
- (n) pay all accounts against the town or village only when they have been passed by the council and certified by the mayor or other presiding officer;
- (o) make all payments on behalf of the town or village by cheque signed by himself and countersigned by the mayor or in his absence by the deputy mayor and drawn on the chartered bank in which the moneys of the town are deposited;
- (p) give and take receipts for all the moneys of the town or village received and disbursed and keep on file all vouchers of expenditures;
- (q) 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 town or village;
- (r) prepare in the prescribed form and within five days after the end of each month a statement of moneys received by him during the previous month and of the disposition thereof, and submit the statement to the council at its next meeting, and enter a copy thereof in the minutes of the meeting of the council at which it was submitted;
- (s) produce when called for by the council, auditor, inspector or other competent authority, all books, vouchers, papers and moneys belonging to the town

or village and hand over the same to his successor or such other person as the council may direct on his ceasing to hold office;

- (t) 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;
- (u) faithfully perform all other duties imposed upon him by this Act and generally carry out such instructions as may be issued to him from time to time by the council.

90.—(1) The secretary-treasurer shall, if requested, make a search in the assessment or tax roll in respect of any assessable parcel of land and shall, if required, upon receipt of a fee of twenty-five cents, give a certificate under his hand showing whether or not all taxes in respect of such parcel have been paid, and if not, the amount of current taxes and arrears payable against such parcel.

(2) Every such fee shall form part of the general revenue of the town or village.

91. Any elector may at all reasonable times inspect any account or demand, contract, by-law, report of any commissioner, or of any committee or of any official of the town or village (other than the town or village solicitor or any counsel engaged by the town or village) after the same respectively has been submitted to the council and also the voters' lists, poll books or other documents other than marked ballots relating to any election or voting; and the secretary-treasurer shall within a reasonable time after demand by any elector furnish him with a copy of any such document or part thereof at the rate of ten cents per one hundred words.

92. A copy of any such book, record, document, or account certified under the hand of the secretary-treasurer and the town or village seal shall be received in evidence without proof of the seal of the town or village or of the signature or official character of the person appearing to have signed the same, unless the Court or a judge thereof otherwise orders.

Auditor.

93.—(1) The auditor shall in the case of a town at least once in every three months during the year and in the case of a village, at least once a year examine, audit and report upon all books and accounts affecting the town or village 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 thereon in indelible letters the words "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 expenditures made contrary to law, by-law or resolution, if there is such expenditure, and shall deliver the said report to the mayor, who shall lay the same before the council at its next regular meeting.

(3) Not later than the last day of February in each year, the auditor shall send out a notice to not less than twenty-five per centum of the taxpayers who have not paid their taxes in full, and each such notice shall give a statement of the amount of taxes due by the person to whom it is addressed, together with a request that if the amount shown on the notice is incorrect, the taxpayer shall immediately notify the auditor as to the discrepancy.

94. The council may by by-law provide that the auditor or auditors shall audit all accounts before they are paid.

95.—(1) On or before the twentieth day of January in each year, the auditor shall prepare in duplicate, in such form as the Minister may direct, an abstract of the receipts and payments of the town or village during the next preceding financial year, and of the assets and liabilities of the town or village upon the last day of the said financial year.

(2) The abstract shall include a statement of the total amounts of debentures authorized to be issued, those actually issued, those actually sold or otherwise and the disposition thereof, and those remaining on hand.

(3) The auditor shall make in duplicate a special report in respect of any expenditures during the said period which were contrary to law.

(4) The auditor shall forward one duplicate of the said abstract and report to the Minister and shall deliver the other to the secretary-treasurer.

(5) The secretary-treasurer shall, on or before the last Friday in the aforesaid month of January, cause the abstract and report, or a synopsis thereof, to be published in one of the ways following, that is to say:

- (a) In a newspaper published or circulating in the town or village; or
- (b) By means of the publication and circulation thereof in pamphlet form; or
- (c) Where by reason of the shortness of time or other cause, neither of the first mentioned methods is possible, then by posting up a copy of the abstract and report in the office of the secretary-treasurer and in the post office and in each of five conspicuous places within the town or village.

Police.

96. The council shall from time to time make such regulations as it may deem expedient for the government of the police force and for preventing neglect or abuse and for rendering the force efficient in the discharge of all its duties.

97. The constables shall obey all lawful directions of and be subject to the orders of the chief of police and shall be charged with the special duty of preserving the peace, apprehending offenders and generally with the performance of all duties which by law devolve upon constables and peace officers.

98. Any member of the force may be dismissed or suspended by the council at any time.

Additional Duties.

99. In addition to the duties assigned to them by this or any other Act, the officers appointed by the council shall perform such other duties as may be required of them by the council.

PART V.

GENERAL POWERS AND DUTIES OF THE COUNCIL.

BY-LAWS.

Highways and Public Works.

100.—(1) The title to all public roads, highways, streets, and lanes in every town and village is hereby declared to be vested in the Crown in the right of the Province and every public road, highway, street and lane shall be subject to the direction, control and management of the council of the town or village 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, water-course, stream or public place of every and any description whatsoever.

101. The Minister of Public Works shall at all times have the right to enter any town or village for the purpose of con-

structing, erecting, maintaining or repairing any public work as defined by *The Public Works Act*.

102. The Minister of Railways and Telephones shall at all times have the right to enter any town or village 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.

103. For 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 the work is completed be under the direction, control and management of whichever of the said Ministers has charge of the work.

104.—(1) Subject to the provisions of section 101 of this Act every public road, street, bridge, highway, lane, alley, square, or other public place which is subject to the direction, management and control of the council, including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the town or by the village or by any person with the permission of the council shall be kept in a reasonable state of repair by the town or village having regard to the character of the road or other thing hereinbefore mentioned, and the locality in which the same is situated, or through which it passes, and in default of the council so to keep the same in repair, the town or village shall be liable for all damages sustained by any person by reason of such default.

(2) Default under this section shall not be imputed to a town or village in any action without proof by the plaintiff that the town or village knew or should have known of the disrepair of the road or other thing hereinbefore mentioned.

(3) No action shall be brought under the provisions of this section except within one year after 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 within one month after the date on which the cause of action arose:

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

105. The last preceding section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by by-law or has been assumed for public use by the council.

ACQUISITION OF LAND AND BUILDINGS.

106.—(1) Every council may pass a by-law authorizing the purchase, lease or other acquisition of land within or without the town or village or of any interest therein—

- (a) for the purpose of erecting thereon municipal offices;
- (b) for the purpose of erecting thereon a lock-up, weigh-house, market, community hall, skating rink, curling rink, or swimming bath;
- (c) for a public park, walk or exhibition or recreation ground;
- (d) for a nuisance ground;
- (e) for a cemetery;
- (f) for a quarry, gravel or sand pit;
- (g) for the purposes of a ferry;
- (h) for use as a highway, road, street, alley, by-law or for the construction of bridges;
- (i) for the purpose of preventing the operation of any or all coal-mines or coal-pits within, upon or under any part of the town or village;
- (j) for the purpose of erecting, constructing or installing thereon any works, buildings, dams, pipes, machinery or plant necessary or incidental to the provisions of a water supply.

(2) When any council acquires a cemetery under the provisions of this Act, sections 20 to 33 inclusive of *The Cemetery Act* shall apply thereto.

107. Every council may pass a by-law authorizing the erection, purchase, acquisition by gift or improvement of municipal offices lock-ups, weigh-houses, community halls, skating rinks, curling rinks, swimming baths and all such buildings as may be necessary for use in public parks or exhibition or recreation grounds or on other land which the council is authorized to acquire for municipal purposes:

Provided, however, that a resolution shall be sufficient to authorize the furnishing, maintenance and ordinary repair of any such building.

108.—(1) Every council may pass a by-law authorizing the acquisition of rights-of-way or easements or other similar interests in land for the use of the town or village:

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

(2) Every council may pass a by-law or resolution authorizing the construction, maintenance and repair of highways, roads, streets, lanes, bridges, culverts, ditches and drains.

EXPROPRIATION.

109. If the council desires to acquire land included in a plan of subdivision registered in a Land Titles Office for any purpose authorized by this Act and if it cannot acquire the land at a fair price by agreement with the owners or occupiers thereof or other persons interested therein, it may acquire the same by expropriation in the name and on behalf of the town or village.

110. The council shall make to the owners or occupiers or other persons interested in any land taken by the town or village in the exercise of any of the powers conferred by this Act due compensation therefor and pay damages for any land or interest therein injuriously affected by the exercise of such powers, the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation or damages, if not mutually agreed upon, shall be determined by arbitration under this Act.

111.—(1) Before taking any land the council or commissioners shall deposit with the secretary-treasurer plans and specifications showing the land to be taken or used and the work to be done thereon and the names of the owners or occupiers thereof, according to the last revised assessment roll.

(2) The secretary-treasurer shall thereupon notify such owners and occupiers of the deposit of the said plans and specifications and of the date of the deposit and that all claims for compensation for the land so to be taken and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the plans and specifications and the amount of the compensation shall be ascertained as of the date of the deposit.

(3) If any claimant under this section does not file his claim within the period hereinbefore limited it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

112.—(1) In case any land not taken for any work or undertaking constructed, made or done by the council or commissioners under the authority of this Act is injuriously affected by the work or undertaking, the owner or occupier or other persons interested in the land shall file with the secretary-treasurer, within thirty days after notice has been given in a local newspaper of the completion of the work, his claim for damages in respect thereof, stating the amount and particulars of his claim.

(2) The notice shall be given by the secretary-treasurer forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which any claim under this section may be filed.

(3) The date of publication of the notice shall be the date in respect of which the damages shall be ascertained.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

113. Any claim for compensation for land taken or damages in respect of land injuriously affected shall be deemed appurtenant to the land and shall pass with any transfer or conveyance of the land.

114.—(1) In the case of land which the town or village has authority under this Act to take without the owner's consent, corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent (whether infants, issue unborn, lunatics, idiots or others) have power to act as well in reference to any arbitration, notice and action under this Act as in contracting for and conveying to the town or village any such land or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

(2) If there is no such person who can so act in respect of any land or if any person interested in respect of any land is absent from the Province or is unknown or in case his residence is unknown or he himself cannot be found, a judge may appoint a person to act in respect of the same for all or any of the said purposes.

(3) If any person acting as aforesaid has not the absolute estate in the property, the town or village shall pay the amount to be paid in respect of the property as a judge shall direct into Court and the town or village shall not be bound to see to the application of any sum so paid.

115. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as aforesaid, shall stand in the stead of the land and shall be subject to the limitations and charges, if any, to which the land was subject and any claim to or incumbrance upon the land or to or upon any portion thereof shall as against the town or village be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

116.—(1) If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer, discharge or other instrument or cannot be found or is unknown, the town or village may pay the compensation or damages into Court and thereupon the

judge on the application of the town or village may grant an order vesting in the town or village the absolute title to the land in respect whereof such compensation or damages have been paid into Court.

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper of the town or village, or in case there is no newspaper published in the town or village in a newspaper circulating therein, notifying persons entitled to compensation or damages in respect of any land or part thereof so taken or injuriously affected to file their claims to the said compensation or damages or any part thereof; and all such claims shall be received and adjudicated upon by the judge.

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interest therein and to the compensation or damages therefor and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

117. The council in all cases where claims for compensation or damages are made against a town or village under which the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making a claim such amount as it considers proper compensation for the damages sustained or the land taken; and in the event of the non-acceptance by the claimant of the amount so tendered and of the arbitration being proceeded with, if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the town or village and set off against any amount awarded against it.

118. Where a claim is made for compensation or damages by the owner or occupier of or other person interested in land taken by the council or which is alleged to have been injuriously affected in the exercise of any of the powers of the council, in the event of the council not being able to agree with the claimant as to the amount of compensation or damages the same may be settled and determined by the award of a judge or of a barrister to be appointed by him.

119. The fees to be paid to a judge or to the barrister appointed by him in any arbitration shall be as follows:

- (a) For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party, three dollars;
- (b) For every day's sitting to consist of not less than six hours, twenty dollars;

- (c) For every sitting not extending to six hours (fractions or parts of hours being excluded) actually proceeded with, for each hour occupied, three dollars.

120. The reference of any claim to a judge shall not be deemed to be an admission of any liability on the part of the town or village and all defences and objections shall be open to either party as if an action had been brought.

121. The judge or other arbitrator may award the payment by either of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which costs shall be taxed, in which case the costs shall be taxed by the officers of the Court without any further order; and the amount so determined shall be payable within one week after taxation.

122.—(1) In the case of an award under this Act the judge or other arbitrator shall take and immediately after making of the award shall file with the secretary-treasurer for the inspection of all parties interested, full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof; and in case he proceeds partly on a view or on any knowledge or skill possessed by him, he shall also put in writing a statement thereof.

(2) The award shall not be binding on the town or village unless it is adopted by the town or village by by-law within one month after the making of the award; and if not so adopted the property shall stand as if no arbitration had been held and the town or village shall pay the costs of the arbitration.

123.—(1) Whenever any council desires to expropriate land not included in a plan of subdivision registered in a Land Titles Office for any purpose hereinbefore authorized, or which is necessary for the use, construction, maintenance or repair of any work authorized by this Act, or for obtaining better access thereto, it may pass a by-law for that purpose, and thereupon may for such purpose enter into and upon the land and take possession of the same in whomsoever vested, by surveyors, engineers, foremen, agents, workmen and servants.

(2) All land so entered upon shall be surveyed and marked on the ground by a duly qualified surveyor within six months of the date of entering upon the land and the surveyor shall prepare plans in triplicate for the same.

(3) The plans shall be certified by the surveyor in the form set out in Form OO of the schedule hereto, and shall be certified by the secretary-treasurer in Form PP of the schedule hereto, and shall be approved by the Director of Surveys of the Province of Alberta, and the secretary-treasurer shall deposit one of the originals in his own office, 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 the survey to be made or plan to be prepared before or at the time of the entry upon the land.

(4) Upon the deposit in the Land Titles Office of the plans of survey, the registrar shall, notwithstanding the provisions of any other Act, immediately file the same, and thereupon the land shown on the plans shall, in the case of land taken for a highway, road, street, lane, bridge, culvert, ditch or drain, vest in the Crown in the right of the Province, and in all other cases in the town or village, subject to the right of any person who has acquired any interest in the land, to compensation as provided for herein.

(5) After having filed the plans, the registrar shall furnish the council with a statement of all fees payable in consequence of the filing and the council shall forthwith pay the same.

(6) 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 or the town or village under the provisions of this 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.

(7) The provisions of *The Land Titles Act* shall *mutatis mutandis* apply with respect to plans filed under this Act.

(8) Within thirty days of the filing of the plans, or if no plans have been filed, within six months of the date of the entry upon the land for any purpose, the council 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 vested, or so entered upon, as the case may be, a compensation notice setting forth the compensation which it is ready to pay for the land so vested or in respect of damage to the land so entered upon as the case may be, 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 town or 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.

(9) If any person entitled to compensation for lands so taken or damages 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 or damages, and the facts in support of his claim.

(10) In the event of no claim for increased compensation or damages being received by the secretary-treasurer within the said period, the person entitled to compensation or damages shall be deemed to be satisfied with and shall be bound to accept the amount of compensation or damages mentioned in the compensation notice.

(11) The council shall consider every claim for increased compensation or damages and shall notify the claimant of its decision in respect thereto by registered letter addressed to the claimant's last known place of abode.

(12) The claimant, if dissatisfied with the decision of the council, may within two months after being notified as aforesaid of its decision, or where no plans have been filed, within six months after entry upon the land for any purpose whatsoever, give notice in writing to the secretary-treasurer, either personally or by registered letter, that he will submit to arbitration the claim made by him for compensation in respect of land taken or for damages, as the case may be.

(13) The claimant shall, with the notice of submission to arbitration, deposit with the secretary-treasurer 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 the money deposit.

(14) 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.

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

(16) 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 shall be entitled to deduct the costs of the town or 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.

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

(18) 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 the 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.

124.—(1) The council may pass a by-law for the purpose of closing and selling or leasing any public street, lane, road or highway, the subsoil of which is not vested in the Crown.

(2) Notice of the intention of the council to pass such a by-law shall at least two weeks prior to the date fixed for the passing thereof be served upon the occupiers of and the persons registered as the owners of, or otherwise interested in, the lands abutting upon the portion of the street, lane, road, or highway so proposed to be closed, either by delivering the notice personally or by mailing it by registered mail to the addresses as shown by the last revised assessment roll or by the records of the Land Titles Office for the registration district within which the land is situated.

(3) The notice shall also be published once each week for at least two consecutive weeks in some newspaper published in the town or village or if there be no such newspaper in some newspaper circulating therein; the last of such publications shall be at least two weeks before the date fixed for the passing of the by-law.

(4) Before the passing of the by-law any person claiming that any land in which he is interested as owner, occupier or otherwise, will be prejudicially affected thereby and petitioning to be heard shall be afforded an opportunity to be heard either by himself or his agent; and any person occupying, owning or otherwise interested in land sustaining damages thereby shall be compensated for such damages as hereinbefore provided.

(5) No by-law for the closing of any public street, lane, road or highway leading to any river or situated on the bank of any river, stream, lake or other water shall take effect until approved by the Minister.

TEMPORARY ROADS.

125. 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 neighbourhood makes such action necessary or expedient.

126. Every council which passes a by-law under the last preceding section 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*.

Disposal of Lands.

127. 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 town or village by gift or otherwise for a specific purpose when the property in the opinion of the 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 may sell any land formerly part of a highway, road, street or lane, but not required for such highway, road, street or lane, with the approval of the Department of Public Works.

128. 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*.

129. The council of every town and village may by by-law provide—

- (a) for the establishment and regulation of public markets and imposing penalties for fraudulent practices or breach of contract therein;
- (b) for the prohibition of the sale or offering for sale of goods or merchandise on streets, lanes, or other public places;
- (c) for the establishment of public scales for weighing or measuring, and for the compulsory weighing or measuring thereon or thereby of anything sold by weight or measurement, for the fees to be charged for the use of such scales, and for prohibiting the charging of any fee for the use of scales other than the public scales;
- (d) for the prevention of cruelty to animals;
- (e) for preventing the public exhibition or display in or near any street, lane or other public place of placards, play bills, posters, drawings, writings, or pictures of an indecent nature or which are designed or may tend to corrupt, demoralize or offend the public or individuals, and for the removal of the same;
- (f) for preventing the pollution of any public water within the corporate limits and regulating the use thereof by bathers;
- (g) for preventing children being in public places without proper guardianship after a certain hour at night, which hour may be fixed by the by-law;
- (h) for prohibiting the placing of any obstruction on, over or under any street, lane or other public place

- and for compelling the removal of any such obstruction by or at the expense of the person by whom or by whose direction the obstruction is so placed, or by or at the expense of the occupant of the premises connected therewith, and providing that any expenses incurred by the town or village in the removal of any such obstruction may be recoverable by distress upon the goods and chattels of the person by whom or by whose direction any obstruction is so placed in the same manner as if such expenses were taxes levied pursuant to this Act and so recoverable;
- (i) for regulating the use of sidewalks within the town or village and for requiring the removal of snow, ice or dirt therefrom by the occupants of properties fronting or abutting thereon, and providing that if any such occupant makes default in removing any snow, ice or dirt removable by him, any expenses incurred by the town or village in so doing shall be recoverable by distress against the goods and chattels of the occupant in the same manner as if such expenses were taxes levied pursuant to this Act and so recoverable;
 - (j) for preventing, regulating and controlling the erection and use of billboards, signs or other advertising devices, and for preventing the defacing of private or other property by printed or other notices or markings;
 - (k) for preventing the reckless riding or driving of any animal or vehicle within the town or village;
 - (l) for regulating and controlling the size of roofs, walls, beams, joists, rafters and other supports in all buildings within the town or village;
 - (m) for prohibiting the erection or structural alteration of any building within the town or village until a permit therefor has been issued permitting the same;
 - (n) for the zoning of the town or village and the regulation and construction of buildings in specified zones as may be recommended or approved under the provisions of *The Town Planning Act, 1929*;
 - (o) for regulating the erection of radio-aerial wires within the town or village or of poles or standards connected therewith;
 - (p) for regulating parades or processions over and along any street or streets within the town or village, and for prohibiting the passage of any parade or procession over any or all streets within the town or village unless and until a permit therefor has been issued by the mayor, or the council by resolution has expressly permitted the same;
 - (q) for preventing loitering, disorderly or unseemly conduct, or the use of obscene or offensive language on any street, lane or other public place.

130. For the prevention or extinguishing of fires within the town or village, the council may pass by-laws providing for any or all of the following:

- (a) The purchase of apparatus and equipment for extinguishing fire and preserving life and property from injury or destruction by fire;
- (b) The building of fire walls and the granting of bonuses to assist in the building thereof;
- (c) Compelling male adults for the time being in the town or village to assist in the extinguishing of fires and to assist in the prevention or the spread thereof;
- (d) The prevention of interference with the efforts of persons engaged in the extinguishing of fires or prevention of the spreading of fire by regulating the conduct of the public at or in the vicinity of any fire;
- (e) The regulation of the storage of explosives or other highly inflammable or dangerous matter and the prohibition of the storage thereof except by permit authorized by resolution of the council;
- (f) The prevention of the erection or placing of any building, erection or other structure within areas prescribed in the by-law unless—
 - (i) the main walls thereof are made of brick, concrete or stone;
 - (ii) the roof thereof is constructed of incombustible materials;
- (g) The prevention of structural alterations to any existing building, provided such existing building does not conform in structure to the building regulations governing construction in any defined area;
- (h) The razing or removal at the expense of the owner thereof of any building erected or placed in contravention of any by-law passed under the provisions of this Act;
- (i) The regulation of the construction of chimneys and enforcing the proper cleaning thereof at stated intervals either by licensed chimney sweeps or otherwise, the licensing of such sweeps and the fees chargeable for every such license;
- (j) The licensing of persons doing electric wiring, the fees to be charged therefor and the supervision thereof;
- (k) The regulation of the method of lighting, the construction of doors, the width of aisles, the provision of fire escapes in or leading to places of public accommodation or assembly, and generally all matters relating to the construction, maintenance or conduct of such places as in the safety of the public may be deemed convenient;

- (l) Requiring that no building shall be used as a public garage or machine shop unless it be provided with a concrete floor, and prohibiting the use of any building for such purpose unless it be separated from all other buildings by a clear space of not less than one hundred feet;
- (m) The disposal of ashes or combustible refuse and prohibiting the placing or retention of such in or on property, public or private, except in fire-proof containers;
- (n) The appointment of a fire marshal and requiring that he be given access at reasonable hours to places either public or private for purposes of inspection of premises;
- (o) Notwithstanding any other of the provisions of this Act, any other matter or thing for the protection of life or property as may be deemed proper.

131.—(1) The council may pass by-laws under the provisions of *The Domestic Animals Act (Municipalities)*.

(2) Notwithstanding the provisions of *The Domestic Animals Act (Municipalities)*, or any other Act, the council may pass a by-law or by-laws—

- (a) restraining and regulating the running at large or trespassing of poultry or other animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such by-law and for services rendered in respect to and sustenance supplied for animals distrained or impounded;
- (b) for appointing poundkeepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the poundkeeper to impound;
- (c) for appraising the damages to be paid by the owners of animals impounded for trespassing;
- (d) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs, and expenses are not paid;
- (e) for notices of such sale and for redemption of such animals or poultry; and
- (f) prohibiting any person from allowing any animals or poultry of which he is the owner or has control to run at large within the town and village and providing penalties for the breach thereof:

Provided that no poundkeeper holding a sale under the provisions of such by-law, shall be required to take out a license as an auctioneer.

(3) Upon the passing of such by-law the provisions shall have effect in lieu of *The Domestic Animals Act (Municipalities)*.

PUBLIC HEALTH.

132. The council may pass a by-law providing for the health of the town or village and against the spread of contagious or infectious diseases and appointing and defining the duties of a health officer, and engaging such nurses as may be deemed at any time necessary to provide for the care of the indigent sick.

133. The council may pass a by-law providing for engaging the services of a medical practitioner and 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 municipal district as to the sharing of expenses in connection with the employment of such persons.

134. The council may pass a by-law for the purpose of taking over, purchasing, erecting, maintaining and regulating hospitals or granting aid for the erection and maintenance of the same either by direct payment or by guaranteeing the repayment of the principal and interest of any loan obtained by the hospital authorities, provided that the amount of the guarantee together with the debenture indebtedness of the town or village shall not exceed twenty per centum of the rateable property of the town or village and the by-law shall be subject to the ratification of the by-law by two-thirds of the burgesses voting thereon.

135. The council may pass a by-law for the purpose of preventing the burial of the dead within the corporate limits.

136. The council may pass a by-law providing for the proper scavenging of the town or village and fixing a schedule of rates to be charged by scavengers; which rates may be assessed against such owners or occupiers of land as may seem fit to the council and may be charged against them and the land owned or occupied by them in the same manner as taxes.

137. The council may pass a by-law, subject to the provisions of *The Public Health Act*, for the purpose of constructing and controlling such sewers, drains and ditches either within or without the corporate limits as may be expedient to secure the proper drainage of the town or village and the disposal of the sewage thereof.

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

139. The council may pass a by-law preventing or regulating and controlling the erection and use within the corporate limits of slaughter-houses or of other premises where obnoxious businesses are carried on.

140. The council may pass a by-law preventing nuisance and compelling the abatement thereof generally, and declaring any building, structure or erection of any kind whatsoever, or any drain, ditch, water-course, pond, surface water or other matter or thing in or upon any private lands, street or road, or in or about any building or structure, to be a nuisance and dangerous to the public safety or health, and directing the removing, filling up or other abatement of such nuisance.

141. The council may pass a by-law for the purpose of inspecting and regulating slaughter-houses within or without the town or village from or through which food is brought for sale within the town or village, and framing and enforcing building and sanitary regulations for the said slaughter-houses.

142. The council may pass a by-law for the purpose of inspecting and regulating dairies and all other places within or without the town or village from or through which food is brought for sale within the town or village and framing and enforcing building and sanitary regulations for the said dairies and other places.

143. The council may pass a by-law regulating the sale of any article used for food or drink and providing for the inspection of the same and for seizure and forfeiture of such articles offered or exposed for sale contrary to any such by-law.

144. The council may pass a by-law regulating and controlling the use of wells and other sources of supply of water for the town or village and making provision for a supply of water and regulating the use of and the rates to be paid for the same and preventing the putting of anything prejudicial to health in any stream or any body of water usable for a water supply.

145. The council may pass a by-law providing for the collection of water rates and fixing the time or times when, and the places where the rates are to be payable and allowing a discount for the prompt payment of the rates and imposing penalties in respect of failure in the punctual payment thereof, as in the case of general municipal taxes; and in case of default in payment, the enforcement of payment by shutting off the water or by action in any court of competent jurisdiction, or by distress upon and seizure of goods and chattels of the owner or occupant, or making the said rates in default a charge against the property to which the said water supply

was given, such charge to be subject to the same penalties and be collectible by the same procedure as other taxes levied by the town or village.

146. The council may pass a by-law for the purpose of entering into an agreement with the Department of Agriculture of the Government of Canada, for the control of bovine tuberculosis in the cows from which any supply of milk and cream for the town or village is obtained.

147. The council may pass a by-law for the purpose of preventing or regulating and controlling the construction of privy vaults, out-buildings and cesspools, and providing for the keeping of the same in a proper state of cleanliness.

INDIGENTS.

148.—(1) The council of every town and village shall, subject to the following 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 may in cases of sudden or urgent necessity make similar provision for indigent and indigent sick persons who are temporarily within the corporate limits but are not resident therein.

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

(4) When an indigent resident receives medical advice, attendance or medicines given by a medical practitioner at a first visit, the town or village shall be liable to pay to the medical practitioner any proper charges in respect of such first visit, notwithstanding the absence of a written order, if the medical practitioner concerned certifies that the case was, or that he was informed the case was, one of sudden and urgent necessity:

Provided, however, that the town or village shall not be liable for any charges other than for the said first visit unless the medical practitioner is authorized to continue to treat the said indigent person by a written order from a proper officer of the town or village.

(5) Any member of the council, and the secretary-treasurer of the council, may sign and issue any of the written orders mentioned in this section on behalf of the council of which he is a member or by which he is employed, as the case may be.

(6) Where, under the provisions of this section, the council of a town or village assists any indigent person or causes to be treated any indigent sick person, who is not a resident of the town or village, then the city, town, village or municipal district of which the said person is a resident at the time of assistance or treatment, or the Minister, if

the person is a resident of an improvement district, shall upon demand repay the actual expenses incurred by the council.

(7) The liability of any town or village for the hospital treatment of indigent sick persons shall be governed by the provisions of *The Hospitals Act*.

(8) Any sum paid by the council and the value of any assistance given under the provisions of this Act or *The Hospitals Act* shall constitute a debt due from the person for whose relief, care or treatment it was paid or given or who was legally responsible for the maintenance of that person and may be recovered by the secretary-treasurer from him by action or by distraint upon any of his goods or chattels found within the Province, or by resolution of the council it may be added to the taxes levied by the town or village against any land of which that person is the owner, and may be collected and enforced by any of the modes by which taxes may be collected and enforced.

(9) The council shall have a charge upon the lands owned by any such person situate within the Province for the expenses incurred under this Act or *The Hospitals Act* and may lodge a caveat for the protection of such charge in the proper Land Titles Office.

(10) In any case in which a town or village has granted relief under this Act or *The Hospitals Act* or *The Mothers' Allowance Act* to any person resident in the town or village in respect of whom the town is legally chargeable on account of such relief, the liability of the town or village under the said Acts shall continue so long as such relief is either paid or payable, and for three months after the discontinuance thereof.

(11) Every Act or Ordinance incorporating any city, or forming part of the charter thereof, shall include the following:

"Every city shall, with regard to indigents resident therein, be under the same liabilities to make provision for the relief of such persons and shall have the same right to recover the expenses thereof as are imposed upon or given to any town or village by *The Town and Village Act*.

"If any resident of a city, whilst receiving relief under the provisions of this Act or of *The Hospitals Act* or of *The Mothers' Allowance Act*, by reason of his indigency or straitened circumstances, or within three months after receiving any such relief, moves into some other municipality, that municipality shall not be liable to provide for the maintenance, care or treatment of such person, but the city shall continue to be liable as if such person continued to be resident therein."

(12) For the purposes of this section—

(a) "Hospital" means a hospital approved by the Minister of Health under the provisions of *The Hospitals Act*;

- (b) "Indigent person" means 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" means—
- (i) any person who has had his home in the town or village for at least three successive months of the six months immediately preceding the date of his application to the council for assistance, or the date of his application to the council for admission to a hospital, as the case may be; and
 - (ii) any person not having had a home as last aforesaid, who has been a sojourner within the town or village for at least three successive months of the six months immediately preceding the date of his application to the council for assistance, or the date of his application to the council for admission to a hospital, as the case may be:
 Provided always that any such person had, at the date of such application, no permanent home elsewhere than in the Province.

149. The council shall have power, subject to the consent of the Lieutenant Governor in Council and within the limitations and restrictions and under the conditions set forth in any Order in Council in that behalf to borrow from any bank or person, such sums of money as may be necessary for the purpose of purchasing coal, wood, or other fuel, and temporarily to operate fuel yards by purchasing supplies of such fuel and selling and disposing of the same in anticipation of or during a period of such scarcity or failure of supply of fuel, or such threatened scarcity or failure of supply thereof, as may appear to create an emergency.

150. The council may by by-law provide for the payment, out of the current revenue for the year, of grants to the Canadian Red Cross, to any association established under An Act to Incorporate the Canadian Legion, to agricultural societies, to boards of trade, and to incorporated mechanics' and literary institutes, of such amounts as may be set out in the by-law.

Needy Persons.

151. 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 town or village.

Doctors.

152. 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 town or village or to a duly licensed medical practitioner as an inducement for him to reside or practise his profession in the town or village or guaranteeing the income or a portion of the in-

come 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 five hundred dollars.

DOG TAX.

153. The council may pass a by-law for the restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and directing the killing of dogs running at large, contrary to any such by-law, and may thereby provide that any person who keeps or harbours any dog in respect of which the current tax is not paid shall be liable on summary conviction to the penalty by this Act provided for the breach of a by-law.

NUMBERING STREETS.

154. The council may pass a by-law for the naming or numbering the streets or the avenues and changing the names and numbers or any of them now existing or hereafter laid out within the town or village.

HOLIDAYS.

155.—(1) The council may pass a by-law for the purpose of creating and proclaiming any day as a civic holiday within the town or village.

(2) The council may by by-law require that during the whole or any part of the year any class of shops shall be closed and remain closed on any one day of the week after the hour of 12 o'clock noon or such later hour as may be deemed advisable.

(3) A pharmaceutical chemist or chemist and druggist shall not be liable to a fine, penalty or punishment for supplying medicines, drugs or medical appliances after the hour appointed by the by-law for the closing of shops.

(4) Nothing in the by-law contained shall render the occupier of any premises liable to fine, penalty or punishment for supplying any article required for immediate use by reason or because of an emergency arising from sickness or death.

(5) In this section—

- (a) "Shop" means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail or public auction, and barbers' shops, which shall include ladies' hair-dressing, manicuring or beauty parlours; but not where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, victualling house or refreshment house;
- (b) "Closed" means not open for the serving of customers.

MISCELLANEOUS.

Census.

156. The council may pass a by-law for the purpose of taking the census of the town or village.

Trees.

157. The council may pass a by-law for the purpose of providing for planting and protecting trees on highways and public places.

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 a Land Titles Office.

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

TAXES UPON TRANSIENT TRADERS.

160. The council may by by-law provide for the imposition of taxes upon transient traders and for that purpose may group transient traders into classes and may fix the tax payable by all transient traders, or any class or classes of transient traders, at such amount, either by the day or the week, as may be prescribed therein not exceeding ten dollars for a tax by the day and twenty-five dollars for a tax by the week; and may prohibit any transient trader from commencing to carry on business in the town or village unless he has previously deposited with the secretary-treasurer a sum equal to that which would be payable if he had then carried on business for one week; or from continuing to carry on business at any time at which the tax by the day or week, as the case may be, payable in respect of his business, has not been paid in advance; and may provide that any transient trader who at any time carries on business without having paid the tax payable for so doing shall be guilty of an offence in respect of every day during which he carries on business without paying the tax, and shall be liable on summary conviction therefor to a penalty of fifty dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days.

LICENSES.

161. In all cases in which it is provided in this Act that the council may license any person, place or thing, the council may make regulations—

(a) governing the conduct of—

- (i) the place wherein the person carries on the business, trade or occupation in respect of which he is licensed;
- (ii) the place licensed, and
- (iii) the place where the licensed thing is kept;

- (b) prescribing conditions as to the position, construction, alteration and equipment of any such place and any other conditions which may seem advisable;
- (c) regulating and controlling the conduct of those who use or frequent any such place;
- (d) fixing the fees to be charged for licenses;
- (e) providing the method of collection or payment of such fees;
- (f) regulating the prices or fees to be charged by the holders of such licenses;
- (g) fixing the period during which all or any licenses are to be valid;
- (h) providing penalties for failure to obtain any such licenses;
- (i) providing penalties (including forfeiture of license) for breach of the conditions on which licenses are issued; and
- (j) making general rules for the protection of the persons holding licenses.

162. The fees payable in respect of licenses issued pursuant to any by-law shall be reasonable in amount, and license fees shall not be imposed for the purpose of exacting revenue.

163. The imposing or collecting of license fees shall not in any case be deemed to prevent the assessing of land owned or occupied by license holders in the same manner as other land or the collection of taxes thereon.

164. No license shall be issued to any person under the provisions of this Act in any case in which a provincial license is required unless he is the holder of the required provincial license.

165. The council of every town or village may pass by-laws for licensing, regulating and controlling any or all of the following:

- (a) Auctioneers, hawkers and pedlars;
- (b) Live stock dealers;
- (c) Employment or intelligence offices or agents;
- (d) Billposters;
- (e) 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;
- (f) Proprietors of livery, feed and sales stables, or of automobile liveries, porters, carriers, or common carriers, draymen, hackmen, omnibus drivers and all persons performing work or carrying passengers with horses or mules or motor vehicles, within the corporate limits, for hire or gain, and regulating the same and fixing the schedule of fees to be charged for the same;
- (g) Persons selling milk or cream within the corporate limits and persons selling or delivering water for gain or hire;

- (h) Money-lenders;
- (i) Real estate dealers and agents;
- (j) Automobile dealers or agents;
- (k) Scavengers;
- (l) Soft drink and ice cream vendors or parlours, restaurants, cafes and lunch counters;
- (m) Public bowling alleys;
- (n) Laundries;
- (o) Circuses, trained or wild animal shows, menageries, caravans, palmists, professional boxing or wrestling shows, professional theatrical shows, exhibitors of wax works, merry-go-rounds, ferris wheels or other mechanical apparatus or device, or any other show or exhibition produced or operated for private gain. No license fee imposed by any by-law authorized hereby shall exceed five hundred dollars per day, nor shall any penalty for violation of such by-law exceed fifty dollars and costs: provided, however, that whether so stated in the by-law or not, such license fee, fine if any, and costs may be collected by sale of the goods belonging to the showman or other person required to be licensed or any goods belonging to or used in connection with any such show, exhibition, or booth; and in addition the offender may be imprisoned for six months;
- (p) Persons operating for profit public halls, theatres, moving picture shows, rinks, swimming pools or other places of amusement, recreation or entertainment;
- (q) Persons operating butcher shops or stalls, including any person selling meat, fish or dairy or poultry products within the town or village which are not the products of his own farm;
- (r) Pawn brokers, junk dealers and second hand dealers;
- (s) Barber shops, beauty parlours, turkish or other baths operated for profit, rooming houses;
- (t) Coal dealers, wood dealers;
- (u) Plumbers;
- (v) Electric shops or persons doing electric wiring;
- (w) For fixing the quality and weight of bread offered for sale or sold within its corporate boundaries and making and enforcing regulations for the sanitary condition of bakehouses and bakeries;
- (x) For prohibiting the riding of bicycles or tricycles on any sidewalk;
- (y) For prohibiting the obstruction of roads and other public places by vehicles;
- (z) For prohibiting the use of bridges and culverts by portable engines or traction engines.

Limitation on Bonuses and Exemptions.

166. No council 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;

(b) to exempt from taxation any manufactory, mill, railway or other business or concern, nor to subscribe for stock therein, nor to guarantee the bonds, debentures or other securities thereof:

Provided, however, that nothing herein contained shall deprive any town of the rights and privileges conferred by *The Industries Assessment Act* or any other Act or statute of the Province respecting the encouragement of industry.

GENERAL PROVISIONS AS TO BY-LAWS.

167. The council may exercise by by-law any of the duties and powers which this Act permits it to do by resolution.

Form of By-laws, etc.

168. Every by-law shall be under the seal of the town or village and shall be signed by the mayor or person presiding at the meeting at which the by-law is finally passed and by the secretary-treasurer.

169. 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 the members of the council present.

170. 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.

171. 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 town or village voting thereon, and the approval of the Board of Public Utility Commissioners as hereinafter provided.

172.—(1) In case one-half of the resident proprietary electors whose names appear on the assessment roll petition the council for the submission of a by-law dealing with any matter within its legislative jurisdiction, the council shall cause a by-law dealing with the subject matter of such petition to be prepared and read a first time in council and within four weeks after receiving the petition shall advertise it in some newspaper published in the town or village or in case there is no such newspaper, in any newspaper circulating therein, in at least one number of the paper each week for two successive weeks prior to the date of voting thereon, and if the majority of the votes polled is in favour of the

by-law, the by-law as submitted shall be finally passed by the council within four weeks of the voting thereon without any alteration being made therein affecting the substance thereof.

(2) The proceedings upon a vote under the provisions of the immediately preceding section shall be the same as far as may be practicable as those provided herein for voting on money by-laws.

173. 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 town or village may recover the expenses thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes.

174.—(1) A copy of any by-law, order or resolution written or printed without erasure or interlineation and under the seal of the town or village, 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.

(2) The secretary-treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

INFRACTION OF BY-LAWS.

175. The council may by any by-law—

- (a) impose a penalty not exceeding one hundred dollars exclusive of costs for breach of any provision of any by-law; and provide for reasonable punishment by imprisonment, with or without hard labour, in the nearest common gaol, for any period not exceeding sixty days in case of non-payment of the fine and costs inflicted for any such breach unless the fine and costs, including the costs of committal, are sooner paid;
- (b) provide that in case the conviction is for the non-payment of any license fee payable to the town or village under the provisions of any by-law the convicting justice may adjudge payment thereof in addition to the penalty.

176. Every penalty and license fee imposed under the provisions of this Act may unless any other provision is specially made in respect thereof be recovered and enforced with costs on summary conviction before a justice of the peace.

177.—(1) Any penalty or fine under any by-law of the town or village shall, if no other provision is made respecting it, belong to and form part of the general revenue of the town or village.

(2) In the event of any person being committed to gaol by reason of a breach of any by-law of the town or village there shall be chargeable to the town or village such part of the expenses paid by the Province for the transport 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.

178.—(1) Any elector of the town or village 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 town or village 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) Before any such motion is made the applicant or in case the applicant is a corporation, 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.

(4) 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.

(5) In lieu of the recognizance mentioned in subsections (3) and (4) 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 payment into Court shall be filed in the District Court with the other papers relating to the motion.

(6) Upon the determination of the proceedings the judge may order the money 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.

(7) 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 Court.

(8) 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.

179. 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.

180. No by-law which is inconsistent with any law or regulation having the force of law in force in the Province shall have any validity in so far as it is so inconsistent.

PART VI

VOTERS' LIST.

PERSONS ENTITLED TO VOTE IN A TOWN.

181.—(1) The persons qualified to vote for mayor and councillors at the first election after the village becomes a town shall be persons of the full age of twenty-one years—

- (a) whose names are on the last revised assessment roll of the village; or
- (b) whose names are on the last revised assessment roll of the municipal district or improvement district for that portion of the town not formerly comprised within the said village.

(2) The persons qualified to vote at subsequent elections shall be the persons whose names are upon the voters' list.

PERSONS ENTITLED TO VOTE IN A VILLAGE.

Voting Before Compilation of Voters' List.

182.—(1) Subject to section 183, 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 village, prior to the completion of the first 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 or has been liable to a business tax therein, 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.

(2) The persons qualified to vote at subsequent elections shall be the persons whose names are upon the voters' list.

PROVISIONS OF GENERAL APPLICATION.

183. Where there is an owner and a purchaser or purchasers or any two or more of them, of any parcel or of any part, share or interest therein, so that persons would otherwise be qualified to vote, only one of such persons shall be entitled to vote in respect of such parcel or share or interest therein, who shall be the purchaser (if any) who is

entitled to the possession of such parcel or of such part, share or interest, and if there is no such purchaser, shall be the owner thereof.

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

184. Subject to section 183, the persons entitled to vote on any by-law for raising money by way of debentures, or upon any question submitted to the proprietary electors of any village subsequent to the completion of the first municipal voters' list, shall be every person, male or female, of the full age of twenty-one years, whose name appears on the voters' list otherwise than merely by virtue of relationship to some other person upon the said list, or than as a tenant, whether such name be placed upon the said list prior to the tenth day of December, or is placed thereon upon the polling day in conformity with the provisions of Part VII.

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

185. The persons entitled to vote at any election held subsequently to the completion of the first voters' list shall be, subject to section 183—

- (a) every person, male or female, of the full age of twenty-one years, whose name appears on the voters' list, otherwise than merely by virtue of relationship to some other person upon the said list, or than as a tenant, whether such name is placed upon the said list prior to the fifteenth day of November, or is placed thereon upon polling day in conformity with the provisions of Part VII; and
- (b) every tenant and the wife, husband, son, daughter, father or mother of any person whose name appears upon the voters' list, otherwise than merely by virtue of relationship to some other person upon the said list, and of every tenant, if the name of such wife, husband, son, daughter, father or mother or tenant is placed upon the voters' list prior to the fifteenth day of November in accordance with the preceding provisions of this Act.

Number of Votes.

186.—(1) Every elector shall vote once only and for the number of councillors to be elected.

(2) If any person votes for more than the required number of councillors to be elected, his ballot shall be void and shall not be counted.

Corporations.

187.—(1) Any corporation the name of which is entered upon the voters' list, may vote by any person being an officer, member or employee of the corporation if he is not otherwise entitled to vote.

(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 S in the schedule hereto.

188.—(1) The secretary-treasurer shall on or before the fifteenth day of November in each year prepare a voters' list in Form E of the schedule hereto, and shall forthwith after its completion, post up a copy thereof in his office.

(2) The secretary-treasurer shall arrange the list according to polling divisions in alphabetical order, and shall enter in the appropriate column of the form prescribed the following particulars, which when possible shall be taken from the assessment roll—

- (a) the name of every purchaser entitled to the possession of land whose name appears upon the last revised assessment roll and who is of the full age of twenty-one years;
- (b) the name of every owner of land whose name appears upon the last revised assessment roll, of which there is no purchaser, if such owner is of the full age of twenty-one years;
- (c) the name of every conditional owner of land whose name appears upon the last revised assessment roll who is of the full age of twenty-one years;
- (d) the name of every person liable to a business tax in respect of a business and whose name appears upon the last revised assessment roll, and who is of the full age of twenty-one years;
- (e) a brief description of the land which is assessed or in lieu thereof, a statement of the business assessed;
- (f) the word "purchaser," "owner" or "conditional owner" as the case may be;
- (g) the word "resident" or "non-resident" as the case may be;

(3) The secretary-treasurer shall also prepare, in the manner hereinbefore mentioned, the following supplementary alphabetical voters' lists:

- (a) A list containing the names of the wife, husband, father and mother, and of each son and daughter of each person whose name is entered upon the list in this section first mentioned—
 - (i) if such wife, husband, father, mother, son or daughter is resident within the town or village or assists him in the business in respect of which he is taxable; and
 - (ii) if he or she is of the full age of twenty-one years; and
 - (iii) if his or her name does not already appear or the roll; and
 - (iv) if he or she duly makes application, to be entered therein, during the preceding months of September and October; and
- (b) A list containing the names of every tenant who has rented an assessed parcel for a period of twelve months immediately preceding the last day of Aug-

ust of that year who makes application to be entered therein during the preceding months of September and October.

(4) In any case where the Board of Public Utility Commissioners has imposed a service tax under the provisions of Part IV of *The Public Utilities Act, 1923*, the secretary-treasurer shall place the names of all persons liable to the payment thereof upon the voters' list.

189. The secretary-treasurer shall, not later than the last day of August, cause to be posted up in at least six conspicuous places within the bounds of the town or village a notice of the provisions of this section, in Form F of the schedule hereto.

190.—(1) If a school district lies partly within and partly without a town, the secretary-treasurer shall include in the voters' list the names of all persons qualified as voters of the school district in respect of that portion only of the same which lies outside the town.

(2) The names shall be placed in a separate part of the list marked so as to show the area to which it applies, and with a memorandum to the effect that it is a list of the voters for the purposes of the school district only.

(3) The persons whose names appear in such separate part of the voters' list shall be entitled to vote upon questions affecting the school district, but shall not, merely by reason thereof, be considered voters in the town for any other purpose.

191. When the list has been prepared as hereinbefore provided, 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 upon which the certificate is made, which date shall not be later than the fifteenth day of November.

192. The voters' list shall distinguish those who are qualified to vote as proprietary electors.

193. Any person who is otherwise duly qualified, but whose name does not appear on the voters' list, or in regard to the entry of whose name there has been an inaccuracy or whose name has been omitted from the assessment roll, may either by himself or his agent apply to have the voters' list amended upon giving the secretary-treasurer a notice in Form G of the schedule hereto.

194. A person making application either by himself or his agent to the secretary-treasurer to have his name added to the voters' list shall at the time of making such application file with the secretary-treasurer a statutory declaration in Form H of the schedule hereto.

195.—(1) If any person has on or before the first day of November in any year disposed of the property in respect of which he was qualified as a voter, or if any person named is wrongfully included in the voters' list, such person shall

be liable to have his name struck off the voters' list as being disqualified, and the secretary-treasurer or any elector may apply to the council to have the name of such person, or any other person otherwise disqualified, struck off the list, and the name of the proper person, if any, substituted therefor.

(2) The applicant, when not the secretary-treasurer, shall give six clear days' notice in writing to the secretary-treasurer of his intention to apply to the council, and shall state in such notice the grounds of his objection to the qualifications of the person whose name he desires to have struck off.

196. Any notice required to be served upon the secretary-treasurer under sections 193 and 195 shall be served on or before the first day of December.

197. On or before the fifth day of December the secretary-treasurer shall make a list of all applicants for amendments to the voters' list, giving names and grounds of each such application, and shall post the same in a conspicuous place in his office; and he shall immediately thereafter notify the persons interested of the time and place fixed by the council for the hearing of such applications.

198. On or before the fifteenth day of December the council shall meet as a final court of revision of the voters' list and shall then hear and determine all applications of which notice has been given as hereinbefore provided, and the secretary-treasurer shall thereupon amend the voters' list in all cases herein provided for.

199. The council may at any time correct any gross and palpable errors in the voters' list, and any corrections so made shall be initialled by the secretary-treasurer.

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

201. The council when sitting as a final court of revision on the voters' list as aforesaid shall have all the powers and privileges in respect of the attendance of witnesses, the imposition and recovery of penalties and procedure conferred by this Act upon the council sitting as a Court to revise the assessment roll.

PART VII.

GENERAL PROVISIONS AS TO ELECTIONS.

202. The council shall at least two weeks prior to the last Friday in January in each year by by-law appoint a returning officer for the next election and name the place therein where the votes are to be polled: provided the council may, if it deems proper, divide the town or village into polling divisions, name a polling place for each such division, and appoint the returning officer to have charge of one of such polling places and a deputy returning officer to have charge of each of the remaining polling places.

203. The secretary-treasurer shall at least one week prior to the last Friday in January in each year cause to be posted up in at least five conspicuous places in the town or village a notice of the annual meeting of the electors in Form I of the schedule hereto.

204.—(1) At the time and place set out in the notice mentioned in the next preceding section the mayor, secretary-treasurer, auditor, and the chairmen of the various committees shall attend and submit to the meeting their respective reports for the year ending on the thirty-first day of December.

(2) The Minister may from time to time prescribe forms for the foregoing reports.

205. The returning officer shall at least six days prior to the first Monday in February post up in five conspicuous places in the town or village a notice in Form J of the schedule hereto.

206.—(1) At the time and place named in the notice the returning officer shall attend for the purpose of receiving nominations from eleven o'clock in the forenoon until twelve o'clock noon.

(2) No person shall be nominated for more than one municipal office.

(3) In the case of a town no member of the council shall be eligible for nomination or election as mayor, except in the last year of his term of office, unless he has, at least ten days prior to the day of nomination, filed his resignation with the secretary-treasurer.

(4) Immediately after twelve o'clock noon on the said day, if the number of persons nominated does not exceed the requisite number, the returning officer shall declare the persons nominated duly elected and shall deliver to the secretary-treasurer a list setting out the names and addresses of the persons so elected.

207.—(1) Every nomination for mayor or councillor shall be in writing signed by at least two electors, and shall be accompanied by a written statement from the person

named in the nomination that he is eligible to be elected for such office, and a written consent to accept the office if elected.

(2) The nomination and statement may be in Form K of the schedule hereto.

(3) Any person signing the candidate's acceptance who therein makes a false statement, shall be liable on summary conviction therefor to a penalty not exceeding fifty dollars and costs.

208. In the event of more than the required number of persons being nominated the returning officer shall declare that a poll will be held and shall name the time, which shall be on the same day of the week as the nomination but in the next following week, the place or places where the votes are to be polled and also the time and place at which the result of the polling will be declared.

209. Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nomination cause to be posted up in at least three conspicuous places within the town a notice in Form L of the schedule hereto.

210. Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect, signed by himself in the presence of the returning officer, a justice of the peace, commissioner for oaths or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void.

211. If by reason of any withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected for the office, the returning officer shall return as duly elected the candidate or candidates without waiting for the day fixed for the holding of the poll and the polling for such office shall not take place; and the returning officer shall forthwith post up in three conspicuous places in the town a notice in Form M of the schedule hereto.

212. In case of a poll at a town or village election the vote shall be given by ballot.

213. Where a poll is required the secretary-treasurer shall provide as many ballot boxes as are required.

214. The ballot boxes shall be made of some durable material, 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.

215. When it becomes necessary for the purposes of an election to use the ballot boxes, the secretary-treasurer shall deliver the same to the returning officer for the purposes of the election at least twenty-four hours before the opening of the poll.

216.—(1) In the case of a town where a poll is required the returning officer shall forthwith cause to be printed at the expense of the town such number of ballot papers as will be sufficient for the purposes of the election.

(2) In the case of a village, the ballot papers may be either printed or written, or partly printed and partly written.

(3) Every ballot paper shall contain the names of the duly nominated candidates 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.

217. The names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for councillors.

218. The ballot papers shall be in Form N of the schedule hereto.

219.—(1) The returning officer shall before the opening of the poll prepare such number of printed directions for the guidance of voters in voting as he may deem sufficient.

(2) The directions shall be printed in conspicuous characters and may be according to Form O of the schedule hereto.

220. Every polling place shall be furnished with a compartment or compartments in which the voters may mark their ballot papers screened from observation and the returning officer or deputy returning officer shall see that a proper compartment or compartments for that purpose is or are provided at each polling place.

221. Every returning officer or deputy returning officer shall before the opening of the poll cause the printed directions to be placarded outside the polling place and also in every voting compartment of the polling place and shall see that they remain so placarded until the close of the poll.

222. The poll-book shall be in Form P of the schedule hereto.

ELECTION PROCEDURE.

223. In the following sections 224 to 273 both inclusive, "the officer presiding at the poll" or any similar expression shall mean the returning officer or deputy returning officer acting as such at any polling place at the municipal election.

224. 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.

225.—(1) The officer presiding or appointed to preside at any poll at an election may by writing under his hand appoint a poll clerk, who, in the absence of the returning officer or in case of his illness or inability to fulfill the duties required of him by this Act, shall have the powers of the officer by whom he was appointed.

(2) The officer presiding at the poll may also appoint a constable to maintain order at the polling place or he may summon to his assistance in the polling place any police constable or peace officer for the purpose of maintaining order or of preserving the public peace or preventing any breach thereof or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Act.

226. 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 or 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.

227. The polls shall be kept open from ten o'clock in the forenoon until seven o'clock in the afternoon of the same day.

228. Any person producing to the officer presiding at the poll at any time a written authority to represent a candidate as his agent at a polling place shall be recognized as such by the said officer.

229. In the case of a town every elector may vote once only for a mayor.

230. Every elector may vote once only for the number of councillors to be elected and any ballot containing votes for more than the number of councillors to be elected shall be void.

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

232. The officer presiding at the poll shall be in attendance thereat fifteen minutes before the time for opening the poll and shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; he shall then lock the box and place his seal upon it in such manner as to prevent its 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.

233.—(1) In the case of a village, at every election held before the completion of the first voters' list, every person who presents himself for the purpose of voting shall be required, before he is handed a ballot, to sign a solemn affirmation in Form QQ of the schedule hereto.

(2) The returning officer shall record in the poll-book the name of each person who signs such affirmation.

234. Where a person claiming to be entitled to vote presents himself for the purpose of voting, the officer presiding at the poll shall proceed as follows:

- (a) He shall ascertain that the name of such person or a name apparently intended therefor is entered upon the voters' list.
- (b) He shall record or cause to be recorded by the poll clerk in the proper columns of the poll-book the name, qualification, residence and occupation of such person.
- (c) When the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "Objected to," noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate.
- (d) If any candidate or his agent demands that the voter be sworn the officer presiding at the poll shall administer to him an oath in Form R of the schedule hereto.
- (e) If the voter takes the oath or affirmation the officer presiding at the poll shall receive the vote and shall enter or cause to be entered opposite the person's name in the proper column of the poll-book the word "Sworn" or "Affirmed," according to the fact.
- (f) Where the voter has been required to take an oath or affirmation and refuses to take the same the officer presiding at the poll shall enter or cause to be entered opposite the name of such voter in the proper column of the poll-book the words "Refused to swear" or "Refused to affirm" according to the fact and the vote of that person shall not be taken

or received; and if the officer presiding at the poll takes or receives his vote or causes the same to be taken or received he shall be liable on summary conviction to a penalty of one hundred dollars.

- (g) If the name of any other person appears upon the voters' list as qualified to vote in respect of the parcel in respect of which the person requiring an oath to be administered to him claims to be entitled to vote, the returning officer shall not administer any oath or affirmation to such last mentioned person, and he shall not be entitled to vote.
- (h) Where the voters' list shows an owner and a purchaser or any two or more of them of any parcel or of any part, share or interest therein, only one of such persons shall be entitled to vote in respect of such parcel or share or interest therein, who shall be the purchaser, if any, who is entitled to the possession of such parcel or any such part, share or interest therein, and if there be no such purchaser, shall be the owner thereof.
- (i) When the proper entries respecting the person claiming to vote have been made in the poll book in the manner prescribed, the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that his name has been entered in the poll-book and that he has been allowed to vote; and shall then place his initials on the back of the ballot paper.
- (j) Except in the case mentioned in clause (f) the ballot papers shall then be delivered to the voter.

235.—(1) Any corporation the name of which is entered upon the voters' list, may vote by any person being an officer, member or employee of the corporation, who is not otherwise entitled to vote.

(2) Such person shall make and subscribe the oath in Form S of the schedule hereto.

236. The officer presiding at the poll 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.

237.—(1) In the case of a town the officer presiding at the poll shall place in the columns of the poll-book headed "Mayor" and "Councillors," as the case may be, his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for mayor or councillors, as the case may be.

(2) In the case of a village the officer presiding at the poll shall place his initials opposite the name of every voter receiving a ballot where that name appears in the poll-book.

238.—(1) Upon receiving from the officer presiding at the poll the ballot paper or papers prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall mark his ballot paper or papers by placing a cross on the right hand side opposite

the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidates.

(2) He shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer and immediately after leaving the compartment shall without delay and without showing the front to anyone deliver same so folded to the officer presiding at the poll who shall, without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper or papers, verify his own initials and at once deposit the ballot paper or papers in the ballot box in the presence of all persons entitled to be present and who are present in the polling place; and the voter shall forthwith leave the polling place.

239. 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 how the voter marks his ballot paper.

240. No person who has received a ballot paper from the officer presiding at the poll 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 "Declined" upon the ballot paper and shall preserve the same.

241. If a person claiming to be entitled to vote is by reason of blindness or other physical cause unable to mark his ballot paper or makes a declaration before the officer presiding at the poll in Form T in the schedule hereto that he is unable to read or, when the voting is on a Saturday, that he objects on religious grounds to mark his ballot in the manner hereinbefore prescribed, the proceedings shall be as follows:

- (a) The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box.
- (b) The officer presiding at the poll shall state or cause to be stated in the poll-book by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked.

242. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the officer presiding at the poll the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said 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 so delivered to him; and he shall preserve the same till he makes his return as hereinafter provided.

243. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorized to attend at the polling place and the voter who is for the time being actually engaged in voting.

244.—(1) In every polling place the officer presiding at the poll shall, immediately after the closing of the poll, in the presence of the poll clerk, if any, and of such of the candidates or of their agents as may then be present, open the ballot box and proceed to count the votes as follows:

(2) He shall examine the ballot papers and any ballot paper which has not his initials on its back or on which more votes are given than the elector is entitled to give or on which anything except the initials of the said officer on the back 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 be void and shall not be counted.

245.—(1) The officer presiding at the poll shall take a note in Form U 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.

(2) Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the officer presiding at the poll.

246. The officer presiding at the poll shall indorse "Rejected" on any ballot paper which he rejects as invalid and shall indorse "Rejection objected to" if any objection is made to his decision.

247.—(1) The officer presiding at the poll shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up 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:

- (a) Name of the town or village and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

(2) Upon the completion of the statement it shall be signed by the officer presiding at the poll, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign such statement.

(3) Upon being requested so to do the officer presiding at a poll shall deliver to each of the persons authorized to attend at his polling place a certificate of the number of votes given for each candidate and of the number of rejected ballot papers.

248. 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 the votes.

249.—(1) Every officer presiding at a poll shall at the close of the poll certify under his signature in the poll-book in full words the total number of persons who have voted and shall at the completion of the counting of votes in the presence of the candidates or agents of the candidate make up into separate packets—

- (a) the statement of votes given for each candidate and of the rejected ballot papers;
- (b) the used ballot papers which have not been objected to and have been counted;
- (c) the ballot papers which have been objected to but which have been counted by him;
- (d) the declined and cancelled ballot papers;
- (e) the unused ballot papers;
- (f) a statement of the number of voters whose votes have been marked as hereinbefore provided by the officer presiding at the poll upon declarations of inability being made; and the notes taken of objections made to ballot papers found in the ballot box.

(2) Every such packet shall be sealed with the seal of the officer presiding at the poll and with the seals of such candidates or agents of candidates as desire to affix their seals and shall be marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding and that of the town.

(3) Before leaving the polling booth, the returning officer shall enter in the poll book a certificate in Form V of the schedule hereto, which shall be signed by him in the presence of a witness.

250.—(1) If there be only one polling place the returning officer shall retain such voters' lists, poll-book, packets, ballot paper account, ballot box and declaration until after he shall have publicly declared the result of the election and shall then forward the same to the secretary-treasurer.

(2) If there be more than one polling place the deputy returning officers for the additional polling places shall forward such voters' lists, poll-books, packets, ballot paper accounts, ballot boxes and the declarations to the returning officer, who shall forward same to the secretary-treasurer at the same time as he forwards the voters' lists, poll-book, packets, ballot paper accounts, ballot box and declarations for his own polling place.

(3) The voters' lists, poll-books, packets, ballot paper accounts, ballot boxes and declarations may be inspected at any time by any elector in the presence of the secretary-treasurer.

251. If there be only one polling place the returning officer shall immediately after he has counted the ballots declare the result of the poll and subsequently on the date and at the place previously appointed publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; and shall also post up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate and forward a copy thereof to the secretary-treasurer.

252.—(1) If there be more than one polling place the returning officer shall on the date and at the place previously appointed in the presence of such of the candidates or their agents as may be present, break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as are hereinbefore required to be taken by the officer presiding at the poll and shall make and initial all necessary corrections in the statement required by said section.

(2) The returning officer shall then add the votes given for each candidate at each polling place, including his own, and shall publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be voted upon by the electors; he shall also post up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate and forward a copy thereof to the secretary-treasurer.

253. In case it appears upon the casting up of votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer, whether otherwise qualified or not, shall at the time when he declares the result of the poll give a casting vote so as to decide the election.

254. Except in such case no returning officer shall vote at any election.

255. All poll clerks and constables shall if otherwise qualified be entitled to vote.

256. The person or persons elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly.

257. Forthwith after the election the returning officer shall deliver to the secretary-treasurer the ballot boxes, packets and returns aforesaid; and the secretary-treasurer shall thereafter be responsible for their safe keeping and for their delivery when required.

258. The secretary-treasurer shall retain for one month all ballot papers received by him as aforesaid and shall then, unless otherwise ordered by a judge, cause them to be burned in the presence of two witnesses, whose affidavit that they have witnessed the burning of the said papers shall be taken before the mayor or a justice of the peace and filed by the secretary-treasurer among the records of the town or village.

259. No person shall be allowed to inspect any ballot papers in the custody of the secretary-treasurer except under order of a judge to be granted by the 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 this Act to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the secretary-treasurer.

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

261. If at any time within fourteen days from the time when the ballot papers used at any election have been received by the secretary-treasurer it is on the affidavit of a credible person made to appear to a judge that the returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers, the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat or seats may be affected of the time and place at which he will proceed to recount the votes.

262. At the time of the application for a recount the applicant shall deposit with the Clerk of the Court the sum of twenty-five dollars as security for the payment of costs and expenses and the said sum shall not be paid out by the clerk without the order of the judge.

263. The judge, the secretary-treasurer and each candidate notified to attend the recount of ballot papers 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 the votes.

264.—(1) The secretary-treasurer shall attend with the ballot boxes at the time and place appointed and the judge shall proceed to recount all the ballot papers received by the secretary-treasurer from the returning officer as having been given in the election complained of and he shall in the presence of the parties aforesaid if they attend or in the presence of such of them as do attend open the sealed packets containing—

- (a) the used ballot papers which have not been objected to and have been counted;
- (b) the ballot papers which have been objected to but which have been counted by the returning officer;
- (c) the rejected ballot papers;
- (d) the declined and cancelled ballot papers;
- (e) the unused ballot papers.

(2) In recounting the ballot papers care shall be taken that the mode in which any particular voter has voted shall not be discovered.

265. The judge shall as far as practicable proceed continuously with the recount of the votes allowing only time for refreshment, excluding only Sundays and on other days excluding only except so far as he and the parties aforesaid agree the hours between six o'clock in the evening and nine o'clock on the succeeding morning; and during the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

266.—(1) The judge shall proceed to recount the votes as follows:

- (a) He shall examine the ballot papers;
- (b) Any ballot paper on which votes are given for more candidates than are to be elected for the office in question or on which anything except the initials of the returning officer on the back is written or marked by which the voter can be identified and any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted;
- (c) The judge shall take a note of any objection made by a candidate or by 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;

- (d) The judge shall then count the votes given for each candidate upon the ballot papers not rejected and shall make 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 several heads following:
 - (i) Names of the candidates;
 - (ii) Number of votes for each candidate;
 - (iii) Ballot papers without the initials of the returning officer;
 - (iv) Ballot papers rejected as marked for more candidates than were to be elected;
 - (v) Ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
 - (vi) Ballot papers rejected as unmarked or void for uncertainty.
 - (e) In case the ballot box has been lost or destroyed the judge shall use the duplicate statement and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates.
 - (f) Upon the completion of the recount or as soon as he has thus ascertained the result of the voting the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the secretary-treasurer, who shall thereupon by notice to be posted in his office declare elected the candidate having the highest number of votes.
 - (g) 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 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.
- (2) Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions contained in *The Controverted Municipal Elections Act* by proceedings in the nature of *quo warranto* or otherwise.

267.—(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 any 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 same manner and according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment thereof.

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

269. 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; but no candidate shall be present at the marking of a ballot by a presiding officer of a poll upon a declaration of inability or religious objection being made, as hereinbefore provided.

270. When in the sections of this Act relating to elections of mayor or councillors expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates, such expressions shall be deemed to refer to 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 being done; and if the act or thing is otherwise duly done the non-attendance of any agent at such time and place shall not invalidate it.

271. No election shall be declared invalid by reason of 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 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.

272. All reasonable expenses incurred at any election under this Act shall be paid by the treasurer out of the funds of the town or village upon the production to him of proper accounts verified in such manner as the council may direct.

ADVANCE POLL.

273.—(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 town or village 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 or village in which advance poll votes may be given by electors resident in any portion of the town or village.

(2) An advance poll shall be open and shall only be open for such time not less than two hours on the Friday and Saturday of the week preceding that of the election or of such other two days as may be set out in the direction of the council.

(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 town or 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.

The 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 the 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.

.....
Signature of Elector.

.....
Signature of Presiding Officer.

Miscellaneous Provisions.

- (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 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 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 ad-

vance 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 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 second 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.

PART VIII.

ASSESSMENT IN TOWNS AND VILLAGES.

274.—(1) Subject always to the other provisions of this Part and unless by this Part expressly exempted, all land in a town or village and every interest therein which is subject or liable to taxation by the Province shall be assessed at its fair actual value exclusive of the value of minerals.

(2) In computing the fair actual value of any parcel of land or any interest therein, only two-thirds of the value of any improvements thereon shall be included therein, except only where a by-law has been passed pursuant to this Part providing that a greater part than two-thirds of the value of the improvements shall be included in the fair actual value or that no part of the value of the improvements shall be included in the fair actual value, and in either such event the value of the improvements to be so included shall be as set forth in the by-law.

(3) For the purposes of assessment, any buildings upon any land which are not affixed to the land so as to become part thereof shall be deemed to be land for the purposes of assessment and shall be assessed as improvements upon the land.

(4) Where buildings are erected by the tenant upon land held of a railway company under lease, whether the buildings are affixed to the land or not, the buildings, together with the land forming the site thereof or occupied therewith, shall be assessed to the tenant as if he were the owner thereof.

(5) Land leased from a railway company as an industrial site may be assessed to the tenant of such site as though he were the owner thereof; and any buildings or improvements erected, owned or occupied by the tenant, whether affixed to the land or not and irrespective of the amount or nature of his interest therein, shall be assessed to him as well as all other buildings and improvements thereon.

(6) In any case where any land, buildings or improvements, or any of them is assessed to a tenant pursuant to this section—

- (a) the name of the tenant shall be placed upon the assessment roll as if he were the owner of the land, buildings and improvements in respect of which he is so assessed;
- (b) Every tenant of any land, buildings and improvements so assessed shall, whether his name appears upon the assessment roll or not, pay taxes upon the assessed value of the lands, buildings and improvements so assessed at the rate of taxation lawfully imposed thereon irrespective of the amount or nature of his interest therein.

275.—(1) The following lands, and the minerals thereon, shall be exempt from assessment and taxation:

- (a) 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 one half-acre only; together with such building, but exclusive of any other building situated thereon;
- (b) Land 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*, but to the extent of four acres only;
- (c) Land to the extent of four acres, held by or for the board of trustees of any school district established or formed under *The School Act*, or *The School Ordinance*;
- (d) Land of a company formed under the provisions of *The Cemetery Act*, and also any other land in use as a public cemetery, but in the latter case to the extent of twenty-five acres only;
- (e) Land belonging to any municipality when held for the public use of such municipality;
- (f) Land of any agricultural society organized or formed under *The Agricultural Societies Act*;
- (g) Land vested in any library board established under the provisions of *The Public Libraries Act*.

(2) The council may by by-law exempt from assessment and taxation any land up to the extent of four acres, held by any association formed for religious or educational purposes, and used for the purposes of such association.

(3) The council may by by-law exempt from assessment and taxation land not exceeding five acres which forms the site of any building used solely for community purposes together with such building.

(4) Land exempted under clauses (a), (b) and (c) or under subsections (2) and (3) of this section shall be liable to be assessed for local improvements and frontage tax.

276. The council may by a by-law passed at a regular meeting of the council held before the first day of April in any year provide, either that a part of the fair actual value of the buildings and improvements on land greater than two-thirds thereof shall be included in the fair actual value of land, or in the alternative, that no part of the value of any buildings or improvements upon land shall be included in the fair actual value of the land.

277.—(1) The council of every town and village may at a regular meeting of the council held prior to the first day of May in any year pass a by-law providing for the assessment of any trade, business or profession carried on within its corporate limits and for the payment by any person carrying on a trade, business or profession of an annual tax upon the assessment thereof to be known as a business tax.

- (2) By any by-law so passed the council may provide—
- (a) for the grouping into classes of trades, businesses and professions for the purpose of assessment and taxation under the by-law;
 - (b) for the assessment of any class or classes of any trade, business or profession at a sum equal to the full annual rental value of the premises occupied for the purpose of the trade, business or profession and for the payment by any person carrying on any trade, business or profession so assessed of an annual tax in respect thereof which shall be such percentage of the assessed value not in excess of one hundred per centum as may be specified in the by-law, which percentage may be varied as between any one class or classes and any other class or classes;
 - (c) for the assessment of persons engaged in the trade or business of grain dealers, grain elevator operators, coal dealers, gasoline distributors, oil distributors, storers of goods and chattels and similar businesses on the basis of the total available storage capacity of the premises used for the purpose of the trade or business; and

(d) for the assessment of any trade, business or profession, not being a trade or business assessed upon the storage capacity, on the basis of the floor space of the entire premises occupied for the purpose of the trade, business or profession.

(3) In case provision is made by the by-law for the assessment of any trade, business or profession upon the basis of the floor space of the premises occupied for the purposes thereof, a sum per square foot of floor space shall be specified therein as the basis of the assessment, and the assessed value of the premises shall be the sum so fixed multiplied by the number of square feet of floor space of the premises occupied for the purposes of the trade, business or profession including in the floor space all space occupied by partitions, elevators, stairways or any other internal structures on the premises.

(4) In case provision is made by the by-law for the assessment of any trade or business on the basis of the storage capacity of the premises used for the purposes of the trade or business, a unit of storage capacity such as a cubic foot, cubic yard, bushel, gallon or other unit of weight or measurement as well as a sum for each such unit shall be fixed thereby as the basis of the assessment of the storage premises, and the assessed value of the storage capacity shall be the sum so fixed multiplied by the total number of units of the total available storage capacity of the premises used for the purposes of the trade or business.

(5) For the purpose of obviating unfairness or discrimination between different trades, businesses and professions having regard to the profits derived from the exercise thereof, the council may in the by-law fix different amounts for the basis of assessment for floor space or for the basis of assessment for storage capacity, as the case may be, for different classes of trades, businesses or professions having regard to all or any of the following considerations, namely—

- (a) the nature of the trade, business or profession carried on;
- (b) the purpose to which the floor space or any part thereof is put;
- (c) the situation or position of the place of business in relation to that of other places of business, whether in the same building or not;
- (d) the extent to which any floor space or storage capacity occupied for purposes of the trade, business or profession is profitably used.

(6) In the case of any trade, business or profession assessed on the basis of floor space, the business tax payable in respect thereof shall be calculated annually on the assessed value thereof at such uniform rate as is specified in respect thereof in the by-law for the year in which the by-law is

passed, and in every year subsequent thereto at the rate aforesaid or such other rate as may be specified in any amending by-law.

(7) In the case of any trade or business assessed on the basis of storage capacity, the business tax payable in respect thereof shall be calculated annually on the assessed value thereof at such uniform rate as is specified in respect thereof in the by-law for the year in which the by-law is passed, and in every year subsequent thereto at the rate aforesaid or such other rate as may be specified in any amending by-law.

(8) Every person who carries on within the town for more than thirty days in any year any trade, business or profession in respect of which a business tax is payable, shall be liable for the payment of the annual business tax in respect thereof, and the said tax shall be in addition to all other taxes levied or payable under any of the other provisions of this Act.

(9) Every by-law and every amending by-law passed under the provisions of this section shall continue in force until amended or repealed, but no such by-law shall be amended or repealed except by a by-law passed at a regular meeting of the council held in any year subsequent to the year in which the original by-law was passed and prior to the first day of May in the subsequent year.

(10) All the provisions of this Act relating to the mailing of assessment notices, complaints as to assessments, the right of appeal from assessments, the collection of taxes, the allowance of discounts upon payment of taxes, and the imposition of penalties for non-payment, shall *mutatis mutandis* apply to assessments made under this section and the levy and collection of any business tax.

(11) In any case in which it is made to appear to the Alberta Assessment Commission upon the hearing of any appeal from any assessment made pursuant to this section that by reason of the method adopted in making any assessment in respect of any trade, business or profession, or any class thereof, under a by-law or the rate of taxation imposed upon any trade, business or profession, or any class thereof, has the effect of discriminating against any trade, business or profession or any class thereof, the Commission may by order alter or vary any assessment or rate of taxation which it deems to be discriminatory for the purpose of relieving against discrimination, and any assessment or rate of taxation so altered or varied shall be substituted for the original assessment or the original rate of taxation, as the case may be, and the tax calculated thereon shall be the business tax payable in respect of trades, businesses and professions affected thereby.

278. For the purposes of this section—

- (a) "Floor space" means the superficial area of every floor in any building in which any trade, business

or calling is carried on, and includes the superficial area of any land not forming the site of a building which is occupied for the purpose of or incidentally to the exercise or carrying on of any trade, business or calling;

- (b) "Place of business" means the store, office, warehouse, factory, building, enclosure, yard or other place occupied by any person for the purpose of any trade, business or calling.

279. As soon as may be in every year, but not later than the thirty-first day of March, the assessor shall assess every assessable parcel of land 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 parcel and of all assessments.

280. The secretary-treasurer upon receipt of such return shall prepare an assessment roll in which he shall set out as accurately as may be—

- (a) the name of the owner, if known, of every parcel of land in the corporate limits;
- (b) the name of the purchaser, if any, entitled to the possession of every such parcel of land;
- (c) the name of the conditional owner of every parcel of land whose interest in such parcel is liable to taxation, and the name of every tenant of land owned by a railway company;
- (d) the last known post office address of the owner, purchaser, or conditional owner;
- (e) a brief description of every parcel of land, and where the assessed parcel is not subdivided according to a plan registered in a Land Titles Office, the number of acres which it contains;
- (f) the assessed value of every parcel of land;
- (g) the assessed value of buildings and improvements separately from the assessed value of the land of which they are a part or are deemed to be a part;
- (h) the name of every person carrying on a taxable trade, business or profession within the town;
- (i) the assessed value of every taxable trade, business or profession;
- (j) the place where every such trade, business or profession is carried on;
- (k) in the case of a town the name of every person owning taxable property in a town school district and the assessed value of the property of each such person;
- (l) in the case of a town, whether the ratepayer is assessed as a public school supporter or a separate school supporter.

281. In the case of a town, in the absence of any declaration by a taxpayer as to whether he desires to be rated as a supporter of public school or of separate school, the secretary-treasurer shall enter the taxpayer as a supporter of the public school.

282. Failure to enter any of the particulars hereinbefore directed shall not invalidate the assessment of any 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.

283. 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.

284. Immediately upon the completion of the assessment roll the assessor shall make and attach thereto a statutory declaration in Form W of the schedule hereto.

285.—(1) The secretary-treasurer shall within two weeks after the completion of the assessment roll, mail to every person whose name appears on the assessment roll, an assessment slip containing the particulars appearing in the roll in respect of such person.

(2) The secretary-treasurer shall immediately after the mailing of such assessment notices make over his signature a declaration of the date of such mailing, and such declaration shall be *prima facie* evidence of the mailing of assessment notices to each of the assessed persons whose names and post office addresses appear in the roll, without proof of the appointment or signature of the secretary-treasurer.

(3) Notwithstanding the provisions of the previous subsections, no assessment slip need be sent to any purchaser of land, unless prior to the first day of April a notice sent by him or by the registered owner has been received by the secretary-treasurer, showing the purchaser's interest in any assessed parcel, giving his name and postal address and requesting that notice of assessment and taxation be sent to him.

286. The secretary-treasurer shall also within two weeks after the completion of the roll, publish in a newspaper published in the town or village, or if there be no such newspaper, in a newspaper circulating therein, and post up in five conspicuous places in the town or village, a notice in Form X of the schedule hereto.

287. Every assessment slip shall be in Form Y of the schedule hereto.

288. 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 thereof by any person.

289.—(1) The council may in any year by resolution direct that the assessment of land including buildings and improvements made in the previous year shall be valid in all respects for the first mentioned year, subject to the right of appeal:

Provided that no such direction shall be given in more than four consecutive years:

Provided further, that when the assessment is made by adopting the assessment roll of the previous year in accordance with the provisions hereinafter contained, no assessment slip need be sent to any person whose name appears upon the assessment roll of the previous year, unless the assessment of his property is changed.

(2) No such direction shall be given in any year after the thirty-first day of March.

(3) In the event of the council of any city desiring that this section should apply to the city, the Minister may declare, upon application from the council, that this section shall so apply.

290.—(1) When any such direction is given, the assessor shall make his assessment by adopting the assessment of the previous year and by assessing all assessable parcels, businesses, trades and professions which did not appear upon the assessment roll of the previous year; and shall likewise write the word "Non-assessable" opposite the description of all property which has ceased to be assessable.

(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.

CORRECTIONS OF ASSESSMENT ROLL.

291. If at any time before the first day of December it is discovered that any property, trade, business or profession which should be included in the roll, is not so included in the roll, or that the name of any person taxable in respect of any property, trade, business or profession is not entered upon the roll, the secretary-treasurer shall notify the person taxable in respect of such property, trade, business or profession by registered mail if he resides or has a place of business within the town or village, that at a meeting of the council to be held at least six days after the mailing of such notice, an application will be made to the council to assess such property, trade, business or profession for such sum as may be deemed right and that the taxable person is required to attend the meeting to show cause why the assessment should not be made, and as to the amount thereof, or as to why his name should not be entered upon the assessment roll.

292. If the taxable person does not reside or have a place of business within the town or village, then the notice shall be mailed by registered letter to the post office address of such person fifteen days before the meeting of the council.

293. After the notice has been mailed as aforesaid, and after the expiration of the time mentioned therein, or if the taxable person or his address is not known, then without any notice the council may make an assessment in respect of the property, trade, business or profession, and direct the secretary-treasurer to enter the same, and the name of the taxable person, if known, upon the assessment roll.

Provided always, that all the provisions of this Act as to appeals from assessment as far as the same are applicable, shall apply to every such assessment.

294.—(1) When a person claims to be entered upon the assessment roll or claims that another person should be entered upon the assessment roll and the secretary-treasurer has reasons to suspect that the person so claiming or the person on whose behalf the claim is made, has not a just right to have his name entered upon the roll, the secretary-treasurer shall make reasonable inquiries before entering the name of any such person upon the roll.

(2) The name of any person which should be entered upon the assessment roll, shall be so entered without any request and any person entitled to have his name entered upon the roll may apply to have the name of any other person entered upon the roll, unless such other person actually dissents from the application.

295. The secretary-treasurer shall not, save as is by this Act expressly directed, erase any name from the assessment roll, but he shall upon learning that any person has become interested in any assessed parcel as owner, conditional owner or purchaser thereof, add the name of such person to the assessment roll.

296. 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.

297. Where any person had at the time of the assessment any taxable 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 taxable interest therein.

298. Where any person had at the time of the assessment any taxable interest in the property in respect of which his name was entered upon the assessment roll and there has been a complaint to the court of revision, but there has been no appeal to the Alberta Assessment Commission as herein provided for, then immediately upon the expiry of the time limited for forwarding notices of appeal to the Commission, 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 taxable interest therein.

299. Where the name of any person having an 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 interest may be assessed in any subsequent year, and the name of such person entered upon the roll in respect of such interest, and he shall thereupon become liable to pay his 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 interest had been then correctly assessed and he had been taxed.

300. 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 the right of appeal to the Alberta Assessment Commission.

301. The Alberta Assessment Commission shall hear the appeal after it has been notified by the secretary-treasurer of the desire of the said person to appeal and it shall either confirm the assessment made by the court of revision, or if it thinks such assessment is incorrect, fix a sum as a proper assessment.

COMPLAINTS AND APPEAL.

Complaint to Court of Revision.

302. If any person thinks that his name or that of any other person has been wrongfully entered upon the said roll or that any property has been wrongfully assessed or that any property has been assessed too high or too low, or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa*, he may within thirty days of the posting of the notice referred to in section 286, complain in writing to the secretary-treasurer.

303.—(1) Any such complaint may be handed to the secretary-treasurer or left at his usual place of abode or

sent by mail, but if it is sent by registered mail and addressed to the secretary-treasurer at his usual place of abode, he shall be deemed to have received the same.

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

(3) Every complaint shall be in Form Z of the schedule hereto.

304. All complaints duly lodged with the secretary-treasurer shall be dealt with by the court of revision and subject to appeal to the Alberta Assessment Commission.

305. The council shall form a court of revision for the trial of complaints duly lodged under the preceding provisions of this Act.

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

307. The council may call a special meeting to hear complaints.

308.—(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 notice shall be sent by registered letter to the post office address, if any, of the complainant which is entered in the assessment roll or is indicated in the complaint, and in other cases to the post office address, if any, which is entered on the assessment roll, at least fifteen days before the sitting of the council, unless the person resides within the town or village, in which case the secretary-treasurer shall cause the notice to be served at his residence or sent by registered mail 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 AA 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.

309. The secretary-treasurer 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 railway is not available, or actual railway fare (both ways) where a railway is available, dis-

obeys 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 complaint 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.

310. The complaints 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.

311. 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 agent, the council may proceed in his absence.

312.—(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 complaint.

313. The assessment of any parcel of land shall not be varied by the council on complaint if the value at which it is assessed bears a fair and just proportion to the value at which lands in the town or village are assessed.

314. All the duties of the council as a court of revision shall be completed by the last day of June and no complaint to the council shall be heard after that date except where it is otherwise specifically provided by this Act.

315.—(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.

(3) When the council has heard and determined any complaint, the secretary-treasurer shall forthwith notify the complainant and every person whose name is entered upon the assessment roll in respect of the land or other property affected, in writing, 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.

(4) When the council has omitted, neglected or refused to hear or decide a complaint by the day fixed for the completion of its duties, the secretary-treasurer shall immediately notify the complainant in the same manner as is prescribed in the last preceding subsection.

316. 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 thus finally completed and certified shall be the assessment roll for that year, subject to amendment on appeal to the Alberta Assessment Commission and to any amendment that may be necessary to bring the roll into conformity with the assessment of the town or village made by the Alberta Assessment Commission, and any directions of the said Commission with respect thereto, and subject to any further amendment as herein provided, and shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in any notice required by this Act, or any omission to deliver or to transmit any such notice.

Appeal to the Alberta Assessment Commission.

317.—(1) Any person who, or the assessment of whose property, is affected by the decision of the court of revision may appeal against the 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 within eight days after the service, or, as the case may be, the mailing of the notification of the result of his complaint, or of the failure to hear or decide his complaint, a written notice of his intention to appeal to the Alberta Assessment Commission.

318.—(1) The secretary-treasurer shall, as soon as possible, forward a list of all notices of appeal to the Alberta Assessment Commission which shall fix a date and a place for the hearing of such appeals.

(2) The secretary-treasurer shall thereupon give notice to all appellants and persons appealed against in the same manner as is hereinbefore provided for giving notice to a complainant; 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 Commission 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 sitting will be held to hear appeals.

319.—(1) On the hearing of any such appeal if it is made to appear to the Alberta Assessment Commission that

land situated in any town school district but outside the limits of the town has been assessed at a higher relative value than land within the town he may order that a percentage of reduction be made in the assessed value of all lands so situated outside the limits of the town so that justice may be done in the school district as between the taxpayers inside and outside the limits of the town.

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

320. The Alberta Assessment Commission may adjourn hearing of any appeal from time to time and may defer a judgment thereon for a period not exceeding one month.

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

322. 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.

323. At any such hearing the Alberta Assessment Commission 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 its orders, decisions or judgments, which belong to or may be exercised by a judge of the District Court.

324. All process or other proceedings in the appeal may be intitled as follows:

“In the matter of appeal from the court of revision of the Town (or Village) of.....

“Between:

“A.B., *Appellant*.

and

“C.D., *Respondent*.”

325. In determining all matters brought before the Alberta Assessment Commission it 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.

326. A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under

the seal of the town or village 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.

327. 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.

328. 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.

329. The decision and judgment of the Alberta Assessment Commission shall be final and conclusive in every case adjudicated upon.

SPECIAL ASSESSMENT.

330. The Minister may at any time direct a new assessment to be made in any town or towns, village or villages, or all towns and all villages, or all towns or all villages in lieu of any assessment made in pursuance of this Act, and if in his opinion the procedure prescribed in this Act is inapplicable, he may prescribe other procedure which shall include provisions for the hearing of complaints by a court of revision and the hearing of appeals by the Alberta Assessment Commission.

PART IX.

LOCAL IMPROVEMENTS.

331.—(1) The term "local improvements" shall be taken to mean—

- (a) the opening, widening, straightening, extending, grading, levelling, macadamizing, paving or planking of any street or public lane, alley, way or place; or
- (b) the construction of any sidewalk, bridge, culvert or embankment forming part of a highway; or
- (c) the curbing, sodding, boulevarding or planting of any street or public land, alley, square or other public place; or
- (d) the making, deepening, enlarging or extending of any common sewer; or

- (e) the construction of any conduit for wires or pipes along any roadway, street, lane, alley, square or other public place; or
- (f) the construction (but not the mere repair and maintenance) of any of the said works during the originally estimated lifetime thereof; or
- (g) the repairs and maintenance thereof after the lapse of the originally estimated lifetime thereof; or
- (h) the erection of firewalls and the acquiring of land necessary for the same.

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on that portion of the street or place whereon or wherein the improvement is to be made according to the number of lineal feet thereof of the said several lands measured along the abutting portion at a uniform and equal rate per foot, computed by dividing the total sum to be raised by special frontage assessment on the said lands by the total number of lineal feet of such abutting lands:

Provided that where several parcels of land abut on the local improvement some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land, such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have, so that each parcel of land abutting on the local improvement shall bear a fair, just and equitable proportion of the cost of the improvement; and—

- (a) in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and for the purpose of affording an outlet therefor a sewer is carried along a street or place along which such sewer would not have been carried except as a means of affording an outlet as aforesaid, the lot or lots, parcel or parcels of land abutting on such street or place shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances;
- (b) if any land which has not been assessed by way of special frontage assessment for any part of the cost of a sewer is connected therewith there may be assessed against such land the same amount per foot frontage as was assessed against the lands actually abutting on the street or place whereon or wherein the sewer or system of sewers was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of the town or village account relating to sewers; but any land

so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption.

(3) The term "special local benefit assessment" shall be taken to mean a special assessment levied against each parcel of land in the vicinity of the local improvement, whether or not such land abuts on the street or place whereon or wherein such local improvement is made, as is increased or is likely to be increased in market value or is otherwise specially benefited by reason of the construction of local improvement, sufficient to raise a fair, just and equitable proportion of the total sum to be raised therefor by special local benefit assessment having regard to the benefit to other parcels of land specially benefited by the local improvement.

(4) The term "cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the money to pay the cost thereof including discounts and interests.

(5) The term "special assessment" shall include the terms "special frontage assessment" and "special local benefit assessment" as the context may require.

332. The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall with interest at a rate not exceeding eight per centum per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable, and shall be payable in the same manner and collectable by the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general town or village taxes:

Provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof less any amounts previously paid on account thereof.

333.—(1) The council may pass by-laws for providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion of it, if any, shall be borne by the town or village at large and in the case of special frontage assessment what lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands benefited and for assessing the cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment and in the case of common sewers and water mains and water service connections heretofore constructed or hereafter to be constructed what portion of the cost thereof shall be raised by uniform frontage assessment and what portion shall be borne by the town or village at large.

(2) A by-law or by-laws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special by-law in each particular instance.

334.—(1) Any local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment may be undertaken pursuant to petition or notice as hereinafter provided—

(a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on that part of the street or place whereon or wherein the improvement is to be made or of lands to be benefited by the local improvement, as the case may be, and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll, the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition;

(b) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part:

Provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made;

(c) The council may cause a notice of its intention to undertake a local improvement to be inserted once in each week for two consecutive weeks in at least

one newspaper published in the town or village, or if there is no such newspaper in a newspaper circulating therein, and such notice shall describe the nature and location of the proposed improvement and the special assessment to be adopted for same, and unless the majority of the owners of the lands that may be assessed therefor, representing at least one-half in value thereof as aforesaid, petition the council against the same within two weeks after the last publication of such notice, such local improvement may be undertaken and the cost thereof assessed by the system of assessment referred to in the said notice;

- (d) If any sufficiently signed petition as aforesaid against the proposed local improvement is presented to the council no second notice for the same shall be given by the council within the then current calendar year;
- (e) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment, it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

335.—(1) Any local improvement may in the discretion of the council be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

(2) If in any case the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded rateably to those by whom it was paid.

336. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby, either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth—

- (a) a description in general terms of the local improvement;
- (b) the probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) the probable or actual cost if then ascertained of the local improvement;
- (d) that portion, if any, of the cost to be borne by the town or village at large;

- (e) the portion of the cost to be provided by special assessment and the system of special assessment under which the special assessment is proposed to be made;
- (f) the time fixed for the sitting of the council for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

337. A memorandum in any proper book or roll kept for that purpose of the service or mailing of such notices and of the date thereof shall be *prima facie* evidence of the service or mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.

338. There shall be a right of appeal against every assessment made under the authority of any by-law passed respecting local improvements in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.

339. Subject to the right of appeal herein given, no assessment under the provisions of this Act respecting local improvements shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends.

340. The decision of the council subject to an appeal to the Alberta Assessment Commission by the like procedure and as in like cases under the provisions of this Act shall be final and conclusive upon all matters respecting the assessment and special rate and the council and commission shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

341. The council may pass by-laws—

- (a) for borrowing by the issue of debentures upon the credit of the town or village at large the money required to meet the whole or any part of the costs of any local improvement, provided (1) that such debentures shall mature within the probable lifetime of the local improvement; (2) that it shall not be necessary to obtain the assent of the proprietary electors to the passing of any by-law for raising the cost of a local improvement to be levied by special assessment nor of any by-law for raising the cost to be borne by the town or village at large for an extension of a system of sewerage originally constructed as a local improvement or of any other

local improvement unless in the case of such other local improvement the share of the cost to be borne by the town or village at large shall be greater than forty per centum of the cost of such local improvement; and (3) that nothing herein contained shall be construed as authorizing an extension of the general debt of the town or village beyond the limits thereof fixed by this Act;

- (b) for borrowing by way of temporary loans without the issue of debentures but within the restrictions aforesaid on the credit of the town or village at large the whole or any part of the cost of a local improvement;
- (c) debentures issued or moneys borrowed for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the town or village within the meaning of this Act and it shall not be necessary to cite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money but it shall be sufficient to state in any such by-law that the amount of the general debt of the town or village as therein set forth is exclusive of local improvement debts secured by special assessment.

342. The moneys required to pay the cost of any local improvement may be borrowed under the authority of one or more by-laws; and the portion payable by way of special assessment and the portion to be borne by the town or village at large may be provided for in one or more separate by-laws; and every by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise—

- (a) the amount of the debt which such by-law is intended to create and in general terms the object for which it is to be created;
- (b) the total amount required to be raised annually for paying the debt and interest under the by-law and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable;
- (c) the total value of the land charged with the special assessment and if any portion of the debt created by such by-law is to be borne by the town or village at large the value of the whole rateable property of the town or village according to the last revised assessment roll;
- (d) that the debt is contracted on the credit and security of the town or village at large but as to so much as is not to be paid by the town or village at large the town or village is to collect the same only by way of special assessment as aforesaid.

PART X.

PUBLIC UTILITIES.

343.—(1) The council shall have power—

- (a) to build, erect, buy or lease any electric light, heat, power, natural gas, or gas plant, either within or without the town or village and to control and operate the same;
- (b) to build, erect, buy or lease and control and operate, subject to the provisions of *The Public Health Act*, any waterworks plant, either within or without the town or village;
- (c) to purchase stock in any incorporated company carrying on or formed for the purpose of carrying on any of the businesses in this section mentioned.

(2) Any by-law passed by the council for any of the above mentioned purposes, shall be submitted to the proprietary electors, and the same shall only become operative upon ratification by two-thirds of the proprietary electors voting thereon.

(3) In order to carry out any of the above mentioned purposes, duly authorized by the proprietary electors, the council shall have power to acquire any lands, either within or without the town or village, and to enter into any contract necessary for the proper carrying on of the business with respect to which the by-law refers.

(4) The council may appoint by by-law, superintendents for the purpose of carrying on any such business.

(5) In the case of natural gas plants, the council shall have power to enter into contracts for drilling for natural gas.

344. The council may from time to time, by by-law, fix the rates, charges or rents for supplying electric light, heat or power, and may enforce payment of such rates, charges or rents, by cutting off the light, heat or power, or by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the persons owing such rates, charges or rents.

345.—(1) The council may authorize the mayor or secretary-treasurer to sign and execute any contract with any person (in this clause called “contractor”) to supply light, power, gas, natural gas or water for the use of the corporation for any period not exceeding ten years, subject to the approval of the Board of Public Utility Commissioners, and the ratification of the by-law, so approved, by two-thirds of the proprietary electors voting thereon.

(2) Application for approval shall be made to the Board of Public Utility Commissioners prior to or forthwith after the first reading of the by-law.

(3) Any such contract shall, whether or not it contains an express provision to that effect, be subject to the following condition, namely, that at the expiration of the term thereof, the same may be renewed for a period not exceeding ten years (and so from time to time), with such alterations, if any, as may be agreed upon by the parties and approved by the Board of Public Utility Commissioners, and that, if either party refuses to renew such contract, or if the parties fail to agree as to the conditions of such renewal, then the council may, subject to the consent of the Board of Public Utility Commissioners, purchase all the rights of the contractor in all matters and things under such contract and in all apparatus and property used for the purposes thereof, for such price and on such terms as may be agreed upon with the contractor, or, failing such agreement, then for such price and on such terms as may be fixed and settled by the Board of Public Utility Commissioners on the application of either of the parties.

(4) The council shall have power to construct such pipe lines or any other thing that may be necessary to conduct light, power, natural gas, or water to the town or village notwithstanding that such expenditure is made upon land outside the boundaries of the town or village.

346. The council may pass a by-law for the purpose of installing, maintaining and operating any ferry wheresoever situated, licensed under the provisions of *The Public Works Act*.

PART XI.

RATES AND TAXES.

347.—(1) The council shall as soon as practicable in each year prepare a detailed estimate of the probable expenditures of the town or village for the year, and such estimate shall include the following:

- (a) A sum equal to any deficit existing at the close of the previous year;
- (b) The sum or sums necessary to meet debenture instalments, interest or sinking fund payments falling due during the year;
- (c) Such sum or sums as may be required to meet the requisition of any hospital district pursuant to the provisions of *The Municipal Hospitals Act*;
- (d) Such sums as the town or village may become liable to pay by virtue of the provisions of any other statute of the Province;
- (e) An allowance for the amount of taxes which may reasonably be expected to be unpaid in the year—

and in the case of a town, such sum or sums as may be required to meet any lawful demand of any town school district for its estimated expenditures.

(2) A copy of the estimates so prepared shall be incorporated in the minutes of the meeting of the council at which the estimates are adopted.

(3) In the case of a town—

- (a) Upon the completion of the said estimates the council shall proceed to estimate what rate on the dollar of all the assessed property in a town school district will be required to produce the amount demanded of the council for the purposes of that school district.
- (b) If that rate exceeds ten mills or such greater rate as may be authorized by the Minister of Education as the rate of taxation which may be imposed upon unsubdivided farm lands outside the town, the council shall ascertain the amount of the total assessed value of all the assessable property in the district, the assessed value of all assessable unsubdivided farm lands in the district and the amount which will be produced by a rate on the unsubdivided farm lands outside the town at the rate of ten mills or such other rate as may be authorized as aforesaid.
- (c) In case a rate of not more than ten mills or such greater rate as may be authorized as aforesaid upon all the assessable property in the town school district will suffice to produce the amount demanded for that district, the council shall proceed by by-law to fix and levy such uniform rate as will be sufficient to produce the amount so demanded.
- (d) In case a rate of more than ten mills or such greater rate as may be authorized as aforesaid upon all the assessable property in the town district is required to produce the demanded amount, the council shall reduce that amount by the amount which will be produced by a rate of ten mills or such greater rate as may be authorized as aforesaid, and shall proceed by by-law to fix and levy such uniform rate upon all the assessable property in the district other than unsubdivided farm lands as will be sufficient to produce the amount of the demand of the district less the amount which will be produced by the rate upon unsubdivided farm lands, and shall levy a rate of ten mills or such greater rate as may be authorized as aforesaid upon the assessed value of all unsubdivided land within the district.

(4) In the case of a town, the council shall proceed to make an estimate of the probable revenue of the town for the year to be derived from business taxes, taxes on transient traders, dog taxes, license fees and sources of revenue other than taxation, and shall by by-law fix and levy a uniform rate for the general purposes of the town upon all the assessed land, together with all buildings and improvements thereon, in the town of such an amount as will be sufficient to produce the amount of the difference between the amount of the total expenditures as estimated by the

council less the amount of the estimated probable revenue of the town and the amounts demanded for school purposes.

(5) In the case of a village, the council shall proceed to make an estimate of the probable revenue of the village for the year to be derived from business taxes, taxes on transient traders, dog taxes, license fees and sources of revenue other than taxation, and shall by by-law fix and levy a uniform rate for the general purposes of the village upon all the assessed land, together with buildings and improvements thereon, in the village of such an amount as will be sufficient to produce the amount of the difference between the total expenditures as estimated by the council less the amount of the estimated probable revenue of the village.

(6) In the case of a town, the council may by resolution or by-law provide for the combination into one rate of the different rates levied pursuant to any by-law passed pursuant to this section and payable by a ratepayer who is a public school supporter and a ratepayer who is a separate school supporter, and the rates so combined shall be leviable and payable as if each rate included therein were levied separately.

(7) The total amount of all rates levied pursuant to this section and collected in any year shall be credited to the General Revenue of the town or village and shall be available for the payment of the general expenditures of the town or village and also for the payment of any amount payable by the town or village in that year to any municipal hospital district, and in the case of a town, for the payment of any amount payable in that year to any town school district.

(8) In the case of a town, the amounts payable in any year by the town to any town school district and to any municipal hospital district shall be a first charge upon all taxes imposed and levied by the town in that year under the provisions of this section.

(9) In the case of a village, the amounts payable in any year to any municipal hospital district shall be a first charge upon all taxes imposed and levied in that year by the village under the provisions of this section.

(10) So much of the taxes levied pursuant to this section for the purposes of a sinking fund shall be dealt with in accordance with the provisions of this Act relating thereto.

348. If the taxes payable on any lot in any subdivision or plan, or on any fraction of a quarter section for the purposes of the town or village are less than fifty cents, the amount payable to the town or village on any lot in any subdivision or plan, or on any fraction of a quarter section for such purposes shall be fifty cents; and if the amount payable for school purposes on any lot in any subdivision or plan or on any fraction of a quarter section is less than fifty cents, the amount payable to the town on any lot in any subdivision or plan, or on any fraction of a quarter section for such purposes shall be fifty cents.

TOWNS AND SCHOOL TAXES.

349.—(1) In the case of a town, notwithstanding any other provision of this Act, the rate of taxation imposed for school purposes upon unsubdivided farm lands situated outside the limits of the town shall not exceed ten mills on the dollar except only in cases where a rate in excess of ten mills on the dollar is authorized by the Minister of Education under the provisions of *The School Assessment Act, 1931*.

(2) The council shall pay to the school district on demand the amounts required from time to time for school purposes; provided, however, the total of the amounts demanded shall not exceed the total estimate transmitted by the school board under the provisions of *The School Assessment Act, 1931*.

(3) In the event of the council failing to pay to a school district within thirty days from the making of a demand therefor the amounts required from time to time for school purposes, such amounts shall become due, owing and payable by the town to such school district; provided, however, that such debt may not be recovered by suit at law in the name of any person without permission to enter such suit being granted by the Minister of Education.

(4) Any person, bank or corporation lawfully lending any sum to a town shall not be bound to establish the necessity for borrowing the same nor see to the payment of the same by the town into the said school taxes trust fund nor as to the payment out thereof.

(5) Subject to the approval of the Minister of Education, the council may by resolution fix a minimum tax in the sum of four dollars, to be paid by any person assessed upon the assessment roll, and may require that every male resident of the district, of the full age of twenty-one years, who has resided therein for a period of one month or over, and has not been assessed on the assessment roll shall pay an annual tax of four dollars for school purposes, to be collected at any time after the first day of January in each and every year, and such school tax shall be payable by such resident whether he has resided in the district before the date of the completing of the last revised assessment roll or not; but in the case of the collection of such tax the name of such resident so paying shall be added to the assessment roll.

(6) Any person liable to pay such tax shall pay the same to the secretary-treasurer of the town, or to such person as is appointed by the council to collect the same within three days after the demand therefor, but in case of neglect or refusal to pay, levy may be made by distress and sale of goods and chattels of the person in default as provided in this Act.

(7) Every employer shall furnish from month to month, upon request to the secretary-treasurer, the names of all persons in his employment and the secretary-treasurer by a notice in writing may require the employer or employers

to deduct from the next payment made to any employee who is named in the notice and has not paid the tax imposed hereby, the amount of the tax, and to forward the same to the secretary-treasurer immediately after making the deduction hereinbefore directed.

(8) Where any person has in any year paid a school tax of at least four dollars to any city, town, municipal district or school district, he shall not be liable in that year to the tax imposed by this section.

(9) Any employer who fails to make the deduction hereinbefore directed and to forward the amount of such deduction as hereinbefore directed, shall be liable upon summary conviction to a fine not exceeding fifty dollars, and the amount of the fine shall be paid to the secretary-treasurer of the town, who, in the event of the same not being paid, within two weeks of its imposition, may levy the amount of the same by distress and sale of the goods and chattels of the employer in default, as provided under this Act, and of all costs incurred by reason of the proceedings leading to the imposition of the fine, or of enforcing the payment thereof.

350.—(1) In the case of a town or village if the amount collected falls short of the sum required, the council may direct the deficiency to be made up from any unappropriated fund belonging to the town.

(2) If there is no unappropriated fund the deficiency may be equally deducted from the sums estimated as required or from any one or more of them.

(3) If the sums collected exceed the estimates the balance shall form part of the general funds of the town or village and shall be at the disposal of the council unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

PROVISIONS OF GENERAL APPLICATION.

351. All rates or taxes imposed or levied for any year shall be considered to have been imposed and to be due on and from the first day of January of the then current year ending with the thirty-first day of December thereof unless otherwise expressly provided for by the by-law under which the same are directed to be levied.

352.—(1) The council may assess, levy and collect a frontage tax on all lands fronting or abutting on any of the streets, lanes, squares or other public places in, through or along which waterworks mains have been or may hereafter be laid.

(2) Such tax shall be a uniform one of a certain amount (not exceeding ten cents) per foot of the frontage, to be assessed, levied and collected as part of and along with the

ordinary taxes of the town or village and shall form a lien upon the lands affected and may be collected in the same way as such ordinary taxes.

(3) The amount of such tax, the lands to be affected, the mode of adjustment and the amount of the tax in respect of lands of peculiar shape or size, or of varying depths, or in respect of lands fronting or abutting on more than one street, lane, square or public place, shall be ascertained and determined by the secretary-treasurer in such manner as he shall be directed thereto by the council.

(4) The secretary-treasurer shall on or before the fifteenth day of May prepare and file with the official in whose charge the collector's rolls are prepared, a report showing the names of all persons liable for frontage tax, a description of the lands and the amount of such tax. Immediately upon the completion of the report the secretary-treasurer shall make and attach thereto a statutory declaration in Form BB of the schedule hereto.

(5) The official in whose charge the collector's rolls are prepared shall enter the amount of such tax in such rolls against the respective land affected, in the same manner as and as part of the ordinary rates and taxes of the town or village.

(6) The tax may be so assessed, levied and collected irrespective of whether the lands are vacant, or are not connected with the water mains or do not use or receive water from the same, and the frontage tax shall be a charge separate and apart from the rate or price charged for water actually furnished or supplied, or agreed to be furnished or supplied by the council.

(7) The council may also assess, levy and collect a frontage tax on all lands fronting or abutting on any street, lane or square or other public place, in, through, or along which sewers have been or may hereafter be laid.

(8) The tax shall be a uniform one of a certain amount (not exceeding ten cents per foot frontage) to be assessed, levied and collected, as part of and along with the ordinary municipal taxes and shall become a lien on the lands affected and shall be collectable in the same way as any ordinary taxes.

(9) The tax shall be levied by the secretary-treasurer in the manner hereinbefore provided for levying the frontage tax in respect of watermains, and the official in whose charge the collector's rolls are prepared shall enter the amount of such taxes in such roll against the respective land affected in the same manner as and as part of the ordinary municipal taxes.

(10) In the event of the construction of any sewers by the council as "local improvements" and of the issue of debentures to meet the whole or any part of the cost of such construction then the whole of such portion of such frontage assessment authorized by this section as may be required to meet the annual payments on such debentures shall be applied to such purpose.

(11) The council may by resolution rebate the whole or part of any frontage tax assessed and chargeable pursuant to this section in respect of any parcel of land upon which there are buildings which are connected with the water-works mains.

TAX COLLECTION IN TOWNS AND VILLAGES.

353.—(1) On or before the first day of September in each year the secretary-treasurer shall prepare a tax roll and shall proceed to collect the taxes specified therein.

(2) The tax roll may be a continuation of the assessment roll and may combine all classes of taxes or there may be a separate tax roll for each distinct class of taxes, and shall in that way, or independently, contain—

- (a) the name of every person liable to taxation;
- (b) his residence;
- (c) the value of the land, buildings and improvements, or premises wherein he carries on his trade, business or profession, in respect of which he is liable to taxation;
- (d) the total amount for which he is liable—

and there shall be calculated and set down opposite each such entry, in appropriately headed columns, the sums for which such person is chargeable by way of taxes.

(3) Notwithstanding anything contained in subsection (2) the council may by by-law provide, that in addition to the information mentioned in paragraphs (a), (b), (c) and (d) it shall be sufficient for the assessor to set down opposite the assessed value of the property of each taxable person, in a column provided for that purpose, the amount with which such person is chargeable for all sums ordered to be levied by the council, in which case it shall not be necessary to state the particular sums mentioned in the said subsection.

(4) Appended to every roll there shall also be a table setting forth—

- (a) the total amount of taxes to be collected under and by virtue of such roll; and
- (b) the name and amount of each rate levied by the town or village which is required by law, or by the by-law imposing it, to be kept distinct and accounted for separately, and specifying the aggregate proceeds of each rate.

354. Every owner, purchaser and conditional owner of assessed land shall, whether his name appears on the assessment roll or not, 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.

355. If a taxable person is a resident of the town or village the secretary-treasurer shall either transmit to him by mail a written or printed notice showing the amount of the taxes payable by him and distinguishing between them, or serve such notice upon any grown-up person at the residence or business office of the person taxed; and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of the service or mailing of such notice and shall verify it by his initials; and such entry shall be *prima facie* evidence that the notice was served or mailed as aforesaid, and of the date thereof, and the absence of any such memorandum and initials shall be *prima facie* evidence that the person's address is unknown.

356. In case the taxable person is a non-resident the secretary-treasurer shall transmit to him by mail a similar statement of the taxes charged against him in the roll; and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials and such entry shall be *prima facie* evidence that the notice was so transmitted and of the date of such transmission, and the absence of any such memorandum and initials shall be *prima facie* evidence that the person's address is unknown.

357.—(1) No taxation notice need be sent to any 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.

(2) 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 any person.

358. The council may by by-law require payment of taxes to be made by every taxable person at the office of the secretary-treasurer on any day or days and in full or by instalments, and may provide that on punctual payment of any instalment the time of payment of the remainder may be extended to a day or days to be named in the by-law, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

359.—(1) Any amount paid for taxes by any person assessed shall in every case be first applied to the payment of arrears, if any.

(2) Where no arrears exist, any amount so paid, or in case of the existence of arrears, any balance remaining therefrom after the payment of the arrears, shall upon the written request of such person made before or at the time of payment, be applied to the payment of the taxes selected in the request, and where no such request is made, any such

amount or balance, as the case may be, shall be applied to the payment of such of the taxes of the person as the secretary-treasurer selects.

360. The council may by resolution allow a rebate or allowance not exceeding ten per centum of the amount of taxes other than provincial taxes, by way of discount for payment of the aforesaid taxes on or before the day when the same or the first instalment thereof are payable.

361. When the secretary-treasurer receives any taxes, he shall issue an official receipt therefor upon a form that may from time to time be supplied or approved of by the Minister and shall enter the number of such receipt upon the assessment roll opposite the property in respect of which such taxes are paid.

RECOVERY OF TAXES BY SUIT AND DISTRESS.

362. In the event of any taxes remaining unpaid after the thirty-first day of December of the year for which the same are levied there shall be added thereto by way of penalty a sum equal to four per centum of the amount of taxes remaining 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 four per centum of the amount of such taxes and penalties at that date remaining unpaid and in like manner there shall be added four per centum of any taxes or penalties remaining unpaid half-yearly on the first days of January and July 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; but 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 which is provided by this Act for the collection of the said taxes.

363.—(1) The taxes due in respect of any land with costs may be recovered with interest as a debt due to the town or village from any person who was the owner, conditional owner or purchaser of the land at the time of its assessment or subsequently became the owner, conditional owner, or purchaser of the whole or any part thereof, saving his recourse against any other person and shall be a special lien on the land 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 the priority shall not be lost or impaired by any neglect, omission or error.

(2) All taxes due in respect of any trade, business or profession with costs, may be recovered with interest as a debt due to the town or village from the person carrying on such trade, business or profession, at the time of its assessment.

(3) 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.

364. For the purpose of this Part 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, and where the address of any owner, conditional owner or purchaser is unknown, a tax notice shall be deemed to have been mailed upon the date upon which a tax notice was first mailed to any owner, conditional owner, or purchaser.

365.—(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 Province belonging to any owner, purchaser or conditional owner of the land (each of whom is hereinafter referred to as “a taxable person”) or belonging to any occupier of the land; or
- (b) the interest of any taxable person or any occupier in any goods or chattels found on the land, including his interest in any goods or chattels 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 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 a taxable person, or an occupier;
 - (ii) by purchase, gift, transfer or assignment from a taxable person or occupier, 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 a taxable person or occupier, or by any relative of his in case such relative lives on the land as a member of the family;
 - (iv) by virtue of an assignment or transfer made for the purpose of defeating distress.

(2) Notwithstanding anything hereinbefore contained no distress shall be made upon the goods or chattels of an occupier for any taxes which are a lien upon land if they were not first placed upon the tax roll during the period of his tenancy or occupancy of the land assessed.

(3) The onus of proof that any goods or chattels found upon land are not the property of a taxable person or occupier shall lie upon the person asserting the same.

(4) When taxes which are not a lien upon land remain unpaid in the case of a resident of the town or village for fourteen days, or in the case of a non-resident for one month after the mailing of the tax notice, the secretary-treasurer may levy the same with costs by distress—

- (a) upon the goods or chattels of the person taxed wherever found within the Province; or
- (b) upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or
- (c) upon the goods and chattels in the possession of the person taxed, where title to the same is claimed—
 - (i) by virtue of execution against the person taxed;
 - (ii) by purchase, gift, transfer or assignment from the person taxed, whether absolute or in trust or by way of mortgage or otherwise; or
 - (iii) by the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed or by any other relative of his in case such relative lives with the person taxed or assists him in his business;
- (d) and also upon the goods and chattels or interest therein, as the case may be, falling within any of the classes mentioned in the foregoing clauses of this section, of any person who occupies the premises in respect of which the business tax was levied, as purchaser of the business theretofore carried on therein by the person taxed.

366. Notwithstanding anything herein contained no goods in the possession of any owner, purchaser, conditional owner or tenant for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

367. Goods in the hands of a receiver for the general benefit of creditors or of an authorized trustee 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 and thereafter charged upon the premises while the receiver, trustee or liquidator occupies the premises or while the goods remain thereon.

368. 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, after deducting any costs properly incurred in seizing, holding, and selling the property, to the secretary-treasurer in preference and priority to any other and all other fees, charges, liens or claims whatsoever.

369.—(1) 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 tenant, or of the owner, purchaser or conditional owner, though his name does not appear on the roll.

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

370.—(1) Where any taxes are due upon any land occupied by a tenant, the secretary-treasurer may give such tenant notice in writing requiring him to pay the secretary-treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, including costs; and the secretary-treasurer shall have the same authority as the landlord of the premises has to collect such rent by distress or otherwise to the amount of the 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.

(2) Any tenant may deduct from his rent any taxes paid by him which, as between him and his landlord, the latter ought to pay.

371. If at any time after demand has been made or notice given pursuant to section 355 or section 356 hereof 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 town or village 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.

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

373. The secretary-treasurer shall by advertisement posted up in at least three public places in the town or village near to the distrained property give at least ten 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:

Provided that the secretary-treasurer may have any grain seized by the town or village, hauled to the nearest elevator or to any other convenient and suitable place of storage and may dispose of the grain at the current market price.

374. 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.

375. 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.

376. 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.

377. 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.

PART XII.

BORROWINGS BY TOWNS AND VILLAGES.

Temporary Loans.

378.—(1) Whenever the council is authorized under the provisions of this Act to levy taxation for any purpose (including ordinary current expenditure) 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 town or village duly attested by the signatures of the mayor 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.

(2) The council may, where any money has been borrowed or is proposed to be borrowed under this section, either in the resolution authorizing such loan or by a resolution passed at a subsequent time, pledge as security for the payment of such money the whole or any part of all unpaid taxes and penalties on taxes assessed or levied in any prior years, together with penalties thereon, and the whole of the taxes for the current year or such part therefor as may be considered expedient.

379. 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 town or village shall retain out of the said taxes a sum sufficient to repay the said amount.

380. When any such borrowing takes place to meet the current ordinary expenditure of the town or village, the total amount so borrowed and outstanding shall not exceed seventy-five per centum of the total taxes levied by the town or village in the previous year to meet such expenditure.

381. Any person lending any sum to a town or village under section 378 shall not be bound to establish the necessity for borrowing the same, nor to see that the same is expended for the purpose for which it is borrowed.

MONEY BY-LAWS.

382. By-laws for contracting debts not payable out of the revenues of the current year shall provide for the issue of debentures and the levy of annual rates for the payment of such debts.

383. A debt contracted pursuant to a by-law and not payable out of the revenues of the current year shall be made payable within a period not in any case to exceed forty years from the date of the debentures issued thereunder.

384. By-laws for contracting debts or borrowing money which do not provide for the payment of the debts contracted or money borrowed out of the revenues of the current year shall before the final passing thereof receive the assent of two-thirds of the proprietary electors voting thereon in the manner hereinafter provided.

385.—(1) Every town and village may subject to the following provisions pass by-laws for contracting debts by borrowing money or otherwise and for levying rates for the

payment of such debts on the rateable property in the town or village for any purpose within the jurisdiction of the town or village, or for roads, bridges, waterworks or drainage works outside the limits of the town or village.

(2) No town or village shall have power to pass such by-laws for contracting debts to a greater extent than twenty per centum of the assessed value of the rateable property in the town or village.

(3) For the purpose of the preceding subsection and the next section hereof, "rateable property" shall mean land including buildings and improvements.

386.—(1) The by-law creating such debt shall state by recital—

- (a) the amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;
- (b) the period over which the indebtedness is to be spread and the amount of the instalment to be paid in each of such years or the period at the end of which the same is to be paid;
- (c) the rate of interest and whether the same is to be paid annually or semi-annually;
- (d) the amount of rateable property in the town or village according to the last revised assessment roll;
- (e) the amount of the existing debenture debt of the town or village and how much, if any, of the principal or interest thereof is in arrears.

(2) Every such by-law shall authorize the issue of debentures for the amount of the debt to be created thereby, and shall determine the amount or denomination thereof, and fix the rate of interest payable thereon, and name the places where and the time when the principal and interest are payable, and provide for the assessment and levy of an annual rate or rates sufficient to pay the principal and interest of such debentures, and generally shall be in such form and contain such further provisions as may be required by the Board of Public Utility Commissioners.

(3) The by-law shall name a day when it is to take effect, which day shall not be more than three months after the day on which the voting is to take place; and if no day is named in the by-law it shall take effect on the day of the final passing thereof.

(4) Subject to the approval of the said board the by-law may provide that the indebtedness shall be payable in any manner; provided, however, that if the indebtedness is to be made payable in such a manner that the principal shall be repayable at the end of the period of years during which the debentures are to run, together with interest on such debentures to be paid annually or semi-annually as the council may by the by-law provide, there shall be raised annually by way of sinking fund a sum sufficient with interest thereon compounded yearly at four per centum per annum

to retire the debentures at maturity and any such sum shall be added each year to the amount of the other rates and taxes of the town or village and collected therewith.

387.—(1) The debentures to be issued under such by-law shall be in either of Forms CC or DD in the schedule hereto, or to the like effect.

(2) Provided that any debenture under this Act may be in such other form as is approved by the Board of Public Utility Commissioners or may be made payable in such manner that for the first five years succeeding its date interest only shall be payable thereon or may provide for the payment of principal and interest secured thereby in any other manner approved by the board.

(3) 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 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 appearing on the other debentures of the same issue, and the said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

388. Any by-law passed under the provisions of this Act may also provide that the debentures and coupons for the interest thereon may be payable in gold or its equivalent of lawful money of Canada or of Great Britain at a bank to be named in any part of Great Britain, the United States of America or Canada.

389.—(1) Every debenture issued as aforesaid shall be sealed with the seal of the town or village and signed either by the mayor or by some person authorized by by-law to sign the same in his stead and by the secretary-treasurer or by some person authorized by by-law to sign in his stead; and every coupon issued as aforesaid shall bear the signature of the mayor or of some person authorized by by-law to sign the same in his stead and of the secretary-treasurer or of some person authorized by by-law to sign in his stead.

(2) The signatures on the coupons may be engraved or lithographed.

390.—(1) The council of any town or village pending the issue or the sale of any debentures authorized by a by-law, or in lieu of selling and disposing of the same, may by resolution or by-law authorize the mayor and secretary-treasurer to raise money by way of loan on such debentures, not to exceed eighty per centum of the par value of the debentures, and to hypothecate the same for any such loan.

(2) The proceeds of every loan shall be applied to the purposes for which the debentures were issued and should the debentures be subsequently sold and disposed

of the proceeds thereof shall first be applied in repayment of the loan, but the lender shall not be bound to see to the application of the proceeds of the loan.

391. Debentures authorized by any such by-law may be issued either all at one time or in instalments at such times as the council deems expedient; but no debenture shall be issued after the expiration of four years after the final passing of the by-law; and any debenture may, provided it be actually issued within the said period of four years, bear any date within the said period.

392. Any debenture issued under this Act shall be valid and binding upon the town or village notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the town or village to pass the same; provided that the by-law has received the assent of two-thirds of the proprietary electors voting thereon and that no successful application has been made to quash it.

393. Every by-law which has received the assent of the required number of the proprietary electors who have voted thereon shall be passed by the council within four weeks of the voting thereon but not thereafter.

SUBMISSION OF DEBENTURE BY-LAWS TO BOARD OF
PUBLIC UTILITY COMMISSIONERS.

394. The council of any town or village which has heretofore and in pursuance of any law authorizing the town or village so to do passed and the council of any town or village which shall hereafter in pursuance of the authority of this Act pass a by-law for contracting a debt or incurring a liability or for borrowing money may apply to the Board of Public Utility Commissioners for a certificate approving the by-law.

395.—(1) No certificate shall be granted while any action or proceeding in which the validity of the by-law is called in question or by which it is sought to quash it is pending nor until two months after the final passing of the by-law unless notice of the application shall be given in such manner and to such persons, if any, as the board may direct.

(2) The certificate may be in Form EE of the schedule hereto.

(3) Any town or village which intends to apply for a certificate approving a by-law shall forward a copy of such by-law to the board before it has been submitted to a vote.

(4) The board may grant the certificate notwithstanding any defect or irregularity in substance or in form in the proceedings prior to the final passing of the by-law or in the by-law itself if in the opinion of the board the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with.

(5) Every by-law approved by the certificate of the board and the debentures issued or which may thereafter be issued in conformity with its provisions shall be valid and binding upon the town or village and upon the property liable to the rate imposed by or under the authority of the by-law and the validity of the by-law and of every such debenture shall not thereafter be open to question in any Court.

396. Where in the case of any by-law heretofore or hereafter passed by a council, the interest for one year or more on the debentures issued under such by-law or the principal of the matured debentures (if any) is or shall have been paid by the town or village, the by-law and the debentures issued thereunder remaining unpaid, shall be valid and binding upon the municipality and shall not be open to question in any Court.

397. Where a by-law has been approved under the provisions hereof the said board may upon application of the council countersign any debenture or debentures issued or which may thereafter be issued under the authority of the by-law and such countersigning by the board shall, notwithstanding anything to the contrary in this Act, be conclusive evidence of the validity of such debenture or debentures and its or their validity shall not be open to question in any Court; and every such debenture so countersigned shall be valid and binding upon the town or village and upon the property liable to the rate imposed by or under authority of the by-law.

ASSENT OF PROPRIETARY ELECTORS TO BY-LAWS.

398. Where a by-law requires the assent of proprietary electors before the final passing thereof any bank or other corporation assessed on the last revised assessment roll as owner of real property which if held by an individual would entitle him to vote shall be entitled to one vote only, which may be given by any employee of the corporation if not otherwise entitled to vote.

399.—(1) In the case of a by-law to borrow money by the issue of debentures for any purpose, application shall be made to the Board of Public Utility Commissioners for its permission to do so.

(2) Such application shall be made as required by *The Public Utilities Act*, and prior to, or forthwith after, the first reading of the by-law, and before such by-law is submitted to a vote of the proprietary electors.

400. In case a by-law requires the assent of two-thirds of the proprietary electors before the final passing thereof the following proceedings shall, except in cases herein otherwise provided for, be followed:

- (a) The council shall by by-law appoint a returning officer for the purpose of taking the votes of the proprietary electors upon the referred by-law and such returning officer shall have and be subject to the like powers, authorities, duties and liabilities as returning officers in the case of an election under this Act;
- (b) The council shall by the by-law fix the day and hour for taking the votes of the proprietary electors and the place in the town or village where a poll shall be opened and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed by-law; the council may also by the by-law divide the town or village into polling divisions, fix the boundaries thereof and the place within which where such votes shall be taken, appoint the returning officer to have charge of one of such polling places and a deputy returning officer to have charge of each of the remaining polling places;
- (c) The council shall before the final passing of the proposed by-law publish a synopsis of the particulars thereof in some newspaper published in the town or village or in case there is no newspaper published therein, then in a newspaper circulated therein; and the publication for the purpose aforesaid shall be made in at least one number of such paper each week for two successive weeks; the returning officer shall also post up a printed synopsis of the proposed by-law at five or more conspicuous places in the town or village, one of which shall be the post office;
- (d) To each synopsis so published and posted shall be appended a notice over the printed or written signature of the returning officer stating that it is a true synopsis of a proposed by-law which has been introduced and which will be finally passed by the council within four weeks from the assent of the proprietary electors thereto, and stating the day and the place or places fixed for taking the vote of the proprietary electors thereon, and that the polls will be open for such purpose, between the hours of ten o'clock in the forenoon and seven o'clock in the afternoon.

401. Notice of the poll shall be posted up at least fourteen clear days before the date of voting in the manner prescribed by section 209.

402. Forthwith after the day has been fixed as aforesaid for taking the votes of the proprietary electors upon a by-law the returning officer shall cause to be printed at the expense of the town or village such number of ballot papers as will be sufficient for the purposes of voting.

403. The ballot paper shall be in Form FF of the schedule hereto.

404. The council shall by the by-law appointing the returning officer fix a time when and a place where the returning officer shall sum up the number of votes given for and against the by-law.

405.—(1) The mayor if requested shall appoint by writing signed by him two persons to attend at each polling place and at the final summing up of the votes on behalf of the persons interested in and desirous of promoting or opposing the passing of the by-law respectively.

(2) Before any person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in Form GG of the schedule hereto.

406. Every person so appointed before being admitted to the polling place or to the summing up of the votes, as the case may be, shall produce his written appointment to the returning officer or deputy returning officer presiding at the poll.

407. In the absence of any person authorized as aforesaid to attend at a polling place or at the final summing up of the votes any proprietary elector in the same interest as the person so absent may attend, upon making and subscribing before the returning officer or deputy returning officer a similar declaration to that contained in section 405.

408. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or proprietary electors authorized by this Act to attend at the polling place.

409.—(1) If the town or village has not been divided into polling divisions the secretary-treasurer before the poll is opened shall deliver to the returning officer a voters' list containing the names arranged alphabetically of all the proprietary electors entitled to vote on the by-law, and a brief description of the property in respect of which each is entitled to vote, and he shall attest the said list by writing under his hand.

(2) If the town or village has been divided into polling divisions the secretary-treasurer shall deliver to the returning officer and each deputy returning officer a voters' list containing the names arranged alphabetically of the proprietary electors owning land within the limits of the polling division for which he has been appointed, and a brief description of such land; and he shall attest each such list by writing under his hand.

(3) The list shall be prepared by the secretary-treasurer from the last revised assessment roll but the council may

up to the eighth day before the day fixed for the voting on the by-law strike out from the said list the name of any person who has ceased to have the necessary qualifications or include therein the name of any person who has since the final revision of the said roll acquired such qualifications.

410. The voters' list shall be in Form HH of the schedule hereto.

411. At the day and hour fixed as aforesaid the poll shall be held and the votes shall be taken by ballot.

412. The poll shall be kept open from ten o'clock in the forenoon until seven o'clock in the afternoon of the same day.

413. Every returning officer or deputy returning officer, poll clerk, constable or agent authorized to be present at any polling place at the voting on a by-law shall before exercising any of the rights or functions of his office take and subscribe before a justice of the peace or (in the case of a poll clerk, constable or agent) before the returning officer or deputy returning officer presiding at the poll a solemn declaration in Form II of the schedule hereto.

414. The secretary-treasurer shall deliver printed directions to the returning officer in Form JJ of the schedule hereto.

415. Every proprietary elector shall be entitled to vote only once on any referred by-law, and if there be more than one polling place shall vote at the polling place of any polling division in which his name appears upon the voters' list.

416.—(1) Every person tendering a vote on the by-law may be required by the returning officer or deputy returning officer or by any proprietary elector entitled to vote on the by-law, before his vote is recorded, to make the oath or affirmation in Form KK of the schedule hereto.

(2) No inquiry shall be made of any voter except with respect to the facts specified in the said oath or affirmation.

417.—(1) Any employee of any corporation tendering a vote on the by-law may be required by the returning officer or deputy returning officer or by any proprietary elector, before his vote is recorded, to make the oath or affirmation in Form LL of the schedule hereto.

(2) No inquiry shall be made of any voter except with respect to the facts specified in the said oath or affirmation.

418. The written statement to be made by the returning officer or any deputy returning officer at the close of the polling shall be made under the following heads:

(a) Name of town or village and date of voting;

- (b) Number of votes for and against the by-law;
- (c) Rejected ballot papers.

419.—(1) The returning officer or deputy returning officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

(2) Each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the returning officer or deputy returning officer.

420.—(1) Every returning officer or deputy returning officer at the completion of the counting of the votes shall in the presence of the persons authorized to attend make up into separate packets (sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet and the date of the voting and the name of the returning officer or deputy returning officer) the following things, that is to say:

- (a) The statement of votes given for and against the by-law and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to but which have been counted by the returning officer or deputy returning officer;
- (d) The rejected ballot papers;
- (e) The declined and cancelled ballot papers;
- (f) The unused ballot papers;
- (g) The voters' list, the poll-book and a statement of the number of proprietary electors whose votes are marked by the returning officer under the provisions of this Act by reason of the inability of the voter or from other grounds, with their declaration of inability and note taken of objections made to ballot papers found in the ballot box and shall make and subscribe before a justice of the peace or before the poll clerk a declaration in Form MM of the schedule hereto.

(2) Such voters' list, poll-book, packets, ballot boxes and declarations shall be dealt with in the same manner as prescribed by sections 249 and 250 hereof, and the same may be inspected at any time by any proprietary elector in the presence of the secretary-treasurer.

421. Every returning officer or deputy returning officer shall at the close of the poll certify under his signature in the poll-book in full words the total number of proprietary electors who have voted at the polling place at which he has been appointed to preside.

422. Every returning officer or deputy returning officer upon being requested so to do shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law and of the number of rejected ballot papers.

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

424. If within two weeks after the returning officer has declared the result of the voting on a by-law any person who was entitled to vote thereon applies upon petition to a judge after giving such notice of the application and to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petitioner enters into a recognizance before the judge in the sum of one hundred dollars with two sureties allowed as sufficient by the judge justifying in the sum of fifty dollars each conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the judge may if he thinks fit appoint a day and place for entering into the scrutiny.

425. At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the judge directs and to the returning officer.

426. At the time appointed the returning officer shall attend before the judge with the ballot papers and the judge upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine the number of votes given for and against the by-law and shall forthwith certify the result to the council.

427. The judge upon such scrutiny shall possess the like power and authority as to all matters arising upon the scrutiny as he possesses upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge as in the case of applications to quash a by-law and he may apportion the costs as to him seems just.

428. All the provisions of sections 224 to 273 inclusive hereof shall *mutatis mutandis* apply to the proceedings under sections 398 to 427 inclusive hereof, insofar as they are not inconsistent therewith.

PART XIII.

TOWN AND VILLAGE FINANCE.

429. The secretary-treasurer shall keep in his books two separate accounts of every bonded debt, one for the special rate and one for the sinking fund or for instalment of principal, both to be distinguished from all other accounts in the books by some heading sufficient to designate the purpose for which the debt was contracted; and he shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every such debt and the amount of moneys raised, obtained and appropriated for payment thereof.

430. If after paying the interest of a debt for any financial year and appropriating the necessary sum to the sinking fund of such debt for the purpose of payment of any instalment of principal there is a surplus at the credit of the special rate account of such debt such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of next year's interest the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt.

431. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the town or village.

432. Subject to the approval of the Minister the council may by by-law direct that such sum or sums at the credit of the sinking fund account or of the special rate account of any debenture debt instead of being invested as herein-after provided shall from time to time as the same occurs be applied toward payment or redemption at such value as the council may direct of any part of such debt or any of the debentures representing or constituting such debt or any part of it though not then payable to be selected as provided in such by-law; and the council shall thereupon apply and continue to apply such sum or sums at the credit of the sinking fund or special rate account as aforesaid in the manner prescribed by such by-law.

433. In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund or to pay the instalment of any debenture debt of the town maturing prior to the time for levying the next annual rates, every member of the council shall be disqualified from holding any town or village office for the next two years; but no member of the council shall be liable to the penalty hereby imposed who shows to the satisfaction of any judge or tribunal before whom or before which the question of such member's qualification arises that he made reasonable efforts to procure the levying of the said amounts.

434.—(1) If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable the council shall from time to time invest the same in government securities, municipal or school debentures or in local improvement debentures of the town or village or in any other debentures of the town or village or in first mortgage of freehold real estate within the town or village to an amount not exceeding one-third of the sworn cash valuation of an independent appraiser and from time to time as such securities mature may invest in other like securities.

(2) The council may regulate by by-law the manner in which such investment shall be made in the aforesaid securities.

(3) It shall not be necessary that any of the debentures referred to in this section shall be disposed of by the council; but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures are properly applicable; and they shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

(4) No member of the council shall take part in or be a party to the investment of any moneys referred to in this section otherwise than is herein authorized and any person so doing shall be held personally liable for any loss thereby sustained by the town or village.

(5) The council of a town or village may, with the consent of the Board of Public Utility Commissioners, for the purpose of paying any sum which is for the time being lawfully payable out of any sinking fund, borrow such sum as may be required for that purpose upon the security of its sinking fund and may pledge or hypothecate the fund or any part thereof or any of the securities in which the sinking fund is for the time being invested by way of security for the repayment of any money so borrowed.

435.—(1) The council may direct by by-law that any surplus moneys in the hands of the secretary-treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund or special rate account of any debenture debt.

(2) The council may appropriate to the payment of any debenture debt the surplus income derived from any town or village work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by general rate.

(3) The council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any town or village work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith.

436. In order to obviate a difficulty which has been found to prevail in negotiating local improvement debentures in consequence of many of the same having to be issued for small and broken amounts the council may from time to time after the passing of by-laws covering the several amounts required for particular local improvements and without in any way affecting the liens on the property therein described pass a collective or accumulative by-law consolidating the several amounts of the said debentures and may issue the new consolidated debentures in a general consecutive issue under such consolidated by-law apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual by-law passed in the first instance.

437.—(1) The secretary-treasurer shall open and keep a book to be known as “The Debenture Register”; in the said book there shall be entered particulars of every by-law authorizing the issue of debentures and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the secretary-treasurer with the proper particulars inserted therein in Form NN of the schedule hereto.

(2) In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the town or village or of any *bona fide* purchaser for value notwithstanding any defect in form or substance therein.

(3) A certificate signed by the mayor and secretary-treasurer and sealed with the corporate seal of the town or village that any debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

(4) Any debenture issued by the council may contain a provision in the following words:

“This debenture or any interest therein shall not after a certificate of ownership has been indorsed thereon by the secretary-treasurer of this town or village be transferable except by entry by the secretary-treasurer in the debenture register of the town or village.

(5) In the case of the issue of any debentures containing the provision in the last subsection mentioned the secretary-treasurer shall enter in the debenture register a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of every such debenture.

(6) No such entry shall be made except upon the written authority of the person last entered in such book as the owner of the debenture or of his executors or administrators or of his or their lawful attorney, which authority shall be retained and duly filed by the secretary-treasurer.

(7) After a certificate of ownership has been indorsed as aforesaid the debenture shall only be transferable by entry by the secretary-treasurer in such debenture register from time to time as transfers of such debenture are authorized by the then owner thereof, his executors or administrators, or his or their lawful attorney.

438. A town or village may by by-law in any case where a debenture issued under the authority of any by-law has not been sold, transferred, mortgaged, pledged, hypothecated, or otherwise disposed of, cancel the same and the entry in the debenture register of the issue thereof, and thereupon issue one or more new debentures in substitution therefor, and may make such new debenture or debentures payable by the same or a different mode of payment, and may adjust the annual special rates and assessments as may be necessary to provide therefor, and where any debenture has been sold, transferred, mortgaged, pledged, hypothecated, or otherwise disposed of, a town or village shall have the like right of cancellation and re-issue upon acquiring the same as holder, or upon the request of the holder thereof: provided that neither the period over which the indebtedness was originally spread, nor the term at the end of which the same was made payable, as the case may be, nor the rate of interest is increased, and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal remaining owing upon the original debenture.

RESERVE FUND.

439.—(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 town or village 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.

DEPOSIT OF SINKING FUND WITH THE PROVINCIAL TREASURER.

440.—(1) Notwithstanding the foregoing provisions of this Act the council where it proposes to pass a by-law for borrowing money by the issue of debentures and to create a sinking fund for the repayment thereof may pass a by-law wherein it may be provided that the annual amount to be levied on account of the sinking fund shall be paid by the secretary-treasurer to the Provincial Treasurer.

(2) Where a town or village avails itself of the right conferred by the next preceding subsection the Provincial

Treasurer may receive from the secretary-treasurer of the town or village the annual amounts so levied on account of the sinking fund and allow and credit the town or village with interest thereon at the rate of four per centum per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

(3) All moneys received by the Provincial Treasurer under the provisions of this section shall form part of the general revenue fund of the Province and a statement of the amount at the credit of each town or village shall be set forth annually in the public accounts of the Province.

(4) The Lieutenant Governor in Council may from time to time, should such course be deemed advisable, direct the Provincial Treasurer to invest the amount at the credit of the town or village or any part thereof as directed by *The Treasury Department Act*, or in the debentures of the town or village to redeem which such sinking funds were paid to the Provincial Treasurer.

441.—(1) Where any such by-law has been passed by the council the amount payable in any year to the credit of the sinking fund which under the provisions of the by-law is to be paid to the Provincial Treasurer shall be deemed a debt due to him and in default of payment thereof he may sue therefor in any Court of competent jurisdiction in his own name as for a debt due to the Crown.

(2) Within thirty days after the final passing of such by-law the secretary-treasurer shall transmit a duly certified copy thereof to the Minister.

442. Where by any by-law heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the by-law the town or village in each year in which the sinking fund is required to be raised shall transmit to the Minister a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with and the state of the investment of any part of the sinking fund theretofore collected, which return shall be verified by the affidavit or statutory declaration of the mayor and of the secretary-treasurer.

PART XIV.

ACTIONS BY AND AGAINST TOWNS AND VILLAGES.

443. In case an action is brought against a town or village to recover damages sustained by reason of any obstruction, excavation or opening in or near a public highway, street, bridge, alley, square or other public place made, placed, left or maintained by any person other than a servant or agent of the town or village, or to recover damages sus-

tained by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the town or village, the town or village shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the town or village.

444. The town or village shall be entitled to such remedy over in the same action if the other party is made a party to the action; and if it is established in the action as against the other person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by such other person or by reason of the negligent or wrongful act or omission of such person the town or village may thereupon in such action have the other person added as a party defendant or third party for the purposes hereof, if not already a defendant in the action jointly with the town or village; and the other person may defend such action as well against the plaintiff's claim as against the claim of the town or village to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

445. If such other person be not a party defendant in such action or be not added as a party defendant or third party or if the town or village has paid the claims for such damages before any action is brought to recover the same or before the recovery of damages or costs against the town or village therein the town or village shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid or by reason of the negligent or wrongful act or omission of such person.

446. Such other person if not a defendant in the action shall be deemed to admit the validity of the judgment, if any, obtained against the town or village in cases only where a third party notice has been served on such person pursuant to the Rules of Court providing for third party notices or where such other person has admitted or is estopped from denying the validity of such judgment.

447. Where no such notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the town or village or when damages have been paid without action or without recovery of judgment against the town or village the liability of the town or village for such damages and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person as aforesaid, or by reason of the negligent or wrongful act

or omission of such person must be established in the action against such other person in order to entitle the town or village to recover in such action.

448. Where the town or village and an adjacent city, town, village, municipal district or improvement district are jointly liable for the non-repair of a public road, bridge, street or other highway there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair; and any action brought by any such person shall be brought against all of such municipalities jointly and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined therein and in settling such proportions either in the action or otherwise regard shall be had to the extent in which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered and the damages and costs shall be apportioned between them accordingly.

449. Nothing contained in sections 104 and 105 hereof shall cast upon the town or village any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law and over which the town or village has no control where the town or village is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a by-law, order, resolution or license of the council.

450.—(1) Where an action may be brought against the town or village by any person who has suffered damages by reason of the default of the town or village in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place no action shall be brought in respect of such damage against any member of the council or officer or employee thereof personally but the remedy thereof shall be wholly against the town or village.

(2) This section shall not affect the liability of a mere contractor with the town or village nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

451. 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 town or village 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.

452. 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 town or village; and every such action shall be brought against the town or village alone and not against any person acting under the by-law, order or resolution.

453.—(1) In case the town or village 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 town or village upon any claim being made or action brought for damages for alleged negligence on the part of the town or village may tender or pay into Court, pursuant to the Rules of Court in that behalf, such amount as it may consider proper compensation for the damages sustained; and in the event of the non-acceptance by the claimant of such tender or of the amount paid into Court and on the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into Court, the costs of the suit or the costs of the suit subsequent to the payment into Court in case no tender has been made shall be awarded to the defendants, and set off against any amount recovered against them.

EXECUTIONS AGAINST TOWNS AND VILLAGES.

454. Any writ of execution against a town or village may be indorsed with the direction to the sheriff of the judicial district in which the town or village is situate 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 indorsement to the secretary-treasurer of the town or village 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 town or village and shall in like manner as rates are struck for general town or village purposes strike a rate in the dollar 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 a statement of the rate struck by him and shall by such precept or precepts after reciting the writ and that the corporation had neglected to satisfy the same and referring to the rate 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 or precepts the secretary-treasurer shall add a column to the tax roll headed: "Execution rate in *A.B.* versus the town (*or* village) of (*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 aforesaid and shall within the time that he 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 town or village;
- (f) In case the secretary-treasurer of any town or village against which an execution has issued is not paid by percentage fixed by by-law of the town or village, he shall be paid for such collections a sum not exceeding two and one-half per centum.

455. The secretary-treasurer and assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions 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 XV.

PENALTIES.

Election Offences.

- 456.**—(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, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or
 - (e) apply for a ballot paper in the name of some other person whether such name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies; or
 - (f) having voted once and not being entitled to vote again at an election apply at the same election 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.
- (3) A person guilty of any violation of this section shall be liable on summary conviction before two justices of the peace, if he is the returning officer, to imprisonment for any term not exceeding two years with or without hard labour; and if he is any person other than the returning officer to imprisonment for a term not exceeding six months with or without hard labour, or to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

457. 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 sections 224 to 273 inclusive hereof 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.

458.—(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 or agent and no 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 the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting 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.

(6) Every person who acts in contravention of any of the provisions of this section shall be liable on summary conviction before a police magistrate or two justices of the peace to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than fifty dollars nor more than five hundred dollars or to both fine and imprisonment.

459. 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.

460. Every 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.

461. 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.

462. 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.

463. 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 therefor to a penalty of not less than ten dollars and not more than one hundred dollars and costs.

464. Any member of a council who spends or authorizes the expenditure of any funds of the town or village upon or with respect to any public work in the town or village, 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 town or village or any ratepayer thereof, be liable upon summary 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.

465.—(1) In the event of the council diverting any of the proceeds of a debenture issue for current or other expenditure, the members of the council who vote for the diversion of such moneys shall be personally liable for the amount so diverted and such amount may be recovered by the town or village by action against them in the Supreme Court.

(2) The members of the council who vote for any such diversion shall be disqualified from holding any municipal office for the period of two years, and in case the council, upon the request of any elector, refuses or neglects, for one month thereafter, to bring an action therefor in the name of the town or village, the action may be brought by an elector on behalf of himself and the other electors of the town or village.

OFFENCES BY OFFICIALS.

466.—(1) Any secretary-treasurer who refuses or neglects to prepare any voters' list as required by this Act, or who neglects or omits to enter upon the said list the name of any person whose name appears upon the assessment roll, or who neglects or omits to enter upon the said list any other particular or the name of any other person which he is required by this Act to enter thereon, or who refuses, neglects or omits to revise the said list in accordance with any of the requirements of this Act shall in respect of each such refusal, neglect or omission be guilty of an offence and shall be liable on summary conviction therefor to a fine of not more than fifty dollars and costs.

(2) For the purposes of this section the expression "voters' list" includes any copy thereof which the secretary-treasurer is by this Act required to prepare.

467. If any assessor makes a fraudulent assessment or if any secretary-treasurer 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 liable on summary conviction to a penalty not exceeding one hundred dollars.

468.—(1) The secretary-treasurer shall keep and make use of such books of record and account as the Minister shall from time to time require him to keep and use, including the debenture register required by the provisions of this Act and shall also prepare and submit to the council monthly a correct statement of the moneys to the credit of the town or village.

(2) Any secretary-treasurer, or other officer of the town or village who refuses, neglects or fails to discharge the duties of his office, or who knowingly signs any statement, report or return required by this Act, or any other enactment in force in the Province, which contains any false statement, or who refuses or neglects to hand over to his successor in office, or to such persons as are designated in writing to him by the council or by the Minister, all moneys, books, papers and other property of the town or village in his possession, in addition to any civil liability which he may incur, shall be liable on summary conviction thereof to a penalty not exceeding one hundred dollars.

ASSESSMENT.

469.—(1) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll or assesses or procures the assessment of a person at too low an amount with intent in any such case to deprive that person of his right to be an elector shall on summary conviction therefor be liable to a penalty of twenty-five dollars with costs.

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

470.—(1) Every town and village shall afford to the Alberta Assessment Commission access to all books, papers, documents or other information in the possession or power of the town or village and the officials of the town or village to whom the board makes application for any statement, report, copies of documents or any other information shall furnish the same free of charge.

(2) Any town or village not complying with the requirements of this section, whether wilfully or not, shall be liable to a penalty of one dollar per day during the existence of such default; and any secretary-treasurer or other officer of a town or village who refuses, neglects or fails to observe the provisions of this section, whether such failure be wilful or not, shall be liable upon summary conviction to a penalty not exceeding fifty dollars.

MISCELLANEOUS OFFENCES AND PENALTIES.

471. Any town or village which does not comply with the provisions of this Act as to the annual return relating to the sinking fund to be sent to the Minister, and the mayor and the secretary-treasurer thereof shall be guilty of an offence for each failure to comply and upon summary conviction shall be liable for each such failure to comply to a penalty not exceeding one hundred dollars to be recovered with costs by summary conviction.

472. Any person who within a town or village either directly or indirectly, personally or through any servant, employee or agent—

- (a) kindles a fire and lets it run at large on any land not his own property; or
- (b) permits any fire to pass from his own land; or
- (c) allows any fire under his charge, custody or control or under the charge, custody or control of any servant, employee or agent to run at large—

shall in any such case be guilty of an offence and shall on summary conviction therefor be liable to a penalty of not less than twenty-five dollars and not more than two hundred dollars and in addition to such penalty shall be liable to civil action for damages at the suit of any person whose property has been injured or destroyed by any such fire.

473. 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, or obstructs him in the performance of his duty, shall be liable on summary conviction to a penalty not exceeding fifty dollars.

474. Every person who interrupts, hinders or molests any person while engaged under the authority of the town or village 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 therefor, liable to a penalty not exceeding fifty dollars and costs, or to imprisonment for a period not exceeding thirty days, or to both.

475. 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.

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

PART XVI.

MISCELLANEOUS MATTERS.

GOVERNMENTAL COMMISSION OF INQUIRY.

477. In case one-third of the members of the council or one-fourth of the electors of the town or village petition the Lieutenant Governor in Council for a commission to issue under the Great Seal to inquire into the financial affairs of the town or village the Lieutenant Governor in Council may issue a commission accordingly; and the commissioner or commissioners shall have all the powers of commissioners appointed under *The Public Inquiries Act*.

JUDICIAL COMMISSION OF INQUIRY.

478.—(1) In case the council passes a resolution requesting a judge of the Supreme Court or of the District Court of the district in which the town or village is wholly or mainly situated to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the council or commissioner or other officer, servant or agent of the town or village or of any person having a contract therewith in relation to the duties or obligations of such person to the town or village or in case the council sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the town or village or the conduct of any part of the public business thereof and passes a resolution requesting a judge to make inquiry, the judge shall inquire into the same and thereupon he shall for that purpose have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*; and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon.

(2) The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 119 hereof.

(3) The council requesting any such investigation may engage and pay counsel to represent the town or village thereon and may pay all proper witness fees to persons summoned to give evidence at the instance of the town or village; and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by counsel thereon.

INQUIRY BY COUNCIL.

479.—(1) The council may at any time by resolution appoint a committee of its members to investigate any charge which may be made against any employee of the town or village and the committee so appointed may summon such employee before it to answer the charge and may summon witnesses by written notice to attend signed by any member of the committee and upon payment of the usual conduct or attendance money payable in the District Court and may take evidence under oath and may pay all proper witness fees on the District Court scale, and the committee shall report the result of its inquiry to the council.

(2) Any member of the committee may administer the oath.

480. The Acts hereinafter next mentioned are hereby repealed, namely, *The Town Act, 1927*, and *The Village Act, 1927*.

481. This Act shall come into force upon a date to be fixed by Proclamation of the Lieutenant Governor in Council.

SCHEDULE.

FORM A.

(Section 22.)

NOTICE OF MEETING TO FORM TOWN.

Take notice that a meeting of the electors of the village of.....will be held on.....theday of.....at the hour of..... o'clock p.m., at.....in the village offor the purpose of considering a resolution authorizing the council of the village to petition the Minister of Municipal Affairs for the erection of the village and (*here insert the description of any additional land which it is desired to include within the town*) into a town.

Dated the.....day of.....19..

.....
Secretary-Treasurer of the Village
of

FORM B.

(Section 52.)

DECLARATION OF OFFICE TO BE MADE BY MAYOR OR COUNCILLOR.

I, A.B., do solemnly declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of mayor or councillor to which I have been elected in this town (or village), and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality, abuse or undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said town (or village), except the following: (here state any contract which is permitted under the terms of The Town and Village Act.)

.....

FORM C.

(Section 85.)

DECLARATION OF THE OFFICIALS OF TOWNS AND VILLAGES.

I, A.B., having been appointed to the office of for the town (or village) of, do hereby promise and declare that I will faithfully perform the duties of the said office to the best of my knowledge and ability, and I do solemnly declare that I have not directly or indirectly any share or interest whatsoever in any contract or employment (except that of), with, by or on behalf of the said town (or village).

.....
Secretary-Treasurer (or as the case may be).

FORM D.

(Section 75.)

DECLARATION OF OFFICE OF CONSTABLE.

I, do swear that I will well and truly serve Our Sovereign Lord the King in the office of a town (or village) constable of the town (or village) of without favour or affection, malice or ill will; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and the properties of His Majesty's subjects, and that while I continue to hold the said office I will to the best of my skill and knowledge faithfully discharge all the duties thereof according to law.

FORM E.
(Section 188.)
VOTERS' LIST.

No.	Name	Property				Purchaser Owner or Cond. Owner	Res. or Non. Res.	P.S.S. or S.S.S.
		Lot	Bk.	Plan	Business			

FORM F.
(Section 189.)

NOTICE TO RELATIVES OF PERSONS ON THE ASSESSMENT
ROLL AND TO TENANTS.

Notice is hereby given that during the months of September and October, applications may be made under the provisions of section 188 of *The Town and Village Act*, for inclusion in the voters' list of the town (or village) of by the following persons, namely:

The wife, husband, father and mother and every son and daughter of any person whose name appears upon the assessment roll who are entitled to be placed upon the said list—

- (a) if he or she is resident with the said person within the town (or village) or assists him in a business in respect of which he is taxable; 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 roll.

Tenants who have rented an assessed parcel for a period of twelve months immediately preceding the last day of August of this year.

FORM G.

(Section 193.)

NOTICE OF INTENTION TO APPLY TO HAVE NAME PLACED ON VOTERS' LIST OR SUPPLEMENTARY VOTERS' LIST.

To the Secretary-Treasurer of the town (or village) of

Take notice that I intend to apply to the council to have my name added to the voters' list (or supplementary voters' list as the case may be) for the following reasons (here state the grounds according to the facts).

Dated this.....day of.....19... (Applicant.)

OR (Agent for the Applicant.)

FORM H.

(Section 194.)

STATUTORY DECLARATION TO ACCOMPANY THE PRECEDING FORM.

CANADA PROVINCE OF ALBERTA To WIT: I,of the town (or village) of.....

in the Province of Alberta, do solemnly declare:

- 1. That I am of the full age of twenty-one years; 2. That I am the purchaser, owner or conditional owner (as the case may be) of.....;

or That I am liable to a business tax in respect of a business assessed for fifty dollars or upwards;

or That I have rented as tenant for a period of twelve months immediately preceding the last day of August in the present year an assessed parcel within the town or village, namely.....

or That I am the wife, husband, father, mother, son or daughter (as the case may be) of..... whose name is entered upon the assessment roll and that I reside with him within the town (or village), or I assist him in the business in respect of which he is taxable;

And I make this solemn declaration, conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at..... this.....day of..... 19... }

A Commissioner for Oaths, J.P. or N.P.

FORM I.

(Section 203.)

NOTICE OF ANNUAL MEETING.

Public notice is hereby given that a meeting of the electors of the town (or village) of..... will be held in the..... on Friday, the..... day of January, 19... at eight o'clock p.m., for the purpose of receiving the report of the Mayor, Secretary-Treasurer, Auditor and Chairman of the various committees of Council for the year ending December 31st, 19...

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

..... Secretary-Treasurer.

FORM J.

(Section 205.)

NOTICE OF TIME AND PLACE OF NOMINATION.

Town (or village) of..... Municipal Elections, 19...

Public notice is hereby given that I will attend at (description of place) on Monday, the..... day of February, 19... (here fill in the date on which the first Monday in February falls), from eleven o'clock in the forenoon until twelve o'clock noon, for the purpose of receiving the nominations of candidates for the office of councillor (and if such is the case, for the office of mayor) for the next ensuing two years in the case of a town (or for the next ensuing three years, in the case of a village).

Given under my hand at..... this..... day of....., 19...

..... Returning Officer.

FORM K.

(Section 207.)

NOMINATION PAPER.

We, the undersigned electors of the town (or village) of..... hereby nominate (name, residence and occupation of the person nominated) as a candidate at the election now about to be held for a mayor (or councillor) of the said town (or village).

Witness our hands this.....day of.....
19...

.....
.....

Signatures of Electors.

CANDIDATE'S ACCEPTANCE.

I, the said.....
named in the foregoing nomination, hereby state:

1. That I am of the full age of twenty-one years;
2. That I reside in the town (*or* village) of.....;
3. That I am a British subject;
4. That I can read and write;
5. That my name appears upon the voters' list otherwise than merely by virtue of relationship to some other person upon the said list;
6. That my name is on the assessment roll of the town (*or* village), in respect of land or interest in land not exempted from taxation within the town (*or* village) which is of the value of one hundred dollars over and above charges, liens and encumbrances affecting the same;
7. That I am not otherwise disqualified;
8. That I will accept the office of.....
of the said town (*or* village), if elected.

Signed in the presence of	}
<i>Signature of Witness.</i>	
	<i>Signature of Candidate.</i>

FORM L.

(Section 209.)

NOTICE OF POLL.

Town (*or* village) of..... Municipal
Elections.....

Public notice is hereby given that an election will be held for the offices of councillors (*and if such is the case*, for the office of mayor) of the town (*or* village) of..... for the years 19... and 19... and that the polling will take place on (*here insert date of polling*) the..... day of19..., from ten o'clock in the forenoon until seven o'clock in the afternoon at the following place or places (*here specify polling place or places*) and that I will at (*describe the place*) on (*day of week*), the day of, 19..., at o'clock in the forenoon, sum up the votes and declare the result of the election.

Given under my hand at.....this.....
day of19...

.....
Returning Officer.

FORM M.

(Section 211.)

WITHDRAWAL OF NOTICE OF POLL.

Town (or village) of.....Municipal Elections, 19...

Whereas.....nominated for the office of (as the case may be) has withdrawn his (or their) candidature for the said office, leaving..... the only candidate (or candidates) therefor, I hereby give notice that no voting for the said office (or offices) will take place on the.....day of (date of polling).

Dated at.....this.....day of.....19..

G.H.,
Returning Officer.

FORM N.

(Section 218.)

BALLOT PAPER.

FORM FOR MAYOR.

MAYOR	Election of Mayor for the town of..... for 19...	ALLAN CHARLES ALLAN of the town of..... Merchant.	
		BROWN WILLIAM BROWN, of the town of..... Banker.	

FORM FOR COUNCILLORS.

COUNCILLORS	Election of Councillors for the town (or village) of for 19...	ARGO JAMES ARGO, of the town (or village) of Gentleman.	
		BAKER SAMUEL BAKER, of the town (or village) of Baker.	
		DUNCAN ROBERT DUNCAN, of the town (or village) of Printer.	

FORM O.
(Section 219.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter shall go into one of the compartments and with pencil provided in the compartment place a cross on the right hand side opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter shall fold up the ballot paper so as to show the name or initials of the returning officer on the back and immediately after leaving the compartment shall without showing the front of the paper to any person deliver such ballot so folded to the returning officer and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the returning officer, who will if satisfied of such inadvertence give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the returning officer he shall be liable to imprisonment for any term not exceeding six months with or without hard labour.

The following forms of ballot paper are given for illustration. In the case of a town—the candidates for mayor are Jacob Thompson and Robert Walker, for councillors John Bull and Morgan Jones, and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor and the second ballot paper in favour of John Bull for councillor—

MAYOR Election of Mayor for the town of..... for 19...	THOMPSON JACOB THOMPSON, of the town of... .. X Merchant.
	WALKER ROBERT WALKER, of the town of..... Physician.

COUNCILLORS	Election of council- lors for the town of for 19....	BULL JOHN BULL, of the town of..... X Butcher.
		JONES MORGAN JONES, of the town of..... Grocer.

or, in the case of a village, John Doe and Richard Roe are candidates for election to the council and the elector has voted for John Doe—

COUNCILLORS	Election of council- lors for the village of for 19....	DOE JOHN DOE, of the village of..... X
		ROE RICHARD ROE, of the village of.....

FORM P.
(Section 222.)
POLL-BOOK.

Name	Qualification.	Residence.	Occupation.	VOTED FOR *				Objected to.	Sworn.	Refused to Swear or Affirm.	Remarks.
				Mayor	Councillors.	Public School Trustees.	Separate School Trustees.				

* In the case of a village omit these four items and substitute word "voted."

FORM Q.

(Section 226.)

OATH OF ELECTION OFFICIALS.

I, A.B., do swear that I will not at the election to be held in the town (or village) of.....on theday of.....19... attempt in any way unlawfully to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person or persons for whom any elector has voted. So help me God.

FORM R.

(Section 234.)

OATH OF PERSON OBJECTED TO.

You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of..... in the voters' list now shown to you (showing the list to the voter);

That you have not voted before at this election;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election;

That you have not received anything nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of teams or any other services connected with this election;

And that you have not directly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

FORM S.

(Sections 187 and 235.)

OATH OF AN OFFICER OF A CORPORATION.

CANADA
PROVINCE OF ALBERTA

I,....., of the..... of....., do solemnly and sincerely swear:

1. That I am an officer, member or employee of a corporation, known as.....

2. That I am not otherwise entitled to vote at this election
(*or as the case may be*).

3. That the said corporation is entered on the assessment
roll of the town (*or village*) as the owner, conditional owner
or purchaser of assessable land or as being liable to a busi-
ness tax within the town (*or village*) of.....

Sworn before me at.....
in the Province of Alberta, this |.....
...day of....., A.D. 19.. |.....

.....
A Commissioner, etc.

FORM T.

(*Section 241.*)

**CERTIFICATE OF OFFICER PRESIDING AT A POLL OF VOTER'S
INCAPACITY TO MARK A BALLOT PAPER.**

I,, of, an
officer presiding at a poll in an election held this day under
The Town and Village Act, in the town (*or village*) of
.....do hereby certify that.....
of.....came before me and declared
(*or affirmed*) that his name appeared upon the voters' list
as.....; that he was duly qualified
to vote at the said election; and that he was unable to mark
his ballot paper by reason of blindness or other physical
cause or inability to read, or that he objected on religious
grounds to marking a ballot paper (*as the case may be*).

Dated this.....day of....., 19..

.....
Officer Presiding at the Poll.

FORM U.

(*Section 245.*)

Town (*or village*) of..... Election
held at.....day of
.....

NOTE OF OBJECTION BY CANDIDATE OR AGENT.

Objection No.....
....., Agent for.....,
one of the candidates at the above mentioned election, objects
to a certain ballot paper on the grounds that.....
.....
.....
Agent for the above named candidate.

Returning Officer's decision:
The ballot paper in question has thereon a number cor-
responding with the number of this notice and I decide to
accept (*or reject*) the same.

.....
Returning Officer.

FORM V.

(Section 249.)

CERTIFICATE OF RETURNING OFFICER.

I,....., returning officer of the town (or village) of....., do hereby certify that to the best of my knowledge and belief, I have conducted the election held by me on this date in the manner provided by law and that the entries required by law to be made in the poll-book have been correctly made.

Dated this.....day of....., 19..

.....
Witness.

.....
Returning Officer.

FORM W.

(Section 284.)

DECLARATION OF ASSESSOR.

I,....., of the town (or village) of..... in the Province of Alberta,..... do solemnly declare:

1. That I have, according to the best of my information and belief, set down in the above assessment roll all land liable to assessment situated in the town (or village) of..... and that I have justly and truly assessed each of the parcels of land so set down at its fair actual value and have justly and truly appraised each building and improvement, in accordance with the provisions of *The Town and Village Act*.

2. (If trades, businesses and professions are assessed, add) That I have estimated and set down to the best of my information and belief in the said assessment roll the assessed value of the trade, business or profession in respect of which any person is taxable.

3. That according to the best of my information and belief I have entered therein the name of every person entitled to be entered under the provisions of *The Town and Village Act*, and I have not intentionally omitted from the said assessment roll the name of any person whom I know or whom I have good reason to believe was entitled to be entered therein under the said Act.

And I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at.....
the.....day of.....
19...., in the Province of
Alberta.

.....
A Commissioner, etc.

FORM X.

(Section 286.)

NOTICE OF PREPARATION OF ASSESSMENT ROLL.

Town (or village) of..... Assessment Roll 19...

Notice is hereby given that the assessment roll of the town (or village) of..... for the year 19..., has been prepared and is now open for inspection at the office of the secretary-treasurer from ten o'clock in the forenoon to four o'clock in the afternoon on every day which is not a public holiday, except Saturday, and on that day from ten o'clock in the forenoon until two o'clock in the afternoon, and that any person who desires to object to the entry of his name or that of any other person upon the said roll or to the assessment of any property or to the assessed value placed upon any property, must within thirty days after the date of this notice lodge a complaint in writing with the secretary-treasurer.

Dated this..... day of....., 19..

.....
Secretary-Treasurer.

FORM Y.

(Section 287.)

ASSESSMENT SLIP.

Town (or village) of.....
Name of person assessed.....

Property Assessed.	Amount of Assessment.
Description of land.....	Land Improvements
Description of business, trade or profession

The last day upon which you may lodge a complaint against the assessment of any of the above property with the undersigned, will be the..... day of..... 19... (here insert a day thirty days after the date of the notice of preparation of assessment roll).

FORM Z.
(Section 303.)
COMPLAINT.

To the Secretary-Treasurer of the Town (or Village) of

Sir—I hereby complain that the following property has been wrongfully assessed,* or assessed too high or too low, or against the insertion upon or omission from the roll of the name of.....or in the case of a town that.....has been assessed as a public school supporter or (as the case may be) as a separate school supporter.

Description of property.....

Dated this.....day of....., 19..

C.D.,
Complainant.
(Post Office Address.)

*Strike out matters which are not subject of complaint.

FORM AA.
(Section 308.)

LIST OF COMPLAINTS TO COURT OF REVISION.
Complaints to be heard by the council of the town (or village) of.....on the.....day of.....19..

Complainant	Respecting whom	Matter complained of
A. B.	Self	Land assessed too high.
C. D.	E. F.	Name omitted.
G. H.	J. K.	Not owner or conditional owner.
etc.	etc.	etc.

FORM BB.

(Section 352.)

DECLARATION OF SECRETARY-TREASURER (FRONTAGE TAX).

I,, of the town (or village) of in the Province of Alberta, do solemnly declare:

That I have, according to the best of my knowledge, information and belief, and in accordance with my best judgment, set down in the attached report all lands liable to frontage tax and the amount of such frontage tax, situate in the town (or village) of

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at }
 in the Province of Alberta, this } *Secretary-Treasurer for*
 day of, } *the Town (or Village)*
 A.D. 19... } *of*

A Commissioner in and for the Province of Alberta.

FORM CC.

(Section 387.)

FORM OF DEBENTURE.

Town (or Village) of
 \$ Debenture No.

Under the authority of *The Town and Village Act* and of By-law No. of the town (or village) of passed on the day of 19... , the town (or village) of hereby promises to pay the bearer at the sum of dollars (with interest at the rate of per centum per annum in consecutive annual instalments) according to the terms of the several coupons hereto attached.

..... *Mayor.*
 { Corporate seal of the }
 { town (or village). }
 *Secretary-Treasurer.*

And the coupons may be in the following form:

Coupons.....
 Coupon No.....
 Debenture No.....

The town (or village) of will pay to the bearer at on the day of 19... , the sum of dollars.

..... *Mayor.*
 *Secretary-Treasurer.*

FORM DD.

(Section 387.)

FORM OF DEBENTURE.

Town (or Village) of
\$ Debenture No.

Under the authority of *The Town and Village Act* and of By-law No. of the town (or village) of passed on the day of, 19...., the town (or village) of hereby promises to pay to the bearer at the sum of dollars on the day of 19...., (if interest is payable in the meantime add) and to pay the bearer the amount of each of the several interest coupons hereto attached as the same shall respectively become due.

.....
} Corporate seal of the } *Mayor.*
} town (or village). }
.....
Secretary-Treasurer.

And the coupons may be in the following form:
Coupons
Coupon No.
Debenture No.

The town (or village) of will pay to the bearer at on the day of 19...., the sum of dollars.

.....
Mayor.
.....
Secretary-Treasurer.

FORM EE.

(Section 395.)

CERTIFICATE OF BOARD OF PUBLIC UTILITY COMMISSIONERS.

In pursuance of *The Town and Village Act* the Board of Public Utility Commissioners hereby certifies that the within by-law is valid and binding and that its validity is not open to question in any Court on any ground whatever.

Dated this day of, 19....

(SEAL)
Chairman.

FORM FF.
(Section 403.)
FORM OF BALLOT PAPER.

.....19... Voting on by-law (here in- sert object of the by-law), submitted to the proprie- tary electors of the town (or village) of this (date).	FOR THE BY-LAW
	AGAINST THE BY-LAW

FORM GG.
(Section 405.)

DECLARATION OF AGENT.

I, the undersigned *A.B.*, do solemnly declare that I am a proprietary elector of the town (or village) of and that I am interested in promoting (or opposing, as the case may be) the passing of the by-law (here insert the object of the by-law) to be submitted to the proprietary electors on the day of 19...

(Signature) *A.B.*

Declared before me this day of 19..

C.D.,
Mayor.
or *E.F.,*
Returning Officer.

FORM HH.
(Section 410.)

FORM OF VOTERS' LIST.

Names of the Proprietary Electors.	Column for mark indicating that voter has voted.	Description of property in respect of which the elector is entitled to vote.	Objections.	Sworn or Affirmed.	Refused to Affirm or Swear.	REMARKS

FORM II.

(Section 413.)

DECLARATION OF OFFICIALS.

I, A.B., do solemnly promise and declare that at the voting on the by-law submitted to the proprietary electors of the town (or village) of (the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any proprietary elector shall vote or has voted and that I will not in any way whatsoever aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the manner in which any proprietary elector has voted on the by-law.

A.B.

Declared before me this day of, 19 . . .

C.D.,

Justice of the Peace, Returning Officer or Deputy Returning Officer.

FORM JJ.

(Section 414.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The voter shall go into one of the compartments and with the pencil provided in the compartment shall place a cross (thus X) on the right hand side in the upper space if he votes for the passing of the by-law and in the lower space if he votes against the passing of the by-law.

The voter shall then fold up his ballot paper or ballot papers so as to show the name or initials of the returning officer signed on the back and immediately after leaving the compartment shall without showing the front of the paper to any person deliver such ballot or ballots so folded to the returning officer and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper he may return it to the returning officer, who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on any ballot paper more than one mark or any mark by which he may afterwards be identified or if any ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and not counted.

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any ballot paper or papers except those given to him by the returning officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of two hundred dollars or to both.

In the following form of ballot paper (given for illustration) the voter has marked his paper in favour of the passing of the by-law :

.....19..... Voting on by-law (here inserted <i>object of the by-law</i>), submitted to the propri- etary electors of the town (or village) of this (date).	FOR THE BY-LAW	X
	AGAINST THE BY-LAW	

FORM KK.

(Section 416.)

OATH OR AFFIRMATION BY VOTER.

You swear that you are of the full age of twenty-one years;

That you are an owner, conditional owner or purchaser of land in your own right;

That you have not voted before on the by-law;

That you are according to law entitled to vote on this by-law;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you now tender;

That you are the person named (or intended to be named) in the voters' list (showing the voters' list to the voter);

That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

FORM LL.
(Section 417.)

OATH OF EMPLOYEE OF CORPORATION.

You swear—

That you are an employee of the (*naming the corporation*);

That the said corporation is an owner, conditional owner or purchaser of land in this town (*or village*);

That you have not cast any vote on the by-law on behalf of the corporation;

That you are according to law entitled to vote on the by-law;

That the said corporation is the corporation named (*or intended to be named*) in the voters' list (*showing the voters' list to the voter*);

That you have not, nor to the best of your knowledge and belief has the said corporation directly or indirectly received any reward or gift for the vote which you now tender nor to the best of your knowledge and belief do you nor does the said corporation expect to receive any;

That you have not, nor to the best of your knowledge and belief has the said corporation received anything or been promised anything directly or indirectly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that you have not, nor to the best of your knowledge and belief has the said corporation directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting.

FORM MM.
(Section 420.)

DECLARATION AS TO USER OF POLL-BOOKS, ETC.

I, *C.D.*, returning officer (*or deputy returning officer as the case may be*) for the town (*or village*) of do solemnly declare (*or if he is a person permitted by law to affirm* do solemnly affirm) that to the best of my knowledge the annexed copies of the voters' list and poll-book used at this election held on the day of, 19...., were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

(Signed) *C.D.*,
Returning Officer (*or Deputy Returning Officer*).

Declared or affirmed before me at
this day of, 19....

(Signed) *K.Y.*,
Justice of the Peace (*or Poll Clerk, as the case may be*).

FORM NN.
(Section 437.)

MEMORANDUM ON DEBENTURE.

Registered in the debenture register as No.....
under By-law No....., this.....day of.....
19...

.....
Secretary-Treasurer.

FORM OO.
(Section 123.)

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 date 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..... }
of..... in the }
Province of Alberta, this }
.....day of..... }
19.... }
.....
Alberta Land Surveyor.

.....
A Commissioner, etc.

FORM PP.
(Section 123.)

SURVEYS.

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

.....
Secretary-Treasurer.

FORM QQ.

(Section 233.)

AFFIRMATION OF ELECTOR AT ELECTION HELD BEFORE
COMPLETION OF FIRST VILLAGE VOTERS' LIST.

Taken this.....day of....., 19...

The undersigned solemnly affirm each for himself that he is of the full age of twenty-one years; that during the whole of the two months immediately prior to this date he has been the owner, conditional owner or purchaser of assessable land (*or* has been liable to a business tax, *as the case may be*) in the Village of....., a description of which land or business is set opposite his name.

NAME	LAND OR BUSINESS VOTED ON

No. 25.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act respecting Towns and
Villages.

Received and read the

First time

Second time.....

Third time.....

HON. MR. REID

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934