

## REPRINTED BILL

### NOTE.

Sections enclosed in square brackets [ ] have not been before the Committee.

Sections 14, 15, 16, 17, 18 and 20 are for the purpose of giving effect to the amendment requiring voters at an election of a mayor or councillor to be British subjects.

Section 21 corrects an erroneous reference.

R. ANDREW SMITH,  
*Legislative Counsel.*

## BILL

No. 33 of 1935.

An Act to amend The Town and Village Act.

(Assented to \_\_\_\_\_, 1935.)

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

**1.** This Act may be cited as "*The Town and Village Act Amendment Act, 1935.*"

**2.** *The Town and Village Act*, being chapter 49 of the Statutes of Alberta, 1934, is hereby amended as to section 2 thereof—

- (a) by striking out the words "to any person, not being a wholesale or retail dealer", where the same occur in paragraph (g) thereof, and by substituting therefor the words "to any person not being a wholesale or retail dealer"; and
- (b) by striking out the words "for the purpose of his business", where the same occur in paragraph (v) thereof, and by substituting therefor the words "for the purpose of his business and who is not liable for a business tax in respect thereof".

**3.** The said Act is further amended as to section 16 thereof by striking out the words "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", where the same occur in paragraph (b) thereof.

4. The said Act is further amended as to section 66 thereof—

- (a) by striking out subsection (2) thereof;
- (b) by striking out the words “of a village”, where the same occur in subsection (3) thereof, and by substituting therefor the words “of a town or village”.

5. The said Act is further amended as to section 72 thereof by adding at the end thereof the following new subsection:

“(3) Whenever an assessor is appointed, the mayor shall forthwith advise the Minister of that appointment by mail, and 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 assessor.”

6. The said Act is further amended as to section 86 thereof by adding at the end thereof the following new subsection:

“(4) Prior to the first day of May in each year, all securities entered into or furnished pursuant to this section shall be produced to the mayor and shall be laid by him before the council for examination and approval at the first meeting of the council held on or after that date.”

7. The said Act is further amended as to section 89 thereof by striking out the words “within five days after the end of each month”, where the same occur in paragraph (r) thereof, and by substituting therefor the words “as soon as possible after the end of each month and not later than the fifteenth day thereafter”.

8. The said Act is further amended as to section 93 thereof by striking out subsection (2) thereof and by substituting therefor the following:

“(2) In every case in which it appears to the auditor that any expenditure has been made contrary to law, by-law or resolution or that there has been any irregularity on the part of the council of any officer of the council in dealing with any money or property of the town or village, the auditor shall write a special report respecting the same and shall deliver that report to the mayor who shall lay the same before the council at its next regular meeting.”

9. The said Act is further amended as to section 128 thereof by striking out the same and by substituting therefor the following:

“**128.**—(1) The council of a town may by resolution provide for the selling, leasing or otherwise disposing of lands finally acquired by the town under the provisions of *The Tax Recovery Act, 1929*.

“(2) The council of a village may by by-law approved by the Minister provide for the selling, leasing or otherwise disposing of lands finally acquired by the village under the provisions of *The Tax Recovery Act, 1929*.”

**10.** The said Act is further amended by inserting therein, immediately after section 133 thereof, the following new section:

**"133a.** The council may pass a by-law providing for the making of an agreement with any hospital authority for the hospitalization of residents of the town or village."

**11.** The said Act is further amended as to section 134 thereof by striking out the word "burgesses", where the same occurs therein, and by substituting therefor the words "proprietary electors".

**12.** The said Act is further amended as to section 152 thereof by adding at the end thereof the following new subsections:

"(2) A council may by by-law make provision for the supplying of medical care and attention to the residents of the town or village by means of a contract or agreement either alone or in conjunction with the council of any one or more of the following municipalities, namely: cities, towns, villages and municipal districts; and such contract or agreement may be either by way of guarantee or upon any other basis.

"(3) No by-law under subsection (2) of this section shall be finally passed until it has been assented to by two-thirds of the proprietary electors voting thereon in the manner provided by sections 400 to 428, both inclusive.

"(4) No contract or agreement entered into pursuant to a by-law passed under subsection (2) hereof shall have any force or effect unless and until the same has been approved by the Minister of Health in writing."

**13.** The said Act is further amended as to section 155 thereof by striking out subsection (2) thereof.

[**14.** The said Act is further amended as to section 181 thereof by striking out the words "shall be persons of the full age of twenty-one years", where the same occur in subsection (1) thereof, and by substituting therefor the words "shall be persons who are British subjects and of the full age of twenty-one years and".]

[**15.** The said Act is further amended as to section 182 thereof by striking out the words "shall be any person, male or female, of the full age of twenty-one years", where the same occur in subsection (1) thereof, and by substituting therefor the words "shall be any person who is a British subject and is of the full age of twenty-one years and".]

[**16.** The said Act is further amended as to section 184 thereof by striking out the words "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", where the same occur therein.]

[**17.** The said Act is further amended as to section 185 thereof by striking out the same and by substituting therefor the following:

**“185.** The persons entitled to vote at any election held subsequently to the completion of the first voters’ list shall be British subjects whose names appear on the voters’ list prepared according to section 188 of this Act.”]

[**18.** The said Act is further amended as to section 188 thereof—

- (a) by adding at the end of subsection (2) thereof the following new paragraph:  
 “(h) the words ‘British subject’ or ‘alien’, as the case may be.”; and
- (b) by adding at the end of subsection (3) thereof the words “and shall enter opposite the name of every person included therein the words ‘British subject’ or ‘alien’, as the case may be”; and
- (c) by adding at the end of subsection (4) thereof the words “and shall enter opposite each name placed thereon the words ‘British subject’ or ‘alien’, as the case may be”; and
- (d) by adding at the end thereof the following new subsection:  
 “(5) The list so compiled shall be the voters’ list but for the purpose of any election of mayor or councillors any person who is included therein who is not a British subject shall not be entitled to vote thereat.”]

**19.** The said Act is further amended as to section 190 thereof by striking out the words “If a district”, where the same occur in subsection (1) thereof, and by substituting therefor the words “If a school district”.

[**20.** The said Act is further amended as to section 207 thereof by inserting therein, immediately after the words “at least two electors”, where the same occur in subsection (1) thereof, the words “who shall be British subjects”.]

[**21.** The said Act is further amended as to section 218 thereof by striking out the words and figures “subsection (4) of section 349 of this Act”, where the same occur therein, and by substituting therefor the words and figures “section 190 of this Act”.]

**22.** The said Act is further amended as to section 277 thereof—

- (a) by striking out the words “any trade, business or profession”, where the same occur in subsection (6) thereof, and by substituting therefor the words “any trade, business or profession which is not assessed on a rental basis”;
- (b) by inserting therein, immediately after subsection (6) thereof, the following new subsection:  
 “(6a) The business tax payable in respect of any trade, business or profession which is assessed on

the rental basis shall be such percentage of the assessed value not in excess of fifteen 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."

**23.** The said Act is further amended as to section 343 thereof—

(a) by adding at the end of subsection (1) thereof the following new paragraph:

"(d) with the approval of the Board of Public Utility Commissioners, to enter into contracts with any person undertaking to provide the residents of the town or village with a supply of all or any of the following, namely: electric light, electric power, natural gas and water, and to confer a special franchise upon that person in respect of the subject matter of the contract for any period not in excess of twenty years.";

(b) by adding thereto the following new subsection:

"(6) 'Special franchise' shall mean every right, authority or permission whether exclusive or otherwise to construct, maintain or operate within the town, in, under, above, on or through or across any highway, road, street, lane, public place or public water within the jurisdiction of the town, any poles, wires, pipes, tracks, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or for the purposes of conducting steam, heat, water, gas, natural gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water or heat, light, power, transportation, telegraphic, telephonic or other service."

**24.** The said Act is further amended as to section 349 thereof by striking out subsection (5) thereof and by substituting therefor the following:

"(5) Subject to the approval of the Minister, the council of any town may by resolution—

"(a) fix the minimum tax to be paid by any person who resides in a town school district and is assessed upon the assessment roll thereof at the sum of four dollars; and

"(b) impose upon every person of the age of twenty-one years who is resident therein and has so resided for a period of at least one month in any calendar year and is gainfully employed, and has not been assessed upon the assessment roll for that year, an annual tax of four dollars for school purposes whether he has resided in the district before the

date of the completion of the assessment roll or not ;  
and the name of every person who pays the tax in  
any year shall be added to the assessment roll for  
that year."

**25.** The said Act is further amended by inserting therein,  
immediately after section 479 thereof, the following new  
section :

"**479a.** Wherever in this Act any reference is made to the  
Alberta Assessment Commission as and from the coming into  
force of *The Alberta Municipal Assessment Commission Act*,  
that reference shall be deemed to be to the Director of Assess-  
ments appointed pursuant to that Act, and every section of  
this Act containing such a reference shall be read and con-  
strued as if the Director of Assessments had been named  
therein in place of the Alberta Assessment Commission."

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

**REPRINTED BILL**

No. 33.

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FIFTH SESSION  
SEVENTH LEGISLATURE  
25 GEORGE V  
1935

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**B I L L**

An Act to amend The Town and  
Village Act.

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Received and read the

First time.....

Second time.. ..

Third time.....

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HON. MR. ALLEN

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1935