

Bill No. 53 of 1939.

A BILL TO AMEND THE TOWN AND VILLAGE ACT.

NOTE.

This Bill makes a number of amendments to *The Town and Village Act*.

Section 20 is amended by requiring the Administrator appointed to adjust the liabilities of a village within thirty days of his appointment to publish a notice in Form RR calling upon persons having claims against the village other than claims secured by the debentures of the village within a period of not less than forty nor more than sixty days after the publication of the notice to furnish the Administrator with particulars thereof; and thereafter the Administrator is required to pay the liabilities of the village, other than those secured by debentures, having regard only to the claims in respect of which particulars have been given in conformity to the notice; and the liability of the village ceases with respect to any such claims in respect of which particulars have not been delivered in conformity to the notice.

Section 43 is amended to provide that a person shall be ineligible for election as a councillor if he has entered into an agreement for the consolidation of arrears of taxes owing by him to the town or village and such agreement is in default.

Section 108*a* empowers the council of a town or village to accept gifts of lands which are free from encumbrances and provides for the assessment thereof.

Section 188 relating to the preparation of the voters' list is amended so as to require the placing on the voters' list of tenants of self-contained apartments or residences where there are two or more such apartments or residences upon the same parcel.

New section 225*a* empowers election officers to administer any oath authorized to be made or required to be taken in the course of a town or village election.

Section 360 is amended by restricting the reference to taxes therein to the current taxes.

Section 362 is amended by substituting the fifteenth day of December for the thirty-first day of December as the last date for payment of current taxes without penalty.

ii.

New section 363a makes the taxes on a parcel a first charge upon any money payable under a fire insurance policy on any building or erection thereon, save and except any fire insurance policy effected and maintained by a mortgagor for his own protection.

Section 365 is amended so as to give the secretary-treasurer express power to appoint agents and bailiffs to make and execute distresses for taxes.

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. 53 of 1939.

An Act to Amend The Town and Village Act.

(Assented to _____, 1939.)

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

1. This Act may be cited as "*The Town and Village Act Amendment Act, 1939.*"

2. *The Town and Village Act*, being chapter 49 of the Statutes of Alberta, 1934, is hereby amended as to section 20 by adding at the end thereof the following new subsections:

"(6) Any person or persons appointed pursuant to subsection (3) shall within thirty days after his appointment cause to be published in a newspaper circulating in the village in respect of which such appointment is made a notice, which shall be in Form RR in the Schedule to this Act, requiring every person who has any claim against the village, save and except claims under any debenture issued by the village, to furnish the person or persons so appointed with particulars in writing thereof within a period of time which shall not be less than forty days nor more than sixty days after the date of the first publication of such notice.

"(7) Upon the expiration of the period of time set out in the notice published pursuant to subsection (6),—

"(a) the persons appointed pursuant to subsection (3) shall proceed to pay such liabilities of the village other than those which are secured by debentures of the village having regard only to claims in respect of which particulars have been delivered to the person or persons so appointed in conformity to the terms of such notice; and

"(b) the liability of the village in respect of any claim other than claims secured by debentures issued by the village in respect of which particulars have not been delivered to the person or persons so appointed in conformity with the terms of such notice shall cease and determine."

3. The said Act is further amended as to section 43 by striking out paragraph (h) and by substituting therefor the following:

“(h) Any person who at the time of nomination is indebted to the town or village in respect of taxes payable by him to the town or village up to and including two years preceding the year in which the election is held or who having entered into any agreement for the consolidation of the arrears of taxes owing by him to the town or village is at such time in default in the payment of any sums payable under such agreement.”

4. The said Act is further amended by inserting therein immediately after section 108 the following new section:

“108a.—(1) The Council of any town or village may acquire by gift from the Crown in the right of the Dominion of Canada or from the Soldier Settlement Board any lands situate within the boundaries of the town or village and from any other person, lands situate within the town or village which are at the time of transfer free from all encumbrances whatsoever.

“(2) Any lands so acquired shall from the date of acquisition continue to be assessed by the town or village, and the taxes payable to the town or village in respect thereof shall continue to be charged against the parcel in the manner prescribed by section 22 of *The Tax Recovery Act, 1938*, and in case the land is so sold the proceeds of sale shall be dealt with and distributed in the manner prescribed by section 24 of the said Act.

5. The said Act is further amended as to section 168 by adding immediately after the last word thereof the words “or by the person acting as secretary at such meeting”.

6. The said Act is further amended as to section 188 by striking out paragraph (a) of subsection (3) and by substituting therefor the following:

“(a) a list containing the names of every tenant who for a period of twelve months immediately preceding the last day of August in that year rented an assessed parcel and every tenant who has for the said period rented a self-contained apartment or residence on an assessed parcel upon which there are two or more self-contained apartments or residences and who made application to be entered therein during the preceding months of September and October; and”.

7. The said Act is further amended by inserting therein immediately after section 225 the following new section:

“225a. Every officer presiding at a poll, and every poll clerk whilst acting in the place of the officer presiding or appointed to preside at any poll pursuant to section 225, is by virtue of his office authorized to administer on oath to any person who makes any declaration, affidavit or other statement under oath the making of which is authorized or

required by this Act in the course of the holding of any election or of the taking of any vote pursuant to any of the provisions of this Act."

8. The said Act is further amended as to section 360 by striking out the words "the amount of taxes", where the same occur therein, and by substituting therefor the words "the amount of taxes for the current year".

9. The said Act is further amended as to section 362 by striking out the words "the thirty-first day of December", where the same occur in subsection (1), and by substituting therefor the words "the fifteenth day of December".

10. The said Act is further amended by inserting therein immediately after section 363 the following new section:

"363a.—(1) All taxes due in respect of any parcel of land, and whether or not any proceedings are pending for the recovery thereof under any Act relating to the recovery of taxes shall be a first charge upon any money payable under any policy of fire insurance in respect of any building or erection thereon save and except only where such policy has been effected and is maintained by a mortgager of the land for his own protection.

"(2) Whenever any company or person becomes liable for the payment of any money under any policy of fire insurance in respect of any building or erection in any town or village, such company or person shall pay to the town or village the amount of the taxes due in respect of the parcel forming the site of such building or erection together with all buildings and erections thereon, or in case the amount which the company or person is liable to pay is insufficient to pay the full amount of such taxes, such person or company shall pay to the town or village the full amount for which it or he is so liable; and upon any such payment being made, the amount for which the company or person paying the same is liable under the policy shall be reduced by the amount of such payment."

11. The said Act is further amended as to section 365 by adding at the end thereof the following new subsection:

"(5) The secretary-treasurer may from time to time by writing under his hand appoint any person to make and execute any levy which the secretary-treasurer is authorized to make pursuant to this section; and any person so appointed shall have the same powers to make and execute the levy as are conferred upon the secretary-treasurer for that purpose by this section."

12. The said Act is further amended as to the Schedule thereto by adding at the end thereof the following:

“FORM RR.

“Notice to Creditors of The of

“Pursuant to section of *The Town and Village Act*, notice is hereby given to all persons having any claims against the Village of other than claims secured by any debentures of the said village are required to deliver to the undersigned at written particulars of such claims before the day of, 19....., and that on and after the said day the undersigned will proceed to the distribution of the assets of the village having regard only to the claims of which particulars in writing have been furnished to the undersigned before the said day;

And further take notice that the liability of the village in respect of any claims other than claims secured by any debenture of the village the particulars whereof have not been delivered to the undersigned as required before the said day will cease and determine.

“Dated at, in the Province of Alberta, this day of, 19.....

.....

“Being a person (or persons) appointed to adjust the assets and liabilities of the Village of, pursuant to section 20 of *The Town and Village Act*.”

13. This Act shall come into force on the day upon which it is assented to, and upon it so coming into force section 3 shall be deemed to have been in force at all times from and after the thirty-first day of December, 1938.

No. 53.

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act to Amend The Town and
Village Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1939