

Bill No. 95 of 1941.

A BILL TO AMEND THE MUNICIPAL DISTRICT ACT

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NOTE.

This Bill amends *The Municipal District Act*.

The amendments to the definitions merely serve to have them conform with other municipal Acts.

Section 17*a* is amended to provide machinery for the amalgamation of two or more municipal districts or improvement districts or parts thereof to form larger districts. Provisions are made for the disposition of parts of a municipal district or improvement district which may not be included in the larger district. Provisions are also made for the apportionment of the rights and liabilities of the old districts.

Subsection (6) of section 19 was struck out as it is no longer applicable due to changed methods under *The School Act*.

The amendment to section 20*a* enables the Council to acquire lands vested in it by an order of the Board of Public Utility Commissioners and to dispose of such lands.

The amendment to paragraph (g) of section 28 is designed to clarify the same. A person who owes two years' taxes is not disqualified for election.

The amendment to section 32 ensures that the new councillors' term of office expires in the same way as if they had been elected in a first election.

The addition of paragraph (g) of section 57 disqualifies members of a Council who are convicted or interned under *The Defence of Canada Regulations*.

The amendment to section 82 makes it clear that trust funds are deposited on the responsibility of the Council and can only be withdrawn by taking the same procedure which is taken to withdraw municipal funds.

Section 83 now provides for a tax certificate setting out a detailed statement of the arrears.

The amendment to section 84 makes an annual audit compulsory, and in any case the Minister may direct that audits be held more frequently if he deems this necessary.

Under the existing section 85 each of the electors in a household would be entitled to a statement. The amendment avoids this needless duplication by sending a statement only to the proprietary electors.

The addition of the new section 96*b* introduces a provision similar to that contained in *The Town and Village Act* enabling the Council to close, sell or lease, public streets, lands, roads or highways.

Under section 115 there was no restriction on the amount of liability a Council could incur for the purchase of machinery. The amendment gives ratepayers an opportunity to vote on expenditures for machinery in excess of two thousand dollars per year.

If, as permitted by section 141 these costs were added to taxes, there is some doubt as to whether this would not jeopardize the success of the tax recovery proceedings. It is being struck out and thereby conforms with similar steps taken in other municipal Acts.

The amendments to sections 145, 157, and 160 are designed to consolidate and clarify the provisions relating to public health.

The amendments to section 150 dealing with rules for determining residence, enlarge the meaning of the rule somewhat and remove certain statements which were inapplicable to this Act.

The amendment to subsection (5) of section 150 extends the provisions of this section to surgical as well as medical treatment. The new subsection (5*a*) enables disputes over questions of indigence and residency to be referred to a District Court Judge.

The amendment to section 151 enables the Council of a municipal district to tax transient traders and gives it the same powers as towns and villages have in this regard.

The amendment to section 169*a* strikes out a limitation. Under the amended section a municipal council, with the approval of the Minister, may pass any by-law applicable to hamlets which a village council could pass under the provisions of *The Town and Village Act*. The purpose of this is to enable such a Council to make sanitary and other provisions relating to public works for the benefit of the residents of any hamlet within the boundaries of the municipal district.

The amendments to section 170 incorporate in this Act some of the better provisions of *The Agricultural Relief Advances Act* which are applicable here, particularly those sections relating to security, collections and priority. The amended section also covers advances for fuel and lubricating oil as well as seed, feed and fodder.

The amendments introduced by adding sections 168*a*, 430*a* and 431*a* enable the Minister to prescribe any forms used by any municipal district and deal particularly with tax receipt forms and penalties for using or printing improper tax receipts.

The amendments to sections 352 and 353 are designed to make it clear that the right to select which tax shall be paid when a portion only of the amount due is being tendered, applies only to current taxes and that neither the secretary nor the person who pays has any right to make any such selection until all arrears have been paid. The owner of two or more parcels is at liberty to indicate which parcel he intends any part payment to be applied upon.

The amendments to section 354 create a continuing lien for taxes upon all crops grown on the land on which the taxes are levied. This lien is in force until all taxes owing on the land are paid. No creditor other than a prior lien holder is allowed to take any share of the crop or any share of the proceeds of the crop until the lien for taxes has been discharged. An elevator company, however, is allowed to purchase or store the grain without incurring any liability under this section. If any creditor does take any share of the crop or of the proceeds of the crop before such lien is discharged, unless he has a prior lien, he becomes liable to the municipal district for the taxes to the extent of the payment he has received, and such taxes may be recovered as a debt by action in the courts. Farmers are required to submit to examination at the instance of the municipality so that it can be ascertained how their crop has been disposed of and the procedure for such examination is set out.

Sections 366*a*, 366*b* and 366*d* are the former sections 367*a*, 367*b* and 367*c* with a few amendments of a minor nature similar to those being made to the analogous sections in *The Improvement Districts Act* and *The Town and Village Act*. Section 366*c* is a new section enabling the Council to impose a minimum tax for hospital purposes.

The remainder of the amendments introduced have been made for the purpose of clarifying rather than changing the meaning of the sections with which they deal. Most of them were rendered necessary by previous amendments to this or other municipal Acts.

W. S. GRAY,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 95 of 1941.

An Act to amend The Municipal District Act.

(Assented to \_\_\_\_\_, 1941.)

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

1. This Act may be cited as "*The Municipal District Act Amendment Act, 1941.*"

2. *The Municipal District Act*, being chapter 41 of the Statutes of Alberta, 1926, is hereby amended as to section 2,—

(a) by striking out clause (ii) of paragraph (p) thereof and by substituting therefore the following:

"(ii) where there is no such plan of subdivision, and subject to clause (iii), a quarter section of land according to the system of surveys under *The Dominion Land Surveys Act* or any other area the description of which has been approved by the proper Land Titles Office;"

(b) by striking out paragraph (w) thereof and by substituting therefor the following:

"(w) 'Transient trader' means any person who does not ordinarily maintain within the municipal district a permanent and fixed place of business for the purpose of his business, and who is not liable for a business tax in respect thereof, and who either as a principal or an agent buys or offers to buy direct from the purchaser thereof any goods, wares, or merchandise, or sells or offers to sell to the consumer any goods, wares or merchandise, except,—

"(i) agricultural products raised, grown or produced by him;

"(ii) fish of his own catching;

"(iii) sewing machines;

"(iv) nursery stock;

"(v) newspapers;

"(vi) books or periodicals of an educational nature or character,—

but does not include a hawker or peddler who is duly licensed under *The Licensing of Trades and*

*Businesses Act* in respect of the business for which he is so licensed.”

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

“17*a*.—(1) The Minister may by order direct that any or any part or parts of any municipal districts or improvement districts shall be merged into one municipal district, and assign thereto a name and number, and thereupon the then existing councils of each included municipal district and of each municipal district of which a part has been so included, shall be dissolved, and the affairs of each municipal district and improvement district included in whole or in part in the new district shall, as to the area included therein, be administered by one council consisting of such number of persons elected or appointed in such manner as the Minister may prescribe, and the council so elected or appointed shall be the council for the new district.

“(2) Any order made by the Minister pursuant to this section shall contain,—

“(a) an accurate description of the district;

“(b) an accurate description of the electoral divisions (if any) as determined by the Minister;

“(c) the date upon which it is to become effective;

“(d) directions as to the preparation of a voters’ list for the new district and as to any other matter or thing requisite for the proper carrying on of an election;

“(e) a statement of the day upon which the nomination of members of the council is to take place.

“(3) Any order made by the Minister pursuant to this section may add to any municipal district or any improvement district any portion of a municipal district or improvement district not included in the new district, and which formed part of a district included in the new district.

“(4) Upon the making of any such order by the Minister, the property, rights and liabilities of the districts included in whole or in part in the new district, including all taxes then due, shall, subject to all the rights of debenture holders (if any), 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.

“(5) All questions arising over the division or apportionment of the said property, rights and liabilities, or otherwise, shall, unless other provision 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.

“(6) All of the provisions of this Act relating to a first election shall, except as otherwise varied by this section, apply to the first election in such new district.”

4. The said Act is further amended as to section 19 by striking out subsection (6) thereof.

5. The said Act is further amended as to section 20a by striking out subsection (3) thereof and by substituting therefor the following:

“(3) The Council may acquire under an order of the Board of Public Utility Commissioners cancelling a plan of subdivision of lands situate within the boundaries of the municipal district.

“(4) Any such lands may be sold, leased or otherwise disposed of in such manner and at such times and under such terms and conditions as the Council may by resolution from time to time prescribe.”

6. The said Act is further amended as to section 28 by striking out paragraph (g) thereof and by substituting therefor the following:

“(g) he is not indebted to the municipal district for taxes for more than the two calendar years immediately preceding the year in which the election is held or unless he enters into an agreement for the consolidation of the arrears of taxes owing by him to the municipal district and such agreement remains in force;”

7. The said Act is further amended by adding thereto immediately after section 33 the following new section,—

“33a. The provisions of section 32 or 33, as the case may be, shall apply *mutatis mutandis* to every first election after any by-law or order changing the method of election under the provisions of section 197 of Part VI hereof.”

8. The said Act is further amended as to section 57 by adding immediately after paragraph (f) the following new paragraph:

“(g) is convicted of an offence under *The Defence of Canada Regulations* or is interned pursuant to the said Regulations.”

9. The said Act is further amended as to section 68,—

(a) by striking out the words “fifty per cent”, where the same occur therein, and by substituting therefor the words “eighty-five per cent”;

(b) by adding at the end thereof the following proviso:

“Provided further that for the purposes of this section the words “public works” shall include any system of street lighting which may be installed.”

**10.** The said Act is further amended as to section 82 by striking out paragraph (*p*) thereof and by substituting therefore the following,—

“(*p*) make all payments on behalf of the municipal district or out of the Tax Trust Funds by cheque signed by himself and countersigned by the reeve or by the deputy reeve and drawn on the chartered bank in which the moneys of the municipal district or of the Tax Trust Funds are deposited;”.

**11.** The said Act is further amended as to section 83 by striking out subsection (2) thereof and by substituting therefor the following:

“(2) The secretary-treasurer on receipt of a further fee of twenty-five cents shall include in the certificate a detailed statement of the arrears, indicating the portions attributable to each year respectively.

“(3) Every such fee shall form part of the general revenue of the municipal district.”

**12.** The said Act is further amended as to section 84 by adding immediately after subsection (1) thereof the following new subsection:

“(1*a*) The auditor shall make an audit and report upon all books of account affecting the municipal district or relating to any matter under its control or within its jurisdiction at least once in each year, and at such other time or times as the Minister may in his discretion direct.”

**13.** The said Act is further amended as to section 85 by striking out the words “elector in the municipal district”, where the same occur in subsection (4) thereof, and by substituting therefor the words “person whose name appears on the assessment roll”.

**14.** The said Act is further amended by adding thereto immediately after section 96*a* the following new section 96*b*:

“**96*b*.**—(1) The Council may subject to the approval of the Minister 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 hereinafter provided.”

**15.** The said Act is further amended as to section 141 by striking out the same.

**16.** The said Act is further amended as to section 145 by striking out the same and by substituting therefor the following:

“**145.**—(1) The Council may pass a by-law or by-laws for all or any of the following purposes, namely:

“(a) To make provision for the health of the municipal district, and for the prevention of the spread of infectious and contagious diseases;

“(b) To make provision for the supplying of medical, nursing and clinical care and attention to the residents of the whole or any part of a municipal district by means of a contract or agreement or by way of guarantee or upon any other basis either alone or in conjunction with the Council of any other municipality;

“(c) To make provision for payment of an annual or other grant to a duly licensed medical practitioner residing and practising in the municipal district or to a duly licensed medical practitioner as an inducement for him to reside or practice his profession in the municipal district or guarantee an income or a portion of the income 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 Two Thousand Dollars;

“(d) To make provision for engaging such nurses as may be deemed necessary at any time to provide for the care of the indigent sick;

“(e) To make provision for the engaging of a physician, a public health nurse or a clinic to attend residents of the municipal district who may require such services whether indigent or not and to give instructions and deliver lectures on questions of public health.

“(2) The Council may pass a by-law for the purpose of entering into an agreement with any hospital within the meaning of *The Hospitals Act* for the provision of hospital facilities to the residents of the municipal district or of any part or parts of the municipal district provided that the agreement will not be applicable to any part of the municipal district which is within a municipal hospital district.

“(3) In any case where the Council desires to pass a by-law pursuant to the provisions of this section, and,—

“(a) the cost is estimated to be more than five hundred dollars in any one year; or

“(b) the scheme is for the benefit of the residents of part of a municipal district only; or

“(c) an agreement in conjunction with the Council of another municipal district is contemplated,—

it shall proceed as set out in subsections (2) to (5) (inclusive), of section 157 of this Act, provided that wherever the words ‘municipal district’ occur therein, they shall mean for the purpose of this section ‘municipal district, or any part or parts thereof’.

“(4) In any case where an agreement in conjunction with the Council of another municipal district is contemplated for the provision of medical, nursing, and clinical care and attention to the residents of the whole or any part or parts of such municipal districts, the by-law shall set out the total assessment of the property in the area subject to the proposed agreement, and the total assessment of the property in the part of the municipal district affected.

“(5) In the event of any such by-law being passed in all parts of the said area, the municipal districts shall appoint a committee of not less than three persons who shall have power to engage any of the persons aforesaid in accordance with the terms of the by-law and to superintend and otherwise regulate the services given by such physician, public health nurse or clinic.

“(6) In each such municipal district a special tax sufficient to produce the proper proportionate part of the expenses incurred by the said committee or of the moneys payable under any agreement authorized by by-law passed pursuant to this section shall be levied upon all persons whose names appear on the assessment roll, by reason of property situate in, or business carried on in the part or parts of the municipal district included in the area.

“(7) Any by-law passed pursuant to this section shall contain a clause limiting the maximum expenditure which

may be made in any one year and which neither the Council nor the committee appointed pursuant to this section shall have power to exceed.

“(8) No contract or agreement made pursuant to subsection (1), paragraph (b); subsection (1), paragraph (d), or subsection (2) shall have any force or effect until it has been approved in writing by the Minister of Public Health.

“(9) Any by-law passed pursuant to this section shall have no force or effect until the same has been approved by the Minister.”

**17.** The said Act is further amended as to section 150,—

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

“(3a) In order to determine whether or not any person is a resident in any area controlled by a local authority for the purposes of this section, the following rules of interpretation shall be applied:

“Rule 1. Any person who on the date of the application of such person for food, fuel, clothing, shelter, assistance, medical attention or any of them or for placing such person in a hospital has then had his home or resided within the area controlled by a local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the making of such application and has not during such period of twelve months received any relief, shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has so resided.

“Rule 2. Any person who at any time during which he is in receipt of food, fuel, clothing, shelter, assistance, medical attention, hospitalization, or any of them from a local authority which is liable for the provision thereof, or at any time within a period of twelve months after he last received any such relief moves within the area controlled by another local authority, shall be deemed to be a resident of the area controlled by the first mentioned local authority as if he had continued to reside therein until such time as he shall have thereafter become a resident of some other local authority as defined in Rule 1 hereof.

“Rule 3. Any person who on the date of the application of such person for food, fuel, clothing, shelter, assistance, medical attention or any of them or for placing such person in a hospital has not resided for twelve consecutive months out of the previous twenty-four consecutive months within the area controlled by a local authority and has

not a permanent home elsewhere than in the Province, but has resided or has been a sojourner, within the area controlled by a local authority for at least three consecutive months out of the twenty-four months immediately preceding the date of such application and has not during such period of three months received relief, shall be deemed to be a resident of the area controlled by the local authority within whose boundaries he has last so resided.

“Rule 4. Any person who receives any relief from a local authority for the provision of which relief that local authority is liable, shall be deemed to be a resident of the area controlled by that local authority until such time as he shall have had his home or resided within the boundaries of another local authority for twelve consecutive months out of the twenty-four consecutive months immediately preceding the date of the application of such person for food, fuel, clothing, shelter, assistance, medical attention or any of them or for placing such person in a hospital, without having received any relief during such period of twelve months.”;

- (b) by striking out the words “When an indigent resident receives medical advice, attendance, medicine or other treatment given by a medical practitioner at a first visit”, where the same occur in subsection (5) thereof, and by substituting therefor the following: “When an indigent resident receives medical advice, attention, medicine or surgical or other treatment given by a medical practitioner or surgeon at a first visit”.
- (c) by adding thereto immediately after subsection (5) the following new subsection (5a);
 

“(5a) If any dispute arises as to whether or not any person is an indigent or a resident of any municipal district the question shall be referred by such person or by the municipal district to a Judge of the District Court, who shall proceed to decide the question in a summary manner and whose decision shall be final and conclusive.”
- (d) by striking out subsection (9) thereof and by substituting therefor the following:
 

“(9) The value of any assistance given by a municipal district to any person who is a resident thereof, whether indigent or not, for food, fuel, clothing, shelter, medical advice, attention, medicine, surgical treatment, hospitalization, or for any other assistance, together with the amount of all moneys expended by the municipal district, for such assistance shall be a charge on the lands of any person for whose benefit it was given or paid, and shall constitute a debt due to the municipal district

from such person for whose benefit it was given or paid, and from any other person who was legally responsible for the maintenance of the person aforesaid for whom it was given or paid, and may be recovered from him or from his estate or from the persons responsible for his maintenance, by action or by distraint upon any of his or their goods found within the Province.”

- (e) by striking out subsection (11) thereof and by substituting therefor the following:

“(11) In any case in which a municipal district has granted food, fuel, clothing, shelter, assistance, medical or surgical attention, or treatment, hospitalization, or any of them under this Act or *The Hospitals Act* to any person resident in the municipal district in respect of whom the municipal district is legally liable on account of such relief, the liability of the municipal district under the said Acts shall continue so long as such relief is either paid or payable and until such time as such person shall have become a resident within the boundaries of another local authority.”

**18.** The said Act is further amended by adding thereto immediately after section 150 under the title of “Taxes Upon Transient Traders”, the following new section:

“**150a.** 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 municipal district 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 not more than fifty dollars and costs, and in default of payment to imprisonment for a term of not more than thirty days.”

**19.** The said Act is further amended as to section 157 by adding immediately after the words “*The Hospitals Act*”, where the same occur in subsection (1) thereof, the words “and of section 145 of this Act”.

**20.** The said Act is further amended as to section 160 by striking out the same.

**21.** The said Act is further amended by inserting immediately after section 168 under the heading of "Municipal Forms", the following new section:

"**168a.**—(1) The Minister may from time to time prescribe the forms to be used for any receipt, notice, return, statement or other form whatsoever used or required to be used by any municipal district.

"(2) No Council shall issue any receipt for taxes or other moneys received by the municipal district or any notice, return, statement or other form whatsoever unless such receipt or such notice, return, statement or other form is in the form which may from time to time be prescribed by the Minister for the purpose and unless it has printed thereon the words 'Approved by the Department of Municipal Affairs' together with the name of the person or firm printing the same."

**22.** The said Act is further amended as to section 169*a* by striking out the words "with respect to public order and morality and the safety of persons and property", where the same occur therein.

**23.** The said Act is further amended as to section 170 by striking out the same and by substituting therefor the following:

"**170.**—(1) For the purposes of this section 'commodity' shall mean and include seed grain, fodder, feed grain, fuel oil, and lubricating oil.

"(2) The Council of any municipal district may pass a by-law authorizing the making of advances in such sums as it may consider necessary to supply any commodities to farmers resident in the district who are owners, purchasers or lessees of land therein, and who, owing to adverse conditions, may be unable to procure the same for the next ensuing spring seeding season or for the sustenance of their stock or for any other good and sufficient reason.

"(3) The Council of any municipal district may, where necessary, pass a by-law authorizing the borrowing from any person, bank or corporation such sums as it may consider necessary for the purpose of making such advances, and the municipal district may repay such sums to the lender together with interest at such rates not exceeding seven per centum per annum and at such time or times as shall be agreed upon between it and the lender; provided that no such borrowing shall be for a longer period than three years and shall be repaid by annual payments equal to the sum obtained by dividing the principal by the number of years for which the loan is to run and there shall be paid out of the collection of taxes, current and arrears,

in each of the said years, and as a first charge against the same, the sum necessary to make such payment of principal together with interest on the whole amount borrowed as may be necessary, consideration being given to the amount or amounts which have been repaid by the resident farmers who have obtained any such commodity.

“(4) No advance of any commodity shall be made to any purchaser or lessee of land without the consent in writing of the registered owner thereof.

“(5) All advances of any commodity shall be made by the municipality or by an agent or agents of the municipality duly appointed for that purpose by resolution of the council.

“(6) The municipality shall charge the recipient of any commodity advanced pursuant to this Act such an amount as it shall deem reasonably sufficient to cover the cost of the commodity and the expenses entailed by the purchase and distribution thereof and no more.

“(7) Upon the making of every advance of any commodity, the municipality shall take from the recipient thereof his note or notes for the price thereof, and such notes shall bear interest at the same rate as the rate of interest payable by the municipality in respect of borrowings made by the municipality for the purposes of this Act, and shall be payable on demand at the office of the secretary-treasurer of the municipal district; and shall also take from the recipient a written agreement which may be in Form G in the Schedule to this Act for a lien upon all crops grown or to be grown upon the land in respect of which the advance is made and upon all crops grown or to be grown upon any other land farmed by the recipient until all advances made pursuant to this Act have been repaid, and for a charge upon the interest of the recipient in the land in respect of which the advance is made, and upon his interest in any other land.

“(8) Within ninety days of the making of any advance to any person pursuant to this Act, the municipality shall cause to be published in *The Alberta Gazette* a notice to the effect that such person has received such an advance, and shall register in the office of the proper Land Titles Registration District the agreement for a lien which may be in Form G in the Schedule to this Act.

“(9) Such charge shall have precedence over all other encumbrances against the land except taxes and sums which may by law be charged against the land in the same manner as taxes and any mortgage which is a first registered encumbrance against the land at the time the said lien is registered by the municipality or which, being registered at that time, subsequently becomes a first registered encumbrance by the discharge of previous encumbrances, and except sums remaining unpaid in respect of advances previously made under any statute providing for seed grain advances.

“(10) If within ninety days after the making of any advance pursuant to this Act the municipality causes to be published in *The Alberta Gazette* a notice to the effect that an advance has been so made, setting out the name and post office address of the recipient, there shall be created, as from the date of such publication,—

“(a) a lien upon all crops grown from any seed advanced pursuant to this Act at any time within twelve months after the advance referred to in the notice, having priority over all claims and demands of whatsoever kind, nature or description, save and except liens which, pursuant to the provisions of *The Crop Liens Priorities Act*, are prior to the lien created by this section;

“(b) a lien upon all crops grown or to be grown upon the land in respect of which the advance is made and upon all crops grown or to be grown upon any other land farmed by the recipient until all advances made pursuant to this Act have been repaid having priority over all other claims and demands of whatsoever kind, nature and description, save and except only as is otherwise provided by *The Crop Liens Priorities Act* to the contrary, and in any case such lien shall cease to exist in the event of foreclosure or sale by the owner of a mortgage which is or becomes a first registered encumbrance within the meaning of subsection (9) of this section from and after the date of such foreclosure or sale.

“(11) None of the provisions of *The Bills of Sale Act* shall apply to any agreement for a lien taken pursuant to this Act.

“(12) No person who has received any advance of any commodity under this Act shall, during the year in which the advance is made and in any ensuing years, so long as any money is owing in respect thereof, either by himself, his servant or agent, directly or indirectly, sell, ship or otherwise dispose of any grain which is subject to a lien for such advance without the consent in writing of the municipality or some person duly authorized by the municipality for that purpose, and any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction therefor to a fine not exceeding one hundred dollars and costs, to which sum shall be added the amount owing in respect of the advance, and in default of payment forthwith, the person convicted shall be liable to imprisonment for a term of not more than one year.

“(13) No complaint shall be made and no information shall be laid with respect to any offence under this section except within twelve months from the time when the matter of complaint or information arose.

“(14) Every lien upon crops created pursuant to this Act shall be enforceable by seizure and by sale thereof, in the same manner as is provided for the recovery by distress of taxes owing to the municipality in which the crop is grown, at any time before severance and at any time after severance wherever the same may be found except only in cases where a buyer has acquired a good title thereto pursuant to the provisions of section 24a of *The Sale of Goods Act*.

“(15) The costs chargeable in respect of seizure and sale under this section shall be those payable to bailiffs under *The Distress Act*.

“(16) Where application is made in respect of land the title to which is in the Crown in the right of the Province, the municipality may, with the consent of the Minister of Lands and Mines, make an advance to an occupant of such land, and the amount advanced shall be a first charge against the interest of the applicant in such land.

“(17) In any case where the applicant for an advance pursuant to this Act is a person whose interest in the land which he farms is that of lessee or a homesteader or a purchaser under an agreement of sale, the municipality may require that the applicant shall give to the municipality a mortgage upon his live stock and its increase to secure the repayment of the amount of the advance with interest.

“(18) All the provisions of *The Bills of Sale Act* shall apply to every such mortgage, except,—

“(a) that the time for registration shall be sixty days instead of thirty days as prescribed by that Act relating to registration;

“(b) that the provisions of section 11 of *The Bills of Sale Act* shall not apply to such a mortgage; and

“(c) that no fee shall be payable upon the registration of any such mortgage.

“(19) In any case where a mortgage is taken under this section to secure an advance of feed or fodder for the feeding of any live stock which is subject to any prior mortgage, charge or encumbrance, the mortgage so taken shall have priority over every other prior mortgage charge or encumbrance upon such live stock.

“(20) Every advance made pursuant to this Act shall be made in kind and not otherwise, and under no circumstances shall any money be advanced in lieu of or in addition to the commodity advanced.

“(21) Upon payment in full of the amount secured by the lien agreement the secretary-treasurer shall, if so requested, give a discharge of the lien agreement in Form H in the Schedule to this Act, which said discharge may be registered with the Registrar in the Land Titles Office in which the said agreement was registered.

“(22) Every Registrar of Land Titles shall receive and file any lien agreement delivered to him for filing pursuant

to this Act and shall make all necessary entries and memoranda with reference thereto, and shall register every lien agreement and every discharge thereof without fee or charge."

**24.** The said Act is further amended as to section 174 by striking out the words "section 19 of *The Tax Recovery Act, 1929*", where the same occur therein, and by substituting therefor the words "section 18 of *The Tax Recovery Act, 1938*".

**25.** The said Act is further amended as to section 191 by striking out the words "any by-law passed under section 294 of this Act", where the same occur in clause (i) of paragraph (b) thereof, and by substituting therefor the words "any by-law passed under sections 18 and 19 of *The Assessment Act*".

**26.** The said Act is further amended as to section 197 by striking out paragraphs (a) and (b) of subsection (1) thereof and by substituting therefor the following:

"(a) for the nomination of candidates by the electors of each division, and for the election of one councillor from each division of the municipal district; or

"(b) for the nomination of candidates by the electors of the municipality at large, and for the election of all councillors by the general vote of the electors;"

**27.** The said Act is further amended as to section 344 by striking out the same.

**28.** The said Act is further amended as to section 352 by striking out the same and by substituting therefor the following:

"**352.**—(1) If arrears of taxes are due by any person on any property, and such person pays only a portion of the taxes due by him in respect of that property, the taxes received shall first be applied in payment of the arrears on that property.

"(2) When all arrears have been paid in respect of any property, the secretary-treasurer shall, upon the written request of any person paying a portion only of the current taxes due in respect of that property, apply such portion to such current taxes as such person may select, and shall credit such person in the assessment roll as having paid the taxes selected."

**29.** The said Act is further amended as to section 353 by striking out the same and by substituting therefor the following:

**“353.** In case any person pays a portion only of the current taxes due by him in respect of any property, and such person does not as provided in the next preceding section signify the manner in which such portion is to be applied, the secretary-treasurer shall apply such portion to such taxes levied for the current year as he may select, and shall credit such person in the assessment roll as having paid the taxes selected.”

**30.** The said Act is further amended by adding immediately after section 353 the following new section:

**“353a.** Where any payment on account of taxes is made by or on behalf of any person assessed in respect of more than one parcel, and such person does not signify the manner in which or the parcel or parcels on which such payment is to be applied, the secretary-treasurer shall apply such payment *pro rata* on account of all taxes owing in respect of all parcels in the municipal district which are on the assessment roll in the name of the person assessed.”

**31.** The said Act is further amended by adding immediately after section 354 the following new sections:

**“354a.—(1)** Notwithstanding anything contained in any Statute or in the Common Law, all arrears of taxes outstanding as at the date of the coming into force of this Act, in respect of land in any municipality shall be a special lien or charge upon all crops grown or to be grown on the said land until the said taxes are paid, and such lien or charge shall have priority over all other claims, liens, privileges or encumbrances on such crops except as set out in *The Crop Liens Priorities Act*.

**“(2)** Notwithstanding anything contained in any Statute or in the Common Law, the taxes levied in any year upon or in respect of land in the municipality shall be a special lien or charge upon all crops grown on the land in the year in which the taxes are levied and upon all crops grown on the land in every year thereafter, until the said taxes are paid, and such lien or charge shall have priority over all other claims, liens, privileges or encumbrances on such crops except as set out in *The Crop Liens Priorities Act*.

**“(3)** No person or corporation other than a country elevator as defined in *The Canada Grain Act* or the holder of a lien which, pursuant to the provisions of *The Crop Liens Priorities Act*, is prior to the lien created by this section, shall receive or accept any or any part or share of any crop grown on land in any municipal district or any part of the proceeds of the sale of any such crop, until all taxes owing in respect of such land have been paid.

**“(4)** Any person or corporation other than a country elevator who takes, receives or accepts any or any part or share of any crop or any part of the proceeds of any such crop other than as permitted by this section, shall be liable

to the municipal district for the payment of the taxes owing in respect of the land on which the crop was grown to the extent of the part or share of the crop or of the proceeds of the crop so taken, received or accepted.

“(5) The taxes due in respect of any land from any person by reason of his taking, receiving or accepting any or any part or share of any crop or any part of the proceeds of any such crop other than in accordance with the priorities established by *The Crop Liens Priorities Act* may be recovered with interest and costs as a debt due to the municipal district from such person.

“354b.—(1) ‘Judge’ for the purposes of this section, shall mean either a judge of the Supreme Court or a judge of the District Court.

“(2) Where any farmer has sold or otherwise disposed of his crop or any part or share of such crop which was grown on land on which taxes are owing to the municipal district and the secretary-treasurer has not received a satisfactory report from the farmer as to the disposition of such crop or any part or share of such crop, the secretary-treasurer of such municipal district or his duly authorized representative shall be entitled to apply to a judge or a police magistrate for an order or direction that such farmer appear before a judge, police magistrate, justice of the peace, notary public, or commissioner for oaths for examination under oath touching the disposition of any or any part or share of such crop or any part of the proceeds thereof.

“(3) The judge or police magistrate may order the examination of any farmer pursuant to such application, and the secretary-treasurer of the municipal district or his duly authorized representative shall be entitled to examine the farmer and may procure an appointment for such examination from the judge, police magistrate, justice of the peace, notary public or commissioner for oaths before whom the examination is ordered to take place, and the farmer to be examined, upon being served with a copy of the appointment at least four clear days before the date fixed for the examination, shall attend thereon at his own expense and submit to examination.

“(4) If the farmer having been duly served with such appointment, refuses, neglects or fails to attend at the time and place appointed for his examination and no just excuse is offered for such non-appearance then after proof upon oath that such appointment has been served as aforesaid or that the farmer to whom the appointment is directed has kept out of the way to avoid service, the person before whom the farmer ought to have appeared for examination may issue a warrant under his hand directed to any constable to bring such farmer, at a time and place to be therein mentioned, before him in order to be examined and the constable may take the said farmer into custody and bring him before the said person for examination.

“(5) Any farmer examined orally pursuant to this section may give further evidence or be further examined in explanation of any matter in respect of which he has already been examined.

“(6) Unless the judge or the police magistrate otherwise directs, the farmer to be examined shall, if so required by notice, produce at the examination all books, papers, and documents relating to the harvesting and disposition of the crop or of the proceeds thereof.

“(7) Any farmer who admits upon his examination that he has in his custody or power any book, paper or document relating to the harvesting or disposition of the crop or of the proceeds thereof, shall produce the same for inspection of the secretary-treasurer or his duly authorized representative upon the order of the judge or police magistrate, or upon the direction of the examiner, within a reasonable time to be fixed by the order or direction.

“(8) Any farmer refusing to be sworn or to answer any question properly put to him, or to produce any document relating to the harvesting or disposition of the crop or of the proceeds thereof, shall be liable to attachment upon application by notice of motion to a judge of the Supreme Court, and may be punished as for contempt of court.

“(9) Unless taken in shorthand, the depositions on an examination of any farmer as aforesaid, may be taken down in writing by the examiner in the form of a narrative expressed in the first person, and when completed shall be read over to the person examined, and shall be signed by him, and shall be certified by the examiner.”

**32.** The said Act is further amended as to section 357 by adding immediately after the words “the secretary-treasurer”, where the same occur in subsection (4) thereof, the words “or any person appointed by him in writing”.

**33.** The said Act is further amended as to section 361 by adding at the end thereof the following words: “except those of the Crown in the right of the Province”.

**34.** The said Act is further amended by adding thereto immediately after section 366 the following new sections:

“**366a.**—(1) Subject to the approval of the Minister, any council may by by-law fix a minimum tax of four dollars for school purposes to be paid by any resident of the municipal district assessed upon the assessment and tax roll, and also impose upon every resident of the district of the full age of twenty-one years who has resided therein for a period of one month or more during any calendar year, and is gainfully employed, and has not been assessed on the roll, an annual tax of four dollars for school purposes, whether he has resided in the district before the date of the completion of the 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 roll for the said calendar year.

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

“**366b.**—(1) Subject to the approval of the Minister, any council may by by-law fix a minimum tax of four dollars for municipal purposes to be paid by any resident of the municipal district assessed upon the assessment and tax roll, and also impose upon every resident of the district of the full age of twenty-one years who has resided therein for a period of one month or more during any calendar year and is gainfully employed and has not been assessed upon the roll, an annual tax of four dollars for municipal purposes, whether he has resided in the district before the date of the completion of the 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 roll for the said calendar year.

“(2) Where any person has in any year paid a tax for municipal purposes of at least four dollars to any city, town, village, municipal district, improvement district or special area, he shall not be liable in that year to the tax imposed by this section.

“**366c.**—(1) Subject to the approval of the Minister, any Council may by by-law fix a minimum tax for hospital purposes to be paid by any resident of the municipal district assessed upon the assessment and tax roll irrespective of whether he is assessed for hospital taxes or not, and also impose upon every resident of the municipal district of the full age of twenty-one years who has resided therein for a period of one month or more during any calendar year and is gainfully employed and has not been assessed on the roll, the minimum annual tax for hospital purposes whether he has resided in the district before the date of completion of the 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 roll for the said calendar year.

“(2) Where any person has in any year paid a tax for hospital purposes equivalent to the minimum annual tax fixed by the Council for hospital purposes to any city, town, village, municipal district, improvement district, or special area, he shall not be liable in that year to the tax imposed by this section.

“**366d.**—(1) Any person liable to pay any tax pursuant to sections 366a, 366b or 366c shall pay the same to the secretary-treasurer or to such person as is appointed by the council to collect the same, within three days after demand is made 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.

“(2) Every employer shall furnish from month to month, upon request of 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 any tax for the payment of which the employee is liable under the said sections, the amount of the tax, and to forward the same to the secretary-treasurer immediately after making the deduction hereinbefore directed.

“(3) Any employer who fails to furnish the information requested or to make the deductions hereinbefore directed to be made, 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 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, or of enforcing the payment thereof, and all sums paid or recovered in respect of any fine so imposed, shall form part of the general funds of the municipal district.”

**35.** The said Act is further amended as to section 367*a* by striking out the same.

**36.** The said Act is further amended as to section 367*b* by striking out the same.

**37.** The said Act is further amended as to section 367*c* by striking out the same.

**38.** The said Act is further amended as to section 423 by striking out the same and by substituting therefor the following:

“**423.** Any person who votes knowing he is not entitled to do so pursuant to the provisions of this Act, or any person who votes more often than he is entitled to do pursuant to the provisions of this Act, shall be liable on summary conviction therefor to a penalty of fifty dollars.”

**39.** The said Act is further amended by adding immediately after section 430 the following new section:

“**430*a.*** Any secretary-treasurer or other officer of a municipal district who issues a receipt for taxes or other moneys which he has received on behalf of the municipal district which is in a form other than that prescribed by the Minister, or who uses any notice, return, statement or other form whatsoever which is in a form other than

that prescribed by the Minister, shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and not more than one hundred dollars."

**40.** The said Act is further amended by adding immediately after section 431 the following new section:

**"431a.—**(1) No person shall print, publish or sell blank receipts or any notices, returns, statements or other forms whatsoever to, or to be used by or intended to be used by any municipal district in a form other than that prescribed by the Minister.

"(2) Any person or firm printing, publishing or selling blank receipts or any notices, returns, statements or other forms whatsoever to be used or intended for use by a municipal district contrary to the provisions of this Act shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and not more than one hundred dollars."

**41.** The said Act is further amended as to section 432a by striking out the words and figures "sections 425, 426, 428 and 429 of this Act", where the same occur therein, and by substituting therefor the following: "sections 425, 426, 428, 429, 430a and 431a of this Act."

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

**FIRST SESSION  
NINTH LEGISLATURE  
5 GEORGE VI  
1941**

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**BILL**  
An Act to Amend The Municipal  
District Act.

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Received and read the

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Second time.....

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**HON. MR. MAYNARD.**

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