

# *The Rural Municipality Act*

*being*

Chapter 106 of *The Revised Statutes of Saskatchewan, 1930*  
(effective February 1, 1931).

FOR HISTORICAL REFERENCE ONLY

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 106

### An Act respecting Rural Municipalities

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Rural Municipality Act*.

1928-29, c.34, s.1; R.S.S. 1930, c.106, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

##### “Assessor”

1. “**Assessor**” means the assessor of a rural municipality;

##### “Boarding House”

2. “**Boarding house**” includes every boarding house and rooming house designated in the regulations governing such premises issued under the provisions of *The Public Health Act*;

##### “Business”

3. “**Business**” includes any trade, profession, calling, occupation or employment;

##### “Council”

4. “**Council**” means the council of a rural municipality;

##### “Councillor”

5. “**Councillor**” means a member of the council of a rural municipality;

##### “Division”

6. “**Division**” means a division of a rural municipality;

##### “Elector”

7. “**Elector**” means any person of the full age of twenty-one years whose name appears on the municipal voters’ list;

##### “Felony”

8. “**Felony**” means any indictable offence which since the passing of the *Criminal Code* is punishable with death or imprisonment for a period of five years or over;

##### “Hamlet”

9. “**Hamlet**” means any area of land which has been subdivided into building lots or as a townsite and a plan of which has been registered in the land titles office of the land registration district in which it is situated, or which is used by some person for trade or business purposes other than farm purposes, but which has not been established as a village, and any area declared by an order of the minister to be a hamlet;

**“Hawker” or “pedler”**

10. **“Hawker”** or **“pedler”** means a person who:

- (a) goes from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods, wares or merchandise; or
- (b) carries and exposes for sale goods, wares or merchandise; or
- (c) carries and exposes samples or patterns of goods, wares or merchandise or specimens of work done, cuts or blue prints for purposes of sale by such samples, patterns, specimens, cuts or blue prints, and upon the understanding that such goods, wares or merchandise will afterwards be delivered in the municipality to any person who is not a wholesale or retail dealer therein; or
- (d) sells goods, wares or merchandise upon the public highways;

notwithstanding that the sale includes an agreement regarding the erection, construction or installation of, or other work to be performed in connection with, such or similar goods, wares or merchandise, or an agreement to use artistic or mechanical skill in the production of the goods, wares or merchandise to be delivered; but does not include:

- (e) any person selling newspapers, magazines, books, farm implements, binder twine, lightning rods, pianos, organs, automobiles, sewing machines or parts thereof, typewriters, adding machines, computing scales, fire extinguishers, tombstones or nursery stock; or any person selling lumber or coal, provided such person resides or has a place of business in the municipality in which the sale takes place;
- (f) any farmer selling products raised in Saskatchewan on his own farm;
- (g) any person selling fish of his own catching;
- (h) any merchant selling or offering for sale goods, wares or merchandise in which he ordinarily deals, if he has a recognised place of business in the municipality and pays a business tax in respect of such business;
- (i) the *bona fide* servant or employee of any such person, or farmer or merchant, having written authority to sell;

**“Judge”**

11. **“Judge”** means a judge of the district court of the judicial district within which a municipality is wholly or mainly situated; and **“court”** or **“district court”** means the said district court;

**“Land”**

12. **“Land”** or **“property”** includes lands, tenements and hereditaments and any estate or interest therein;

**“Last revised assessment roll”**

13. **“Last revised assessment roll”** means the assessment roll of the municipality as finally revised by the court of revision, or, in case there have been any appeals to the Saskatchewan Assessment Commission, as finally revised by the commission.

**“Minister”**

14. **“Minister”** means the Minister of Municipal Affairs;

**“Misdemeanour”**

15. **“Misdemeanour”** means any offence for which under the *Criminal Code* the penalty is imprisonment for a term of less than five years but not less than two years;

**“Municipality”**

16. **“Municipality”** means a rural municipality;

**“Occupant”**

17. **“Occupant”** includes the resident occupier of land in a rural municipality, or if there be no resident occupier the person entitled to the possession thereof, the leaseholder and a person having or enjoying in any way for any purpose whatever the use of land in a rural municipality otherwise than as owner, whether or not the land or part thereof is in an unsurveyed area, and also includes a squatter;

**“Owner”**

18. **“Owner”** includes a person who has any right, title, estate or interest in property other than that of a mere occupant or mortgagee;

**“Person”**

19. **“Person”** includes corporations, joint stock companies and partnerships;

**“Places of public accommodations”**

20. **“Places of public accommodation”** includes public hotels, boarding houses, restaurants, sample rooms and rest and reading rooms;

**“Public hotels”**

21. **“Public hotel”** includes every hotel, common lodging house or place of accommodation other than a boarding house supplying lodging to the public;

**“Public work”**

22. **“Public work”** includes lands, streams, water-courses and property real and personal acquired for public works, dams or dugouts erected or made for the storage of water, roads, culverts, bridges, ferries, ditches, sidewalks, wells, drains and public buildings and all improvements, alterations and additions made to any public work;

**“Reeve”**

23. **“Reeve”** means the reeve of a rural municipality;

**“Resident ratepayer”**

24. **“Resident ratepayer”** means a person who is assessed upon the last revised assessment roll, is not exempt from taxation, and is resident within the municipality;

**“Restaurant”**

25. **“Restaurant”** means and includes every building or part of a building used as a restaurant, cafe or lunch counter, or used for the purpose of providing meals for the public, which has and regularly uses seating accommodation for serving more than eight paying guests at any one meal;

**“Secretary”**

26. **“Secretary”** means the secretary or the secretary treasurer of a rural municipality;

**“Territorial unit”**

27. **“Territorial unit”** means any portion of Saskatchewan included within the boundaries of a rural municipality proposed to be organised under this Act as shown on the map referred to in section 9 and not organised as a municipality, excluding therefrom the area of any city, town or village constituted therein;

**“Municipal voters’ list”**

28. **“The municipal voters’ list”** means the voters’ list of a rural municipality or of any division thereof as finally revised;

**“Treasurer”**

29. **“Treasurer”** means the treasurer or the secretary treasurer of a rural municipality.

**Definition of “herein”**

**3** Wheresoever the word “herein” is used in any section of this Act, it shall be understood to relate to the whole Act and not to that section only.

1928-29, c.34, s.3; R.S.S. 1930, c.106, s.3.

**Deviation from forms**

**4** Where forms are prescribed, any deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same, and forms to the like effect shall suffice.

1928-29, c.34, s.4; R.S.S. 1930, c.106, s.4.

**Power to alter or revoke bylaws**

**5** Where power to make bylaws, regulations, rules or orders is conferred, it shall include the power to alter or revoke the same from time to time and to make others.

1928-29, c.34, s.5; R.S.S. 1930, c.106, s.5.

**Extension of time**

**6** Where in this Act a certain date is fixed on or by of which certain things are to be done or proceedings had, if it appears that such date was fixed having regard to an earlier fixed date on or by which certain things are to be done or proceedings had, then notwithstanding anything herein contained if default is made in respect of the earlier date a like delay shall be allowed in respect of the later date.

1928-29, c.34, s.6; R.S.S. 1930, c.106, s.6.

**Extension of time by order of minister**

**7(1)** If anything to be done by or under this Act at or within a fixed time 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 within which the same ought to have been done has or has not expired.

**(2)** Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under this Act.

1928-29, c.34, s.7; R.S.S. 1930, c.106, s.7.

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**PART I**
**Municipal Organisation****AREA AND BOUNDARIES OF MUNICIPALITIES****Area of municipality**

**8** Every municipality shall, in so far as is practicable, comprise an area of 18 miles square or 324 square miles, and all municipalities shall be laid out on a uniform plan as nearly as the conditions of the system of Dominion lands survey and the physical features of the province allow.

1928-29, c.34, s.8; R.S.S. 1930, c.106, s.8.

**Map of municipalities**

**9** The minister shall prepare, and keep for inspection as hereinafter mentioned, a map of the province on which shall be outlined from time to time the area and boundaries of municipalities to be hereinafter organised, and such boundaries shall be fixed as provided in section 8, commencing at the south-eastern corner of the province.

1928-29, c.34, s.9; R.S.S. 1930, c.106, s.9.

**Map open to inspection**

**10** The map shall at all reasonable hours be open to inspection, and the boundaries of every municipality petitioned for shall, subject to such variations as may be approved by the minister, correspond with those indicated on the said map.

1928-29, c.34, s.10; R.S.S. 1930, c.106, s.10.

## AREA AND BOUNDARIES OF DIVISIONS OF MUNICIPALITIES

**Area of divisions**

**11** Every municipality prior to its organisation shall, in so far as is practicable, be divided by the minister into divisions of uniform shape and area. Every such division shall be assigned a number and shall, as nearly as the conditions of survey and the physical features of the province allow, comprise an area of 54 square miles which area shall be not less than nine miles in length from north to south and six miles in width from east to west, unless in the opinion of the minister there are special reasons to the contrary.

1928-29, c.34, s.11; R.S.S. 1930, c.106, s.11.

## ORGANISATION OF A MUNICIPALITY

**Organisation**

**12(1)** The Lieutenant Governor in Council may by order constitute any territorial unit a municipality, assign a name and number thereto, divide the same into divisions as nearly as may be of uniform shape and area, and assign to each division a number.

(2) Notice of the organisation of a municipality, giving its name and number and a description of its boundaries and the boundaries of its several divisions, shall be published in *The Saskatchewan Gazette*. Such notice shall be conclusive evidence of the organisation of the municipality on the date provided by section 13, and that all the necessary formalities required by this Act have been complied with.

1928-29, c.34, s.12; R.S.S. 1930, c.106, s.12.

**Date of organisation**

**13** The order mentioned in section 12 shall take effect on, from and after the second Monday of December next following the date of the order.

1928-29, c.34, s.13; R.S.S. 1930, c.106, s.13.

## ALTERATIONS IN BOUNDARIES OF MUNICIPALITIES

**Alterations in boundaries of municipalities**

**14** The minister may by order, notice of which shall be published in *The Saskatchewan Gazette*:

1. Sever any portion of a municipality and annex the same to an adjoining municipality;
2. Annex to a municipality an outlying area adjacent thereto but not included within the limits of any municipality;
3. Alter and adjust the boundaries of two or more coterminous or adjacent municipalities;
4. Withdraw from a municipality any area established as a village under the provisions of *The Village Act*.

1928-29, c.34, s.14; R.S.S. 1930, c.106, s.14.

**Adjustment of matters when boundaries altered**

**15** In the event of the boundaries of a municipality being altered as provided in section 14, the minister may make due provision for the settlement and adjustment of all matters arising out of such alteration, including the disposition of the assets and liabilities of the municipalities affected; and every decision of the minister, with respect to such settlement and adjustment, shall be final and binding on all parties concerned.

1928-29, c.34, s.15; R.S.S. 1930, c.106, s.15.

## ALTERATIONS IN BOUNDARIES OF DIVISIONS

**Change of division boundaries**

**16** Upon the receipt of a petition from the council of any municipality, the minister may by order, notice of which shall be published in *The Saskatchewan Gazette*, alter and adjust the boundaries of one or more of the divisions of such municipality.

1928-29, c.34, s.16; R.S.S. 1930, c.106, s.16.

## MISDESCRIPTION AND ERRORS IN DEFINING BOUNDARIES

**Errors in boundaries**

**17** No order purporting to be made under section 12 or section 14 shall be deemed invalid on account of noncompliance with any of the matters required as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall suspend or impair the operation of this Act with respect to the matter misdescribed or omitted.

1928-29, c.34, s.17; R.S.S. 1930, c.106, s.17.

**Correction of errors**

**18** Any misdescription or other error in an order made by the minister under the provisions of this Act may, by any subsequent order, be corrected and confirmed with such correction as of the date on which it was made by the minister.

1928-29, c.34, s.18; R.S.S. 1930, c.106, s.18.

## BOUNDARY LINES OF MUNICIPALITIES AND DIVISIONS

**Boundary lines**

**19(1)** For the purposes of this Act, when a municipality or division is wholly or in part described as comprising certain townships, parts of townships or sections in accordance with the system of Dominion lands survey, the boundary lines of such municipality or division, except as varied by the description given in the notice required by section 12, shall 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 allowance shall be the boundary.

(2) A road allowance between an Indian reserve and a municipality shall be deemed to be in the municipality, notwithstanding anything herein to the contrary.

(3) In the case of those municipalities bordering upon the Province of Manitoba, one-half of the roadway lying to the east of them shall be deemed to be included within their respective boundaries, notwithstanding anything herein contained.

1928-29, c.34, s.19; R.S.S. 1930, c.106, s.19.

## DISORGANISATION OF MUNICIPALITY

**Disorganisation**

**20(1)** The Lieutenant Governor in Council may by order, notice of which shall be published in *The Saskatchewan Gazette*, declare that on and after a day therein to be named any municipality shall be disorganised, and thereupon the municipality and the council thereof shall cease to have or enjoy any of the rights, powers and privileges conferred by this Act.

(2) Upon such disorganisation the minister may appoint one or more persons to adjust and settle the assets and liabilities of the municipality.

(3) The persons so appointed may sell, dispose of and convert into money all the assets and property of the municipality, and they shall apply the same so far as it will extend, first in payment of the municipal liabilities, and secondly in payment of their own remuneration as hereinafter mentioned, and shall then divide the surplus, if any *pro rata* among the electors of the municipality entitled to share therein.

(4) In case the amount realised is insufficient to satisfy the liabilities of the municipality and their own remuneration, such persons may, in the same manner as a council and its officers are authorised to do by this Act, assess, levy, collect and enforce payment of such sum as may be required to satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith, including their remuneration, which shall be fixed by the minister.

1928-29, c.34, s.20; R.S.S. 1930, c.106, s.20.

## PART II

**Municipal Council**

## CONSTITUTION OF COUNCIL

**Constitution**

**21(1)** The council of every municipality shall consist of a reeve who shall be head thereof, and one councillor for each division.

(2) The reeve shall hold office for one year, and each councillor shall, save as hereinafter provided, hold office for two years.

(3) The councillors elected for the odd-numbered divisions at the election first held after the organisation of the municipality shall hold office for one year, and the councillors elected for the even-numbered divisions for two years, respectively.

1928-29, c.34, s.21; R.S.S. 1930, c.106, s.21.

## OATHS OF OFFICE

**Form of oath of office**

**22(1)** Every member of the council and every officer of the municipality shall, before entering upon the duties of his office, make and subscribe a declaration of office to the following effect:

I, *A.B.*, do solemnly promise and declare:

1. That I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office (*inserting the name of the office*) to which I have been elected (*or appointed, as the case may be*) in this municipality;

2. That I have not received any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the said office;

3. That I have not by myself or partner either directly or indirectly an interest in any contract with or on behalf of the said municipality (except that arising out of a contract for the publication of an advertisement in the \_\_\_\_\_ newspaper) save and except that arising out of my office as (*naming the office*).

(2) In the case of poundkeepers, paragraph 3 of the above form may be omitted.

1928-29, c.34, s.22; R.S.S. 1930, c.106, s.22.

**Deposit of oath**

**23(1)** Except as hereinafter provided the person making such declaration shall, before entering upon the duties of his office, deposit the same in the office of the secretary.

(2) In the case of the councillors first elected for a municipality, the declaration shall be handed to the reeve at the first meeting of the council to be afterwards deposited by him with the secretary of the municipality.

1928-29, c.34, s.23; R.S.S. 1930, c.106, s.23.

## MUNICIPALITY A CORPORATION

**Municipality a body corporate**

**24** Every municipality is hereby declared a body corporate, under the name of “The Rural Municipality of (*naming the same*) No. \_\_\_\_\_.”

1928-29, c.34, s.24; R.S.S. 1930, c.106, s.24.

## CHANGE OF NAME

**Change of name**

**25** The minister may from time to time alter the name of a municipality upon the petition of the council, and notice of such alteration shall be published in *The Saskatchewan Gazette*. In such case the seal theretofore used by the municipality shall continue to be the seal thereof until changed by the council.

1928-29, c.34, s.25; R.S.S. 1930, c.106, s.25.

**Effect of change**

**26** No change in the name of a municipality made in accordance with the provisions of section 25 shall affect any obligation, right, action or property incurred, established, done or acquired prior to such change.

1928-29, c.34, s.26; R.S.S. 1930, c.106, s.26.

## MEETING OF COUNCIL

**First meeting**

**27(1)** The first meeting of each council shall be held on the first Monday in January, except when that day is a public holiday, in which case the meeting shall be held on the next subsequent day which is not a public holiday, and the council of the previous year shall hold office until the new council meets:

Provided that the first council elected shall hold office from the date of the election.

(2) The meeting shall be held at an hour and place to be fixed by the secretary, and written notice thereof shall be given by the secretary to each member of the council by mailing the same to his address at least eight clear days prior to the date of the meeting, or by delivering it to each member of the council personally, or, in the absence from his residence of any member of the council, to any adult person thereat, at least three clear days prior to the date of the meeting.

1928-29, c.34, s.27; R.S.S. 1930, c.106, s.27.

**Regular meetings**

**28** The council may at any meeting at which all the members are present decide by resolution to hold regular meetings. The resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

1928-29, c.34, s.28; R.S.S. 1930, c.106, s.28.

**Special meetings**

**29(1)** A special meeting of the council shall be called by the secretary when he is required so to do in writing by the reeve or by any three members, and written notice, stating the time and place when and where the meeting is to be held and in general terms the nature of the business to be transacted thereat, shall be given by the secretary in the manner provided by section 27.

(2) No business other than that stated in the notice shall be transacted at the meeting unless all the members of the council are present, in which case by unanimous consent any other business may be transacted.

1928-29, c.34, s.29; R.S.S. 1930, c.106, s.29.

**Waiver of notice of meeting**

**30** 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 shall be present at such meeting.

1928-29, c.34, s.30; R.S.S. 1930, c.106, s.30.

**Place of meeting**

**31** Every meeting of the council shall be held either in the municipality or in a city, town or village the area of which touches at some point the limits of the municipality:

Provided that by the unanimous consent of the council its meetings may be held at any point outside the limits of the municipality.

1928-29, c.34, s.31; R.S.S. 1930, c.106, s.31.

## PROCEEDINGS AT MEETINGS

**Meeting regulations**

**32** Every council may make rules and regulations not contrary to law for governing its proceedings, calling meetings, the conduct of its members, appointing committees and generally for the transaction of its business.

1928-29, c.34, s.32; R.S.S. 1930, c.106, s.32.

**Quorum**

**33** A majority of the whole council shall be necessary to form a quorum, and no business shall be transacted unless there is a quorum.

1928-29, c.34, s.33; R.S.S. 1930, c.106, s.33.

**Reeve to preside**

**34** The reeve shall preside at every meeting of the council and he shall preserve order and enforce the rules.

1928-29, c.34, s.34; R.S.S. 1930, c.106, s.34.

**Deputy reeve**

**35** The council shall, at its first meeting and every three months thereafter, elect one of its members as deputy reeve who shall hold office for three months or until his successor is appointed, and in case the reeve through illness, absence or any other cause is unable to perform the duties of his office, or in case the office is vacant, the deputy reeve shall have all the powers of the reeve.

1928-29, c.34, s.35; R.S.S. 1930, c.106, s.35.

**Chairman to preside**

**36** In the absence of the reeve and deputy reeve from a meeting, another member of the council shall be elected as chairman to preside at the meeting.

1928-29, c.34, s.36; R.S.S. 1930, c.106, s.36.

**No act valid unless adopted at regular meetings**

**37** No act or proceeding of a council which is not adopted at a regular or special meeting shall have any effect.

1928-29, c.34, s.37; R.S.S. 1930, c.106, s.37.

**Motions need not be seconded**

**38** Every question shall be submitted to the council on the motion of the reeve or any other member, and no seconder shall be required.

1928-29, c.34, s.38; R.S.S. 1930, c.106, s.38.

**Question decided by majority**

**39** At every meeting of the council all questions shall be decided by a majority of votes. The reeve, deputy reeve or chairman of the council, as the case may be, shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

1928-29, c.34, s.39; R.S.S. 1930, c.106, s.39.

**Members of council must vote**

**40** The reeve when present and all the councillors present shall vote in council on every division.

1928-29, c.34, s.40; R.S.S. 1930, c.106, s.40.

**Meetings are open**

**41** The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct; but the person presiding may cause to be expelled and excluded any person who is guilty of improper conduct at a meeting.

1928-29, c.34, s.41; R.S.S. 1930, c.106, s.41.

## REEVE

**Duties**

**42** The reeve shall be the chief executive officer of the municipality, and it shall be his duty to be vigilant and active in causing the laws governing the municipality to be duly executed, to inspect the conduct of all municipal officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished, and to 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 municipality.

1928-29, c.34, s.42; R.S.S. 1930, c.106, s.42.

**Power of suspension**

**43** The reeve may suspend any municipal officer, and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer. In case he is dismissed, such officer shall receive no salary or remuneration from the date of suspension.

1928-29, c.34, s.43; R.S.S. 1930, c.106, s.43.

**Appointment of special constables**

**44** The reeve may from time to time, by writing under his hand, appoint one or more special constables for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment is not confirmed at the next regular meeting of the council.

1928-29, c.34, s.44; R.S.S. 1930, c.106, s.44.

**Public meeting**

**45** If so requested at any time by the written petition of twenty electors, the reeve shall, by public notice conspicuously posted in at least ten widely separated places in the municipality, call a public meeting of the electors for the discussion of municipal affairs or of any matter relating thereto.

1928-29, c.34, s.45; R.S.S. 1930, c.106, s.45.

**Payment of council**

**46(1)** Every council may pass a resolution for paying the members thereof a sum not exceeding \$5 *per diem* for the reeve and \$4 *per diem* for each councillor for each meeting, and fifteen cents for every mile necessarily travelled in going thereto and returning therefrom.

(2) The total number of meetings for which each councillor may be paid during the year for which he is elected shall not exceed fifteen.

(3) In case a meeting of the council is held outside the limits of the municipality, no member of the council shall be paid for the mileage travelled by him beyond such limits.

1928-29, c.34, s.46; R.S.S. 1930, c.106, s.46.

**Payment of reeve for supervision**

47 The council may pass a resolution for paying the reeve a sum not exceeding \$5 *per diem* for the time necessarily occupied in supervising the work of the municipal office and signing cheques, the total number of days for which payment is made during the year not to exceed fifteen, and fifteen cents per mile for every mile necessarily travelled in going to the municipal office for the above purpose and returning therefrom.

1928-29, c.34, s.47; R.S.S. 1930, c.106, s.47.

**Payment of councillors**

48(1) Every council may pass a resolution for paying the members, in addition to the remuneration mentioned in section 46, a sum not exceeding \$5 *per diem* for the reeve and \$4 *per diem* for a councillor for every day necessarily occupied and fifteen cents per mile for every mile necessarily travelled by them respectively in inspecting roads, bridges or public works in and for the municipality, or in performing work or services upon or in connection with such inspection, or in inspecting work done under *The Noxious Weeds Act*, but no allowance shall be made for more than fifteen days in any one year.

(2) The work so performed shall be previously authorised by a resolution of the council, except where the duties performed are of an emergent nature, in which case the payment or non-payment of the members' fees for such work shall be at the discretion of the council.

(3) No payment shall be made under this section until the reeve or councillor claiming payment has filed with the secretary an account of the work done or services performed, and until a resolution has been passed by the council authorising payment.

(4) A special report setting forth all work so done and the remuneration paid therefor shall be prepared and submitted to the ratepayers at the next nomination meeting.

1928-29, c.34, s.48; 1930, c.34, s.3; R.S.S. 1930, c.106, s.48.

**Other remuneration prohibited**

49(1) No member of the council shall receive remuneration for his services, except as provided in this or any other Act.

(2) Any member who accepts further or other remuneration shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding \$50, and, in default of payment forthwith, to imprisonment for a term not exceeding three months, or to both. His seat in the council shall thereupon become vacant, and he shall be disqualified from holding office under this Act for two years after the date of conviction.

1928-29, c.34, s.49; R.S.S. 1930, c.106, s.49.

## COMMITTEES

**Committees**

**50(1)** The council may from time to time appoint standing or special committees consisting of one or more of its members and may delegate to such committees any matter for consideration, inquiry, management or regulation. It may also delegate to any such committee any of the duties and powers by this Act conferred and imposed upon the council, except the power to borrow money, pass a bylaw or enter into a contract.

(2) Every committee to which any duty or power is so delegated may exercise or perform the same in like manner and with the same effect as the council.

(3) Every such committee shall be subject in all things to the council, and shall carry out all directions given to it by the council.

1928-29, c.34, s.50; R.S.S. 1930, c.106, s.50.

## VACANCIES

**Resignation**

**51(1)** Any reeve or councillor wishing to resign his seat in the council may do so at any time by sending notice in writing of such resignation to the secretary, and the resignation shall take effect and the seat shall become vacant upon receipt of the notice by the secretary, unless such notice specifies a future date on which it is to take effect, in which case it shall take effect upon that date.

(2) Every such notice shall be brought to the attention of the council at its next meeting, and immediate steps shall be taken by the council to fill the vacancy.

1928-29, c.34, s.51; R.S.S. 1930, c.106, s.51.

**Declaration of vacancy**

**52** If after the election of any person as a member of the council he is convicted of an offence punishable with death or imprisonment, or makes an assignment for the general benefit of his creditors, or if a receiving order is made against him under the *Bankruptcy Act*, or if he absents himself from the meetings of the council for three consecutive months without being authorised by a resolution of the council so to do, the seat of such person in the council shall become vacant, and the council shall forthwith so declare it.

1928-29, c.34, s.52; R.S.S. 1930, c.106, s.52.

**Vacancy**

**53(1)** If a seat in the council becomes vacant by death, resignation or otherwise, the council shall forthwith appoint a returning officer to hold an election to fill the vacancy for the remainder of the term, and such election shall be held as nearly as may be in the manner provided by this Act for other elections; but if the vacancy occurs after the first day of November in the year in which the term expires, such election shall not take place.

(2) If the seat in the council of a councillor, whose term would not otherwise have expired at the end of the then current year, becomes vacant after the first day of November in any year, then such vacancy may be filled for the unexpired term by the election of an extra councillor at the next general election.

(3) In case of an election of an extra councillor under subsection (2) every elector shall be entitled to vote for one extra candidate for each vacancy to be filled; and, in case no more candidates are nominated than the number required to be elected, the candidate last nominated shall be deemed to be elected to fill such vacancy.

(4) In the event of the number of members of the council being reduced by resignation or otherwise below the number required to constitute a quorum, the minister may appoint a returning officer and fix a date for an election to fill the vacancies.

1928-29, c.34, s.53; R.S.S. 1930, c.106, s.53.

## APPOINTED COUNCILLORS

### Minister may appoint councillor

**54** Whenever the residents of any division of a municipality neglect or refuse to elect a councillor, the minister may appoint some one to act as councillor in such division.

1928-29, c.34, s.54; R.S.S. 1930, c.106, s.54.

### Lieutenant Governor in Council may appoint whole council

**55(1)** The Lieutenant Governor in Council may at any time appoint some person to act as reeve or as councillor for one or more of the divisions of a municipality, or may appoint some person or persons to act as reeve and councillors for all the divisions of the municipality. Every person so appointed shall have all the powers and authorities conferred by this Act upon the elected members of the council and shall be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine.

(2) Upon the appointment of anyone to so act, previously elected members of the council in whose stead the appointment is made shall cease to hold office.

(3) When one person has been appointed to act as reeve and councillors of a municipality, the same person may be appointed to act as secretary treasurer.

1928-29, c.34, s.55; R.S.S. 1930, c.106, s.55.

## PART III

### Municipal Elections

#### FIRST ELECTION FOR REEVE AND COUNCILLORS

##### Returning officer

**56(1)** The minister shall appoint a returning officer for the first election in each municipality, and such appointment may be made at any time after the date of the order constituting the municipality and before such order takes effect.

(2) The returning officer shall at least two weeks prior to the second Monday of November in the same year:

- (a) fix a place for the nominating meeting;
- (b) fix a polling place in each division;
- (c) appoint a deputy returning officer for each polling place.

1928-29, c.34, s.56; 1930, c.34, s.4; R.S.S. 1930, c.106, s.56.

#### Fees

**57** The following fees and expenses and no others shall be allowed to the several officers mentioned respectively for their services and disbursements at the first election of a reeve and council:

##### *To Returning Officers*

- 1. When no poll is held, \$20;
- 2. When a poll is held, \$35;
- 3. For necessary printing, the actual reasonable cost;
- 4. For providing ballot boxes, the actual reasonable cost.

##### *To Deputy Returning Officers*

- 5. When a poll is held, \$5;
- 6. For providing polling booth, the amount actually paid or agreed to be paid not exceeding \$3.

1928-29, c.34, s.57; R.S.S. 1930, c.106, s.57.

#### Interim secretary

**58** Until such time as the secretary is appointed the returning officer at the first election for a reeve and councillors shall have and exercise all the powers and duties of the secretary as prescribed by section 27 and sections 127 to 133 inclusive.

1928-29, c.34, s.58; R.S.S. 1930, c.106, s.58.

#### Part of town or village school district comprised in municipality

**59** Where a portion of a rural municipality is comprised within a town or village school district, the secretary of the municipality shall, on demand, on or before the tenth day of November in each year, furnish the city clerk, the town clerk or the secretary treasurer of the village school district, as the case may be, with a list of the persons of the full age of twenty-one years qualified to vote in such portion, certified to be correct and distinguishing between public and separate school supporters.

1928-29, c.34, s.59; 1930, c.34, s.5; R.S.S. 1930, c.106, s.59.

**Voters' list**

**60(1)** The secretary of every municipality shall, on or before the first day of November in each year, prepare a list showing:

- (a) the names of all men and women of the full age of twenty-one years, resident within the province, who are assessed upon the last revised assessment roll;
- (b) the name of every woman who is the wife, and of every man who is the husband, of a person qualified under clause (a), and who resides with her husband or his wife on land in the municipality;
- (c) the name of the chief resident officer of every corporation and of the resident managing director of every company which is assessed upon the last revised assessment roll in respect of real property not exempt from taxation, and the names of the resident wives or husbands of such officials.

Such list, which shall be in the form following, shall be arranged according to the divisions of the municipality, and shall be known as "The Municipal Voters' List."

Voters' List of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ .  
Division No. \_\_\_\_\_ .

For the year \_\_\_\_\_ .

| No. on List | Name of voter | Post office | Description of property |         |          |       |          | Owner or occupant or resident wife or resident husband | Chief resident officer of corporation, resident managing director of company, or resident wife or husband of such |
|-------------|---------------|-------------|-------------------------|---------|----------|-------|----------|--|---|
|             |               |             | Pt. of sec.             | Section | Township | Range | Meridian |  |   |
|             |               |             |                         |         |          |       |          |  |   |

(2) The council may cause copies of the list to be printed in such quantities as it may deem advisable, and offered for sale at a fixed price.

(3) Any amounts received from the sale shall form a part of the funds of the municipality.

1928-29, c.34, s.60; 1930, c.34, s.6; R.S.S. 1930, c.106, s.60.

**Particulars**

**61(1)** In preparing the list for each division of the municipality, the secretary shall enter in the appropriate columns of the prescribed form the following particulars, which shall be taken from the last revised assessment roll of the municipality:

1. The names of all persons resident within the province who are assessed in the division and whose names are not entered on the list for any other division under the following provisions of this section, and the names of resident wives and resident husbands qualified to vote arranged alphabetically according to their surnames;
2. A brief description of the land or other property for which each such person is assessed or qualified;
3. The names of the chief resident officers of corporations and the resident managing directors of companies who are not otherwise voters in the municipality, and the resident wives or husbands of such officers and directors;
4. The words "occupant", "owner", "chief resident officer of corporation", "resident managing director of company, or "resident wife", or "resident husband", as the case may be.
  - (2) If a person entitled to have his name entered on the voters' list resides within the municipality and owns land in more than one division, his name shall be placed upon the list for the division in which he resides if he owns land in that division.
  - (3) If such person resides in one division of the municipality and owns land in another division and in that only, his name shall be placed upon the list for the division in which the land is situated.
  - (4) If such person resides within the municipality and owns land in more than one division, but does not reside in any of such divisions, his name shall be placed upon the list for the division in which his assessment is higher than in any other division.
  - (5) If such person resides outside the municipality and owns land in more than one division, his name shall be placed upon the list for the division in which his assessment is higher than in any other division.
  - (6) In case of equality of assessment the name shall be placed upon the list for the division which bears the lower or lowest number as the case may be.

1928-29, c.34, s.61; 1930, c.34, s.7; R.S.S. 1930, c.106, s.61.

**Chief resident officer of corporation**

**62(1)** The chief resident officer of a corporation, or the resident managing director of a company who is not otherwise a voter in the municipality may have his name entered on the voters' list and may vote in respect of the property of the corporation which he represents:

Provided that where a corporation is represented by more than one chief resident officer in the municipality only one such officer shall be entitled to have his name entered on the voters' list.

(2) The secretary treasurer may, before entering the name of any such officer on the voters' list, require him to make and subscribe the following statement in the form of a statutory declaration:

I am the chief resident officer of the (*naming the corporation*) and as such desire to have my name entered on the voters' list for the Rural Municipality of in respect of the property of said corporation situated therein.

(3) Such officer on tendering his vote may be required by the returning officer or by any elector present in the polling booth to make, before his vote is recorded, the following oath or affirmation or any part thereof:

That you are the chief resident officer of the (*naming the corporation*);

That you are according to law entitled to vote as chief resident officer of the said corporation;

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 neither you nor, to the best of your knowledge and belief, the said corporation has directly or indirectly received any reward or gift for the vote which you now tender, nor do you or, to the best of your knowledge and belief, the said corporation expect to receive any;

That neither you nor, to the best of your knowledge and belief, the said corporation has received anything or been promised anything directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that neither you nor, to the best of your knowledge and belief, the said corporation has directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

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

1928-29, c.34, s.62; 1930, c.34, s.8; R.S.S. 1930, c.106, s.62.

#### **Treasurer's certificate**

**63** When the list has been prepared, as provided in sections 60 and 61, the secretary shall, immediately after the last name on the list for each division, write the words "certified correct," followed by his signature and the date on which such certificate is made, which date shall not be later than the first day of November.

1928-29, c.34, s.63; R.S.S. 1930, c.106, s.63.

#### **Post copy of list in secretary's office**

**64(1)** The secretary shall then forthwith make a true and correct copy of the list and post it in his office, and such copy or the original thereof shall be open to inspection by any person at all reasonable hours.

(2) The secretary shall also post up a copy of the list in the post office, where there is a post office, in each division of the municipality which is nearest to the centre of the division, or, where there is no post office in the division, at the polling place of the division:

Provided that where there is a city, town or village in the division, it shall be sufficient to post up such copy in the post office of such city, town or village.

1928-29, c.34, s.64; 1930, c.34, s.9; R.S.S. 1930, c.106, s.64.

**Interfering with voter's list**

**65(1)** Any person unlawfully taking down, covering up, mutilating, defacing or altering a voters' list shall be liable to a penalty not exceeding \$100 and costs, and in default of payment of such penalty and costs to imprisonment for a term not exceeding six months, with or without hard labour.

(2) A copy of subsection (1) shall be written or printed upon the face of every such voters' list.

1930, c.34, s.10; R.S.S. 1930, c.106, s.65.

**Revision of list**

**66(1)** In case through inadvertence or otherwise any mistake, error, wrongful entry or omission has been made in the original list or copy, the secretary shall, subject to subsection (2), upon being notified in writing of such mistake, error, wrongful entry or omission, revise the list accordingly.

(2) No such revision shall be made except for the purpose of correcting the spelling of names, unless the notification is received by the secretary at least seven clear days prior to the date fixed for the annual election, and unless, in the case of a person assessed as owner or occupant, the last revised assessment roll of the municipality when compared with the list shows the latter to be inaccurate or incomplete in the manner complained of in the notification.

(3) Every revision of the original list or of the copy, by way of alteration, correction or addition, shall have placed opposite it the date of such revision and the initials of the secretary.

1928-29, c.34, s.65; R.S.S. 1930, c.106, s.66.

**Penalties for offences in preparation of list**

**67(1)** Any secretary who:

- (a) refuses or neglects to prepare the voters' list as herein provided; or
- (b) wilfully omits to enter on the list the name of any person resident within the province whose name appears on the last revised assessment roll of the municipality or whom he knows to be qualified as a resident wife or husband; or
- (c) neglects or fails to enter on the list any other particular as provided herein; or
- (d) enters on the list the name of any person who is not qualified under Section 60; or
- (e) fails or neglects to revise the list in any particular as herein provided;

shall, for each such act, refusal, neglect, omission or failure, be guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

(2) The provisions of this section shall apply to the preparation of any copy of the list which by this Act the secretary is required to prepare.

1928-29, c.34, s.66; R.S.S. 1930, c.106, s.67.

## ANNUAL ELECTION

**Annual election**

**68** There shall be held annually in every municipality an election for reeve and councillors, which election shall be conducted at the time and in the manner hereinafter provided.

1928-29, c.34, s.67; R.S.S. 1930, c.106, s.68.

## QUALIFICATION OF COUNCILLORS

**Qualification of reeve and councillors**

**69(1)** Save as hereinafter provided, every person, male or female, shall be eligible for nomination as reeve or councillor who is an elector of the municipality, and if a taxpayer, who has paid all taxes due by him as shown by the assessment roll of the municipality and who is a British subject.

(2) Where an elector is qualified as being the wife or husband of a person whose name appears on the last revised assessment roll, such elector shall not be eligible for nomination unless all taxes of the husband or wife through whom the elector qualifies, have been paid.

(3) No member of the council shall be eligible for nomination or election as reeve, except in the last year of his term of office, unless he has, before 10 o'clock a.m. of the day of nomination, filed his resignation as councillor with the secretary.

1928-29, c.34, s.68; R.S.S. 1930, c.106, s.69.

**Disqualification**

**70** No secretary, treasurer, assessor, auditor, constable or other paid official of the municipality, no inspector of licenses, no person who has by himself or his partner any interest in a contract with or on behalf of the municipality, or who is indebted to the municipality, no surety for an officer or an employee of the municipality, no person who has been convicted of an offence punishable with death or with imprisonment for more than one year and no person who has, within twelve months immediately preceding the date of election, made an assignment for the general benefit of creditors or against whom, within that period, a receiving order has been made under the *Bankruptcy Act*, or who is an undischarged bankrupt, shall be eligible for nomination or election as a member of the council.

1928-29, c.34, s.69; R.S.S. 1930, c.106, s.70.

**Shareholder not disqualified**

**71** No person shall be disqualified from being elected a member of the council by reason of his being a shareholder in an incorporated company having dealings or contracts with the municipality, or by reason of his having a contract for the publication of an advertisement in a newspaper.

1928-29, c.34, s.70; R.S.S. 1930, c.106, s.71.

**Member of council represents only one division**

**72** No person may be elected as a member of the council for more than one division of a municipality.

1928-29, c.34, s.71; R.S.S. 1930, c.106, s.72.

## MEETINGS FOR NOMINATION OF COUNCIL

**Annual nomination meeting**

**73(1)** In the case of all elections subsequent to the first election for a reeve and councillors, the council shall by resolution at least three weeks prior to the third Monday of November in each year:

- (a) name a place for holding the nomination meeting;
- (b) appoint a returning officer;
- (c) name a polling place for each division where an election is being held;
- (d) appoint a deputy returning officer for each polling place.

(2) Where a division of a municipality comprises an area of more than one full township, the council may name two polling places for such division.

(3) There after his appointment a returning officer or deputy returning officer dies or is unable to act, the reeve shall appoint a person to act in his place, and the person so appointed shall have all the powers, perform all the duties and be subject to the same liabilities as the officer in whose place he is acting.

1928-29, c.34, s.72; 1930, c.34, s.11; R.S.S. 1930, c.106, s.73.

**Central polling place**

**74(1)** In addition to the polling places mentioned in section 73, the council may name a polling place in a city, town or village within the boundaries of the municipality, hereinafter called the central polling place, where the electors of any division may vote irrespectively of their places of residence or of the situation of the land which forms their qualifications.

(2) An elector who desires to vote at the central polling place shall, at least ten days before the day of polling, give notice in writing of his intention to do so to the deputy returning officer, stating therein the division in which he is qualified and in respect of which he desires to vote, and no one who has failed to give such notice shall be allowed to vote at that place.

(3) All the provisions of this Part shall, so far as applicable and with the necessary modifications, apply to the proceedings at the central polling place before, during and after the poll, the powers and duties of the deputy returning officer and other election officials there employed, the rights and privileges of electors, a recount of votes and offences and penalties.

1928-29, c.34, s.73; R.S.S. 1930, c.106, s.74.

**Place of nomination**

**75** The place named for holding a nomination meeting shall be within the municipality, or within a city, town or village the area of which touches at some point the limits of the municipality.

1928-29, c.34, s.74; R.S.S. 1930, c.106, s.75.

**Place of polling**

**76** The place named as a polling place for any division polling shall be within that division, or within a city, town or village the area of which touches at some point the limits of the division.

1928-29, c.34, s.75; R.S.S. 1930, c.106, s.76.

**Hour of meeting**

**77** Every annual meeting called for the nomination of members of a council shall be held from one o'clock to two o'clock in the afternoon (mountain standard time) of the third Monday of November in each year.

1928-29, c.34, s.76; 1930, c.34, s.12; R.S.S. 1930, c.106, s.77.

## ELECTION OFFICIALS' DECLARATION

**Officials' declaration**

**78** Every returning officer shall, before entering upon the duties of his office, take and subscribe an oath in the form following before a justice of the peace, notary public or a commissioner for oaths, and every deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall, before entering upon their respective duties, take and subscribe the said oath before the returning officer or any person authorised to administer oaths within the province:

## FORM OF OATH

|   |   |  |
|---|---|--|
| Canada:<br>Province of Saskatchewan,<br>To Wit: | } | I, _____ of _____<br>in the Province of Saskatchewan,<br>do swear: |
|---|---|--|

1. That I will not at any time disclose the name of any person who has voted at the election to be held in the municipality of \_\_\_\_\_ No. \_\_\_\_\_, on the day of \_\_\_\_\_, 19 \_\_\_\_\_;
2. That I will not unlawfully attempt 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;
3. That I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God.

|  |   |
|--|---|
| Sworn before me at _____ in<br>the Province of Saskatchewan,<br>this _____ day of<br>_____ 19 _____. | } |
|--|---|

\_\_\_\_\_  
*A J.P., N.P. or Commissioner for Oaths*

1928-29, c.34, s.77; R.S.S. 1930, c.106, s.78.

**Posting notices**

**79(1)** It shall be the duty of the returning officer, at least seven clear days prior to the date fixed for the nomination meeting, to post up a notice of such meeting which shall be in the form following or to the like effect:

## NOTICE FOR NOMINATION FOR ELECTIONS

Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_

Municipal Elections 19 \_\_\_\_\_.

Notice is hereby given that a meeting of the electors of the rural municipality \_\_\_\_\_ of No. \_\_\_\_\_ will be held at (*description of place*) on (*day of week*) the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, from one o'clock to two o'clock in the afternoon (mountain standard time) for the purposes of nominating candidates for the offices of reeve of the municipality, and a councillor each for divisions numbered \_\_\_\_\_, and of hearing read the interim financial statement for the first ten months of the year.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
*Returning Officer*

(2) The notice shall be posted in at least two widely separated conspicuous places in each division of the municipality. In case there is a post office in any division one of the said notices shall be conspicuously posted therein, and in case there are two or more post offices in a division the notice shall be conspicuously posted in each of them.

(3) The notice shall be published in at least one issue of a newspaper circulating in the municipality, not less than seven nor more than fourteen days before the meeting.

1928-29, c.34, s.78; R.S.S. 1930, c.106, s.79.

## PROCEEDINGS AT NOMINATION MEETING

**Nomination**

**80(1)** At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as reeve and councillors for the municipality, and the meeting shall remain open until two o'clock in the afternoon (mountain standard time).

(2) If only one candidate is nominated to serve as reeve, the returning officer shall declare the candidate so nominated duly elected; and, if the number of persons nominated to serve as councillors for each division in which an election is being held does not exceed the number required to be elected, the returning officer shall declare the persons so nominated duly elected.

1928-29, c.34, s.79; R.S.S. 1930, c.106, s.80.

**Nomination in writing**

**81** Every nomination for reeve or councillor shall be in writing in the form following, and shall be signed in the case of reeve by at least five electors of the municipality and in the case of councillors by at least two electors of the division.

## NOMINATION PAPER

We, the undersigned electors of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_, hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of a reeve for the said municipality (or a councillor for Division No. \_\_\_\_\_ of the said municipality, *as the case may be*).

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

\_\_\_\_\_  
 \_\_\_\_\_  
*Signatures of Electors*

## CANDIDATE'S ACCEPTANCE

**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 am an elector of the rural municipality of No. \_\_\_\_\_;
3. That all taxes due by me as shown by the assessment roll of the said municipality are paid;
4. That I am not disqualified by reason of the nonpayment of taxes under subsection (2) of section 69 of *The Rural Municipality Act* nor am I otherwise disqualified;
5. That I am a British subject;
6. That I will accept the office, if elected.

Signed in the presence of

\_\_\_\_\_  
*Signature of Witness*

\_\_\_\_\_  
*Signature of Candidate*

1928-29, c.34, s.80; R.S.S. 1930, c.106, s.81.

**Nomination accompanied by acceptance**

**82(1)** No nomination shall be valid unless the nomination paper is accompanied by the candidate's acceptance.

(2) Any person signing the candidate's acceptance who therein makes any false statement, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs; and, in case the person so convicted has been elected a member of the council, his seat shall forthwith become vacant.

1928-29, c.34, s.81; R.S.S. 1930, c.106, s.82.

**Place and date of poll**

**83** In the event of more than the required number persons being nominated for one or more divisions, 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 week following) and the place within each division where the votes are to be polled, and also the time and place at which the result of the polling will be declared.

1928-29, c.34, s.82; R.S.S. 1930, c.106, s.83.

**Withdrawal**

**84** A person nominated as candidate 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 in the presence of two witnesses or of the returning officer.

1928-29, c.34, s.83; R.S.S. 1930, c.106, s.84.

**Notice that there will be no poll**

**85** If, by reason of such withdrawals, the number of candidates remaining in nomination for an office does not exceed the number required to be elected for that office, the polling for such office shall not take place, but the returning officer shall forthwith post up a notice in the following form, and such notice shall be given in such divisions of the municipality as may be required in the manner provided by section 79:

## NOTICE

Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ . Municipal Elections  
19 \_\_\_\_\_. Division No. \_\_\_\_\_.

Whereas \_\_\_\_\_ nominated for the office of \_\_\_\_\_ has  
withdrawn his candidature for the said office, leaving the only candidate, I hereby  
give notice that no voting for the said office will take place on the \_\_\_\_\_  
day of (*date of polling*).

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
*Returning Officer*

1928-29, c.34, s.84; R.S.S. 1930, c.106, s.85.

## TIME AND NOTICE OF POLL

**Hours of poll**

**86(1)** When a poll is required to be taken for the election of a reeve or councillor, it shall be held on the same day of the week as the nomination for the election but in the next week following.

(2) The poll shall be open from the hour of nine o'clock in the forenoon to five o'clock in the afternoon (mountain standard time) in each division of the municipality, when the election is of a reeve, and in each division of the municipality in which the poll is required to be held for the election of a councillor.

1928-29, c.34, s.85; R.S.S. 1930, c.106, s.86.

**Notice of roll**

**87** Notice of the poll shall, within seventy-two hours after the nomination, be posted up by the returning officer in the manner provided by section 79, and every such notice shall be in the form following:

## NOTICE OF POLL

Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ . Municipal Elections 19 \_\_\_\_\_ .

Public notice is hereby given that a poll has been granted for the election of a reeve for the municipality and of a councillor for divisions No. \_\_\_\_\_ (*as the case may be*) for the year 19 \_\_\_\_\_ , that the polling will take place on (*day of week*) the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ , from nine o'clock in the forenoon to five o'clock in the afternoon (mountain standard time) at (*specify polling places*), and that I will at (*describe the place*) on (*day of week*) the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ , at noon, sum up the votes and declare the result of the elections.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

\_\_\_\_\_  
*Returning Officer*

1928-29, c.34, s.86; R.S.S. 1930, c.106, s.87.

## PREPARATION FOR POLL

**Poll clerk**

**88** If so authorised by the council, the returning officer and each deputy returning officer may appoint a poll clerk who, in the absence of the returning officer or deputy returning officer for any cause, shall have all the powers of the said returning officer or deputy, as the case may be.

1928-29, c.34, s.87; R.S.S. 1930, c.106, s.88.

**Ballot box**

**89** The returning officer shall procure for each division of the municipality a suitable ballot box to be made of some durable material, and each box shall be provided with a lock and key and shall be so constructed that the ballots can be deposited therein and cannot be withdrawn unless the box is unlocked.

1928-29, c.34, s.88; R.S.S. 1930, c.106, s.89.

**Ballot paper**

**90** The returning officer shall also cause to be printed or prepared a supply of ballots sufficient for the purposes of the election.

1928-29, c.34, s.89; R.S.S. 1930, c.106, s.90.

**Printed or written**

**91** The ballot papers shall be either printed or written or partly printed and partly written, and separate ballots written of different colours shall be provided for the election of reeve and councillors.

1928-29, c.34, s.90; R.S.S. 1930, c.106, s.91.

**Form for reeve**

**92** The ballots for the election of a reeve shall contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames, and shall be in the following form:

| REEVE          |  |
|----------------|--|
| Allen, Charles |  |
| Brown, Mary    |  |
| Clark, Norman  |  |

1928-29, c.34, s.91; R.S.S. 1930, c.106, s.92.

**Form for councillor**

**93** The ballots for the election of councillors shall be prepared for each division of the municipality, shall contain the names of the candidates duly nominated for each such division arranged alphabetically in the order of their surnames, and shall be in the following form:

| COUNCILLORS: DIVISION NO. _____ |  |
|---------------------------------|--|
| Black, William                  |  |
| Foster, Jane                    |  |
| Smith, Frank                    |  |

1928-29, c.34, s.92; R.S.S. 1930, c.106, s.93.

**Supplies for deputy returning officers**

**94** Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballots, which have been prepared for use in the division for which such deputy returning officer has been appointed to act, and such other materials as are necessary in order to enable the electors to mark their ballots.

1928-29, c.34, s.93; R.S.S. 1930, c.106, s.94.

**Directions for voters**

**95** The returning officer shall, before the opening of the poll, cause to be prepared such number of printed directions for the guidance of voters as he may deem sufficient, and such directions shall be printed in conspicuous characters and may be according to the following form:

### DIRECTIONS FOR THE GUIDANCE OF VOTERS

The voter will go into the compartment and with a pencil provided in the compartment place a cross (thus X) on the right hand side opposite the name of the candidate for whom he votes, or at any other place within the division which contains the name of such candidate.

The voter will fold up the ballot paper so as to show the initials of the deputy returning officer signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver the ballot so folded to the deputy returning officer and forthwith quit the polling place.

If the voter inadvertently spoils the ballot, he may return it to the deputy returning officer, who will give him another.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot will be void and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot by which he may afterwards be identified, or if the ballot 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 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 officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

1928-29, c.34, s.94; R.S.S. 1930, c.106, s.95.

### PROCEEDINGS AT THE POLL

**Deputy returning officer**

**96** On the day fixed for the poll, the deputy returning officer shall be present at the polling booth in his division at least fifteen minutes before the time fixed for opening the poll.

1928-29, c.34, s.95; R.S.S. 1930, c.106, s.96.

**Voting compartment**

**97** Every polling booth shall be furnished with a compartment, which may be arranged by hanging a screen, in which the voters can mark their ballots without being seen, and it shall be the duty of the deputy returning officer to see that such compartment is provided.

1928-29, c.34, s.96; R.S.S. 1930, c.106, s.97.

**Posting directions**

**98** Every deputy returning officer shall before the opening of the poll cause to be posted on the outside of the entrance to the polling booth, as well as in the compartment in the polling booth, a copy of the directions referred to in section 95.

1928-29, c.34, s.97; R.S.S. 1930, c.106, s.98.

**Secretary furnishes copies**

**99** The secretary shall prior to every election furnish the returning officer with at least two copies of section 95 copies for each polling place for distribution to his deputies, and the deputy returning officer shall post the same in conspicuous places at his polling place and see that they are kept so posted up during the hours of polling.

1928-29, c.34, s.98; R.S.S. 1930, c.106, s.99.

**Secretary furnishes copies of voters' list**

**100** Except in the case of elections held prior to the completion of the first municipal voters' list, the secretary shall furnish to the returning officer for distribution to his deputies such number of copies of the voters' list as the returning officer may require.

1928-29, c.34, s.99; R.S.S. 1930, c.106, s.100.

**Poll book**

**101** The returning officer shall also furnish to each deputy returning officer a poll book in which shall be entered the record of the poll, and such poll book shall be in the following form:

**POLL BOOK**

For Division No. \_\_\_\_\_ of The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_  
 Record of Election held this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, for the election  
 of (state purpose of election).

| Name of Voter | His or her No. on voters' list | Voted for |            | Sworn or refused to swear | Remarks |
|---------------|--------------------------------|-----------|------------|---------------------------|---------|
|               |                                | Reeve     | Councillor |                           |         |
|               |                                |           |            |                           |         |

1928-29, c.34, s.100; R.S.S. 1930, c.106, s.101.

**Agents**

**102** Any person producing to the deputy returning officer a written authority to represent a candidate as his agent at the polling place shall be recognised as such by the deputy returning officer, but 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 counting of votes.

1928-29, c.34, s.101; R.S.S. 1930, c.106, s.102.

**Persons present in polling booth**

**103** The persons entitled to be present at any one time in a polling booth during the hours of polling shall be the returning officer, the deputy returning officer, the poll clerk and the candidates for reeve, any candidate for councillor and not more than two agents of any such candidate and one voter.

1928-29, c.34, s.102; R.S.S. 1930, c.106, s.103.

**Opening of poll**

**104** At the time fixed for the opening of the poll the deputy returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated.

1928-29, c.34, s.103; R.S.S. 1930, c.106, s.104.

**Persons entitled to vote**

**105(1)** The persons entitled to vote for reeve or councillor shall be the electors of the municipality.

(2) In the case of an annual or general election each elector shall be entitled to vote once only for reeve and once for councillor and shall vote in the division on the voters' list of which his name appears under the provisions of section 61.

(3) The wife of an elector shall vote in the division in which her husband votes and the husband of an elector shall vote in the division in which his wife votes.

(4) Any person who votes in a division other than that in which he is entitled to vote under this section, shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$5 nor more than \$25.

1928-29, c.34, s.104; 1930, c.34, s.13; R.S.S.  
1930, c.106, s.105.

DECLARATION OF ELECTORS

Vote prior to first voters' list

106(1) In the case of every election held prior to the completion of the first municipal voters' list every person who presents himself for the purpose of voting shall be required, before he is handed a ballot, to sign a declaration in the form following, and the deputy returning officer shall permit every person who signs the declaration to vote and shall record in the poll book the name of each person who so signs.

Taken this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_. The undersigned severally declare each for him (her) self:

1. That he (she) is of the full age of twenty-one years;
2. That he (she) is the owner or occupant of assessable land in the division (or that she is the wife of or that he is the husband of \_\_\_\_\_ who is the owner or occupant of assessable land in the division, and that she or he resides with him or her on land in the municipality).

| Name | Land voted on |
|------|---------------|
|      |               |

(2) Each person signing the declaration shall be entitled to vote once only for reeve and once only for councillor, and in case he is the owner or occupant of assessable land in more than one division, he shall vote in such division as he may select.

(3) Any person subscribing the declaration who therein makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

1928-29, c.34, s.105; R.S.S. 1930, c.106, s.106.

Voter's name must be on voters' list

107(1) In the case of every election held subsequently to the completion of the first municipal voters' list, the deputy returning officer shall satisfy himself that the list name of every person who presents himself for the purpose of voting under a name apparently intended or him is on the list supplied to such deputy by the returning officer, and the deputy returning officer or poll clerk shall record in the poll book the name of each such person.

(2) The deputy returning officer shall not permit any person to vote whose name does not appear on the list.

1928-29, c.34, s.106; R.S.S. 1930, c.106, s.107.

**Name of elector omitted**

**108** Notwithstanding anything hereinbefore contained, where the name of a person otherwise qualified to be an elector, or of the resident wife or husband of such a person, or of the resident wife or husband of an elector, has been omitted from the voters' list, he or she may obtain from the secretary treasurer a certificate that his or her name has been omitted from the voters' list and that he or she is entitled to vote, and may present the certificate to the deputy returning officer at the polling station in the division in which he or she is entitled to vote; and the deputy returning officer shall thereupon enter the name of such person with other voters in the poll book and shall allow such person to vote.

1928-29, c.34, s.107; R.S.S. 1930, c.106, s.108.

**Swearing voter on demand of agent**

**109** Before a ballot is handed by the deputy returning officer to a voter, he shall ask if there is any objection to allowing the person before him to vote, and in case any candidate or his agent objects it shall be the duty of the officer to administer to such person the following oath:

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named*) by the name of \_\_\_\_\_ in the municipal voters' list now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a resident of this municipality and of this division;

That you are a resident of this municipality and of this division, and that you own land in this division; or

That you are a resident of this municipality but not of this division and own land in this division and in no other division; or

That you are a resident of this municipality but not of this division, and that you own land in this division and in another division, but are entitled to vote in this division under section 61; or

That you are not a resident of this municipality, but own land in this division and in no other division; or

That you are not a resident of this municipality, but own land in this division and in another division, and that you are entitled to vote in this division under section 61;

That you have not voted before in this municipality for councillor (*and if ballot for reeve is asked for* or for reeve), 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 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 service connected therewith;

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 at this election. So help you God.

1928-29, c.34, s.108; 1930, c.34, s.14; R.S.S. 1930, c.106, s.109.

**Entry of oath on poll book**

**110** If the voter takes the said oath or affirmation the deputy returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book the word "sworn" or "affirmed" according to the fact.

1928-29, c.34, s.109; R.S.S. 1930, c.106, s.110.

**Refusal of voter to be sworn**

**111** Whenever a voter is required to take the said oath or affirmation and refuses to do so, the deputy returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear", Such person shall not be allowed to vote but shall be required to immediately leave the polling booth, and he shall not be allowed to again enter the same on the day of election for any purpose whatever.

1928-29, c.34, s.110; R.S.S. 1930, c.106, s.111.

**Deputy returning officer initials ballot paper**

**112** When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner hereinbefore provided, the deputy returning officer shall sign his initials on the back of the ballot to which such person is entitled and hand it to him.

1928-29, c.34, s.111; R.S.S. 1930, c.106, s.112.

**Explanation of method of voting**

**113** The deputy returning officer 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.

1928-29, c.34, s.112; R.S.S. 1930, c.106, s.113.

**Incapacity of voter**

**114** In the case of a voter who is incapacitated by blindness or other physical cause from marking his ballot, the deputy returning officer shall, in plain view of the candidates or their agents, cause the vote of such person to be marked on a ballot, for the candidate directed by such person and shall cause the ballot to be deposited in the ballot box.

1928-29, c.34, s.113; R.S.S. 1930, c.106, s.114.

**Penalty for omission to initial ballot paper**

**115** Every deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot as provided by section 112 shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot deposited in the ballot box at his polling place upon which the said deputy returning officer has not signed his initials.

1928-29, c.34, s.114; R.S.S. 1930, c.106, s.115.

**Penalty for double vote**

**116(1)** Any person who votes oftener than he is entitled to shall incur a penalty of \$50.

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

1928-29, c.34, s.115; R.S.S. 1930, c.106, s.116.

**Method of voting**

**117(1)** Upon receiving from the deputy returning officer the ballot prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose, and shall then and there mark his ballot in the manner mentioned in the directions contained in section 95 by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote, or at any place within the division which contains the name of the candidate; he shall then fold the ballot 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 leaving the compartment shall, without showing the front to anyone or so displaying the ballot as to make known to any person the name of the candidates for whom he has or has not marked his ballot, deliver the ballot so folded to the deputy returning officer, who shall, without unfolding the same or in any disclosing the names of the candidates or the marks made by the voter upon the ballot, verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

(2) Whenever the ballot of a voter has been deposited in the ballot box as provided by subsection (1), the deputy returning officer or poll clerk shall enter in the poll book in the proper column or columns after the voter's name the word "voted".

1928-29, c.34, s.116; R.S.S. 1930, c.106, s.117.

**Secrecy of vote**

**118** While the voter is in a voting compartment for the purpose of marking his ballot, no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot.

1928-29, c.34, s.117; R.S.S. 1930, c.106, s.118.

**Forfeiture of right to vote**

**119(1)** No person who has received a ballot from the deputy returning officer shall take the same out of the polling place.

(2) Any person, who has so received a ballot and 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 but took the same out of the polling place or returned the same declining to vote, as the case may be.

(3) In the latter case the said officer shall immediately write the word "refused" upon such ballot paper and shall preserve the same.

1928-29, c.34, s.118; R.S.S. 1930, c.106, s.119.

**Voter may obtain second ballot paper**

**120** A person claiming to be entitled to vote, who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used as such, may, on delivering to the deputy returning officer the ballot so inadvertently dealt with, receive another in its place; and the said officer shall immediately write the word "cancelled" upon the ballot so delivered to him, and shall preserve the same.

1928-29, c.34, s.119; R.S.S. 1930, c.106, s.120.

## PROCEEDINGS AT CLOSE OF POLL

**Close of poll**

**121** Immediately at the hour of five o'clock (mountain standard time) the deputy returning officer shall declare the poll closed:

Provided that in case, when the poll is so closed, there is a voter in the polling booth who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose.

1928-29, c.34, s.120; R.S.S. 1930, c.106, s.121.

**Opening ballot box**

**122** Immediately after the close of the poll the deputy returning officer shall, 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 as follows:

**Counting votes**

1. He shall examine the ballots individually, and any ballot which is not initialed as herein provided or on which more than one vote is given or on which anything 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 not be counted, but shall be set aside as rejected;

**Objections noted**

2. The deputy returning officer shall take notice of any objection made by a candidate or his agent or any elector authorised to be present to any ballot found in the ballot box, and shall decide any question arising out of the objection;

**Count**

3. The deputy returning officer shall then count up the votes given for each candidate upon the ballots not rejected, and shall enter in the poll book a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballots rejected and not counted by him, which statement shall be made under the following heads:

- (a) the number of the division and the name and number of the municipality and date of election;
- (b) the number of persons who voted at the polling booth;
- (c) the number of votes for each candidate for reeve;
- (d) the number of votes for each candidate for councillor;
- (e) the number of ballots supplied to the deputy returning officer;
- (f) the number of rejected ballots for reeve;
- (g) the number of rejected ballots for councillor;
- (h) the number of cancelled ballots and ballots marked "refused";

**Signed statement**

4. Upon completion of the written statement the deputy returning officer shall make, separate from the poll book, a duplicate thereof, and such written statement and duplicate shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign the same;

**Certificate of count**

5. Every deputy returning officer, upon being requested so to do, shall deliver to each of the persons authorised to attend at his polling place a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers;

**Sealing packets of ballot papers**

6. The deputy returning officer shall then, in the presence of the candidates or their agents or such of them as may be present, make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents:

- (a) the ballots counted for reeve;
- (b) the ballots rejected for reeve;
- (c) the ballots counted for councillors;
- (d) the ballots rejected for councillors;
- (e) the unused, cancelled and refused ballots;

**Statement of deputy returning officer**

7. Before leaving the polling booth the deputy returning officer shall enter in the poll book the following statement which shall be signed by him in the presence of the poll clerk, if any, or some other witness:

I, \_\_\_\_\_ deputy returning officer for Division No. \_\_\_\_\_ of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_, do hereby declare 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*

.....  
*Deputy Returning Officer*

**Sealing ballot box**

8. The deputy returning officer shall then place all the said packets, together with the poll book and the municipal voters' list used by him, in the ballot box, which shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals.

1928-29, c.34, s.121; R.S.S. 1930, c.106, s.122.

**Delivery to returning officer**

**123** The deputy returning officer of each division shall forthwith deliver to the returning officer the sealed ballot box and the duplicate of the written statement entered in the poll book, and upon receipt of the same the returning officer shall give to such deputy a receipt therefor.

1928-29, c.34, s.122; R.S.S. 1930, c.106, s.123.

FOR HISTORICAL REFERENCE ONLY

**Returning officer counts ballots and declares election**

**124(1)** At twelve o'clock noon on the day and at the place previously appointed by him for the purpose, the returning officer shall, 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 by section 122 required to be taken by a deputy returning officer, and shall make and initial all necessary corrections in the statement entered in the poll book.

(2) In case the ballot box used in any division has been lost or destroyed, the returning officer shall use the duplicate written statement delivered to him by the deputy returning officer for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates.

(3) When the ballot papers have all been examined and counted the returning officer shall forthwith sum up and announce the number of votes which he has allowed for each candidate, including any votes allowed under subsection (2), and shall publicly declare to be elected the candidate having the highest number of votes for each office to be filled; and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate.

1928-29, c.34, s.123; R.S.S. 1930, c.106, s.124.

**Returning officer's casting vote**

**125** In case it appears upon the casting up of the votes that two or more candidates for any office have an equal number of votes, the returning officer shall, at the time when he declares the result of the poll, give a casting vote so as to decide the election.

1928-29, c.34, s.124; R.S.S. 1930, c.106, s.125.

**And no other**

**126** Except in such case no returning officer shall vote at an election.

1928-29, c.34, s.125; R.S.S. 1930, c.106, s.126.

**Transmission of ballot boxes, etc., to secretary**

**127** Forthwith after the election the returning officer shall transmit to the secretary of the municipality the sealed ballot boxes and duplicate written statements used in the election, and thereafter the secretary shall be responsible for their safe keeping and for their delivery when needed.

1928-29, c.34, s.126; R.S.S. 1930, c.106, s.127.

**Destruction of ballots**

**128** The secretary shall, unless otherwise ordered by the judge, retain for two months the ballot boxes with their seals unbroken, and shall then, unless otherwise ordered as aforesaid, cause the ballot boxes to be opened and the packets therein to be destroyed in the presence of two witnesses.

1928-29, c.34, s.127; R.S.S. 1930, c.106, s.128.

**Inspection**

**129** No person shall be allowed to inspect any ballot papers in the custody of the secretary except under order of the judge to be granted 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 *The Controverted Municipal Elections 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.

1928-29, c.34, s.128; R.S.S. 1930, c.106, s.129.

**Order for**

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

1928-29, c.34, s.129; R.S.S. 1930, c.106, s.130.

**RECOUNT****Recount**

**131(1)** If, within five days from the time of the returning officer's declaration, it is, on the affidavit of a credible person, made to appear to him that in counting the votes given at any election he has improperly counted or rejected any ballots, and the sum of \$50 as security for the payment of costs and expenses is deposited with him, he shall forthwith forward the affidavit and deposit to the clerk of the court, who shall thereupon notify the judge.

(2) The judge shall then appoint a time to recount the votes and cause notice in writing of the time and place at which he will proceed to be given to the candidate or candidates whose seat may be affected and to the secretary of the municipality, whose duty it shall be to be present at the recount with the sealed ballot boxes and duplicate written statements used at the election.

(3) The said deposit of \$50 shall not be paid out by the clerk without the order of the judge.

1928-29, c.34, s.130; R.S.S. 1930, c.106, s.131.

**Attendance of clerk with papers**

**132** The judge, the clerk of the court, the secretary, each candidate notified to attend 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.

1928-29, c.34, s.131; R.S.S. 1930, c.106, s.132.

**Mode of counting**

**133** At the time and place appointed, and in the presence of those notified or entitled to attend as provided by section 132, the judge shall proceed to recount all the ballots received by the deputy returning officers of the several divisions of the municipality as having been given in the election complained of, as follows:

1. He shall break the seals on one of the ballot boxes containing the votes to be counted and take from such box the packets deposited therein;
2. He shall examine singly and in the presence of those entitled to be present all ballots counted or rejected by the returning officer for reeve or councillor, as the case may be, and during the course of the examination shall keep a tally or count of the votes cast for each candidate and shall reject as void and shall not count:
  - (a) any ballot on which two or more votes are given;
  - (b) any ballot on which anything is written or marked by which the voter can be identified;
  - (c) any ballot which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified; but no word or mark written or made by the deputy returning officer on a ballot, other than his initials, shall affect the vote;
  - (d) any ballot which has not on its back the initials of the deputy returning officer;
3. In case the ballot box used in any division has been lost or destroyed, the judge shall use the duplicate written statement for such division and allow the candidates named therein the number of votes respectively shown thereby to have been given them;
4. The judge shall take notice of any objection made by a candidate or his agent to any ballot, and shall decide any question arising out of the objection, and the decision of the judge shall be final;
5. Upon the completion of the examination and count of the ballots contained in the first ballot box opened, the judge shall forthwith announce the result of the count and replace the ballots in the box, which shall be locked and sealed by the secretary in the presence of the judge;
6. The judge shall then proceed, if the recount applied for is of such a nature as to make it necessary, to examine and count in a similar manner the ballots contained in each of the other ballot boxes in turn;
7. When the ballots have all been so examined and counted, the judge shall forthwith sum up and announce the number of votes which he has allowed for each candidate, including any votes allowed under paragraph 3, and he shall there and then declare elected the candidate having the highest number of votes;
8. In case two or more candidates for the same office have been allowed by the judge the same number of votes, he shall write the names of such candidates separately on blank pieces of paper, and, after folding the same in such 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;

9. The judge shall then make and transmit forthwith to the secretary of the municipality a written statement of the result of the recount and every written statement shall show:

- (a) the names of the candidates;
- (b) the number of votes allowed for each candidate;
- (c) the number of ballots rejected;
- (d) the names of the candidates declared elected.

1928-29, c.34, s.132; R.S.S. 1930, c.106, s.133.

**Quo warranto proceedings**

**134** Nothing in section 133 contained shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of *quo warranto* or otherwise.

1928-29, c.34, s.133; R.S.S. 1930, c.106, s.134.

**Costs**

**135** 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 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.

1928-29, c.34, s.134; R.S.S. 1930, c.106, s.135.

**Scale of costs**

**136** The costs shall be on the district court scale and may be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

1928-29, c.34, s.135; R.S.S. 1930, c.106, s.136.

**Enforcement of payment of costs**

**137** 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 costs were taxed and an affidavit of the nonpayment thereof.

1928-29, c.34, s.136; R.S.S. 1930, c.106, s.137.

**GENERAL PROVISIONS**

**Printed documents to bear name of printer**

**138** Every printed or other advertisement, handbill, placard, poster, dodger, circular or circular letter having reference to an election shall bear upon its face the name and address of its printer or of its printer and publisher; and any person printing, publishing, distributing, or posting up, or causing to be printed, published, distributed or posted up, any such document, unless it bears upon its face such name and address shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$25 nor more than \$200.

1928-29, c.34, s.137; R.S.S. 1930, c.106, s.138.

**Secrecy of votes**

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

1928-29, c.34, s.138; R.S.S. 1930, c.106, s.139.

**Candidate acting on his own behalf**

**140** 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 authorised to attend.

1928-29, c.34, s.139; R.S.S. 1930, c.106, s.140.

**Candidates and agents**

**141** When in this Act expressions are used requiring or authorising any act or thing to be done, or implying that any act or thing is to be done in the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is done, the nonattendance of any agent at such time and place shall not invalidate it.

1928-29, c.34, s.140; R.S.S. 1930, c.106, s.141.

**Errors not affecting results**

**142** No election shall be declared invalid by reason of a noncompliance 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 cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election.

1928-29, c.34, s.141; R.S.S. 1930, c.106, s.142.

**Payment of election expenses**

**143** All necessary expenses incurred for an election under this Act shall be paid out of the funds of the municipality upon the production of proper accounts verified in such manner as the council may direct.

1928-29, c.34, s.142; R.S.S. 1930, c.106, s.143.

***Controverted Municipal Elections Act***

**144** All proceedings for contesting in any way an election or the voting on a bylaw under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*.

1928-29, c.34, s.143; R.S.S. 1930, c.106, s.144.

## OFFENCES AND PENALTIES

**Offences and penalties**

**145(1)** No person shall:

- (a) without due authority supply a ballot to any person; or
  - (b) fraudulently put into a ballot box any paper other than the ballot which he is authorised by law to put in; or
  - (c) fraudulently take out of the polling place a ballot; or
  - (d) without due authority destroy, open or otherwise interfere with a ballot box or packet of ballots then in use for the purpose of an election; or
  - (e) apply for a ballot in the name of some other person, whether the 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, unless he believes 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 the same election, apply for a ballot in his own name or advise or abet, counsel or procure any other person so to do; or
  - (g) vote in a division in which he is not entitled to vote.
- (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, if he is the returning officer or deputy returning officer, to imprisonment for a term not exceeding two years with or without hard labour, and if he is any other person to imprisonment not exceeding six months with or without hard labour.

1928-29, c.34, s.144; R.S.S. 1930, c.106, s.145.

**Penalties**

**146** 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 78 to 147, 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 \$200.

1928-29, c.34, s.145; R.S.S. 1930, c.106, s.146.

**Duties of election officers**

**147(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, 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 this section shall be liable, on summary conviction, to imprisonment for any term not exceeding six months with or without hard labour.

1928-29, c.34, s.146; R.S.S. 1930, c.106, s.147.

**Penalty for displaying ballot**

**148** Every voter who displays his ballot 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, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding \$25 and costs.

1928-29, c.34, s.147; R.S.S. 1930, c.106, s.148.

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PART IV

**Municipal Officials**

APPOINTMENT

**Officials**

**149** The council shall, at its first meeting after the organisation of the municipality or so soon thereafter as practicable, and from time to time as vacancies occur, appoint the following officers:

- (a) a secretary and a treasurer or a secretary treasurer;
- (b) an assessor who may be the secretary, the treasurer or the secretary treasurer.

1928-29, c.34, s.148; R.S.S. 1930, c.106, s.149.

**Appointment of officers**

**150** Every council may also appoint from time to time such other officers, servants or employees, including an assistant secretary treasurer and one or more constables, as it deems necessary or expedient for the purpose of carrying into effect the provisions of this Act or any bylaw of the municipality.

1928-29, c.34, s.149; 1930, s.34, s.15; R.S.S.  
1930, c.106, s.150.

**Acting treasurer**

**151** In case of the absence of the treasurer or secretary treasurer from the municipality, or in case of sickness or other inability to perform his duties, the council may appoint an acting treasurer or acting secretary treasurer, and the person so appointed shall, while he so acts, have all the powers of the treasurer or secretary treasurer.

1928-29, c.34, s.150; R.S.S. 1930, c.106, s.151.

**Councillor not eligible for office**

**152** A councillor shall not be eligible to be appointed to any office under the municipality.

1928-29, c.34, s.151; R.S.S. 1930, c.106, s.152.

**No appointment by tender**

**153** The council shall not make any appointment to office or any arrangement for the discharge of the duties of an office by tender or by application at the lowest remuneration.

1928-29, c.34, s.152; R.S.S. 1930, c.106, s.153.

**Tenure of office**

**154** All municipal officers shall hold office during the pleasure of the council, and in accordance with the terms expressed in the regulation by which they are appointed; and, in addition to the duties assigned to them by this Act or by any general law of the province, shall perform such other duties as may be required of them by the council.

1928-29, c.34, s.153; R.S.S. 1930, c.106, s.154.

## SECURITY

**Security for faithful performance of duties**

**155** In addition to defining the duties of an officer the council may require him to give such security as it may deem expedient for the faithful performance of his duties, and during the month of January in each year all such securities shall be produced to the reeve and shall be laid by him before the council.

1928-29, c.34, s.154; R.S.S. 1930, c.106, s.155.

**Security for faithful accounting**

**156(1)** The treasurer of every municipality shall, before entering upon his duties, give security to the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust; and such security shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council.

(2) The members of a council which fails to take such security shall be jointly and severally liable for any default of the treasurer to the extent of the sums for which such bond should have been taken:

Provided that when the majority of the council refuse or neglect to take such security on the demand of a councillor or councillors, such demand being duly recorded in the minutes, such councillor or councillors shall be relieved from all personal liability in case of the default of such officer.

(3) The bond and the application therefor shall be in such form as may be prescribed by the minister and no bond or application in any other form shall be accepted. A copy of the bond and of the application shall be forwarded to the minister by the secretary of the municipality.

1928-29, c.34, s.155; R.S.S. 1930, c.106, s.156.

#### Liability

**157** Every officer, servant and agent of the municipality shall be personally liable for any damage arising from his acts or defaults, or from his refusal or neglect to discharge any of the duties imposed upon him by law or by this Act or by the bylaws of the council, in addition to any penalties otherwise imposed for the said acts or defaults.

1928-29, c.34, s.156; R.S.S. 1930, c.106, s.157.

## SECRETARY

#### Duties of secretary

**158** It shall be the duty of the secretary of the municipality:

1. To keep a full and correct record of the proceedings of every meeting of the council in the minute book provided for that purpose, and to see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the reeve or other presiding officer;
2. To enter in the minutes of every meeting the names of the members of the council present at such meeting;
3. To conduct the correspondence of the council as directed by it;
4. To transcribe into a special book to be provided for the purpose a true and correct copy of every bylaw passed by the council, which copy may be either written or printed or partly written and partly printed, and to prepare a proper index for such bylaws;
5. To take charge of and keep on record all 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;
6. To faithfully prepare and duly transmit to the minister such statements, reports and other information in regard to the municipality as may from time to time be required by the minister, and in such form as he may direct;
7. To call any special or other meeting of the council in the manner provided by this Act;

8. To 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;
9. To faithfully perform all other duties conferred upon him by this Act, and generally to carry out such instructions as may be issued to him from time to time by the council.

1928-29, c.34, s.157; R.S.S. 1930, c.106, s.158.

## TREASURER

### Duties of treasurer

**159** It shall be the duty of the treasurer of the municipality:

1. To receive and safely keep all moneys belonging to the municipality from whatever source;
2. To deposit daily, or as often as the council may direct, in some chartered bank designated by the council, all money received by him;
3. To submit for the consideration of the council all accounts and charges against the municipality which he receives;
4. To pay all accounts against the municipality only when they have been passed by the council and certified by the reeve or other presiding officer;
5. To make all payments on behalf of the municipality by cheque on the chartered bank in which the moneys of the municipality are deposited; and every such cheque in addition to being signed by the treasurer shall be countersigned by the reeve or in his absence by the deputy reeve;
6. To give and take receipts for all the moneys of the municipality received and disbursed, and to keep on file all vouchers of expenditure;
7. To 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 municipality;
8. To submit to the council, monthly, and whenever required so to do by the council, a balance sheet showing the financial standing of the municipality;
9. To produce, when called for by the council, auditor, inspector or other competent authority, all books, vouchers, papers and moneys belonging to the municipality, and to hand over the same to his successor or such person as the council may direct on his ceasing to hold office;
10. To faithfully prepare and duly transmit to the minister such reports and statements as may from time to time be required by the minister and in such form as he may direct;
11. To faithfully perform all other duties conferred upon him by this Act, and generally to carry out such instructions as may be issued to him from time to time by the council.

1928-29, c.34, s.158; R.S.S. 1930, c.106, s.159.

**Financial year**

**160** The financial year of the municipality shall commence on the first day of January and close on the thirty-first day of December in each year.

1928-29, c.34, s.159; R.S.S. 1930, c.106, s.160.

**Form of receipt**

**161(1)** All receipts for taxes and for other moneys receivable by a municipality shall be in such form as may be prescribed by the minister, and shall bear a facsimile of the signature of the Deputy Minister of Municipal Affairs printed or engraved thereon, and shall also bear the name of the person or firm printing them with the words "approved by the Department of Municipal Affairs."

(2) No person or firm shall print, publish or sell blank receipts intended for use by a municipality in any other form than that prescribed by the minister.

(3) No person or firm shall print, publish or sell blank receipts in the form prescribed by the minister without having first received the written authority of the minister so to do.

(4) Any person or firm printing, publishing or selling blank receipts intended for use by a municipality, 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 \$10 nor more than \$100.

(5) Any secretary treasurer issuing a receipt for moneys paid to him for the municipality in any 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 \$25 nor more than \$100.

1928-29, c.34, s.160; R.S.S. 1930, c.106, s.161.

**AUDITOR****Appointment and duties**

**162(1)** The council shall at its first meeting in each year, or within two months thereafter, appoint an auditor, but no one shall be appointed who is then or during the preceding year was a member of the council or is or was secretary or treasurer or who has or had during the preceding year, directly or indirectly, any share or interest in a contract made by the municipality, or who is employed by the municipality in any capacity except that of auditor. The council may appoint an incorporated company or partnership as auditor.

(2) Where, in the opinion of the minister, the auditor appointed by the council does not possess the necessary qualifications, or has not discharged his duties in a satisfactory manner, he may require the council to appoint another person, company or firm, as auditor of the municipality.

(3) The auditor shall audit and report upon all books and accounts affecting the municipality or relating to any matter under its control or within its jurisdiction; he shall stamp or write the word "Audited" in indelible letters upon every account, voucher, receipt and paid debenture examined by him, and shall initial the same.

(4) Upon completion of the annual audit the auditor shall issue a certificate in such form as may be prescribed by the minister.

(5) The auditor shall forthwith notify the minister, the reeve and all the councillors of any negligence, irregularity or discrepancy which he finds in the books or accounts of the municipality.

1928-29, c.34, s.161; R.S.S. 1930, c.106, s.162.

## FINANCIAL STATEMENTS

### Auditor's report

**163(1)** On or before the fifteenth day of November in each year the secretary treasurer shall prepare, in such form as the minister may direct, an abstract of the receipts and disbursements, including divisional expenditures, of the municipality for the ten months ending on the preceding thirty-first day of October.

(2) The secretary treasurer shall, on or before the fifteenth day of November, supply a copy of such abstract to each councillor who shall retain the same at least until the end of the year at his residence where it shall be open for inspection at all reasonable hours by any elector. The secretary treasurer shall also supply a copy of such abstract to the returning officer who shall read the same at the nomination meeting.

1928-29, c.34, s.162; R.S.S. 1930, c.106, s.163.

### Abstract of receipts, expenditures etc., for the year

**164(1)** On or before the first day of March in each year the auditor shall prepare, in such form as the minister may direct, an abstract of the receipts, disbursements, assets and liabilities of the municipality for the financial year ending on the thirty-first day of December of the preceding year, including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand. He shall make a special report respecting any expenditures made contrary to law, and shall deliver the said abstract and report to the reeve, who shall lay the same before the council at its next meeting.

(2) The secretary on or before the first day of April in each year shall mail a copy of such abstract and report to the minister and a synopsis thereof to every elector of the municipality.

1928-29, c.34, s.163; R.S.S. 1930, c.106, s.164.

### Inspection

**165** Any elector may inspect the abstract and reports or any of them, and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

1928-29, c.34, s.164; R.S.S. 1930, c.106, s.165.

### Notice of tax arrears

**166** The auditor shall send, by post prepaid, to every person named in the tax roll whose taxes appear to be in arrear a notice, in form to be prescribed by the minister, setting forth the amount of the unpaid taxes shown in the roll against each parcel of land standing in the name of such person; provided that the minister may, in any given case, dispense with the requirements of this section. If the land has been sold for taxes at any time during the two preceding years, the notice shall also contain a statement showing the amount required to redeem it.

1928-29, c.34, s.165; R.S.S. 1930, c.106, s.166.

**Auditor's declaration of office**

**167** The declaration of office to be made and subscribed by every auditor shall be as follows:

I, *A. B.*, having been appointed to the office of auditor for the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_, do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability, and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor) with, by or on behalf of the municipality.

Made before me at \_\_\_\_\_  
 this day of \_\_\_\_\_  
 19 \_\_\_\_\_  
 .....  
*A Commissioner, N.P. or  
 J.P.*

1928-29, c.34, s.166; R.S.S. 1930, c.106, s.167.

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**PART V**
**Municipal Bylaws and General Powers and Duties of Councils**
**BYLAWS**
**Resolutions of council**

**168** Except as herein provided the council of every municipality may exercise the duties and powers conferred on it by this Act either by resolution or by bylaw.

1928-29, c.34, s.167; R.S.S. 1930, c.106, s.168.

**Bylaws under seal**

**169(1)** Every bylaw shall be under the seal of the municipality and shall be signed by the reeve or person presiding at the meeting at which the bylaw is finally passed and by the secretary.

(2) Every such bylaw 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 councillors present thereat.

1928-29, c.34, s.168; R.S.S. 1930, c.106, s.169.

**Validation of bylaws**

**170** In case no application to quash a bylaw is made within two months next after the final passing thereof, the bylaw 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 the passing thereof.

1928-29, c.34, s.169; R.S.S. 1930, c.106, s.170.

**Assent of electors and minister to money bylaw**

**171** No bylaw for raising money by way of debentures shall have any effect until the same has received the assent of two-thirds of the electors of the municipality voting thereon and the approval of the Local Government Board as hereinafter provided.

1928-29, c.34, s.170; R.S.S. 1930, c.106, s.171.

**Council may do omitted work**

**172** When a council has authority to direct by bylaw that a matter or thing shall be done by any person, the council may also by the same or another bylaw direct that in default of its being done by that person such matter or thing shall be done at his expense, and the municipality may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes.

1928-29, c.34, s.171; R.S.S. 1930, c.106, s.172.

**Evidence of bylaw**

**173** A copy of a bylaw written or printed without erasure or interlineation and under the seal of the municipality, certified to be a true copy by the secretary and a member of the council, shall be received as *prima facie* evidence of its passing and of the contents thereof without further proof in any court, unless it is specifically alleged or pleaded that the seal or the signature of the secretary or member of the council has been forged.

1928-29, c.34, s.172; R.S.S. 1930, c.106, s.173.

**Bylaws generally**

**174(1)** Subject to the provisions of any Act not herein particularly mentioned, dealing with the special subject matter, or any regulations thereunder, the council of every municipality shall pass such bylaws as it may deem expedient for all or any of the following purposes:

**Public health**

1. Providing for the health of the municipality and the prevention of the spread of communicable diseases;

**Nuisance grounds**

2. Regulating nuisance grounds within the municipality and making provision for the disposal of the refuse of hamlets by licensing scavengers or otherwise;

**Cemetery**

3. Controlling any cemetery, and preventing the burial of the dead within any hamlet;

**Hospitals**

4. Granting aid for the erection or maintenance of hospitals, but no expenditure exceeding \$1,000 in amount shall be made in any one year, and no liability exceeding that sum or extending beyond the year shall be incurred except under the authority of a bylaw approved by the electors, the procedure for submitting and passing the bylaw to be the same as that prescribed by section 175 for the bylaw there in question, and all the provisions of sections 175, 177 and 178 to apply, with the necessary changes;

**Union hospitals**

5. Providing for uniting with other municipalities in establishing hospitals in accordance with *The Union Hospital Act* or regulations made thereunder;

**Health districts**

6. Uniting with the councils of other municipalities, or with the councils of other municipalities and the Government of Saskatchewan, in the organisation of health districts consisting of a number of municipalities, or combining with the councils of other municipalities in the maintenance of a medical and sanitary staff for the service of their combined areas; and, in either case, contributing such share of the expense as may be agreed upon or as may be fixed by order of the Lieutenant Governor in Council;

**Secondary school grants**

7. Granting aid for the maintenance of a high school, collegiate institute or other schools doing high school work, situated within the outer boundaries of the municipality, not exceeding in amount the sum of \$1,000 in any one year;

**School fees**

8. Agreeing with any school district conducting high school classes to contribute to the district a sum in consideration of which the board shall not charge fees to pupils from the municipality attending such classes;

**Same**

9. Paying the fees of any pupil from the municipality in respect of his attendance at the high school classes of any district conducting such classes;

**Aid to needy persons**

10. Granting aid or relief to any needy person who is resident in the municipality;

**Grants to Red Cross Society, etc.**

11. Granting sums of money to the Canadian Red Cross Society, the Navy League of Canada, Returned Soldiers' Leagues or any similar organisations;

**War memorial**

12. Granting aid for the erection of a memorial to soldiers who have fallen in the war;

**Trees**

13. Providing for planting and protecting trees on highways and public places;

**Light weight**

14. Imposing penalties for light weight and short measurement;

**Dogs**

15. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large in the municipality or any part thereof;

**Stray animals**

16. Restraining and regulating the running at large of animals in accordance with *The Stray Animals Act*;

**Municipalities Seed Grain Act**

17. Carrying out the provisions of *The Municipalities Seed Grain Act*;

**Wolf bounty**

18. Carrying out the provisions of *The Wolf Bounty Act*;

**Prairie fires**

19. Preventing prairie or running fires and making provision for the enforcement of *The Prairie and Forest Fires Act*;

**Hawkers and pedlers**

20. Classifying, licensing, regulating and governing hawkers and pedlers; but a license shall not be granted by a rural municipality unless the applicant is holder of a provincial license for hawkers and pedlers;

**Licensing other traders**

21. Licensing, regulating and governing persons, other than those mentioned in paragraph 20, who buy or sell, or buy and sell, goods by retail within the municipality and who are not assessable for the purposes of business taxation in respect of such business;

**Removal of dirt, etc., from roads**

22. Compelling the removal of dirt, stones, filth, dust or rubbish off the roads, lanes or other public places within the municipality by the party depositing the same, and the placing of the same where ordered by the council;

**Incumbering the roads**

23. Preventing the ploughing of roads and the incumbering or obstructing of roads and other places by vehicles or other articles or things;

**Parking cars**

24. Regulating, controlling or preventing the parking of cars or the placing of any kind of vehicle upon any portion of a highway other than a provincial highway as defined in *The Highways Act*, within the limits of the municipality;

**Regulating use of bridge and highways**

25. Regulating the driving and riding of horses and other animals on highways and public bridges and preventing highways racing, immoderate or dangerous driving or riding on the highways and public bridges, and making provision for the carrying out of any provincial law respecting the same;

**Traction engines**

26. Making provision for regulating and for carrying out any provincial law regarding the use of bridges and culverts by portable engines or traction engines;

**Licensing tractors**

27. Licensing and regulating tractors and motor trucks for hauling grain and other commodities on public highways;

**Motor cars**

28. Making provision for carrying out any provincial law regulating the speed of motor vehicles on highways;

**Speed of motor vehicles in hamlets**

29. Subject to the provisions of *The Vehicles Act*, regulating the speed of motor vehicles within any hamlet or hamlets;

**Aid to agricultural societies, etc.**

30. Granting aid to agricultural societies and school and domestic exhibitions;

**Census**

31. Taking the census of the municipality or any part thereof;

**Extermination of harmful animals, birds and insects**

32. Providing ways and means for the extermination of such animals, birds and insects as are found to injure or impede agriculture, which may include the granting upon such evidence as the council may determine, of bonuses of an amount to be fixed by the council for destroying gophers, jack rabbits, rats and crows or crows' eggs;

**Destruction of gophers, etc.**

33. Providing for the destruction of gophers, jack rabbits, rats, crows and crows' eggs at the expense of the municipality;

**Licensing**

34. Licensing, regulating and governing all persons who for hire or gain keep or have in their possession or on their premises any billiard, pool or bagatelle table, bowling alley or shooting gallery in a house or a place of public entertainment or resort, whether such table, bowling alley or shooting gallery be used or not, and fixing the sum to be paid for a license for each such table, bowling alley or shooting gallery and the time such license shall be in force;

**Places of amusement**

35. Licensing, regulating and governing places of amusement;

**Licensing owners of cows and dairies**

36. Licensing the owners of cows the milk from which is offered for sale within the municipality, and all persons operating depots or dairies at which such milk is treated, bottled or otherwise handled in bulk;

**Fire protection**

37. Providing for fire protection in any hamlet, and providing for reports upon fires which occur within the municipality;

**Loose wire**

38. Providing for the prevention of loose wire lying exposed and unguarded in any part of the municipality;

**Appointment of nurses**

39. Providing for the appointment of nurses for the municipality, or granting aid to an organised society for the purpose of securing the services of nurses, or for authorising the reeve or secretary treasurer under such circumstances and subject to such conditions as may be thought advisable, to supply nurses for the sick in individual cases;

**Grants to physicians**

40. Making an annual or other grant to a legally qualified medical practitioner resident in the municipality, or in a village situated within the outer boundaries of the municipality, as an inducement to such practitioner to reside and practice his profession within the municipality or within such village, or guaranteeing the income of such practitioner in consideration of his residing and practising his profession within the municipality or within such village, no such grant to exceed \$1,500 per annum and no such guarantee to exceed the amount required to bring such income up to \$1,500 per annum:

Provided that where no city, town or village is situated within the boundaries of the municipality, the council may make a grant or give a guarantee to a legally qualified medical practitioner residing in a village in an adjoining municipality;

**Grants to nurses**

41. Making a grant not exceeding in amount \$1,000 per annum to a duly qualified nurse resident in the municipality as an inducement to such a nurse to reside and practise her profession within the municipality:

Provided that the amount of such grant may be increased to a sum not exceeding \$1,500 where there is no duly qualified physician resident within the outer boundaries of the municipality;

**Grant to veterinary surgeon**

42. Making a grant not exceeding in amount \$500 per annum to a duly qualified veterinary surgeon resident in the municipality or in a village situated within the outer boundaries of the municipality as an inducement to such veterinary surgeon to reside and practise his profession within the municipality or within such village;

**Grant to Red Cross outposts**

43. Subject to the consent of the minister, making an annual grant not exceeding \$1,000 to a Red Cross outpost;

**Structure and classification of buildings**

44. Respecting the erection, classification, alteration, repair, demolition or removal of buildings other than residences situated on farms, and farm buildings, and in particular for:

- (a) regulating the quality and strength of wood, brick, stone, hollow tile, cement and concrete, and the size and strength of columns, piers, studding, beams, joists, girders, floors, rafters, roofs and their supports in all such buildings;
- (b) regulating the size and construction of chimneys and flues, the construction of hearths and fireplaces, the installation of furnaces, hot air and steam pipes, ovens, boilers, electric wiring and apparatus, and removing at the expense of the owner, any of them constructed or installed in contravention of the bylaw;
- (c) regulating the size, structure, number and position of doors in churches, halls or other places of public meeting or places of amusement, and also the size and structure of stairs and stair railings in all such buildings and the method of lighting any of them;
- (d) subject to the provisions of *The Factories Act*, compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places and of such pattern and mode of construction as may be deemed proper; and prohibiting the occupation of any such building unless or until such fire escapes are provided;

**Polling down buildings**

45. Authorising the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of any bylaw;

**Fire prevention**

46. The prevention of fires in and about buildings other than residences situated on farms and farm buildings and in particular:

- (a) regulating the storage of inflammable liquids in and about buildings;
- (b) regulating the storage of gunpowder and other combustible, explosive or dangerous materials;
- (c) regulating the installation of stoves and stove pipes or other apparatus or things which may be dangerous in causing or promoting fires and enforcing the proper cleaning of chimneys, flues and stove pipes;

(d) requiring buildings and yards to be kept in a safe condition to guard against fire or other dangerous risk or accident and regulating the removal and safe keeping of ashes;

(e) regulating the conduct and enforcing the assistance of persons present, for the preservation of property at fires; pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire, and providing compensation for loss or damage sustained by reason of said pulling down or demolishing:

Provided that in all cases where a building is pulled down or demolished by order of anyone acting under the authority of the council, the council shall compensate the owner for the amount of insurance to which the owner would have been entitled had the building been burned;

**Employment office**

47. Subject to the provisions of *The Employment Agencies Act*, establishing and regulating a municipal employment office;

**Promotion of agriculture**

48. Appointing either alone or jointly with other municipalities, district representatives for the promotion of agriculture generally, and defining their duties;

**Agricultural representatives**

49. Co-operating with contiguous rural municipalities in establishing an agricultural representative district and in providing the services of an agricultural representative in accordance with the provisions of *The Agricultural Representatives Act*;

**Cleaning grain**

50. Acquiring from the Minister of Agriculture, upon such terms and conditions as he may prescribe, an outfit for cleaning grain, and governing the use of such outfit by the residents of the municipality, and providing for necessary expenditures in connection therewith.

**Town planning**

51. Carrying out the provisions of *The Town Planning Act*.

(2) The granting or refusing of a license under paragraph 34, 35 or 36 of subsection (1) or the revoking of a license under either of those paragraphs, shall be in the discretion of the council, and it shall not be bound to give any reason for such refusal or revocation, and its action shall not be open to question or review by any court.

1928-29, c.34, s.173; 1930, c.34, s.16; R.S.S.  
1930, c.106, s.174.

HIRING A PHYSICIAN

Bylaw for hiring physician

175(1) The council may, at a regular meeting or at a special meeting called for the purpose, resolve to submit to the electors a bylaw empowering the council to engage the services of a legally qualified medical practitioner for the municipality at a salary not to exceed \$5,000 per annum, and may submit the same to the electors for their approval as hereinafter mentioned. Where the municipality comprises more than nine townships such salary may be increased by an amount not exceeding \$500 for each additional township.

(2) Such bylaw shall be in the following form:

Bylaw No. \_\_\_\_\_ of the Rural Municipality of No. \_\_\_\_\_

A bylaw to authorise the council to engage a medical practitioner for the municipality.

The council of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ enacts as follows:

1. The council of the municipality may engage the services of a legally qualified medical practitioner for the municipality at a salary not exceeding \$ \_\_\_\_\_ per annum.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Read a third time after having received the assent of the electors thereto, and finally passed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

.....  
*Reeve*

[SEAL]

.....  
*Secretary treasurer*

(3) On receipt of a petition to that effect, signed by not less than twenty-five resident ratepayers of the municipality, a bylaw in such form shall be introduced and given its first and second readings as soon as possible thereafter, and the council shall submit the same to the electors to be voted upon.

(4) Upon receipt, before the first day of November in any year, of a petition to that effect, signed by not less than twenty-five per cent of the resident ratepayers of the municipality, the council shall submit to be voted upon at the then next ensuing annual election a bylaw repealing any bylaw passed under the foregoing provisions of this section.

(5) Such repealing bylaw shall be in the following form:

Bylaw No. \_\_\_\_\_ of the Rural Municipality of \_\_\_\_\_  
No. \_\_\_\_\_.

A bylaw to repeal a bylaw authorising the council to engage a medical practitioner for the municipality.

The council of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ enacts as follows:

1. A bylaw authorising the council to engage a medical practitioner for the municipality, which bylaw was read a third time after having received the assent of the electors and finally passed at the day of 19 \_\_\_\_\_, is hereby repealed.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Read a third time after having received the assent of the electors thereto, and finally passed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

.....  
*Reeve*

[SEAL]

.....  
*Secretary treasurer*

(6) Such repealing bylaw shall receive its first and second readings as soon as possible after the receipt of the petition mentioned in subsection (4).

(7) The council may, at a regular meeting or at a special meeting called for the purpose, resolve to submit to the electors a bylaw empowering the council to enter into an agreement with a medical practitioner to whom a grant is being made, or whose income is being guaranteed, under the authority conferred by paragraph 40 of subsection (1) of section 174, for the performance by such practitioner of such medical services, and upon such terms and conditions, as shall be specifically set forth in the agreement; and may submit the bylaw to the electors for their approval. The total amount of such grant or guarantee and the remuneration payable under such agreement, shall not in any year exceed the sum of \$5,000.

(8) The provisions of subsections (2), (4), (5) and (6) of this section and sections 177 and 178 shall apply *mutatis mutandis* to a bylaw under subsection (7).

1928-29, c.34, s.174; 1930, c.34, s.17; R.S.S.  
1930, c.106, s.175.

**Agreement with other municipalities for engagement of physician**

**176(1)** The council may, at the regular meeting or at a special meeting called for the purpose, resolve to submit to the electors a bylaw empowering the council to enter into an agreement with one or more contiguous rural municipalities for the engagement of the services of a legally qualified medical practitioner, and may submit the same to the electors to be voted upon as hereinafter mentioned. Such agreement may affect the whole municipality or one or more townships thereof.

(2) The salary of the medical practitioner shall be borne by the co-operating municipalities, or by the parts thereof affected by the agreement, in proportion to the amounts of the total equalised assessments of such municipalities or parts.

(3) The sums expended under subsection (1) shall not exceed in the aggregate \$5000 in any year, except where the area affected comprises more than nine townships in which case the amount may be increased by an amount not exceeding \$500 for each additional township.

(4) Such bylaw shall be in the following form:

Bylaw No. \_\_\_\_\_ of the Rural Municipality of \_\_\_\_\_  
No. \_\_\_\_\_.

A bylaw to authorise the council to enter into an agreement with the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ (or as the case may be) for the engagement of a medical practitioner.

The council of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ enacts as follows:

1. The council of the municipality may enter into an agreement with the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ (or as the case may be) for the engagement of a legally qualified medical practitioner for (names of municipalities, or numbers of townships where part only of municipality affected) at a salary not exceeding \$ per annum.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Read a third time after having received the assent of the electors thereto, and finally passed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

.....  
*Reeve*

[SEAL]

.....  
*Secretary treasurer*

(5) Upon receipt before the first day of November in any year of a petition to that effect, signed by not less than twenty-five per cent of the resident ratepayers affected, the council shall submit to be voted upon at the then next ensuing annual election a bylaw repealing a bylaw passed under the foregoing provisions of this section.

(6) Such repealing bylaw shall be in the following form:

Bylaw No. \_\_\_\_\_ of the Rural Municipality of \_\_\_\_\_  
No. \_\_\_\_\_.

A bylaw to repeal a bylaw authorising the council to enter into an agreement with the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ (or as the case may be) for the engagement of a medical practitioner.

The council of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ enacts as follows:

1. A bylaw authorising the council to enter into an agreement with the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ (or as the case may be) for the engagement of a medical practitioner, which bylaw was read a third time after having received the assent of the electors entitled to vote thereon and finally passed at \_\_\_\_\_ the day of \_\_\_\_\_ 19 \_\_\_\_\_, is hereby repealed.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Read a third time after having received the assent of the electors thereto, and finally passed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

.....  
*Reeve*

[SEAL]

.....  
*Secretary treasurer*

(7) Such repealing bylaw shall receive its first and second readings as soon as possible after the receipt of the petition mentioned in subsection (6).

1930, c.34, s.18; R.S.S. 1930, c.106, s.176.

**How vote taken**

**177** The vote upon a bylaw under section 175 or section 176 shall be taken in the same manner as the vote upon a debenture bylaw when a poll has been demanded, and the provisions of sections 245 to 251 shall apply thereto *mutatis mutandis* except that the form of notice mentioned in section 246 need not be prescribed or approved by the Local Government Board, and except that the bylaw shall require the assent of a majority only of the electors voting and that, if the bylaw does not affect the whole municipality, it shall be voted upon only by the electors in the township or townships affected.

1930, c.34, s.19; R.S.S. 1930, c.106, s.177.

**Continuing authority**

**178** The authority given to the council by a bylaw under subsection (2) of section 175 or subsection (4) of section 176 shall be a continuing authority until such bylaw has been repealed in the manner hereinbefore provided, and the council or councils acting thereunder may contract on such terms and conditions as may be agreed upon with the medical practitioner engaged, and may dismiss such practitioner and hire another or others from time to time as circumstances may require.

1930, c.34, s.19; R.S.S. 1930, c.106, s.178.

**EXTERMINATION OF GOPHERS****Procedure**

**179(1)** In case proper steps have not been taken by the owner or occupant of land to exterminate gophers on his land pursuant to any bylaw passed in that behalf on or before a day to be fixed in the bylaw, any person duly authorised thereunto by the council may enter upon the said land and take such steps as may be necessary to exterminate the gophers thereon.

(2) The amount expended in the work performed under subsection (1) may be recovered from the owner or occupant of the land in the same manner as municipal rates and taxes may be recovered under this Act:

Provided that the amount so expended shall not exceed two and one-half cents per acre.

(3) Any such amount which has not been satisfied on or before the thirty-first day of December next following its expenditure shall be added to and form part of the assessment for municipal purposes of such lands in all respects as if it were an original tax, and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes, and the amount so recovered shall form part of the general revenue of the municipality.

(4) The treasurer of every municipality in which any expenditure has been made for the extermination of gophers shall at least one month before the thirty-first day of December in the year in which the expenditure is made, notify every owner or occupant of land in respect of which such expenditure has been made of the amount chargeable against such land on account of the said expenditure.

1928-29, c.34, s.177; R.S.S. 1930, c.106, s.179.

**EXTERMINATION OF GRASSHOPPERS****Procedure**

**180(1)** The council shall whenever grasshoppers appear in the municipality or in an adjoining municipality pass a bylaw providing for the purchase of poison or poison mixtures or the ingredients thereof for the destruction of grasshoppers or other insect pests within the municipality during the year in which the bylaw is passed, and for the distribution thereof upon such terms and conditions as may be deemed advisable.

- (2) The council may, by the same or another bylaw, provide for the employment of any other means of destroying grasshoppers or other insect pests within the municipality during the year in which the bylaw is passed.
- (3) Every such bylaw, with a copy of subsection (5) appended thereto, shall be forthwith posted in at least two widely separated conspicuous places in each division of the municipality. In case there is a post office in any division one copy of the bylaw shall be conspicuously posted therein, and in case there are two or more offices in a division a copy shall be conspicuously posted in each of them.
- (4) The destruction of grasshoppers upon road allowances shall be the duty of the council.
- (5) If any person residing upon or owning farm land within the municipality, upon which there are grasshoppers or other insect pests, fails to apply for poison materials, or, for a period of three days after the date of posting the bylaw in the division in which such person resides, neglects or refuses to use such poison or to take other adequate means of destroying such pests, any person thereunto authorised by the council may enter upon the said land and may put out the poison upon such land in so far as may be necessary or take other means provided by bylaw to exterminate the grasshoppers or other insect pests thereon or therein.
- (6) The amount expended by the council in any work performed under subsection (5) may be recovered from the owners or occupants of the land in the same manner as municipal taxes may be recovered under this Act, provided that the amount to be expended shall not exceed the sum of twenty-five cents per acre.
- (7) Any such amount which has not been satisfied on or before the thirty-first day of December next following its expenditure shall be added to and form part of the assessment for municipal purposes of such lands in all respects as if it were an original tax; and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes, and the amount so recovered shall form part of the general revenue of the municipality.
- (8) The secretary treasurer of every municipality in which any expenditure has been made for the extermination of grasshoppers or other insect pests shall, at least one month before the thirty-first day of December in the year in which the expenditure is made, notify every owner or occupant of land in respect of which such expenditure has been made of the amount chargeable against the land on account of the said expenditure.

1928-29, c.34, s.178; R.S.S. 1930, c.106, s.180.

## TESTING CATTLE FOR TUBERCULOSIS

### Powers of council

181(1) The council may pass bylaws for:

- (a) appointing inspectors to inspect and subject to the tuberculin test all cattle within the municipality and all dairy cows within the municipality or the milk from which is offered for sale within the municipality, and empowering the inspectors to make such orders as may be required for effectually carrying out the provisions of this section;

- (b) providing for the collection, detention or isolation of such animals for the purpose of making the test; branding and quarantining infected animals; compelling the owners to separate such animals from their herds; preventing the sale of milk from animals which have been quarantined or found to be infected and slaughtering animals which have not been separated from the herds when required to be separated by order of an inspector;
- (c) requiring persons who know that an animal is affected with tuberculosis or has reacted to the tuberculin test to report the same to the nearest inspector.
- (2) The council may, either alone or jointly with other municipalities, enter into an agreement with the Government of Saskatchewan for the purpose of having cattle and dairy cows within the municipality inspected and subjected to the tuberculin test by inspectors appointed by the Minister of Agriculture of Saskatchewan or of the Dominion, and shall possess in connection with such inspection and test all the powers conferred in other cases by subsection (1). The council shall also possess such other powers as may be necessary for carrying out the terms of the agreement and may pay such share of the expenses incurred as may be therein provided.

1928-29, c.34, s.179; R.S.S. 1930, c.106, s.181.

## INFRACTION OF BYLAWS

### Power to impose penalties

**182(1)** The council of every municipality may pass bylaws for inflicting reasonable fines and penalties, not exceeding \$100 exclusive of costs, for breach of any of the bylaws of the municipality, and for reasonable punishment by imprisonment with or without hard labour in the nearest common gaol for any period not exceeding thirty days in case of non-payment of the fine and costs inflicted for any such breach, unless such fine and costs including the costs of committal are sooner paid.

(2) Two copies of every such bylaw under the seal of the municipality and certified as correct by the reeve and the secretary shall be transmitted to the minister, and no such bylaw shall have any force or effect until one of the said duplicate copies is returned to the secretary approved by the minister.

(3) Every penalty or fine under a municipal bylaw shall, if no other provision is made respecting it, belong to the municipality for the public use of the same and form part of its general revenue.

1928-29, c.34, s.180; R.S.S. 1930, c.106, s.182.

### Transportation and maintenance of prisoners

**183** In the event of any person being committed to gaol for breach of a bylaw, there shall be chargeable to the municipality 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.

1928-29, c.34, s.181; R.S.S. 1930, c.106, s.183.

## QUASHING BYLAWS AND RESOLUTIONS

**Procedure**

**184(1)** Any elector of the municipality may, within two months after the passing of a bylaw or resolution of the council, apply to the judge upon motion, to quash the same in whole or in part for illegality; and the judge upon such motion may quash the bylaw or resolution in whole or in part, and may award costs for or against the municipality and may determine the scale of such costs.

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

(3) The bylaw or resolution may be proved by the production of a copy thereof, written or printed without erasure or interlineation and under the seal of the municipality, certified to be a true copy by the secretary and a member of the council; and the secretary shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

(4) Before any such motion is made the applicant, or in case the applicant is a company, some person on its behalf, shall enter into a recognisance before the judge, himself in the sum of \$100 and two sureties each in the sum of \$50, conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the recognisance upon the sureties entering into proper affidavits of justification, and thereupon the same shall be filed in court with the other papers relating to the motion.

(6) In lieu of the recognisance mentioned in subsections (4) and (5), the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him, and the certificate of such payment into court shall be filed in court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order the money paid into court to be applied in the payment of costs to be paid out to the applicant.

(8) All moneys required to be paid into or out of court under this section shall be paid in or out in like manner as moneys are paid into or out of court in actions pending therein.

1928-29, c.34, s.182; R.S.S. 1930, c.106, s.184.

**Bylaws procured by bribery and corruption**

**185** Any bylaw which has been procured to be passed through or by means of any violation of the provisions of sections 3 and 4 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions therein contained.

1928-29, c.34, s.183; R.S.S. 1930, c.106, s.185.

## ADDITIONAL POWERS OF COUNCIL

**Powers**

**186(1)** In addition to all other duties and powers conferred on councils by this Act, the council of every municipality shall have power:

**Acquisition of property by agreement**

1. To purchase, lease or otherwise acquire for the use of the municipality any estate in landed property, within or without the municipality, for exhibition grounds, recreation grounds, nuisance grounds, a cemetery, or for a highway, road, street, bridge, ferry, water supply, gravel pit, or other public work in the municipality or for any other public purpose whatsoever, or for the purpose of erecting thereon any municipal building, including a dwelling for the secretary treasurer, and to erect, furnish, maintain and repair such buildings as may be beneficial to the municipality:

Provided that in each cemetery purchased and owned by a rural municipality there shall be set aside a portion for the burial of the destitute;

**Erection of joint office buildings**

2. To unite with the council of any city, town or village within the municipality, or the area of which touches at some point the limits of the municipality, for the purpose of erecting an office building which shall be used jointly by the councils having an interest therein;

**Public works**

3. To unite with the councils of other municipalities, including villages, towns and cities, for the construction and maintenance of any public work, or the performance of any matter or thing deemed by all councils concerned to be of benefit to their respective municipalities, and to enter into an agreement as to the joint control and management of any undertaking that concerns their respective municipalities;

**Acquisition of property without consent**

4. To enter upon and take and use and acquire so much real property as in the opinion of the council may be needed for exhibition grounds, recreation grounds, nuisance grounds, a cemetery, or the site of a municipal building, or for a highway, road, street, bridge, ferry, water supply, gravel pit, or other public work in the municipality, or for any other public purpose whatever, without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto. In the event of the amount of such compensation not being mutually agreed upon by the parties concerned, it shall be determined as hereinafter provided;

**Weigh scales**

5. To establish and maintain or to assist in establishing and maintaining public scales for weighing or measuring anything sold by weight or measurement within the municipality or within any village or town;

**Roads**

6. To lay out, construct, repair and maintain roads, lanes, bridges, culverts and any other necessary public work in the interests and for the use of the municipality;

**Drains**

7. To construct through lands lying within or without the municipality such drains as may be expedient to secure the proper drainage of the municipality, and to prevent the obstruction of the same;

**Water supply**

8. To make provision for a supply of water for the municipality or any portion thereof and to regulate the use of the same, and to prevent the placing of anything prejudicial to health in any stream or body of water in the municipality;

**Temporary road**

9. To open and maintain 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 neighborhood makes such action necessary or expedient. The council shall in every such instance pay to the owners or occupiers 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 Part VIII of this Act.

Where the council opens any such temporary road or right of way across land which has been or may thereafter be fenced, the council may provide by bylaw for the placing of gates at the points of intersection of such temporary road or right of way with the boundary fence, for the erection of notice boards requiring the public to leave the gates closed and for the infliction of a penalty upon any person who fails to leave a gate properly closed;

**Lease roads**

10. Subject to section 29 of *The Highways Act*, to lease any portion of any public highway or road to any person for a term not exceeding five years; but every such lease shall be subject to cancellation by either the lessor or lessee on one year's notice in writing;

**Ferries**

11. To install and operate a ferry within or without the municipality if licensed to do so under the provisions of *The Highways Act*;

**Pile drivers, stone crushers, etc.**

12. To acquire either separately or jointly with another municipality a grader, pile driver, stone crusher, roller or other machine or implement for use in the construction, repair or maintenance of any road, bridge or other public work within the municipality or municipalities;

**Disposal of property**

13. To sell, lease, or otherwise dispose of or devote to some other municipal purpose, in whole or in part, any property acquired by the municipality for a specific purpose when such property in the opinion of the council is no longer needed for such purpose;

**Delegates' expenses**

14. To provide for payment of the expenses of one or more delegates to the annual convention of the organisation known as The Saskatchewan Association of Rural Municipalities;

**Same**

15. To provide for payment of the expenses of the medical health officer or sanitary officer, or both, to the annual convention of The Saskatchewan Health Officials Association;

**Municipal officers' instruction**

16. To procure instruction for one or more municipal officers in their duties;

**Surplus funds, investments**

17. To invest surplus funds of the municipality in the stock, bonds or government securities of Canada or of Saskatchewan.

(2) No expenditure exceeding \$500 in amount shall be made in any one year under the authority of paragraphs 1, 2, 3 or 4 of subsection (1) until a bylaw has been submitted to the vote of the electors and approved by a majority of those voting thereon, and no liability under the said paragraphs exceeding that sum shall be incurred until a bylaw has been so submitted and approved by at least two-thirds of the electors voting thereon; and such vote shall be taken as nearly as may be in the manner provided herein for a vote of the electors on a bylaw for raising money by way of debenture.

1928-29, c.34, s.184; R.S.S. 1930, c.106, s.186.

**PUBLIC ACCOMMODATION****Public hotels, etc., subject to license**

**187** The council shall have power:

- (a) to license public hotels and other places of public accommodation, and to adopt by bylaw regulations with respect to the licensing and the conducting, management, appointments and inspection of all such places, and to enforce such regulations by means of penalties;
- (b) to provide for the establishment of a public rest and reading room, and to make rules and regulations for the conduct and maintenance of the same;
- (c) to provide sample rooms for the convenience of commercial travellers, and to fix the fees for the use of such rooms;
- (d) to make suitable arrangements for the care and maintenance, by the licensee of any public hotel or other place of public accommodation, of any library the council may desire to instal.

1928-29, c.34, s.185; R.S.S. 1930, c.106, s.187.

**Application to conduct hotel**

**188** Any person desirous of conducting a public hotel or other place of public accommodation shall make application for a license to the secretary treasurer and the secretary treasurer shall, at the next sitting of the council after receipt of such application, submit the same to the council for its consideration.

1928-29, c.34, s.185a; R.S.S. 1930, c.106, s.188.

**Form of application**

**189** Such application shall be in the following form:

PUBLIC ACCOMMODATION

APPLICATION FOR LICENSE

I, \_\_\_\_\_ hereby make application for a license to operate a \_\_\_\_\_ in the building occupied by me situate at (state situation) \_\_\_\_\_ in the rural municipality of \_\_\_\_\_ in the Province of Saskatchewan. I am the true owner of the business and I am the owner of (or have a lease of) the premises for which this license is requested, and I am of the full age of twenty-one years.

Dated at \_\_\_\_\_  
this \_\_\_\_\_  
day of \_\_\_\_\_ 19 \_\_\_\_\_  
and signed in the presence of

.....  
*Signature*



.....  
*Signature of Applicant*

In addition to the information contained in the above form, an applicant for a license shall furnish such information as the council may require.

1928-29, c.34, s.185b; R.S.S. 1930, c.106, s.189.

**Power to issue license**

**190(1)** The council, if satisfied that the applicant is a fit and proper person to conduct a public hotel or other place of public accommodation, as the case may be, and that the premises to be used are necessary and suitable for the purpose, may by resolution instruct the secretary treasurer to issue the license applied for. Such license shall be in the following form:

PUBLIC ACCOMMODATION

LICENSE

The council of the rural municipality of \_\_\_\_\_ hereby grants to \_\_\_\_\_ this license to conduct a \_\_\_\_\_ in the premises situate at (state situation) \_\_\_\_\_ in the said municipality, which license shall continue in force till the thirty-first day of January, 19 \_\_\_\_\_, unless otherwise suspended or cancelled.

Dated at \_\_\_\_\_  
this \_\_\_\_\_  
day of \_\_\_\_\_ 19 \_\_\_\_\_ .

(Seal of Municipality)



.....  
*Signature of Secretary  
Treasurer*

- (2) The fee payable in advance for a license for a public hotel shall be such as the council may determine, but it shall not exceed \$1.
- (3) The provisions of section 270 shall not apply to this fee.
- (4) The fee payable in advance for a license for a boarding house or restaurant shall be such as the council may determine.

1928-29, c.34, s.185c; R.S.S. 1930, c.106, s.190.

#### **Application for renewal of licenses**

**191** Every annual application for the renewal of a license shall be filed with the secretary treasurer and all such applications shall be dealt with by the council in the manner herein provided for first applications.

1928-29, c.34, s.185d; R.S.S. 1930, c.106, s.191.

#### **Licenses framed and exhibited**

**192(1)** Every person licensed to conduct a public hotel or other place of public accommodation shall cause his license to be framed and continuously exhibited in a conspicuous public position on the licensed premises.

(2) Any licensee who fails to comply with the provisions of this section shall be liable on summary conviction to a penalty not exceeding \$25 and costs.

1928-29, c.34, s.185e; R.S.S. 1930, c.106, s.192.

#### **Sign exhibited**

**193(1)** Every person licensed to conduct a public hotel shall place over the door of the main entrance to the premises a sign on which shall be painted in conspicuous characters the words "Public Hotel".

(2) Any licensee who fails to comply with the provisions of this section shall be liable on summary conviction to a penalty not exceeding \$100 and costs.

1928-29, c.34, s.185f; R.S.S. 1930, c.106, s.193.

#### **Penalty for misrepresentation by unlicensed person**

**194** Any person not a licensee of a public hotel who causes to be displayed in or on any building or in any manner connected therewith any document or other paper purporting to be a license as herein provided, or any sign intended to cause the public to believe that such building is a public hotel or that the owner or any occupant thereof has been licensed to conduct the same as a public hotel, shall be liable on summary conviction to a penalty not exceeding \$100 and costs or in default of payment thereof to imprisonment for one month.

1928-29, c.34, s.185g; R.S.S. 1930, c.106, s.194.

#### **Notice of bylaw**

**195(1)** The secretary treasurer shall, when the council has made provision by bylaw for licensing public hotels or other places of public accommodation, give public notice of the same in such manner as the council may determine.

(2) Within thirty days from the date of publication of such notice every person, who owns, conducts or manages a public hotel or other place of public accommodation required to be licensed, shall apply to the council for a license.

(3) Any person, who, after the expiration of sixty days from the date of publication of such notice, owns, conducts or manages a public hotel or other place of public accommodation required to be licensed by the council, without having applied for and obtained a license, shall on summary conviction be liable for a first offence to a penalty not exceeding \$25 and costs, and for a second and every subsequent offence to a penalty not exceeding \$60 and costs.

1928-29, c.34, s.185h; R.S.S. 1930, c.106, s.195.

**Conduct of hotels regulated**

**196** Every public hotel or other place of public accommodation licensed hereunder shall be conducted in accordance with bylaws enacted by the council in that behalf.

1928-29, c.34, s.185i; R.S.S. 1930, c.106, s.196.

**Suspension or cancellation of license**

**197** The council may cancel or suspend for such time as it may deem advisable any license granted to a place of public accommodation, but no such cancellation or suspension shall take place until the licensee has been given a full opportunity to be heard regarding any complaint that may have been lodged with the council with respect to the conduct of the licensee or of the premises under his control.

1928-29, c.34, s.185j; R.S.S. 1930, c.106, s.197.

**Service and effect of notice of cancellation**

**198(1)** Written notice of every such cancellation or suspension shall be forthwith served by the secretary treasurer on the licensee personally or on some one in his employ, and upon receipt of such notice it shall be the duty of such licensee or employee to forthwith remove the license and the sign referred to in sections 192 and 193.

(2) Any licensee or employee who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction, to a penalty not exceeding \$100 and costs, or in default of payment to imprisonment for fourteen days.

1928-29, c.34, s.185k; R.S.S. 1930, c.106, s.198.

**Council has discretion**

**199** The granting or refusing of a license to any person or the revoking of a license shall be in the discretion of the council, and it shall not be bound to give any reason for such refusal or revocation, and its action shall not be open to question or review by any court.

1928-29, c.34, s.185l; R.S.S. 1930, c.106, s.199.

**Aid to public rest and reading room, etc.**

**200(1)** For the purpose of aiding in the establishment of a public rest and reading room in any public hotel or other place of public accommodation in the municipality or in any town or village, and of providing for the care of any library the council may desire to install, the council may pay out of its general revenues to the licensee of such hotel or place of public accommodation, such sums as may be deemed advisable but not exceeding \$30 annually for each division of the municipality.

(2) For the purpose of better carrying out the provisions of this section the council may enter into an agreement with other municipal councils and with the licensee of any public hotel or other place of public accommodation for the purposes mentioned, and such agreement shall set forth the terms and conditions under which and the times when the grants or payments herein provided for shall be payable to such licensee.

1928-29, c.34, s.185m; R.S.S. 1930, c.106, s.200.

**Notice displayed in public hotels, etc.**

**201(1)** There shall be displayed in a conspicuous place in the main office or public room of every public hotel or other place of public accommodation, licensed as such under the provisions of this Act, a notice bearing in plain characters that may be easily read the following words: "The keeping or consuming of intoxicating liquors on any part of these premises other than a private guest room, is prohibited by law."

(2) The proprietor or manager of any such licensed public hotel or other place of public accommodation who fails or neglects to have and to keep the said notice displayed as provided by this section shall be guilty of an offence and liable on summary conviction to a penalty of \$50 and in default of payment to imprisonment for thirty days.

1928-29, c.34, s.185n; R.S.S. 1930, c.106, s.201.

## TAXATION OF SUBDIVISIONS

**Compromise and remission in certain cases**

**202(1)** in case:

- (a) any part of the area of a rural municipality has been subdivided in accordance with a registered plan, and assessed in lots or blocks according to such subdivision;
- (b) the taxes upon the subdivision, or any portion thereof, remain unpaid after the expiration of the year for which such taxes were imposed; and
- (c) it appears to the council that the subdivision or the portion upon which the taxes are in arrears is not required for building purposes and will not be developed in the immediate future;

the council may, subject to the approval of the Local Government Board, compromise the claim of the municipality for the taxes in arrear, and remit so much thereof as it may deem expedient.

(2) Save as provided in subsection (3), nothing herein contained shall apply to land which has been sold under *The Arrears of Taxes Act*, or affect the rights or interests of purchasers or others in such lands.

(3) Where land mentioned in subsection (1) has been sold under *The Arrears of Taxes Act* and the municipality has become the purchaser thereof, the council may exercise the powers given by the said subsection (1), as in other cases.

(4) No remission of supplementary revenue rates shall be effectual until approved by the Provincial Treasurer.

1928-29, c.34, s.186; R.S.S. 1930, c.106, s.202.

**Compromise with respect to taxes**

**203** In any case not covered by section 202 where there are arrears of taxes and the council deems it expedient to compromise the claim of the municipality therefor, it may do so with the consent of the minister.

1928-29, c.34, s.187; R.S.S. 1930, c.106, s.203.

**Compromise of school taxes**

**204** The council and the board of trustees of any school district wholly or partly situated within the limits of the municipality may, with the consent of the minister, agree upon a compromise of the claim of the district for school taxes in respect of which the municipality is in arrear and the municipality shall thereupon be released from any liability to the district for such taxes beyond the sum which may have been so agreed upon.

1928-29, c.34, s.188; R.S.S. 1930, c.106, s.204.

## SUNDAY STREET CARS

**Powers of council**

**205(1)** The council of a municipality shall have power to pass a bylaw declaring that section 243 of *The Saskatchewan Railway Act* shall cease to apply to the operation within the municipality of any street railway, tramway or electric railway; and on, from and after the coming into force of the bylaw, until the same is repealed as provided for by subsection (2), the said section 243 of *The Saskatchewan Railway Act* shall cease to apply to the operation within the said municipality of any street railway, tramway or electric railway.

(2) The council shall also have power to pass a bylaw repealing any bylaw provided for by subsection (1); and on, from and after the coming into force of the bylaw the said section 243 of *The Saskatchewan Railway Act* shall apply to the operation within the municipality of any street railway, tramway or electric railway.

(3) Every bylaw provided for by this section shall receive the assent of a majority of the persons voting thereon.

(4) The persons qualified to vote upon a bylaw shall be the persons whose names appear on the last revised voters' list of the municipality.

(5) All the provisions of this Act respecting bylaws requiring the assent of the electors shall, in so far as they are not inconsistent with the provisions of this section, apply *mutatis mutandis* to the proceedings upon a vote under the provisions of this section.

1928-29, c.34, s.189; R.S.S. 1930, c.106, s.205.

## OPENING OF CERTAIN ROADS

### Deposit on application to open certain roads

**206** If any person petitions the council for the opening of a road through land and the council is of the opinion that the road may be reasonably opened for the convenience and benefit of such person but is not required in the interest of the public generally, the council may require the applicant to deposit with the treasurer such sum as it considers sufficient to cover the cost of opening the road and paying compensation in connection therewith, and if the road or any road which in the opinion of the council will be of equal or nearly equal convenience and benefit to the applicant is thereafter opened, the sum so deposited or so much thereof as may be necessary may be applied towards paying the expenses of opening the road and paying compensation in connection therewith, and any balance which remains shall be repaid to the applicant.

1928-29, c.34, s.190; R.S.S. 1930, c.106, s.206.

## INDUSTRIAL BONUSES PROHIBITED

### Bonus, etc., prohibited

**207** No council of any municipality shall have power:

1. To grant a bonus or other aid to any person, company or corporation for the construction, establishment or operation of a manufactory, mill, railway or any other business or concern whatever either within or without the municipality;
2. To exempt from taxation any such manufactory, mill, railway or other business or concern;
3. To subscribe for stock in or to guarantee the bonds, debentures or other securities of any such railway or other company.

1928-29, c.34, s.191; R.S.S. 1930, c.106, s.207.

## APPORTIONMENT OF EXPENDITURE

### Amount and method of apportionment

**208(1)** Subject to the provisions of subsection (2), the council shall cause at least one-half of the total amount estimated to be expended in the municipality upon public works during the year, exclusive of the proceeds of a sale of debentures, to be apportioned among the divisions thereof in accordance with the assessed value of the taxable property therein respectively, as shown by the last revised assessment roll, and the amount so apportioned to each division shall be expended on public works in that division.

(2) The council may, by resolution unanimously adopted at a meeting at which every member is present, decide that the amount so to be apportioned shall be reduced or declare that the provisions of subsection (1) shall not apply to the municipality; provided that the council may, by subsequent resolution so adopted, declare that the said provisions shall again apply.

(3) Any member of a council who expends or authorises the expenditure of municipal funds upon or with respect to any public work in the municipality, or for supplying materials or labour for such work, shall, unless he has first been empowered so to do by bylaw or resolution of the council, be liable on summary conviction, for every such offence, in addition to liability in a civil action by the municipality or any ratepayer thereof, to a fine of not less than \$10 nor more than \$100 and costs, and in default of payment to imprisonment for any term not exceeding two months:

**Proviso**

Provided that the council may by resolution authorise any councillor, subject to the written approval of the reeve, to expend in addition to the amount apportioned under subsection (1) during the year an amount not exceeding in the whole \$100 in the repair of public works or improvements urgently needed.

1928-29, c.34, s.192; 1930, c.34, s.20; R.S.S.  
1930, c.106, s.208.

## NOXIOUS WEEDS

**Duties of council**

**209** Every municipal council shall do such things and perform such duties as may be required from time to time for the purpose of carrying out the provisions of *The Noxious Weeds Act*.

1928-29, c.34, s.193; R.S.S. 1930, c.106, s.209.

**Amount expended added to taxes**

**210(1)** The amount expended in the destruction of noxious weeds on any parcel of land, shall forthwith be added to and form part of the taxes upon the parcel of land on which, or on the road allowance adjoining which, the work was done.

(2) No expense in excess of \$200 shall be incurred for the destruction of noxious weeds and in weed control measures except in the case of perennial sow thistle when an expense not exceeding \$300 may be incurred, on any quarter section of land, including the adjoining road allowance, in any year.

1928-29, c.34, s.195; 1930, c.34, s.22; R.S.S.  
1930, c.106, s.210.

**Certificates prima facie evidence of expenditure**

**211** A certificate purporting to be signed by the treasurer, to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described therein, shall be *prima facie* evidence that the amount named has been so expended, but if the cost of the work exceeds \$25 per quarter section the owner shall be entitled to receive a statement of the work done with respect to such land and a further statement signed by the reeve to the effect that he has personally inspected the property after completion of the work and finds that the work has been satisfactorily done and the charge made fair and just.

1928-29, c.34, s.196; R.S.S. 1930, c.106, s.211.

**Penalty goes to municipality**

**212** Every fine, penalty and forfeiture imposed by *The Noxious Weeds Act* for a violation of any of its provisions shall be payable to the municipality whose council takes the necessary steps to enforce such fine, penalty or forfeiture, as the case may be.

1928-29, c.34, s.197; R.S.S. 1930, c.106, s.212.

**Power to purchase and sell or distribute chemicals**

**213** The council may by bylaw provide for the purchase of chemicals or chemical preparations for the destruction of noxious weeds, and for the sale or distribution thereof to owners and occupants of lands within the municipality upon such terms and conditions as are mentioned in the bylaw.

1928-29, c.34, s.197a; 1930, c.34, s.23; R.S.S.  
1930, c.106, s.213.

## HIGHWAYS AND PUBLIC PLACES

**Title to street, etc.**

**214** The title to all public roads, highways, streets, and lanes in every municipality is hereby declared to be vested in the Crown in the right of the province, and every such public road, highway, street and lane shall, subject to the provisions of section 29 of *The Highways Act*, be under the direction, control and management of the council of the municipality in which it is situated.

1928-29, c.34, s.198; R.S.S. 1930, c.106, s.214.

**Powers of Minister of Highways**

**215** The Minister of Highways shall at all times have the right to enter any municipality for the purpose of constructing, erecting, maintaining or repairing any public improvement as defined by *The Highways Act*.

1928-29, c.34, s.199; R.S.S. 1930, c.106, s.215.

**Council keeps public places in repair**

**216(1)** Every council shall keep in repair all public roads, highways, streets and lanes, and also all public bridges, culverts, dams and reservoirs and the approaches thereto which have been constructed or provided by the municipality or by any person with the permission of the council, or which have been constructed or provided by the province; and in default of the council so doing the municipality shall be civilly liable for all damage sustained by any person by reason of such default.

(2) Notwithstanding anything in subsection (1), the municipality shall not be responsible for any damages sustained by any person by reason of the disrepair or nonrepair of any provincial highway, as defined in *The Highways Act*.

1928-29, c.34, s.200; R.S.S. 1930, c.106, s.216.

**Limitation of time for action**

**217** No action shall be brought under the provisions of section 216 except within six months from the date upon which the cause of action arose, and unless notice of such action shall have been given to the secretary of the municipality within one month after the date upon which the damage was caused.

1928-29, c.34, s.201; R.S.S. 1930, c.106, s.217.

**Erection and maintenance of bridges**

**218** Where a river, stream, pond or lake forms a boundary line between the municipality and another rural municipality, the councils of the adjoining municipalities shall have power to construct bridges across such river, stream, pond or lake in the manner and at the places to be determined by bylaws passed by both, and such bridges shall be maintained and kept in repair jointly by the municipalities and shall be under their joint jurisdiction and control.

1928-29, c.34, s.202; R.S.S. 1930, c.106, s.218.

**Maintenance of other bridges**

**219** Such municipalities shall also jointly maintain and keep in repair and shall have under their joint jurisdiction and control all public bridges between them which have been constructed or provided by any person with the permission of the councils, or which have been constructed or provided by the province.

1928-29, c.34, s.203; R.S.S. 1930, c.106, s.219.

**In case of dispute minister apportions expenses**

**220** If the municipalities interested in the construction or maintenance of a bridge are unable to agree as to their minister joint action in constructing, managing or keeping the same in repair, or as to the share of the cost of construction or the expense of maintenance or repair to be borne by each, the Minister of Highways may, on the application of one or both of the municipalities, determine the amount which each shall be required to expend and the mode of expenditure, and his decision shall be final and binding on the municipalities interested and may be enforced by either of them in any court of competent jurisdiction. Any sums overpaid by one of the municipalities for construction or maintenance may be recovered by action of debt from the other in default or neglecting to make the payments directed by the minister.

1928-29, c.34, s.204; R.S.S. 1930, c.106, s.220.

**Minister decides disputes**

**221** All matters of difference between two municipalities as to the maintenance or repair of a bridge between them shall be decided by the Minister of Highways upon the application of either; and his decision shall be final and binding on the municipalities and may be enforced by either of them in any court of competent jurisdiction.

1928-29, c.34, s.205; R.S.S. 1930, c.106, s.221.

**Joint liability**

**222** Where adjoining municipalities are required to keep a bridge in repair they shall be jointly liable, in case of default, for all damages sustained by any person by reason of such default.

1928-29, c.34, s.206; R.S.S. 1930, c.106, s.222.

## CARE OF SICK AND DESTITUTE

**Care of indigent sick persons**

**223(1)** The council of every municipality shall make due provision for the care and treatment of any indigent person who has been a resident of the municipality for at least thirty days, who falls ill and requires medical attendance and treatment.

(2) In this section and the following sections the expression “indigent person” means a person who is actually destitute of means, from his own resources, of obtaining necessary medical attendance and treatment.

(3) All provision for medical care and treatment of indigent persons shall be made by means of a written order.

(4) Such written order may be dispensed with in respect of medical advice, attendance or medicines given by a medical practitioner at a first visit, if the medical practitioner concerned certifies that the case was, or that he was informed that the case was, one of sudden and urgent necessity.

(5) A council may delegate its duties under this section to a committee consisting of one or more of its members and may authorise each member of such committee to issue the written orders mentioned in subsection (3).

1930, c.34, s.24; R.S.S. 1930, c.106, s.223.

**Medical practitioner**

**224** Notwithstanding anything contained in section 223, any council may enter into an agreement with one or more medical practitioners for the care and treatment of all such persons upon such terms and conditions as may be agreed upon.

1930, c.34, s.25; R.S.S. 1930, c.106, s.224.

**Demand by hospital board**

**225(1)** If any such person is, on the request of the council, admitted as a patient by a hospital which receives aid from the general revenue of the province, or in case of emergency without such request, the board of the hospital may demand from the council a sum not exceeding \$2.50 per day for each day’s actual treatment and stay of the patient therein:

Provided that:

(a) the hospital board has notified the council, within fifteen days after the admission of the patient, of the fact of such admission and that the board will claim from the municipality compensation for his care and treatment under this Act; and

(b) such demand is made within thirty days after the discharge or death of the patient;

(c) the board, within fifteen days after the admission of the patient or at as early a date as practicable, furnishes the council with the statement mentioned in subsection (5).

- (2) In case:
- (a) an indigent person has resided for a less period than thirty days in the municipality in which he falls ill;
  - (b) such person is admitted as a patient by a hospital falling within the terms of subsection (1), either with or without a request from the council hereinafter referred to; and
  - (c) the hospital board has complied with clauses (a), (b) and (c) of the proviso to subsection (1);

the hospital board may demand payment for such person's treatment and stay, at the rate above mentioned, from the council of the city, town, village or rural municipality in which he was last resident for a period of at least thirty days.

(3) In case a patient has not furnished the board with the correct name of the municipality in which he resides, and the board has in consequence failed to notify the council of that municipality as required by clause (a) of subsection (1) within the time thereby limited, or has failed to furnish the statement mentioned in clause (c) of subsection (1) within that time, the board may give the notice or furnish the statement at any time within fifteen days after discovering the true residence of the patient.

(4) In case the person mentioned in subsection (2) has come into the province from an outside point to work as a harvest hand, having paid for his transportation at a special rate allowed to harvest hands, the hospital board may demand payment from the council of the city, town, village, or rural municipality in which he last worked for a period of thirty days, or in case there is none such, from the council of the municipality in which he last worked.

(5) It shall be the duty of the board, upon the admission of an indigent person to the hospital, to obtain from such person or from other available sources, if possible, the following information, namely, the name and address of the patient, the name of the municipality in which he resides, the names and addresses of the parties, if any, for whom he worked during the sixty days immediately preceding his admission to the hospital, a brief description of any land of which he may be the owner or occupant, and the means he has of paying the hospital charges for his care and treatment; and to furnish a statement of such information, certified correct, to the secretary treasurer of the rural municipality from whom the board expects payment of its account.

(6) In this section and in sections 227 and 228 the word "hospital" includes a Red Cross Outpost.

1928-29, c.34, s.208; 1930, c.34, s.26; R.S.S.  
1930, c.106, s.226.

**Indigent admitted to hospital in another province**

**226(1)** Subject to the provisions of subsection (2), if an indigent person who falls ill, and who has been resident in a municipality for at least thirty days, is admitted to a hospital in another province which receives aid from the general revenues of that province, the council of the municipality shall pay to the hospital board its charges for the care and treatment of such person, not exceeding \$2 per day of his stay in the hospital.

(2) When the Lieutenant Governor in Council is satisfied that reciprocal provisions have been made or will be made by the Legislature of another province he may by order declare the provisions of subsection (1) to be in force and to apply to that province.

1928-29, c.34, s.209; 1930, c.34, s.27; R.S.S.  
1930, c.106, s.226.

**Recovery of payment from patient**

**227(1)** Any sum paid by the municipality to a hospital under section 225 or 226 and any expenses otherwise incurred for medical care and treatment under section 223 may be recovered from the patient, or from the husband or wife of the patient, or from the father or mother of the patient where the patient is a child dependent upon such father or mother for support, by action or by distraint by the treasurer of the municipality, and in the event of the death of the patient the council may recover from his administrators and executors the said sum.

(2) The municipality shall have a charge upon the land of the patient, or of the husband or wife of the patient, or of the father or mother of the patient where the patient is a child dependent upon such father or mother for support, for expenses incurred under section 223, 225 or 226, or this section, and may file a caveat for the protection of such charge in the proper land titles office.

(3) Such charge shall have precedence over all other incumbrances against the land, except taxes and sums which by law may be charged against the land in the same manner as taxes, and except first mortgages, whether they are first mortgages at the time when the caveat is lodged or become so by the discharge of previous mortgages.

(4) In case the treasurer of the municipality distrains under subsection (1) for sums paid by the municipality as therein mentioned, the procedure upon such distress shall be the same as is prescribed by subsection (3) of section 339 of this Act, and any surplus remaining after payment of the claim of the municipality and the costs of distress and sale shall be paid over to the owner of the goods and chattels distrained.

(5) The costs chargeable in respect of such distress and sale shall be those allowed in the schedule to *The Distress Act*.

1928-29, c.34, s.210; R.S.S. 1930, c.106, s.227.

**Agreement between council and hospital**

**228** Notwithstanding anything contained in sections 225 and 227 any council may if it thinks fit enter into an agreement with the board or management of any hospital whereby such board or management will undertake to care for and treat all such patients of the municipality for an annual sum or at a fixed rate per day upon such conditions and restrictions as may be agreed upon.

1928-29, c.34, s.211; R.S.S. 1930, c.106, s.228.

**Statement by Saskatchewan Antituberculosis League**

**229** On or before the first day of March in each year the Saskatchewan Antituberculosis League shall mail to the secretary treasurer of the municipality a notice showing the portion of the net estimated expenditure of the League for the current year to be borne by the municipality, and giving the additional information mentioned in section 26 of *The Tuberculosis Sanatoria and Hospitals Act*.

1928-29, c.34, s.212; R.S.S. 1930, c.106, s.229.

**Payment by municipality**

**230** The council shall pay to the League one-half of the amount shown on the notice mentioned in section 229 on or before the thirtieth day of June and the balance on or before the thirty-first day of December of the current year.

1928-29, c.34, s.213; R.S.S. 1930, c.106, s.230.

**Power to make special levy**

**231** Sums required for the purposes of section 230 may be included in the general municipal levy or may be raised by special levy. In the latter case the tax shall be levied in the same manner as the general municipal rates and all the provisions of this Act respecting the assessment and collection of taxes including penalties for non-payment and provisions for enforcing payment of the same, and the provisions of *The Arrears of Taxes Act*, shall apply to such tax in the same manner and to the same extent as if it were part of the general municipal levy.

1928-29, c.34, s.213a; R.S.S. 1930, c.106, s.231.

**Taxes recoverable**

**232** All taxes due by the municipality remaining unpaid to the League after the dates fixed by section 230 for payment of the same, shall be a debt due by the municipality to the League, bearing interest at the rate of eight per cent per annum from the said dates, and may be recovered, with accrued interest, by a suit in the name of the League.

1928-29, c.34, s.213b; R.S.S. 1930, c.106, s.232.

**Bylaw for agreeing with union hospital**

**233(1)** The council of any municipality which is represented on a union hospital board or the whole or a portion of which is included within a union hospital district may, at a regular meeting or at a special meeting called for the purpose, resolve to submit to the electors of the municipality or of the portion so included, as the case may be, a bylaw empowering the council to enter into an agreement with the hospital board for the care and treatment at the expense of the municipality of such classes of persons as may be deemed advisable; and may submit the same to the electors of the municipality or of the portion so included, as the case may be, for their approval as hereinafter mentioned.

(2) Upon receipt of a petition to that effect, signed by not less than twenty-five resident ratepayers of the municipality or of the portion included within a hospital district, a bylaw for the purpose mentioned in subsection (1) shall be introduced and given its first and second readings as soon as possible thereafter, and the council shall submit the same to the electors to be voted upon.

(3) Upon receipt before the first day of November in any year, of a petition to that effect, signed by not less than twenty-five per cent of the resident ratepayers of the municipality, or of the portion included within the hospital district, the council shall submit to be voted upon at the next ensuing annual election a bylaw repealing any bylaw passed under the foregoing provisions of this section.

(4) Such repealing bylaw shall receive its first and second readings as soon as possible after receipt of the petition mentioned in subsection (3).

1928-29, c.34, s.214; R.S.S. 1930, c.106, s.233.

**How vote taken**

**234** The vote upon a bylaw under section 233 shall be taken in the same manner as the vote upon a debenture bylaw when a poll has been demanded, and the provisions of sections 245 to 251 shall apply thereto *mutatis mutandis* except that the form of the notice mentioned in section 246 need not be prescribed or approved by the Local Government Board.

1928-29, c.34, s.215; R.S.S. 1930, c.106, s.234.

**Agreement**

**235** When a bylaw has been submitted to the electors under subsection (1) or (2) of section 233 and carried, the council of the municipality may enter into an agreement with the union hospital board providing for the care and treatment, at the expense of the municipality, of such classes of person as may therein be designated, and upon such other terms and conditions as may be deemed expedient.

1928-29, c.34, s.216; R.S.S. 1930, c.106, s.235.

**Continuing authority**

**236** The authority given to the council by a bylaw under section 233 providing for care and treatment shall be a continuing authority until such bylaw has been repealed in the manner provided by the said section, and the council acting thereunder may in each year during its continuance levy a tax upon all taxable property within the municipality or within the portion thereof included within the hospital district, as the case may be, for the purpose of paying the annual sum agreed upon or the amount of the fees chargeable during the year by the hospital under the agreement.

1928-29, c.34, s.217; 1930, c.34, s.28; R.S.S.  
1930, c.106, s.236.

**Burial of destitute persons**

**237(1)** The council shall make provision for the decent burial of the bodies of destitute and friendless persons who have died within the municipality, or who have died in hospital while under the care of the municipality, but the amount expended for such purpose in any one case shall not exceed \$50.

(2) Should any such person die leaving goods within the municipality, the expense of burial may be recovered by the treasurer by distraint and sale of the same.

(3) Should any such person die possessed of an interest in land, the municipality shall have a charge upon the land for the expense of burial, and may lodge a caveat for the protection of such charge in the proper land titles office.

(4) Should any destitute and friendless person who has been resident in the municipality for a less period than thirty days die there, the council may recover the burial expenses from the city, town, village or rural municipality in which the deceased person was last resident for a period of at least thirty days.

1928-29, c.34, s.218; 1930, c.34, s.29; R.S.S.  
1930, c.106, s.237.

**Security for advances to destitutes**

**238(1)** Where:

- (a) money is advanced by way of charity or relief to or expended for the benefit of a person, who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him; or
- (b) such person becomes indebted to the municipality for board and lodging, care or treatment in an institution owned by or receiving aid from the general revenues of the province;

the municipality may take a conveyance of such land and of any goods and chattels thereon and may operate the same as a farm or lease it, or may take security upon the land and goods and chattels for the amount advanced or expended.

(2) Land taken over by the municipality under subsection (1) shall remain liable to taxation and, on the death of the former owner or the surrender of the property by him to the municipality, the municipality may sell or dispose thereof and apply the proceeds in payment of the amount so advanced or expended, or of the sum or balance by which such person or his estate has become and remains indebted, together with all unpaid taxes accrued thereon, after giving all proper credits, with interest thereon at the rate of six per cent per annum and the costs of the sale; and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person, or, in case of surrender, to such person on demand.

1928-29, c.34, s.219; R.S.S. 1930, c.106, s.238.

## PART VI

### Municipal Loans

#### TEMPORARY

**Temporary loans**

**239(1)** The council of every municipality, except as hereinafter provided, may from time to time by resolution authorise the reeve and treasurer to borrow from any person, bank or corporation such sums as maybe required to meet the current expenditures of the municipality until the taxes for the current year are available; and such resolution shall regulate the amount to be borrowed and the rate of interest to be paid.

(2) Every such loan shall be a first charge upon the taxes for the year in which the loan is made, and may be secured by promissory note of the reeve and treasurer given under the seal of the municipality and on behalf of the council.

(3) In any calendar year the total amount of all loans thus made shall not exceed 60 per cent of the total taxes levied by the municipality for the preceding year.

(4) The council may, at any time within twelve months after its organisation, in anticipation of the collection and payment of the general taxes for the then current year, borrow moneys from time to time on the credit of the municipal rates to an amount not exceeding one-half of the total estimated revenues of the municipality for the year.

1928-29, c.34, s.220; R.S.S. 1930, c.106, s.239.

**Temporary loan on school taxes**

**240(1)** In addition to the powers conferred by section 239, the municipality may borrow for the current expenditure of a school district situated wholly or partly within the municipality to an amount not exceeding eighty per cent of the estimated total of the taxes to be collected for such district in the current year, and the provisions of subsections (1) and (2) of section 239 shall, with the necessary changes, apply thereto.

(2) In any case where the municipality requires to borrow the amounts to be paid to a rural or village school district under section 319, the interest on such loan shall be payable up to the thirty-first day of December by the school district to the municipality. After the thirty-first day of December any penalties accruing in respect of unpaid school taxes shall belong to the municipality.

1928-29, c.34, s.221; 1930, c.34, s.30; R.S.S.  
1930, c.106, s.240.

**DEBENTURE LOANS****Debenture bylaws**

**241(1)** When the council of a municipality desires to borrow money for all or any of the following objects, namely:

- (a) purchasing or constructing a road, highway, bridge, ferry or other municipal public work;
- (b) purchasing or otherwise acquiring any land, gravel pit, right-of-way, easement or other interest in land;
- (c) draining any portion of the municipality;
- (d) providing a supply of water for any portion of the municipality;
- (e) purchasing or otherwise acquiring machinery, tools or implements;
- (f) assisting in the erection or enlargement of a hospital either within or without the limits of the municipality;
- (g) purchasing, erecting, improving, altering, adding to or furnishing a building;
- (h) granting a sum not exceeding \$3,000 to assist in the erection of a building to be used as a Red Cross Outpost;

it shall pass a bylaw for the purpose in form to be prescribed by the Local Government Board, or to the like effect.

(2) Prior to or forthwith after the first reading of the bylaw providing for the loan the council shall apply to the Local Government Board for its authorisation of the loan.

(3) Notice of such authorisation shall be published in *The Saskatchewan Gazette*.

1928-29, c.34, s.222; R.S.S. 1930, c.106, s.241.

**Notice to electors**

**242(1)** Within fifteen days from the passing of the bylaw the council shall give notice to the electors of its intention to borrow the amount specified in the bylaw and on the conditions therein set forth.

(2) Every such notice shall be in the form prescribed by the board, and shall be given by notices posted in the manner provided by section 79 and shall state the day of posting the same.

1928-29, c.34, s.223; R.S.S. 1930, c.106, s.242.

**Notice concerning poll on debenture**

**243(1)** Within fifteen days from the date of posting the notices, any ten electors may demand a poll of the electors for and against the said bylaw and such poll shall be held as provided by sections 245 to 251.

(2) Every demand for a poll shall be delivered to the secretary, or in his absence to the reeve, and a certified copy of such demand shall be forthwith transmitted to the Local Government Board.

1928-29, c.34, s.224; R.S.S. 1930, c.106, s.243.

**Certificate from secretary to minister *re* passing of bylaw**

**244** In the event of a poll not being demanded as hereinbefore provided, the secretary shall forthwith transmit to the Local Government Board:

- (a) a certified copy of the bylaw under the seal of the municipality;
- (b) a certified copy of the notice provided in section 242, and one or more statutory declarations proving the posting of the notice and that a poll has not been demanded;
- (c) a statutory declaration showing the total area of assessable land in the municipality as shown by the last revised assessment roll thereof.

1928-29, c.34, s.225; R.S.S. 1930, c.106, s.244.

**Poll taken**

**245(1)** In the event of a poll being demanded as provided by section 243, the council shall by resolution fix a time for holding the same, appoint a returning officer, name a polling place for each division, appoint a deputy returning officer for each polling place, and appoint a time and place when and where the returning officer shall sum up the votes given for and against the bylaw.

(2) If the council deems it advisable, such poll may be held on the day herein fixed for the annual election of reeve and councillors.

1928-29, c.34, s.226; R.S.S. 1930, c.106, s.245.

**Notice of poll**

**246** Notice of the poll shall be published at least fourteen clear days before the date of voting in the manner prescribed by section 79, and every such notice shall be in the form prescribed by the Local Government Board.

1928-29, c.34, s.227; R.S.S. 1930, c.106, s.246.

**Proceedings of poll, etc.**

**247** At the day and hour fixed by the notice a poll shall be taken in each division of the municipality, and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof, including a recount, shall be conducted in the same manner as nearly as may be as at an election for reeve and councillors.

1928-29, c.34, s.228; R.S.S. 1930, c.106, s.247.

**Ballot paper**

**248** The ballot papers for voting on the bylaw shall be in the following form:

|         |
|---------|
| BYLAW   |
| FOR     |
| AGAINST |

1928-29, c.34, s.229; R.S.S. 1930, c.106, s.248.

**Agents at poll**

**249** On the application of any person interested in promoting or opposing the bylaw, the reeve shall authorise the attendance of two persons, on behalf of the party applying, at each polling place and at the final summing up of the votes.

1928-29, c.34, s.230; R.S.S. 1930, c.106, s.249.

**Elector votes once only**

**250(1)** Every elector shall be entitled to vote once only upon the bylaw.

(2) An elector residing within the municipality, who owns land in more than one division, shall vote in the division in which he resides if he owns land in that division. An elector residing in one division of the municipality who owns land only in one other division shall vote in the division in which the land is situated. An elector who resides outside the municipality and whose name appears on the voters' list for more than one division, or who resides within the municipality and whose name appears on the voters' list for more than one division but who does not reside in any of such divisions, shall vote in that division only which he has selected by notice in writing given to the secretary treasurer before casting his ballot.

(3) Such notice may be deposited with the deputy returning officer for the secretary treasurer, and such deposit shall have the same effect as if the notice had been served upon the secretary treasurer personally. The deputy returning officer shall forward all such notices with his return to the returning officer, who shall transmit the same to the secretary treasurer, together with the ballot boxes and statements, as required by section 127.

(4) An elector who has given the notice mentioned in subsection (3) shall be bound thereby and shall not vote in any other division as long as he remains on the voters' list for the division which he has designated on the notice, and the wife of such elector, if living with her husband, shall be similarly bound.

(5) Any person whose name appears on the voters' list for more than one division, who votes in a division which he has not selected by notice in writing as hereinbefore required, shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$5 nor more than \$25.

1928-29, c.34, s.231; R.S.S. 1930, c.106, s.250.

**Declaration of result**

**251(1)** After the returning officer has, at the time and place appointed by the council and in the presence of those authorised to attend or such of them as may be present, counted and summed up the number of votes for and against the bylaw according to the provisions of section 124 he shall then and there declare the result and forthwith certify to the council under his hand whether two-thirds of the electors entitled to vote who have voted on the bylaw approved of the same.

(2) In case two-thirds of the electors entitled to vote who have voted on the bylaw approved of the same, the bylaw shall be declared carried.

1928-29, c.34, s.232; R.S.S. 1930, c.106, s.251.

**Certificate from secretary concerning passing of bylaw**

**252** In the event of a recount not being applied for within the time specified by section 131, the secretary shall forthwith forward to the Local Government Board:

- (a) a certified copy of the bylaw under the seal of the municipality;
- (b) a certified copy of the notice provided in section 242 and one or more statutory declarations proving the posting of the notice;
- (c) a statutory declaration showing the total area of assessable land in the municipality as shown by the last revised assessment roll thereof;
- (d) a certified copy of the returning officer's statement as to the result of the poll;

and in the event of a recount being applied for the secretary, after such recount has been held, shall transmit to the Local Government Board the aforesaid documents together with a certified copy of the written statement of the judge as to the result of such recount.

1928-29, c.34, s.233; R.S.S. 1930, c.106, s.252.

**Authorisation of bylaw Local Government Board**

**253** Upon receipt of the documents referred to in section 244 or in section 252, as the case may be, and if satisfied that the requirements of this Act have been substantially complied with, the Local Government Board may sign and seal the debentures as provided in *The Local Government Board Act*.

1928-29, c.34, s.234; R.S.S. 1930, c.106, s.253.

**Issue of debentures**

**254** Whenever the council of a municipality is authorised by the Local Government Board to borrow any sum of money as herein provided, the council may thereupon issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorised, or of any less sum upon the terms specified in the bylaw; and the debenture or debentures and the coupons thereto attached, when signed by the reeve and secretary treasurer of the municipality and the debenture or debentures sealed with the corporate seal thereof and signed and sealed by the Local Government Board, and in addition countersigned by the minister or deputy minister as hereinafter provided, shall be sufficient to bind the municipality and create a charge or lien upon all municipal property and rates and taxes in the municipality.

1928-29, c.34, s.235; R.S.S. 1930, c.106, s.254.

**Form of debentures**

**255** Every debenture issued by a municipality shall be in the following form or to the like effect:

\$ \_\_\_\_\_ Debenture No. \_\_\_\_\_

The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ promises to pay the bearer at the \_\_\_\_\_ at \_\_\_\_\_ the sum of \_\_\_\_\_ dollars of lawful money of Canada in \_\_\_\_\_ equal consecutive annual instalments with interest at the rate of \_\_\_\_\_ per centum per annum on the terms and in the amounts specified in the coupons attached hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

.....  
*Reeve*

[Corporate Seal]

.....  
*Treasurer*

**COUPONS**

Coupon No. \_\_\_\_\_ Debenture No. \_\_\_\_\_

The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ will pay to the bearer at the \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ , the sum of \_\_\_\_\_ dollars being the \_\_\_\_\_ instalment of principal with the total interest at the rate of \_\_\_\_\_ per centum per annum due on that date on municipal debenture No. \_\_\_\_\_

.....  
*Reeve*

.....  
*Treasurer*

1928-29, c.34, s.236; R.S.S. 1930, c.106, s.255.

**Limit of debenture**

**256** The amount of the debenture debt of a municipality at any time outstanding shall not be a greater sum debt than thirteen cents per acre for each acre of land assessed in the municipality as shown by the last revised assessment roll thereof.

1928-29, c.34, s.237; R.S.S. 1930, c.106, s.256.

**Rate of interest**

**257** Debentures shall not carry interest at a greater rate than 8 per centum per annum.

1928-29, c.34, s.238; R.S.S. 1930, c.106, s.257.

**Term of debentures**

**258** Debentures shall not run for a longer period than twenty years except as in the next succeeding sections provided, and may be dated at any time within twelve months from the date on which notice of the authorisation of the loan appears in *The Saskatchewan Gazette*, and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture.

1928-29, c.34, s.239; R.S.S. 1930, c.106, s.258.

**Extension of term**

**259** In the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture as provided in section 258, the debenture may run for such longer term than twenty years as may be necessary to allow of repayment of the loan in nineteen years from the date of the payment of the first instalment of principal and interest.

1928-29, c.34, s.240; R.S.S. 1930, c.106, s.259.

**Debentures registered by minister**

**260** Every debenture before being issued by the council shall be sent for registration to the minister, who shall cause a proper record to be kept of the same.

1928-29, c.34, s.241; R.S.S. 1930, c.106, s.260.

**Debenture countersigned by minister**

**261(1)** The minister shall thereupon, if satisfied that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn, register and countersign the debenture.

(2) Such counter signature shall be conclusive evidence that the municipality has been legally constituted and that all the formalities in respect of the loan and the issue of the debenture have been complied with, and the legality of the issue of the debenture shall be thereby conclusively established and its validity shall not be questionable by any court; but the same shall to the extent of the revenues of the municipality issuing it be a good and indefeasible security in the hands of any *bona fide* holder thereof.

(3) The signature of the Deputy Minister of Municipal Affairs on any debenture heretofore or hereafter to be issued shall be and is a valid and sufficient counter signature of such debenture by the minister.

1928-29, c.34, s.242; R.S.S. 1930, c.106, s.261.

**Debenture register**

**262** The treasurer of every municipality shall open and keep a book to be known as "The Debenture Register" which shall be in such form as is prescribed by the minister, and in which shall be entered full particulars of every debenture issued by the municipality.

1928-29, c.34, s.243; R.S.S. 1930, c.106, s.262.

## PART VII

**Municipal Assessment and Taxation**

## ASSESSMENT

**Property, etc., subject to taxation**

**263** Subject to the provisions hereinafter contained, the municipal taxes shall be levied upon land, buildings and business.

1928-29, c.34, s.244; R.S.S. 1930, c.106, s.263.

**Exemptions**

**264** In every municipality the property exempt from taxation shall be:

1. The interest of the Crown in any property, including property held by any person in trust for the Crown;
2. Property specially exempted by law;
3. All lands held by or in trust for the use of any tribe of Indians;
4. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of every school established under the authority of *The School Act*;
5. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;
6. The land in use as a public cemetery not exceeding twenty-five acres;
7. All land belonging to the municipality and every public square, park or nuisance ground owned by a city, town or village;
8. The buildings and grounds of agricultural societies organised under *The Agricultural Societies Act*;
9. The buildings on land strictly agricultural in its nature or use;
10. Every monument erected as a war memorial and the land used in connection therewith, not exceeding one acre.

1928-29, c.34, s.245; 1930, c.34, s.31; R.S.S.  
1930, c.106, s.264.

**Exemption**

**265(1)** If any property mentioned in paragraphs 1, 2, 3 and 7 of section 264 is occupied by any person otherwise than in an official capacity, the occupant shall be assessed therefor, but the property itself shall not be liable:

Provided that where a building or a portion of a building situate on railway or other exempted property is used for residential purposes, such building, or portion, and the land on which it is situate, shall be assessed to the person or persons occupying the same;

Provided further that no such person shall be assessed for a greater sum than \$750 in respect of any such building, or portion, and the land on which it is situate.

(2) If land exempt from taxation under section 264 ceases to be so exempt on or before the first day of July in any year, the owner or occupant shall be liable to assessment in respect of that portion of the year during which he owns or occupies the land.

1928-29, c.34, s.246; 1930, c.34, s.32; R.S.S.  
1930, c.106, s.265.

#### Forfeited lands

**266** Notwithstanding anything herein contained, any land the title of which is vested in His Majesty on account of forfeiture proceedings taken at any time under any *Local Improvements Act* or *Local Improvement Districts Act* or any *School Assessment Act* for nonpayment of taxes shall be assessed to the minister, by whom the taxes shall be paid.

1928-29, c.34, s.247; R.S.S. 1930, c.106, s.266.

#### Assessment made prior to July 1

**267(1)** As soon as may be in each year but not later than the first day of July, the assessor shall assess either the owner or the occupant of every parcel of land in the municipality and every person who is engaged in mercantile, professional or any other business in the municipality save that of a farmer, stock raiser or person otherwise engaged in agricultural pursuits, and shall prepare an assessment roll in which shall be set out as accurately as may be:

1. The name of the owner or the occupant of each lot or parcel of land in the municipality and the post office address, if known, of every such owner and occupant;
2. A brief description of each such lot or parcel of land, the number of acres which it contains and the assessed value thereof;
3. The name of every person who is engaged in mercantile, professional or any other business within the municipality save that of a farmer, stock raiser, or person otherwise engaged in agricultural pursuits.

(2) The assessment roll shall be in such form as may be prescribed by the minister, and may consist of leaves held together in book form or cards held in a suitable filing device.

1928-29, c.34, s.248; R.S.S. 1930, c.106, s.267.

#### Method of assessment

**268(1)** Subject to the other provisions of this section land shall be assessed at its fair actual value exclusive of any increase in such value caused by the erection of buildings thereon. In case the value at which any specified land has been assessed appears to be more or less than its true value, the amount of the assessment shall nevertheless not be varied on appeal, if the value at which it is assessed bears a fair and just proportion to the value at which other lands in the municipality are assessed.

(2) The buildings upon a lot or parcel of land situated in a hamlet or on land not strictly agricultural in its nature or use shall be assessed at sixty per cent of their fair value.

(3) Where the holder of lands under a grazing lease, license or permit from the Dominion government or a lease, license or permit from the Minister of Railways, Labour and Industries of Saskatchewan for the purpose of fur farming, is taxed in respect of his occupancy, or of his beneficial or equitable interest therein, the value of such interest for the purpose of assessment and taxation shall not exceed \$2 per acre.

(4) The holder of a timber berth under license from the Dominion Government may be assessed in respect of his beneficial or equitable interest in the lands described in the license, and for the purpose of assessment and taxation the value of such interest shall not exceed \$2 per acre.

(5) Where an occupant of Dominion lands, holding such lands otherwise than under a grazing lease or license, or as a timber berth, is assessed in respect of his occupancy, his interest shall be assessed at the fair actual value of the land.

(6) Land containing coal and upon which a mine is operated shall be assessed for the purposes of a school district at its value as a mine inclusive of plant and equipment.

1928-29, c.34, s.249; 1930, c.34, s.33; R.S.S.  
1930, c.106, s.268.

#### Businesses

**269(1)** Business shall be assessed in the following manner:

1. The assessor shall fix a rate per square foot of the floor space (irrespective of partitions, elevators, stairways, or other obstructions) of each building or part thereof used for business purposes, and shall as far as he deems practicable classify the various businesses;

2. He may fix a different rate for each class, and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class and may classify each building or part thereof according to the kind of business carried on therein and may fix a different rate for different kinds of business carried on under the same roof, and for storehouses and warehouses or other like appurtenant buildings from that fixed for the principal business, and may fix a different rate for different flats of buildings;

3. The rate shall not exceed \$8 per square foot, except in the case of banks, loan companies or other financial institutions, in which case such rate shall not exceed \$15 per square foot.

(2) Whenever it is found by the assessor that a business is being carried on, either, wholly or partially, outside of any building, he shall fix a rate per square foot of the yard space used for such business, and shall as far as he deems practicable classify the various businesses, and he may fix a different rate for each, but such rate shall not exceed \$4 per square foot.

(3) Notwithstanding anything herein contained, the area of the floor space of a grain elevator, except so much as is used for commodities other than grain, shall not be deemed, for the purpose of business assessment, to exceed one thousand square feet, nor shall the rate in respect of floor space used for grain exceed \$4 per square foot.

1928-29, c.34, s.250; R.S.S. 1930, c.106, s.269.

**No double assessment**

**270** No person who is assessed in respect of any business shall be liable to pay a license fee to the municipality in respect of the same business.

1928-29, c.34, s.251; R.S.S. 1930, c.106, s.270.

**Information for assessor**

**271(1)** It shall be the duty of every person whose property is assessable to give to the assessor all information necessary to enable him to make up the roll; but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

(2) In case any person refuses upon demand to give such information to the assessor or wilfully furnishes to the assessor false information, such person shall be liable on summary conviction to a penalty not exceeding \$50.

(3) In the event of the sale of any land or business the vendor and the purchaser shall forthwith notify the assessor of such change in ownership.

1928-29, c.34, s.252; 1930 c.34, s.34; R.S.S. 1930, c.106, s.271.

**Where owner is unknown**

**272** If the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied lot or parcel of land in the municipality, the same shall be deemed to be duly assessed if entered on the roll with a note stating that such owner is unknown.

1928-29, c.34, s.253; R.S.S. 1930, c.106, s.272.

**Roll checked by assessment committee**

**273** The council shall appoint two of their number who with the assessor shall constitute an assessment committee; and such committee shall, on the completion of the roll by the assessor and before assessment notices are sent out, check over the assessment roll and make such corrections therein as the majority of the committee may decide.

1928-29, c.34, s.254; R.S.S. 1930, c.106, s.273.

**Allowance made members of assessment committee**

**274** The councillors who are members of such committee shall, notwithstanding any provision herein to the contrary, be entitled to receive such payment and mileage allowance for one meeting as would be paid to them for attendance at a meeting of the council.

1928-29, c.34, s.255; R.S.S. 1930, c.106, s.274.

**Fraudulent assessment**

**275** If any assessor makes a fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein, 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 to a penalty not exceeding \$100.

1928-29, c.34, s.256; R.S.S. 1930, c.106, s.275.

**Mailing of notice**

**276(1)** The assessor shall, within two weeks after the completion of the assessment roll and after the same has been checked over by the assessment committee pursuant to the provisions of section 273, mail to each person whose name and address appear on the roll, a notice of his assessment.

(2) The entry of the date of the mailing of such notice followed by the initials of the assessor shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the assessor, and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(3) When all of the said notices are mailed as herein provided, the assessor shall forthwith transmit the roll to the secretary.

1928-29, c.34, s.257; R.S.S. 1930, c.106, s.276.

**Posting of notice**

**277** The assessor shall also, within two weeks after the completion of the roll, post up a notice in the following form and in the manner provided by section 79:

The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_ Assessment Roll, 19 \_\_\_\_\_.

Notice is hereby given that the assessment roll of the rural municipality of \_\_\_\_\_ No. \_\_\_\_\_ for the year 19 \_\_\_\_\_ has been prepared and is now open to inspection at the office of the secretary of the municipality from ten o'clock in the forenoon until four o'clock in the afternoon on every juridical day except Saturday (and on that day from ten o'clock in the forenoon until noon).

Any ratepayer who desires to object to the assessment of himself or of any other person must, within twenty days after the date of this notice, lodge his complaint in writing with the secretary of the municipality.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

*A.B.,  
Assessor.*

1928-29, c.34, s.258; R.S.S. 1930, c.106, s.277.

**Notice of assessment**

**278** Every notice of assessment given as provided by section 276 shall be in such form as may be prescribed from time to time by the minister; and every such notice shall contain a statement of the last date upon which complaints may be lodged with the secretary as fixed by the public notice under section 277.

1928-29, c.34, s.259; R.S.S. 1930, c.106, s.278.

**Error in form of assessment notice**

**279** No assessment shall be invalidated by reason of an error, omission or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it is addressed.

1928-29, c.34, s.260; R.S.S. 1930, c.106, s.279.

**Complaints against assessment****280** If any person thinks:

- (a) that he or any other person has been wrongly assessed or assessed too high or too low; or
- (b) that a building has been wrongly classified for the purpose of business assessment or that the rate per square foot of floor space fixed by the assessor is too high or too low; or
- (c) that his name or the name of any other person has been wrongly inserted in or omitted from the roll;

he may, within the time limited as aforesaid, lodge a complaint with the secretary of the municipality, and every such complaint shall contain a post office address to which any notice required may be sent for the complainant.

1928-29, c.34, s.261; R.S.S. 1930, c.106, s.280.

**Form of notice of appeal****281** Every such complaint shall be in the following form:

To the secretary of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_

SIR,—I hereby appeal against the assessment (*or nonassessment*) of \_\_\_\_\_ on the following grounds (*here state grounds of appeal.*)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

C.D.,  
*Appellant.*

1928-29, c.34, s.262; R.S.S. 1930, c.106, s.281.

**Notice of hearing****282** The secretary shall forthwith notify every such appellant, and every other person whose assessment is affected thereby, of the time and place of the sittings of the council to hear the appeal.

1928-29, c.34, s.263; R.S.S. 1930, c.106, s.282.

**Fixing the equalised assessment****283(1)** In every municipality, upon the final completion of the assessment roll, the secretary treasurer shall forward to the Saskatchewan Assessment Commission a statement showing the total assessed value of the land in the municipality, and the commission shall, upon such information and after such inquiries as it may deem advisable, confirm the said total assessed value as the equalised assessment of the municipality, or shall fix some other amount as the equalised assessment, and the amount so confirmed or fixed shall, subject to the provisions of subsection (5), be the total assessed value of the municipality for the following year and for each year thereafter until the next equalised assessment is made.

(2) The commission may, of its own motion, revise the assessment of the municipality generally, or of any part thereof or of any individual properties in respect of which no notice of appeal has been given, and for such purpose it may set a day or days for the hearing and adjourn the same from time to time, and may cause such notices to be given and such parties to be served as may seem expedient.

(3) The commission may inspect or cause to be inspected any property the assessed value of which is in dispute and any other properties in the municipality, with a view to arriving at the value for assessment purposes and may base its decision wholly or in part upon such inspection.

(4) In case the commission fixes the equalised assessment of the municipality at an amount different from the total assessed value as reported to it by the secretary treasurer, it shall notify the secretary treasurer and the assessor of the amount of such equalised assessment, and it shall be the duty of the assessor to raise or lower the municipal assessment so that the total shall be equal to the equalised assessment fixed by the commission, and the aggregate values of the lands of the municipality so determined shall be the aggregate values for the purpose of the assessment and taxation of the municipality for general municipal purposes.

(5) Where, after equalisation by the commission, the assessment of a municipality is varied by reason of lands not included in the assessment roll becoming liable to taxation or lands included in the roll ceasing to be so liable, or as the result of appeals to the court of revision, the total equalised assessment as fixed by the commission shall be varied accordingly and a statement of the increased or decreased assessment shall be sent forthwith to the commission for its approval.

(6) The value at which any specified land has been assessed may nevertheless be varied upon appeal if it appears that such value does not bear a fair and just proportion to the values at which other lands in the municipality are assessed.

(7) Any assessor who wilfully makes an assessment contrary to the provisions of this section or to any direction of the commission given thereunder shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding \$100.

1928-29, c.34, s.264; R.S.S. 1930, c.106, s.283.

#### **Time of notice**

**284** Every such notice shall be posted by registered letter to the post office address of such person, if any, as entered on the assessment roll or as indicated in the notice of complaint, at least fifteen days before the sitting of the council unless such person resides within the municipality in which case the secretary treasurer shall cause the said notice to be served at such residence or so posted at least ten days before the sitting of the council.

1928-29, c.34, s.266; R.S.S. 1930, c.106, s.284.

#### **Court of revision**

**285** The council shall be the court of revision for revising the assessment roll.

1928-29, c.34, s.267; R.S.S. 1930, c.106, s.285.

**List of appeals**

**286** Before the sittings of the council the secretary shall prepare a list of the appeals in the following form, which list shall be posted at the office of the secretary and shall remain so posted during the sittings of the council:

Appeals to be heard by the council of the Rural Municipality of \_\_\_\_\_  
No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

| Appellant   | Respecting whom | Matter complained of          |
|-------------|-----------------|-------------------------------|
| <i>A.B.</i> | <i>Self</i>     | Overcharged on land           |
| <i>C.D.</i> | <i>E.F.</i>     | Name omitted                  |
| <i>G.H.</i> | <i>J.K.</i>     | Not <i>bona fide</i> owner or |
| <i>etc.</i> | <i>etc.</i>     | tenant, etc.                  |

1928-29, c.34, s.268; R.S.S. 1930, c.106, s.286.

**Clerk**

**287(1)** The secretary shall be the clerk and secretary of the council in connection with assessment appeals.

(2) The clerk 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 \$2 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available, or actual railway fare (both ways) where a railway is available, disobeys such summons, he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided that the council may for good and sufficient reason excuse such person from attending before it, and in such event no penalty shall be incurred for nonattendance.

1928-29, c.34, s.269; R.S.S. 1930, c.106, s.287.

**Conduct of hearing**

**288** The appeals 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 appeal as it thinks fit.

1928-29, c.34, s.270; R.S.S. 1930, c.106, s.288.

**Nonappearance**

**289** If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent, the council may proceed in his absence and its decision shall be final and not subject to review by the Saskatchewan Assessment Commission.

1928-29, c.34, s.271; R.S.S. 1930, c.106, s.289.

**Evidence**

**290(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 the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses may be administered by any member of the council hearing the appeal.

1928-29, c.34, s.272; R.S.S. 1930, c.106, s.290.

**Termination of sittings**

**291** All the duties of the council as a court of revision shall be completed by the first day of September, and no appeal to the council shall be heard after that date except as provided in section 309.

1928-29, c.34, s.273; R.S.S. 1930, c.106, s.291.

**Amendment of roll**

**292** Forthwith after the conclusion of the sittings the secretary shall amend the assessment roll in accordance with the decisions of the council. 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.

1928-29, c.34, s.274; R.S.S. 1930, c.106, s.292.

**Appeal**

**293(1)** There shall be a right of appeal from the decision of the council to the Saskatchewan Assessment Commission as provided herein and according to the procedure prescribed herein.

**Adoption of roll**

(2) The roll with any amendments made by the council or on appeal by the commission, shall when the secretary of the municipality has been notified by the commission of its approval of the statement required by subsection (5) of section 283 be the assessment roll of the municipality.

1928-29, c.34, s.275; R.S.S. 1930, c.106, s.293.

**Correction of errors**

**294** The council may at any time correct any gross and palpable errors in the roll, and any corrections so made shall be initialed by the secretary.

1928-29, c.34, s.276; R.S.S. 1930, c.106, s.294.

APPEAL FROM COURT OF REVISION TO SASKATCHEWAN  
ASSESSMENT COMMISSION

**Appeal lies to commission**

**295** An appeal to the Saskatchewan Assessment Commission shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal.

1928-29, c.34, s.277; R.S.S. 1930, c.106, s.295.

**Notice of appeal**

**296** When the decision of the court of revision is given at the time of the hearing, the appellant shall in person or by agent serve upon the secretary treasurer within ten days after the decision a written notice of his intention to appeal to the commission. Where such decision is not given at the time of the hearing, the secretary treasurer shall forward a notice of the decision to the appellant by registered letter, and the appellant shall serve his notice of intention to appeal, within ten days from the date of the registration of the letter. The appellant shall, in either case, forward a copy of the notice to the Saskatchewan Assessment Commission.

1928-29, c.34, s.278; R.S.S. 1930, c.106, s.296.

**Secretary notifies commission**

**297** The secretary shall, immediately after the time limited for filing notices of appeal, forward a list of the appeals to the secretary of the commission and the commission shall fix a day and place for hearing the appeals.

1928-29, c.34, s.279; R.S.S. 1930, c.106, s.297.

**Notice to parties**

**298** The secretary of the municipality shall thereupon give notice to all parties against whose assessments appeals have been taken in the same manner as is provided for giving notice on a complaint; but, in the event of failure by the secretary to have the required service in any appeal made or to have the same made in proper time, the commission may direct service to be made for some subsequent day.

1928-29, c.34, s.280; R.S.S. 1930, c.106, s.298.

**Notice of appeals and hearing**

**299** The secretary shall also cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties against whose assessments appeals have been taken, with a brief statement of the grounds or causes of appeal together with the time and place at which the commission will sit to hear appeals.

1928-29, c.34, s.281; R.S.S. 1930, c.106, s.299.

**Hearing and adjournment**

**300** At the time and place fixed by it the commission shall hear the appeals, and may adjourn the hearing from time to time and defer decision thereon at its pleasure.

1928-29, c.34, s.282; R.S.S. 1930, c.106, s.300.

**Production and amendment of roll**

**301** The secretary of the municipality shall appear at the hearing and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal, and the roll shall be confirmed, altered or amended according to the decision of the commission, if then given, and the chairman shall write his initials opposite any part of the roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given the secretary shall, when the same is given, forthwith alter the roll accordingly, and shall write his name opposite every alteration or correction.

1928-29, c.34, s.283; R.S.S. 1930, c.106, s.301.

**Witnesses**

**302** In such proceedings the commission shall possess all such powers for compelling the attendance and for the examination on oath of all parties, whether claiming or objecting or objected to, and all other persons whatsoever, and for the production of books, papers and documents and for the enforcement of its orders and decisions as belong to or might be exercised by any court in civil cases.

1928-29, c.34, s.284; R.S.S. 1930, c.106, s.302.

**Costs**

**303(1)** The costs of proceedings before the commission shall be paid by or apportioned between the parties in such manner as it thinks proper; and where costs are ordered to be paid by a party, payment of the same may be enforced by execution, to be issued in the same manner as upon a judgment for costs in the district court.

(2) 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 such 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.

1928-29, c.34, s.285; R.S.S. 1930, c.106, s.303.

**Filing of decisions**

**304** The clerk of the district court shall, at the request of the commission or of any party interested, file the orders and decisions of the commission in the same manner as if they were orders or decisions of the court.

1928-29, c.34, s.286; R.S.S. 1930, c.106, s.304.

**Decision of commission final**

**305** Subject to the provisions hereinafter contained the decision of the commission shall be final and conclusive, in every case adjudicated upon.

1928-29, c.34, s.287; R.S.S. 1930, c.106, s.305.

**Appeal to court of appeal *re* school assessment**

**306(1)** Where the ground of appeal was that the appellant or some other person was wrongly assessed as a public or separate school supporter, an appeal shall lie from the commission to the Court of Appeal.

(2) The procedure on such appeal shall be the same as is or may be provided on an appeal from a final order, judgment or decision of the district court in a civil action.

1928-29, c.34, s.288; R.S.S. 1930, c.106, s.306.

**Binding effect of amended roll**

**307** When the roll is finally completed and the time during which complaints and appeals against the assessment may be made has elapsed, the secretary shall over his signature enter at the foot of the last page of the roll or, where a card system of assessment roll is in use, on the card following that on which the last assessment for the year is shown, the following certificate, filling in the date of such entry: "Roll finally completed this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_;" and the roll as thus finally completed and certified shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard thereto, or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit such notice.

1928-29, c.34, s.289; R.S.S. 1930, c.106, s.307.

**Council may order addition to roll**

**308** If at any time before the first day of December it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll or that any person has commenced business after the roll was completed, the council may direct the secretary treasurer to enter the name of such person on the roll or to correct the error and every such entry or correction shall be dated and initialed by the secretary treasurer.

1928-29, c.34, s.290; R.S.S. 1930, c.106, s.308.

**Notice to persons affected by correction of roll**

**309** In the event of any such addition to or correction of the roll, a notice as required by section 282 shall be sent by the secretary treasurer to the person or persons affected, and every such person shall be given every reasonable opportunity to complain or appeal against the said assessment and all complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act.

1928-29, c.34, s.291; R.S.S. 1930, c.106, s.309.

**Evidence of roll**

**310** A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the municipality, certified to be a true copy by the secretary, shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

1928-29, c.34, s.292; R.S.S. 1930, c.106, s.310.

## TAXATION

**Estimates**

**311** The council of every municipality shall, as soon as practicable in each year, prepare in detail an estimate of the probable expenditures of the municipality for the year, and such estimate shall include the sum required to repay any temporary loan or to meet any debenture coupons which may fall due during the year.

1928-29, c.34, s.293; R.S.S. 1930, c.106, s.311.

**Levy of rate**

**312** Upon the completion of the estimate, the secretary shall lay before the council the revised assessment roll of the municipality for the year, certified as provided by section 307, and the council shall by resolution authorise the treasurer of the municipality to levy upon all the lands and other property entered in the roll such taxes at a uniform rate on the dollar deemed sufficient to meet the estimate, and in fixing the rate the council shall make due allowance for the nonpayment of taxes.

1928-29, c.34, s.294; R.S.S. 1930, c.106, s.312.

**Uniform rate of taxation**

**313(1)** Subject to subsections (2) and (3), the uniform rate of taxation to be authorised by the council as provided in section 312, shall not in any one year exceed fifteen mills on the dollar of the assessed value of the rateable property, according to the last revised assessment roll.

(2) In the case of any municipality which has raised a loan by way of debenture, the council may in any year, if deemed advisable, increase the said rate by such additional rate as shall be sufficient to meet any debenture coupons that may be accruing due during the year.

(3) Taxes imposed at any time under any *Local Improvements Act* or *Local Improvement Districts Act* or any *School Assessment Act* upon lands within the municipality shall be collected by the municipality.

(4) For the purpose of providing proper sanitary service within a hamlet, the council may impose a special tax upon each lot or parcel of land on which is situate a dwelling house which will have the benefit of the sanitary service.

1928-29, c.34, s.295; R.S.S. 1930, c.106, s.313.

**Rural school districts within municipality**

**314(1)** In case a municipality includes within its limits the whole or a part of a rural or village school district erected under *The School Act*, the council shall assess and levy in each year within the district or portion of the district, as the case may be, such rates as shall be sufficient to meet the sums required to be raised in the district or portion thereof for the purposes of the district; and such rates shall be assessed and collected in the same manner as municipal rates and taxes.

(2) Where an adjustment has been made under the provisions of section 331, the council may levy a different rate in a hamlet from that which it levies in the rural parts of the school district.

1928-29, c.34, s.296; R.S.S. 1930, c.106, s.314.

**Material supplied by school trustees**

**315** On or before the first day of August in each year the board of trustees of every school district referred to in section 314, shall transmit to the treasurer of each municipality in which the district is situated in whole or in part:

- (a) a map or plan showing the area and boundaries of the district;
- (b) a detailed statement, in such form as the minister may prescribe, of the estimated expenditures of the district for the year, allowing for any adjustments required in consequence of the provisions of sections 324, 328 and 331;

(c) a certified copy of the resolution of the board of trustees showing the amount required to be levied on the total assessment of the district, and in addition, where the district is situated in more than one municipality or partly in one or more municipalities and partly in a territorial unit or units, the amount required to be levied in each municipality or territorial unit, after allowing for any adjustment required in consequence of the provisions of sections 328 and 331;

(d) within the first year in which this section applies to any school district, a detailed statement of all arrears of school taxes due to the school district showing the lands on which they are levied, the respective years for which they are due and the several amounts thereof due for each of such years.

1928-29, c.34, s.297; 1930, c.34, s.36; R.S.S.  
1930, c.106, s.315.

**When municipality includes town or village school district**

**316** In case any municipality includes within its limits part of a town school district erected under *The School Act*, the council shall assess and levy in each year, in accordance with the provisions of *The School Assessment Act*, such rates as shall be sufficient to meet the sums required to be raised within such portion of the district for the purposes of the district; and such rates shall be assessed and collected in the same manner as municipal rates and taxes.

1928-29, c.34, s.298; R.S.S. 1930, c.106, s.316.

**School trustees furnish statement**

**317(1)** On or before the fifteenth day of March in each year the board of trustees of every school district referred to in section 316 shall make a demand upon each municipality in which the district is in part situated for the share of the amount required which is to be assessed in that municipality; and shall accompany the demand with a statement of the total sum required for the purposes of the district for the current year, and the assessed value of the property rateable for the purposes of the district in each municipality as shown by the revised assessment rolls for the preceding year.

(2) The secretary of the municipality shall forthwith on demand furnish the secretary of the board of trustees with a certified statement of the total assessment of the portion of the district situated within the municipality according to the last revised assessment roll.

(3) Subject to any order of the minister extending the time for the completion of the assessment for the current year, any secretary who fails to furnish such statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10 per day for every day during which the default continues, and in case of nonpayment forthwith after conviction to imprisonment for a period not exceeding one month.

(4) For the purposes of this section the expression "municipality" shall include a city, town, village or rural municipality.

1928-29, c.34, s.299; 1930, c.34, s.37; R.S.S.  
1930, c.106, s.317.

**Entries in assessment roll**

**318(1)** On or before the first day of September in each year the treasurer of each municipality shall enter in the assessment roll for the year in the several columns provided for the purpose a statement of all taxes levied against each lot or parcel of land assessed as shown by the roll, and every such statement when completed shall show:

1. The rate on the dollar levied by the municipality to meet the estimated expenditure of the municipality as hereinbefore provided;
2. The rate on the dollar to be levied by the treasurer for school purposes;
3. The rate fixed by *The Public Revenues Act*;
4. The sum total of the rate levied against each lot or parcel of land;
5. The total taxes due for the current year on each lot or parcel of land;
6. The arrears of taxes levied under any authority due on each lot or parcel of land;
7. The sum total of all taxes due on each lot or parcel of land.

(2) Any person whose business tax would be less than \$10 for any business shall be taxed \$10 for that business, and in the event of the property tax of any person being less than \$2, the property tax to be entered in the roll as payable by such person shall be \$2.

(3) All arrears of school taxes levied before the organisation of the municipality on lands within the municipality shall be collected by the municipality, and shall be transferred immediately after collection to the treasurer of the school district in which the land against which such arrears were levied is situated.

1928-29, c.34, s.300; R.S.S. 1930, c.106, s.318.

**Annual statement by school district trustees**

**319(1)** On or before the first day of March in each year, or in the case of a school district established subsequently to the first day of March as soon thereafter as possible, the board of trustees of every school district referred to in section 314 shall, if the district is situated wholly within one municipality, transmit to the secretary treasurer of the municipality a statement of the estimated amount required to meet the expenditures of the district for the current year.

(2) In case the district is situated in two or more municipalities, or partly in one or more municipalities and partly in a territorial unit or units, such estimated amount shall be apportioned by the board of trustees among the municipalities or among the municipalities and territorial units in the manner set forth in section 326, except that such apportionment shall be based on the total assessment of the district for the preceding year.

(3) The council of every municipality required to provide such estimated amount or a portion thereof shall pay to the district one quarter of the amount requested on or before the thirty-first day of March, one-quarter on or before the thirtieth day of June, one-quarter on or before the thirtieth day of September and shall, on or before the thirty-first day of December in the same year, pay to the district such additional amount as is sufficient to meet the total required to be levied by the municipality under clause (c) of section 315, or the total school taxes levied in the current year by the municipality on behalf of the district, whichever shall be the greater.

(4) The statement above mentioned shall show the amount of any debenture instalment falling due within a year, and the date on which it falls due, and the payment by the council for the quarter during which such date occurs shall be varied to include such instalment.

(5) By mutual agreement between any rural municipality and a school district situated wholly or in part therein, the payments mentioned may be made at different dates from those above prescribed.

1928-29, c.34, s.301; 1930, c.34, s.38; R.S.S.  
1930, c.106, s.319.

#### Expenses of community schools

**320(1)** For the purpose of the maintenance and operation of a community school, the community school board shall as soon as possible in each year but not later than the fifteenth day of January, decide upon a rate of taxation sufficient for the purpose to be levied over the co-operating school districts and advise each municipal council concerned of such rate.

(2) In case any municipality includes within its limits all or parts of a co-operating school district, the council of the municipality shall each year determine the rate of taxation for school purposes for such school district or portion thereof by adding the rate referred to in subsection (1) to the rate required by the school district for general school purposes, and the council shall levy the school taxes accordingly paying to the community school board, at a date named by that board in its requisition, the amount of its requisition.

1928-29, c.34, s.303; R.S.S. 1930, c.106, s.320.

#### Arrears of school taxes

**321** Subject to the provisions of subsection (2) of section 240, all school taxes or moneys due by a municipality, remaining unpaid to the trustees of any rural or village school district or to a community school board after the dates fixed by this Act for payment of the same, shall be a debt due by the municipality to the district or board, and may be recovered by suit in the name of the board of trustees.

1928-29, c.34, s.304; R.S.S. 1930, c.106, s.321.

#### Taxes due to rural telephone companies

**322(1)** On or before the thirty-first day of December in each year or at a later date, but not less than two weeks prior to the date upon which the next debenture payment of a rural telephone company falls due, the council shall, subject to the provisions of subsection (2), pay to any rural telephone company for which it collects taxes the whole amount which the company has required the council to levy for the year ending on such thirty-first day of December.

(2) If the company has increased its levy, as provided by subsection (2) of section 42 of *The Rural Telephone Act*, the amount of such increase shall not be paid to the company but shall be deposited by the municipality in a chartered bank, to be designated by the company, in the joint names of the company and the minister.

(3) The council may borrow money, on the credit of the taxes to be collected for the current year for any rural telephone company, to an amount not exceeding 80 per cent of the total estimated taxes so to be collected.

(4) In any case where the council borrows the amount to be paid to a rural telephone company under this section, the interest on the loan shall be payable to the municipality by the rural telephone company, but in no case shall interest be charged to the company by the municipality after the thirty-first day of December of the year in which the taxes were levied.

(5) Where, through the failure of the council to make the payment required by subsection (1), a rural telephone company is compelled to pay interest on an overdue debenture payment, the council shall reimburse the company the amount of such interest.

1928-29, c.34, s.306; R.S.S. 1930, c.106, s.322.

#### Arrears of telephone taxes

**323** All taxes or moneys actually collected or due by a municipality remaining unpaid to a rural telephone company after the date fixed by this Act for payment of the same shall be a debt due by the municipality to the telephone company, and may be recovered by action at the suit of the company.

1928-29, c.34, s.307; R.S.S. 1930, c.106, s.323.

#### Uncollectable taxes

**324(1)** When a municipality compromises its claim for taxes under the provisions of section 203, or when any arrears of taxes levied against the occupant of any parcel of Crown land or the occupant of any lands exempt from taxation, or any business taxes, become uncollectable because of the occupant quitting possession and the municipality is unable to enforce collection thereof, the municipality may charge back to the school district or community school board the school taxes remitted in such compromise or levied against such occupants.

(2) Where the school district is situated in two or more municipalities, or partly in one or more municipalities and partly in a territorial unit or units, the amount of any taxes charged back under subsection (1) may be added to the estimated expenditure as provided by clause (b) of section 315 and when so added shall be borne by the different portions of the district in the same proportion as the annual levy under section 326.

(3) On or before the fifteenth day of January in each year the treasurer of every municipality shall transmit to the board of trustees of each school district situated wholly or in part within the municipality a statement, in such form as the minister may prescribe, of the account of the municipality with the district as at the thirty-first day of December in the preceding year, showing in detail any amounts to be charged back under the provisions of subsection (1).

1930, c.34, s.40; R.S.S. 1930, c.106, s.324.

#### Charging back telephone taxes

**325** When a municipality has paid taxes to a rural telephone company under the provisions of section 322, and the taxes levied upon the occupant of any parcel of crown land become uncollectable because of his quitting possession, the municipality may charge back to the company the amount of any taxes paid to it in respect of that parcel.

1928-29 c.34, s.309; R.S.S. 1930, c.106, s.325.

**Apportionment of taxes**

**326** Where a school district is situated in two or more municipalities or partly in one or more municipalities and partly in a territorial unit or units, the board of trustees shall apportion the total amount of taxes to be levied for the purposes of the school district among the municipalities or territorial units affected in such proportion as the total assessment for the current year of the portion of the school district contained within each municipality or territorial unit bears to the total assessment of the school district for the current year.

1930, c.34, s.41; R.S.S. 1930, c.106, s.326.

**Secretary to forward statement to school board**

**327(1)** On or before the fifteenth day of July in each year the secretary of every municipality in which a portion of any rural or village school district lies shall transmit to the board of trustees a certified statement of the total assessment for the current year of the portion of the district situated within the municipality.

(2) Subject to any order of the minister extending the time for the completion of the assessment for the current year, any secretary who fails to furnish such statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10 per day for every day during which the default continues, and in case of nonpayment forthwith after conviction to imprisonment for a period not exceeding one month.

1930, c.34, s.42; R.S.S. 1930, c.106, s.327.

## EQUALISATION OF SCHOOL RATES

**Petition for apportionment**

**328** Notwithstanding anything in this Act or *The School Assessment Act*, where a rural school district is situated in two or more municipalities, or partly in one or more municipalities and partly in a territorial unit or units, the board of trustees, the council of a municipality affected or one-fourth of the resident ratepayers of the portion of the district contained within one of the municipalities or territorial units, as the case may be, may, on or before the first day of May in any year, apply by petition signed by them to the secretary of the district for an adjustment of the proper proportionate amounts to be levied for the current year by the municipalities, or by the municipalities and the board of trustees.

1930, c.34, s.43; R.S.S. 1930, c.106, s.328.

**Adjustment by municipal assessors**

**329(1)** The secretary shall forthwith upon receipt of the said petition, duly verified by statutory declaration, notify the assessors of the municipalities in which the school district is situate, or the assessors of the municipalities and the assessor appointed by the board of trustees for the territorial unit, of the application, and the said assessors shall, at least thirty days prior to the mailing of the tax notices, meet and determine what proportion of the taxes to be levied on behalf of the school district shall be levied upon the taxable property of the ratepayers of the school district situate in each of the municipalities or situate in the municipalities and in the territorial unit respectively, as the case may be.

(2) The assessor of the municipality in which the school house is situate, or if the school house is situate in a territorial unit, the assessor of the school district shall call the meeting of the assessors.

(3) Notice of the determination shall be given forthwith to the secretary of the school district and to the secretary of each municipality.

1928-29, c.34, s.313; R.S.S. 1930, c.106, s.329.

#### Appeal to Saskatchewan Assessment Commission

**330** Where the assessors disagree the assessor referred to in subsection (2) of section 329 shall notify the chairman of the Saskatchewan Assessment Commission and the commission shall hear and determine the matter and report to the secretary of the school district and the secretary of each municipality not later than ten days prior to the mailing of the tax notices.

1928-29, c.34, s.314; R.S.S. 1930, c.106, s.330.

#### Adjustment of taxation in hamlet

**331(1)** Notwithstanding anything in this Act or *The School Assessment Act*, where there is a hamlet in a rural school district, one-half of the resident ratepayers of the hamlet or one-quarter of the resident ratepayers of that portion of the district lying outside the hamlet may, on or before the first day of May in any year, apply by petition signed by them to the secretary of the district for an adjustment of the proportionate amount of the school taxes to be levied for the current year upon the taxable property of the ratepayers situate in the hamlet and in the remainder of the district respectively.

(2) The secretary shall forthwith, upon receipt of the petition, duly verified by statutory declaration, notify the assessor of the municipality or, in case the school district comprises parts of more than one municipality, the assessor of each municipality, and the Department of Education of the application, and the assessor or assessors and such person as the Minister of Education may appoint for the purpose shall, at least thirty days prior to the mailing of tax notices, meet as an adjustment board and determine what proportion of the taxes to be levied on behalf of the school district shall be levied upon the taxable property of the ratepayers of the school district situate in the hamlet and in the remainder of the district respectively.

(3) The assessor of the municipality or, in case the school district comprises parts of more than one municipality, the assessor of the municipality in which the school is situated, shall call the meeting of himself and the minister's appointee.

(4) The adjustment board shall have power to require the attendance of any officer of any municipality in which the school district is situated or of the hamlet and the production by such officer of all assessment and tax rolls, assessment and tax notices, books, papers and such other material as may be required for the purpose of the adjustment in his possession or custody, and such officer shall give the board all information in his power relating to the assessment and taxation of the district.

(5) Notice of the determination shall be given forthwith to the secretary of the school district and to the secretary of the municipality.

(6) Where the assessor and the minister's appointee disagree the assessor shall notify the chairman of the Saskatchewan Assessment Commission and the commission shall hear and determine the matter and report to the secretary of the school district and the secretary of the municipality not later than ten days prior to the mailing of the tax notices.

1928-29, c.34, s.315; R.S.S. 1930, c.106, s.331.

## COLLECTION OF TAXES

### Mailing tax notice

**332(1)** The treasurer shall mail to each person whose name appears on the assessment roll, and to the address shown therein, notice of the amount of taxes due by such person in respect of the land for which he is assessed.

(2) The entry of the date of mailing each such notice, followed by the initials of the treasurer on the roll, shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the treasurer, and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(3) Every such notice shall show the property assessed, the several rates of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due, and shall be in such form as may from time to time be approved by the minister.

1928-29, c.34, s.316; R.S.S. 1930, c.106, s.332.

### Place of payment

**333** All taxes levied under the provisions of this Act shall be payable at the office of the treasurer of the municipality.

1928-29, c.34, s.317; R.S.S. 1930, c.106, s.333.

### Taxes first lien

**334(1)** The taxes accruing upon or in respect of any land in the municipality shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon except claims of the Crown.

(2) When a patent issues for any land within the municipality, the taxes which have accrued upon or in respect of the occupancy of the land by the patentee or any holder of an entry to whom a certificate of recommendation for patent has been issued or any assignee or transferee of such holder's interest, before the issue of patent, shall form a lien upon the land having priority over any claim, lien, privilege or incumbrance thereon except claims of the Crown.

(3) The provisions of subsection (2) shall be retrospective in operation and shall be deemed to have been at all times the law of this province; provided that nothing herein contained shall affect the rights of parties to any action or proceeding now pending.

1928-29, c.34, s.318; R.S.S. 1930, c.106, s.334.

**Penalty for nonpayment of taxes**

**335(1)** In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same are levied, or such other day as may be fixed by resolution of council under subsection (4) there shall be added thereto by way of penalty a sum equal to 8 per cent of the arrears; and upon the expiry of each succeeding year during which the whole or any portion of the combined amount of taxes and penalty or penalties remains unpaid, an additional sum equal to 8 per cent of the arrears shall be added thereto.

(2) Amounts so added shall form part of the taxes.

(3) Nothing in this section contained shall be construed to extend the time for payment of taxes or in any way impair the right of distress or any other remedy provided by this Act, for the collection thereof.

(4) Notwithstanding anything in this section contained the council may by resolution passed at any time after the fifteenth day of November in any year, postpone to any date not later than the first day of April then next ensuing the date upon which the taxes, if unpaid, shall become subject to penalties.

1928-29, c.34, s.319; 1930, c.34, s.44; R.S.S.  
1930, c.106, s.335.

**Discount for prompt payment of taxes**

**336** The council may by bylaw allow a discount for prompt payment of taxes not exceeding four per cent if taxes paid before the first day of November or two per cent, if paid after the first day of November but on or before the fifteenth day of December of the year in which the taxes are imposed.

1928-29, c.34, s.320; R.S.S. 1930, c.106, s.336.

**Receipt book and official receipt**

**337** The secretary treasurer shall issue an official receipt for every amount paid him for taxes in such form as may from time to time be approved by the minister, and shall enter on the assessment roll, opposite the respective items on account of which payments are made, the amount of each payment with the date of receipt.

1928-29, c.34, s.321; R.S.S. 1930, c.106, s.337.

**Arrears first charge on tax payments**

**338(1)** The treasurer shall, upon the written request of any person assessed who pays only a portion of the taxes due by him, credit such person in the assessment roll as having paid such taxes as that person may select:

Provided that, if arrears of taxes are due by such person, the taxes received shall first be applied in payment of the arrears.

(2) In case a person pays only a portion of the taxes due by him and does not, as provided in subsection (1), signify the manner in which the payment is to be applied, the treasurer shall first apply the amount in payment of any arrears due by such person.

1928-29, c.34, s.322; R.S.S. 1930, c.106, s.338.

**Procedure for recovery of taxes**

**339(1)** In case any person neglects to pay his taxes for thirty days after the mailing to him or his agent of the notice required by section 332, the municipality may levy the same with costs by distress and sale of:

- (a) the goods and chattels of the defaulter, wherever found within the municipality;
- (b) any goods and chattels in his possession wherever found within the municipality;
- (c) any goods and chattels found on the premises in respect of which the taxes have been levied, the property of or in the possession of any other occupant of the premises;

Provided that no distress or sale shall be made of goods or chattels which are the subject of a valid and subsisting lien in favour of a vendor for the price or a part of the price thereof, but the interest only of the defaulter, or of any other occupant of the premises or of any person other than the vendor, in such goods and chattels shall be liable to distress and sale;

Provided further that a vendor's or lessor's share of the crop grown upon land sold or demised shall not be liable to distress or sale for taxes due in respect of other land owned or occupied by the purchaser or lessee;

Provided further that animals grazing by leave or license upon the land of the defaulter but not belonging to him shall not be liable to distress for the taxes due in respect of such land.

(2) The costs chargeable on a distress and sale under this section shall be those allowed in the schedule of *The Distress Act*.

(3) The treasurer shall by advertisement posted up in at least five widely separated conspicuous places in the municipality, give at least ten days' notice of the time and place of sale, naming the person, if known, for payment of whose taxes the property is to be sold; and, at the time stated in the notice, the treasurer, or his agent, shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to pay the taxes due with all lawful costs, including \$2 for posting notices:

Provided that the treasurer may have any grain seized by the municipality hauled to the nearest elevator or to any other convenient and suitable place of storage, and may, after giving ten days' notice by advertisement, in the manner above required, of his intention so to do, dispose of the grain at the current market price.

(4) If the property distrained has been sold for more than the amount of 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, it shall be paid to the person in whose possession the property was when the distress was made.

(5) If the claim is contested, such surplus money shall be paid over by the treasurer to the clerk of the court, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

**Anticipatory distress**

**340** If at any time after demand has been made or notice given pursuant to section 332, and before the expiration of the time for payment of the taxes, the treasurer has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the municipality and makes affidavit to that effect before the reeve or a justice of the peace, the reeve or justice may issue a warrant to the treasurer authorising 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 treasurer may levy accordingly.

1930, c.34, s.45; R.S.S. 1930, c.106, s.340.

**Suit for taxes**

**341(1)** Overdue taxes may be recovered by suit as a debt due to the municipality; in which case the assessment roll shall be *prima facie* evidence of the debt.

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by section 332 were mailed, as shown by the assessment roll.

1928-29, c.34, s.324; R.S.S. 1930, c.106, s.341.

**Tax certificate, issue of**

**342(1)** The secretary treasurer shall on demand issue a certificate under the seal of the municipality, showing the taxes due against any parcel of land and the amount required to redeem the land from any tax sale held within the two years preceding the date of issue of the certificate, and he may charge a fee of twenty-five cents for furnishing such certificate if it does not contain more than five lots or parcels, and a further fee of ten cents for every additional lot or parcel.

(2) The secretary treasurer may collect a fee of ten cents per parcel for every statement of arrears of taxes furnished to any person other than the owner of the property or the first mortgagee.

(3) Not more than \$5 shall be charged for any certificate.

(4) Fees received by the secretary treasurer under this section shall form a part of the revenues of the municipality.

1928-29, c.34, s.325; 1930, c.34, s.46; R.S.S.  
1930, c.106, s.342.

**Binding effect of certificate**

**343** A certificate issued under the provisions of section 342 when signed by the secretary treasurer, shall be deemed to have been properly executed and shall be binding upon the municipality.

1928-29, c.34, s.326; R.S.S. 1930, c.106, s.343.

**Taxes due on area created a village**

**344(1)** All taxes due at the date of the organisation of a village on lands comprised within its limits, or due at the date of the addition on lands added to a village, shall be collected by the village, and the treasurer of the rural municipality shall, as soon as possible after such organisation, furnish the secretary treasurer of the village with a statement showing the total taxes outstanding on each parcel, together with the names of the persons by whom such taxes are payable and the years for which they are due.

(2) One-half of the amounts thus collected shall be paid over to the council of the rural municipality.

(3) The village shall collect all arrears of school taxes on the lands mentioned in subsection (1) and shall pay the same over to the rural municipality as they are collected, and shall also pay to the rural municipality a portion of the school taxes levied for the year in which the village is erected sufficient to reimburse the rural municipality for any payments which may have been made by it to the school district for that year.

(4) The village shall collect all arrears of supplementary revenue taxes, public revenues taxes and wild lands taxes on such lands and shall forward the amounts collected to the Provincial Treasurer in the manner required by the respective Acts under which such taxes are or have been levied and subject to the provisions of those Acts.

1928-29, c.34, s.327; R.S.S. 1930, c.106, s.34.

Note.—Sections 312 to 323 inclusive of *The Rural Municipality Act*, being chapter 87 of *The Revised Statutes of Saskatchewan, 1909*, as amended by chapters 30 and 31 of the Statutes of 1912-13, chapter 46 of the Statutes of 1913, chapter 15 of the Statutes of 1914, chapter 21 of the Statutes of 1916 and chapter 37 of the Statutes of 1918-19, are to be read as part of this Act for certain purposes under *The Arrears of Taxes Act*.

**Buildings**

**345** Buildings owned by one person situated on land belonging to another, and buildings which are not attached to the land upon which they are placed:

- (a) shall be liable to assessment and taxation as improvements upon the land, and shall be subject to a lien for the taxes;
- (b) in case of removal, may be distrained upon for such taxes at any time within three months from the date of removal, notwithstanding that they have been attached to the soil in their new situation;
- (c) may be sold and disposed of for such taxes in the same manner as any chattels distrained for taxes;

and the purchaser of any building so sold and disposed of shall have free right of entry upon the land on which such building stands for the purpose of severing it from the soil, if necessary, and of removing it.

1930, c.34, s.47; R.S.S. 1930, c.106, s.345.

## PART VIII

**Expropriation and Arbitration****Interpretation**

**346** In this Part, unless the context otherwise requires:

- (a) **“land”** includes a right or interest in, and easement over, land;
- (b) **“owner”** includes mortgagee, lessee, tenant, occupant, a person entitled to a limited estate or interest in land, a trustee in whom land is vested, a committee of the estate of a lunatic, an executor, an administrator and a guardian.

1928-29, c.34, s.328; R.S.S. 1930, c.106, s.346.

**Council may acquire land**

**347** In case the council desires to acquire land for any purpose authorised by this Act, the council, if it cannot acquire the land at a fair price by agreement with the owners, may pass a bylaw to expropriate the same in the name and on behalf of the municipality.

1928-29, c.34, s.329; R.S.S. 1930, c.106, s.347.

**Compensation**

**348(1)** The council shall make due compensation to the owners of land taken in the exercise of any of the powers conferred by this Act, and shall pay damages for any land injuriously affected by such exercise.

(2) Such compensation or damages shall be the value of the land taken or the amount of the injury done, as the case may be, less any increased value which the contemplated work may give to the remaining lands of the claimant beyond the increased value common to all the lands in the locality.

1928-29, c.34, s.330; R.S.S. 1930, c.106, s.348.

**Arbitration**

**349(1)** Any claim for such compensation or damages, if not mutually agreed upon, shall be determined by arbitration under this Act.

(2) Where part only of the land of an owner is expropriated, there shall be included in the award a sum sufficient to compensate him for any damages directly resulting from severance.

1928-29, c.34, s.331; R.S.S. 1930, c.106, s.349.

**Deposit of plan of land taken**

**350** Before taking any land the council shall deposit with the secretary plans and specifications showing the land to be taken or used, the work to be done thereon and the names of the owners thereof according to the last revised assessment roll and the records of the proper land tides office. Such plan shall be prepared by a Saskatchewan land surveyor.

1928-29, c.34, s.332; R.S.S. 1930, c.106, s.350.

**Notification to owners**

**351** The secretary shall thereupon cause to be served upon every owner of the land to be expropriated a notice of the intention of the council to proceed with the work or undertaking, and to expropriate the land necessary therefor, of the date of such deposit, and that all claims for compensation for the land so to be taken, with the amount and particulars thereof, must be filed with him within a stated period after the service of such notice.

1928-29, c.34, s.333; R.S.S. 1930, c.106, s.351.

**Filing claim**

**352** Where the person to be served resides within Saskatchewan, the time allowed for filing a claim shall be fifteen days after service of the notice. Where the person to be served resides outside Saskatchewan he shall be allowed such time as may be ordered by the judge on application by the municipality.

1928-29, c.34, s.334; R.S.S. 1930, c.106, s.352.

**Date for ascertaining compensation**

**353** The date of the deposit of the plans and specifications shall be the date with reference to which the amount of compensation shall be ascertained.

1928-29, c.34, s.335; R.S.S. 1930, c.106, s.353.

**Claim may be barred**

**354** If any claimant has not filed his claim within the period 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.

1928-29, c.34, s.336; R.S.S. 1930, c.106, s.354.

**Claim for damages, when and how made**

**355** Except where the person entitled is an infant, a lunatic, or of unsound mind, a claim for damages resulting from his land being injuriously affected shall be made in writing, with particulars of the claim, within one year after the injury was sustained, or after it became known to such person, and, if not so made, the right to such damages shall be forever barred.

1928-29, c.34, s.337; R.S.S. 1930, c.106, s.355.

**Publication of completion**

**356(1)** The council may authorise the secretary to give notice in a local newspaper of the completion of any municipal work forthwith after the person in charge of the work has given his final certificate. Such notice shall state the last day, which shall not be sooner than three months from the first publication of such notice, on which a claim for damages in respect of land not taken but injuriously affected by the work may be filed with the secretary.

(2) The notice shall also state that the owner of such land must file with the secretary within three months after publication of the notice his claim for damages, stating the amount and particulars of the claim.

(3) Such notice shall be inserted in three successive issues of a daily newspaper published in the municipality, if any, otherwise in such issues of a weekly paper there published, or, if there be none such, of a newspaper circulating in the municipality, and the date of the first publication of such notice shall be the date in respect of which damages shall be ascertained.

(4) Except in the cases mentioned in section 357, any claim not made within the period limited shall be forever barred, unless upon application to a judge of the Court of King's Bench, made not later than one year from the publication of the notice, and after seven days' notice to the municipality, the judge allows the claim to be made.

1928-29, c.34, s.338; R.S.S. 1930, c.106, s.356.

**Claims by infants, etc.**

**357** In the case of an infant, a lunatic or a person of unsound mind, a claim for damages may be made within one year, or within one year after he ceased to be under the disability, whichever shall be the longer, or in case of his death while under disability within one year after his death, and if not so made, the right to compensation shall be forever barred.

1928-29, c.34, s.339; R.S.S. 1930, c.106, s.357.

**Easements**

**358** The provisions of sections 355, 356 and 357 shall not apply where an expropriating bylaw provides for acquiring an easement or right in the nature of an easement, and the damages arise from the exercise of such easement or right.

1928-29, c.34, s.340; R.S.S. 1930, c.106, s.358.

**Compensation appurtenant to land**

**359** A claim for compensation for lands taken, or damages in respect of lands injuriously affected shall be deemed appurtenant to the land, and shall pass by any transfer or conveyance thereof.

1928-29, c.34, s.341; R.S.S. 1930, c.106, s.359.

**Owner unknown**

**360(1)** If the owner of the land is absent from Saskatchewan, or is unknown, or cannot be found, or if there is no person competent to contract with the municipality for the sale and conveyance of the land, the judge may, on the application of the municipality, appoint a person to act for the owner, and all acts done, contracts made and conveyances executed by such person, shall be as valid and effectual as if the same were done, made or executed by the owner, and he were of full age and competent to do the act, make the contract or execute the conveyance.

(2) In case any person acting as aforesaid has not the absolute estate in the property, the municipality shall pay into court the amount to be paid in respect of such property as the judge shall direct, and the municipality shall not be bound to see to the application of any sum so paid.

1928-29, c.34, s.342; R.S.S. 1930, c.106, s.360.

**Payment into court on refusal to execute transfer**

**361** If any person to whom compensation or damages are payable refuses to execute the proper transfer, discharge or other instrument, or if it is made to appear to the judge that for any other reason it is proper that the compensation or damages should be paid into court, the judge may give leave to the municipality to do so.

1928-29, c.34, s.343; R.S.S. 1930, c.106, s.361.

**Interest**

**362** In every case in which leave is given to pay money into court, the judge may, in his discretion, order the municipality to pay in addition six months' interest on the amount of the compensation or damages at 6 per cent per annum.

1928-29, c.34, s.344; R.S.S. 1930, c.106, s.362.

**Vesting order**

**363** In every case in which compensation for lands taken has been paid into court, the judge, on the application of the municipality, may grant an order vesting in it the absolute title to the lands in respect whereof such payment in has been made except where the land is taken for a highway, in which case the title shall be vested in His Majesty in right of the province.

1928-29, c.34, s.345; R.S.S. 1930, c.106, s.363.

**Compensation and damages stand in lieu of land**

**364** The compensation or damages which may be agreed upon or awarded for land taken or injuriously affected shall stand in the stead of such land and shall be subject to the limitations and charges, if any, to which the said lands are subject; and any claim to or incumbrance upon the said lands or to or upon any portion thereof, shall, as against the municipality, be converted into a claim to the money so agreed upon or awarded, or to a like proportion thereof.

1928-29, c.34, s.346; R.S.S. 1930, c.106, s.364.

**Distribution of moneys in court, procedure for**

**365(1)** Where compensation or damages in respect of lands taken or injuriously affected are paid into court, the secretary shall insert a notice, in such form and for procedure for such time as the judge may direct, in a newspaper published in the municipality, or, if there is none such, in a newspaper circulating therein, calling upon persons entitled thereto to file their claims to the said compensation or damages or any part thereof; and all claims shall be received and adjudicated upon by the judge.

(2) 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.

(3) The costs of the proceedings, including allowances to witnesses, shall be paid by the municipality, or by such person as the judge may direct.

(4) If an order for distribution is obtained in less than three months from the payment into court the judge may direct a proportionate part of the interest, if any, to be returned to the municipality.

(5) The payment into court shall discharge the municipality from all liability in respect of the compensation.

1928-29, c.34, s.347; R.S.S. 1930, c.106, s.365.

**Tender**

**366(1)** The council, in all cases where claims for compensation or damages are made against the municipality which, under 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 the person making such claim such amount as it considers proper compensation for the land taken or injuriously affected.

(2) In the event of the nonacceptance 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 municipality and set off against any amount awarded against it.

1928-29, c.34, s.348; R.S.S. 1930, c.106, s.366.

**Compensation by arbitration**

**367** Where the compensation or damages have not been agreed upon, the amount thereof shall be determined by the award of an arbitrator appointed by a judge of the Court of King's Bench upon motion to him by either party.

1928-29, c.34, s.349; R.S.S. 1930, c.106, s.367.

**Arbitrator's fee**

**368(1)** The judge making such appointment may prescribe the fees to be paid to the arbitrator.

(2) In the absence of an order or direction of the judge the fees to be paid to the arbitrator shall be as follows:

For every meeting where the arbitration is not proceeded with, but an enlargement or postponement is made at the request of either party, \$5;

For every day's sitting to consist of not less than six hours, \$30;

For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied, \$5.

(3) In addition to the above fees, a judge of the Court of King's Bench may, on the application of the arbitrator, allow to the arbitrator a fair and reasonable sum for his care, pains and trouble and his time expended in considering the evidence, examining legal authorities and drawing up his award, as well as in taking a view of the ground where a view has been found necessary or has been asked for by the parties.

1928-29, c.34, s.350; R.S.S. 1930, c.106, s.368.

**Oath**

**369(1)** The arbitrator, before proceeding with the reference, shall take and subscribe the following oath;

I, *A.B.*, swear (*or affirm*) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge.

(2) The omission of an arbitrator to take the oath shall not effect the validity of the award unless before the reference is begun objection is made to its being proceeded with on that account.

1928-29, c.34, s.351; R.S.S. 1930, c.106, s.369.

**Particulars of claim**

**370(1)** In the case of a claim for damages for injuriously affecting land, the claimant before the taking of evidence is begun, shall deliver to the municipality and file with the arbitrator, particulars of his claim.

(2) The arbitrator shall have the same power to amend the claim or the particulars as a court would have in an action.

1928-29, c.34, s.352; R.S.S. 1930, c.106, s.370.

**Refusal of certain evidence**

**371** The arbitrator in his discretion may refuse to hear further evidence of a cumulative character upon any matter or question.

1928-29, c.34, s.353; R.S.S. 1930, c.106, s.371.

**Effect of reference**

**372** The reference of any such claim to arbitration shall not be deemed to be an admission of any liability on the part of the municipality, and all defences and objections shall be open to either party as if an action had been brought.

1928-29, c.34, s.354; R.S.S. 1930, c.106, s.372.

**Costs**

**373** The arbitrator may award payment by any of the parties to the other of the costs of the arbitration or of any portion thereof, and may direct the scale on which such 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 thirty days after taxation.

1928-29, c.34, s.355; R.S.S. 1930, c.106, s.373.

**Recording and filing of evidence with award by arbitrator**

**374(1)** In case of an award under this Act, the arbitrator shall take and shall file with the award 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 upon any knowledge or skill possessed by him, he shall also put in writing a statement thereof.

(2) Notwithstanding anything herein contained either party to the reference may require that the evidence shall be taken in shorthand, in which case it shall be so taken unless otherwise ordered by the arbitrator.

(3) Where the evidence is taken in shorthand, the examination may be taken down by question and answer and the practice of the court as to such examination, the depositions, proof of the depositions and office copies of the same shall apply to such examination.

(4) The arbitrator shall file the award, and the evidence as above mentioned, with the clerk of the court, accompanied by a certificate showing the number of hours occupied at each sitting, and the date of and the fees charged by him for each sitting.

1928-29, c.34, s.356; R.S.S. 1930, c.106, s.374.

**Delivery of award**

**375** Any party to the reference may pay to the clerk of the court the fees demanded by the arbitrator together with the sum of \$1 to be retained by the clerk as a filing fee, and the clerk shall thereupon deliver the award to the person so making payment.

1928-29, c.34, s.357; R.S.S. 1930, c.106, s.375.

**Arbitration of small amounts**

**376(1)** Where the land taken from any one owner is less in extent than eight acres the amount of compensation payable therefor may be determined by the award of three arbitrators of whom one shall be appointed by the council, one by the owner and the third by these two.

(2) The provisions of sections 369 to 375 shall, as far as applicable, apply.

(3) The award, when filed with the clerk of the district court, shall be final and binding on all parties, and without appeal.

(4) If either the council or the owner fails to appoint an arbitrator within five weeks after being required by notice in writing to do so, the provisions of sections 367 to 375 shall govern.

1928-29, c.34, s.358; R.S.S. 1930, c.106, s.376.

**Appeal**

**377(1)** In every case where the amount of the claim exceeds \$500 an appeal shall lie from the award to the Court of Appeal in like manner as from a judgment or decision of the district court or a judge thereof.

(2) On an appeal from an award the Court of Appeal may call for and receive additional evidence to be taken in such manner as the court directs, and may set aside the award or remit the matters referred or any of them from time to time for reconsideration and determination by the arbitrator, or may refer such matters or any of them to any other person, and may fix the time within which the further or new award shall be made, or may increase or diminish the amount awarded or otherwise modify the award as may be deemed just.

1928-29, c.34, s.359; R.S.S. 1930, c.106, s.377.

**Entry on land**

**378(1)** At any time after the passing of a bylaw for entering on or expropriating land, the municipality, by leave of the judge and upon payment into court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon the land, and, if any resistance or forcible opposition is made to its do doing, the judge may issue his warrant to the sheriff of the judicial district to put the municipality in possession, and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do.

(2) Leave of the judge and payment into court shall not be necessary where the land is being expropriated for or in connection with the opening, widening, altering or diverting of a highway, unless upon application by the owner, a judge otherwise directs.

1928-29, c.34, s.360; R.S.S. 1930, c.106, s.378.

**When award not binding on municipality**

**379** Where the arbitration is as to compensation, if the expropriating bylaw did not authorise or profess to authorise entry upon or use to be made of the land before the award except for the purpose of survey, or if the bylaw gave or professed to give such authority but the arbitrators by their award find that it was not acted upon, the award shall not be binding on the municipality unless it is adopted by bylaw within two months after the making of the same; and if it is not so adopted, the expropriating bylaw shall be deemed to be repealed, and the municipality shall pay the costs between solicitor and client of the reference and award, and shall pay to the owner the damages, if any, sustained by him in consequence of the passing of the bylaw, and such damages if not mutually agreed upon shall be determined by arbitration under the provisions of *The Arbitration Act*.

1928-29, c.34, s.361; R.S.S. 1930, c.106, s.379.

**Application of *The Arbitration Act***

**380** In all matters not herein otherwise provided for the provisions of *The Arbitration Act* shall apply.

1928-29, c.34, s.362; R.S.S. 1930, c.106, s.380.

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PART IX

**Miscellaneous****PENALTIES****Penalties for nonperformance of duties**

**381** Any secretary, treasurer or other officer of a municipality who:

- (a) refuses, neglects or fails to discharge the duties of his office; or
- (b) knowingly signs any false statement, report or return required by this Act or any law in force in the province; or
- (c) refuses or neglects to hand over to his successor in office or such persons as may be designated in writing to him by the council or by the minister all moneys, books, papers and other property of the municipality in his possession.

shall, in addition to any civil liability which he may incur, be guilty of an offence and liable to a penalty not exceeding \$50.

1928-29, c.34, s.363; R.S.S. 1930, c.106, s.381.

**Recovery of penalties**

**382** 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.

1928-29, c.34, s.364; R.S.S. 1930, c.106, s.382.

**Penalties go to consolidated fund of province**

**383** All moneys accruing from fines or penalties under this Act shall unless otherwise provided belong to the consolidated fund of the province.

1928-29, c.34, s.365; R.S.S. 1930, c.106, s.383.

## ACTIONS BY AND AGAINST MUNICIPALITY

**Rights as in proceedings**

**384** Where duties, obligations or liabilities are imposed by law upon any person, in favour of a municipality or the inhabitants or some of the inhabitants thereof, or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities, the municipality shall have the right by action to enforce the same and to obtain as complete and full relief and remedy as could have been obtained by the Attorney General as plaintiff in such action, or as plaintiff upon the relation of any person interested.

1928-29, c.34, s.366; R.S.S. 1930, c.106, s.384.

**Notice of action in certain cases**

**385** In case a bylaw or resolution is illegal in whole or in part and 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 bylaw 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 municipality; and every such action shall be brought against the municipality alone and not against any person acting under the bylaw or resolution.

1928-29, c.34, s.367; R.S.S. 1930, c.106, s.385.

**Tender of amends**

**386** In case the municipality tenders amends to the plaintiff or his solicitor, if such tender is pleaded and if traversed 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 set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases.

1928-29, c.34, s.368; R.S.S. 1930, c.106, s.386.

**Disqualification of member not to invalidate proceedings**

**387** No proceedings of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election or by reason of the disqualification of any such person.

1928-29, c.34, s.369; R.S.S. 1930, c.106, s.387.

## EXECUTIONS AGAINST MUNICIPALITY

**Procedure on writs of execution in sheriff's hands**

**388** Any writ of execution against a municipality may be indorsed with a direction to the sheriff of the judicial district in which the municipality is wholly or mainly situated to levy the amount thereof by rate, and the proceedings thereon shall be as follows:

**Copy writ delivered to treasurer**

1. The sheriff shall deliver a copy of the writ and indorsement to the treasurer with a statement in writing of the amount required to satisfy the execution, including the amount of interest thereon calculated to some day as near as is convenient to the day of service and sheriff's fees, and demand payment of the same;

**Execution rate**

2. 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 municipality, and shall in like manner as rates are struck for general municipal purposes, strike a rate sufficient to cover the amount claimed 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 the rate will probably be available;

**Sheriff's precept to treasurer**

3. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the treasurer and shall annex thereto the roll of such rate, and shall by such precept, after reciting the writ and that the municipality has neglected to satisfy the same and referring to the roll annexed to the precept, command the treasurer to levy such rate at the time and in the manner by law required with respect to the general annual rates;

**Levy of special rate**

4. At the time for levying the annual rates next after the receipt of the precept, the treasurer shall add a column to the tax roll headed: "Execution rate in *A.B.* versus the rural municipality of \_\_\_\_\_ No. \_\_\_\_\_," as the case may be, adding another similar column for each additional execution if there are more executions than one, and shall insert therein the amount by such precept to be levied upon each person respectively, and shall levy the amount of the execution rate and shall within the time that he is required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, deducting his percentage;

**Surplus**

5. The sheriff shall, after satisfying the execution and all fees thereon, return any surplus within ten days after receiving the same to the treasurer for the general purposes of the municipality;

**Treasurer's percentage**

6. In case the treasurer of any municipality against which an execution has issued is not paid by percentage fixed by bylaw he shall be paid for such collections a sum not exceeding two and one-half per cent;

**Treasurer and assessor officers of court**

7. The treasurer and the assessor shall, for the purpose 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 the 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.

1928-29, c.34, s.370; R.S.S. 1930, c.106, s.388.

**JOINT OWNERS****Assessment of and voting by joint owners**

**389(1)** Notwithstanding anything herein contained when land is jointly owned or occupied by more than four persons, only those of such joint owners or occupants to the number that there are half sections of the land so jointly owned or occupied, first presenting themselves for the purpose of voting hereunder shall be deemed to be the owners or occupants of such land.

(2) When land is so jointly owned or occupied by more than four persons, the assessor shall in assessing such land enter on the assessment roll as the owner or occupant of the land the names of as many joint owners or joint occupants as there are half sections of the land so jointly owned or occupied, and no more.

1928-29, c.34, s.371; R.S.S. 1930, c.106, s.389.

