

The Rural Municipality Act

being

Chapter 89 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 89

An Act respecting Rural Municipalities

SHORT TITLE

Short title

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

1917, c.14, s.1; R.S.S. 1920, c.89, s.1.

INTERPRETATION

Interpretation

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

“Assessor”

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

“Boarding house”

2. “**Boarding house**” means and includes every hotel (not being a public hotel), boarding house, lodging house or rooming house in which there are at least six bedrooms or beds used by or set apart for the use of boarders, lodgers or inmates and for the use of which a charge is made by the owner, tenant, occupant, proprietor or manager;

“Council”

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

“Councillor”

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

“Division”

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

“Elector”

6. “**Elector**” means any person of the full age of eighteen years whose name appears on the municipal voters’ list as the owner or occupant of assessable property in the municipality, or as the resident wife of such owner or occupant;

“Felony”

7. “**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”

8. “**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, but which has not been established as a village;

“Hawker” “pedler”

9. **“Hawker”** or **“pedler”** means a person who goes from house to house selling or offering for sale goods, wares or merchandise, or carries and exposes samples or patterns of goods, wares or merchandise for purposes of sale by such sample or pattern or by means of cuts or blue prints, and upon the understanding that such goods, wares and merchandise will afterwards be delivered in the municipality to any person who is not a wholesale or retail dealer therein, or who sells such goods, wares or merchandise upon the streets; but does not include any person selling nursery stock, or by retail meat or other products of his own farm, or fish of his own catching, or the *bona fide* servant or employee of any such person having written authority to sell;

“Judge”

10. **“Judge”** means and shall be held always to have meant 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”

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

“Last revised assessment roll”

12. **“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 judge, as finally revised by the judge;

“Minister”

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

“Misdemeanour”

14. **“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”

15. **“Municipality”** means a rural municipality established under the provisions of this Act;

“Occupant”

16. **“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 or holder under agreement for sale and a person having or enjoying in any way for any purpose whatever the use of land in a rural municipality;

“Owner”

17. **“Owner”** includes a person who has any right, title, estate or interest other than that of a mere occupant in land in a rural municipality;

“Person”

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

“Places of public accommodation”

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

“Public hotel”

20. **“Public hotel”** means and includes every place of public accommodation, supplying lodging and meals to travellers and guests, and licensed as a public hotel under this Act;

“Public work”

21. **“Public work”** includes lands, streams, watercourses 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”

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

“Restaurant”

23. **“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”

24. **“Secretary”** means the secretary or the secretary treasurer of the municipality;

“Territorial unit”

25. **“Territorial unit”** means any portion of Saskatchewan included within the boundaries of a 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”

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

“Treasurer”

27. **“Treasurer”** means the treasurer or the secretary treasurer of the municipality.

1917, c.14, s.2; 1917 (sess.2), c.28, s.2; R.S.S.
1920, c.89, s.2.

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.

1917, c.14, s.3; R.S.S. 1920, c.89, 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.

1917, c.14, s.4; R.S.S. 1920, c.89, 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.

1917, c.14, s.5; R.S.S. 1920, c.89, s.5.

Extension of time

6 Where in this Act a certain date is fixed on or by 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 be made in respect of the earlier date a like delay shall be allowed in respect of the later date.

1917, c.14, s.6; R.S.S. 1920, c.89, 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.

1917, c.14, s.7; R.S.S. 1920, c.89, s.7.

PART I

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

8 Every municipality shall, in so far as the same 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 will allow.

1917, c.14, s.8; R.S.S. 1920, c.89, 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 hereafter organised, and such boundaries shall be fixed as provided in section 8, commencing at the south-eastern corner of the province.

1917, c.14, s.9; R.S.S. 1920, c.89, s.9.

Map open to inspection

10 The map thus prepared 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.

1917, c.14, s.10; R.S.S. 1920, c.89, s.10.

AREA AND BOUNDARIES OF DIVISIONS OF MUNICIPALITIES

Area of divisions

11 Every municipality prior to its organisation shall, in so far as the same 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 will allow, comprise an area of 54 square miles which area (unless in the opinion of the minister there are special reasons to the contrary) shall be not less than nine miles in length from north to south, and six miles in width from east to west.

1917, c.14, s.11; R.S.S. 1920, c.89, 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.

1917, c.14, s.12; R.S.S. 1920, c.89, s.12.

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

1917, c.14, s.13; R.S.S. 1920, c.89, 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*.

1917, c.14, s.14; R.S.S. 1920, c.89, 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 shall, have power to 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.

1917, c.14, s.15; 1919–20, c.26, s.2; R.S.S. 1920, c.89, 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.

1917, c.14, s.16; R.S.S. 1920, c.89, 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.

1917, c.14, s.17; R.S.S. 1920, c.89, 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.

1917, c.14, s.18; R.S.S. 1920, c.89, 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 and be deemed to be included within their respective boundaries, notwithstanding anything herein contained.

1917, c.14, s.19; R.S.S. 1920, c.89, 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 vested in such corporations 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 shall have full power and authority to 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 shall have full power and authority to assess, levy, collect and enforce payment, in the same manner as a council and its officers are authorised to do by this Act, 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.

1917, c.14, s.20; R.S.S. 1920, c.89, s.20.

PART II

Municipal Council

CONSTITUTION OF COUNCIL

Constitution of council

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, and the councillors elected for the even-numbered divisions for two years, respectively.

1917, c.14, s.21; R.S.S. 1920, c.89, s.21.

OATHS 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:

Form of oath of office

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.

1917, c.14, s.22; R.S.S. 1920, c.89, s.22.

Deposit of form 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 said 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.

1917, c.14, s.23; R.S.S. 1920, c.89, s.23.

COUNCIL A CORPORATION

Municipality a body corporate

24 Every municipality is hereby declared a body corporate, and the name of the body corporate shall be "The Rural Municipality of (*naming the same*) No. _____."

1917, c.14, s.24; R.S.S. 1920, c.89, 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.

1917, c.14, s.25; R.S.S. 1920, c.89, 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.

1917, c.14, s.26; R.S.S. 1920, c.89, s.26.

MEETINGS 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 such 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, however, that the first council elected in any municipality shall hold office from the date of the election.

(2) Such 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 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 meeting.

1917, c.14, s.27; R.S.S. 1920, c.89, 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. Such resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

1917, c.14, s.28; R.S.S. 1920, c.89, 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 of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be given by the secretary 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.

1917, c.14, s.29; R.S.S. 1920, c.89, 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 must be present at such meeting.

1917, c.14, s.30; R.S.S. 1920, c.89, 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.

1917, c.14, s.31; R.S.S. 1920, c.89, 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.

1917, c.14, s.32; R.S.S. 1920, c.89, 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 be a quorum.

1917, c.14, s.33; R.S.S. 1920, c.89, 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.

1917, c. 14, s.34; R.S.S. 1920, c.89, 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.

1917, c.14, s.35; R.S.S. 1920, c.89, 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 such meeting.

1917, c.14, s.36; R.S.S. 1920, c.89, s.36.

No act valid unless adopted at regular meeting

37 No act or proceeding of a council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council.

1917, c.14, s.37; R.S.S. 1920, c.89, 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 thereof, and no seconder shall be required.

1917, c.14, s.38; R.S.S. 1920, c.89, 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.

1917, c.14, s.39; R.S.S. 1920, c.89, s.39.

Members of council must vote

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

1917, c.14, s.40; R.S.S. 1920, c.89, 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 the meeting.

1917, c.14, s.41; R.S.S. 1920, c.89, 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.

1917, c.14, s.42; R.S.S. 1920, c.89, 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 afterwards dismissed, such officer shall receive no salary or remuneration from the date of suspension.

1917, c.14, s.43; R.S.S. 1920, c.89, s.43.

Appointment of special constables

44 The reeve may at any time and from time to time, by writing under his hand, appoint and engage one or more special constables within the municipality 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.

1917, c.14, s.44; R.S.S. 1920, c.89, 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.

1917, c.14, s.45; R.S.S. 1920, c.89, 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 ten 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.

1917, c.14, s.46; 1918-19, c.37, s.2; R.S.S. 1920, c.89, s.46.

Payment of councillors

47(1) Every council may pass a resolution for paying the members a sum not exceeding \$5 *per diem* for the reeve and \$4 *per diem* for a councillor, and ten cents for every mile respectively necessarily occupied or travelled in laying out or inspecting work done in the municipality for periods not exceeding in the aggregate ten days in each year.

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

(3) A special report setting forth the work done by such members and the remuneration received therefor under this section shall be prepared and submitted to the ratepayers at the next nomination meeting of the municipality, and a copy of such report shall be mailed to the minister.

1917, c.14, s.47; 1918-19, c.37, s.3; R.S.S. 1920, c.89, s.47.

Other remuneration prohibited

48(1) No member of the council shall receive remuneration for his services, except as provided in this Act.

(2) Any member accepting any 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 thereof 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.

1917, c.14, s.48; 1918-19, c.37, s.4; R.S.S. 1920, c.89, s.48.

COMMITTEES

Committees

49(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 delegated as aforesaid 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.

1917, c.14, s.49; R.S.S. 1920, c.89, s.49.

VACANCIES

Resignation

50(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 said resignation shall take effect and the seat shall become vacant upon receipt of the notice by the secretary.

(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.

1917, c.14, s.50; R.S.S. 1920, c.89, s.50.

Declaration of vacancy

51 If, after the election of any person as a member of the council, he is convicted of felony or becomes insolvent within the meaning of *The Bankruptcy Act*, or of any Act in force in the province respecting insolvency, or assigns his property for the benefit of creditors or absents himself from the meetings of the council for three consecutive months without being authorised so to do by a resolution of the council, the seat of such person in the council shall forthwith become vacant.

1917, c.14, s.51; R.S.S. 1920, c.89, s.51.

Vacancy

52 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 such vacancy occurs after the first day of November in the year with which the term expires, such election shall not take place.

1917, c.14, s.52; R.S.S. 1920, c.89, s.52.

APPOINTED COUNCILLORS

Minister may appoint councillor

53 Whenever the residents of any division of a municipality constituted under this Act neglect or refuse to elect a councillor, the minister may appoint some one to act as councillor in such division.

1917, c.14, s.53; R.S.S. 1920, c.89, s.53.

Lieutenant Governor in Council may appoint whole council

54(1) The Lieutenant Governor in Council may at any time appoint some person to act 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 on 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 act as aforesaid, previously elected members of the council in whose stead such 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.

1917, c.14, s.54; R.S.S. 1920, c.89, s.54.

 PART III
Municipal Elections

FIRST ELECTION FOR REEVE AND COUNCILLORS

Returning officer

55(1) The minister shall appoint a returning officer for the first election in each municipality constituted under section 12 hereof, 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) Such returning officer shall at least two weeks prior to the last Monday of November in the same year:

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

1917, c.14, s.55; R.S.S. 1920, c.89, s.55.

Fees

56 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 held, \$20;
2. When poll 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 poll held, \$5;
6. For providing polling booth, the amount actually paid or agreed to be paid, not exceeding \$3.

1917, c.14, s.56; R.S.S. 1920, c.89, s.56.

Interim secretary

57 Until such time as the secretary is appointed the returning officer at the first election for a reeve and councillors in a municipality shall have and exercise all the powers and duties of such secretary as prescribed by section 27 and by sections 123 to 129 inclusive hereof.

1917, c.14, s.57; R.S.S. 1920, c.89, s.57.

Part of town or village district comprised in rural municipality

58 Where a portion of a rural municipality is comprised within a town or village school district, the secretary of such municipality shall, on or before the fifteenth 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.

1917, c.14, s.58; R.S.S. 1920, c.89, s.58.

Voters' list

59(1) The secretary of every municipality shall, on or before the first day of November in each year, prepare a list of all persons whose names appear on the last revised assessment roll of the municipality and shall add thereto the name of every woman who is the wife of any such owner or occupant, and who resides with her husband on land in the municipality, and 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	No. of acres	Assessed value
			Pt. of section	Section	Township	Range			

(2) The council may cause copies of the said 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 of the municipal voters' list shall form a part of the funds of the municipality.

1917, c.14, s.59; 1917 (sess.2), c.28, s.3; R.S.S. 1920, c.89, s.59.

Particulars

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

1. The names of all persons assessed in the division, and resident wives 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 words "occupant," "owner," or resident wife," as the case may be;
4. The number of acres in respect of which each such person is assessed or qualified;
5. The assessed value of each parcel.

1917, c.14, s.60; R.S.S. 1920, c.89, s.60.

Treasurer's certificate

61 When the said list has been prepared, as provided in sections 59 and 60, 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 as aforesaid.

1917, c.14, s.61; R.S.S. 1920, c.89, s.61.

Post copy of list in treasurer's office

62(1) The secretary shall then forthwith make a true and correct copy of the said list and post the same 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 such 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:

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.

1917, c.14, s.62; R.S.S. 1920, c.89, s.62.

Revision of list

63(1) In case through inadvertence or otherwise any mistake, error, wrongful entry or omission has been made in the said original list or copy, it shall be the duty of the secretary, subject to subsection (2), upon being notified in writing of such mistake, error, wrongful entry or omission, to 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 said list shows the latter to be inaccurate or incomplete in the manner complained of in the said 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.

1917, c.14, s.63; R.S.S. 1920, c.89, s.63.

Penalties for offences in preparation of list

64(1) Any secretary who:

- (a) refuses or neglects to prepare the said list as herein provided; or
- (b) neglects or fails to enter on the said list the name of any person whose name appears on the last revised assessment roll of the municipality or whom he knows to be qualified as a resident wife; or
- (c) neglects or fails to enter on the said list any other particular as provided herein; or
- (d) enters on the said list the name of any person who is not qualified under section 59; or

(e) refuses, fails or neglects to revise the said list in any particular as herein provided;

shall, for each such refusal, neglect 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.

1917, c.14, s.64; R.S.S. 1920, c.89, s.64.

ANNUAL ELECTION

Annual election

65 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.

1917, c.14, s.65; R.S.S. 1920, c.89, s.65.

QUALIFICATION OF COUNCILLORS

Qualification of reeve and councillors

66 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, who is of the full age of twenty-one years, 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) 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.

1917, c.14, s.66; 1918-19, c.37, s.5; R.S.S. 1920, c.89, s.66.

Disqualification

67 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, and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for more than five years, shall be a member of the council.

1917, c.14, s.67; R.S.S. 1920, c.89, s.67.

Shareholder not disqualified

68 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.

1917, c.14, s.68; R.S.S. 1920, c.89, s.68.

Member of council represents only one division

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

1917, c.14, s.69; R.S.S. 1920, c.89, s.69.

MEETINGS FOR NOMINATION OF COUNCIL**Provision for annual nomination meeting**

70(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 first Monday of December in each year:

- (a) name a place for holding the nomination meeting;
- (b) appoint a returning officer;
- (e) 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 and a half, the council may name two polling places for such division.

1917, c.14, s.70; 1919–20, c.26, s.3; R.S.S. 1920, c.89, s.70.

Place of nomination

71 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.

1917, c.14, s.71; R.S.S. 1920, c.89, s.71.

Place of polling

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

1917, c.14, s.72; R.S.S. 1920, c.89, s.72.

Hour of meeting

73 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 first Monday of December in each year.

1917, c.14, s.73; R.S.S. 1920, c.89, s.73.

ELECTION OFFICIALS' DECLARATION

Officials' declaration

74 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 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: Province of Saskatchewan, To wit:	}	I, _____ of _____ in the Province of Saskatchewan, 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. The I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So me God.

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

A J. P., N. P. or Commissioner for Oaths.

1917, c.14, s.74; R.S.S. 1920, c.89, s.74.

FOR HISTORICAL REFERENCE ONLY

Posting notices

75(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) Every such 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 said notice shall be conspicuously posted in each of them.
- (3) Such 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.

1917, c.14, s.75; R.S.S. 1920, c.89, s.75.

PROCEEDINGS AT NOMINATION MEETING

Nomination

76(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.

1917, c.14, s.76; R.S.S. 1920, c.89, s.76.

Nomination in writing

77 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 a British subject;
5. That I am not otherwise disqualified;
6. That I will accept the office, if elected.

Signed in the presence of

Signature of Witness.

Signature of Candidate.

1917, c.14, s.77; 1919-20, c.26, s.4; R.S.S. 1920, c.89, s.77.

Nomination accompanied by acceptance

78(1) No such nomination shall be valid unless the nomination paper is accompanied by the candidate's acceptance, as above provided.

Penalty

(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 such person has been elected a member of the council, his seat shall forthwith become vacant.

1917, c.14, s.78; 1919-20, c.26, s.5; R.S.S. 1920, c.89, s.78.

Place and date of poll

79 In the event of more than the required number of 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.

1917, c.14, s.79; R.S.S. 1920, c.89, s.79.

Withdrawal

80 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.

1917, c.14, s.80; R.S.S. 1920, c.89, s.80.

Notice that there will be no poll

81 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 75:

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*).

Dated under my hand at _____ this _____ day of _____ 19_____.

Returning Officer.

1917, c.14, s.81; R.S.S. 1920, c.89, s.81.

TIME AND NOTICE OF POLL

Hours of poll

82(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 said election but in the next week following.

(2) Every such 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.

1917, c.14, s.82; 1919-20, c.26, s.6; R.S.S. 1920, c.89, s.82.

Notice of poll

83 Notice of every such poll required to be taken shall, within seventy-two hours after the nomination, be posted up by the returning officer in the manner provided by section 75, 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.

1917, c.14, s.83; 1919-20, c.26, s.7; R.S.S. 1920, c.89, s.83.

PREPARATIONS FOR POLL

Poll clerk

84 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.

1917, c.14, s.84; R.S.S. 1920, c.89, s.84.

Ballot box

85 The returning officer shall procure for each division of the municipality a suitable ballot box to be made of some dry 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 therefrom unless the box is unlocked.

1917, c.14, s.85; R.S.S. 1920, c.89, s.85.

Ballot papers

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

1917, c.14, s.86; R.S.S. 1920, c.89, s.86.

Printed or written

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

1917, c.14, s.87; R.S.S. 1920, c.89, s.87.

Form for reeve

88 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	

1917, c.14, s.88; R.S.S. 1920, c.89, s.88.

Form for councillor

89 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	

1917, c.14, s.89; R.S.S. 1920, c.89, s.89.

Supplies for deputy returning officers

90 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.

1917, c.14, s.90; R.S.S. 1920, c.89, s.90.

Directions for voters

91 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 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 such 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 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.

1917, c.14, s.91; R.S.S. 1920, c.89, s.91.

PROCEEDINGS AT THE POLL

Deputy returning officer

92 On the day fixed for the taking of a 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.

1917, c.14, s.92; R.S.S. 1920, c.89, s.92.

Voting compartment

93 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.

1917, c.14, s.93; R.S.S. 1920, c.89, s.93.

Posting directions

94 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 91.

1917, c.14, s.94; R.S.S. 1920, c.89, s.94.

Secretary furnishes copies

95 The secretary shall prior to every election furnish the returning officer with at least two copies of section 91 for each polling place for distribution to his deputies, and it shall be the duty of the deputy returning officer to post the same in conspicuous places at his polling place and to see that they are kept so posted up during the hours of polling.

1919-20, c.26, s.8; R.S.S. 1920, c.89, s.95.

Secretary furnishes copies of voters' list

96 Except in the case of elections held prior to the completion of the municipal voters' list, it shall be the duty of the secretary to furnish to the returning officer for distribution to his deputies such number of copies of the said list as the returning officer may require.

1917, c.14, s.96; R.S.S. 1920, c.89, s.96.

Poll book

97 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		

1917, c.14, s.97; R.S.S. 1920, c.89, s.97.

Agents

98 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.

1917, c.14, s.98; R.S.S. 1920, c.89, s.98.

Persons present in polling booth

99 The persons entitled to be present at any one time in any 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.

1917, c.14, s.99; R.S.S. 1920, c.89, s.99.

Opening of poll

100 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.

1917, c.14, s.100; R.S.S. 1920, c.89, s.100.

Persons entitled to vote

101(1) The persons entitled to vote for reeve or councillor shall be the electors of the municipality.

Procedure when elector's name in more than one divisional voters' list

(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 in case his name appears on the voters' list for more than one division he shall vote in that division and 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 123.

(4) An elector who has given the notice mentioned in the preceding subsections shall be bound thereby as long as he remains on the voters' list for the division which he has designated on the notice.

(5) The wife of an elector who has given such a notice shall, while living with her husband, vote in the division in which her husband votes.

(6) In the case of a special election for councillor of a division, no elector shall vote who is not entitled to vote in the same division at an annual or general election.

(7) 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.

1917, c.14, s.101; 1919-20, c.26, s.9; R.S.S. 1920, c.89, s.101.

DECLARATION OF ELECTORS

Vote prior to first voters' list

102(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 said 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 eighteen years;
2. That he (she) is the owner or occupant of assessable land in the division (or that she is the wife of _____ who is the owner or occupant of assessable land in the division, and that she resides with him on such land).

Name	Land voted on

(2) At such election each person signing the said 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 aforesaid who therein makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

1917, c.14, s.102; R.S.S. 1920, c.89, s.102.

Voters' name must be on voter's list

103(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 name of every person who presents himself for the purpose of voting under a name apparently intended for 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.

Voters must pay taxes

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

1917, c.14, s.103; R.S.S. 1920, c.89, s.103.

Swearing voter on demand of agent

104 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 eighteen years;

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.

1917, c.14, s.104; R.S.S. 1920, c.89, s.104.

Entry of oath on poll book

105 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.

1917, c.14, s.105; R.S.S. 1920, c.89, s.105.

Refusal of voter to be sworn

106 Whenever a voter is required to take the said oath or affirmation and he 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.

1917, c.14, s.106; R.S.S. 1920, c.89, s.106.

Deputy returning officer initials ballot paper

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

1917, c.14, s.107; R.S.S. 1920, c.89, s.107.

Explanation of method of voting

108 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.

1917, c.14, s.108; R.S.S. 1920, c.89, s.108.

Incapacity of voter

109 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.

1917, c.14, s.109; R.S.S. 1920, c.89, s.109.

Penalty for omission to initial ballot paper

110 Every deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot as provided by section 107 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 returning officer has not signed his initials as aforesaid.

1917, c.14, s.110; R.S.S. 1920, c.89, s.110.

Penalty for double vote

111 Any person who votes oftener than he is entitled to under the provisions of this Act shall incur a penalty of \$50.

1917, c.14, s.111; R.S.S. 1920, c.89, s.111.

Evidence of voting

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

1917, c.14, s.112; R.S.S. 1920, c.89, s.112.

Method of voting

113(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 91 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 way 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 voters' name the word "voted."

1917, c.14, s.113; R.S.S. 1920, c.89, s.113.

Secrecy of vote

114 While a 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.

1917, c.14, s.114; R.S.S. 1920, c.89, s.114.

Forfeiture of right to vote

115(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.

1917, c.14, s.115; R.S.S. 1920, c.89, s.115.

Voter may obtain second ballot paper

116 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.

1917, c.14, s.116; R.S.S. 1920, c.89, s.116.

PROCEEDINGS AT CLOSE OF POLL

Close of poll

117 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.

1917, c.14, s.117; R.S.S. 1920, c.89, s.117.

Opening ballot box

118 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 as aforesaid, 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.

1917, c.14, s.118; R.S.S. 1920, c.89, s.118.

Delivery to returning officer

119 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.

1917, c.14, s.119; R.S.S. 1920, c.89, s.119.

Returning officer counts ballots and declares election

120(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 118 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.

1917, c.14, s.120; R.S.S. 1920, c.89, s.120.

Returning officer's casting vote

121 In case it appears upon the casting up of the votes as aforesaid 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.

1917, c.14, s.121; R.S.S. 1920, c.89, s.121.

And no other

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

1917, c.14, s.122; R.S.S. 1920, c.89, s.122.

Transmission of ballot boxes, etc., to secretary

123 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 said secretary shall be responsible for their safe keeping and for their delivery when needed.

1917, c.14, s.123; R.S.S. 1920, c.89, s.123.

Destruction of ballots

124 The secretary shall, unless otherwise ordered by the judge, retain for two months the said 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.

1917, c.14, s.124; R.S.S. 1920, c.89, s.124.

Inspection

125 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 said secretary.

1917, c.14, s.125; R.S.S. 1920, c.89, s.125.

Order for

126 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.

1917, c.14, s.126; R.S.S. 1920, c.89, s.126.

RECOUNT

Recount

127(1) If, within five days from the time of the returning officer's declaration as aforesaid, 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 such 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.

1917, c.14, s.127; R.S.S. 1920, c.89, s.127.

Attendance of clerk with papers

128 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.

1917, c.14, s.128; R.S.S. 1920, c.89, s.128.

Mode of counting

129 At the time and place appointed, and in the presence of those notified or entitled to attend as provided by the next preceding section, 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 such 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 or omitted to be written or made by the deputy returning officer on a ballot shall affect the vote;
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.

1917, c.14, s.129; R.S.S. 1920, c.89, s.129.

Quo warranto proceedings

130 Nothing in section 129 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.

1917, c.14, s.130; R.S.S. 1920, c.89, s.130.

Costs

131 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.

1917, c.14, s.131; R.S.S. 1920, c.89, s.131.

Scale of costs

132 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.

1917, c.14, s.132; R.S.S. 1920, c.89, s.132.

Enforcement of payment of costs

133 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.

1917, c.14, s.133; R.S.S. 1920, c.89, s.133.

GENERAL PROVISIONS

Secrecy of votes

134 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.

1917, c.14, s.134; R.S.S. 1920, c.89, s.134.

Candidate acting on his own behalf

135 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.

1917, c.14, s.135; R.S.S. 1920, c.89, s.135.

Candidates and agents

136 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.

1917, c.14, s.136; R.S.S. 1920, c.89, s.136.

Errors not affecting results

137 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.

1917, c.14, s.137; R.S.S. 1920, c.89, s.137.

Payment of election expenses

138 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.

1917, c.14, s.138; R.S.S. 1920, c.89, s.138.

Controverted Municipal Elections Act

139 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*.

1917, c.14, s.139; R.S.S. 1920, c.89, s.139.

OFFENCES AND PENALTIES

Offences and penalties

140(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 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.

1917, c.14, s.140; 1918-19, c.37, s.7; R.S.S. 1920, c.89, s.140.

Penalties

141 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 74 to 142, 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.

1917, c.14, s.141; R.S.S. 1920, c.89, s.141.

Duties of election officers

142(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 before a justice of the peace, to imprisonment for any term not exceeding six months with or without hard labour.

1917, c.14, s.142; R.S.S. 1920, c.89, s.142.

Penalty for displaying ballot

143 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 before a justice of the peace to a fine not exceeding \$25 and costs.

1917, c.14, s.143; R.S.S. 1920, c.89, s.143.

PART IV

Municipal Officials

APPOINTMENT

Officials

144 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; and
- (c) an auditor.

1917, c.14, s.144; R.S.S. 1920, c.89, s.144.

Appointment of officers

145 Every council may also appoint from time to time such other officers, servants or employees, including 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.

1917, c.14, s.145; R.S.S. 1920, c.89, s.145.

Councillor not eligible for office

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

1917, c.14, s.146; R.S.S. 1920, c.89, s.146.

No appointment by tender

147 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.

1917, c.14, s.147; R.S.S. 1920, c.89, s.147.

Tenure of office

148 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.

1917, c.14, s.148; R.S.S. 1920, c.89, s.148.

SECURITY

Security for faithful performance of duties

149 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.

1917, c.14, s.149; R.S.S. 1920, c.89, s.149.

Security for faithful accounting

150(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 may be in such form as is approved by the minister, and a duplicate copy thereof shall be forthwith transmitted to the minister.

1917, c.14, s.150; R.S.S. 1920, c.89, s.150.

Liability

151 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.

1917, c.14, s.151; R.S.S. 1920, c.89, s.151.

SECRETARY

Duties of secretary

152 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.

1917, c.14, s.152; R.S.S. 1920, c.89, s.152.

TREASURER

Duties of treasurer

153 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 all accounts and charges against the municipality which he receives for the consideration of the council;
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, quarterly, 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.

1917, c.14, s.153; R.S.S. 1920, c.89, s.153.

Financial year

154 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.

1917, c.14, s.154; R.S.S. 1920, c.89, s.154.

Form of receipt

155(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 same 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.

1919–20, c.26, s.10; R.S.S. 1920, c.89, s.155.

AUDITOR

Auditor

156(1) No one who at the time the appointment is made, or during the preceding year is or was a member of the council, or is or was secretary or treasurer, or who has directly or indirectly any share or interest in any contract made by the municipality, or who is employed by the municipality in any capacity except that of auditor, shall be appointed auditor.

(2) The council may appoint any incorporated company or partnership as auditor.

1917, c.14, s.155; R.S.S. 1920, c.89, s.156.

FINANCIAL STATEMENTS

Auditor's report

157(1) On or before the fifteenth day of November in each year the auditor 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 auditor 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 auditor shall also supply a copy of such abstract to the returning officer who shall read the same at the nomination meeting.

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

1917, c.14, s.156; 1918-19, c.37, s.8; 1919-20, c.26, s.11; R.S.S. 1920, c.89, s.157.

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

158(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 to every elector of the municipality.

1917, c.14, s.157; R.S.S. 1920, c.89, s.158.

Inspections

159 Any elector may inspect the said 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.

1917, c.14, s.158; R.S.S. 1920, c.89, s.159.

Notice of tax arrears

160 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.

1919-20, c.26, s.12; R.S.S. 1920, c.89, s.160.

Auditor's declaration of office

161 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 Comm., N. P. or J. P.

1917, c.14, s.159; R.S.S. 1920, c.89, s.161.

 PART V

**Municipal Bylaws and General Powers and
 Duties of Councils.**

BYLAWS

Resolutions of council

162 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.

1917, c.14, s.160; R.S.S. 1920, c.89, s.162.

Bylaws under seal

163(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.

Three readings

(2) Every such bylaw shall have three distinct and separate readings before the same shall be finally passed, but not more than two readings shall be had at any one meeting except by the unanimous vote of the council.

1917, c.14, s.161; R.S.S. 1920, c.89, s.163.

Validation of bylaws

164 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 passing thereof.

1917, c.14, s.162; R.S.S. 1920, c.89, s.164.

Assent of electors and minister to money bylaw

165 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.

1917, c.14, s.163; R.S.S. 1920, c.89, s.165.

Council may do omitted work

166 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.

1917, c.14, s.164; R.S.S. 1920, c.89, s.166.

Evidence of bylaw

167 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.

1917, c.14, s.165; R.S.S. 1920, c.89, s.167.

Bylaws generally

168 The council of every municipality shall pass such bylaws, not inconsistent with any law in force in this province, 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 infectious and contagious 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 and maintenance of hospitals or for uniting with other municipalities in establishing hospitals in accordance with *The Union Hospital Act* or regulations made thereunder;

Secondary school grants

5. 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;

Aid to needy persons

6. Granting aid or relief to any needy person who is a resident of the municipality;

War funds

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

Trees

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

Light weight

9. Imposing penalties for light weight and short measurement;

Cruelty to animals

10. Preventing cruelty to animals;

Dogs

11. 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;

Stray animals

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

Municipalities Seed Grain Act

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

Wolf bounty

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

Prairie fires

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

Hawkers and pedlers

16. 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;

Removal of dirt, etc., from roads

17. 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;

Storage of gunpowder

18. Regulating the storage of gunpowder and other combustible, explosive or dangerous materials within the municipality;

Incumbering the streets

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

Regulating use of bridges and highways

20. Regulating the driving and riding of horses and other animals on highways and public bridges, and preventing 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

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

Motor cars

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

Aid to agricultural societies

23. Granting aid to agricultural societies, and school and domestic exhibitions;

Census

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

Extermination of harmful animals and insects

25. Providing ways and means for the extermination of such animals and insects as are found to injure or impede agriculture, which may include the granting of a bonus to be fixed by the council for each gopher tail brought to the secretary or some other official to be chosen by the council;

26. Providing for the destruction of gophers on untaxable lands at the expense of the municipality;

Licensing

27. 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

28. Licensing, regulating and governing places of amusement;

Fire protection

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

Loose wire

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

Appointment of nurses

31. 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;

Grants to physicians

32. Making an annual or other grant to a duly qualified physician resident in the municipality, or in a village situated within the outer boundaries of the municipality, as an inducement to such a physician to reside and practise his profession within the municipality or within such village, or guaranteeing the income of such physician 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;

Grant to nurses

33. 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.

1917, c.14, s.106; 1917 (sess.2), c.28, s.5;
1918-19, c.37, s.9; 1919-20, c.26, s.13; R.S.S.
1920, c.89, s.168.

HIRING A PHYSICIAN

Bylaw for hiring physician

169(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 hereafter mentioned.

(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 of \$ _____ 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 before the first day of November in any year 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 be voted upon at the regular annual election then next ensuing.

(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 centum 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).

1918-19, c.37, s.10; R.S.S. 1920, c.89, s.169.

How vote taken

170 The vote upon a bylaw under the preceding section 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 210 to 216 shall apply thereto *mutatis mutandis*, except that the form of notice mentioned in section 211 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.

1918-19, c.37, s.10; R.S.S. 1920, c.89, s.170.

Continuing authority

171 The authority given to the council by a bylaw under subsection (2) of section 169 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 contract, on such terms and conditions as may be agreed upon with the medical practitioner engaged, and it may dismiss such practitioner and hire another or others from time to time as circumstances may require.

1918-1919, c.37, s.10; R.S.S. 1920, c.89, s.171.

Extermination of gophers

172(1) In case proper steps have not been taken by the owner or occupant of land to exterminate gophers on such land pursuant to any bylaw passed in that behalf on or before a day to be fixed in the bylaw, any person or persons 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.

1917, c.14, s.167; R.S.S. 1920, c.89, s.172.

EXTERMINATION OF GRASSHOPPERS

Extermination of grasshoppers procedure for

173(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, shall fail to apply for poison materials, or shall, for a period of three days after the date of posting the bylaw in the division in which such person resides, neglect or refuse to use such poison or to take other adequate means of destroying such pests, any person or persons 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 such land on account of the said expenditure.

1919-20, c.26, s.14; R.S.S. 1920, c.89, s.173.

INFRACTION OF BYLAWS

Fines and penalties by bylaw

174(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 nonpayment 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 be made respecting it, belong to the municipality for the public use of the same and form part of its general revenue.

1917, c.14, s.168; R.S.S. 1920, c.89, s.174.

Transportation and maintenance of prisoners

175 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.

1917, c.14, s.169; R.S.S. 1920, c.89, s.175.

QUASHING BYLAWS AND RESOLUTIONS

Quashing bylaws and resolutions, procedure for

176(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 in the said court.

1917, c.14, s.170; R.S.S. 1920, c.89, s.176.

Bylaws procured by bribery and corruption

177 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.

1917, c.14, s.171; R.S.S. 1920, c.89, s.177.

POWERS AND DUTIES OF COUNCILLORS

178 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 ground or a cemetery, or for the purpose of erecting thereon any municipal building, 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:

Provided that in any one year no expenditure shall be made under the authority of this or the preceding paragraph, exceeding \$500 in amount, and no liability thereunder exceeding such sum shall be incurred, until a bylaw has been submitted to the vote of the electors and approved by at least two-thirds of those 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;

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 may be needed for exhibition grounds, recreation grounds, nuisance grounds, or the site of a municipal building, or for a highway, road, street, bridge, ferry, water supply, 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 neighbourhood make 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 the provisions of *The Arbitration Act*;

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 instal 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 to 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;

Municipal officers' instruction

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

Surplus funds, investment

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

1917, c.14, s.172; 1917 (sess. 2), c.28, s.6;
1919-20, c.26, s.15; R.S.S. 1920, c.89, s.178.

Aid to public rest and reading room, etc.

179(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 a town or village, and of providing for the care of any library the council may desire to instal, the council of every adjacent rural municipality 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 \$20 annually for each division of the municipality.

(2) For the purpose of better carrying out the provisions of this section the municipal councils concerned may enter into an agreement 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.

1917 (sess.2), c.28, s.7; R.S.S. 1920, c.89, s.179.

TAXATION OF SUBDIVISIONS**Compromise and remission in certain cases**

180(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 arrear 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.

1917, c.14, s.173; R.S.S. 1920, c.89, s.180.

Compromise with respect to taxes

181 In any case not covered by section 180 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.

1917 (sess.2), c.28, s.8; R.S.S. 1920, c.89, s.181.

SUNDAY STREET CARS

Regulating street railways

182(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 such 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 such bylaw the said section 243 of *The Saskatchewan Railway Act* shall apply to the operation within the said 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 any bylaw provided for by this section 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 proceedings upon a vote under the provisions of this section.

1917, c.14, s.174; R.S.S. 1920, c.89, s.182.

OPENING OF CERTAIN ROADS

Deposit on application to open certain roads

183 If any person petition the council for the opening of a road through land, and the council is of the opinion that such 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 said 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.

1917, c.14, s.175; R.S.S. 1920, c.89, s.183.

INDUSTRIAL BONUSES PROHIBITED

Bonus, etc., prohibited

184 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.

1917, c.14, s.176; R.S.S. 1920, c.89, s.184.

APPORTIONMENT OF EXPENDITURE

Amount and method of apportionment

185 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 for general municipal purposes within 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 to any amount not less than one-quarter of the total estimate.

(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 the supplying of 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.

1917, c.14, s.177; 1919-20, c.26, s.16; R.S.S.
1920, c.89, s.185.

NOXIOUS WEEDS

Appointment of inspectors

186(1) Every municipal council shall appoint, before the first day of March in each year, such inspectors as are required to enforce the provisions of *The Noxious Weeds Act* within the municipality, and shall clearly define the territory of each so that every part of the municipality shall be covered.

(2) An inspector shall hold office until his successor is appointed and shall he paid such remuneration as the council may decide.

(3) The secretary shall notify the weeds commissioner at the Department of Agriculture forthwith of the appointment of such inspectors and of their post office addresses and places of residence and the territory assigned to each.

(4) If a council neglects in any year to appoint an inspector or inspectors as required by this Act, each member of the council shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$25, but no member shall be liable to the penalty hereby imposed who shows to the satisfaction of the magistrate that he made reasonable efforts to procure the appointment.

1917, c.14, s.178; 1919–20, c.26, s.17; R.S.S.
1920, c.89, s.186.

Inspector may destroy weeds

187 In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to notice given by an inspector in accordance with the provisions of *The Noxious Weeds Act*, or in case the name or address of the owner of such land is unknown, the said inspector or any persons directed by him may forthwith enter upon the land with the necessary teams and implements and destroy the weeds in such manner as the inspector may see fit.

1917, c.14, s.179; R.S.S. 1920, c.89, s.187.

Recovery of amount expended

188 The amount expended in the work performed under section 187 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.

1917, c.14, s.180; R.S.S. 1920, c.89, s.188.

Amount expended added to assessment

189(1) Any such amount which has not been satisfied 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 when recovered shall form part of the general revenue of the municipality.

(2) No sum in excess of \$200 shall be charged in any one year against any one quarter section of land.

1917, c.14, s.181; 1918–19, c.37, s.11; R.S.S.
1920, c.89, s.189.

Certificates *prima facie* evidence of expenditure

190 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.

1917, c.14, s.182; R.S.S. 1920, c.89, s.190.

Neglect by inspector

191 Every inspector who neglects to perform any duty placed upon such officials by the said Act or by the council shall, in respect of each instance of neglect, be guilty of an offence and liable on summary conviction to a penalty not exceeding \$25 and costs.

1917, c.14, s.183; R.S.S. 1920, c.89, s.191.

Notification to owners

192 The treasurer of every municipality in which any expenditure has been made for the destruction of noxious weeds 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.

1917, c.14, s.184; R.S.S. 1920, c.89, s.192.

Penalty goes to municipality

193 Every fine, penalty and forfeiture imposed by the said 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.

1917, c.14, s.185; R.S.S. 1920, c.89, s.193.

HIGHWAYS AND PUBLIC PLACES

Title to street, etc.

194 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.

1917, c.14, s.186; R.S.S. 1920, c.89, s.194.

Minister of Highways may enter for certain purposes

195 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*.

1917 (sess.2), c.28, s.9; R.S.S. 1920, c.89, s.195.

Council keeps public places in repair

196 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.

1917 (sess.2), c.28, s.10; R.S.S. 1920, c.89, s.196.

Limitation of time for action

197 No action shall be brought under the provisions of section 196 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 such damage was caused.

1917, c.14, s.189; R.S.S. 1920, c.89, s.197.

CARE OF SICK AND DESTITUTE

Care of sick

198 The council of every municipality shall make due provision for the care and treatment of any person who has been a resident of the municipality for at least thirty days, who falls ill and who is financially incapable of procuring the necessary medical attendance and treatment.

1917, c.14, s.190; R.S.S. 1920, c.89, s.198.

Demand by hospital board

199(1) If such indigent person is admitted as a patient by an hospital which receives aid from the general revenue of the province on the request of the municipal council, or in cases of emergency without such request, the board of such 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:

- (a) that the hospital board, before becoming entitled to such sum, shall have 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 council compensation for his care and treatment under this Act; and
 - (b) that such demand shall be made within thirty days after the discharge or death of the patient.
- (2) In case:
- (a) a person, who falls ill and who is financially incapable of procuring the necessary medical attendance and treatment, has resided for a less period than thirty days in the municipality in which he so falls ill;
 - (b) such person is admitted as a patient by an 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) and (b) 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 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.

1917, c.14, s.191; 1918-19, c.37, s.12; 1919-20, c.26, s.18; R.S.S. 1920, c.89, s.199.

Recovery of payment from patient

200(1) Any sum thus paid by the municipality to the hospital and any expenses otherwise incurred for medical care and treatment under section 198 may be recovered from the patient 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 lands of the patient for expenses incurred under section 198, section 199 or section 200, and may file a caveat for the protection of such charge in the proper land titles office.

(3) Such charges 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.

1917, c.14, s.192; 1919-20, c.26, s.19; R.S.S.
1920, c.89, s.200.

Agreement between council and board

201 Notwithstanding anything contained in sections 199 and 200, any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients of the municipality for an annual sum and subject to such conditions and restrictions as may be agreed upon.

1917, c.14, s.193; R.S.S. 1920, c.89, s.201.

Burial of destitute persons

202(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 an hospital while under the care of the municipality.

(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 lands for the expense of burial, and may lodge a caveat for the protection of such charge in the proper land titles office.

1917, c.14, s.194; R.S.S. 1920, c.89, s.202.

Security for advances to destitutes

203 Where 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, the municipality may take a conveyance of or security on such land for the amount advanced or expended, and on the death of such person or the surrender of land by him to the municipality, the municipality may sell or dispose of the land and apply the proceeds in payment of the amount so advanced or expended, with interest thereon at the rate of 6 per centum 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.

1917, c.14, s.195; R.S.S. 1920, c.89, s.203.

PART VI

Municipal Loans

TEMPORARY

Temporary loans

204(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 may be 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 repaid out of and 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 centum 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.

1917, c.14, s.196; R.S.S. 1920, c.89, s.204.

Temporary loan on school taxes

205(1) In addition to the powers conferred by section 204, the council of a municipality shall have power to borrow, on the credit of the taxes to be collected within the municipality and for the current year for any rural or village school district situate wholly or partly within the municipality, to an amount not exceeding 80 per centum of the estimated total of such taxes.

(2) In any case where the rural municipality requires to borrow the amounts to be paid to a rural or village school district under the first subsection of section 284 the interest on such loan shall be payable by the school district.

1917, c. 14, s.197; 1917 (sess.2), c.28, s.11;
1918-19, c.37, s.13; R.S.S. 1920, c.89, s.205.

206(1) When the council of a municipality desires to borrow money for all or any of the following objects, namely:

Debentures bylaws

- (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 an hospital either within or without the limits of the municipality; or
- (g) purchasing, erecting, improving, altering, adding to or furnishing a building;

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*.
- (4) Bylaws for raising money for union hospitals shall be subject to *The Union Hospital Act*.

1917, c.14, s.198 (redrawn); 1919–20, c.26, s.20;
R.S.S. 1920, c.89, s.206.

Notice to electors

207(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 75 and shall state the day of posting the same.

1917, c.14, s.199; 1919–20, c.26, s.21; R.S.S.
1920, c.89, s.207.

Notice concerning poll on debenture

208(1) Within fifteen days from the date of the posting of 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 210 to 216.

(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.

1917, c.14, s.200; R.S.S. 1920, c.89, s.208.

Certificate from secretary to minister re passing of bylaw

209 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 208, and one or more statutory declarations proving the posting of such 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.

1917, c.14, s.201; 1919–20, c.26, s.22; R.S.S.
1920, c.89, s.209.

Poll taken

210(1) In the event of a poll being demanded as provided by section 208, 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.

1917, c.14, s.202; R.S.S. 1920, c.89, s.210.

Notice of poll

211 Notice of the poll shall be posted up at least fourteen clear days before the date of voting in the manner prescribed by section 75, and every such notice shall be in the form prescribed by the Local Government Board.

1917, c.14, s.203; R.S.S. 1920, c.89, s.211.

Proceedings of poll, etc.

212 At the day and hour fixed by the said 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.

1917, c.14, s.204; R.S.S. 1920, c.89, s.212.

Ballot paper

213 The ballot papers for voting on the bylaw shall be in the following form:

BYLAW	
FOR	
AGAINST	

1917, c.14, s.205; R.S.S. 1920, c.89, s.213.

Agents at poll

214 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.

1917, c.14, s.206; R.S.S. 1920, c.89, s.214.

Elector votes only once

215(1) Every elector shall be entitled to vote once only on the bylaw and in case his name appears on the voters' list for more than one division and he has given to the secretary treasurer the notice in writing mentioned in section 101, he shall vote in the division so selected.

(2) If the voter whose name appears on the voters' list for more than one division has not given the notice under section 101, he shall vote in that division and in that division only which he shall select 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 123.

(4) An elector who has given the notice mentioned in the preceding subsection shall be bound thereby in the same manner and for the same length of time as if such notice had been given under section 101, 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.

1919-20, c.26, s.23; R.S.S. 1920, c.89, s.215.

Declaration of result

216 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 120, he shall then and there declare the result and forthwith certify to the council under his hand whether the two-thirds of the electors entitled to vote who have voted on the bylaw approved of the same.

1917, c.14, s.208; R.S.S. 1920, c.89, s.216.

Certificate from secretary concerning passing of bylaw

217 In the event of a recount not being applied for within the time specified by section 127, 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 207 and one or more statutory declarations proving the posting of such 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.

1917, c.14, s.209; R.S.S. 1920, c.89, s.217.

Authorisation of bylaw by Local Government Board

218 Upon receipt of the documents referred to in section 209 or in section 217, as the case may be, and upon being satisfied that the requirements of this Act have been substantially complied with, the Local Government Board may sign and seal the debentures as provided by *The Local Government Board Act*.

1919-20, c.26, s.24; R.S.S. 1920, c.89, s.218.

Issue of debentures

219 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.

1919-20, c.26, s.25; R.S.S. 1920, c.89, s.219.

Form of debentures

220 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.

[Corporate Seal] _____

Treasurer.

1917, c.14, s.212; R.S.S. 1920, c.89, s.220.

Limit for debenture

221 The amount of the debenture debt of a municipality at any time outstanding shall not be a greater sum than thirteen cents per acre for each acre of land assessed in the municipality as shown by the last revised assessment roll thereof.

1917, c.14, s.213; 1919–20, c.26, s.26; R.S.S.
1920, c.89, s.221.

Rate of interest

222 Debentures shall not carry interest at a greater rate than 8 per centum per annum.

1917, c.14, s.214; R.S.S. 1920, c.89, s.222.

Term of debentures

223 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.

1917, c.14, s.215; R.S.S. 1920, c.89, s.223.

Extension of term

224 In the event of the first instalment of principal and interest of any debentures being made payable at any time after one year from the date of the debenture as provided in section 223, such 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.

1917, c.14, s.216; R.S.S. 1920, c.89, s.224.

Debenture registered by minister

225 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.

1917, c.14, s.217; R.S.S. 1920, c.89, s.225.

Debenture countersigned by minister

226(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 to such loan and the issue of such debenture have been complied with, and the legality of the issue of such 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.

1917, c.14, s.218; R.S.S. 1920, c.89, s.226.

Debenture register

227 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.

1917, c.14, s.219; R.S.S. 1920, c.89, s.227.

PART VII

Municipal Assessment and Taxation

ASSESSMENT

How levied

228 Subject to the provisions of section 229, all municipal taxes shall be levied equally upon all rateable land in the municipality according to the assessed value of such land.

1917, c.14, s.220; R.S.S. 1920, c.89, s.228.

Exemptions

229(1) In every municipality the property, exempt from assessment and 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 or held for the public use of the Government of Saskatchewan;
3. All lands held by or in trust for the use of any tribe of Indians;
4. The land to the extent of four acres held by or for the use of any school district erected under *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 stock in trade of any one doing business in a hamlet in the municipality to the extent of \$300.

1917, c.14, s.221 (1); 1919–20, c.26, s.27; R.S.S. 1920, c.89, s.229.

Exception

230 If any property mentioned in paragraphs 1 and 2 of section 229 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.

1917, c.14, s.221(2); R.S.S. 1920, c.89, s.230.

Forfeited lands

231 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 *The Local Improvements Act*, *The Local Improvements Act of 1912*, or *The School Assessment Act* for nonpayment of taxes shall be assessed to the minister by whom the taxes shall be paid.

1917, c.14, s.222; R.S.S. 1920, c.89, s.231.

Assessment made prior to July 1 in each year

232(1) As soon as may be in each year but not later than the first day of July, the assessor shall assess every person who is either the owner or occupant of land in the municipality not exempt from assessment or is engaged in business in a hamlet in the municipality and is owner of a stock in trade liable to assessment 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 which is not exempt from assessment, or which is so exempt but the occupant of which is liable to assessment under section 230, 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 business in a hamlet within the municipality, whose stock in trade is not exempt from assessment, the property in respect of which he is assessed and the assessed value thereof.

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RURAL MUNICIPALITIES

(2) Such roll shall be in the form following or to the like effect, or in any other form that may be prescribed from time to time by the minister:

Receipt No.			
Amounts paid			
Initials			
Date of tax notice			
Total			
Arrears			
Total tax for current year			
Initials of sec.			
Date of mailing notice			
Rate of taxation	Total rate		
	Supp. Rev.		
	School	Separate	
		Public	
	Municipal	Debenture	
	General		
P.O. address of occupant			
Name of Occupant			
P.O. address			
Name of owner			
Assessed value of land			
No. of acres			
Land assessed	M.		
	R.		
	T.		
	S.		
	Pt. of sec.		
No.			

FOR HISTORICAL REFERENCE ONLY

Method of assessment

233(1) Subject to the provisions of subsection (6), land shall be assessed at its fair actual value exclusive of any increase in such value caused by the erection of buildings thereon or by any other expenditure of labour or capital. 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 lands in the immediate vicinity of the land in question are assessed.

(2) The buildings upon a lot or parcel of land not strictly agricultural in its nature or use, and not exceeding forty acres in extent, shall be assessed and taxed at 60 per centum of their fair actual value.

(3) Where the holder of lands under a grazing lease or license from the Dominion government 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, and the same shall be deemed to have been the maximum value of such interest for the purpose of assessment and taxation during the years 1913, 1914 and 1915 respectively.

(4) In cases where such interest has hitherto been valued for assessment purposes at a rate exceeding \$2 per acre, the municipality shall remit or repay to the lessee or licensee the amount of the excess taxes in each of the years 1913, 1914 and 1915, together with all penalties imposed in respect of the excess taxes during such years.

(5) Where an occupant of Dominion lands, holding such lands otherwise than under a grazing lease or license, is assessed in respect of his occupancy, his interest shall be assessed at its fair actual value, having regard to the 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.

(7) Whenever one or more persons are engaged in business in a hamlet the stock in trade of such business shall be assessed at sixty per cent. of its fair actual value and the name of each such person shall be entered on the assessment roll in respect of his share or interest in the business; but grain in an elevator shall not be assessed as stock in trade.

1917, c.14, s.225; 1918-19, c.37, s.16; 1919-20, c.26, s.30; R.S.S. 1920, c.89, s.233.

Grain elevators

234 The assessor shall also include in the assessment roll the name and address of the owner of every grain elevator within the municipality erected on land exempt from taxation, together with a description of the location of every such elevator, and every such owner shall be subject annually, in respect of such elevator to a tax not to exceed \$75 for municipal purposes and, when the elevator is situated in a school district to a tax not to exceed \$75 for school purposes, which taxes shall be entered in the roll by the assessor.

1917 (sess.2), c.28, s.13; R.S.S. 1920, c.89, s.234.

Information for assessor

235(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.

Penalty

(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.

1917, c.14, s.227; R.S.S. 1920, c.89, s.235.

Where owner is unknown

236 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.

1917, c.14, s.228; R.S.S. 1920, c.89, s.236.

Roll checked by assessment committee

237 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.

1917, c.14, s.229; R.S.S. 1920, c.89, s.237.

Allowance made members of assessment committee

238 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.

1917, c.14, s.230; R.S.S. 1920, c.89, s.238.

Fraudulent assessment

239 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 neglect any duty required of him by this Act, he shall be liable to a penalty not exceeding \$100.

1917, c.14, s.231; R.S.S. 1920, c.89, s.239.

Mailing of notice

240(1) Upon the completion of the assessment roll as provided in section 232, the assessor shall forthwith 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 such 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.

1917, c.14, s.232; R.S.S. 1920, c.89, s.240.

Post notice

241 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 75:

Form

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.

1917, c.14, s.233; R.S.S. 1920, c.89, s.241.

Notice of assessment

242 Every notice of assessment given as provided by section 240 hereof 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 241 hereof.

1917, c.14, s.234; R.S.S. 1920, c.89, s.242.

Error in form of assessment notice

243 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 was addressed.

1917, c.14, s.235; R.S.S. 1920, c.89, s.243.

Complaints against assessment

244 If any person thinks that he or any other person has been wrongly assessed or assessed too high or too low, or 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 to the complainant.

1917, c.14, s.236; R.S.S. 1920, c.89, s.244.

Form of notice of appeal

245 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.*

1917, c.14, s.237; R.S.S. 1920, c.89, s.245.

Notice of hearing

246 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 said appeal.

1917, c.14, s.238; R.S.S. 1920, c.89, s.246.

Fixing the basis of value in rural municipalities

247(1) The assessor shall also, upon the completion of the assessment roll, immediately notify the Wild Lands Tax Commissioner of the fact, and the said commissioner may, upon such information and after such inquiries as he may deem suitable, direct the assessor to raise or lower, in and for the purposes of the municipal assessment for the following year, the general scale of assessment of all lands within the municipality as shown on the assessment roll for the current year, and the values so determined shall be the values for the purposes of the taxation of wild lands hereunder as well as for the purposes of the assessment and taxation of all other lands for general municipal purposes.

(2) The values as determined under subsection (1) shall not be the subject of appeal save as provided by subsection (3) but such values shall remain the assessable values of lands within the municipality until altered by a further decision of the commissioner.

(3) 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.

1917 (sess 2), c.28, s.14; 1919–20, c.26, s.31;
R.S.S. 1920, c.89, s.247.

When meeting held

248 The council shall not call a special meeting to hear such appeals but the same shall be heard at the first regular meeting the date of which will allow the giving of the length of notice herein provided for.

1917, c.14, s.239; R.S.S. 1920, c.89, s.248.

Time of notice

249 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.

1917, c.14, s.240; R.S.S. 1920, c.89, s.249.

Court of revision

250 The council shall be the court of revision for revising the assessment roll.

1917, c.14, s.241; R.S.S. 1920, c.89, s.250.

List of appeals

251 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 tenant
<i>etc.</i>	<i>etc.</i>	<i>etc.</i>

1917, c.14, s.242; R.S.S. 1920, c.89, s.251.

Clerk

252(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 however that the council hearing the appeal may for good and sufficient reasons excuse such persons from attending before them, and in such event no penalty shall be incurred by reason of such nonattendance.

1917, c.14, s.243; R.S.S. 1920, c.89, s.252.

Conduct of hearing

253 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 they think fit.

1917, c.14, s.244; R.S.S. 1920, c.89, s.253.

Nonappearance

254 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.

1917, c.14, s.245; R.S.S. 1920, c.89, s.254.

Evidence

255(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.

1917, c.14, s.246; R.S.S. 1920, c.89, s.255.

Termination of sittings

256 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 273.

1917, c.14, s.247; R.S.S. 1920, c.89, s.256.

Amendment of roll

257 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.

1917, c.14, s.248; R.S.S. 1920, c.89, s.257.

Adoption of roll

258 The roll with any amendments made as aforesaid shall be the assessment roll of the municipality:

Provided that there shall be a right of appeal from the decision of the council to the judge as provided herein and according to the procedure prescribed herein.

1917, c.14, s.249; R.S.S. 1920, c.89, s.258.

Correction of errors

259 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.

1917, c.14, s.250; R.S.S. 1920, c.89, s.259.

APPEAL FROM COURT OF REVISION TO JUDGE

Appeal lies to judge

260 An appeal to the judge 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.

1917, c.14, s.251; R.S.S. 1920, c.89, s.260.

Notice of appeal

261 The person appealing shall in person or by agent serve upon the secretary, within eight days after the decision of the court of revision, a written notice of his intention to appeal to a judge.

1917, c.14, s.252; R.S.S. 1920, c.89, s.261.

Secretary notifies judge

262 The secretary shall, immediately after the time limited for filing notices of appeal, forward a list of the appeals to the judge; and such judge shall fix a day and place for the hearing of such appeals.

1917, c.14, s.253; R.S.S. 1920, c.89, s.262.

Notice to parties

263(1) The secretary shall thereupon give notice to all parties appealed against 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 judge may direct service to be made for some subsequent day upon which he may sit.

(2) The secretary shall also forward to the Wild Lands Tax Commissioner a notice of the time and place fixed by the judge for the hearing of appeals, accompanying the same with a list of all appeals affecting wild lands.

1917, c.14, s.254; 1917 (sess.2), c.28, s.15; R.S.S. 1920, c.89, s.263.

Notice of appeals

264 The secretary shall cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties appealed against, with a brief statement of the grounds or causes of appeal together with the time and place at which a court will be held to hear appeals.

1917, c.14, s.255; R.S.S. 1920, c.89, s.264.

Clerk of court

265 The secretary shall be the clerk of such court.

1917, c.14, s.256; R.S.S. 1920, c.89, s.265.

Adjournment of court

266 At any court so holden the judge shall hear the appeals, and he may adjourn the hearing from time to time and defer judgment thereon at his pleasure.

1917, c.14, s.257; R.S.S. 1920, c.89, s.266.

Production and amendment of roll

267 At the court to be holden by the judge to hear the appeals, the secretary shall appear and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said 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 and amend the roll according to the same, and shall write his name opposite every such alteration or correction.

1917, c.14, s.258; R.S.S. 1920, c.89, s.267.

Witnesses

268 In such proceedings the judge 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 his orders, decisions and judgments, as belong to or might be exercised by him in the district court.

1917, c.14, s.259; R.S.S. 1920, c.89, s.268.

Cost

269 The costs of proceedings before the judge shall be paid by or apportioned between the parties in such manner as he 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 as the judge may direct from the district court or in the same manner as upon an ordinary judgment for costs in such court.

1917, c.14, s.260; R.S.S. 1920, c.89, s.269.

Taxation

270 The costs chargeable or to be awarded in any case shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the 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.

1917, c.14, s.261; R.S.S. 1920, c.89, s.270.

Decision of judge final

271(1) Subject to the provisions hereinafter contained, the decision of the judge shall be final and conclusive in every case adjudicated upon.

Appeal to court of appeal *re* school assessment

(2) 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 judge of the district court to the Court of Appeal.

(3) 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.

1917, c.14, s.262; R.S.S. 1920, c.89, s.271.

Council may order addition to roll

272 If, at any time within one month from the date on which all complaints against the assessment shall be lodged with the secretary as provided by section 256, it is discovered that any person liable to assessment is not assessed or that there is an error in any of the particulars contained in the roll, the council may direct the secretary 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.

1917, c.14, s.263; R.S.S. 1920, c.89, s.272.

Notice to persons affected by correction of roll

273 In the event of any such addition to or correction of the roll without the knowledge or consent of the person affected thereby, a notice as required by section 246 shall be sent to such person by the secretary and he shall be given every reasonable opportunity to complain or appeal against the said assessment. All complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act.

1917, c.14, s.264; R.S.S. 1920, c.89, s.273.

Binding effect of amended roll

274(1) 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 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.

(2) If at any time before the first day of December it is discovered that the property of any taxable person or part thereof is not included in the roll, the assessor shall notify such taxable person by registered mail, if he resides or has a place of business within the municipality, that at a meeting of the council to be held at least six days after such notice, an application will be made to the said council to make an assessment in respect of such property for such sum as may be deemed right, and that such taxable person is required to attend such meeting to show cause why the said assessment should not be made and as to the amount thereof.

(3) If such taxable person does not reside or have a place of business in the municipality, then such notice shall be posted by registered letter to the post office address of such person fifteen days before such meeting of the council.

(4) After such notices have been mailed as aforesaid and after the expiration of the time mentioned therein, or if such taxable person be not known then without any notice, the council may make an assessment in respect of such property and direct the assessor to enter the same and the name of the taxable person if known upon the proper tax roll as it shall direct.

(5) All the provisions of this Act as to appeals from assessments shall apply, as far as applicable, to any such assessment.

(6) Immediately after such assessment is made, the assessor shall place the same on the tax roll at the end thereof and shall rate the same at the same ratio as the rest of the roll and the rates shall be collectible in the same manner as other taxes.

1917, c.14, s.265; R.S.S. 1920, c.89, s.274.

Evidence of roll

275 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.

1917, c.14, s.266; R.S.S. 1920, c.89, s.275.

TAXATION

Estimates

276 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.

1917, c.14, s.267; R.S.S. 1920, c.89, s.276.

Levy of rate

277 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 274, and the council shall by resolution authorise the treasurer of the municipality to levy upon all the lands and other property entered in the said roll such taxes at the uniform rate on the dollar as shall be deemed sufficient to meet the estimate, and in fixing the said rate the council shall make due allowance for the nonpayment of taxes.

1917, c.14, s.268; 1919–20, c.26, s.32; R.S.S. 1920, c.89, s.277.

Uniform rate of taxation

278(1) Subject to subsections (2) and (3), the uniform rate of taxation to be authorised by the council as provided in section 277, shall not in any one year exceed 1 per centum 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 *The Local Improvements Act* or *The Local Improvements Act of 1912* 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.

1917, c.14, s.269; 1919–20, c.26, s.33; R.S.S. 1920, c.89, s.278.

Rural school districts within municipality

279 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.

1917, c.14, s.271; 1918–19, c.37, s.17; R.S.S. 1920, c.89, s.279.

Material supplied by school trustees

280 On or before the first day of August in each year the board of trustees of every school district referred to in section 279 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 said district;
- (b) a detailed statement showing the amount required to meet the expenditures of the district for the year;
- (c) a certified copy of the resolution of the board of trustees showing the amount required to be levied on all assessable lands in the district for the year;
- (d) within the first year in which this section shall apply 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.

1917, c.14, s.272; 1918–19, c.37, s.18; R.S.S.
1920, c.89, s.280.

When municipality includes town or village school district

281 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.

1917, c.14, s.273; 1918–19, c.37, s.19; R.S.S.
1920, c.89, s.281.

School trustees furnish statement

282(1) On or before the fifteenth day of March in each year the board of trustees of every school district referred to in section 281 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 of such municipality for the preceding year.

(2) For the purposes of this section the expression “**municipality**” shall include a city, town, village or rural municipality.

1917, c.14, s.274; R.S.S. 1920, c.89, s.282.

Entries in assessment roll

283(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 as shown in the form contained in section 232 a statement of all taxes levied against each lot or parcel of land assessed as shown by the said 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 heretofore provided;

2. The rate on the dollar to be levied by the treasurer for school purposes;
 3. The rate fixed by *The Supplementary Revenue Act*;
 4. The sum total of the rates 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) In the event of the total tax payable by any person under this section for the purposes of the municipality being less than two dollars, the tax to be entered in the roll as payable by such person for such purpose shall be two dollars.
- (3) In the event of the total tax payable by any person under this section for school purposes being less than two dollars, the tax to be entered in the roll as payable by such person for such purpose shall be two dollars.
- (4) 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.

1917, c.14, s.275; R.S.S. 1920, c.89, s.283.

Annual statement by school district trustees

284(1) On or before the first day of March of 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 279 shall transmit to the secretary treasurer of the municipality a statement showing the estimated expenditure of the district for the year, and the council shall pay to the school district one-quarter of the amount of such estimated expenditure on or before March 31, one-quarter on or before June 30 and one-quarter on or before September 30 of the said year, and the balance of the taxes which the board of trustees has required the council to levy for the current year shall be paid on or before December 31 of the said year. In the case of village school districts such estimate shall be based upon the amount payable from each municipality to the school district in the previous year.

(2) 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.

(3) 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.

1917, c.14, s.276; 1918–19, c.37, s.20; R.S.S. 1920, c.89, s.284.

Arrears of school taxes

285 All school taxes or moneys actually collected or due by a municipality remaining unpaid to the trustees of any rural or village school district after the dates fixed by this Act for the payment of the same shall be a debt due by the municipality to the school district, and may be recovered by suit in the name of the board of trustees of such school district.

1917, c.14, s.277; 1918–19, c.37, s.21; R.S.S.
1920, c.89, s.285.

Arrears paid over

286 It shall be the duty of the council of every rural municipality to transfer to the treasurer of any village or town school district situated partly within its limits, at least monthly, any taxes in the case of towns, or any arrears of taxes which the rural municipality may have collected on behalf of the said district.

1917, c.14, s.278; 1918–19, c.37, s.22; R.S.S.
1920, c.89, s.286.

Taxes due to rural telephone companies

287(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 the rural telephone company falls due, the council shall pay to any rural telephone company for which it collects taxes the whole amount of the taxes due to such company for the year ending on such thirty-first day of December.

(2) The council may borrow moneys, 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 centum of the total estimated taxes so to be collected.

(3) 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.

1917, c.14, s.279; 1917 (sess.2), c.28, s.17; R.S.S.
1920, c.89, s.287.

Rural school districts partly within municipalities

288 Where a rural school district is situated partly in a rural municipality and partly in a territorial unit or partly in two or more rural municipalities, each municipality, or, in the case of a territorial unit, the board of trustees shall assess and levy each year a share of the amount required for the purposes of the district, bearing the same proportion to the total amount to be levied as the assessed value of the property taxable for such purposes in the municipality or territorial unit bears to the assessed value of all such property within the district according to the last revised assessment rolls of the different municipalities, or the municipalities and the school district, as the case may be, for the year preceding that in which the levy is to be made.

1917, c.14, s.280; R.S.S. 1920, c.89, s.288.

Statement of assessed value of rateable property

289(1) The secretary of the rural municipality in which a portion of any rural school district, village school district or town school district lies shall forthwith on demand furnish the secretary of the board of trustees with a certified statement of the assessed value of the property rateable for the purposes of the district within that portion of the municipality which is comprised within the district, according to the last revised assessment roll for the preceding year, and with any other information necessary to the board of trustees for the purpose of making returns required by the department of education.

(2) Any secretary, who fails to furnish such statement as required, 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.

1917, c.14, s.281; R.S.S. 1920, c.89, s.289.

EQUALISATION OF SCHOOL RATES**Adjustment of levy where rural school district in various municipalities**

290(1) Notwithstanding anything in this Act by *The School Assessment Act*, where a rural school district is situate in two or more municipalities, or partly in one or more municipalities and partly in a territorial unit, one-fourth of the resident ratepayers of the portion of the district contained within one of the municipalities or within the territorial unit, 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.

(2) 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 said 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.

(3) The assessor of the municipality in which the school house is situate, or if the school house be situate in a territorial unit, the assessor of the school district shall call the meeting of the assessors.

(4) Notice of the determination shall be given forthwith to the secretary of the school district and to the secretary of each municipality.

(5) Where the assessors disagree, the Minister of Municipal Affairs shall appoint an arbitrator who with the assessors shall form an arbitration committee to 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.

(6) The decision of a majority of the members of the arbitration committee shall be final and conclusive.

(7) The costs of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities, and in the case of a territorial unit by the school district, in the same proportion as the amounts to be levied for the purposes of the school district by the said organisations bear to each other.

(8) The minister shall have power to fix and determine the fees of assessors and arbitrators and the other costs of proceedings under this section.

1917, c.14, s.282; R.S.S. 1920, c.89, s.290.

COLLECTION OF TAXES

Mailing tax notice

291(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.

1917, c.14, s.283; R.S.S. 1920, c.89, s.291.

Taxes where payable

292 All taxes levied under the provisions of this Act shall be payable at the office of the treasurer of the municipality.

1917, c.14, s.284; R.S.S. 1920, c.89, s.292.

Taxes first lien

293 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.

1917, c.14, s.285; R.S.S. 1920, c.89, s.293.

Penalty for nonpayment of taxes

294(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, there shall be added thereto by way of penalty a sum equal to 8 per centum 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 centum of the arrears shall be added thereto.

(2) Amounts so added shall form part of the taxes which by the preceding section are created a special lien upon land.

(3) Nothing in this section contained shall be construed to extend the time for payment of the said taxes or in any way impair the right of distress or any other remedy provided by this Act, for the collection of the said taxes.

1917, c.14, s.286; R.S.S. 1920, c.89, s.294.

Receipt book for taxes

295 The treasurer shall enter with the date of receipt all amounts paid him for taxes on the assessment roll opposite the lot or parcel of land for which such payment is made, and he shall issue an official receipt for every such payment in such form as may from time to time be approved by the minister.

1917, c.14, s.287; R.S.S. 1920, c.89, s.295.

Arrears first charge on tax payments

296(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 the next preceding subsection, 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.

1917, c.14, s.288; R.S.S. 1920, c.89, s.296.

Procedure for recovery of taxes

297(1) In case a person who occupies land but is not the registered owner neglects to pay his taxes for thirty days after the mailing to him or his agent of the notice required by section 291, the municipality may levy the same with costs by distress and sale of the goods and chattels of the defaulter, or of any goods and chattels in his possession wherever found within the municipality, or of 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, and the costs chargeable shall be the same as those allowed in the schedule to *The Distress Act*.

(2) No distress shall be levied under this section between the first day of April and the first day of September in any year.

(3) The treasurer shall, by advertisement posted up in at least five widely separated conspicuous places in the municipality, give it 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.

(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.

1917, c.14, s.289; 1917 (sess.2), c.28, s.18;
1918–19, c.37, s.23; R.S.S. 1920, c.89, s.297.

Suit for taxes

298(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 291 were mailed, as shown by the assessment roll.

1917, c.14, s.290; 1917 (sess.2), c.28, s.19; R.S.S.
1920, c.89, s.298.

Tax certificate, issue of

299(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 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) Not more than \$5 shall be charged for any certificate.

(3) Fees received by the secretary treasurer for tax certificates shall form a part of the revenues of the municipality.

1917, c.14, s.291; R.S.S. 1920, c.89, s.299.

Binding effect of certificate

300 A certificate issued under the provisions of section 299 when signed by the secretary treasurer, shall be deemed to have been properly executed and shall be binding upon the municipality.

1917, c.14, s.292; R.S.S. 1920, c.89, s.300.

Taxes on area created a village

301(1) All taxes for municipal purposes due on any land included in a municipality which may thereafter be withdrawn therefrom and comprised within the limits of a village, town or city, shall continue to be due to the municipality.

(2) For the purposes of the collection of such taxes the said land shall be deemed to be in the municipality, and all the provisions of this Act with respect to the collection of taxes on land so situated shall apply.

(3) Where such taxes are due on land comprised within the limits of a village, the treasurer of the municipality shall, as the taxes are collected, pay over to the council of the village one-half of the amounts received.

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*.

1917, c.14, s.293; R.S.S. 1920, c.89, s.301.

PART VIII

Expropriation and Arbitration

Interpretation

302 In this part, unless the context otherwise requires:

- (a) “**land**” shall include a right or interest in, and easement over, land;
- (b) “**owner**” shall include 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.

1917, c.14, s.302; R.S.S. 1920, c.89, s.302.

Council may acquire land

303 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.

1917, c.14, s.303; 1919–20, c.26, s.34; R.S.S. 1920, c.89, s.303.

Compensation

304(1) The council shall make to the owners of land taken in the exercise of any of the powers conferred by this Act due compensation therefor, 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.

Arbitration

(3) Any claim for such compensation or damages, if not mutually agreed upon, shall be determined by arbitration under this Act.

(4) 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.

1917, c.14, s.304; R.S.S. 1920, c.89, s.304.

Deposit of plan of land taken

305(1) 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 titles office. Such plan shall be prepared by a Saskatchewan land surveyor.

Notification to owners

(2) 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.

Filing claim

(3) 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.

Date for ascertaining compensation

(4) 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.

Claim may be barred

(5) If any claimant under this section 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.

1917, c.14, s.305; R.S.S. 1920, c.89, s.305.

Claim for damages, when and how made

306 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.

1917, c.14, s.306; R.S.S. 1920, c.89, s.306.

Publication of completion

307(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 such 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 the damages shall be ascertained.

(4) Except in the cases mentioned in section 308, 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.

1917, c.14, s.307; 1917 (sess.2), c.28, s.21; R.S.S. 1920, c.89, s.307.

Claims by infants, etc.

308 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.

1917, c.14, s.308; R.S.S. 1920, c.89, s.308.

Easements

309 The provisions of sections 306, 307 and 308 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.

1917, c.14, s.309; R.S.S. 1920, c.89, s.309.

Compensation appurtenant to land

310 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.

1917, c.14, s.310; R.S.S. 1920, c.89, s.310.

Owner unknown

311(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 the amount to be paid in respect of such property as a judge shall direct into court, and the municipality shall not be bound to see to the application of any sum so paid.

1917, c.14, s.311; R.S.S. 1920, c.89, s.311.

Payment into court on refusal to execute transfer

312 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 make such payment into court.

1917, c.14, s.312; R.S.S. 1920, c.89, s.312.

Interest

313 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 centum per annum.

1917, c.14, s.313; R.S.S. 1920, c.89, s.313.

Vesting order

314 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.

1917, c.14, s.314; R.S.S. 1920, c.89, s.314.

Compensation and damages stand in lieu of land

315 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 were 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.

1917, c.14, s.315; R.S.S. 1920, c.89, s.315.

Distribution of moneys in court, procedure for

316(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 such time as a judge may direct, in a newspaper of the municipality, or, if there be 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 such claims shall be received and adjudicated upon by the said 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.

1917, c.14, s.316; R.S.S. 1920, c.89, s.316.

Tender

317(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.

1917, c.14, s.317; R.S.S. 1920, c.89, s.317.

Compensation by arbitration

318 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 made to him by either party.

1917, c.14, s.318; R.S.S. 1920, c.89, s.318.

Arbitrator's fees

319(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 such view has been found necessary or has been asked for by the parties.

1917, c.14, s.319; R.S.S. 1920, c.89, s.319.

Oath

320(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 affect the validity of the award unless before the reference is begun objection is made to its being proceeded with on that account.

1917, c.14, s.320; R.S.S. 1920, c.89, s.320.

Particulars of claim

321(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.

1917, c.14, s.321; R.S.S. 1920, c.89, s.321.

Refusal of certain evidence

322 The arbitrator in his discretion may refuse to hear further evidence of a cumulative character upon any matter or question.

1917, c.14, s.322; R.S.S. 1920, c.89, s.322.

Effect of reference

323 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.

1917, c.14, s.323; R.S.S. 1920, c.89, s.323.

Costs

324 The arbitrator may award the 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.

1917, c.14, s.324; R.S.S. 1920, c.89, s.324.

Recording and filing of evidence with award by arbitrator

325(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.

1917, c.14, s.325; R.S.S. 1920, c.89, s.325.

Delivery of award

326 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.

1917, c.14, s.326; R.S.S. 1920, c.89, s.326.

Appeal

327(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.

Powers of Court of Appeal

(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.

1917, c.14, s.327; R.S.S. 1920, c.89, s.327.

Entry on land

328(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 so 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.

1917, c.14, s.328; R.S.S. 1920, c.89, s.328.

When award not binding on municipality

329 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 also 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*.

1917, c.14, s.329; R.S.S. 1920, c.89, s.329.

Application of *The Arbitration Act*

330 In all matters not herein otherwise provided for the provisions of *The Arbitration Act* shall apply.

1917, c.14, s.330; R.S.S. 1920, c.89, s.330.

PART IX

Miscellaneous

PENALTIES

Penalties for nonperformance of duties

331 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.

1917, c.14, s.331; R.S.S. 1920, c.89, s.331.

Recovery of penalties

332 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.

1917, c.14, s.332; R.S.S. 1920, c.89, s.332.

Penalties go to consolidated fund of province

333 All moneys accruing from fines or penalties under this Act shall unless otherwise provided belong to the consolidated fund of the province.

1917, c.14, s.333; R.S.S. 1920, c.89, s.333.

ACTIONS BY AND AGAINST MUNICIPALITY

Rights as in proceedings

334 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 plaintiff upon the relation of any person interested.

1917, c.14, s.334; R.S.S. 1920, c.89, s.334.

Notice of action in certain cases

335 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.

1917, c.14, s.335; R.S.S. 1920, c.89, s.335.

Tender of amends

336 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 be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases.

1917, c.14, s.336; R.S.S. 1920, c.89, s.336.

Disqualification of member not to invalidate proceedings

337 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.

1917, c.14, s.337; R.S.S. 1920, c.89, s.337.

EXECUTIONS AGAINST RURAL MUNICIPALITIES

Procedure on writs of execution in sheriff's hands

338 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/Demand for payment

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 such 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 the 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 as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

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 had 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 in respect to the general annual rates;

Levy of special rate

4. At the time for levying the annual rates next after the receipt of such 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 such execution rate as aforesaid and shall within the time that he is required to make the returns of the general annual rate, return to the sheriff the precept 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 centum;

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 such writ issued, and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

1917, c.14, s.338; R.S.S. 1920, c.89, s.338.

JOINT OWNERS

Assessment of and voting by joint owners

339(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 such 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.

1917, c.14, s.339; R.S.S. 1920, c.89, s.339.

FOR HISTORICAL REFERENCE ONLY