

# *The Rural Municipality Act*

*being*

Chapter 140 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY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 140

### An Act respecting Rural Municipalities

#### SHORT TITLE

##### Short title

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

R.S.S. 1953, c.140, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act:

##### “assessor”

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

##### “boarding house”

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

##### “burgess”

3. “**burgess**” means an elector who is assessed upon the last revised assessment roll or whose name appears on the voters’ list pursuant to clause (b) of subsection (1) of section 61;

##### “business”

4. “**business**” includes any trade, profession, calling, occupation or employment;

##### “council”

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

##### “councillor”

6. “**councillor**” means a member of the council of a rural municipality other than the reeve;

##### “division”

7. “**division**” means a division of a rural municipality;

##### “elector”

8. “**elector**” means any person whose name appears on the municipal voters’ list;

##### “hamlet”

9. “**hamlet**” means any area of land in a rural municipality which has been subdivided into lots, blocks or parcels or as a townsite, and a plan or description of which has been registered in the land titles office of the land registration district in which it is situated, or is used by some person for trade or business purposes other than farm purposes;

##### “hawker” or “pedlar”

10. “**hawker**” or “**pedlar**” means a person who:

- (a) goes from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods, wares or merchandise; or
- (b) carries and exposes for sale goods, wares or merchandise; or

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

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

- (e) a person selling newspapers, magazines, books, farm implements, fuel petroleum products as defined in *The Fuel Petroleum Products Act*, binder twine, lightning rods, pianos, organs, automobiles, sewing machines or parts thereof, typewriters, adding machines, computing scales, fire extinguishers, tombstones or nursery stock;
- (f) a person selling lumber or coal, provided such person resides or has a place of business in the municipality in which the sale takes place;
- (g) a farmer selling products raised in Saskatchewan on his own farm;
- (h) a person selling fish of his own catching;
- (i) a merchant selling or offering for sale goods, wares or merchandise in which he ordinarily deals, if he has a recognized place of business in the municipality and pays a business tax in respect of such business;
- (f) the *bona fide* servant or employee of any such person or farmer or merchant, having written authority to sell;
- (k) a person holding written authority from the Canadian National Institute for the Blind or from the Canadian Federation of the Blind to sell goods and merchandise, and producing such authority when required to do so by any peace officer or municipal official;

**“judge”**

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

**“land” or “property”**

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

**“last revised assessment roll”**

- 13. **“last revised assessment roll”** means the assessment roll of the municipality as finally revised by the court of revision, or, if there have been appeals to the Saskatchewan Assessment Commission, as finally revised by the commission and includes additions made to the roll under section 327;

**“mercantile”**

- 14. **“mercantile”** includes manufacturing;

**“minister”**

- 15. **“minister”** means the Minister of Municipal Affairs;

**“municipality”**

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

**“municipal voters’ list”**

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

**“occupant”**

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

**“organized hamlet”**

19. **“organized hamlet”** means an area declared to be an organized hamlet by order of the minister under section 19;

**“owner”**

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

**“person”**

21. **“person”** includes corporations, joint stock companies and partnerships;

**“pipe line”**

22. **“pipe line”** means a line of pipe and the valves, scraper traps, fastenings and appurtenances thereto, situated in, on or under a continuing strip of land or pipe line right of way and used for the transportation of petroleum, petroleum products or gas;

**“places of public accommodation”**

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

**“public hotel”**

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

**“public work”**

25. **“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;

**“railway company”**

26. **“railway company”** includes every railway company owning or operating a railway in Saskatchewan whether the head office is situated in Saskatchewan or elsewhere and which transacts business in Saskatchewan whether as an original enterprise or undertaking or under a lease, contract or agreement or otherwise howsoever, but does not include a street railway or tramway;

**“railway roadway”**

27. **“railway roadway”** means:

- (a) the continuing strip of land, outside hamlets, used by the railway company as a right of way; and
- (b) the continuing strip of land, within hamlets, not exceeding one hundred feet in width, and so used by the company;

and includes the superstructure on such land whether outside or within a hamlet;

**“railway superstructure” or “superstructure”**

28. **“railway superstructure”** or **“superstructure”** means the grading, ballast, embankments, ties, rails and fastenings, miscellaneous track accessories and appurtenances, switches, poles, wires, conduits and cables, fences, sidings, spurs, trestles, bridges, subways, culverts, tunnels, cattle guards, cattle passes, platforms, stockyards, hog shelters, scales, turntables, cinder and service pits, hoists, signals and signal towers, grade crossing protective appliances, water tanks, stand pipes, pump sheds, dams, spillways, reservoirs, wells, pumping machinery, pipe lines and bins, sheds or other storage facilities having a floor space not exceeding one hundred square feet, owned by the railway company or used by it in the operation of the railway;

**“reeve”**

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

**“resident ratepayer”**

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

**“restaurant”**

31. **“restaurant”** 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”**

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

**“treasurer”**

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

1950, c.37, s.2; 1952, c.50, s.2; 1953, c.49, s.2;  
R.S.S. 1953, c.140, s.2.

**Definition of “herein”**

3 Where 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.

1950, c.37, s.3; R.S.S. 1953, c.140, 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.

1950, c.37, s.4; R.S.S. 1953, c.140, s.4.

**Power to alter or revoke bylaws**

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

1950, c.37, s.5; R.S.S. 1953, c.140, 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 date on or by which certain other things are to be done or proceedings had, then notwithstanding anything herein contained if default is made in respect of the earlier date a like delay shall be allowed in respect of the later date.

1950, c.37, s.6; R.S.S. 1953, c.140, s.6.

**Extension of time by order of minister**

**7(1)** If anything required by or under this Act to be done 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.

1950, c.37, s.7; R.S.S. 1953, c.140, s.7.

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PART I

## MUNICIPAL ORGANIZATION

## AREA AND BOUNDARIES OF MUNICIPALITIES

**Map of municipalities**

**8** The minister shall prepare a map of the province on which shall be outlined from time to time areas which may be hereafter organized as municipalities and such map shall at all reasonable hours be open to inspection:

Provided that a municipality shall not be deemed to include within its boundaries for the purpose of this Act any provincial park or portion of a provincial park heretofore or hereafter created pursuant to *The Provincial Parks and Protected Areas Act* or the area included in any city, town or village.

1950, c.37, s.8; R.S.S. 1953, c.140, s.8.

## PETITION FOR ORGANIZATION

**Procedure for organization of municipality**

**9(1)** Upon receipt of a petition signed by not less than one hundred ratepayers residing in any area in the province which has been outlined by the minister under the provisions of section 8 requesting that the area be organized into a municipality, the minister shall give notice of his intention to proceed to organize the area into a municipality:

Provided that, where a petition has been submitted to the minister, no further petition shall be submitted within a period of one year.

(2) Copies of the notice shall be posted, as directed by the minister, in the area affected and published in one issue of a newspaper circulating in the area.

(3) If within thirty days from the date of publication of the notice a further petition signed by not less than one hundred ratepayers of the area affected is received by the minister requesting that a vote be taken on the question of organizing the area into a municipality, the minister shall fix a date for taking such vote and shall appoint a returning officer.

(4) Upon receipt from the minister of notice of his appointment the returning officer shall divide the area into polling divisions, name a polling place in and a deputy returning officer for each of the divisions, and appoint the time when and place where he will sum up the votes given for and against organization.

(5) The returning officer shall at least fourteen clear days before the date of voting publish a notice in the form prescribed by the minister in at least one issue of a newspaper circulating in the area and shall post a copy of the notice in the form and size prescribed by the minister in at least two widely separated conspicuous places in each polling division in the area.

(6) On the day fixed by the minister a poll shall be taken in each of the polling divisions and all proceedings thereat and preliminary and subsequently thereto for the purposes thereof, including a recount, shall be conducted in the same manner as nearly as may be as in the case of an election for reeve and councillors.

(7) The ballots shall be in such form as may be prescribed by the minister.

(8) Then so requested the returning officer shall authorize the attendance at each polling place and at the final summing up of the votes of two representatives of those opposing organization and two representatives of those promoting organization.

(9) The persons entitled to vote on the question shall be the ratepayers of the area, and **“ratepayer”** for the purpose of this section means a person of the full age of eighteen years who is the owner or occupant of land in the area and includes the resident wife or resident husband of such person.

(10) Every ratepayer who presents himself or herself for the purpose of voting shall be required before he or she is handed a ballot, to sign a declaration in the form following, and the deputy returning officer shall permit every person who signs the declaration to vote and shall record in the poll book the name of each person who so signs:

Taken this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The undersigned severally declare each for him (her) self:

1. That he (she) is of the full age of eighteen years;
2. That he (she) is the owner or occupant of land in the area (*or* that she is the wife of *or* that he is the husband of a person who is the owner or occupant of land in the area and that she or he resides in the area).

Name	Voter's land or other qualification

(11) The returning officer shall at the time and place appointed by him and in the presence of those authorized to attend or such of them as may be present count and sum up the votes for and against organization according to the provisions of section 131, and shall then and there declare the result and forthwith under his hand certify the result to the minister.

(12) The returning officer shall immediately after all proceedings of the vote have been completed forward to the minister a detailed statement of the cost of the vote and the minister shall authorize the payment of the cost out of the consolidated fund.

1950, c.37, s.9; R.S.S. 1953, c.140, s.9.

## DIVISIONS OF MUNICIPALITIES

### Divisions

**10** Every municipality prior to its organization shall be divided by the minister into divisions and every division shall be assigned a number.

1950, c.37, s.10; R.S.S. 1953, c.140, s.10.

## ORGANIZATION OF A MUNICIPALITY

### Organization

**11(1)** The Lieutenant Governor in Council may by order constitute any area a municipality and assign a name and number thereto.

(2) Notice of the organization 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*.

(3) The notice shall be conclusive evidence of the organization of the municipality on the date provided by section 12, and that all the necessary formalities required by this Act have been complied with.

1950, c.37, s.11; R.S.S. 1953, c.140, s.11.

### Date of organization

**12** The order mentioned in section 11 shall take effect on, from and after the first day of January next following the date of the order.

1950, c.37, s.12; R.S.S. 1953, c.140, s.12.

### Rights and liabilities of municipality upon organization

**13(1)** When the whole or any portion of a local improvement district is organized as or included in a rural municipality, the municipality shall be entitled to all unpaid taxes due in the area affected at the time of organization or inclusion, and shall be responsible for all liabilities attributable to such area, or such proportionate part of such liabilities as may be determined by the Local Government Board where only a portion of a local improvement district is involved. All such liabilities shall be deemed to be liabilities of the municipality, and all such taxes shall be payable to the municipality.

(2) In subsection (1) “**liabilities**” includes all causes of action arising in or with respect to the area organized as or included in the rural municipality.

(3) The decision of the Local Government Board under subsection (1) shall be final.

1950, c.37, s.13; 1953, c.49, s.3; R.S.S. 1953,  
c.140, s.13.

### ALTERATIONS IN BOUNDARIES

#### **Powers of minister**

**14(1)** The minister may by order, notice of which shall be published in the *Gazette*:

- (a) withdraw any area from a municipality;
- (b) annex to a municipality any area adjacent thereto;
- (c) alter the boundaries of one or more of the divisions of a municipality and eliminate or create one or more divisions and renumber the divisions.

(2) Where an order is made under subsection (1), the minister may by order make such provisions as he deems necessary for the adjustment, settlement and disposition of all matters arising out of the action taken; and every decision of the minister with respect to such adjustment, settlement and disposition shall be final and binding on all parties concerned.

1953, c.49, s.4; R.S.S. 1953, c.140, s.14.

### MISDESCRIPTION AND ERRORS IN DEFINING BOUNDARIES

#### **Effect on orders**

**15** No order purporting to be made under section 11 or section 14 shall be deemed invalid on account of non-compliance with any of the matters required as preliminary to such order; and no misnomer, inaccurate description or omission in any order shall suspend or impair the operation of this Act with respect to the matter misdescribed or omitted.

1950, c.37, s.17; R.S.S. 1953, c.140, s.15.

#### **Correction of errors**

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

1950, c.37, s.18; R.S.S. 1953, c.140, s.16.

## BOUNDARY LINES OF MUNICIPALITIES AND DIVISIONS

**Boundary lines**

17(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 Saskatchewan lands survey, the boundary lines of such municipality or division, except as varied by the description given in the notice required by section 11, shall be the posted side of the road allowance between adjoining sections or townships, except in case of correction lines where the south side of the road allowance shall be the boundary.

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

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

1950, c.37, s.19; R.S.S. 1953, c.140, s.17.

## DISORGANIZATION OF MUNICIPALITY

**Disorganization**

18(1) The Lieutenant Governor in Council may by order, notice of which shall be published in the *Gazette*, declare that on and after a day therein to be named a municipality shall be disorganized, and thereupon the municipality and the council thereof shall cease to have or enjoy any of the rights, powers and privileges conferred by this Act.

(2) Upon such disorganization the minister may by order make such provision as he deems necessary for the adjustment, settlement and disposition of all matters arising out of the disorganization, including the disposition of the assets and settlement of the liabilities of the disorganized municipality, and where any estate or other property of such municipality is to be transferred to another municipality or a local improvement district the minister may order that the title to and rights in respect of such estate or property shall be vested in the other municipality or in the minister on behalf of the local improvement district, as the case may require; and every decision of the minister with respect to such adjustment, settlement and disposition shall be final and binding on all parties concerned.

(3) Where by order of the minister taxes due to a municipality which has been disorganized are transferred to another municipality the said taxes shall be deemed to be due to the municipality to which they are transferred and such municipality shall be entitled to continue any proceedings commenced under any *Arrears of Taxes Act*, *Tax Enforcement Act*, *Tax Arrears Consolidation Act* or *Tax Consolidation and Adjustment Act*, and for the purpose of this subsection such municipality shall stand in the place and stead and have all the rights and privileges of the disorganized municipality.

(4) All suits and rights of action by or against a municipality which has been disorganized may be continued or maintained by or against such municipality, containing all or a portion of the disorganized municipality, as may be designated by the minister for the purpose.

(5) Where the whole or any portion of a disorganized municipality is transferred to a local improvement district the provisions of subsections (3) and (4) shall apply *mutatis mutandis*.

(6) Subsection (5) shall be deemed to have always been in force.

1950, c.37, s.20; 1953, c.49, s.5; R.S.S. 1953,  
c.140, s.18.

## ORGANIZED HAMLETS

### Organization

**19**(1) Upon receipt of a petition signed by at least two-thirds of the resident electors of a hamlet, other than a hamlet adjacent to an urban municipality, the minister may by order designate the area and declare it to be an organized hamlet.

(2) The petition shall show the land on which each resident elector who signed the petition resides and shall be accompanied by a certificate of the secretary treasurer of the municipality verifying the land locations shown on the petition and stating that the petitioners constitute at least two-thirds of the resident electors of the hamlet.

(3) The minister may by order alter the boundaries of any organized hamlet.

(4) The resident electors of an organized hamlet shall annually elect three of their number who shall constitute the hamlet board.

(5) The council shall allot not less than forty per cent nor more than seventy-five per cent of the taxes levied for municipal purposes within the organized hamlet to be expended as determined by the hamlet board.

(6) On or before the first day of March in any year the hamlet board may request the council to levy in that year such special rate within the organized hamlet as the hamlet board may determine.

(7) The council shall levy the required special rate and a sum equal to eighty-five per cent of the special levy shall be added to the allotment mentioned in subsection (5).

(8) When the hamlet board requests the council to make an expenditure for any purpose authorized by this Act the council shall, if funds are available to the credit of the organized hamlet, make the expenditure.

(9) There shall be a board of appeal appointed in accordance with the regulations to hear and determine any matter in dispute between the council and the hamlet board and referred to it by the council or the board.

(10) The minister may make regulations for carrying out the provisions of this section according to their true intent.

1950, c.37, s.21; R.S.S. 1953, c.140, s.19.

### Reversion to former status

**20** The minister may by order revert any organized hamlet to the status of a hamlet.

1953, c.49, s.6; R.S.S. 1953, c.140, s.20.

## PART II

## MUNICIPAL COUNCIL

## CONSTITUTION OF COUNCIL

**Constitution**

**21** The powers of every rural municipality shall be exercisable by the council thereof.

1950, c.37, s.22; R.S.S. 1953, c.140, s.21.

**Exercise of powers**

**22(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:

Provided that where an order is made under subsection (1) of section 14 the minister may by such order alter the term of office of the reeve or any councillor.

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

1950, c.37, s.23; 1953, c.49, s.7; R.S.S. 1953, c.140, s.22.

## DECLARATIONS OF OFFICE

**Form of declaration of office**

**23(1)** Every member of the council and every officer of the municipality shall, before entering upon the duties of his office, make and subscribe a declaration of office to the following effect:

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

1. That I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office (*inserting the name of the office*) to which I have been elected (*or appointed, as the case may be*) in this municipality;
2. That I have not received any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the said office;
3. That I have not by myself or partner either directly or indirectly an interest in any contract with or on behalf of the said said municipality (*if the case requires, add the following: 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.

1950, c.37, s.24; R.S.S. 1953, c.140, s.23.

**Deposit of declaration**

**24(1)** Subject to subsection (2), the person making such declaration shall, before entering upon the duties of his office, deposit the same in the office of the secretary.

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

1950, c.37, s.25; R.S.S. 1953, c.140, s.24.

## MUNICIPALITY A CORPORATION

**Municipality a body corporate**

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

1950, c.37, s.26; R.S.S. 1953, c.140, s.25.

## CHANGE OF NAME

**Change of name**

**26(1)** The minister may from time to time alter the name of a municipality or hamlet upon the petition of the council and notice of such alteration shall be published in the *Gazette*.

(2) When the name of a municipality is changed the seal theretofore used by the municipality shall continue to be the seal thereof until changed by the council.

1950, c.37, s.27; R.S.S. 1953, c.140, s.26.

**Effect of change**

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

1950, c.37, s.28; R.S.S. 1953, c.140, s.27.

## MEETINGS OF COUNCIL

**First meeting**

**28(1)** The first meeting of each council shall be held on or before the tenth day of January, and the council of the previous year shall hold office until the new council meets:

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

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

1950, c.37, s.29; R.S.S. 1953, c.140, s.28.

#### **Regular meetings**

**29(1)** The council may at any meeting at which all the members are present decide by resolution to hold regular meetings.

(2) The resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

1950, c.37, s.30; R.S.S. 1953, c.140, s.29.

#### **Special meetings**

**30(1)** A special meeting of the council shall be called by the secretary when he is required to do so in writing by the reeve or by any three members, and written notice, stating the time when and place where the meeting is to be held and in general terms the nature of the business to be transacted thereat, shall be given by the secretary in the manner provided by section 28.

(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.

1950, c.37, s.31; R.S.S. 1953, c.140, s.30.

#### **Waiver of notice of meeting**

**31** The council may by unanimous consent waive notice of any first, special or other meeting and hold a meeting at any time, but every member of the council shall be present at such meeting.

1950, c.37, s.32; R.S.S. 1953, c.140, s.31.

#### **Place of meeting**

**32** 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 municipality.

1950, c.37, s.33; R.S.S. 1953, c.140, s.32.

## PROCEEDINGS AT MEETINGS

#### **Regulations**

**33** 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.

1950, c.37, s.34; R.S.S. 1953, c.140, s.33.

**Quorum**

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

1950, c.37, s.35; R.S.S. 1953, c.140, s.34.

**Reeve to preside**

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

1950, c.37, s.36; R.S.S. 1953, c.140, s.35.

**Deputy reeve**

**36** 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 if the reeve through illness, absence or any other cause is unable to perform the duties of his office, or if the office is vacant, the deputy reeve shall have all the powers of the reeve:

Provided that the council may at its first meeting, by unanimous consent, elect one of its members as deputy reeve to hold office for the whole year, and if the office of deputy reeve becomes vacant by death, resignation or otherwise the council shall elect another of its members to fill the vacancy.

1950, c.37, s.37; R.S.S. 1953, c.140, s.36.

**Chairman to preside**

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

1950, c.37, s.38; R.S.S. 1953, c.140, s.37.

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

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

1950, c.37, s.39; R.S.S. 1953, c.140, s.38.

**Motions need not to be seconded**

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

1950, c.37, s.40; R.S.S. 1953, c.140, s.39.

**Question decided by majority**

**40(1)** At every meeting of the council all questions shall be decided by a majority of votes.

(2) The reeve, deputy reeve or chairman of the council, as the case may be, shall have the right to vote, but in the case of an equality of votes the question shall be decided in the negative.

1950, c.37, s.41; R.S.S. 1953, c.140, s.40.

**Members of council must vote**

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

1950, c.37, s.42; R.S.S. 1953, c.140, s.41.

**Meetings are open**

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

1950, c.37, s.43; R.S.S. 1953, c.140, s.42.

## REEVE

**Duties**

43 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.

1950, c.37, s.44; R.S.S. 1953, c.140, s.43.

**Power of suspension**

44(1) 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.

(2) In case he is dismissed, such officer shall receive no salary or remuneration from the date of suspension.

1950, c.37, s.45; R.S.S. 1953, c.140, s.44.

**Appointment of special constables**

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

1950, c.37, s.46; R.S.S. 1953, c.140, s.45.

**Public meeting**

46(1) 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 any matter relating thereto.

(2) The reeve may, when authorized by resolution of the council, call a public meeting of the burgesses or electors for the discussion of any municipal matter.

1950, c.37, s.47; 1951, c.43, s.2; R.S.S. 1953, c.140, s.46.

## REMUNERATION OF COUNCIL

**Payment of council**

47(1) The council may pass a resolution for paying the reeve a sum not exceeding \$8 *per diem* and other members of the council a sum not exceeding \$8 *per diem* for each meeting and all members of the council ten cents for every mile necessarily travelled by them 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 and a mileage allowance shall be payable only where a *per diem* allowance is payable.

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

1950, c.37, s.48; 1953, c.49, s.8; R.S.S. 1953,  
c.140, s.47.

**Payment of reeve for supervision**

48(1) The council may pass a resolution for paying the reeve a sum not exceeding \$8 *per diem* for the time necessarily occupied in supervising the work of the municipal office and signing cheques, the total number of days for which payment is made during the year not to exceed fifteen, and ten cents per mile for every mile necessarily travelled in going to the municipal office for the above purpose and returning therefrom.

(2) The council may pay the travelling expenses of members duly authorized to go beyond the limits of the municipality on municipal business, such payment to include actual railway fare, or mileage at a rate not exceeding ten cents per mile for every mile necessarily travelled by automobile, for each automobile actually used, together with actual out of pocket expenses.

1950, c.37, s.49; 1953, c.49, s.9; R.S.S. 1953,  
c.140, s.48.

**Payment of councillors**

49(1) The council may pass a resolution for paying the reeve a sum not exceeding \$8 *per diem* and other members of the council a sum not exceeding \$8 *per diem* for every day necessarily occupied and all members of the council ten cents per mile for every mile necessarily travelled by them respectively in:

- (a) inspecting roads, bridges or public works in and for the municipality, or in performing work or services upon or in connection with such inspection;
- (b) inspecting work done under *The Noxious Weeds Act*;
- (c) supervising the erection or operation of a municipal pasture;
- (d) supervising brush cutting, digging of dugouts, clearing and breaking or other custom work of a like nature;
- (e) inspecting work done under this Act for the purpose of controlling or exterminating gophers, grasshoppers or other pests;

but no allowance shall be made for more than fifteen days in any one year and a mileage allowance shall be payable only where a *per diem* allowance is payable.

- (2) Notwithstanding the provisions of subsection (1), but at the same rate of remuneration and for any of the services mentioned therein, the council may pass a resolution for payment of additional remuneration for a further period of twenty-one days, and such remuneration may be allotted to any one member of the council or apportioned to any two or more members.
- (3) The work so performed shall be previously authorized by resolution of the council, except where the duties performed are of an emergent nature, in which case, the payment or non-payment of the members' fees for such work shall be at the discretion of the council.
- (4) No payment shall be made under this section until the reeve or councillor claiming payment has filed with the secretary an itemized account showing the work done or services performed and the mileage travelled, and until a resolution has been passed by the council authorizing payment.
- (5) A special report setting forth all work so done and the remuneration paid therefor shall be prepared and submitted to the ratepayers at the next annual meeting.
- (6) Nothing contained in this Act shall be construed as prohibiting acceptance of remuneration by members of the council of a municipality for work done by them under any agreement between the municipality and the Dominion of Canada relating to prairie farm rehabilitation.

1950, c.37, s.50; 1953, c.49, s.10; R.S.S. 1953,  
c.140, s.49.

#### **Other remuneration prohibited**

- 50(1)** No member of the council shall receive remuneration for his services, except as provided in this or any other Act.
- (2) A person who accepts further or other remuneration is guilty of an offence and liable on summary conviction to a fine not exceeding \$50, and, in default of payment, 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.

1950, c.37, s.51; R.S.S. 1953, c.140, s.50.

## COMMITTEES

#### **Committees**

- 51(1)** The council may 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 and it may also delegate to any such committee any of the duties and powers by this Act conferred and imposed upon the council, except the power to borrow money, pass a bylaw or enter into a contract.
- (2) Every committee to which any duty or power is so delegated may exercise or perform the same in like manner and with the same effect as the council.
- (3) Every such committee shall be subject in all things to the council, and shall carry out all directions given to it by the council.

1950, c.37, s.52; R.S.S. 1953, c.140, s.51.

## VACANCIES

**Resignation**

**52(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, subject to subsection (2) of section 72, the resignation shall take effect and the seat shall become vacant upon receipt of the notice by the secretary, unless the notice specifies a future date on which it is to take effect, in which case it shall take effect upon that date.

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

1950, c.37, s.53; R.S.S. 1953, c.140, s.52.

**Declaration of vacancy**

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

1950, c.37, s.54; R.S.S. 1953, c.140, s.53.

**Vacancy**

**54(1)** Subject to subsection (2), 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.

(2) If the vacancy occurs on or after the first day of September the council may in its discretion proceed to fill the vacancy; provided that, if the council takes no action in the case of a vacancy so occurring in any year other than the year in which the term of office expires and notice of the vacancy is received by the secretary not less than ten days prior to the day of nomination, the returning officer shall take the necessary steps to have the vacancy filled at the annual elections.

(3) Where a person is elected at the annual elections to fill a vacancy caused by the death, resignation or otherwise of a councillor whose term would have expired at the end of the then current year, the person so elected shall continue to be a member of the council for the ensuing two years.

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

1950, c.37, s.55; R.S.S. 1953, c.140, s.54.

## APPOINTED COUNCILLORS

**Minister may appoint reeve or councillor**

**55** If the electors of a municipality neglect or refuse to elect a reeve, or if the electors of any division of a municipality neglect or refuse to elect a councillor, the minister may appoint some one to act as reeve or councillor as the case may require.

1950, c.37, s.56; R.S.S. 1953, c.140, s.55.

**Lieutenant Governor in Council may appoint whole council**

**56(1)** The Lieutenant Governor in Council may at any time appoint some person to act as reeve or as councillor for one or more of the divisions of a municipality, or may appoint some person or persons to act as reeve and councillors for all the divisions of the municipality.

(2) Every person so appointed shall have all the powers and authorities conferred by this Act upon the elected members of the council and shall be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine.

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

(4) 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.

1950, c.37, s.57; R.S.S. 1953, c.140, s.56.

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 PART III

## MUNICIPAL ELECTIONS

## FIRST ELECTION FOR REEVE AND COUNCILLORS

**Returning officer**

**57(1)** The minister shall appoint a returning officer for the first election in a municipality, and such appointment may be made at any time after the date of the order constituting the municipality and before such order takes effect.

(2) The returning officer shall at least three weeks prior to the fourth Monday of October in the same year:

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

(3) The reeve and councillors elected at a first election shall take office on the first day of January next following their election.

1950, c.37, s.58; R.S.S. 1953, c.140, s.57.

**Fees**

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

*To Returning Officers.*

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

*To Deputy Returning Officers.*

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

1950, c.37, s.59; 1953, c.49, s.11; R.S.S. 1953, c.140, s.58.

**Interim secretary**

**59** Until such time as the secretary is appointed the returning officer at the first election for a reeve and councillors shall have and exercise all the powers and duties of the secretary as provided by section 28 and sections 133 to 139 inclusive.

1950, c.37, s.60; R.S.S. 1953, c.140, s.59.

**List of voters where part of town school district comprised in rural municipality**

**60** Where a portion of a municipality is comprised within a town school district, the secretary of the municipality shall, on or before the first day of September in each year furnish the city clerk or town clerk, as the case may be, with a list of the persons qualified to vote in such portion, certified to be correct and distinguishing between public and separate school supporters.

1950, c.37, s.61; R.S.S. 1953, c.140, s.60.

**Voters' list**

**61(1)** The secretary of every municipality shall, on or before the first day of October in each year, prepare a list showing:

- (a) the name of every person of the full age of eighteen years resident within the province who is assessed upon the last revised assessment roll;
- (b) the name of every shareholder in a duly incorporated co-operative association which is engaged in farming and which is assessed upon the last revised assessment roll in respect of real property not exempt from taxation, if such shareholder is of the full age of eighteen years, is residing in the municipality, is not otherwise a voter in the municipality and is shown upon a certified list of such shareholders supplied to the municipality by such association before the fifteenth day of September in the then current year;
- (c) the name of every corporation and of every church and other religious organization which is assessed upon the last revised assessment roll;

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(d) the name of every person appearing on the tenants' list provided for by section 64;

(e) the name of every person of the full age of eighteen years resident within the province who satisfies the secretary on or before the fifteenth day of September in the then current year that prior to the first day of September in such year he or she purchased taxable land in the municipality and is the registered owner thereof or the owner under *bona fide* agreement for sale thereof and that he or she is not otherwise a voter in the municipality;

(f) the name of every woman who is the wife, and of every man who is the husband of a person qualified under clause (a), (b) or (e), and who is the full age of eighteen years and resides with her husband or his wife on land in the municipality.

(2) 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 \_\_\_\_\_.

Number on List	Voter Name of	Description of Land					Qualification of Voter	Elector or Burgess
		Part of Section	Section	Township	Range	Meridian		

FOR HISTORICAL REFERENCE ONLY

1950, c.37, s.62; R.S.S. 1953, c.140, s.61.

**Particulars**

**62(1)** In preparing the list for each division the secretary shall in accordance with the following subsections enter on the list, alphabetically according to surnames, the names of all persons qualified under the provisions of subsection (1) of section 61, together with a brief description of the land or other property in respect of which each person is assessed or qualified and the word "owner", "occupant", "tenant", "resident wife" or "resident husband", as the case may be, and shall distinguish those who are qualified to vote as burgesses.

(2) If a person entitled to have his name entered on the voters' list is assessed in respect of land which he owns or occupies in the division in which he resides, his name shall be placed upon the list for that division.

(3) If a person is assessed in respect of land which he owns or occupies in a division and that division only, but resides elsewhere, his name shall be placed upon the list for that division.

(4) If a person is assessed in respect of land which he owns or occupies in two or more divisions, but does not reside in any of them, his name shall be placed upon the list of the division in which his total assessment is higher than in any other division, provided that in case of equality of assessment the name shall be placed upon the list for the division which bears the lower or lowest number, as the case may be.

(5) If a husband is assessed in one division and his wife is assessed in another division upon the last revised assessment roll, the names of both shall nevertheless be entered upon the list for the same division if the secretary is notified in writing by the husband or wife to do so before the fifteenth day of September in any year, and both the husband and the wife shall be bound by such notice so long as they continue to be assessed in the said divisions.

(6) The names of tenants and the resident wives or husbands of tenants entered on the voters' list shall be entered on the list for the division in which they reside.

(7) The provisions of subsections (2), (3), (4) and (5) apply *mutatis mutandis* to persons and resident wives or husbands who are entitled to have their names placed on the voters' list under the provisions of clause (e) of subsection (1) of section 61.

1950, c.37, s.63 (1) to (7); 1953, c.49, s.12; R.S.S. 1953, c.140, s.62.

**Printing of list and sale thereof**

**63(1)** The council may cause copies of the list to be printed in such quantities as it may deem advisable, and offered for sale at a fixed price.

(2) Amounts received from the sale shall form part of the funds of the municipality.

1950, c.37, s.64; R.S.S. 1953, c.140, s.63.

**Tenants' list**

**64(1)** Every person, male or female, who desires to have his or her name entered upon "the tenants' list" shall on or before the fifteenth day of September present himself or herself to the secretary treasurer and sign a declaration in the form following, and the secretary treasurer shall enter the name of such person upon a list to be called "the tenants' list", together with the name of such person's wife or husband of the full age of eighteen years residing with him or her:

DECLARATION OF TENANT

Taken this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The undersigned severally declare each for him (her) self:

1. That I am of the full age of eighteen years;
2. That I am residing in the municipality;
3. That I am and have been for a period of at least six months immediately prior to the first day of September of this year:

(a) a *bona fide* tenant of land of at least eighty acres in the municipality; or

(b) a *bona fide* occupant of premises in the municipality as a tenant at a rental which would amount to at least \$60 annually; and

4. That I am not otherwise a voter in the municipality.

Signature	Tenant of Land or Tenant of Premises	Name of Wife or Husband

(2) Every tenant of a separate portion of a house shall be deemed, but a boarder or lodger shall not be deemed, a tenant within this section.

1950, c.37, s.65; R.S.S. 1953, c.140, s.64.

**Secretary's certificate**

**65** When the voters' list has been prepared, as provided in sections 61 and 62, 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 October.

1950, c.37, s.66; R.S.S. 1953, c.140, s.65.

**List to be posted**

**66(1)** The secretary shall then forthwith make a true and correct copy of the list and post it in his office, and such copy or the original thereof shall be open to inspection by any person at all reasonable hours.

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

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

1950, c.37, s.67; R.S.S. 1953, c.140, s.66.

**Interfering with voters' list**

**67(1)** A person unlawfully taking down, covering up, mutilating, defacing or altering a voters' list is guilty of an offence and liable on summary conviction to a fine not exceeding \$100, and in default of payment to imprisonment for a term not exceeding six months.

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

1950, c.37, s.68; R.S.S. 1953, c.140, s.67.

**Correction of list**

**68(1)** If through inadvertence or otherwise any mistake, error, wrong entry or omission has been made in the original list or copy, the secretary shall, subject to subsection (2), upon being notified in writing of the mistake, error, wrong entry or omission, revise the list accordingly.

(2) No 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 nomination meeting, and unless in the case of a person assessed as owner or occupant, the last revised assessment roll of the municipality when compared with the list shows the latter to be inaccurate or incomplete in the manner complained of in the notification.

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

1950, c.37, s.69; R.S.S. 1953, c.140, s.68.

**Penalties for offences in preparation of list**

**69(1)** A secretary who:

- (a) fails to prepare the voters' list as herein provided; or
- (b) fails to enter on the list the name of any person whom he knows to be entitled to have his name placed on the list; or
- (c) fails to enter on the list any other particulars as provided herein; or
- (d) enters on the list the names of any person who is not qualified under section 61; or
- (e) fails to revise the list in any particular as herein provided;
- (f) fails to comply with section 60;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

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

1950, c.37, s.70; R.S.S. 1953, c.140, s.69.

## ANNUAL MEETING

**Notice of meeting**

**70(1)** The secretary shall at least one week prior to the fourth Monday of October in each year cause to be posted a notice of the annual meeting of the electors, in the following form:

## NOTICE

## ANNUAL MEETING OF ELECTORS

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

Public notice is hereby given that a meeting of the electors of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_, will be held (*description of place*) on Monday, the (*here fill in the date on which the fourth Monday of October falls*) day of October, 19\_\_\_\_, at one o'clock p.m. (mountain standard time), for the purpose of receiving the statement mentioned in section 172 of *The Rural Municipality Act* and any other reports and of discussing municipal affairs or any matter relating thereto.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

.....  
*Secretary Treasurer*

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

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

1950, c.37, s.71; 1953, c.49, s.13; R.S.S. 1953,  
c.140, s.70.

## ANNUAL ELECTION

**Annual election**

**71** 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.

1950, c.37, s.72; R.S.S. 1953, c.140, s.71.

## QUALIFICATIONS OF CANDIDATES

**Qualification**

**72(1)** Subject to subsection (2) of this section and sections 73 to 75, every person, male or female, of the full age of twenty-one years, shall be eligible for nomination as reeve or councillor who is a British subject, an elector of the municipality and resides in the province.

(2) No councillor shall be eligible for nomination or election as reeve, except in the case of the annual election held in the last year of his term of office, unless he has, before ten o'clock a.m. of the day of nomination, filed his resignation as councillor with the secretary, which resignation in the case of an annual election shall take effect at midnight on the thirty-first day of December following the day of nomination or on an earlier date specified in the resignation.

(3) In the case of a first election “**elector**” shall mean one who is qualified to subscribe to the declaration under section 112.

1950, c.37, s.73; R.S.S. 1953, c.140, s.72.

#### **Disqualifications**

**73(1)** No secretary treasurer, assessor, auditor, constable or other paid official of the municipality, no inspector of licences, 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 any officer or any employee of the municipality, and no person who has, within twelve months immediately preceding the date of election, made an assignment for the general benefit of creditors or against whom, within that period, a receiving order has been made under the *Bankruptcy Act (Canada)*, or who is an undischarged bankrupt, shall be qualified to be a member of the council; and no person who has been convicted of an offence punishable with death or with imprisonment for five years or over shall be so qualified for a period of five years after he has completed his sentence.

(2) Notwithstanding the provisions of subsection (1), no person shall be disqualified to be a member of the council by reason of his having entered into an agreement with the municipality:

(a) for the removal of snow from his land as part of a scheme for the removal of snow from municipal roads, in which scheme residents of the municipality other than or in addition to members of the council are participating; or

(b) under clause (a) of subsection (2) of section 196, for the making of improvements to his land, provided that similar agreements have in the current year been entered into between the council and two or more persons who are not members of the council.

1950, c.37, s.74; 1953; c.49, s.14; R.S.S. 1953, c.140, s.73.

#### **Member of council represents only one division**

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

1950, c.37, s.75; R.S.S. 1953, c.140, s.74.

#### **Election as reeve and councillor prohibited**

**75** No person may be elected as a member of the council for a division and also as reeve of the municipality.

1950, c.37, s.76; R.S.S. 1953, c.140, s.75.

**Shareholder not disqualified**

**76** 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.

1950, c.37, s.77; R.S.S. 1953, c.140, s.76.

**Annual nomination meeting**

**77(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 fourth Monday of October in each year:

- (a) name a place for holding the nomination meeting;
- (b) appoint a returning officer;
- (c) name one or more polling places for each division;
- (d) appoint a deputy returning officer for each polling place.

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

1950, c.37, s.78; R.S.S. 1953, c.140, s.77.

**Central polling place**

**78(1)** In addition to the polling places mentioned in section 77, the council may name a polling place in a city, town, village or hamlet within the boundaries of the municipality, hereinafter called the central polling place, where the electors of any division may vote irrespectively of their places of residence or of the situation of the land which forms their qualification.

(2) An elector who desires to vote at the central polling place shall, at least six days before the day of polling, give notice in writing of his intention to do so to the secretary treasurer, stating therein the division in which he is qualified and in respect of which he desires to vote.

(3) An elector who gives such notice and votes at the central polling place shall be entitled to vote thereat at subsequent elections without giving any further notice of intention to do so.

(4) No person who fails to give such notice shall be allowed to vote at the central polling place.

(5) Where an elector who has given notice under subsection (2) desires to vote, at a subsequent election, in the division in which he is qualified he shall, at least six days before the day of polling, give notice in writing to the secretary treasurer of the withdrawal of the notice given under subsection (2).

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

1950, c.37, s.79; 1953, c.49, s.15; R.S.S. 1953, c.140, s.78.

**Place of nomination**

**79** 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.

1950, c.37, s.80; R.S.S. 1953, c.140, s.79.

**Place of polling**

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

1950, c.37, s.81; R.S.S. 1953, c.140, s.80.

**Hour of meeting**

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

1950, c.37, s.82; R.S.S. 1953, c.140, s.81.

ELECTION OFFICIALS' OATH

**Officials' oath**

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

FORM OF OATH

Canada: }  
Province of Saskatchewan }  
To Wit: }

I, \_\_\_\_\_ of \_\_\_\_\_, in the Province of Saskatchewan, (*occupation*), do swear that I will at the election to be held in the Rural Municipality of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*insert here the name of the office*) to which I have been appointed in this municipality; and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office; and 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; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So held me God.

Sworn before me at \_\_\_\_\_ }  
in the Province of Saskatchewan, }  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. }

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

1950, c.37, s.83; R.S.S. 1953, c.140, s.82.

**Notice of nomination meeting**

**83(1)** The returning officer shall, at least seven clear days prior to the day fixed for the nomination meeting, cause to be posted 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 two o'clock to three o'clock in the afternoon (mountain standard time) for the purpose of nominating candidates for the offices of reeve of the municipality, and a councillor each for divisions number \_\_\_\_\_.

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

.....  
*Returning Officer.*

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

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

1950, c.37, s.84; R.S.S. 1953, c.140, s.83.

PROCEEDINGS AT NOMINATION MEETING

**Nomination**

**84(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 three o'clock in the afternoon, mountain standard time.

(2) Upon receiving a nomination paper duly completed the returning officer shall in a conspicuous place in the premises post the name and address of the person nominated.

(3) 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.

1950, c.37, s.85; R.S.S. 1953, c.140, s.84.

FOR HISTORICAL REFERENCE ONLY

**Nomination in writing**

**85** 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. \_\_\_\_\_, and reside in the Province of Saskatchewan;
3. That I am not disqualified by reason of any of the provisions of sections 72 to 75 of *The Rural Municipality Act*;
4. That I am a British subject;
5. That I will accept the office, if elected.

Signed in the presence of

.....  
*Signature of Witness.*

.....  
*Signature of Candidate.*

1950, c.37, s.86; R.S.S. 1953, c.140, s.85.

**Nomination accompanied by acceptance**

**86(1)** No nomination shall be valid or accepted by the returning officer unless the nomination paper is duly completed and signed and is accompanied by the candidate's acceptance duly completed and signed.

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

1950, c.37, s.87; R.S.S. 1953, c.140, s.86.

**Place and date of poll**

**87** If more than the required number of persons are nominated for one or more divisions, the returning officer shall declare that a poll will be held and shall name the day, which shall be the day mentioned in subsection (1) of section 91, 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.

1950, c.37, s.88; R.S.S. 1953, c.140, s.87.

**Custody and destruction of nomination papers**

**88** Forthwith after the close of the nomination meeting the returning officer shall deliver all completed nomination papers and candidates' acceptances in his possession to the secretary who shall retain them in his custody for a period of six months after the meeting and shall then destroy them in the presence of two witnesses.

1953, c.49, s.16; R.S.S. 1953, c.140, s.88.

**Withdrawal**

**89** A person nominated as candidate may withdraw 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.

1950, c.37, s.89; R.S.S. 1953, c.140, s.89.

**Notice that there will be no poll**

**90** 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, and the returning officer shall forthwith declare the candidate elected and cause to be posted 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 83:

NOTICE

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

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

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

.....  
*Returning Officer.*

1950, c.37, s.90; R.S.S. 1953, c.140, s.90.

FOR HISTORICAL REFERENCE ONLY

TIME AND NOTICE OF POLL

Hours of poll

91(1) When a poll is required to be taken for the election of a reeve or councillor, it shall be held on the Wednesday of the week following that in which nomination was held.

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

1950, c.37, s.91; R.S.S. 1953, c.140, s.91.

Notice of poll

92 The returning officer shall, within seventy-two hours after the nomination, cause a notice of the poll to be posted in the manner provided by subsection (2) of section 83, and every notice shall be in the following form:

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) 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.

1950, c.37, s.92; 1951, c.43, s.4; R.S.S. 1953, c.140, s.92.

PREPARATION FOR POLL

Poll clerk

93 If so authorized 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 returning officer or deputy, as the case may be.

1950, c.37, s.93; R.S.S. 1953, c.140, s.93.

**Ballot box**

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

1950, c.37, s.94; R.S.S. 1953, c.140, s.94.

**Ballot papers**

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

1950, c.37, s.95; R.S.S. 1953, c.140, s.95.

**Printed or written**

**96** 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.

1950, c.37, s.96; R.S.S. 1953, c.140, s.96.

**Form for reeve**

**97** 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	

1950, c.37, s.97; R.S.S. 1953, c.140, s.97.

**Form for councillor**

**98** The ballots for the election of councillor shall be prepared for each division of the municipality, shall contain the names of the candidates duly nominated for each 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	

1950, c.37, s.98; R.S.S. 1953, c.140, s.98.

**Supplies for deputy returning officers**

**99** 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.

1950, c.37, s.99; R.S.S. 1953, c.140, s.99.

**Directions for voters**

**100** The returning officer shall, before the opening of the polls, 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 GUIDANCE OF VOTERS

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

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

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

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

If the voter places any mark on his ballot by which he may afterwards be identified, or if the ballot has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void and not counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer, he will be liable on summary conviction to imprisonment for a term not exceeding six months with or without hard labour.

1950, c.37, s.100; R.S.S. 1953, c.140, s.100.

## PROCEEDINGS AT THE POLL

**Deputy returning officer**

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

1950, c.37, s.101; R.S.S. 1953, c.140, s.101.

**Voting compartment**

**102** 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.

1950, c.37, s.102; R.S.S. 1953, c.140, s.102.

**Posting directions**

**103** 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 100.

1950, c.37, s.103; R.S.S. 1953, c.140, s.103.

**Secretary furnishes copies**

**104** The secretary shall prior to every election furnish the returning officer with at least two copies of section 151 for each polling place for distribution to his deputies, and the deputy returning officer shall post the same in conspicuous places at his polling place and see that they are kept so posted during the hours of polling.

1950, c.37, s.104; R.S.S. 1953, c.140, s.104.

**Secretary furnishes copies of voters' list**

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

1950, c.37, s.105; R.S.S. 1953, c.140, s.105.

**Poll book**

**106** 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 the 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	No. on voters' list	Voted for		Sworn or refused to swear	Remarks
		Reeve	Councillor		

1950, c.37, s.106; R.S.S. 1953, c.140, s.106.

**Agents**

**107** Any person producing to the deputy returning officer a written authority to represent a candidate as his agent at the polling place shall be recognized 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.

1950, c.37, s.107; R.S.S. 1953, c.140, s.107.

**Persons present in polling booth**

**108** Subject to subsection (2) of section 121, the persons entitled to be present at any one time in a polling booth during the hours of polling shall be the returning officer, the deputy returning officer, the poll clerk and the candidates for reeve, any candidate for councillor and not more than two agents of each candidate and one voter.

1950, c.37, s.108; R.S.S. 1953, c.140, s.108.

**Opening of poll**

**109** 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.

1950, c.37, s.109; R.S.S. 1953, c.140, s.109.

**Persons entitled to vote**

**110(1)** The persons entitled to vote for reeve or councillor shall be the electors of the municipality.

(2) In the case of an annual or general election each elector shall be entitled to vote once only for reeve and once for councillor and shall vote in the division on the voters' list of which his name appears under the provisions of section 62, unless entitled to vote at a central polling place established under the provisions of section 78.

(3) The wife of an elector voting as such shall vote in the division in which her husband votes and the husband of an elector voting as such shall vote in the division in which his wife votes, unless entitled to vote at a central polling place established under the provisions of section 78.

(4) A person who votes in a division other than that in which he is entitled to vote is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$25.

1950, c.37, s.110; R.S.S. 1953, c.140, s.110.

**Corporations, etc., not entitled to vote for members of council**

**111** A corporation, church or other religious organization, the name of which appears on the voters' list, shall not be entitled to vote at an election for members of the council.

1950, c.37, s.63 (8); R.S.S. 1953, c.140, s.111.

DECLARATION OF ELECTORS

**Vote prior to first voters' list**

112(1) In the case of every election held prior to the completion of the first municipal voters' list every person who presents himself for the purpose of voting shall be required, before he is handed a ballot, to sign a declaration in the form following, and the deputy returning officer shall permit every person who signs the declaration to vote and shall record in the poll book the name of each person who so signs:

DECLARATION OF ELECTORS

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 *or* that he is the husband of a person who is the owner or occupant of assessable land in the division and that she *or* he resides with him *or* her on land in the municipality).

Name	Voter's land or other qualification

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

(3) A person subscribing the declaration who therein makes a false statement is guilty of an offence and liable on summary conviction to a fine not exceeding \$20.

1950, c.37, s.111; R.S.S. 1953, c.140, s.112.

**Voter's name must be on voters' list**

113(1) In the case of every election held subsequently to the completion of the first voters' list, the deputy returning officer shall satisfy himself that the name of every person who presents himself for the purpose of voting or a name apparently intended for such person is on the list supplied to such deputy by the returning officer, and the deputy returning officer or poll clerk shall record in the poll book the name of each such person.

(2) Subject to sections 114 and 115, the deputy returning officer shall not permit any person to vote whose name does not appear on the list.

1950, c.37, s.112; R.S.S. 1953, c.140, s.113.

**Name of elector not contained in list**

114 Notwithstanding anything hereinbefore contained, where:

- (a) the name of a person otherwise qualified to be an elector, or of the resident wife or husband of an elector; or

(b) the name of a person assessed under the provisions of section 327 whose assessment has been confirmed prior to the date of the annual election, or of the resident wife or husband of such person; or

(c) the name of a person resident outside the province whose name appears on the last revised assessment roll of the municipality;

is not contained in the voters' list, he or she may obtain from the secretary treasurer a certificate that his or her name has not been entered on the voters' list and that he or she is entitled to vote, and may present the certificate to the deputy returning officer at the polling station in the division in which he or she is entitled to vote; and the deputy returning officer shall thereupon enter the name of such person in the poll book and shall allow such person to vote.

1950, c.37, s.113; R.S.S. 1953, c.140, s.114.

**Oath of voter whose name is not on voters' list**

**115** Notwithstanding anything hereinbefore contained, where the name of any person does not appear on the voters' list and such person is qualified to take an oath in one of the forms following and presents himself or herself to the deputy returning officer of the polling station in the division in which such person is entitled to vote, the deputy returning officer shall administer the oath, enter the name of such person in the poll book and allow such person to vote:

**FORM OF OATH**

I, \_\_\_\_\_, of \_\_\_\_\_ in the Province of \_\_\_\_\_, (*occupation*) do swear (*or* solemnly affirm):

1. That I am of the full age of eighteen years; and

2a. That I am assessed on the last revised assessment roll in respect of land in this division;

or

2b. That I am the wife (*or* husband) of a person assessed on the last revised assessment roll in respect of land in this division and that I reside with him (*or* her) on land in the municipality;

or

2c. That I am a shareholder in a duly incorporated co-operative association which is engaged in farming and which is assessed upon the last revised assessment roll in respect of real property not exempt from taxation and that I reside in the municipality;

or

2d. That I am the wife (*or* husband) of a shareholder in a duly incorporated co-operative association which is engaged in farming and which is assessed upon the last revised assessment roll in respect of real property not exempt from taxation and that I reside with him (*or* her) on land in the municipality;

or

2e. That prior to the first day of September last I purchased land in this division of the municipality and am the registered owner or owner under *bona fide* agreement for sale of taxable land in the municipality;

or

2f. That I am the wife (*or* husband) of a person who prior to the first day of September last purchased, and who is the registered owner or owner under *bona fide* agreement for sale of, taxable land in this division of the municipality and that I reside with him (*or* her) on land in the municipality;

or

2g. That I am, and was for a period of six months immediately prior to the first day of September last, a tenant of land of at least eighty acres in the municipality and that I reside in this division;

or

2h. That I am the wife (*or* husband) of a tenant who is and was for a period of six months immediately prior to the first day of September last, a tenant of land of at least eighty acres in the municipality and that I reside with him (*or* her) on land in this division of the municipality;

or

2i. That I am, and was for a period of six months immediately prior to the first day of September last, a tenant of premises in the municipality at a rental which would amount to at least \$60 annually, am not a boarder or lodger and that I reside in this division of the municipality;

or

2j. That I am the wife (*or* husband) of a tenant who is, and was for a period of six months immediately prior to the first day of September last, a tenant of premises in the municipality at a rental which would amount to at least \$60 annually and that I reside with him (*or* her) on land in this division of the municipality;

and

(*in every case*)

3. That I am not otherwise a voter in the municipality.

So held me God.

1950, c.37, s.114; 1951, c.43, s.5; R.S.S. 1953,  
c.140, s.115.

**Oath of voter on demand of agent**

**116** If a candidate or his agent objects to the deputy returning officer allowing a person to vote, the deputy returning officer shall, before handing a ballot to such person, administer to him the following oath:

You swear (*or* solemnly affirm):

That you are of the full age of eighteen years;

and

That you are the person named (*or* intended to be named) by the name of \_\_\_\_\_ in the municipal voters' list (*or* voter's certificate) now shown to you (*showing the list or certificate to the voter*);

or

That you are the wife (*or* husband) of an elector and reside with him (*or* her) upon land in the municipality;

or

That you have taken the oath in one of the forms provided in section 115 of *The Rural Municipality Act*;

and

(*in every case*)

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.

1950, c.37, s.115; R.S.S. 1953, c.140, s.116.

**Entry of oath in poll book**

**117** 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.

1950, c.37, s.116; R.S.S. 1953, c.140, s.117.

**Refusal of voter to be sworn**

**118(1)** When a voter is required to take the said oath or affirmation and refuses to do so, the deputy returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear".

(2) Such person shall not be allowed to vote but shall be required to leave the polling booth immediately, and he shall not be allowed to enter the same again on the day of election for any purpose whatever.

1950, c.37, s.117; R.S.S. 1953, c.140, s.118.

**Deputy returning officer initials ballot paper**

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

1950, c.37, s.118; R.S.S. 1953, c.140, s.119.

**Explanation of method of voting**

**120** 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.

1950, c.37, s.119; R.S.S. 1953, c.140, s.120.

**Incapacity of voter**

**121(1)** 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 who are present, 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.

(2) If such voter requests that the person acting as his escort shall mark his ballot on his behalf, that person may do so, and in such case the provisions of subsection (1) shall not apply.

1950, c.37, s.120; R.S.S. 1953, c.140, s.121.

**Penalty for omission to initial ballot paper**

**122** A deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot as provided by section 119 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 deputy returning officer has not signed his initials.

1950, c.37, s.121; R.S.S. 1953, c.140, s.122.

**Penalty for plural voting**

**123(1)** A person who votes oftener than he is entitled to vote is guilty of an offence and liable on summary conviction to a fine of \$50.

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

1950, c.37, s.122; R.S.S. 1953, c.140, s.123.

**Method of voting**

**124(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 100 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 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 candidate 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) When the ballot of a voter has been deposited in the ballot box as provided by subsection (1), the deputy returning officer or poll clerk shall enter in the poll book in the proper column or columns after the voter's name the word "voted".

1950, c.37, s.123; R.S.S. 1953, c.140, s.124.

**Secrecy of vote**

**125** 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:

Provided that where the voter is incapacitated by blindness or other physical cause from marking his ballot and requests that the person acting as his escort shall mark his ballot on his behalf, as provided in subsection (2) of section 121, such person shall be allowed to enter the compartment with the voter.

1950, c.37, s.124; R.S.S. 1953, c.140, s.125.

**Forfeiture of right to vote**

**126(1)** No person who has received a ballot from the deputy returning officer shall take it out of the polling place.

(2) A person, who has so received a ballot and who leaves the polling place without first delivering it 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 "declined" upon such ballot paper and shall preserve the same.

1950, c.37, s.125; R.S.S. 1953, c.140, s.126.

**Voter may obtain second ballot paper**

**127** 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.

1950, c.37, s.126; R.S.S. 1953, c.140, s.127.

## PROCEEDINGS AT CLOSE OF POLL

**Close of poll**

**128** 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.

1950, c.37, s.127; R.S.S. 1953, c.140, s.128.

**Opening ballot box**

**129** 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 their agents as are 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 by the deputy returning officer 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 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 the votes given for each candidate upon the ballots not rejected, and shall enter in the poll book a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballots rejected and not counted by him, which statement shall be made under the following heads:

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

**Signed statement**

4. Upon the 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 to do so, shall deliver to each of the persons authorized 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 such of the candidates or their agents as are 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 the reeve;
- (b) the ballots rejected for reeve;
- (c) the ballots counted for councillors;
- (d) the ballots rejected for councillors;
- (e) the unused, cancelled and declined 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 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 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 are present and desire to affix their seals.

1950, c.37, s.128; 1953, c.49, s.17; R.S.S. 1953, c.140, s.129.

**Delivery to returning officer**

**130** 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 thereof the returning officer shall give to him a receipt therefor.

1950, c.37, s.129; R.S.S. 1953, c.140, s.130.

**Returning officer counts ballots and declares election**

**131(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 129 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) If 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 all the ballot papers have been examined and counted the returning officer shall forthwith sum up and announce the number of votes which he has allowed for each candidate, including any votes allowed under subsection (2), and shall publicly declare to be elected the candidate having the highest number of votes for each office to be filled; and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate.

1950, c.37, s.130; R.S.S. 1953, c.140, s.131.

**Procedure where candidates have equal number of votes**

**132** If it appears upon the casting up of the votes that two or more candidates for any office have an equal number of votes, the returning officer shall write the names of such candidates separately on blank sheets of paper of equal size and of the same colour and texture and, after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct some person to withdraw one of the sheets; and the candidate whose name appears on the sheet thus withdrawn shall be by the returning officer declared elected.

1950, c.37, s.131; R.S.S. 1953, c.140, s.132.

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

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

1950, c.37, s.132; R.S.S. 1953, c.140, s.133.

**Destruction of ballots**

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

1950, c.37, s.133; R.S.S. 1953, c.140, s.134.

**Inspection**

**135** No person shall be allowed to inspect any ballot papers in the custody of the secretary except under order of the judge to be granted upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto, or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the secretary.

1950, c.37, s.134; R.S.S. 1953, c.140, s.135.

**Order for inspection**

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

1950, c.37, s.135; R.S.S. 1953, c.140, s.136.

## RECOUNT

**Recount**

**137(1)** If, within fourteen days from the time of the returning officer's declaration, it is, on the affidavit of a credible person, made to appear to him that in counting the votes given at an election he has improperly counted or rejected any ballots, and the sum of \$50 as security for the payment of costs and expenses is deposited with him, he shall forthwith forward the affidavit and deposit to the clerk of the court, who shall thereupon notify the judge.

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

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

1950, c.37, s.136; R.S.S. 1953, c.140, s.137.

**Persons entitled to be present at recount**

**138** 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.

1950, c.37, s.137; R.S.S. 1953, c.140, s.138.

**Mode of counting**

**139** At the time and place appointed, and in the presence of those notified or entitled to attend as provided by section 138, the judge shall proceed to recount all the ballots received by the deputy returning officers of the several divisions of the municipality as having been given in the election complained of, as follows:

1. He shall break the seals on one of the ballot boxes containing the votes to be counted and take from such box the packets deposited therein;

2. He shall examine singly and in the presence of those entitled to be present all ballots counted or rejected by the returning officer for reeve or councillor, as the case may be, and during the course of the examination shall keep a tally or count of the votes cast for each candidate and shall reject as void and shall not count:

(a) any ballot which has not on its back the initials of the deputy returning officer;

(b) any ballot on which two or more votes are given;

(c) any ballot paper on which anything except the initials of the deputy returning officer on the back is written or marked by which the voter can be identified;

(d) any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

but, except as hereinbefore otherwise provided, no word or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall affect the vote;

3. If 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. If 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 sheets of paper of equal size and of the same colour and texture and, after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the sheets; and the candidate whose name appears on the sheet thus withdrawn shall by the judge be declared elected:

Provided that this paragraph does not apply where the candidates having an equal number of votes also had an equal number of votes at the time of the casting up of the votes by the returning officer and where one of such candidates had been declared elected under section 132, and in such case the judge shall declare elected the candidate previously declared elected under section 132;

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.

1950, c.37, s.138; R.S.S. 1953, c.140, s.139.

***Quo warranto* proceedings**

**140** Nothing in section 139 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.

1950, c.37, s.139; R.S.S. 1953, c.140, s.140.

**Liability for costs**

**141** 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.

1950, c.37, s.140; R.S.S. 1953, c.140, s.141.

**Scale of costs**

**142** The costs shall be on the district court scale and may, if the judge so orders, be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

1950, c.37, s.141; R.S.S. 1953, c.140, s.142.

**Enforcement of payment of costs**

**143** 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 non-payment thereof.

1950, c.37, s.142; R.S.S. 1953, c.140, s.143.

## GENERAL PROVISIONS

**Printed documents to bear name of printer**

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

1950, c.37, s.143; R.S.S. 1953, c.140, s.144.

**Secrecy of votes**

**145** 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.

1950, c.37, s.144; R.S.S. 1953, c.140, s.145.

**Candidate acting on his own behalf**

**146** A candidate may himself undertake the duties which an 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 authorized to attend.

1950, c.37, s.145; R.S.S. 1953, c.140, s.146.

**Candidates and agents**

**147** When in this Act expressions are used requiring or authorizing 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 authorized to attend and as have in fact attended at the time and place where such act or thing is done, the non-attendance of any agent at such time and place shall not invalidate it.

1950, c.37, s.146; R.S.S. 1953, c.140, s.147.

**Errors not affecting results**

**148** No election shall be declared invalid by reason of non-compliance 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 cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such non-compliance, mistake or irregularity did not affect the result of the election.

1950, c.37, s.147; R.S.S. 1953, c.140, s.148.

**Payment of election expenses**

**149** 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.

1950, c.37, s.148; R.S.S. 1953, c.140, s.149.

***Controverted Municipal Elections Act***

**150** 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*.

1950, c.37, s.149; R.S.S. 1953, c.140, s.150.

## OFFENCES AND PENALTIES

**Ballot papers and ballot boxes**

**151(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 a ballot which he is authorized by law to put in; or
- (c) fraudulently take out of the polling place a ballot; or
- (d) without due authority, destroy, open or otherwise interfere with a ballot box or packet of ballots then in use for the purpose of an election; or
- (e) apply for a ballot in the name of some other person, whether the name is that of a person living or dead or 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 to do so; 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 a violation of this section is on summary conviction liable, if he is the returning officer or deputy returning officer, to imprisonment for a term not exceeding two years, and if he is any other person to imprisonment for a term not exceeding six months or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

1950, c.37, s.150; R.S.S. 1953, c.140, s.151.

#### Secrecy of vote

- 152(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 the 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 the 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 is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

1950, c.37, s.151; R.S.S. 1953, c.140, s.152.

#### Election officials

- 153** 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 82 to 152, 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.

1950, c.37, s.152; R.S.S. 1953, c.140, s.153.

**Penalty for displaying ballot**

**154** 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, is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

1950, c.37, s.153; R.S.S. 1953, c.140, s.154.

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**PART IV**
**MUNICIPAL OFFICERS****APPOINTMENT****Secretary treasurer and assessor**

**155** The council shall, at its first meeting after the organization 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 qualified under regulations issued by the minister;
- (b) an assessor who may be the secretary, the treasurer or the secretary treasurer.

1950, c.37, s.154; R.S.S. 1953, c.140, s.155.

**Other officers**

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

1950, c.37, s.155; R.S.S. 1953, c.140, s.156.

**Acting treasurer**

**157(1)** In case of the absence of the treasurer or secretary treasurer from the municipality, or in case of sickness or other inability to perform his duties, the council may appoint an acting treasurer or acting secretary treasurer.

(2) A person appointed acting treasurer or acting secretary treasurer shall, while he so acts, have all the powers of the treasurer or secretary treasurer, as the case may require.

(3) No acting treasurer or acting secretary treasurer hereafter appointed by the council shall hold office for a period of more than one year unless he is in possession of a certificate of qualification granted under regulations issued by the minister.

(4) Any person who violates subsection (3) is guilty of an offence and liable on summary conviction to the fine provided in subsection (1) of section 158 in case of an offence against that subsection.

1950, c.37, s.156; R.S.S. 1953, c.140, s.157.

**Certificate of qualification**

**158(1)** A person who assumes office as treasurer or secretary treasurer and who is not in possession of a certificate of qualification granted under regulations issued by the minister, or whose certificate is cancelled after his appointment to such office and who attempts to discharge the duties of the said office while so unqualified, is guilty of an offence and liable on summary conviction to a fine of \$5 per day for each day on which the offence continues.

(2) All acts performed by such person in discharging the duties of the said office while unqualified shall be invalid and of no effect whatsoever.

1950, c.37, s.157; R.S.S. 1953, c.140, s.158.

**Councillor not eligible for office**

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

1950, c.37, s.158; R.S.S. 1953, c.140, s.159.

**No appointment by tender**

**160** 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.

1950, c.37, s.159; R.S.S. 1953, c.140, s.160.

**Tenure of office**

**161(1)** All municipal officers shall, in addition to the duties assigned to them by this Act or any other Act, perform such other duties as may be required of them by the council.

(2) All municipal officers, other than the treasurer or secretary treasurer, shall hold office during the pleasure of the council and in accordance with the terms expressed in the resolution by which they are appointed.

(3) Subject to subsection (4) a treasurer or secretary treasurer whether appointed for a stated period or otherwise shall be the treasurer or secretary treasurer of the municipality until his services are dispensed with by resolution of the council.

(4) No dismissal of a treasurer or secretary treasurer shall take effect until the expiry of thirty days after written notice has been given by the reeve to the minister stating the reason for such dismissal.

1950, c.37, s.160; R.S.S. 1953, c.140, s.161.

**Investigation of dismissals**

**162(1)** A treasurer or secretary treasurer who has been dismissed by the council may apply to the minister for an investigation of the dismissal, and upon receipt of such application, accompanied by a deposit of \$25, the minister may appoint for the purpose a board of reference consisting of three members, the chairman of which shall be nominated by the minister, one member by the treasurer or secretary treasurer and one by the council. The member nominated by the treasurer or secretary treasurer or the council shall not be a member of the council.

(2) If no nomination is received from the treasurer or secretary treasurer or the council within ten days after receipt by the minister of the application for an investigation, the remaining members or member shall exercise the powers of the board.

- (3) The board shall meet and make its decision within thirty days after the appointment of the chairman.
- (4) Both parties may be represented at the investigation and the chairman shall give at least ten clear days' notice to each party of the time and place thereof.
- (5) The board may, for the purpose of procuring the attendance of any person as a witness, serve such person with a notice requiring him to attend before the board, which notice shall be served in the same way and have the same effect as a subpoena requiring the attendance of a witness and the production by him of documents at the hearing or trial of an action, but no such person shall be compelled under any such notice to produce any document which he could not be compelled to produce on the trial of an action.
- (6) The board may appoint one of its number to act as its secretary and to keep such record of the proceedings of the investigation as the board may deem necessary.
- (7) The chairman may take evidence under oath, and any member may administer oaths to the parties and witnesses.
- (8) The scope of the investigation and the findings of the board thereon shall, unless the board otherwise determines, be limited to the reasons for dismissal.
- (9) All questions brought before the board shall be decided by a majority vote of its members. The chairman shall have the right to vote, and in the case of an equality of votes he shall also have a casting vote.
- (10) The board shall forward a statement showing its findings to the minister, the reeve and the treasurer or secretary treasurer.
- (11) *The Arbitration Act* does not apply.

1950, c.37, s.161; R.S.S. 1953, c.140, s.162.

#### Expenses of investigation

- 163(1)** The board may order the return to the treasurer or secretary treasurer of all or part of the deposit of \$25, and in such case shall order the council to forward to the minister a sum equal to the amount so ordered to be returned.
- (2) If the council fails to do so, the minister may request the Board of Revenue Commissioners to order the attachment of any moneys payable to the municipality by the Provincial Treasurer and upon such request that board may make such order or such other order as it deems just.
- (3) A treasurer or secretary treasurer who applies to the minister for an investigation shall be liable for the payment of all expenses incurred by him or his representative in connection with the investigation, and the municipality shall be liable for the payment of all expenses incurred by it or its representative.

1950, c.37, s.162; R.S.S. 1953, c.140, s.163.

## SECURITY

#### Security for faithful performance of duties

- 164** 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.

1950, c.37, s.163; R.S.S. 1953, c.140, s.164.

**Security for faithful accounting**

**165(1)** The treasurer of every municipality shall before entering upon his duties, give security to the council in a sum of not less than \$5,000 by a bond or policy of guarantee of a 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 sum for which the bond should have been taken:

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

(3) The bond and the employer's statement in connection with the application therefor shall be in such form as may be prescribed by the minister and no bond or statement in any other form shall be accepted.

(4) A copy of the bond and statement shall be forwarded to the minister by the secretary treasurer and a copy shall be retained in the office of the municipality and shall be placed before the council by the reeve at its first meeting in each year.

1950, c.37, s.164; R.S.S. 1953, c.140, s.165.

**Liability of officers**

**166** 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.

1950, c.37, s.165; R.S.S. 1953, c.140, s.166.

**SECRETARY****Duties of secretary**

**167(1)** 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;
3. to deliver or transmit by mail to each member of the council a copy of the minutes of each meeting not later than ten days after the day on which the meeting is held. A councillor shall permit any resident of his division to inspect copies of minutes received by the councillor;
4. to conduct the correspondence of the council as directed by it;

5. 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;
  6. 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;
  7. to prepare faithfully 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;
  8. to call any special or other meeting of the council in the manner provided by this Act;
  9. 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;
  10. to perform faithfully all other duties imposed 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.
- (2) Any elector may at all reasonable times inspect any contract, bylaw, report of any committee or of any official of the municipality other than legal counsel engaged by the municipality, or any account relating thereto, or the minutes of the council, and the secretary shall within a reasonable time after demand by an elector furnish him with copies of any such documents or parts thereof at the rate of ten cents per one hundred words, each figure to be counted as one word.
- (3) Upon payment of a fee of \$3 by any elector, the secretary shall mail to him within a reasonable time, after each meeting, copies of the minutes of all subsequent council meetings held prior to the first day of January next following.

1950, c.37, s.166; R.S.S. 1953, c.140, s.167.

## TREASURER

### Duties of treasurer

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

1. to receive and keep safely 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 moneys received by him, and in so doing to use such form of deposit book as may be prescribed by the minister;
3. to submit for the consideration of the council all accounts and charges against the municipality which he receives;
4. to pay all accounts against the municipality only when they have been passed by the council and certified by the reeve or other presiding officer;
5. to make all payments on behalf of the municipality by cheque on the chartered bank in which the moneys of the municipality are deposited; and every such cheque in addition to being signed by the treasurer shall be countersigned by the reeve or in his absence by the deputy reeve;

6. to give and take receipts for all 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 book or 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 at each regular meeting, on a form prescribed by the minister, a statement showing all receipts and disbursements during the preceding month, the balance carried forward to that month and the balance on hand at the end of the month;
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 produce, during reasonable office hours, when requested by any ratepayer, copies of the financial statements received from the unit board under the provisions of paragraph 8 of section 56 of *The Larger School Units Act*;
11. to prepare faithfully and duly transmit to the minister such reports and statement as may from time to time be required by the minister and in such form as he may direct;
12. to perform faithfully 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.

1950, c.37, s.167; R.S.S. 1953, c.140, s.168.

#### Financial year

**169** 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.

1950, c.37, s.168; R.S.S. 1953, c.140, s.169.

#### Form of receipts

**170(1)** All receipts for taxes and for other moneys receivable by a municipality shall be in such form as may be prescribed by the minister, and shall bear a facsimile of the signature of the Deputy Minister of Municipal Affairs printed or engraved thereon, and shall also bear the name of the person or firm printing them with the words "approved by the Department of Municipal Affairs".

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

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

(4) A person or firm printing, publishing or selling blank receipts intended for use by a municipality, contrary to the provisions of this Act, is guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$100.

(5) A secretary treasurer issuing a receipt for moneys paid to him for the municipality in any form other than that prescribed by the minister is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$100.

(6) This section does not apply to the form used as a receipt in acknowledging collection of taxes under *The Saskatchewan Hospitalization Act* or *The Saskatchewan Hospitalization Act, 1948*.

1950, c.37, s.169; 1951, c.43, s.6; R.S.S. 1953, c.140, s.170.

## AUDITOR

### Appointment and duties

171(1) Subject to subsection (3), the council shall from time to time and when the office becomes vacant appoint an auditor, but no one shall be appointed who is then or during the preceding year was a member of the council or is or was secretary treasurer or who has or had during the preceding year, directly or indirectly, any share or interest in a contract made by the municipality, or who is employed by the municipality in any capacity except that of auditor. The council may appoint an incorporated company or partnership as auditor.

(2) An auditor, whether appointed for a stated period or otherwise, shall be the auditor of the municipality until his services are dispensed with by resolution of the council, and such resolution shall not take effect until the expiration of thirty days from the date on which notice of dismissal is mailed to the auditor.

(3) No person, partnership or company shall be appointed auditor unless such person, partnership or company first obtains an authorization in writing from the board of examiners appointed by the minister under the provisions of section 10 of *The Department of Municipal Affairs Act*; provided that this provision does not apply to any person who is a member of any society or association of accountants constituted by statute of this province or any other province or of Canada approved by the board of examiners.

(4) If a member of the staff of the auditor appointed by the council is placed in direct charge of the actual conduct of an audit the person so placed in charge shall not proceed with the audit unless he has obtained an authorization in writing from the said board of examiners or is a member of any such society or association of accountants approved by the board.

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

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

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

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

1950, c.37, s.170; R.S.S. 1953, c.140, s.171.

## FINANCIAL STATEMENTS

**Interim financial statement**

**172(1)** On or before the fifteenth day of October in each year the secretary treasurer shall prepare, in such form as the minister may direct, an abstract of the receipts and disbursements of the municipality for the nine months ending on the preceding thirtieth day of September.

(2) The secretary treasurer shall, on or before the fifteenth day of October, 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 an elector.

(3) The secretary treasurer shall read the abstract at the annual meeting.

1950, c.37, s.171; R.S.S. 1953, c.140, s.172.

**Auditor's report**

**173(1)** On or before the first day of June in each year the auditor shall prepare, on a form supplied by the minister, an abstract of the revenue, expenditure, 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 authorized to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand and shall make a special report respecting any expenditures made contrary to law.

(2) The auditor shall forthwith mail a copy of the abstract and report to the minister and a copy to the reeve, who shall lay the same before the council at its next meeting.

(3) On or before the first day of July in each year, the secretary shall mail a copy of the abstract and report or a synopsis thereof to every person assessed on the last revised assessment roll of the municipality and a copy to the unit board where school taxes are levied on lands in the municipality on behalf of a school unit.

1950, c.37, s.172; R.S.S. 1953, c.140, s.173.

**Inspection**

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

1950, c.37, s.173; R.S.S. 1953, c.140, s.174.

**Notice of tax indebtedness**

**175(1)** Upon the completion of the annual audit or at a later date but in any case not later than the first day of August, the auditor shall send, by post prepaid, to every person who appears by the tax roll or consolidated tax record to be indebted to the municipality a notice, in form to be prescribed by the minister, setting forth the amount of such indebtedness in respect of each parcel of land standing in the name of such person and if the land has been sold for taxes, the notice shall state that fact.

(2) Upon completion of his duties the auditor shall submit to the council a certificate stating that the provisions of subsection (1) have been complied with.

(3) The minister may, in any particular case, dispense with the requirements of subsection (1).

1950, c.37, s.174; R.S.S. 1953, c.140, s.175.

**Auditor's declaration of office**

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

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

Made before me at \_\_\_\_\_ }  
this \_\_\_\_\_ day }  
of \_\_\_\_\_, 19\_\_\_\_. }

.....  
*A Commissioner, N.P. or J.P.*

1950, c.37, s.175; R.S.S. 1953, c.140, s.176.

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PART V

POWERS AND DUTIES OF COUNCILS

BYLAWS

**Resolutions of council**

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

1950, c.37, s.176; R.S.S. 1953, c.140, s.177.

**Passing, sealing and signing of bylaws**

**178(1)** Every bylaw shall be under the seal of the municipality and shall be signed by the reeve or person presiding at the meeting at which the bylaw is finally passed and by the secretary.

(2) Subject to subsection (3) every bylaw shall have three distinct and separate readings before it is finally passed, but not more than two readings shall be had at any one meeting except by the unanimous vote of the councillors present thereat.

(3) If a bylaw is submitted to a vote of the electors or burgesses for assent it shall not be finally passed until after the lapse of fourteen days following the returning officer's declaration of the result of the voting.

1950, c.37, s.177; R.S.S. 1953, c.140, s.178.

**Procedure for voting on bylaws**

**179(1)** Where a bylaw is submitted to the electors or burgesses for assent the vote thereon 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 263 to 271 shall apply *mutatis mutandis* thereto.

(2) In this section “**bylaw**” includes a resolution and a question upon which the opinion of the electors is to be obtained.

1950, c.37, s.178; R.S.S. 1953, c.140, s.179.

**Validation of bylaws**

**180** If 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 to or in the time or manner of the passing thereof.

1950, c.37, s.179; R.S.S. 1953, c.140, s.180.

**Council may do omitted work**

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

1952, c.50, s.3; R.S.S. 1953, c.140, s.181.

**Evidence of bylaw**

**182** A copy of a bylaw or resolution 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, unless it is specifically alleged or pleaded that the seal or the signature of the secretary or member of the council has been forged.

1950, c.37, s.181; R.S.S. 1953, c.140, s.182.

**Proof of approval of bylaw**

**183(1)** Where, by this or any other Act, the approval of a member of the executive council is required to a bylaw, and the Act does not otherwise provide, a certificate by the secretary, under his hand and the seal of the municipality, specifying the bylaw and stating by his name of office the minister by whom it has been approved and the date of such approval, shall be *prima facie* evidence that the bylaw has been so approved.

(2) If such approval is given by a deputy minister the certificate shall state that fact.

1950, c.37, s.182; R.S.S. 1953, c.140, s.183.

**Powers to impose penalties**

**184(1)** The council may pass bylaws for inflicting reasonable fines, not exceeding \$100, for breach of any of the bylaws of the municipality passed under the provisions of this Act, and for reasonable punishment by imprisonment with or without hard labour in the nearest common jail for a period not exceeding thirty days in case of non-payment of the fine and costs inflicted for any such breach, unless such fine and costs including the costs of committal are sooner paid.

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

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

1950, c.37, s.183; 1953, c.49, s.18; R.S.S. 1953, c.140, s.184.

**Transportation and maintenance of prisoners**

**185** If a person is committed to jail for breach of a bylaw, there shall be chargeable to the municipality such part of the expenses paid by the province for the transportation of such person to jail and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

1950, c.37, s.184; R.S.S. 1953, c.140, s.185.

**Quashing bylaws and resolutions**

**186(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 such motion is made the applicant, or, if the applicant is a company, some person on its behalf, shall enter into a recognizance 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 recognizance 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 recognizance 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 or to be paid out to the applicant.

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

1950, c.37, s.185; R.S.S. 1953, c.140, s.186.

**Bylaws procured by bribery and corruption**

**187** Any bylaw which has been procured to be passed through or by means of a violation of any 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 of section 186.

1950, c.37, s.186; R.S.S. 1953, c.140, s.187.

**Bylaws generally**

**188(1)** Subject to the provisions of any Act not herein particularly mentioned, dealing with the special subject matter, or any regulations thereunder, the council of every municipality shall pass such bylaws as it may deem expedient for all or any of the following purposes:

**Public health**

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

**Nuisance grounds**

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

**Cemetery**

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

**Hospitals**

4. granting aid for the erection and maintenance of hospitals, or taking over, purchasing or erecting and maintaining, regulating and operating a hospital, but no expenditure exceeding \$1,500 in amount shall be made in any one year, and no liability exceeding that sum or extending beyond the year shall be incurred until a bylaw has been submitted to a vote of the burgesses and approved by a majority of those voting thereon; and such vote shall be taken as nearly as may be in the manner provided by *The Union Hospital Act*, and the bylaw together with plans of the proposed site and building or buildings shall be submitted to the Minister of Public Health who may approve them with or without modification;

**Union hospitals**

5. providing for uniting with other municipalities and with cities, towns and villages in establishing hospitals in accordance with *The Union Hospital Act* or regulations made thereunder;

**Health services**

6. carrying out the provisions of *The Health Services Act*;

**Secondary school grants**

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

**School fees**

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

**Same**

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

**Aid to students attending school of agriculture**

10. granting aid not exceeding \$600 in any year for the purpose of assisting one or more students, who have attained Grade VIII standing and who reside in the municipality, in attending any school of agriculture in the province;

**Aid to victims of calamity**

11. granting aid to sufferers from fire, tempest or other calamity in any locality in Canada;

**Aid to needy persons**

12. granting aid or relief to any needy person who is resident in the municipality, and providing for taking security for payment where deemed advisable and prescribing the form of such security;

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

13. granting sums of money to the Canadian Red Cross Society, the Navy League of Canada, Returned Soldiers' Leagues, auxiliary war services organizations or any similar organizations;

**Aid to agricultural societies, etc.**

14. granting aid to charitable organizations, agricultural societies, curling clubs, skating clubs, boards of trade and school and domestic exhibitions;

**War memorial**

15. granting aid for the erection of a memorial to members of the armed forces who gave their lives in the service of Canada in any war and granting aid for the repair and maintenance of such memorial;

**Trees**

16. providing for planting and protecting trees or shrubs on highways and public places, or for encouraging or making an expenditure for the planting of trees or shrubs, at a specified distance from highways, on land within the municipality belonging to residents thereof;

**Dogs**

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

provided that any bylaw imposing a tax on owners, possessors and harbourers of dogs may exempt from its provisions persons or any designated class of persons owning, possessing or harbouring only one dog, and in such case the bylaw may provide that other taxable persons or any designated class of such persons shall be exempt in respect of one dog;

**Vicious dogs**

18. subject to the provisions of *The Public Health Act*, and any regulations thereunder, providing that when, upon complaint that a dog has bitten or attempted to bite any person, it appears to the magistrate having cognizance of the complaint that the dog is dangerous, the magistrate may make an order directing that the dog be kept by the owner or keeper under proper control or destroyed, and that any person failing to comply with such order shall be liable to a fine not exceeding \$5 for each day during which such failure continues; and providing that, when a dog is ordered to be destroyed, the magistrate may by the same order direct any person to destroy the dog;

**Stray animals**

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

**Herding or grazing of cattle in hamlets**

20. prohibiting the herding or grazing or herding and grazing of cattle in hamlets or defining the areas within which and the conditions under which cattle may be herded or permitted to graze in hamlets;

**Seed grain and supplies**

21. carrying out the provisions of *The Municipalities Seed Grain and Supply Act*;

**Veterinary services**

22. carrying out the provisions of *The Veterinary Services Act*;

**Community planning**

23. carrying out the provisions of *The Community Planning Act*;

**Grain and fodder conservation**

24. carrying out the provisions of *The Grain and Fodder Conservation Act*;

**Hawkers and pedlars**

25. classifying, licensing, regulating and governing hawkers and pedlars; but a licence shall not be granted by a municipality unless the applicant is holder of a provincial licence for hawkers and pedlars;

**Licensing other traders**

26. licensing, regulating and governing persons, other than those mentioned in paragraph 25, who in the course of their business buy or sell, or buy and sell, goods by retail within the municipality and who are not assessable for the purpose of business taxation in respect of such business;

**Livery feed and sale stables**

27. subject to the provisions of *The Vehicles Act*, controlling, regulating and licensing motor liveries, livery, feed and sale stables and all persons who carry on within hamlets the business of conveying passengers by cabs, carriages, omnibuses, automobiles, or other vehicles, for hire or profit;

**Carriers and draymen**

28. subject to the provisions of *The Vehicles Act*, licensing carriers, draymen and all persons performing work with horses, mules or motor trucks within hamlets for hire and regulating the same and fixing a schedule of fees to be charged by them;

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

29. 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 same where ordered by the council;

**Incumbering the roads**

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

**Removal of drifted soil from highways**

31. authorizing entry upon land adjoining a road allowance or other public highway for the purpose of removing drifted soil which has accumulated along the boundary thereof, and removal of the boundary fence where its removal is deemed necessary for such purpose; provided that any fence removed under the authority of the bylaw shall be replaced forthwith after such purpose has been fulfilled;

**Parking of vehicles**

32. subject to the provisions of *The Vehicles Act*:

(a) classifying motor and other vehicles for any and all purposes involving use of streets, lanes and other public places in hamlets;

(b) preventing or restricting, controlling and regulating:

(i) the parking of vehicles or of any particular classification thereof on all or any streets, lanes and other public places or any portion thereof in hamlets;

(ii) the parking on specified streets or lanes or within a certain distance from any building in any hamlet, of vehicles used for carrying inflammable, combustible, explosive or other dangerous material, whether loaded or unloaded, and defining the route or routes through any hamlet that such vehicles must follow in entering or traversing such hamlet;

(iii) any other use of the streets, lanes and other public places or any portion thereof in any hamlet by or for vehicles or any particular classification thereof;

**Use of bridges and highways**

33. 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 carrying out any provincial law respecting the same;

**Traction engines**

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

**Weight of vehicles and loads**

35. restricting the weight of vehicles, or of vehicles with their loads, using the roads or bridges or specified roads or bridges in the municipality;

**Weight of vehicles**

36. prohibiting the operation of vehicles of a greater weight than that specified in the bylaw on roads in the municipality during any period when the gross weight of vehicles operating on any provincial highway in the municipality or an adjoining municipality has been restricted by order of the Minister of Highways and Transportation;

**Maximum weight of vehicles with loads**

37. prohibiting the operation of tractors on roads in the municipality and restricting to a maximum of 6,000 pounds the weight of other vehicles with their loads operating on roads in the municipality, at any time, and for any period, ordered by a committee consisting of the reeve and one councillor appointed by resolution of the council, such order to be issued in accordance with regulations prescribed by the minister;

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## RURAL MUNICIPALITIES

**Speed of motor vehicles**

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

**Speed of motor vehicles in hamlets**

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

**Bicycles**

40. controlling or preventing the riding of bicycles on sidewalks in any hamlet in the municipality;

**Census**

41. taking the census of the municipality or any part thereof;

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

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

**Destruction of gophers, etc.**

43. providing for the destruction of wolves, gophers, jack-rabbits, rats, reptiles, magpies, magpies' eggs, crows and crows' eggs at the expense of the municipality;

**Billiard tables, bowling alleys, etc.**

44. 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 licence for each table, bowling alley or shooting gallery and the time such licence shall be in force;

**Places of amusement**

45. licensing regulating and governing places of amusement;

**Owners of cows and dairies**

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

**Fire protection**

47. providing for fire protection in any hamlet and for assessing and levying the cost thereof within the area of the hamlet, and providing for reports upon fires which occur within the municipality;

**Use of city or town fire fighting equipment**

48. entering into a contract with any city or town upon such terms and conditions as may be agreed upon for the use of the fire fighting equipment of the city or town in extinguishing fires within the limits of the municipality, or paying for such services where no contract has been entered into and a request for such services is made by the municipality;

**Water supply, etc., in hamlet**

49. providing for a water supply, street lights or sidewalks in any hamlet, and for assessing and levying the cost thereof within the area of the hamlet:

provided that the council shall not pass a bylaw under the authority of this paragraph with respect to an organized hamlet except upon the request of the hamlet board;

**Electric light plant, etc., in hamlets**

50. consenting to the construction and operation in a hamlet of an electric light plant or distribution system, or both;

**Contract with Saskatchewan Power Corporation**

51. authorizing the payment of a sum of money to Saskatchewan Power Corporation to meet the cost, or part thereof, of construction of a power transmission line to connect any hamlet in the municipality with the corporation's system and also a power distribution system within the hamlet, and for assessing and levying the amount of such payment within the area of the hamlet:

provided that the council shall not pass a bylaw under the authority of this paragraph with respect to an organized hamlet except upon the request of the hamlet board;

**Loose wire**

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

**Nursing, dental or medical care in individual cases**

53. authorizing the reeve or secretary treasurer, under such circumstances and subject to such conditions as the council deems advisable, to supply nursing, dental or medical care in individual cases;

**Grants to physicians**

54. making an annual or other grant to a legally qualified medical practitioner resident in the municipality or an adjoining municipality or in a village, town or city situated within the outer boundaries of such municipalities, as an inducement to such practitioner to practise his profession within the municipality or guaranteeing the income of such practitioner in consideration of his practising his profession within the municipality, no such grant or guarantee to exceed \$1,500 per annum:

provided that the bylaw shall be submitted to the Minister of Public Health who may approve it with or without modification;

**Appointment of or grants to nurses or dentists**

55. providing for the appointment of nurses or dentists for the municipality, or making a grant not exceeding in amount \$1,000 per annum to a nurse or dentist resident in the municipality or an adjoining municipality or in a village, town or city situated within the outer boundaries of such municipalities as an inducement to such nurse or dentist to practise her or his profession within the municipality:

provided that the bylaw shall be submitted to the Minister of Public Health who may approve it with or without modification;

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

**Grant to veterinary surgeon**

56. making a grant not exceeding in amount \$500 per annum to a duly qualified veterinary surgeon as an inducement to him to practise his profession within the municipality;

**Grant to Red Cross outposts**

57. subject to the consent of the Minister of Public Health, making an annual grant not exceeding \$1,000 to a Red Cross outpost;

**Structure and classification of buildings**

58. respecting the erection, classification, alteration, repair, demolition or removal of buildings in any hamlet or any planning district established under *The Community Planning Act* or any former Act, and in particular for:

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

**Building permits**

59. providing for the issue of building permits and prohibiting the commencement of the erection, alteration, repair, demolition or removal of any building except in conformance with the regulations pertaining thereto and unless authorized by permit;

**Pulling down buildings**

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

**Fire prevention**

61. the prevention and extinguishment of fires in and about buildings other than residences situated on farms and farm buildings and in particular:

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

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

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

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

**Employment office**

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

**Promotion of agriculture**

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

**Agricultural Conservation and Improvement Committee**

64. providing for the appointment by the council of an Agricultural Conservation and Improvement Committee consisting of one representative from each division of the municipality who may be a member of the council, and for payment to each representative, whether or not he is a member of the council, of a sum not exceeding \$4 *per diem* for every day necessarily occupied by him, and not exceeding ten cents per mile for every mile necessarily travelled by him, for the purpose of attending meetings or performing work in connection with such committee. No allowance shall be made for more than ten days in any year and a mileage allowance shall be payable only where a *per diem* allowance is payable;

**Agreement for services of agricultural representative**

65. entering into an agreement with the Minister of Agriculture under *The Agricultural Representatives Act*, providing for the services of an agricultural representative on a basis under which a portion of the cost of providing these services will be borne by the municipality;

**Cleaning grain**

66. acquiring an outfit for cleaning grain, and governing the use of such outfit by the residents of the municipality, and providing for necessary expenditures in connection therewith;

**Burning of straw**

67. prohibiting the burning of straw within the municipality or any portion thereof during a period to be stated in the bylaw;

**Wood-sawing and wood-cutting machines**

68. licensing, controlling and regulating persons operating wood-sawing or wood-cutting machines and directing and enforcing the use of such safety devices and other precautionary measures as may from time to time be recommended by the Minister of Labour;

**Restricting discharge of fire arms**

69. restricting the discharge of any fire arm within the municipality or any portion thereof except where discharged by a person on land of which he is in actual occupation or where discharged on the said land by a member of his family, provided that no such bylaw shall apply during the open season to the holder of a licence to hunt big game or game birds issued to him under *The Game Act*;

**Trees and shrubs**

70. providing for the removal at the expense of the municipality of trees and shrubs growing on private property at or adjacent to and within three hundred feet, or such lesser distance as may be specified in the bylaw, from intersections of roads other than provincial highways, whether growing before or after the passing of the bylaw, and for entering upon private property for such purpose;

**Brush**

71. providing for the removal at the expense of the municipality of brush, except where the same is used as a shelter belt, growing on private property within one hundred feet from the centre of any road other than a provincial highway, whether growing before or after the passing of the bylaw, and for entering on private property for such purpose;

**Snow ridges**

72. authorizing entry upon land adjoining any road allowance or other public highway for the purpose of making snow ridges and erecting snow fences;

**Airport**

73. acquiring land within or without the municipality for the purpose of constructing or extending an airport, and providing for the improvement and maintenance thereof, subject to "*The Air Regulations*" (*Canada*) and such other regulations as may be approved from time to time by the Governor in Council;

**Classifying and licensing mining contractors**

74. subject to the provisions of *The Vehicles Act*, classifying and licensing mining contractors and well-drilling contractors who are not assessable for the purposes of a business tax and who, in the operation of a mining or well-drilling business:

- (a) contract to move earth, gravel, stones or mineral of any kind within the municipality; or
- (b) operate or offer for hire any machine, tractor, truck or appliance used in the process of drilling or of moving earth, gravel, stones or mineral of any kind within the municipality;

and prescribing a schedule of fees to be paid by such mining or well-drilling contractors which schedule shall be subject to the approval of the minister and which fees may be in the nature of a tax computed in any manner adopted by the council and may vary as between the different classifications;

**Submitting municipal questions**

75. submitting to a vote of the electors any municipal question not specifically authorized by this Act to be submitted.

(2) The granting or refusing of a licence under paragraph 44, 45 or 46 of subsection (1) or the revoking of a licence under any of those paragraphs, shall be in the discretion of the council, and it shall not be bound to give any reason for such refusal or revocation, and its action shall not be open to question or review by any court.

## CLOSING OF SHOPS

**Powers and duties of council**

**189(1)** In this section:

1. **“shop”** means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops; but not where the only trade or business carried on is that of a hotel, inn, victualling house or refreshment house;

2. **“closed”** means not open for the serving of customers, and **“the serving of customers”** includes the receiving of orders from customers.

(2) The council may by bylaw require that during the whole or any part of the year any class of shops within any hamlet shall be closed and remain closed on each or any day of the week, during any time between five o'clock in the afternoon and five o'clock in the morning of the next following day and that any class of shops shall be closed and remain closed during any time between twelve o'clock noon and five o'clock in the morning of the next following day upon any one day of the week.

(3) The council may pass a bylaw under subsection (2) of its own motion and without petition affecting all or any class or classes of shops throughout the municipality.

(4) The council shall, upon receipt of a petition therefor and upon being satisfied that the petition is signed by not less than three-fourths in number of the occupiers of shops within a hamlet belonging to the class to which the petition relates, within six weeks of the receipt of the petition pass a bylaw in accordance with the petition affecting such class of shops within the hamlet.

(5) If a bylaw has been passed closing garages, filling stations or service stations within a hamlet in accordance with the provisions of subsection (2) the council may of its own motion or, upon receipt of a petition signed by not less than three-fourths in number of the occupiers of such shops, the council shall, pass a bylaw to select through a plan of rotation certain shops in the hamlet of the classes mentioned herein where gasoline, lubricating oil and grease may be sold or services, material and parts may be supplied during the time when such shops are closed.

(6) No bylaw passed under this section shall be repealed unless it appears to the council that more than one-half in number of the occupiers of shops affected thereby are opposed to its continuance, in which case the council may repeal the bylaw.

(7) No shopkeeper shall be liable to fine, penalty or punishment under any such bylaw for supplying medicines, drugs or medicinal appliances after the hour appointed for closing.

(8) Nothing contained in such bylaw shall render the occupier of any premises liable to fine, penalty or punishment for supplying any article required for immediate use by reason of an emergency arising from sickness or death.

### EXTERMINATION OF GOPHERS

#### Procedure

**190(1)** If proper steps have not been taken by an owner or occupant of land to exterminate gophers on his land pursuant to any bylaw passed in that behalf on or before a day to be fixed in the bylaw, any person duly authorized thereunto by the council may enter upon the 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 amounts 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 the land on account of the expenditure.

1950, c.37, s.189; R.S.S. 1953, c.140, s.190.

### EXTERMINATION OF GRASSHOPPERS

#### Procedure

**191(1)** The council shall when 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 or require 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, including the summerfallowing of land under crop which, in the opinion of the reeve and one other person acting under the authority of the council, is so badly infested with grasshoppers that such action is warranted.

(3) Every such bylaw, with a copy of subsections (5) and (6) appended thereto, shall be forthwith posted in at least two widely separated conspicuous places in each division of the municipality. If there is a post office in any division one copy of the bylaw shall be conspicuously posted therein, and if there are two or more post 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) Any person residing upon, renting or owning farm land within the municipality upon which there are grasshoppers or other insect pests shall, within a period of three days after the date of posting the bylaw in the division in which such person resides or owns land, apply for poison materials and put out the same upon the land or take other adequate means of destroying such pests.
- (6) If a person fails to comply with subsection (5) the council or any officer appointed by the council for the purpose may, in addition to any other penalty which may be provided by bylaw, authorize any person to enter upon and put out poison upon the 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.
- (7) The amount expended by the council in any work performed under subsection (6) 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 \$200 per quarter section.
- (8) 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.
- (9) The treasurer of every municipality in which any expenditure has been made for the extermination of grasshoppers or other insect pests shall, at least one month before the thirty-first day of December in the year in which the expenditure is made, notify every owner or occupant of land in respect of which such expenditure has been made of the amount chargeable against the land on account of the expenditure.

1951, c.37, s.190; R.S.S. 1953, c.140, s.191.

## PEDIGREED LIVE STOCK

### **Powers of council**

- 192(1)** The council may by bylaw provide for the purchase of pedigreed stallions, bulls, rams and boars, or any of them, for the purpose of improving the quality of live stock in the municipality. Every sire so purchased by the municipality shall be purebred and registered in the Canadian Record of its breed.
- (2) No bylaw shall have any effect unless it has been approved by the Minister of Agriculture.
- (3) Expenditures made and liabilities incurred pursuant to a bylaw passed under subsection (1) shall not exceed \$1,000 in any one year or at any time unless provided for by a bylaw submitted to the burgesses and approved by a majority of those voting thereon.
- (4) Such liabilities shall be secured by promissory notes of the municipality signed by the reeve and secretary treasurer, and shall be payable in instalments over a period not exceeding three years.

- (5) A municipality may borrow sums required for the purpose of this section, and sums so required shall be deemed to be sums required to meet the current expenditures of the municipality until such time as the taxes levied or to be levied in the then current year are available, and shall be borrowed under the provisions of subsections (1) and (2) of section 256:
- (6) The council may determine the fees to be charged for the services of sires purchased pursuant to a bylaw passed under subsection (1).
- (7) A municipality may sell sires to duly organized cooperative associations or to *bona fide* owners of live stock in the municipality, on such terms and conditions as may be agreed upon by the council and the purchaser, and in such case the municipality shall take from the purchaser a promissory note or notes for the sale price, which notes shall bear interest and be made payable at the office of the secretary treasurer of the municipality in instalments over a period not exceeding two years.
- (8) The sale price of a sire shall be such amount as the council deems fairly sufficient to cover the cost of the sire and the expenses entailed in the purchase and sale thereof, and no more.
- (9) The title, ownership and right to possession of any sire, for the price of which a promissory note is taken, shall remain at the risk of the purchaser, in the municipality until the note is paid in full.
- (10) The municipality may inspect at any time any sire sold by it and for which payment has not been received in full, and may recover possession thereof if in the opinion of a duly qualified person appointed by the municipality the sire is not receiving proper feed, care and attention.

1950, c.37, s.191; R.S.S. 1953, c.140, s.192.

## INSPECTING AND TESTING CATTLE

### **Powers of council**

**193(1)** The council may pass bylaws for the purpose of preventing the spread of tuberculosis, infectious bovine abortion and other diseases of animals which are communicable to human beings and without restricting the generality of this provision, may pass bylaws for:

- (a) appointing inspectors to inspect and subject to such tests as may be required by such bylaws all cattle within the municipality and all dairy cows any of the milk from which is used for human consumption within the municipality, and empowering the inspectors to make such orders as may be required for effectively carrying out the provisions of this section;
- (b) providing for the collection, detention and isolation of such animals for the purpose of making such tests, branding and quarantining infected animals; compelling the owners to separate such animals from their herds; preventing the use for human consumption of milk from animals which have been quarantined or found to be infected and slaughtering animals which have not been separated from the herds when required to be separated by order of an inspector;

(c) requiring persons who know that an animal is infected with a disease communicable to human beings or has reacted to a test for such disease to report the same to the nearest inspector;

(d) requiring that all heifer calves be vaccinated with *Brucella abortus* vaccine as provided by the regulations of the Minister of Agriculture regarding calfhood vaccination.

(2) The council may, either alone or jointly with other municipalities, enter into an agreement with the Government of Saskatchewan for the purpose of having cattle and dairy cows within the municipality inspected and subjected to the tuberculin or any other test by inspectors appointed by the Minister of Agriculture of Saskatchewan or of Canada, and shall possess in connection with such inspection and test all the powers conferred in other cases by subsection (1). The council shall also possess such other powers as may be necessary for carrying out the terms of the agreement and may pay such share of the expenses incurred as may be therein provided.

(3) Notwithstanding the provisions of subsections (1) and (2), upon receipt of a petition to that effect, signed by not less than sixty per cent of the electors of the municipality, the council shall pass a bylaw for the purpose of preventing the spread of tuberculosis, infectious bovine abortion and other diseases of animals which are communicable to human beings.

(4) A bylaw under subsection (3) shall be in such form and shall authorize the council to enforce such regulations as the Minister of Agriculture may prescribe, shall be subject to his approval and shall have no force or effect until one copy of the bylaw is returned to the secretary approved by the said minister.

1950, c.37, s.192; 1951, c.43, s.8; R.S.S. 1953, c.140, s.193.

## EXTERMINATION OF WARBLE AND HEEL FLIES

### **Powers of council and Minister of Agriculture**

**194(1)** The council may pass a bylaw requiring such measures to be taken for the extermination of warble flies and heel flies, including treatment of cattle, as may be prescribed by the Minister of Agriculture, and authorizing the purchase and sale by the municipality of such materials as may be necessary for the said purpose.

(2) Such bylaw may be passed by the council of its own motion or after a proposed bylaw has been submitted to a vote of the electors and approved by two-thirds of the electors voting thereon.

(3) The Minister of Agriculture may make regulations prescribing the measures to be taken by owners of cattle and other persons where a bylaw has been passed under this section, the methods to be adopted for the purpose of carrying such measures into effect and generally for the guidance of municipalities and owners of cattle and other persons.

1950, c.37, s.193; R.S.S. 1953, c.140, s.194.

## EQUINE ENCEPHALOMYELITIS

**Powers of council**

**195** Notwithstanding anything contained in *The Veterinary Association Act*, the council may by resolution nominate and authorize not more than two persons in each division of the municipality to vaccinate horses as a preventative of equine encephalomyelitis, and specify the fees which may be charged by such persons for such services.

1950, c.37, s.194; R.S.S. 1953, c.140, s.195.

## IMPROVEMENTS TO LANDS

**Power to acquire machinery and make agreements**

**196(1)** The council may by bylaw authorize:

- (a) the acquisition of machinery by the municipality, or by the municipality jointly with another municipality, for the purpose of making improvements to land in the municipality or municipalities;
- (b) the making of a contract with any person, under which such improvements will be made by him.

(2) The council may make an agreement with any person occupying land in the municipality:

- (a) to make improvements to such land at such rate or sum as may be specified in the agreement and may require the person to deposit with the treasurer the cost of the work to be performed; or
- (b) to guarantee payment of the costs of improvements to land, upon satisfactory evidence of the completion of the work.

(3) The amount expended pursuant to an agreement shall be a lien upon the land and may be recovered from the person for whom the work is performed, by suit, or by distress of his goods and chattels in which case the provisions of section 377 shall apply.

(4) The secretary shall file a caveat for the protection of such lien in the proper land titles office.

(5) The council may make an agreement with the owner of land in the municipality to take control of any portion of his land for the purpose of clearing and breaking such land at such rate as may be specified in the agreement, to provide for seeding such land and for harvesting and selling the crop grown thereon until such time as the municipality is fully reimbursed for the expenditure made, and the council may deduct from the amount realized from the sale of the crop a sum equal to the portion of the current taxes due on the land under its control.

(6) No expenditure shall be made under the authority of this section until a bylaw has been submitted to the vote of the burgesses and approved by a majority of those voting thereon, and no liability shall be incurred under this section until a bylaw has been so submitted and approved by at least two-thirds of the burgesses voting thereon.

1951, c.43, s.9; 1953, c.49, s.20; R.S.S. 1953, c.140, s.196.

## SEED GRAIN AND SUPPLIES

**Power to use municipal funds**

**197** The council may, by resolution or bylaw passed in any year, provide for the distribution in such year of seed grain and supplies from municipal funds and, where advances of seed grain or supplies are made pursuant to such resolution or bylaw, sections 12 to 19 and section 27 of *The Municipalities Seed Grain and Supply Act* shall apply.

1951, c.43, s.10; R.S.S. 1953, c.140, s.197.

**Power to purchase and sell seed grain and supplies**

**198(1)** Upon the written request of five or more persons who farm land within the municipality and who require seed grain or supplies, feed grain or fodder or all or any of such commodities and wish to pay for the same in cash, the council may authorize the purchase by the municipality of such commodities or any of them and the sale thereof to persons requiring the same. Sales shall be for cash only.

(2) The sale price of commodities purchased by the municipality under subsection (1) shall be such amount as the council deems fairly sufficient to cover the sum paid therefor by the municipality, the interest on any moneys borrowed under subsection (3) and the expenses entailed in the purchase and sale by the municipality and no more.

(3) The municipality may borrow moneys required for the purchase by it of commodities under this section.

(4) For the purpose of this section “**seed grain**” and “**supplies**” have the same meaning as under *The Municipalities Seed Grain and Supply Act*.

1950, c.37, s.197; R.S.S. 1953, c.140, s.198.

**Power to seed certain lands and sell proceeds of crop**

**199** Where a municipality owns or has control of any land the council may purchase seed grain or grass seed for the purpose of seeding such land and may harvest and sell the proceeds of the crop.

1950, c.37, s.198; R.S.S. 1953, c.140, s.199.

## ADDITIONAL POWERS AND DUTIES OF COUNCIL

**Powers**

**200(1)** In addition to all other powers conferred on councils by this Act, the council of every municipality shall have power:

**Acquisition of property by agreement**

1. to purchase, lease or otherwise acquire for the use of the municipality any estate in landed property, within or without the municipality, for exhibition grounds, recreation grounds, nuisance grounds, a cemetery, or for a highway, road, street, bridge, ferry, water supply, dam, dugout, reservoir, irrigation project, gravel pit, or other public work in the municipality or for any other public purpose whatever, or for the purpose of erecting thereon any municipal building, including dwellings for the secretary treasurer and municipal doctor 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 municipality there shall be set aside a portion for the burial of destitute persons;

**Erection of joint office buildings**

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

**Public works**

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

**Pastures**

4. to purchase, lease or otherwise acquire, or to unite with the councils of other municipalities for so doing, any estate in landed property, within or without the municipality, for a pasture or hay meadow, to improve the same and to charge fees for the use thereof;

**Forests, tree nurseries and plantations**

5. to accept control of Crown lands and to establish and maintain on such lands and on lands owned by the municipality forests, nurseries and plantations for the growing of trees;

**Logging and manufacture of lumber**

6. to enter into an agreement with the Department of Natural Resources to purchase, lease or otherwise acquire provincial forest lands; and to operate and manage logging and manufacturing of lumber in connection with such lands;

**Acquisition of property without consent**

7. to enter upon and take and use and acquire so much real property as in the opinion of the council may be needed for exhibition grounds, recreation grounds, nuisance grounds, a cemetery or the site of a municipal building, or for a highway, road, street, bridge, ferry, water supply, dam, dugout, reservoir, irrigation project, gravel pit, or other public work in the municipality, or for any other public purpose whatever, without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto. If the amount of such compensation is not mutually agreed upon by the parties concerned, it shall be determined as provided by *The Municipal Expropriation Act*;

**Acquisition of property in settlement, etc.**

8. to acquire, hold and dispose of real or personal property offered or transferred to the municipality in partial or complete settlement or payment of, or as security for, any lien or charge or any right to a lien or charge or any taxes, licence fee or other indebtedness owing to the municipality;

**Weigh scales**

9. 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;

**Machine repair shop**

10. to establish, maintain and operate a machine repair shop and a machine shed and to purchase, lease or otherwise acquire real and personal property required for such purpose;

**Roads**

11. 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**

12. 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**

13. 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**

14. 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 makes such action necessary or expedient. The council shall in every such instance pay to the owners or occupiers of any land so opened as a temporary road such compensation for the use thereof and for any and all damages occasioned thereby as may be mutually agreed upon between the council and the persons interested, or in the event of a disagreement such compensation as may be determined by arbitration under *The Municipal Expropriation Act*.

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

**Lease of roads**

15. subject to the consent of the Minister of Highways and Transportation, to lease any portion of a public highway or road to any person for a term not exceeding five years and from time to time, subject to the like consent, to renew such lease for a further term not exceeding five years; but such lease and every renewal thereof shall be subject to cancellation by either the lessor or lessee on one year's notice in writing;

**Ferries**

16. to install and operate a ferry within or outside the municipality if licensed to do so under the provisions of *The Highways and Transportation Act*;

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

17. 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**

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

**Disposal of land for site for hospital, etc.**

19. subject to the approval of the minister, to convey or dispose of land for the purpose of providing a site for a hospital, school, public library or any institution required for the purposes of *The Department of Social Welfare and Rehabilitation Act*, at such price as may be agreed upon or by way of gift:

provided that the provisions of section 30 of *The Tax Enforcement Act* and section 26 of *The Arrears of Taxes Act*, chapter 146 of *The Revised Statutes of Saskatchewan, 1940*, respecting prior notice of sale shall not apply to lands so disposed of;

**Lease of buildings**

20. to lease for a term of years any building or portion of a building belonging to the municipality provided that every such lease shall be subject to cancellation by the lessor or lessee on six months' notice in writing;

**Delegates' expenses**

21. to provide for payment of the expenses of one or more delegates to the annual convention of The Saskatchewan Association of Rural Municipalities;

**Same**

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

**Treasurer's retirement allowance**

23. to provide for payment of a gratuity or annual allowance to the secretary treasurer on retirement on account of age;

**Municipal officers' instruction**

24. to procure instruction for one or more municipal officers in their duties;

**Investment of surplus funds**

25. subject to the approval of the Local Government Board and to such regulations as may be made by the board, to invest surplus funds of the municipality in the stock, bonds or securities of the Government of Canada or of Saskatchewan, or in debentures issued under *The Union Hospital Act*, or in the debentures of the municipality or any rural telephone company, school district or school unit, and to call in, sell, assign or transfer the same and reinvest the proceeds in similar securities or to vary the investments for others of a like nature;

**Rehabilitation and land utilization projects**

26. to make such agreements as the council deems expedient relating to any rehabilitation or land utilization project heretofore or hereafter undertaken under the authority of the *Prairie Farm Rehabilitation Act (Canada)* or *The Land Utilization Act*;

**Drainage, water storage and water control projects**

27. subject to the approval of the Minister of Agriculture, to make such agreements as the council deems expedient relating to any drainage, water storage or water control project undertaken under the authority of the *Prairie Farm Rehabilitation Act (Canada)*;

**Membership in co-operative association**

28. to become a member of a co-operative association by the purchase of one or more shares or otherwise and to hold additional shares of which it becomes the owner by the application of dividends;

**Grant to State Hospital and Medical League**

29. to contribute in any year a sum not exceeding \$25 to the State Hospital and Medical League and to the Handicapped Civilians Association;

**Grant to Saskatchewan Farmers' Union**

30. to contribute in any year a sum not exceeding \$200 to Saskatchewan Farmers' Union.

(2) No expenditure exceeding \$500 in amount shall be made in any one year under the authority of paragraph 1, 2, 3, 4, 5 or 7 of subsection (1) except for the purchase or erection of a municipal office building in which case the expenditure shall not exceed \$1,500, and no expenditure exceeding the amount realizable from a levy of five mills on the current assessment but with a maximum of \$20,000 in amount shall be made in any one year under the authority of paragraph 17 of subsection (1), until a bylaw has been submitted to the vote of the burgesses and approved by a majority of those voting thereon, and no liability under the said paragraphs exceeding \$500 or \$1,500 or the amount realizable from a levy of five mills on the current assessment but with a maximum of \$20,000, as the case may be, shall be incurred until a bylaw has been so submitted and approved by at least two-thirds of the burgesses voting thereon.

1950, c.37, s.199; 1951, c.43, s.11; 1952, c.50, s.5;  
R.S.S. 1953, c.140, s.200.

## SPECIAL FUNDS

**Capital trust fund**

**201(1)** Subject to the approval of the Local Government Board, the council may by bylaw create a capital trust fund for constructing or acquiring public works, including the purchase of machinery, and for such other purposes as may from time to time be approved by the board, and may by the same or another bylaw assign thereto from the general funds of the municipality such unencumbered bonds, securities or moneys as may be specified by the board.

(2) Notwithstanding the provisions of subsection (2) of section 200 but subject to the approval of the Local Government Board and upon such terms and conditions as the board may prescribe, the council may make expenditures from the fund for any of the purposes referred to in subsection (1); provided that where an expenditure for machinery has been approved in any year under this subsection no expenditure shall be made for machinery in such year under section 200 without the approval of the Local Government Board.

(3) If machinery is purchased in any year the council shall in each year thereafter for a period of ten years include in the estimates of expenditures a sum equal to ten per cent of the amount used in acquiring the machinery and shall during each year pay into the fund the sum so provided in that year; provided that the council may increase the said percentage and recoup the fund in a shorter period.

(4) The secretary treasurer shall notify the Local Government Board when such payments are made into the fund.

(5) Notwithstanding the provisions of subsection (3), the fund may be added to in any year following the year of establishment thereof by transferring thereto surplus general funds of the municipality or by providing a sum in the estimates of expenditure.

(6) The establishment, replenishment, additions to and use of the fund, including the purchase therefrom of bonds, debentures and other securities and the sale thereof, shall be subject to the control and approval of the Local Government Board and to such rules and regulations as the board may prescribe.

1950, c.37, s.200; R.S.S. 1953, c.140, s.201.

PUBLIC ACCOMMODATION

**Public hotels, etc., subject to licence**

**202** The council shall have power:

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

1950, c.37, s.201; 1951, c.43, s.12; R.S.S. 1953, c.140, s.202.

**Application to conduct hotel**

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

1950, c.37, s.202; R.S.S. 1953, c.140, s.203.

**Form of application**

**204(1)** Applications shall be in the following form:

PUBLIC ACCOMMODATION

APPLICATION FOR LICENCE

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

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

*Signature*

.....  
*Signature of Applicant*

(2) In addition to the information contained in the above form, the applicant for a licence shall furnish such information as the council may require.

1950, c.37, s.203; R.S.S. 1953, c.140, s.204.

**Licence**

**205(1)** The council, if satisfied that the applicant is a fit and proper person to conduct a public hotel or other place of public accommodation, as the case may be, and that the premises to be used are necessary and suitable for the purpose, may by resolution instruct the secretary treasurer to issue the licence applied for.

(2) The licence shall be in the following form:

**PUBLIC ACCOMMODATION**

**LICENCE**

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

Dated at \_\_\_\_\_  
this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_,  
(Seal of Municipality) } .....  
*Signature of Secretary  
Treasurer.*

(3) The fee payable in advance for a licence for a public hotel shall be such as the council may determine, but it shall not exceed \$10.

(4) Section 287 does not apply to such fee.

(5) The fee payable in advance for a licence for a boarding house or restaurant shall be such as the council may determine.

1950, c.37, s.204; R.S.S. 1953, c.140, s.205.

**Application for renewal of licence**

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

1950, c.37, s.205; R.S.S. 1953, c.140, s.206.

**Licences framed and exhibited**

**207(1)** Every person licensed to conduct a public hotel or other place of public accommodation shall cause his licence to be framed and continuously exhibited in a conspicuous public position on the licensed premises.

(2) A licensee who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

1950, c.37, s.206; R.S.S. 1953, c.140, s.207.

FOR HISTORICAL REFERENCE ONLY

**Sign exhibited**

**208(1)** Every person licensed to conduct a public hotel shall place over the door of the main entrance to the premises a sign on which shall be painted in conspicuous characters the words "Public Hotel".

(2) A licensee who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

1950, c.37, s.207; R.S.S. 1953, c.140, s.208.

**Penalty for misrepresentation by unlicensed person**

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

1950, c.37, s.208; R.S.S. 1953, c.140, s.209.

**Notice of bylaw**

**210(1)** The secretary treasurer shall, when the council has made provision by bylaw for licensing public hotels or other places of public accommodation, give public notice of the same in such manner as the council may determine.

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

(3) A person who, after the expiration of sixty days from the date of publication of the notice, owns, conducts or manages a public hotel or other place of public accommodation required to be licensed by the council, without having applied for and obtained a licence, is guilty of an offence and liable on summary conviction for a first offence to a fine not exceeding \$25, and for a subsequent offence to a fine not exceeding \$60.

1950, c.37, s.209; R.S.S. 1953, c.140, s.210.

**Conduct of hotels regulated by council**

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

1950, c.37, s.210; R.S.S. 1953, c.140, s.211.

**Suspension or cancellation of licence**

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

1950, c.37, s.211; R.S.S. 1953, c.140, s.212.

**Service and effect of notice of cancellation**

**213(1)** Written notice of every cancellation or suspension shall be served forthwith by the secretary treasurer on the licensee personally or on some one in his employ, and upon receipt of the notice the licensee or employee shall forthwith remove the licence and the sign referred to in sections 207 and 208.

(2) A licensee or employee who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$100, and in default of payment to imprisonment for fourteen days.

1950, c.37, s.212; R.S.S. 1953, c.140, s.213.

**Grant, etc. of licences in discretion of council**

**214** The grant or refusal and the cancellation or suspension of a licence to conduct a hotel or other place of public accommodation shall be in the discretion of the council, and it shall not be bound to give any reason for such refusal, cancellation or suspension, and its action shall not be open to question or review by any court.

1950, c.37, s.213; R.S.S. 1953, c.140, s.214.

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

**215(1)** For the purpose of aiding in the establishment of a public rest and reading room in any public hotel or other place of public accommodation in the municipality or in any city, town or village, and of providing for the care of any library which the council may desire to install, the council may pay out of its general revenues to the licensee of such hotel or place of public accommodation, such sums as may be deemed advisable but not exceeding \$30 annually for each division of the municipality.

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

1950, c.37, s.214; R.S.S. 1953, c.140, s.215.

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

**216(1)** There shall be displayed in a conspicuous place in the main office or public room of every public hotel or other place of public accommodation, licensed as such under the provisions of this Act, a notice bearing in plain characters that may be easily read the following words: "The keeping or consuming of intoxicating liquors on any part of these premises other than in a private guest room or licensed premises is prohibited by law".

(2) A proprietor or manager of a licensed public hotel or other place of public accommodation who fails to have and to keep the said notice displayed as required by subsection (1) is guilty of an offence and liable on summary conviction to a fine of \$50 and in default of payment to imprisonment for thirty days.

1950, c.37, s.215; R.S.S. 1953, c.140, s.216.

## COMPROMISE OF TAXES

**Compromise with respect to taxes**

**217** If the council deems it expedient:

- (a) to compromise or abate the claim of the municipality for taxes due or other indebtedness under this Act owing by any person; or
- (b) to compromise or abate any future tax levies to be imposed against any person and there are no taxes owing by such person;

the council may do so with the consent of the minister, and any compromise or abatement so made shall be binding upon the municipality according to its tenor.

1950, c.37, s.216; R.S.S. 1953, c.140, s.217.

**Compromise of school taxes**

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

1950, c.37, s.218; R.S.S. 1953, c.140, s.218.

## DECLARING AND ABATING NUISANCE

**Powers of council**

**219(1)** The council may by resolution or bylaw declare any building, structure or erection of any kind whatever or any drain, ditch, watercourse, pond, surface water or any other matter or thing in or upon any private land, street or road or in or about any building or structure in any hamlet, a nuisance and dangerous to the public safety or health and by such resolution or bylaw as may be directed therein order that the same shall be removed, pulled down, filled up or otherwise dealt with by the owner, agent, lessee or occupier thereof, as the council may determine and within such time after the service of the order as may be therein named.

(2) At or near the locality of the nuisance so declared, a placard shall be posted giving the order provided for herein and, subject to the provisions of subsections (3) and (4), the order shall be served personally upon the owner, agent, lessee, or occupier of the premises.

(3) Where the nuisance so declared is a building, structure or erection, publication of the order in two successive issues of a newspaper published in a city, town or village within the outer boundaries of the municipality or, where there is no such paper, in a newspaper circulating in the municipality, shall be good and sufficient service upon the owner, agent, lessee, or occupier of the premises.

(4) Where the nuisance is not a building, structure or erection, publication of the order in one issue of a newspaper published in a city, town or village within the outer boundaries of the municipality or, where there is no such paper, in a newspaper circulating in the municipality, shall be good and sufficient service upon the owner, agent, lessee or occupier of the premises.

1950, c.37, s.219; R.S.S. 1953, c.140, s.219.

## SUNDAY STREET CARS

**Powers of council**

**220(1)** The council may pass a bylaw declaring that section 245 of *The Saskatchewan Railway Act* shall cease to apply to the operation within the municipality of any street railway, tramway or electric railway; and on, from and after the coming into force of the bylaw until the same is repealed as provided for by subsection (2), the said section 245 of *The Saskatchewan Railway Act* shall cease to apply to the operation within the municipality of any street railway, tramway or electric railway.

(2) The council may also pass a bylaw repealing any bylaw provided for by subsection (1); and on, from and after the coming into force of the bylaw the said section 245 of *The Saskatchewan Railway Act* shall apply to the operation within the municipality of any street railway, tramway or electric railway.

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

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

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

1950, c.37, s.220; R.S.S. 1953, c.140, s.220.

## OPENING OF CERTAIN ROADS

**Deposit on application to open certain roads**

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

1950, c.37, s.221; R.S.S. 1953, c.140, s.221.

## GRAVELLING ROADS

**Powers of council**

**222(1)** The council may designate any road within the municipality which in its opinion may be gravelled in accordance with the provisions of this section.

(2) The council shall submit to the Local Government Board a plan showing the road proposed to be gravelled and the lands within one and one-half miles adjacent to such road together with an estimate of the cost of the project.

- (3) If, upon receipt of the plan and estimate the Local Government Board approves the project it shall designate the lands which shall be subject to the tax mentioned in subsection (4), the standard of construction of the road, the maximum mill rate that may be imposed and the maximum term of years not exceeding five in which the tax may be levied.
- (4) The tax that may be levied upon the lands so designated shall not be greater than that sufficient to repay one-half of the cost of the project nor shall the maximum rate of taxation exceed six mills, and the rate of taxation levied upon land over one-half mile from the road shall be one-half of the rate imposed upon other lands in the area.
- (5) When the council has been notified of the terms and conditions upon which the approval of the Local Government Board is granted it shall, before levying a tax under this section upon the lands designated by the board, obtain from two-thirds of the resident electors of such lands their approval of the undertaking by a petition in a form prescribed by the minister.
- (6) Upon approval of the undertaking by the electors the council shall proceed with the project and shall levy a tax in accordance with the approval granted by the Local Government Board.
- (7) Where the tax extends beyond the current year and one or more full years' subsequent levies are prepaid in any year, discounts in addition to those provided by section 371 shall be allowed as follows:
- 2½ per cent for payment of the first subsequent year's levy;
  - 5 per cent for payment of the second subsequent year's levy;
  - 7½ per cent for payment of the third subsequent year's levy;
  - 10 per cent for payment of the fourth subsequent year's levy:

Provided that all levies previously payable have been paid.

1950, c.37, s.222; R.S.S. 1953, c.140, s.222.

## INDUSTRIAL BONUSES PROHIBITED

### **Bonus, etc., prohibited**

**223** No council 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.

1950, c.37, s.223; R.S.S. 1953, c.140, s.223.

## UNAUTHORIZED EXPENDITURES

**Liability of councillor**

**224(1)** Any member of the council who expends or authorizes the expenditure of municipal funds upon or with respect to any public work in the municipality, or for supplying materials or labour for such work, is unless he has first been empowered to do so by bylaw or resolution of the council, 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 in default of payment to imprisonment for a term not exceeding sixty days.

(2) Any member of the council who purports to authorize the expenditure of municipal funds upon or with respect to any public work in the municipality or for supplying materials or labour for such work or who purports to authorize any public work in the municipality or who purports to order on behalf of the municipality any materials or labour for such work, is, unless he has first been empowered to do so by bylaw or resolution of the council, liable on summary conviction, for every such offence, to a fine of not less than \$10 nor more than \$100 and in default of payment to imprisonment for a term not exceeding sixty days.

(3) A member of the council shall be deemed not to have committed an offence under subsection (2) where he purports to authorize repairs of an emergent nature to any public work and the cost does not exceed \$100 nor where the expenditure or work that he purports to authorize does not exceed the expenditure authorized by the council by more than \$100.

1950, c.37, s.224; 1953, c.49, s.22; R.S.S. 1953, c.140, s.224.

## NOXIOUS WEEDS

**Duties of council**

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

1950, c.37, s.225; R.S.S. 1953, c.140, s.225.

**Amount expended added to taxes**

**226(1)** The amount expended in the destruction of noxious weeds on any parcel of land shall forthwith be added to and form part of the taxes upon the parcel of land on which the work was done.

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

1950, c.37, s.226; R.S.S. 1953, c.140, s.226.

**Certificates *prima facie* evidence of expenditure**

**227** A certificate purporting to be signed by the treasurer, to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described therein, shall be *prima facie* evidence that the amount named has been so expended, but if the cost of the work exceeds \$25 per quarter section the owner shall be entitled to receive a statement of the work done with respect to such land and a further statement signed by the reeve to the effect that he has personally inspected the property after completion of the work and finds that the work has been satisfactorily done and the charge made fair and just.

1950, c.37, s.227; R.S.S. 1953, c.140, s.227.

**Fines payable to municipality**

**228** Every fine imposed under *The Noxious Weeds Act* for a violation of any of its provisions within a municipality shall be payable to the municipality if the council takes the necessary steps to enforce such penalty.

1950, c.37, s.228; R.S.S. 1953, c.140, s.228.

**Power to purchase and sell or distribute chemicals**

**229** The council may by bylaw provide for the purchase of chemicals or chemical preparations for the destruction of noxious weeds, and for the sale or distribution thereof to owners and occupants of lands within the municipality upon such terms and conditions as are mentioned in the bylaw.

1950, c.37, s.229; R.S.S. 1953, c.140, s.229.

## FUEL

**Powers of council**

**230(1)** The council may borrow from any bank, other corporation or person such sums of money as may be necessary for the purpose of purchasing coal, wood or other fuel.

(2) The council may purchase supplies of such fuel and sell and dispose of the same in anticipation of or during a period of such scarcity or failure of supply of fuel or such threatened scarcity or failure of supply thereof as may appear to create an emergency.

1950, c.37, s.230; R.S.S. 1953, c.140, s.230.

## PRAIRIE AND FOREST FIRES

**Duties of council and secretary treasurer**

**231(1)** Every council and every secretary treasurer shall do such things and perform such duties as may be required from time to time under the provisions of *The Prairie and Forest Fires Act*, including the appointment of fire guardians.

(2) Notwithstanding anything contained in this Act any member of the council may be appointed a fire guardian under the provisions of *The Prairie and Forest Fires Act*.

1950, c.37, s.231; R.S.S. 1953, c.140, s.231.

## SUPERANNUATION

**Duties of council**

**232** Every council shall do such things and perform such duties as may be required under the provisions of *The Rural Municipal Secretary Treasurers' Superannuation Act*.

1950, c.37, s.232; R.S.S. 1953, c.140, s.232.

## HIGHWAYS AND PUBLIC PLACES

**Council's jurisdiction**

**233** Every public road, highway, street and lane shall, subject to the provisions of clause (e) of section 5 and section 30 of *The Highways and Transportation Act*, section 38 of *The Saskatchewan Government Telephones Act* and section 19 of *The Rural Telephone Act*, be under the direction, control and management of the municipality in which it is situated.

1950, c.37, s.233; R.S.S. 1953, c.140, s.233.

**Powers of Minister of Highways and Transportation**

**234** The Minister of Highways and Transportation 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 and Transportation Act*.

1950, c.37, s.234; R.S.S. 1953, c.140, s.234.

**Council keeps public places in repair**

**235(1)** Every council shall keep in a reasonable state of 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, having regard to the character of the road, highway, street, lane, bridge, culvert, dam or reservoir and the locality in which the same is situated or through which it passes, and if the council fails to do so the municipality shall, subject to the provisions of *The Contributory Negligence Act*, be civilly liable for all damages sustained by any person by reason of such failure.

(2) Default under subsection (1) shall not be imputed to a municipality in any action without proof by the plaintiff that the municipality knew or should have known of the disrepair of the road or other thing mentioned in subsection (1).

(3) Notwithstanding anything in subsection (1), the municipality shall not be responsible for any damages sustained by any person by reason of the disrepair or nonrepair of:

(a) any provincial highway as defined in *The Highways and Transportation Act*;

(b) any public highway closed up or fenced off under the provisions of *The Highways and Transportation Act*;

(c) any highway or road while leased under the provisions of paragraph 15 of subsection (1) of section 200, provided that the municipality has posted and maintained a conspicuous notice at each end of the highway or road leased, to the effect that the highway or road is closed;

(d) any road established under subsection (3) of section 48 of *The Forest Act*.

1950, c.37, s.235; 1951, c.43, s.14; 1952, c.50, s.6;  
R.S.S. 1953, c.140, s.235.

**Limitation of time for action**

**236** No action shall be brought under the provisions of section 235 except within six months from the date upon which the cause of action arose, and unless written notice of such action has been given to the secretary of the municipality within one month after the date upon which the damage was caused.

1950, c.37, s.236; R.S.S. 1953, c.140, s.236.

**Damage by vehicle to bridge or culvert**

**237(1)** Any person who, when driving a vehicle, over a bridge or culvert on any road in the municipality, causes damage to such bridge or culvert shall forthwith report the damage to the reeve, secretary treasurer or nearest councillor who shall as soon as possible cause barricades to be so placed as to prevent traffic across the bridge or culvert.

(2) Any person who fails to comply with any of the requirements of subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

1950, c.37, s.237; R.S.S. 1953, c.140, s.237.

**Erection and maintenance of bridges**

**238** Where a river, stream, pond or lake forms a boundary line between the municipality and another rural municipality, the councils of the adjoining municipalities may construct bridges across such river, stream, pond or lake in the manner and at the places to be determined by bylaws passed by both, and such bridges shall be maintained and kept in repair jointly by the municipalities and shall be under their joint jurisdiction and control.

1950, c.37, s.238; R.S.S. 1953, c.140, s.238.

**Maintenance of other bridges**

**239** Such municipalities shall also jointly maintain and keep in repair and shall have under their joint jurisdiction and control all public bridges between them which have been constructed or provided by any person with the permission of the councils, or which have been constructed or provided by the province.

1950, c.37, s.239; R.S.S. 1953, c.140, s.239.

**In case of dispute minister apportions expenses**

**240(1)** If the municipalities interested in the construction or maintenance of a bridge are unable to agree as to their joint action in constructing, managing or keeping the same in repair, or as to the share of the cost of construction or the expense of maintenance or repair to be borne by each, the Minister of Highways and Transportation may, on the application of one or both of the municipalities, determine the amount which each shall be required to expend and the mode of expenditure, and his decision shall be final and binding on the municipalities interested and may be enforced by either of them in any court of competent jurisdiction.

(2) Any sums overpaid by one of the municipalities for construction or maintenance may be recovered by action of debt from the other in default or neglecting to make the payments directed by the minister.

1950, c.37, s.240; R.S.S. 1953, c.140, s.240.

**Minister decides disputes**

**241** All matters of difference between two municipalities as to the maintenance or repair of a bridge between them shall be decided by the Minister of Highways and Transportation upon the application of either; and his decision shall be final and binding on the municipalities and may be enforced by either of them in any court of competent jurisdiction.

1950, c.37, s.241; R.S.S. 1953, c.140, s.241.

**Joint liability**

**242** Where adjoining municipalities are required to keep a bridge in repair they shall be jointly liable, in case of default, for all damages sustained by any person by reason of such default.

1950, c.37, s.242; R.S.S. 1953, c.140, s.242.

**Agreement with adjoining municipality in Manitoba**

**243(1)** Notwithstanding the provisions of any other Act if reciprocal legislation is enacted by the Legislature of the Province of Manitoba, the council of a municipality adjoining the boundary line between Saskatchewan and Manitoba may by bylaw enter into an agreement with a municipal corporation in Manitoba, whose territory adjoins the said boundary line, providing for:

- (a) opening, constructing, maintaining, improving or repairing a highway along the interprovincial boundary line and any bridge, culvert, drain or other work required in connection therewith;
- (b) joint control, management and responsibility for repair of the highway, bridge, culvert, drain or other work;
- (c) payment of damages for failure to repair the highway, bridge, culvert, drain or other work;
- (d) incidental matters.

(2) No such agreement shall have any force or effect until approved by the minister and the Municipal Commissioner for Manitoba.

1951, c.43, s.15; R.S.S. 1953, c.140, s.243.

## CARE OF INDIGENT SICK PERSONS

**Duties of council**

244(1) In this section “**medical attendance and treatment**” includes medical, surgical and obstetrical attendance and treatment; and in this section and the following sections “**indigent person**” means a person who is actually destitute of means, from his own resources, of obtaining necessary medical attendance and treatment.

(2) The council shall make due provision for the care and treatment of any indigent person who has been a resident of the municipality for at least thirty days who falls ill and requires medical attendance and treatment; and for the services rendered pursuant to this section the council shall pay the medical practitioner.

(3) In case of a dispute between the council and the medical practitioner concerned as to whether a person is an indigent person within the meaning of subsection (1) the question shall be referred to two persons, either at the instance of the council or the medical practitioner, one of such persons to be appointed by the council and the other by the medical practitioner. If the council fails to make such appointment within sixty days from the date upon which the dispute arises then the person shall be deemed to be an indigent person for the purpose of this section.

(4) If the persons to whom the question is referred fail to agree they shall appoint a third person who shall act with them for the purpose of deciding the question, and their decision shall be final and binding upon the municipality and the medical practitioner. If such persons fail to agree and to make such appointment within ten days after the question is referred to them, then the party at whose instance the question was referred shall notify the minister who shall appoint an arbitrator, and such arbitrator shall, along with such persons, constitute an arbitration committee for the purpose of deciding the question.

(5) The committee may require the attendance and take the testimony of such persons as it thinks fit to summon and any member thereof may administer oaths, affirmations and declarations.

(6) The decision of the committee shall be final and binding upon the municipality and the medical practitioner.

(7) All provision for medical care and treatment of indigent persons shall be made by means of a written order.

(8) Such written order shall not be required in respect of medical attendance and treatment or medicines given by a medical practitioner at a first visit or any other necessary treatment during an emergency if the medical practitioner concerned certifies that the case was, or that he was informed that the case was, one of sudden and urgent necessity.

(9) A council shall delegate its duties under this section to a committee consisting of one or more of its members and may authorize each member of such committee to issue the written orders mentioned in subsection (7).

(10) A medical practitioner who attends an indigent person on a written order made under subsection (7), or, in case of an emergency, without such order, shall within fifteen days after his first visit notify the secretary of the municipality that medical attendance and treatment is being given and that he will claim from the municipality compensation for such attendance and treatment.

(11) The secretary of the municipality shall, within sixty days after the receipt by him of the notice, notify the medical practitioner that the council admits the claim or denies liability, as the case may be; and if such notification is not given by the secretary within the said period the council shall be deemed to have admitted the claim and shall pay the compensation claimed.

1950, c.37, s.243; R.S.S. 1953, c.140, s.244.

**Agreement with medical practitioner**

**245** Notwithstanding anything contained in section 244, the council may enter into an agreement with one or more medical practitioners for the care and treatment of all indigent persons upon such terms and conditions as may be agreed upon.

1950, c.37, s.244; R.S.S. 1953, c.140, s.245.

**Demand by hospital board**

**246(1)** If an indigent person who has been a resident of the municipality for at least thirty days and is not a beneficiary under *The Saskatchewan Hospitalization Act* is, on the request of the council, admitted as a patient by a hospital approved under *The Hospital Standards Act* or any former *Hospital Standards Act*, or in case of emergency without such request, the board of the hospital may demand from the council a sum not exceeding the daily public ward rate of the hospital for each day's actual treatment and stay of the patient therein:

Provided that:

- (a) the hospital board has notified the council, within fifteen days after the admission of the patient, of the fact of such admission and that the board will claim from the municipality compensation for his care and treatment under this Act;
- (b) such demand is made within thirty days after the discharge or death of the patient; and
- (c) the board, within fifteen days after the admission of the patient or at as early a date as practicable, furnishes the council with the statement mentioned in subsection (9).

(2) Where:

- (a) an indigent person has resided for a period of less than thirty days in the municipality in which he falls ill;
- (b) such person is admitted as a patient by a hospital falling within the terms of subsection (1), either with or without a request from the council hereinafter referred to; and
- (c) the hospital has complied with clauses (a), (b) and (c) of the proviso to subsection (1);

the hospital board may demand payment for such person's treatment and stay, at the rate above mentioned, from the council of the city, town, village or rural municipality in which he was last resident for a period of at least thirty days.

(3) On receipt of a certificate of the medical health officer of the municipality or of the medical practitioner appointed by the council or of the director of a cancer clinic conducted by the Saskatchewan Cancer Commission to the effect that it will imperil the life or health of the patient to delay admission to the hospital until the council of the municipality can be consulted, the case shall be deemed to be an emergency case within the provisions of this section, provided that in the event of serious accident or sudden illness the case shall be deemed to be an emergency case within the provisions of this section on receipt of a certificate of the physician attending the patient.

(4) If the patient is not a resident of the municipality, the council shall, within sixty days from the admission of the patient, notify the hospital board to that effect and if the council fails to do so the patient shall be deemed to be a resident for the purposes of this Act.

(5) The council shall appoint a committee consisting of one or more of its members, and shall authorize each member of such committee to carry out its duties under this section. The name and address of such person or persons shall be filed in the office of the Deputy Minister of Municipal Affairs within thirty days of the appointment, or of any new appointment.

(6) Any hospital may postpone admittance of any patient other than an emergency case until the patient obtains the request of the council mentioned in subsection (1).

(7) If a patient has not furnished the board with the correct name of the municipality in which he resides, and the board has in consequence failed to notify the council of that municipality as required by clause (a) of the proviso to subsection (1) within the time thereby limited, or has failed to furnish the statement mentioned in clause (c) of such proviso within that time, the board may give the notice or furnish the statement at any time within fifteen days after discovering the true residence of the patient.

(8) If 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 if there is none such, from the council of the municipality in which he last worked.

(9) Upon the admission to the hospital of a person to whom this section applies, the board shall obtain from such person or from other available sources, if possible, the following information, namely, the name and address of the patient, the name of the municipality in which he resides, the names and addresses of the parties, if any, for whom he worked during the sixty days immediately preceding his admission to the hospital, a brief description of any land of which he may be the owner or occupant, and the means he has of paying the hospital charges for his care and treatment; and shall furnish a statement of such information, certified correct, to the secretary treasurer of the rural municipality from which the board expects payment of its account.

(10) If the municipality fails within ninety days after receipt of a statement mentioned in subsection (9) to notify the hospital board that the council admits or disputes the claim, the claim of the hospital board shall be conclusive and deemed to be a valid charge against the municipality, but shall not in any event exceed the rate set out in subsection (1).

**Indigent person admitted to hospital in another province**

**247(1)** Subject to subsection (2), if a person to whom section 246 applies who falls ill, and who has been resident in a municipality for at least thirty days, is on the request of the council, or, in case of emergency, without such request, admitted to a hospital in another province which receives aid from the general revenues of that province, the council of the municipality shall pay to the hospital board its charges for the care and treatment of such person at such rate, not exceeding \$5 per day, as may be stated in the order mentioned in subsection (2), for each day of his stay in the hospital.

(2) When the Lieutenant Governor in Council is satisfied that reciprocal provisions have been made or will be made by the Legislature of another province he may by order declare the provisions of subsection (1) to be in force and to apply to that province.

1950, c.37, s.246; R.S.S. 1953, c.140, s.247.

**Recovery of payment from patient**

**248(1)** Any expenses heretofore or hereafter incurred by the municipality for medical or hospital care and treatment of an indigent person, in consequence of any duty imposed upon it by or pursuant to this or any other Act, or any sums paid by it on behalf of any person in respect of taxes levied under any Act for the purpose of providing such care and treatment, may be recovered by action or by distress, in the same manner as taxes, by the treasurer of the municipality from:

- (a) such person;
- (b) the husband or wife of such person;
- (c) the father or mother of such person where that person is under twenty-one years of age and is dependent upon his parents or either of them for support;
- (d) the executor or administrator of any person mentioned in clause (a), (b) or (c).

(2) The taking of any proceeding to recover such moneys from one or more of the persons mentioned in clauses (a), (b), (c) and (d) of subsection (1) shall not preclude the municipality from taking proceedings against any other person liable under this section.

(3) The lands of every person mentioned in clauses (a), (b) and (c) of subsection (1) shall be subject to a charge for any moneys recoverable under subsection (1) and the municipality may file a caveat for the protection of such charge in the proper land titles office.

(4) Such charge shall have precedence over all other encumbrances 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.

(5) If the treasurer of the municipality distrains under subsection (1) for moneys recoverable thereunder, the provisions of section 377 shall apply except that any surplus remaining after payment of the claim of the municipality and the costs of distress and sale shall be paid over to the owner of the goods and chattels distrained.

1950, c.37, s.247; R.S.S. 1953, c.140, s.248.

## BURIAL OF DESTITUTE PERSONS

**Burial of destitute persons**

**249(1)** The council shall make provision for the decent burial of the bodies of destitute persons who have died within the municipality, or who have died in another municipality while under the care of the municipality, but the amount expended for such purpose in any one case shall not exceed \$75.

(2) If such a person dies leaving goods within the municipality, the expense of burial may be recovered by the treasurer by distraint and sale of the same, in which case the provisions of section 377 shall apply; and if any such person dies leaving money the municipality shall have a first claim upon the same for the expense of burial.

(3) If such a person dies possessed of an interest in land, the municipality shall have a charge upon the land for the expense of burial, and may lodge a caveat for the protection of such charge in the proper land titles office.

(4) If a destitute person who has been resident in the municipality for a period less than thirty days dies there, the council may recover the burial expenses from the city, town, village or rural municipality in which the deceased person was last resident for a period of at least thirty days.

(5) Where a destitute person becomes an inmate of a home or institution in the municipality for the aged or infirm or a patient in a hospital in the municipality, and has not immediately before the time when he becomes such inmate or patient resided in the municipality for a period of at least thirty days, and dies while an inmate or patient of such home, institution or hospital, the city, town, village or rural municipality in which he was last resident for a period of not less than thirty days prior to becoming such inmate or patient shall be responsible for the burial expenses of such person and the municipality may recover the same from such city, town, village or rural municipality.

1950, c.37, s.248; R.S.S. 1953, c.140, s.249.

## SECURITY

**Security for advances to destitutes**

**250(1)** Where:

- (a) money is advanced by way of charity or relief to or expended for the benefit of a person, who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him; or
- (b) such person becomes indebted to the municipality for board and lodging or for care or treatment in case of sickness;

the municipality may take a conveyance of the land and of any goods and chattels thereon and may operate the same as a farm or lease it, or may take security upon the land and goods and chattels for the amount advanced or expended.

(2) Land taken over by the municipality under subsection (1) shall remain liable to taxation and, on the death of the former owner or the surrender of the property by him to the municipality, the municipality may sell or dispose thereof and apply the proceeds in payment of the amount so advanced or expended, or of the sum or balance by which such person or his estate has become and remains indebted, together with all unpaid taxes accrued thereon, after giving all proper credits, with interest thereon at the rate of six per cent per annum and the costs of the sale; and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person, or, in case of surrender, to such person on demand.

1950, c.37, s.249; R.S.S. 1953, c.140, s.250.

## SASKATCHEWAN ANTI-TUBERCULOSIS LEAGUE

### Annual statement by League

**251** On or before the first day of March in each year the Saskatchewan Anti-Tuberculosis League shall mail to the secretary treasurer of the municipality a notice showing the portion of the net estimated expenditure of the League for the current year to be borne by the municipality, and giving the additional information mentioned in section 26 of *The Tuberculosis Sanatoria and Hospitals Act*.

1950, c.37, s.250; R.S.S. 1953, c.140, s.251.

### Payment by municipality

**252** The council shall pay to the League one-half of the amount shown on the notice mentioned in section 251 on or before the thirtieth day of June and the balance on or before the thirty-first day of December of the current year.

1950, c.37, s.251; R.S.S. 1953, c.140, s.252.

### Power to make special levy

**253(1)** Sums required for the purposes of section 252 may be included in the general municipal levy or may be raised by special levy.

(2) In the latter case the tax shall be levied in the same manner as the general municipal rates and the provisions of this Act respecting the assessment and collection of taxes, including penalties for non-payment and provisions for enforcing payment of the same, and the provisions of *The Tax Enforcement Act* shall apply to such tax in the same manner and to the same extent as if it were part of the general municipal levy.

1950, c.37, s.252; R.S.S. 1953, c.140, s.253.

### Taxes recoverable

**254** All taxes due by the municipality remaining unpaid to the League after the dates fixed by section 252 for payment of the same, shall be a debt due by the municipality to the League, bearing interest at the rate of five per cent per annum from the said dates, and may be recovered, with accrued interest, by a suit in the name of the League.

1950, c.37, s.253; R.S.S. 1953, c.140, s.254.

## AGREEMENT WITH HOSPITAL

**Recovery of payment from patient**

**255** Where before the first day of April, 1947, an agreement was entered into between the council and a hospital board providing for hospital care and treatment of any class of persons, other than indigent persons, and for payment of hospital fees on the basis of a fixed rate per patient, the council may by resolution declare that all sums paid to the hospital board under the agreement shall be debts due to the municipality by the persons in respect of whom or on whose behalf such sums were paid, and in such case such sums may be recovered by the municipality in the same manner as sums paid by it for the care of sick and destitute persons may be recovered under this Act, and the municipality may take security for payment in such form as the council deems fit.

1950, c.37, s.254; R.S.S. 1953, c.140, s.255.

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 PART VI

## MUNICIPAL LOANS

## TEMPORARY

**Temporary loans on taxes**

**256(1)** Except as hereinafter provided, the council may by resolution authorize the reeve and treasurer to borrow from any person, bank or corporation sums required to meet the current expenditures of the municipality until the taxes for the current year are available. The resolution shall regulate the amount to be borrowed and the rate of interest to be paid.

(2) Every such loan shall be a first charge upon the taxes levied for general municipal purposes in the year in which the loan is made, and may be secured by a promissory note signed by the reeve and treasurer of the municipality and sealed with the corporate seal thereof.

(3) The council may hypothecate all or any arrears of taxes owing to the municipality as additional security to any lender subject to any previous charge affecting such taxes in which case the provisions of subsection (4) shall apply; provided that this subsection does not apply to arrears of hail rates, school unit or town school taxes or taxes levied for the purposes of a health region unless the liability of the municipality in respect of the levy of such rates or taxes has been paid.

(4) Where a council hypothecates arrears of taxes under subsection (3) all moneys received upon the collection of such arrears shall be placed in a special bank account to be known as the "Tax Arrears Collections Account" and shall first be applied in liquidating the liability in respect of the loan.

(5) In any calendar year the total amount of all loans thus made shall not exceed sixty per cent of the total taxes levied for general municipal purposes, or the estimated total of taxes to be levied for general municipal purposes, by the municipality in that year.

(6) The council may, within twelve months after its organization 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.

1950, c.37, s.255; 1953, c.49, s.23; R.S.S. 1953, c.140, s.256.

**Temporary loan on school taxes**

**257(1)** In addition to the powers conferred by section 256, except where a school district is situated wholly or partly in a school unit, the municipality may borrow for the current expenditure of a school district situated wholly or partly within the municipality to an amount not exceeding eighty per cent of the estimated total of the taxes to be collected for the district in the current year, and the provisions of subsections (1), (2), (3) and (4) of section 256 shall, with the necessary changes, apply thereto.

(2) In any case where the municipality requires to borrow the amounts to be paid to a rural or village school district under section 6 of *The School Assessment Act*, the interest on such loan shall be payable up to the thirty-first day of December by the school district to the municipality. After the thirty-first day of December any penalties accruing in respect of unpaid school taxes levied on behalf of a school district not within a school unit shall belong to the municipality.

1950, c.37, s.256; 1953, c.49, s.24; R.S.S. 1953, c.140, s.257.

**Temporary loans on security of surplus fund investments**

**258(1)** Where a municipality has invested surplus funds in any stock, bonds, securities or debentures mentioned in paragraph 25 of subsection (1) of section 200, the council may by resolution authorize the reeve and treasurer to borrow from any person, bank or corporation such sums as the council deems necessary and to pledge or hypothecate such stock, bonds, securities or debentures as security for the loan. The resolution shall regulate the amount to be borrowed and the rate of interest to be paid.

(2) Such loan may be secured by a promissory note signed by the reeve and treasurer of the municipality and sealed with the corporate seal thereof.

(3) The power to borrow under this section shall be in addition to the powers contained in sections 256 and 257.

(4) Such loan shall not be a charge on the taxes of the municipality.

1950, c.37, s.257; R.S.S. 1953, c.140, s.258.

DEBENTURE LOANS

**Debenture bylaws**

**259(1)** When the council of a municipality desires to borrow money for all or any of the following objects, namely:

- (a) purchasing or constructing a road, highway, bridge, ferry or other municipal public work;

- (b) purchasing or otherwise acquiring any land, gravel pit, right of way, easement or other interest in land;
- (c) draining any portion of the municipality;
- (d) providing a supply of water for any portion of the municipality;
- (e) purchasing or otherwise acquiring machinery, tools or implements;
- (f) assisting in the erection or enlargement of a hospital either within or without the municipality;
- (g) purchasing, erecting, improving, altering, adding to or furnishing a building;
- (h) granting a sum not exceeding \$3,000 to assist in the erection of a building to be used as a Red Cross Outpost;
- (i) making a payment to the Saskatchewan Power Corporation to meet the whole or part of the cost of construction of a power transmission line and distribution system as provided for in paragraph 51 of subsection (1) of section 188;

it shall pass a bylaw for the purpose in a 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 authorization of the loan.
- (3) Notice of such authorization shall be published in the *Gazette*.

1950, c.37, s.258; 1951, c.43, s.16; R.S.S. 1953, c.140, s.259.

**Notice to electors**

**260(1)** Within fifteen days from the passing of the bylaw the council shall give notice to the burgesses of its intention to borrow the amount specified in the bylaw and on the conditions therein set forth.

(2) Such notice shall be in the form prescribed by the board, and shall be given by notices posted in the manner provided by section 83 and shall state the date of posting of same.

1950, c.37, s.259; R.S.S. 1953, c.140, s.260.

**Notice concerning poll on debenture**

**261(1)** Within fifteen days from the date of posting the notices, any ten burgesses may demand a poll of the burgesses for and against the bylaw and such poll shall be held as provided by sections 263 to 271.

(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.

1950, c.37, s.260; R.S.S. 1953, c.140, s.261.

**Certificate from secretary to Local Government Board re passing of bylaw**

**262** If a poll is not demanded pursuant to section 261, 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 260 and, one or more statutory declarations proving the posting of the notice and that a poll has not been demanded;
- (c) a statutory declaration showing the total area of assessable land in the municipality as shown by the last revised assessment roll thereof.

1950, c.37, s.261; R.S.S. 1953, c.140, s.262.

**Poll taken**

**263(1)** If a poll is demanded as provided by section 261, 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 at which the returning officer shall sum up the votes given for and against the bylaw.

(2) If the council deems it advisable, the poll may be held on the day herein fixed for the annual election of reeve and councillors.

1950, c.37, s.262; R.S.S. 1953, c.140, s.263.

**Notice of poll on bylaw or question**

**264** Notice of the poll shall be published at least fourteen clear days before the date of voting in the manner prescribed by section 83 and such notice shall unless otherwise prescribed by the Local Government Board be in the following form:

NOTICE OF POLL

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

Public notice is hereby given to the burgesses (*or* electors) of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ that a vote will be taken upon (*insert a summary of the bylaw or question to be submitted to the voters*) on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon (mountain standard time) at the following polling places:

- Division 1
- Division 2
- Division 3
- Division 4
- Division 5
- Division 6

and that I will at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m. sum up the votes and declare the result of the voting.

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

.....  
*Returning Officer.*

1950, c.37, s.263; R.S.S. 1953, c.140, s.264.

FOR HISTORICAL REFERENCE ONLY

**Proceedings of poll, etc.**

**265** At the day and hour fixed by the notice a poll shall be taken in each division of the municipality, and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof, including a recount, shall be conducted as nearly as may be in the same manner as at an election for reeve and councillors.

1950, c.37, s.264; R.S.S. 1953, c.140, s.265.

**Ballot paper**

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

BYLAW (state object of bylaw)
FOR
AGAINST

1950, c.37, s.265; R.S.S. 1953, c.140, s.266.

**Agents at poll**

**267** On the application of any person interested in promoting or opposing the bylaw, the reeve shall authorize the attendance of two persons, on behalf of the party applying, at each polling place and at the final summing up of the votes.

1950, c.37, s.266; R.S.S. 1953, c.140, s.267.

**Burgess votes once only**

**268(1)** Every burgess shall be entitled to vote once only on the bylaw.

(2) Every burgess shall vote in the division on the voters' list of which his name appears under the provisions of section 62.

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

1950, c.37, s.267; R.S.S. 1953, c.140, s.268.

**Votes of corporations and religious organizations**

**269** Where a bylaw requires the assent of the burgesses before the final passing thereof, any corporation and any church or other religious organization whose name appears upon the voters' list shall be entitled to one vote only, which in the case of a corporation may be given by the chief resident officer thereof, and in the case of a church or other religious organization may be given by a resident representative thereof nominated for the purpose by the local governing body; provided that no burgess shall be entitled to vote on such bylaw on behalf of any corporation, church or other religious organization.

1950, c.37, s.268; R.S.S. 1953, c.140, s.269.

**Oath of representative of corporation or religious organization**

**270(1)** If the name of a corporation, church or other religious organization which is assessed upon the last revised assessment roll is not on the voters' list and the chief resident officer or nominated representative thereof, as the case may require, presents himself for the purpose of voting and claims he is entitled to vote, the deputy returning officer shall, upon administering to him the following oath or affirmation, place the name of the corporation, church or other religious organization upon the voters' list and, subject to subsection (2), shall permit him to vote:

You swear (*or solemnly affirm*):

1. That you are the chief resident officer (*or nominated representative*) of the (*naming the corporation, church or other religious organization*) and as such you are according to law entitled to vote on the bylaw on behalf of the corporation (*or church or religious organization*);
2. That the corporation (*or church or religious organization*) is assessed upon the last revised assessment roll;
3. That you are not a burgess.

(2) The chief resident officer of a corporation or the nominated representative of a church or other religious organization may be required by the deputy returning officer or by any burgess present in the polling booth to make, before his vote is recorded, the following oath or affirmation or any part thereof:

You swear (*or solemnly affirm*):

1. That you are the chief resident officer (*or nominated representative*) of the (*naming the corporation, church or other religious organization*) and as such you are according to law entitled to vote on the bylaw on behalf of the corporation (*or church or religious organization*);
2. That the corporation (*or church or religious organization*) is the corporation (*or church or religious organization*) named in the voters' list (showing the voters' list to the voter);
3. That you have not cast any vote on the bylaw on behalf of the corporation (*or church or religious organization*);
4. That you have not nor, to the best of your knowledge and belief, has the corporation (*or church or religious organization*) directly or indirectly received any reward or gift for the vote which you now tender, nor do you or, to the best of your knowledge and belief, the corporation (*or church or religious organization*) expect to receive any;
5. That you have not nor, to the best of your knowledge and belief, has the corporation (*or church or religious organization*) directly or indirectly received anything or been promised anything either to induce you to vote on this bylaw or for loss of time, travelling expenses or any other service connected therewith;
6. And that you have not nor, to the best of your knowledge and belief, has the corporation (*or church or religious organization*) directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting;

7. That you are not a burgess.

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

1950, c.37, s.269; 1953, c.49, s.25; R.S.S. 1953, c.140, s.270.

**Declaration of result**

**271(1)** After the returning officer has, at the time and place appointed by the council and in the presence of those authorized 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 131 he shall then and there declare the result and forthwith certify to the council under his hand whether two-thirds of the burgesses entitled to vote who have voted on the bylaw approved of the same.

(2) If two-thirds of the burgesses entitled to vote who vote on the bylaw approve of the same, the bylaw shall be declared carried.

1950, c.37, s.270; R.S.S. 1953, c.140, s.271.

**Certificate from secretary concerning passing of bylaw**

**272** If a recount is not applied for within the time specified by section 137, 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 260 and one or more statutory declarations proving the posting of the notice;
- (c) a statutory declaration showing the total area of assessable land in the municipality as shown by the last revised assessment roll thereof;
- (d) a certified copy of the returning officer's statement as to the result of the poll;

and if a recount is applied for the secretary shall, after the recount, transmit the said documents to the Local Government Board, together with a certified copy of the written statement of the judge as to the result of the recount.

1950, c.37, s.271; R.S.S. 1953, c.140, s.272.

**Debentures signed and sealed by Local Government Board**

**273** Upon receipt of the documents referred to in section 262 or in section 272, and if satisfied that the requirements of this Act have been substantially complied with, the Local Government Board may sign and seal the debentures as provided in *The Local Government Board Act*.

1950, c.37, s.272; R.S.S. 1953, c.140, s.273.

**Issue of debentures**

**274** When the council of a municipality is authorized 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 authorized, 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 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 provided by section 281, shall bind the municipality and create a charge or lien upon all municipal property and rates and taxes in the municipality.

1950, c.37, s.273; 1953, c.49, s.26; R.S.S. 1953, c.140, s.274.

**Form of debentures**

**275** Every debenture issued by a municipality shall be in one of the following forms or to the like effect:

FORM 1

\$ \_\_\_\_\_ 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 cent 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 cent per annum due on that date on municipal debenture No. \_\_\_\_\_.

.....  
*Reeve.*

.....  
*Treasurer.*

FORM 2

\$ \_\_\_\_\_ Debenture No. \_\_\_\_\_

The Rural Municipality of \_\_\_\_\_ in the Province of Saskatchewan promises to pay to the bearer at \_\_\_\_\_ the sum of \_\_\_\_\_ dollars of lawful money of Canada with interest at the rate of \_\_\_\_\_ per cent per annum, the said payment to be made annually in equal payments of principal and interest combined as specified in the coupon 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 and interest due on that date on municipal debenture No. \_\_\_\_\_.

.....  
*Reeve.*  
.....  
*Treasurer.*

1950, c.37, s.274; R.S.S. 1953, c.140, s.275.

**Limit of debenture debt**

**276** 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.

1950, c.37, s.275; R.S.S. 1953, c.140, s.276.

**Rate of interest**

**277** Debentures shall not carry interest at a greater rate than six per cent per annum.

1950, c.37, s.276; R.S.S. 1953, c.140, s.277.

**Term of debentures**

**278** Debentures shall not run for a longer period than twenty years except as provided in section 279, and may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in the *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.

1950, c.37, s.277; R.S.S. 1953, c.140, s.278.

**Extension of term**

**279** If the first instalment of principal and interest of a debenture is made payable at any time after one year from the date of the debenture as provided in section 278, the debenture may run for such longer term than twenty years as may be necessary to allow of repayment of the loan in nineteen years from the date of the payment of the first instalment of principal and interest.

1950, c.37, s.278; R.S.S. 1953, c.140, s.279.

**Debenture registered by minister**

**280** 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.

1950, c.37, s.279; R.S.S. 1953, c.140, s.280.

**Debenture countersigned by minister**

**281(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 countersignature shall be conclusive evidence that the municipality has been legally constituted and that all the formalities in respect of the loan and the issue of the debenture have been complied with, and the legality of the issue of the debenture shall be thereby conclusively established and its validity shall not be questionable by any court, and the debenture shall 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 countersignature of such debenture by the minister.

1950, c.37, s.280; 1953, c.49, s.27; R.S.S. 1953, c.140, s.281.

**Debenture register**

**282** 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.

1950, c.37, s.281; R.S.S. 1953, c.140, s.282.

**Transmission of debentures, etc., by will or upon intestacy**

**283(1)** Where:

- (a) a transmission of registered debentures issued by a municipality under this or any other Act takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; and

(b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in Canada, or in the United Kingdom of Great Britain and Northern Ireland, or in any other of Her Majesty's dominions, or in any of Her Majesty's colonies or dependencies, or in the United States of America;

the probate of the said will or the said letters of administration or the said document testamentary or, in the case of a transmission by notarial will in the province of Quebec, a copy thereof duly certified in accordance with the laws of the said province, or the said other judicial or official instrument, or a copy thereof or extract therefrom certified under the seal of such court or other authority, without any proof of the authenticity of such seal or other proof whatever, shall be produced to and deposited with the treasurer of the municipality or, where the register of any such debentures is kept in the office of the Local Government Board, shall be produced to and deposited with the board.

(2) A certificate by the Provincial Treasurer or Deputy Provincial Treasurer that all succession duties payable to the province in respect of such debentures have been paid shall also be produced to and deposited with the treasurer or the board, as the case may require, together with such other documents as the municipality's or the board's own practice or regulations may require.

(3) Such production and deposit under subsections (1) and (2) shall be sufficient authority to the treasurer or the board, as the case may be, after obtaining any consent required under the *Dominion Succession Duty Act*, to pay the amount or value of any dividend, coupon, debenture or obligation, or to transfer or consent to the transfer of any debenture or obligation, in pursuance of and in conformity with such probate, letters of administration or other such document.

1950, c.37, s.282; R.S.S. 1953, c.140, s.283.

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## PART VII

### ASSESSMENT AND TAXATION

#### ASSESSMENT

##### Preparation of assessment roll

**284(1)** As soon as may be in each year but not later than the thirty-first day of May the assessor shall assess:

1. in respect of every parcel of land in the municipality:
  - (a) the registered owner; or
  - (b) the owner under *bona fide* agreement for sale; or
  - (c) in the case of property exempt from taxation:
    - (i) the owner under *bona fide* agreement for sale; or
    - (ii) the occupant under lease, licence or permit except an occupant occupying the land in an official capacity; and

2. every person who is engaged in mercantile, professional or any other business in the municipality save that of a farmer, stock raiser or person engaged in agricultural pursuits or fur farming; and
3. the owner of a building situated on land belonging to another person or not attached to the land on which it is placed; and
4. the owner of the plant and equipment of a mine, petroleum oil well, gas well or gravel pit; and
5. the owner of a gas or oil pipe line placed or affixed on or under land, whether the land is owned by the owner of the pipe line or the pipe line is placed or affixed on or under land under an easement or other agreement;

and shall prepare an assessment roll in which he shall enter the names and addresses of the persons mentioned in paragraphs 1, 2, 3, 4 and 5.

(2) Notwithstanding anything contained in subsection (1) where a registered owner of land satisfies the assessor that some other person is the beneficial owner of the land such beneficial owner shall be assessed for the land.

(3) The assessment roll shall be in such form as may be prescribed by the minister, and may consist of leaves held together in book form or cards held in a suitable filing device.

1950, c.37, s.283; 1951, c.43, s.17; 1952, c.50, s.7;  
R.S.S. 1953, c.140, s.284.

#### **Assessment of land and buildings**

**285** Subject to the other provisions of this section:

1. the dominant and controlling factor in the assessment of land and buildings shall be equity;
2. land shall be assessed at its fair value, exclusive of any increase in such value caused by the erection of buildings thereon;
3. no parcel of land shall be assessed for less than \$10;
4. the railway roadway owned by a railway company, or occupied by it if the roadway is owned by some other person and is exempt from taxation, shall be assessed at an amount not exceeding \$800 per mile. All other land owned or occupied by a railway company shall be assessed at its fair value but the superstructure thereon shall not be assessed;
5. where the holder of lands under a grazing lease, licence or permit from the Government of Canada or the Government of Saskatchewan or the municipality or a lease, licence or permit from the Government of Saskatchewan for the purpose of fur-farming, is assessed in respect of his occupancy or of his beneficial or equitable interest therein, the value of such interest for the purpose of assessment shall not exceed \$2 per acre; provided that where the department makes a revaluation of any such lands and the revaluation is adopted by the municipality the maximum of \$2 shall not apply;
6. where a holder of land under a grazing lease, licence or permit cultivates any portion thereof, except for the purpose of seeding it to grass for grazing use only, such portion shall be assessed at its fair value;

7. where an occupant of Dominion or provincial lands or of land owned by the municipality, holding such lands otherwise than under a grazing lease, licence or permit or a lease, licence or permit for the purpose of fur-farming or as a timber berth, is assessed in respect of his occupancy, his interest shall be assessed at the fair value of the land;
8. where an owner under *bona fide* agreement for sale of land exempt from taxation is assessed his interest shall be assessed at the fair value of the land;
9. the holder of a timber berth under licence from the Government of Canada or the Government of Saskatchewan may be assessed in respect of his beneficial or equitable interest in the lands described in the licence, and for the purpose of assessment the value of such interest shall not exceed \$2 per acre;
10. buildings, other than railway superstructure owned or occupied by a railway company:
  - (a) upon land in a hamlet;
  - (b) upon land elsewhere than in a hamlet in the municipality, where the area of the land used or occupied or used and occupied in connection with the buildings does not exceed twenty acres and the agricultural operation of such land and any other land used or occupied or used and occupied in connection with such buildings does not constitute the occupant's chief source of income;
  - (c) which, though situated upon land agricultural in its nature or use, are not used or occupied in connection with the agricultural operation of the land;shall be assessed at sixty per cent of their fair value;
11. where buildings to which paragraph 10 applies are situated upon land outside a city but within a town school district comprising in part land within the city and in part land in the municipality, the buildings shall for school purposes be assessed at the percentage of their fair value at which they would be assessed if they were situated upon land within the city;
12. the assessor may in estimating the fair value of any building take into consideration its inappropriateness of location or any other circumstances which, in his opinion, reduce its value;
13. (a) the plant and equipment of a mine, petroleum oil well, gas well or gravel pit shall be assessed at its fair value. For the purpose of this paragraph "**plant and equipment**" includes, buildings, fixtures, machinery, tools, railroad spur tracks and other appliances by which the mining or the operating of a petroleum oil well, gas well or gravel pit is accomplished but does not include tipples, general offices, general stores, rooming houses, public halls or yards;
  - (b) plant and equipment assessable under this paragraph shall not be assessed for business purposes;
14. where a building or a portion of a building situated on railway property exempt from taxation is used by an employee of the railway company for residential purposes, such building, or portion, and the land on which it is situated shall be assessed to the occupant, but the occupant shall not be assessed therefor in a greater amount than \$750;
15. if land exempt from taxation under section 331 ceases to be so exempt on or before the first day of July in any year, the assessor shall assess the owner or occupant and enter his name upon the assessment roll;

16. where the value at which any specified land or building has been assessed appears to be more or less than its fair value the amount of the assessment of the land or building, as the case may require, shall nevertheless not be varied on appeal if:

- (a) the value at which the land is assessed bears a fair and just proportion to the value at which other lands in the municipality are assessed; or
- (b) the value at which the building is assessed bears a fair and just proportion to the value at which other buildings in the municipality are assessed;

17. the gas or oil pipe line placed or affixed on or under land shall be assessed for \$1,000 per mile for a pipe line of two inches in diameter or fraction thereof and for each additional inch or fraction thereof in diameter up to eight inches an additional sum of \$260 per mile and thereafter for each additional one inch or fraction thereof in diameter an additional sum of \$320 per mile, exclusive of the value of any pumping equipment or buildings used in connection with the pipe line; provided that where more than one pipe line is laid upon or under the same continuing strip of land or pipe line right of way, the assessment of each such additional pipe line shall be in addition to the assessment of a single pipe line but each such additional pipe line shall be assessed for three-fourths of the said amounts;

18. the value of land through which any pipe line runs shall not be reduced where the pipe line has been buried therein and the surface rights are not owned by the owner of the pipe line.

1950, c.37, s.284; 1951, c.43, s.18; 1952, c.50, s.8;  
1953, c.49, s.28; R.S.S. 1953, c.140, s.285.

#### Businesses

**286(1)** Business shall be assessed in the following manner:

1. the assessor shall fix a rate per square foot of the floor space (irrespective of partitions, elevators, stairways, or other obstructions) of each building or part thereof used for business purposes, and shall as far as he deems practicable classify the various businesses;

2. he may fix a different rate for each class, and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class and may classify each building or part thereof according to the kind of business carried on therein and may fix a different rate for different kinds of business carried on under the same roof, and for storehouses and warehouses or other like appurtenant buildings from that fixed for the principal building, and may fix a different rate for different flats of buildings;

3. the rate shall not exceed \$8 per square foot, except in the case of banks, loan companies or other financial institutions, in which case the rate shall not exceed \$15 per square foot.

(2) When it is found by the assessor that a business is being carried on, either wholly or partially, outside of any building, he shall fix a rate per square foot of the yard space used for such business, and shall as far as he deems practicable classify the various businesses, and he may fix a different rate for each, but such rate shall not exceed \$4 per square foot.

(3) Notwithstanding anything herein contained, the area of the floor space of a grain elevator, except so much as is used for commodities other than grain, shall not be deemed, for the purpose of business assessment, to exceed one thousand square feet, nor shall the rate in respect of floor space used for grain exceed \$4 per square foot.

(4) A railway company, whether its property is liable to assessment and taxation or not, shall be liable to assessment and taxation under this section in respect of the business carried on as a railway and the provisions of this section, except subsection (2), shall apply.

1950, c.37, s.285; R.S.S. 1953, c.140, s.286.

**No double assessment**

**287** No person who is assessed in respect of any business shall be liable to pay a licence fee to the municipality in respect of the same business.

1950, c.37, s.286; R.S.S. 1953, c.140, s.287.

**Owner-occupant liable for business tax**

**288** The owner of a building who is liable to assessment in respect of business carried on therein shall, in addition to his liability for taxes levied in respect of the land and building, be liable for the business tax levied in respect of such business.

1950, c.37, s.287; R.S.S. 1953, c.140, s.288.

**Information for assessor**

**289(1)** Every person whose property is assessable shall give to the assessor all information necessary to enable him to make up the roll; but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

(2) Every railway company shall, during the month of October in each year, transmit to the assessor of each rural municipality a certified statement showing:

- (a) the total number of miles of the railway roadway situated within the outer boundaries of the municipality;
- (b) the description and area in acres of land owned or occupied by the company other than railway roadway;
- (c) the description and location of any buildings, structures, erections and improvements, except railway superstructure, owned or occupied by the company;
- (d) the address of the office of the company where assessment and tax notices are to be sent.

(3) Every owner or operator of a petroleum oil well or gas well shall on or before the first day of March in each year transmit to the assessor a certified statement containing the following information for the preceding year:

- (a) a list of the plant and equipment as defined by paragraph 13 of section 285 used in the operating of the well, together with the cost of such plant and equipment;
- (b) the location of the well and the name and address of the owner or operator.

(4) If a person refuses upon demand to give such information to the assessor or wilfully furnishes to the assessor false information, such person is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

(5) In the event of the sale of any land or business the vendor and the purchaser shall forthwith notify the assessor in writing of such change in ownership.

1950, c.37, s.288; 1952, c.50, s.9; R.S.S. 1953, c.140, s.289.

**Where owner is unknown**

**290** 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 the owner is unknown.

1950, c.37, s.289; R.S.S. 1953, c.140, s.290.

**Roll checked by assessment committee**

**291** 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 the assessment roll and make such corrections therein as the majority of the committee may decide; provided that the committee shall have no authority to alter the amount of any assessment.

1950, c.37, s.290; R.S.S. 1953, c.140, s.291.

**Allowance to members of assessment committee**

**292** The councillors who are members of the 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.

1950, c.37, s.291; R.S.S. 1953, c.140, s.292.

**Fraudulent assessment**

**293** If an assessor makes a fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein, or wilfully or fraudulently omits the name of any person who should be inserted therein, or wilfully neglects any duty required of him by this Act, he is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

1950, c.37, s.292; R.S.S. 1953, c.140, s.293.

**Mailing of notice**

**294(1)** The assessor shall, within two weeks after the preparation of the assessment roll and after the same has been checked by the assessment committee pursuant to the provisions of section 291, mail to each person whose name and address appear on the roll, a notice of his assessment.

(2) Notwithstanding the provisions of subsection (1), the council may, by bylaw to be passed on or before the first day of June in any year, dispense with the mailing of assessment notices except in cases where the assessment in respect of land or business is altered or is a new assessment, but this shall not affect the right of appeal to the court of revision and Saskatchewan Assessment Commission. A bylaw heretofore or hereafter passed under this subsection shall continue in force and have effect until repealed.

(3) The entry of the date of the mailing of such notice followed by the initials of the assessor shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the assessor, and subject to the provisions of subsection (2), the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(4) When all the notices are mailed as herein provided, the assessor shall forthwith transmit the roll to the secretary.

(5) If a bylaw is passed under subsection (2), a notice in the form given in section 295 shall be published in the *Gazette* within two weeks after the completion of the assessment roll and after the same has been corrected as required by section 291.

1950, c.37, s.293; R.S.S. 1953, c.140, s.294.

#### Posting of notice

**295** The assessor shall also, within two weeks after the completion of the roll, cause to be posted and published a notice in the following form and in the manner provided by section 83:

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, until the time for lodging of appeals has expired, 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 person who desires to object to the assessment of himself or of any other person must, within twenty days after the date of this notice (or, *where the council has passed a bylaw under subsection (2) of section 294*, the date of the publication of this notice in *The Saskatchewan Gazette*) lodge his complaint in writing with the secretary of the municipality.

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

A.B.,  
Assessor.

1950, c.37, s.294; R.S.S. 1953, c.140, s.295.

#### Notice of assessment

**296** Every notice of assessment given as provided by section 294 shall be in the form prescribed by the minister, and 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 295.

1950, c.37, s.295; R.S.S. 1953, c.140, s.296.

#### Error in form of assessment notice

**297** No assessment shall be invalidated by reason of an error, omission or misdescription in any assessment notice or by reason of the non-receipt of such notice by the person to whom it is addressed.

1950, c.37, s.296; R.S.S. 1953, c.140, s.297.

**Complaints against assessment**

**298** If any person thinks:

- (a) that he or any other person has been wrongly assessed or assessed too high or too low; or
- (b) that a building has been wrongly classified for the purpose of business assessment or that the rate per square foot of floor space fixed by the assessor is too high or too low; or
- (c) that his name or the name of any other person has been wrongly inserted in or omitted from the roll;

he may, within the time limited by the notice required by section 295, lodge a complaint with the secretary of the municipality, and such complaint shall contain a post office address to which any notice required may be sent for the complainant.

1950, c.37, s.297; R.S.S. 1953, c.140, s.298.

**Form of notice of appeal**

**299** 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 non-assessment*) of \_\_\_\_\_ on the following grounds (*here state grounds of appeal*).

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

*C.D.,  
Appellant.*

1950, c.37, s.298; R.S.S. 1953, c.140, s.299.

**Notice of hearing**

**300** The secretary shall forthwith notify every appellant, and every other person whose assessment is affected by an appeal, of the time and place of the sittings of the court of revision to hear the appeal.

1950, c.37, s.299; R.S.S. 1953, c.140, s.300.

**Time of notice**

**301** The notice referred to in section 300 shall be posted by registered letter to the appellant or other person at his post office address, 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 court of revision unless such person resides within the municipality in which case the secretary treasurer shall cause the notice to be served at such residence or so posted at least fifteen days before the sitting of the court of revision.

1950, c.37, s.300; R.S.S. 1953, c.140, s.301.

**Court of revision**

**302** The council shall be the court of revision to hear and decide upon all assessment appeals, but no member of the council shall sit as a member of the court of revision upon an appeal in respect of any property or business in which he has any interest, directly or indirectly.

1950, c.37, s.301; R.S.S. 1953, c.140, s.302.

**List of appeals**

**303** Before the sittings of the court of revision 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 court of revision:

Appeals to be heard by the court of revision of the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Appellant	Respecting whom	Matter complained of
A.B.	Self	Overcharged on land
C.D.	E.F.	Name omitted
G.H.	J.K.	Not <i>bona fide</i> owner or
etc.	etc.	tenant, etc.

1950, c.37, s.302; R.S.S. 1953, c.140, s.303.

**Clerk**

**304(1)** The secretary shall be the clerk and secretary of the court of revision in connection with assessment appeals.

(2) The clerk may, when required to do so, 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 is guilty of an offence and liable on summary conviction to a fine not exceeding \$50:

Provided that the court of revision may for good and sufficient reason excuse such person from attending before it, and in that event no fine shall be incurred for non-attendance.

1950, c.37, s.303; R.S.S. 1953, c.140, s.304.

**Conduct of hearing**

**305** The appeals shall be heard as far as possible in the order in which they stand upon the said list; but the court of revision may adjourn or expedite the hearing of any appeal as it thinks fit.

1950, c.37, s.304; R.S.S. 1953, c.140, s.305.

**Non-appearance**

**306** 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 court of revision may proceed in his absence and, unless such appellant or other person has submitted to the court of revision a statement in writing giving in detail his reasons for appealing, its decision shall be final and not subject to review by the Saskatchewan Assessment Commission.

1950, c.37, s.305; R.S.S. 1953, c.140, s.306.

**Evidence**

**307(1)** It shall not be necessary to hear upon oath the complainant or assessor or the person complained against, except where the court of revision 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 court of revision hearing the appeal.

1950, c.37, s.306; R.S.S. 1953, c.140, s.307.

**Termination of sittings**

**308** All the duties of the court of revision shall be completed by the first day of August, and no appeal to the court of revision shall be heard after that date except as provided in section 328.

1950, c.37, s.307; R.S.S. 1953, c.140, s.308.

**Amendment of roll**

**309(1)** Forthwith after the conclusion of the sittings the secretary shall amend the assessment roll in accordance with the decisions of the court of revision.

(2) 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.

1950, c.37, s.308; R.S.S. 1953, c.140, s.309.

**Appeal**

**310(1)** There shall be a right of appeal from the decision of the court of revision to the Saskatchewan Assessment Commission as provided herein and according to the procedure prescribed herein.

**Adoption of roll**

(2) The roll with any amendments made by the court of revision or on appeal by the commission, shall when the secretary has received the certificate mentioned in subsection (3) of section 326 be the assessment roll of the municipality.

1950, c.37, s.309; R.S.S. 1953, c.140, s.310.

**Correction of errors**

**311** 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.

1950, c.37, s.310; R.S.S. 1953, c.140, s.311.

**APPEAL FROM COURT OF REVISION TO SASKATCHEWAN  
ASSESSMENT COMMISSION**

**Appeal lies to commission**

**312** Subject to section 306, an appeal to the Saskatchewan Assessment Commission lies, at the instance of the assessor or of any appellant to the court of revision or of any other person, not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the court to hear or decide an appeal to it.

1950, c.37, s.311; R.S.S. 1953, c.140, s.312.

**Notice of appeal**

**313(1)** When the decision of the court of revision is given at the time of the hearing, the appellant shall in person or by agent serve upon the secretary treasurer within fourteen days after the decision a written notice of his intention to appeal to the commission.

(2) Where such decision is not given at the time of the hearing, the secretary treasurer shall forward a notice of the decision to the appellant by registered letter, and the appellant shall serve his notice of intention to appeal, within fourteen days from the date of the registration of the letter.

(3) In case of the omission, neglect or refusal of the court to hear or decide an appeal the appellant shall serve his notice of intention to appeal, within fourteen days after the completion of the sittings of the court.

(4) The appellant shall, in any case, forward a copy of the notice to the Saskatchewan Assessment Commission.

1950, c.37, s.312; R.S.S. 1953, c.140, s.313.

#### **Secretary notifies commission**

**314** The secretary shall, immediately after the time limited for filing notices of appeal, forward a list of the appeals to the secretary of the commission and the commission shall fix a day and place for hearing the appeals.

1950, c.37, s.313; R.S.S. 1953, c.140, s.314.

#### **Notice to parties**

**315(1)** The secretary of the municipality shall, immediately upon being notified of the time and place fixed by the commission for hearing the appeals, give notice to all parties against whose assessments appeals have been taken in the same manner as is provided for giving notice of a complaint.

(2) If the secretary fails to have the required service in any appeal made or to have the same made in proper time, the commission may direct service to be made for a subsequent day.

1950, c.37, s.314; R.S.S. 1953, c.140, s.315.

#### **Notice of appeals and hearing**

**316** The secretary shall also cause a conspicuous notice to be posted in his office containing the names of all the appellants and parties against whose assessments appeals have been taken, with a brief statement of the grounds or causes of appeal together with the time and place at which the commission will sit to hear appeals.

1950, c.37, s.315; R.S.S. 1953, c.140, s.316.

#### **Hearing and adjournment**

**317** At the time and place fixed by it the commission shall hear the appeals, and may adjourn the hearing from time to time and defer decision thereon at its pleasure.

1950, c.37, s.316; R.S.S. 1953, c.140, s.317.

#### **Production and amendment of roll**

**318** The secretary of the municipality shall appear at the hearing and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal, and the roll shall be confirmed, altered or amended according to the decision of the commission, if then given, and the chairman shall write his initials opposite any part of the roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given the secretary shall, when the same is given, forthwith alter the roll accordingly, and shall write his name opposite every alteration or correction.

1950, c.37, s.317; R.S.S. 1953, c.140, s.318.

**Witnesses**

**319** In such proceedings the commission shall possess all such powers for compelling the attendance and for the examination on oath of all parties, whether claiming or objecting or objected to, and all other persons whomsoever, and for the production of books, papers and documents and for the enforcement of its orders and decisions as belong to or might be exercised by any court in civil cases.

1950, c.37, s.318; R.S.S. 1953, c.140, s.319.

**Costs**

**320(1)** The costs of proceedings before the commission shall be paid by or apportioned between the parties in such manner as it thinks proper; and where costs are ordered to be paid by a party, payment of the same may be enforced by execution, to be issued in the same manner as upon a judgment for costs in the district court.

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

1950, c.37, s.319; R.S.S. 1953, c.140, s.320.

**Filing of decisions**

**321** The clerk of the district court shall, at the request of the commission or of any party interested, file the orders and decisions of the commission in the same manner as if they were orders or decisions of the court.

1950, c.37, s.320; R.S.S. 1953, c.140, s.321.

**Decision of commission final**

**322** Subject to the provisions hereinafter contained the decision of the commission shall be final and conclusive, in every case adjudicated upon.

1950, c.37, s.321; R.S.S. 1953, c.140, s.322.

**APPEAL FROM SASKATCHEWAN ASSESSMENT COMMISSION  
TO COURT OF APPEAL**

**Appeal to court of appeal *re* school assessment**

**323(1)** Where the ground of appeal was that the appellant or some other person was wrongly assessed as a public or separate school supporter, an appeal shall lie from the commission to the Court of Appeal.

(2) The procedure on such appeal shall be the same as is provided on an appeal from a final order, judgment or decision of the district court in a civil action.

1950, c.37, s.322; R.S.S. 1953, c.140, s.323.

STATED CASES FROM SASKATCHEWAN ASSESSMENT  
COMMISSION TO COURT OF APPEAL

**Power of commission to submit stated case on question of law**

**324(1)** At any stage of the proceedings before the Saskatchewan Assessment Commission, the commission may submit in the form of a stated case for the opinion of the Court of Appeal a question of law arising in connection with any appeal and shall reserve its decision until the opinion of the court has been given, when it shall decide the appeal in accordance with the opinion.

**Request for stated case**

(2) Any party to the proceedings before the commission, including the municipality acting on the resolution of its council, may, within thirty days after the decision of the commission, by writing addressed to the secretary of the commission, request the commission to submit a case for the opinion of the Court of Appeal on a question of law only, not involving a question of valuation, and any party making such request shall at the same time deposit with the secretary of the commission the sum of \$10 as security for costs.

**Enlargement**

(3) A judge of the Court of Appeal may, before or after the expiration of the time allowed by subsection (2) for requesting a stated case, enlarge the time for making such request.

**Submission of case on request**

(4) Within fifteen days after the receipt of such request and deposit, the commission shall submit in writing a stated case for the opinion of the court.

**Costs**

(5) The costs of and incidental to a stated case shall be in the discretion of the court.

**Entry of stated case**

(6) Where a case is stated, the secretary of the commission shall forthwith file the case with the registrar of the court, who shall enter the same for argument before the court.

**Judgment**

(7) The court shall hear and determine the question and within thirty days give its opinion and cause it to be forwarded to the commission; but the court may, if it thinks fit, cause any case to be remitted to the commission for amendment, and thereupon the commission shall amend the case accordingly and the opinion of the court shall be delivered after the amendment.

1950, c.37, s.323; R.S.S. 1953, c.140, s.324.

AMENDMENT AND BINDING EFFECT OF ASSESSMENT ROLL

**Correction of roll**

**325** After receipt of the opinion of the court on a stated case, the commission shall, if the opinion is at variance with the conclusion at which it had itself arrived, direct the secretary treasurer of the municipality to make the necessary amendment to the assessment roll in accordance with the opinion, and the secretary treasurer shall forthwith do so.

1950, c.37, s.324; R.S.S. 1953, c.140, s.325.

**Roll binding when certificate issued by minister**

**326(1)** When the roll is finally completed and the time during which complaints and appeals against the assessment may be made has elapsed, or where there are appeals and the same have been disposed of, the secretary shall make a return to the minister in such form as he may prescribe, showing particulars of any alterations which have been made in the assessment by the court of revision, and the final assessment of the municipality.

(2) Upon receipt of the return the minister shall, after making such inquiries as he deems advisable, confirm the assessment by certificate issued under his seal as the assessment of the municipality for the current year.

(3) Upon receipt of the certificate the secretary shall immediately attach it to the last page or card of the assessment roll and the roll as thus finally completed and certified shall be valid and binding on 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.

(4) When a person assessed has no interest in the land in respect of which he is assessed, the assessment shall bind the land but not the person assessed.

(5) Upon the issue of a certificate the minister shall cause to be published in the next issue of the *Gazette* a notice to the effect that the assessment of the municipality has been confirmed.

(6) No assessment which has not been confirmed by the minister shall have any force or effect and taxes levied thereon shall be deemed to be improperly levied and shall not be recoverable under this Act or *The Tax Enforcement Act*.

1950, c.37, s.325; R.S.S. 1953, c.140, s.326.

**Addition to roll where person liable is not assessed**

**327** If before the first day of December it is discovered that any person liable to assessment is not assessed or that any person has commenced business after the roll was prepared, the council may direct the secretary treasurer to enter the name of such person on the roll and every such entry shall be dated and initialed by the secretary treasurer.

1950, c.37, s.326; R.S.S. 1953, c.140, s.327.

**Notice to person affected by addition**

**328** In the event of any such addition to the roll the secretary treasurer shall send the notice required by section 294 to the person affected and every such person shall have the right to appeal against the assessment and such appeals shall be made, heard and determined as nearly as may be in the manner provided by this Act.

1950, c.37, s.327; R.S.S. 1953, c.140, s.328.

**Evidence of roll**

**329** 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 without the production of the original assessment roll.

1950, c.37, s.328; R.S.S. 1953, c.140, s.329.

## TAXATION

**Property, etc., subject to taxation**

**330(1)** Subject to the provisions hereinafter contained, the municipal and school taxes shall be levied upon land, buildings, business and the plant and equipment of oil wells, gas wells, mines and gravel pits.

(2) Minerals within the meaning of *The Mineral Taxation Act* shall not be subject to taxation under this Act.

1950, c.37, s.329; 1952, c.50, s.10; R.S.S. 1953, c.140, s.330.

**Exemptions**

**331(1)** In every municipality the property exempt from taxation shall be:

1. the interest of the Crown in any property, including property held by any person in trust for the Crown;
2. property specially exempted by law;
3. all lands held by or in trust for the use of any tribe of Indians;
4. the office owned and occupied by a school district or school unit and the buildings and grounds, not exceeding four acres, owned and occupied by it for the purposes of a school, except any part of such buildings used as a dwelling and the land used in connection therewith;
5. every place of public worship and the land used in connection therewith, not exceeding three acres, of which a religious organization is the owner, except such part as may have any other building thereon:

provided that if any portion of a place of public worship is used as a dwelling or is leased and used for purposes other than public worship such portion and the land used in connection therewith shall be subject to taxation;

6. the buildings and grounds, not exceeding five acres, of and attached to or otherwise *bona fide* used in connection with and for the purpose of every hospital approved under *The Hospital Standards Act* or any former *Hospital Standards Act*, so long as such buildings and grounds are actually used and occupied by such hospital but not if otherwise occupied or occupied as a dwelling;
7. the land in use as a public cemetery not exceeding twenty-five acres;
8. any land belonging to the municipality;
9. any land owned by a city, town or village and used for municipal purposes:

provided that where a building or any portion of a building situated on such land is occupied by any person as a residence or for any purpose other than a municipal purpose, such building or portion shall be subject to taxation except where the building is situated on land strictly agricultural in its nature or use and the building or portion is occupied in connection with the agricultural operation of the land;

10. the buildings and grounds of agricultural societies organized under *The Agricultural Societies Act* or any former *Agricultural Societies Act*;
11. every community hall owned and operated by an association incorporated under *The Co-operative Associations Act* or any former *Co-operative Associations Act* and the land owned by the association and used in connection therewith;

12. the buildings on land elsewhere than in a hamlet and strictly agricultural in its nature or use;
13. the buildings with grounds attached, owned and occupied by a branch of the Canadian Legion of the British Empire Service League;
14. every monument erected as a war memorial and the land used in connection therewith, not exceeding one acre;
15. land under the control of the Land Utilization Board, land held under the lease by Her Majesty the Queen in right of Saskatchewan as represented by the Minister of Agriculture and land which has been reserved for land utilization purposes by written agreement between the owner thereof and the Land Utilization Board, notice of which agreement has been sent by registered mail to the secretary treasurer by the board;
16. airports and landing fields and the land used in connection therewith.

(2) For the purpose of encouraging the planting of trees and the conservation of water the council may, by bylaw passed at a regular meeting or at a special meeting called for the purpose, exempt from taxation any area of not less than one acre and not exceeding ten acres covered by a plantation of growing trees, or any area of not less than five acres and not exceeding fifty acres covered by water which has been dammed or impounded.

1950, c.37, s.330; 1951, c.43, s.19; R.S.S. 1953, c.140, s.331.

#### **Exceptions to exemptions**

**332(1)** If any property exempt from taxation, or any portion of such property, is occupied by a person otherwise than in official capacity, or if any building on such property or any portion of such building is used as a dwelling, the occupant of such property or building, or portion thereof, shall be taxed therefor as well as for any land used in connection with such dwelling, but the property itself shall not be liable.

(2) If any land exempt from taxation under section 331 ceases to be so exempt on or before the first day of July in any year, the owner or occupant assessed shall be taxed in respect of that portion of the year during which it is not exempt.

1950, c.37, s.331; R.S.S. 1953, c.140, s.332.

#### **Adjustment of levy on commencement or discontinuance of business**

**333** If any business is commenced after the thirty-first day of January or is discontinued before the first day of December the council shall upon written request adjust the amount levied in respect of such business to correspond with the portion of the year during which the business is or was carried on.

1950, c.37, s.332; R.S.S. 1953, c.140, s.333.

#### **Certain buildings liable to taxation as improvements**

**334** Where the owner of a building situated on land belonging to another person, whether or not such land is exempt from taxation, or of a building which is not attached to land upon which it is placed, is assessed, such building:

- (a) shall be liable to taxation as an improvement upon the land and shall be subject to a lien for the taxes;

(b) in case of removal, may be distrained upon for such taxes within three months from the date of removal, notwithstanding that it has been attached to the soil in its new situation;

(c) may be sold and disposed of for such taxes in the same manner as chattels distrained for taxes may be sold and disposed of;

and the purchaser of any building so sold and disposed of shall have free right of entry upon the land on which the building stands for the purpose of severing it from the soil, if necessary, and of removing it.

1950, c.37, s.333; 1952, c.50, s.11; R.S.S. 1953, c.140, s.334.

#### Annual estimates

**335** The council shall as soon as practicable in each year prepare, in such detail and in such form as the minister may prescribe, estimates of the proposed or probable expenditures of the municipality for the current year.

1950, c.37, s.334; R.S.S. 1953, c.140, s.335.

#### Levy of rate

**336** Upon the completion of the estimates the secretary shall lay before the council the revised assessment roll for the year, certified as provided by section 326, and the council shall by resolution authorize the treasurer to levy upon all taxable assessments entered in the roll such taxes at a uniform rate on the dollar as are deemed sufficient to meet the estimate, and in fixing the rate the council shall make due allowance for the non-payment of taxes.

1950, c.37, s.335; R.S.S. 1953, c.140, s.336.

#### Submission of annual estimates to Local Government Board

**337(1)** Where in the opinion of the minister the financial position of a rural municipality warrants such action, the Local Government Board may, upon the request of the minister, require the council to submit to the board for revision and approval, a statement of the annual estimates of expenditure of the municipality and also the rate or rates proposed to be struck for the then current year, and the board may alter or vary, increase or decrease, such estimates and rates.

(2) Such estimates and rates shall not become effective, nor shall any bylaw or resolution be passed by the municipality with respect thereto, until they have been revised and approved by the board, but when so approved they shall be final and binding upon the municipality, unless subsequently varied or cancelled by order of the board.

(3) The provisions of sections 12 and 13 of *The Local Government Board (Special Powers) Act* apply.

1950, c.37, s.336; R.S.S. 1953, c.140, s.337.

#### Collection of taxes imposed under certain Acts

**338** Taxes imposed at any time under *The Local Improvement Districts Act* or any former *Local Improvement Districts Act* or *The School Assessment Act* or any former *School Assessment Act* upon lands within the municipality shall be collected by the municipality.

1950, c.37, s.337; R.S.S. 1953, c.140, s.338.

**Tax for sanitary service in hamlet**

**339** 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 situated a dwelling house or other building which will have the benefit of the sanitary service.

1950, c.37, s.338; R.S.S. 1953, c.140, s.339.

**Amusement tax**

**340(1)** For the purpose of this section:

**“owner”**

1. **“owner”** means an individual, firm, company or corporation operating a place of amusement in the municipality;

**“place of amusement”**

2. **“place of amusement”** means a theatre, moving picture theatre, open air theatre, amusement hall, concert hall, music hall, dance hall or pavilion, circus, menagerie, sideshow, carnival or collection of sideshows, race course, race track, baseball park or grounds, athletic park or grounds, amusement park or grounds, football grounds, skating rink or other place where an exhibition or entertainment is given or game played and an entrance fee is charged or collected through the sale of tickets or otherwise;

**“entrance fee”**

3. **“entrance fee”** includes every charge made for seating accommodation, whether or not payment is required before entrance.

(2) The council may, by bylaw require that every person attending a place of amusement shall pay a tax upon each admission thereto. The tax may vary with the amount of the entrance fee.

(3) The council may by bylaw imposing the tax, make rules and regulations for the collection, proper accounting and due payment thereof and for preventing evasion; and, without restricting the generality of the foregoing provision, may exercise all or any of the following powers:

(a) require that the tax shall be collected by the owners of places of amusement by means of tickets in a form prescribed or approved by a municipal official named for the purpose, or otherwise;

(b) allow the owners such commission upon the sale of tickets or the amount of tax collected as may be deemed reasonable;

(c) require such owners to deface tickets sold under this section and to place at the entrance of their respective places of amusement receptacles for receiving the tickets so defaced, of such pattern as may be approved by a municipal official named for the purpose;

(d) prescribe the manner in which such tickets shall be defaced, and their reissue prevented;

(e) authorize police constables or municipal inspectors to enter places of amusement when on duty to ascertain whether the provisions of the bylaw are being observed, and to place in the lobby or elsewhere notices concerning the tax;

(f) exempt certain persons and the persons attending certain classes of entertainment from paying the tax;

(g) require the owners to make returns under oath in a prescribed form, showing the number of admissions to their respective places of amusement, the entrance fees paid, and the amount of tax collected, with such other information as may be deemed necessary or convenient; and require the owners to pay over the amount collected to the municipal treasurer after each performance or entertainment, or at such times and in such manner as may be deemed advisable.

(4) The council may agree with the owner of a place of amusement for payment by such owner of a sum or sums in lieu of the tax and for the exemption of persons attending such place of amusement from payment of the tax during the period covered by the agreement.

1951, c.43, s.20; R.S.S. 1953, c.140, s.340.

**Rural or village school districts within municipality**

**341(1)** If a municipality includes within its limits the whole or a part of a rural or village school district erected under *The School Act* or any former *School Act*, the council shall assess and levy in each year within the district or portion of the district, as the case may require, in accordance with the provisions of *The School Assessment Act*, such rate as shall be sufficient to meet the sums required to be raised in the district or portion thereof for the purposes of the district; and such rates shall be assessed and collected in the same manner as municipal rates and taxes.

(2) Where an adjustment has been made under the provisions of section 10 of *The School Assessment Act*, the council may levy a different rate in a hamlet from that which it levies in the rural parts of the school district.

1950, c.37, s.339; R.S.S. 1953, c.140, s.341.

**Town school districts within municipality**

**342** If a municipality includes within its limits part of a town school district erected under *The School Act* or any former *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.

1950, c.37, s.340; R.S.S. 1953, c.140, s.342.

**Rural district in school unit**

**343** Notwithstanding anything in this Act or *The School Assessment Act*, where a rural school district is wholly or partly contained in a unit established under *The Larger School Units Act* or any former *Larger School Units Act*, the provisions of sections 68 to 79 inclusive of the last mentioned Act shall apply to the levy and payment of school taxes with respect to such rural school district.

1950, c.37, s.341; R.S.S. 1953, c.140, s.343.

**Entries in assessment roll**

**344(1)** On or before the first day of September in each year the treasurer shall enter in the assessment roll for the year in the several columns provided for the purpose a statement of all taxes levied against each lot or parcel of land assessed as shown by the roll, and the statement when completed shall show:

1. the rate on the dollar levied by the municipality to meet the estimated expenditure of the municipality as hereinbefore provided;

2. the rate on the dollar to be levied by the treasurer for school purposes;
3. the sum total of the rate levied against each lot or parcel of land;
4. the total taxes due for the current year on each lot or parcel of land;
5. the arrears of taxes levied under any authority due on each lot or parcel of land;
6. the sum total of all taxes due on each lot or parcel of land.

(2) A person whose business tax would be less than \$5 for any business shall be taxed \$5 for that business, and if the property tax of any person for municipal purposes is less than \$2, the property tax to be entered in the roll as payable by such person for such purposes shall be \$2.

(3) All arrears of school taxes levied before the organization 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.

1950, c.37, s.342; R.S.S. 1953, c.140, s.344.

**Conversion of business tax to licence fee**

**345(1)** Notwithstanding anything contained in this Act or in any other Act, the council may by bylaw provide that when taxes in respect of the assessments of businesses have been determined pursuant to section 344 the tax so determined in respect of any or all classes of businesses, except the business of a public hotel or other place of public accommodation, shall be deemed to be a licence fee and the council shall issue a licence upon receipt of an application therefor and upon payment of the licence fee or such portion thereof as may be determined by the council.

(2) The power conferred by this section to license any business shall include the power to prohibit the carrying on or engaging in it without a licence, and to impose penalties upon unlicensed persons, to enforce payment of licence fees, to limit the time during which a licence shall remain in force, and to suspend or revoke or provide for the suspension or revocation of licences; and such power shall, within the municipality, extend to persons who carry on business partly within and partly without the limits of the municipality.

(3) The council may delegate to the medical health officer the power to revoke a licence issued under this section to any person who sells food or drink for human consumption in the municipality but who neglects or refuses to comply with the rules, orders or regulations of the Minister of Public Health or with the bylaws of the municipality relevant to such business.

(4) A person whose business tax has been constituted a licence fee as provided in subsection (1) shall forthwith after notice of the adoption of the bylaw has been forwarded to him by registered mail apply to the municipality for a licence in respect of the business carried on or engaged in by him.

(5) Unless a bylaw passed under subsection (1) otherwise provides, it shall not be necessary to pass another bylaw with respect to any subsequent year, and the provisions of subsection (1) governing the procedure subsequent to the passing of the bylaw shall apply.

(6) In each subsequent year in respect of which the bylaw is in force, application for a licence shall be made within thirty days after a notice calling for such application has been forwarded by registered mail.

(7) A business tax constituted a licence fee under this section shall remain distributed in the tax roll according to the various purposes in respect of which the business tax was imposed, and when the licence fee is collected it shall be deemed to have been collected on account of such purposes.

(8) All the provisions of this Act which are applicable to a business tax determined pursuant to section 344 apply *mutatis mutandis* to a licence fee constituted under this section in the same manner and to the same extent as if it were a business tax.

(9) Notwithstanding the provisions of subsection (1) or (5), where a licence fee has been paid the licence shall continue in force until midnight of the thirty-first day of December of the year for which the licence is issued:

Provided that the licence may be revoked by the medical health officer where power to do so has been delegated to him under subsection (3).

(10) The conversion of a business tax to a licence fee and the collection of the licence fee shall in no case be held to prevent the assessment of land held or used by the licence holder or the collection of taxes lawfully imposed thereon.

(11) Section 287 does not apply to a business in respect of which the business tax has been constituted a licence fee under this section.

(12) Where a licence is revoked, the licensee shall be entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

1950, c.37, s.343; R.S.S. 1953, c.140, s.345.

#### **Arrears of school taxes**

**346** Subject to the provisions of subsection (2) of section 257, all school taxes or moneys due by a municipality, remaining unpaid to the trustees of any rural or village school district after the dates fixed by this Act for payment of the same, shall be a debt due by the municipality to the district and may be recovered by suit in the name of the board of trustees.

1950, c.37, s.344; R.S.S. 1953, c.140, s.346.

#### **Transfer of taxes to town school district**

**347** The council of every rural municipality shall transfer, at least monthly to the treasurer of any town school district situated partly within the municipality, any taxes which the municipality may have collected on behalf of the district.

1950, c.37, s.345; R.S.S. 1953, c.140, s.347.

#### **Notice of telephone taxes not received**

**348** If the notice of taxes to be levied on behalf of a rural telephone company, as provided by section 47 of *The Rural Telephone Act*, is not received by the first day of May in any year, the secretary of the municipality shall forthwith notify the Minister of Telephones to that effect.

1950, c.37, s.346; R.S.S. 1953, c.140, s.348.

**Taxes due to rural telephone companies**

**349(1)** On or before the thirty-first day of December in each year or at a later date, but not less than two weeks prior to the date upon which the next debenture payment of a rural telephone company falls due, the council shall, subject to the provisions of subsection (2), pay to any rural telephone company for which it collects taxes the whole amount which the company has required the council to levy for the year ending on such thirty-first day of December.

(2) If the company has levied extra or special sums for the purpose as provided by subsection (3) of section 9, section 10, subsection (4) of section 13, subsection (2) of section 43 or subsection (2) of section 51 of *The Rural Telephone Act*, the amount of such levies shall not be paid to the company but shall be deposited by the municipality in a chartered bank, to be designated by the company, in the joint names of the company and the Minister of Telephones.

(3) The council may borrow money, on the credit of the taxes to be collected for the current year for any rural telephone company, to an amount not exceeding eighty per cent of the total estimated taxes so to be collected.

(4) Where the council borrows the amount to be paid to a rural telephone company under this section, the interest on the loan shall be payable to the municipality by the rural telephone company, but in no case shall interest be charged to the company by the municipality after the thirty-first day of December of the year in which the taxes were levied.

(5) Where, through the failure of the council to make the payment required by subsection (1), a rural telephone company is compelled to pay interest on an overdue debenture payment, the council shall reimburse the company the amount of such interest.

1950, c.37, s.347; R.S.S. 1953, c.140, s.349.

**Arrears of telephone taxes**

**350** All taxes or moneys actually collected or due by a municipality remaining unpaid to a rural telephone company after the date fixed by this Act for payment of the same shall be a debt due by the municipality to the company, and may be recovered by action at the suit of the company.

1950, c.37, s.348; R.S.S. 1953, c.140, s.350.

**Uncollectable taxes**

**351(1)** When a municipality compromises or abates its claim for taxes under the provisions of section 217 or when arrears of taxes levied against the occupant of any parcel of Crown land or the occupant of lands exempt from taxation, or any business taxes, become uncollectable because of the occupant quitting possession and the municipality is unable to enforce collection thereof, the municipality may charge back to the health region, union hospital district, school district or school unit, the health services taxes, hospital taxes or school taxes, respectively, remitted in such compromise or abatement or levied against such occupants and may, subject to the consent of the board of directors of the Saskatchewan Municipal Hail Association or the Board of Revenue Commissioners, as the case may require, charge back to the said association or to the Provincial Treasurer their respective proportions of any taxes compromised or abated.

(2) Where taxes due to a municipality are reduced or cancelled in whole or in part pursuant to a composition, extension of time or scheme of arrangement under *The Farmers' Creditors Arrangement Act, 1934 (Canada)* or the *Farmers' Creditors Arrangement Act*, chapter 111 of the *Revised Statutes of Canada, 1952*, the municipality may charge back to the Provincial Treasurer or to the school district or school unit, The Saskatchewan Municipal Hail Insurance Association or any other organization on whose behalf the taxes were levied or imposed their respective proportions of the amount of the reduction or cancellation.

(3) Where such taxes have been heretofore or are hereafter so cancelled in part and the balance is to be paid by instalments over a period of years, the treasurer shall remove such balance from the tax roll and insert it in another record, and the provisions of this Act respecting the imposition of penalties and collection of taxes and of *The Tax Enforcement Act* shall thereupon cease to apply with respect to such balance or any portion thereof from time to time contained in the said record.

(4) If the land in respect of which the taxes were levied is subject to a tax lien registered under *The Tax Enforcement Act* or any former *Tax Enforcement Act*, the treasurer shall, upon cancellation of the taxes, or upon cancellation thereof in part and removal of the balance from the tax roll, forward to the registrar of land titles a withdrawal of the tax lien.

(5) Notwithstanding the provisions of subsections (3) and (4), the lien created by subsection (1) of section 355 shall continue against the land until such balance of taxes, together with any penalties thereon, is paid.

(6) In each year in which a portion of such balance of taxes becomes due and payable, the treasurer shall transfer such portion to the tax roll and thereupon the amount so transferred shall be deemed to be taxes imposed against the land in such year.

(7) Where the school district is situated in two or more municipalities, or partly in one or more municipalities and partly in a local improvement district or districts, the amount of any taxes charged back under subsections (1) and (2) may be added to the estimated expenditure as provided by clause (a) of subsection (1) of section 5 of *The School Assessment Act*, and when so added shall be borne by the different portions of the district in the same proportion as the annual levy under subsection (2) of the said section 5.

(8) On or before the fifteenth day of January in each year the treasurer of every municipality shall transmit to the board of trustees of each school district situated wholly or in part within the municipality or to the board of any school unit in which the municipality is wholly or partly situated a statement, in such form as the minister may prescribe, of the account of the municipality with the district or school unit as at the thirty-first day of December in the preceding year, showing in detail any amounts to be charged back under the provisions of subsections (1) and (2).

1950, c.37, s.349; R.S.S. 1953, c.140, s.351.

#### Charging back telephone taxes

**352** When a municipality has paid taxes to a rural telephone company under the provisions of section 349, and the taxes levied upon the occupant of any parcel of Crown land become uncollectable because of his quitting possession, the municipality may charge back to the company the amount of any taxes paid to it in respect of that parcel.

1950, c.37, s.350; R.S.S. 1953, c.140, s.352.

## COLLECTION OF TAXES

**Mailing tax notice**

**353(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.

(2) The entry of the date of mailing each 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 of or initialing by 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 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 be approved by the minister:

Provided that, if a municipality is required to levy rates under the provisions of *The Municipal Hail Insurance Act* or *The Health Services Act* and such rates have not been assessed when the tax notices are mailed, notification of such rates shall be given by supplementary notice mailed on or before the fifteenth day of September.

(4) If land has been sold for taxes or if a tax lien has been filed against the land under *The Tax Enforcement Act* or any former *Tax Enforcement Act*, the notice shall state that fact.

1950, c.37, s.351; 1952, c.50, s.12; R.S.S. 1953, c.140, s.353.

**Collector of taxes**

**354(1)** The council shall, not later than the first day of August in each year, appoint a collector to collect taxes or other amounts outstanding and due to the municipality.

(2) On or before the fifteenth day of December in each year the collector shall, unless a distress for the sums due has been made, call upon each taxpayer resident in the municipality whose taxes are unpaid for the purpose of effecting collection of such sums and shall on or before the thirty-first day of December make a return to the council showing each amount which he was unable to collect and the parcel in respect of which it is payable, and shall state the reason for non-collection.

(3) The council may by resolution passed on or before the fifteenth day of October in any year dispense with the requirements of subsection (2) for that year.

1950, c.37, s.352; R.S.S. 1953, c.140, s.354.

**Taxes a lien on land**

**355(1)** The taxes accruing upon or in respect of any land in the municipality shall be a special lien upon the land having priority over any claim, lien, privilege or encumbrance thereon except claims of the Crown.

(2) When a patent issues for any land within the municipality, the taxes which have accrued upon or in respect of the occupancy of the land by the patentee or any holder of an entry to whom a certificate of recommendation for patent has been issued or any assignee or transferee of such holder's interest, before the issue of patent, shall form a lien upon the land having priority over any claim, lien, privilege or encumbrance thereon except claims of the Crown.

(3) Where title issues to a purchaser of property exempt from taxation the taxes levied against him prior to such issue, and remaining unpaid, shall form a lien upon the land.

(4) The provisions of subsection (2) shall be retrospective in operation and shall be deemed to have been at all times the law of this province.

1950, c.37, s.353; R.S.S. 1953, c.140, s.355.

**Taxes a lien on crops**

**356(1)** Notwithstanding anything contained in any statute or in the common law taxes heretofore or hereafter levied upon or in respect of land in the municipality shall be a special lien or charge upon all crops grown on the land in each year until the said taxes are paid and such lien or charge shall have priority over all other claims, liens, privileges or encumbrances on such crops, except:

- (a) the threshers' lien, if any, under *The Threshers' Lien Act* for threshing the crops;
- (b) the right, if any, of the municipality to distrain for advances made or guaranteed by it for binder twine, repairs to implements, and parts, for use in cutting the crops to the extent of thirty cents for each acre cut and threshed;
- (c) liens and charges created by section 33 of *The Bills of Sale Act* for or in respect of seed grain or necessaries within the meaning of the said section, or both, advanced in the year in which the lien or charge arises; and
- (d) liens and charges created by *The Municipalities Seed Grain and Supply Act* or any former *Municipalities Seed Grain and Supply Act* for or in respect of seed grain or supplies, or both, advanced in the year 1938 or any subsequent year.

(2) Subsection (1) does not apply where a person has on or before the first day of July in any year, paid to the municipality all indebtedness owing by him in respect of seed grain and supplies advanced by the municipality in the year 1938 and subsequent years, and all arrears of taxes, and the municipality shall omit the name of such person from the list mentioned in clause (a) of subsection (7) and on request furnish to such person an exemption certificate.

(3) Subsection (1) applies also with respect to any tax levied pursuant to *The Municipal Medical and Hospital Services Act*, Part IV of *The Health Services Act* or of any former *Health Services Act*, or *The Saskatchewan Hospitalization Act* or any former *Saskatchewan Hospitalization Act*, except that such tax shall be a special lien or charge upon all crops grown by a person in respect of whom the tax is levied or who is liable to payment of the tax, and the expression "**taxes**" wherever it occurs in this section shall be deemed to refer also to the said tax.

(4) Where a thresher exercises his lien under *The Threshers' Lien Act* upon the crops grown on any land in the municipality, the treasurer shall upon demand furnish him with a certificate setting forth the quantity of grain seized under his lien, and thereupon he shall have the right to sell or dispose of such grain to any purchaser thereof upon producing the certificate to the purchaser.

(5) Subject to subsection (9), the treasurer or the tax collector, where duly authorized by resolution of the council, may in any year exempt any land in the municipality, or any crop or portion thereof, from the operation in such year of subsections (1) and (3) or either of these subsections by issuing a certificate:

- (a) exempting the land; or

- (b) exempting any crop grown on the land, or any portion of such crop; or
  - (c) stating that the person to whom the certificate is issued is entitled to sell the quantity of grain therein specified, being the holder of a chattel mortgage under section 33 of *The Bills of Sale Act*, for or in respect of seed grain, or necessaries within the meaning of the said section, or both, advanced in the year in which the certificate is issued, and exempting such grain when offered for sale by him.
- (6) The council shall in each year by resolution exempt from the operation of subsections (1) and (3) crops of flax, wheat, rye, oats or barley to an amount of not less than \$2 and not more than \$5 per seeded acre and the secretary treasurer shall on or before the fifteenth day of July forward by registered mail or deliver to the purchaser of the grain a certified copy of the resolution:

Provided that until the purchaser is furnished with a copy of the resolution he may without incurring any penalty under this Act purchase any or all of such grains up to a value of \$5 per seeded acre.

- (7) Notwithstanding subsections (1), (3) and (5):
- (a) the treasurer of every municipality shall, prior to the first day of August in each year post in his office and forward by registered mail or deliver to the agents and head offices of elevator companies and other purchasers of grain ordinarily purchasing grain grown within the municipality an alphabetical list in a form prescribed by the minister showing the names of all persons who are indebted to the municipality for seed and supplies advanced by the municipality at any time subsequent to the year 1937 and for arrears of taxes, or for any of them, and the respective amounts owing by such persons; and if the treasurer fails to do so he is guilty of an offence and liable on summary conviction to a fine not exceeding \$5 for each day after the thirty-first day of July during which the default continues but not exceeding \$100, and in default of payment forthwith after conviction to imprisonment for a term not exceeding thirty days unless such fine with costs is sooner paid;
  - (b) all persons whose names do not appear on the list mentioned in clause (a) shall be entitled to market their grain without the production of an exemption certificate;
  - (c) if in any year a person whose name appears on the list referred to in clause (a) pays the amount shown opposite his name on the list it shall be the duty of the municipality to furnish a certificate to such person exempting any crop offered for sale by him;
  - (d) where the purchaser of any grain pays the amount due by the vendor to the municipality as shown upon the list mentioned in clause (a) it shall be the duty of the municipality to furnish a certificate exempting the grain so purchased and the purchaser may purchase any other grain from the vendor without the production of a certificate.
- (8) The treasurer shall exclude from the list mentioned in clause (a) of subsection (7) the names of persons who are indebted only for arrears of taxes levied in respect of land or business in a hamlet or whose total indebtedness for advances of seed grain and supplies and arrears of taxes is less than \$25.
- (9) Any person may purchase the crops or any portion of the crops grown on any land in the municipality if such person makes settlement therefor in the joint names of the vendor and the municipality.

(10) The certificate mentioned in subsection (5) shall be granted only in individual cases where the circumstances so warrant.

(11) Upon production of the certificate mentioned in subsection (2), (4), (5) or (7) any person may purchase the crop or grain exempted by the certificate.

(12) Subsections (1) and (3) do not apply to grain sold by or in the name of any municipality.

(13) Nothing contained in subsections (1) to (11) applies to any crop grown by an Indian within an Indian reserve, nor to grain delivered by any person to a mill for gristing if the grain is gusted for his own use or is delivered in exchange for flour or other by-products of grain for his own use. If the flour or any other by-product of grain, other than grain grown by an Indian within an Indian reserve, which is received by such person is sold by him, he is guilty of an offence and liable on summary conviction to a fine not exceeding \$100, and in default of payment the person convicted may be imprisoned for a term not exceeding three months unless such fine with costs is sooner paid.

(14) In this section and sections 357 to 368 “**grain**” and “**crops**” mean wheat, oats, barley, flax, rye, corn, peas, rape seed, and the seeds of alfalfa, crested wheat grass, brome grass, clover, sunflowers and other commercial grasses.

1950, c.37, s.354; 1951, c.43, s.21; R.S.S. 1953, c.140, s.356.

**Sale of grain while certain indebtedness or taxes unpaid**

**357** Subject to subsection (2), clauses (b) and (d) of subsection (7) and subsections (9), (12) and (13) of section 356, no person, either by himself or through his servant or agent shall sell, ship or otherwise dispose of grain grown in the municipality except upon the production of an exemption certificate issued under subsection (2), (4) or (7) of section 356 or unless it is grain exempted by a certificate issued under subsection (5) of section 356.

1950, c.37, s.355; 1953, c.49, s.29; R.S.S. 1953, c.140, s.357.

**Removal of grain from province**

**358** Every person who removes or causes or permits to be removed from the province grain grown by him therein, except a person referred to in subsection (2) of section 356 or except upon the production of an exemption certificate issued under subsection (2), (4) or (7) of section 356, or unless it is grain exempted by a certificate issued under subsection (5) of section 356, shall, within seven days after the date of such removal, pay to the municipality an amount of money equivalent to the value of the grain removed or such portion of that amount as will satisfy his indebtedness to the municipality in respect of taxes and seed grain and supplies, or shall, within the said period, transfer to the municipality cash grain tickets equivalent in value to the amount of such indebtedness; and if such person fails to do so he is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in default of payment the person convicted may be imprisoned for a term not exceeding three months unless such fine with costs is sooner paid.

1950, c.37, s.356; 1953, c.49, s.30; R.S.S. 1953, c.140, s.358.

**Purchase of grain while certain indebtedness or taxes unpaid**

**359** Subject to subsection (2), clauses (b) and (d) of subsection (7) and subsections (9), (12) and (13) of section 356, no person shall purchase or take delivery of or ship any grain grown in the province except on production of an exemption certificate issued under subsection (2), (4) or (7) of section 356 or unless it is grain exempted by a certificate issued under subsection (5) of section 356.

1950, c.37, s.357; 1953, c.49, s.31; R.S.S. 1953, c.140, s.359.

**Purchase, etc., by agent or servant**

**360** Subject to subsection (2), clauses (b) and (d) of subsection (7) and subsections (9), (12) and (13) of section 356 no agent or servant of any person shall purchase or take delivery of or ship any grain grown in the province except on production of an exemption certificate issued under subsection (2), (4) or (7) of section 356 or unless it is grain exempted by a certificate issued under subsection (5) of section 356.

1950, c.37, s.358; 1953, c.49, s.32; R.S.S. 1953, c.140, s.360.

**Exception as to storage of grain**

**361** Nothing contained in section 359 or 360 shall be deemed to prohibit any person from taking delivery of grain only for the purpose of storing it, provided, subject to subsection (2), clauses (b) and (d) of subsection (7) and subsections (9), (12) and (13) of section 356, that no payment or loan shall be made by such person in respect of the grain except on production of an exemption certificate issued under subsection (2), (4) or (7) of section 356 or unless it is grain exempted by a certificate issued under subsection (5) of section 356.

1950, c.37, s.359; 1953, c.49, s.33; R.S.S. 1953, c.140, s.361.

**Principal liable to penalty**

**362** Where the agent or servant of any person is convicted of a violation of section 360 his principal is also guilty of an offence and liable on summary conviction to the penalties mentioned in section 364 provided that where such principal is a corporation the fine may be increased by the convicting police magistrate or justice of the peace to a sum not exceeding \$250.

1950, c.37, s.360; R.S.S. 1953, c.140, s.362.

**Evasion**

**363** No person shall sell or dispose of grain belonging to another person with the object and intent of defeating the operation of section 356.

1950, c.37, s.361; R.S.S. 1953, c.140, s.363.

**Penalties**

**364** A person who violates any of the provisions of section 357, 359, 360, 361 or 363 is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in default of payment the person convicted may be imprisoned for a term not exceeding three months unless such fine with costs is sooner paid.

1950, c.37, s.362; R.S.S. 1953, c.140, s.364.

**Limitation of prosecutions**

**365** No prosecution for violation of any of the provisions of sections 356 to 363 shall be commenced after one year from the date of the violation.

1950, c.37, s.363; R.S.S. 1953, c.140, s.365.

**Leave to commence prosecution**

**366** No prosecution for violation of any of the provisions of sections 356 to 363 shall be commenced without the leave of the Attorney General.

1950, c.37, s.364; R.S.S. 1953, c.140, s.366.

**Exemption of municipality or portion for current year**

**367(1)** The Provincial Mediation Board may, on the application of a rural municipality made upon resolution of the council, exempt from the then current year the municipality or such portion thereof as is referred to in the resolution from the operation of sections 356 to 366.

(2) Where an exemption is granted under subsection (1) the secretary treasurer shall, within three days of receipt of advice that an exemption has been granted, notify the minister and the elevator agents and head offices of elevator companies concerned.

1950, c.37, s.365; R.S.S. 1953, c.140, s.367.

**Certain rights not affected**

**368** Nothing contained in this Act affects the right of a grower of grain to select or designate the person or dealer to whom his grain shall be delivered.

1950, c.37, s.366; R.S.S. 1953, c.140, s.368.

**Form of certificate**

**369(1)** The minister may prescribe the form of certificate to be issued by a municipality pursuant to subsection (2), (4), (5) or (7) of section 356.

(2) The municipality shall have power to issue duplicate or multiple certificates in any case where the council considers that the circumstances so warrant.

1950, c.37, s.367; R.S.S. 1953, c.140, s.369.

**Penalty for non-payment of taxes**

**370(1)** If any taxes remain unpaid after the thirty-first day of December of the year in which the same are levied or such other day as may be fixed by resolution of council under subsection (4), there shall be added thereto by way of penalty a sum equal to five per cent of the arrears; and upon the expiry of each succeeding year during which the whole or any portion of the combined amount of taxes and penalty or penalties remains unpaid, an additional sum equal to five per cent of such combined amount shall be added thereto:

Provided that if the arrears of taxes or any portion thereof are paid before the first day of July in any year, one-half of the penalty added in that year on such arrears or portion thereof so paid shall be rebated.

(2) Amounts so added shall form part of the taxes.

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

(4) Notwithstanding anything contained in this section the council may by resolution passed after the fifteenth day of November in any year, postpone to a date not later than the first day of April then next ensuing the date upon which the taxes, if unpaid, shall become subject to penalties.

1950, c.37, s.368; R.S.S. 1953, c.140, s.370.

**Discount for prompt payment of taxes**

**371(1)** Unless a bylaw has been passed under section 392, the council shall allow a discount for prompt payment of taxes of five per cent if paid before the first day of October, a discount of four per cent if paid on or after the first day of October but before the first day of November and a discount of two per cent if paid on or after the first day of November but before the first day of December, in the year in which the taxes are imposed. The provisions of this subsection do not apply to rural telephone taxes.

(2) Notwithstanding anything contained in this Act the treasurer may charge back to the respective organizations for which the taxes were levied any discounts granted under subsection (1).

1950, c.37, s.369; R.S.S. 1953, c.140, s.371.

**Prepayment receipts**

**372** The council may by bylaw authorize the treasurer to receive in any year payments on account of taxes for that year in advance of the day upon which the tax notices are mailed, and to allow a discount on any such payments at a rate not exceeding seven per cent per annum, and to issue prepayment receipts of such denominations as may be fixed by the bylaw, notwithstanding that the taxes for such year have not been levied or that the assessment roll has not been adopted by the council when such advance payment is made.

1950, c.37, s.370; R.S.S. 1953, c.140, s.372.

**Official receipt for taxes**

**373** The treasurer shall issue an official receipt for every amount paid him for taxes in a form approved by the minister, and shall enter on the assessment roll, opposite the respective items on account of which payments are made, the amount of each payment with the number of the receipt.

1950, c.37, s.371; R.S.S. 1953, c.140, s.373.

**Arrears first charge on tax payments**

**374(1)** Subject to section 9 of *The Public Revenues Act*, chapter 49 of *The Revised Statutes of Saskatchewan, 1940*, the treasurer shall, upon the written request of any person taxed who pays only a portion of the taxes due by him, credit such person in the tax roll as having paid such taxes as that person may select.

(2) If a person pays only a portion of the taxes due by him and does not, as provided in subsection (1), signify the manner in which the payment is to be applied, the treasurer shall first apply the amount in payment of any arrears due by such person.

1950, c.37, s.372; R.S.S. 1953, c.140, s.374.

**Collection from tenant**

**375(1)** Where taxes or any debt in respect of seed grain or supplies, or any of them, are due in respect of land occupied by a tenant the treasurer may give the tenant notice in writing requiring him to pay the treasurer the rent of the premises as it becomes due from time to time to the amount of the claim stated in the notice, and costs; and the treasurer shall have the same authority as the landlord of the premises would have had to collect such rent by distress, or otherwise, to the said amount and costs; but nothing contained in this section prevents or impairs any other remedy for the recovery of the claim or any portion thereof from such tenant or from any other person liable therefor.

(2) Upon service of a notice on the tenant under subsection (1) the landlord or any other person receiving the rent shall become personally liable to the municipality for any rent collected or received by him after service of the notice on the tenant, up to the amount of the claim then due and unpaid.

1950, c.37, s.373; 1953, c.49, s.34; R.S.S. 1953, c.140, s.375.

**Deduction by tenant**

**376** A tenant may deduct from his rent any amount paid by him to the treasurer pursuant to section 375 other than an amount paid in respect of taxes which he is required to pay under the terms of his tenancy and any amount so deducted shall be deemed to be a payment on account of rent by the tenant to the landlord or any other person entitled to receive the rent.

1950, c.37, s.374; 1953, c.49, s.35; R.S.S. 1953, c.140, s.376.

**Procedure for recovery of taxes**

**377(1)** Without in any way prejudicing or affecting the special lien or charge created by section 355 or 356, if a person fails to pay his taxes for thirty days after the mailing to him or his agent the notice required by section 353, the tax collector may, upon issue of a warrant by any person duly authorized by resolution of the council to issue such warrants, collect such taxes or any portion thereof, together with costs, by distress and sale of:

- (a) the goods and chattels, including the growing crops, of the defaulter, wherever found within the municipality or an adjoining municipality or within a city, town or village situated within their boundaries;
- (b) any goods and chattels, including growing crops, in his possession, wherever so found;
- (c) any goods and chattels found on the premises in respect of which the taxes have been levied, the property of or in the possession of any other occupant of the premises:

Provided that no distress or sale shall be made of goods or chattels which are the subject of a valid and subsisting lien in favour of a vendor for the price or a part of the price thereof, but the interest only of the defaulter, or of any other occupant of the premises or of any person other than the vendor in such goods and chattels shall be liable to distress and sale;

Provided further that a vendor's or lessor's share of the crop grown upon the land sold or demised shall not be liable to distress or sale for taxes due in respect of other land owned or occupied by the purchaser or lessee;

Provided further that animals not belonging to the defaulter or to any occupant of the premises in respect of which the taxes are due shall not be liable to distress or sale for taxes owing by the defaulter except as to the interest therein, if any, of the defaulter or such occupant or of the wife, husband, daughter, son, daughter-in-law or son-in-law of the defaulter or occupant, or of any other relative of the defaulter or occupant who lives with him as a member of his family.

(2) Where there is a chattel mortgage on goods or chattels which would be liable to distress and sale under this section if they had not been mortgaged, the chattel mortgage shall not, for the purpose of this section, be deemed to transfer the goods or chattels to the mortgagee, and for such purpose the ownership of the goods or chattels shall be deemed to have remained in the mortgagor.

(3) The costs chargeable on a distress and sale under this section shall not exceed the following:

- 1. Warrant to bailiff ..... \$.25
- 2. Levying distress ..... .50
- 3. One man keeping possession, per day ..... 1.00
- 4. The actual expenses reasonably incurred in removing  
and keeping the goods distrained when such removal  
is necessary;
- 5. For mileage, every mile necessarily travelled and sworn  
to from the place where the warrant is issued to the  
place of execution in making seizure or sale of the  
goods, and return per mile ..... .09
- 6. All reasonable and necessary disbursements for advertising  
sale of the goods distrained.

(4) A tax collector or bailiff attempting to effect seizure of goods shall have the same right as a landlord under *The Landlord and Tenant Act* to break open and enter a building, yard or place to which goods and chattels liable to seizure have been fraudulently or clandestinely conveyed, and to take and seize such goods and chattels as he might otherwise have done.

(5) The person effecting seizure of goods and chattels shall give notice thereof to the tax defaulter by personal service or by leaving a copy of the notice with any adult member of the defaulter's family at his usual place of abode; or if the defaulter or such member of his family cannot be found, by posting a copy of the notice on some conspicuous part of the premises.

(6) A taxpayer, whose taxes remain unpaid for thirty days after the mailing of the notice required by section 353 may sign an acknowledgment, in a form prescribed by the minister, that the goods and chattels mentioned in the acknowledgment are under seizure for non-payment of such taxes, and such acknowledgment shall be of the same force and effect as an actual seizure and distress covering the goods and chattels.

(7) A municipality may release goods and chattels or growing crops, held under seizure, after a part of the claim in respect of which seizure was made has been satisfied, without prejudice to its right to recover for the balance of the claim. No goods, chattels or growing crops shall be so released where any person has advised the treasurer that he has an interest in the goods, chattels or crops, until the expiry of ten days after written notice of intention to release them has been given by the tax collector or treasurer to such person and in case such notice is not given the goods, chattels and crops of the taxpayer shall not thereafter be liable to seizure in respect of the unpaid taxes.

(8) A municipality shall not be responsible for the loss or destruction of goods and chattels or growing crops, while under seizure, unless the loss or destruction is due to the negligence of the municipality or its servants.

(9) If growing crops are seized, the municipality may cut, gather, cure, thresh, carry and lay up the same, when ripe, in such proper place as may be procured therefor.

(10) The treasurer shall, by advertisement posted in at least five widely separated conspicuous places in the municipality, give at least ten days' notice of the time and place of sale, naming the person, if known, for payment of whose taxes the property is to be sold; and, at the time stated in the notice, the treasurer, or his agent, shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to pay the taxes due with all lawful costs, including \$2 for posting notices:

Provided that the person effecting seizure may have any grain seized by him hauled to the nearest elevator and any live stock seized by him hauled to the nearest marketing point, or to any other convenient and suitable place of storage or accommodation, and may, after giving ten days' notice by advertisement, in the manner above required, of his intention so to do, dispose of the grain or live stock at the current market price.

(11) Notwithstanding anything contained in *The Auctioneers Act*, no treasurer or agent of the treasurer selling goods under the provisions of subsection (10) shall be required to obtain an auctioneer's licence for the purpose of the sale.

(12) 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.

(13) If the claim is contested, the surplus money shall be paid 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.

1950, c.37, s.375; R.S.S. 1953, c.140, s.377.

#### **Distress for licence fee**

**378** If a licence fee remains unpaid for fourteen days after it becomes payable, the secretary treasurer may levy the same, with costs, by distress upon the goods and chattels or interest therein, mentioned in subsection (1) of section 377 and the provisions of the said section shall apply.

1950, c.37, s.376; R.S.S. 1953, c.140, s.378.

**Priority over distress by landlord**

**379** A distress for taxes which are not a lien on the land or for a licence fee shall have priority over a distress for rent by the landlord of the premises occupied by the person taxed or licensed, notwithstanding that the landlord's seizure may be prior in point of time.

1950, c.37, s.377; R.S.S. 1953, c.140, s.379.

**Recovery of indebtedness in respect of seed grain or supplies**

**380(1)** Where a person is indebted to a municipality in respect of seed grain or supplies, or both, and the treasurer has reason to believe that the debtor contemplates selling or disposing of his goods and chattels in the province, or ceasing to carry on farming operations in the province, and makes affidavit to that effect before the reeve or a justice of the peace, the reeve or justice may issue a warrant to the treasurer authorizing him to collect the said indebtedness by distress and sale of the goods and chattels mentioned in section 377 and in the manner provided for by that section, as if such indebtedness were for taxes.

(2) Where the reeve or a justice of the peace issues a warrant under subsection (1) it shall not be necessary to mail to the debtor or his agent the notice required in the case of indebtedness for taxes by subsection (1) of section 377 and the distress and sale of the goods and chattels mentioned in section 377 may be proceeded with forthwith.

1950, c.37, s.378; R.S.S. 1953, c.140, s.380.

**Recovery of certain indebtedness on death of debtor**

**381(1)** On the death of a person who is indebted to the municipality in respect of hospital or medical care or treatment, direct relief, social aid, agricultural aid advanced under *The Municipalities Relief and Agricultural Aid Act* or any former *Municipalities Relief and Agricultural Aid Act*, or seed grain or supplies advanced under *The Municipalities Seed Grain and Supply Act* or any former *Municipalities Seed Grain and Supply Act*, the municipality may, subject to subsection (2), recover the amount of such indebtedness by distraint of any goods which belonged to the deceased, in which case the provisions of section 377 apply.

(2) The municipality shall forward by registered mail to the Official Administrator for the judicial district in which such person died a notice of its intention to proceed under subsection (1), accompanied by a fee of \$10, and may so proceed on the expiration of fourteen days from the date on which such notice is mailed unless within that period the Official Administrator notifies the municipality of intention to proceed to administer the estate of the deceased in which case the fee paid shall be refunded to the municipality:

Provided that no proceedings under subsection (1) shall be taken where the municipality has notice that letters of administration or letters probate have been granted in this province with respect to the estate of the deceased or the municipality receives such notice before the expiration of the said period of fourteen days.

(3) Where the municipality proceeds under subsection (1) it shall, notwithstanding the provisions of *The Surrogate Courts Act* or of the rules of the court, have a first and preferential lien on the proceeds of the sale for the sum paid to the Official Administrator under subsection (2) and the indebtedness for which the distraint was made.

1950, c.37, s.379; R.S.S. 1953, c.140, s.381.

**Anticipatory distress**

**382** If after demand has been made or notice given pursuant to section 353, and before the expiration of the time for payment of the taxes, the treasurer has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the municipality and makes affidavit to that effect before the reeve or a justice of the peace, the reeve or justice may issue a warrant to the treasurer authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment of the taxes may not have expired and the treasurer may levy accordingly.

1950, c.37, s.380; R.S.S. 1953, c.140, s.382.

**Suit for taxes**

**383(1)** Overdue taxes may be recovered by suit as a debt due to the municipality, in which case the tax roll shall be *prima facie* evidence of the debt.

(2) For the purpose of this section all taxes shall be deemed to be due on the day on which the tax notices provided for by section 353 were mailed, as shown by the tax roll.

1950, c.37, s.381; R.S.S. 1953, c.140, s.383.

**Payment out of property under seizure, etc.**

**384** Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff, or is claimed by or in possession of any assignee for the benefit of creditors or a liquidator or any trustee or authorized trustee in bankruptcy, or where such property has been converted into cash and is undistributed, it shall be sufficient for the treasurer to, and he shall, give to the sheriff, bailiff, assignee, liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee, liquidator or trustee or authorized trustee in bankruptcy shall pay the amount of the same to the treasurer in preference and priority to all other fees, charges, liens or claims whatever; but subject, where there has been a seizure, to payment of the fees of the sheriff or bailiff making the seizure.

1950, c.37, s.382; R.S.S. 1953, c.140, s.384.

**Executor, administrator, trustee or liquidator**

**385(1)** Goods in the hands of an executor, an administrator or a trustee in bankruptcy, or in the hands of a liquidator under a winding up order, shall be liable only for the taxes which were assessed against the deceased owner, the bankrupt or the company which is being wound up, prior to the date of the death of the owner or the date of the authorized assignment, receiving order or winding up order, and thereafter while the executor, administrator, trustee or liquidator occupies the premises, or while the goods remain thereon.

(2) All such taxes shall be a preferential lien and charge on such goods, and upon the proceeds of sale thereof, having priority over every claim, privilege, lien or encumbrance except that of Her Majesty.

1950, c.37, s.383; R.S.S. 1953, c.140, s.385.

**Removal of buildings and fencing**

**386(1)** Buildings and fencing on land in respect of which there are taxes outstanding shall not be removed without the consent of the municipality.

- (2) If any such building or fence is removed without such consent and the said taxes remain unpaid, it may be seized in its new situation by any person authorized by the municipality to do so, and such person shall have free right of entry upon the land to which it has been removed for the purpose of severing it from the soil, if necessary, and removing it, in which case it shall be restored to its former position.
- (3) The expenses necessarily incurred in seizing and restoring such building or fence may be added to the tax roll and collected in the same manner as taxes.

1950, c.37, s.384; R.S.S. 1953, c.140, s.386.

**Removal from roll of certain uncollectable taxes**

**387(1)** When arrears of taxes levied against an occupant of any parcel of Crown land or an occupant of lands exempt from taxation or levied in respect of any business assessment, become uncollectable because of the occupant quitting possession, the council may by resolution cause such arrears of taxes to be removed from the tax roll.

(2) If taxes so removed again become collectable, the council may by resolution cause such taxes to be reinserted in the tax roll in which case they shall be subject to the same penalties and methods of enforcement of collections as if the taxes had not been removed from the tax roll.

1950, c.37, s.385; R.S.S. 1953, c.140, s.387.

**Tax certificate, issue of**

**388(1)** The secretary treasurer shall on demand issue a certificate under his hand and the seal of the municipality showing the taxes due against any parcel of land and the amount required to redeem the land from any tax sale in respect of which the municipality is the tax purchaser or from any tax lien.

(2) The fee for furnishing such certificate shall be twenty-five cents if it does not contain more than five lots or parcels and ten cents for every additional lot or parcel.

(3) The secretary treasurer may collect a fee of ten cents per parcel for every statement of arrears of taxes furnished to any person other than the owner of the property or the first mortgagee.

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

(5) Fees received by the secretary treasurer under this section shall form a part of the revenues of the municipality.

1950, c.37, s.386; R.S.S. 1953, c.140, s.388.

**Binding effect of certificate**

**389** A certificate issued under section 388 shall be deemed to have been properly executed and shall be binding upon the municipality.

1950, c.37, s.387; R.S.S. 1953, c.140, s.389.

**Taxes due on area created a village or added to a village**

**390(1)** The treasurer shall, as soon as possible after the date of the organization of a village or the date of the addition of lands added to a village, furnish the secretary treasurer thereof with a statement showing the various taxes outstanding:

- (a) on each parcel of land comprised within the village or area added thereto, as the case may require;

(b) in respect of the businesses of persons carrying on business within the village or area added;

together with the names of the persons by whom such taxes are payable and the years for which they are due.

(2) If a tax lien has been registered against any parcel of land referred to in subsection (1) and the lien has not been withdrawn before the date of organization or the date of addition of lands added to the village, or if any such parcel has been sold for taxes and has not been redeemed before the said date, the treasurer shall, as the case may require, furnish the secretary treasurer of the village with a statement showing the date of registration of the tax lien and the proceedings taken to acquire title or the date of sale, the amount for which the land was sold, the amount paid at time of sale, the date of payment, the name and address of the tax sale purchaser or his assignee and each amount of taxes paid subsequently by such purchaser or assignee, together with the dates of payment. If in any such case the municipality is the tax sale purchaser the statement shall also state the proceedings taken to acquire title.

(3) The treasurer shall also furnish the secretary treasurer of the village with a statement showing the liabilities due:

(a) to the Provincial Treasurer in respect of supplementary revenue taxes, wild lands taxes and public revenues taxes contained in the statements of taxes and tax sales mentioned in subsections (1) and (2);

(b) to the larger school unit, regional health district and union hospital district in respect of the taxes levied on their behalf and contained in the statements of taxes and tax sales mentioned in subsections (1) and (2);

(c) to the tax sale purchasers, other than the municipality, of the lands sold for taxes mentioned in subsection (2).

(4) The total taxes and tax sales contained in the statements mentioned in subsection (1) and (2) less:

(a) the total liabilities contained in the statement mentioned in subsection (3);

(b) the amount standing to the credit of the organized hamlet at the date of incorporation of the village if the village had been established as an organized hamlet under the provisions of section 19;

(c) the sum fixed by an order of the minister under subsection (4) of section 348 of *The Village Act*;

shall be a debt due the municipality by the village payable out of collections of said taxes or the redemption from tax sale of lands transferred to the village or the proceeds from the sale of such lands to which the village secures title through tax process.

## SPECIAL PROVISIONS

**Provisions may be adopted by bylaw**

**391** Notwithstanding anything contained in this Act the council may by bylaw to be passed on or before the first day of October in any year adopt the provisions hereinafter contained in this section with regard to assessment and taxation, which provisions shall remain in force until the bylaw is repealed:

**Assessment completed by 31st December**

1. The assessment, upon which the taxes for any year are to be based, shall be made and the assessment roll completed on or before the thirty-first day of December in the previous year;

**Publication**

2. The assessor shall, within twenty days after completing the roll and after the same has been corrected pursuant to the provisions of section 291, insert in a newspaper circulating in the municipality, a notice in the form given in section 295;

**Assessment notices**

3. The assessor shall, on or before the twentieth day of January, transmit by post to every person named on the assessment roll an assessment slip containing the particulars appearing in the roll with respect to such person;

**Appeals to court of revision**

4. The court of revision shall sit to hear appeals from the assessment on or before the tenth day of March;

**Adoption of roll**

5. The assessment roll with any amendments made shall be adopted by the council on or before the fifteenth day of March, and shall thereupon become and be the revised assessment roll of the municipality;

**Striking the rate**

6. The council shall in each year fix and levy the annual rate as provided in section 336 on or before the fifteenth day of April;

**Appeal to Saskatchewan Assessment Commission**

7. All appeals from the court of revision to the Saskatchewan Assessment Commission shall be determined before the tenth day of April;

**Statement to school board**

8. The treasurer shall perform the duties required by subsection (1) of section 4 of *The School Assessment Act* on or before the twentieth day of April;

**Tax roll**

9. The treasurer shall perform the duties required by section 344 on or before the fifteenth day of May and shall thereupon mail the notices mentioned in section 353:

Provided that, where a municipality is required to levy rates under the provisions of *The Municipal Hail Insurance Act*, the treasurer shall on or before the fifteenth day of September mail to each person taxed a supplementary notice of the amount due in respect of such rates imposed upon land for which such person is assessed.

**Discount**

**392(1)** Where a bylaw is passed under section 391, the council may also by bylaw allow a discount for prompt payment of taxes not exceeding one per cent for each full month up to five months that such payment is made before a day named therein.

(2) No discount shall be allowed on rural telephone taxes.

(3) Where a bylaw is passed allowing a discount a notice shall be given in accordance with section 353 on which shall be written or printed a concise statement of the discount allowed.

1950, c.37, s.390; R.S.S. 1953, c.140, s.392.

**Provisions as to assessment and taxation apply**

**393** Where the council has passed the necessary bylaw under section 391 or 392, or both, all the provisions of this Act relating to assessment and taxation shall continue to apply under the procedure adopted, except in so far as they are inconsistent therewith.

1950, c.37, s.391; R.S.S. 1953, c.140, s.393.

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 PART VIII

## MISCELLANEOUS

## PENALTIES

**Penalties for non-performance of duties**

**394** Any secretary, treasurer or other officer of a municipality who:

- (a) 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) fails 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;

is, in addition to any civil liability which he may incur, guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

1950, c.37, s.403; R.S.S. 1953, c.140, s.394.

**Recovery of penalties**

**395** 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.

1950, c.37, s.404; R.S.S. 1953, c.140, s.395.

**Penalties go to consolidated fund of province**

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

1950, c.37, s.405; R.S.S. 1953, c.140, s.396.

## ACTIONS BY AND AGAINST MUNICIPALITIES

**Rights as in proceedings**

**397** 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 statute imposing such duties, obligations or liabilities, the municipality shall have the right by action to enforce the same and to obtain as complete and full relief and remedy as could have been obtained by the Attorney General as plaintiff in such action, or as plaintiff upon the relation of any person interested.

1950, c.37, s.406; R.S.S. 1953, c.140, s.397.

**Notice of action in certain cases**

**398** If a bylaw or resolution is illegal in whole or in part and if anything has been done under it which by reason of such illegality gives any person a right of action, no 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 such action shall be brought against the municipality alone and not against any person acting under the bylaw or resolution.

1950, c.37, s.407; R.S.S. 1953, c.140, s.398.

**Tender of amends**

**399** If the municipality tenders amends to the plaintiff or his solicitor and such tender is pleaded 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.

1950, c.37, s.408; R.S.S. 1953, c.140, s.399.

**Limitation of period of liability**

**400(1)** No action shall be brought against the municipality for the recovery of damages occasioned by flooding unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the secretary treasurer of the municipality within thirty days after the happening of the injury and unless such action is brought or commenced before the expiration of one year from the date of such injury.

(2) Failure to give or insufficiency of the notice required by subsection (1) or failure to commence action within the time mentioned in that subsection shall not be a bar to the action if, upon application to a judge of the Court of Queen's Bench after twenty days' notice to the municipality, and within a period of six months after the expiration of one year from the date of such injury, the judge is of the opinion that there is reasonable excuse for the want or insufficiency of the notice or for the failure to commence the action within the time limited, or both, and that the municipality will not be prejudiced in its defence and allows the claim to be made.

1950, c.37, s.409; 1951, c.43, s.22; R.S.S. 1953, c.140, s.400.

**Disqualification of member not to invalidate proceedings**

**401** 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.

1950, c.37, s.410; R.S.S. 1953, c.140, s.401.

## CLAIMS FOR DAMAGE TO LAND

**Interpretation**

**402** In sections 403 and 404:

**“land”**

(a) **“land”** includes a right or interest in and easement over land; and

**“owner”**

(b) **“owner”** includes a 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.

1950, c.37, s.411; R.S.S. 1953, c.140, s.402.

**Liability of municipality**

**403(1)** A municipality shall be civilly liable for damages if any land is injuriously affected by the exercise of any of the powers conferred upon it by this or any other Act with respect to the carrying out of any municipal public work.

(2) Such damages shall be the amount of the injury done less any increased value to other lands of the claimant resulting from the exercise of such powers.

(3) Where the amount of compensation for damages is not agreed upon, the amount shall subject to subsection (4) be determined by a judge, upon application to him by either party, in which case the provisions of subsections (2) and (3) of section 7 of *The Municipal Expropriation Act* shall apply.

(4) By agreement of all parties concerned the amount of compensation may be determined by the award of three arbitrators appointed in the manner provided by subsection (1) of section 8 of *The Municipal Expropriation Act*, in which case the provisions of subsections (2), (3) and (4) of the said section 8 shall apply.

1950, c.37, s.412; R.S.S. 1953, c.140, s.403.

**Claims for damage**

**404(1)** Subject to subsection (2), a claim by any person in respect of damages mentioned in section 403 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 compensation shall be forever barred.

(2) In the case of a infant, a lunatic or a person of unsound mind, the claim shall be made within one year, or within one year after he ceased to be under the disability, whichever is 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.

1950, c.37, s.413; R.S.S. 1953, c.140, s.404.

## EXECUTIONS AGAINST MUNICIPALITY

**Procedure on writs of execution in sheriff's hands**

**405** A writ of execution against a municipality may be endorsed 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 of writ delivered to treasurer/Demand for payment**

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer with a statement in writing of the amount required to satisfy the execution, including the amount of interest thereon calculated to a date as near as is convenient to the day of service and sheriff's fees, and demand payment of the same;

**Execution rate**

2. If the amount demanded is not paid to the sheriff within thirty days after such delivery, the sheriff shall examine the assessment roll of the municipality, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient to cover the amount claimed with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when the rate will probably be available;

**Sheriff's precept to treasurer**

3. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the treasurer and shall annex thereto the roll of such rate, and shall by the precept, after reciting the writ and that the municipality has neglected to satisfy the same and referring to the roll annexed to the precept, command the treasurer to levy such rate at the time and in the manner by law required with respect to the general annual rates;

**Levy of special rate**

4. At the time for levying the annual rates next after the receipt of the precept, the treasurer shall add a column to the tax roll headed: "Execution rate in *A.B.* versus the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_", as the case may be, adding another similar column for each additional execution if there are more executions than one, and shall insert therein the amount by such precept to be levied upon each person respectively, and shall levy the amount of the execution rate and shall within the time that he is required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, deducting his percentage;

**Surplus**

5. The sheriff shall, after satisfying the execution and all fees thereon, return any surplus within ten days after receiving the same to the treasurer for the general purposes of the municipality;

**Treasurer's percentage**

6. If the treasurer of a municipality against which an execution has issued is not paid by percentage fixed by bylaw, he shall be paid for such collections a sum not exceeding two and one-half per cent;

**Treasurer and assessor officers of court**

7. The treasurer and the assessor shall, for the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect of such execution, be deemed to be officers of the court from which the writ issued, and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

## POSTPONEMENT OF RELIEF CHARGE

**Power of council**

**406(1)** Where a municipality has acquired a charge on any land for advances for direct relief under any Act authorizing the municipality to make such advances, the council may agree to postpone such charge to any subsequent mortgage on the land.

(2) For such purpose the council may authorize the reeve and secretary treasurer to execute a postponement in form V in the second schedule to *The Land Titles Act* adapted to the circumstances, under the seal of the municipality.

(3) On such postponement being produced to the proper registrar of land titles and filed, the registrar shall without further proof of execution thereof enter the same upon the certificate of title and duplicate, and thereupon the rights of the municipality in the land shall be postponed to those arising out of the subsequent mortgage or mortgages specified in the postponement, in the same manner and to the same extent as if the charge in favour of the municipality to be postponed had been made or had arisen immediately after the registration of the subsequent mortgage or mortgages.

(4) All registrations, annotations, memoranda, entries or other work performed by any registrar of land titles under this section shall be done without fee or charge of any kind.

1950, c.37, s.415; R.S.S. 1953, c.140, s.406.

## WORKS PROGRAMS

**Payment of councillors for services**

**407** The council of a rural municipality 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 every day necessarily occupied by them respectively, and not exceeding ten cents per mile for every mile necessarily travelled by them respectively, for the purpose of attending meetings or performing supervisory work in connection with any municipal works program instituted, owing to crop failure, by the municipality pursuant to arrangement with the Minister of Municipal Affairs. No allowance shall be made for more than ten days in any year, and a mileage allowance shall be payable only where a *per diem* allowance is payable.

1950, c.37, s.416; R.S.S. 1953, c.140, s.407.