

# *The City Act*

*being*

Chapter 86 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

## **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 86

### An Act respecting Cities

#### Short title

- 1 This Act may be cited as *The City Act*.

1915, c.16, s.1; R.S.S. 1920, c.86, s.1

#### Interpretation

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

##### “Boarding house”

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

##### “Burgess”

2. “**Burgess**” is an elector who is such in respect of freehold property;

##### “Business”

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

##### “City commissioners”

4. “**City commissioners**” means the commissioners of a city;

##### “Clerk,” etc.

5. “**Clerk**”, “**treasurer**”, “**assessor**” and “**auditor**” mean respectively the persons occupying the positions of city clerk, city treasurer, city assessor and city auditor;

##### “Council”

6. “**Council**” means the municipal council of a city;

##### “Elector”

7. “**Elector**” or “**voter**” means a person entitled to vote at municipal and school elections in a city;

##### “Felony”

8. “**Felony**” means an indictable offence which since the passing of *The Criminal Code* is punishable with death or imprisonment for a period of five years or over, and “**misdemeanour**” means any offence for which under the said code the extreme penalty is imprisonment for a term less than five years and not less than two years;

##### “Hawker” “pedler”

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

**“Income”**

10. **“Income”** means the profit or gain (whether ascertained and capable of computation as being wages, salary or other fixed amount, or unascertained as being fees or emoluments or profits from a trade or commercial or financial or other business or calling) directly or indirectly received by a person from any office or employment or from any profession or calling or from any trade, manufacture or business during the year next preceding that for which the assessment is made, and includes the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security or from stocks or from any other investment and also profit or gain from any other source whatever;

**“Judge”**

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

**“Land”**

12. **“Land”** includes lands, tenements and hereditaments and any estate or interest therein, or right or easement affecting the same; and

- (a) land covered with water;
- (b) trees and underwood growing upon land;
- (c) mines, minerals, gas, oil, salt, quarries and fossils in and under land; and
- (d) in case of special franchise, machinery, fixtures, buildings, structures and other things existing, erected or placed upon, in, over, under or affixed to land or any highway, road, street, lane or public place or water, but not the rolling stock of a railway or street railway;

**“Minister”**

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

**“Money bylaw”**

14. **“Money bylaw”** means a bylaw for contracting a debt or obligation or for borrowing money;

**“Municipality” “city” “city municipality”**

15. **“Municipality,” “city” or “city municipality”** means any city municipality now incorporated as such and also any city municipality hereafter incorporated under the provisions of any Act;

**“Person”**

16. **“Person”** includes a corporation or partnership and women as well as men;

**“Places of public accommodation”**

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

**“Public hotel”**

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

**“Referred bylaw”**

19. **“Referred bylaw”** means a bylaw referred to the vote of the burgesses;

**“Resident”**

20. **“Resident”** means a person residing within the limits of the city;

**“Restaurant”**

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

**“Revised assessment roll”**

22. **“Revised assessment roll”** means the assessment roll of the city or of any ward thereof as finally adopted by the council; or in case there have been any appeals to the Local Government Board, as finally revised by the board;

**“Revised voters’ list”**

23. **“Revised voters’ list”** means the voters’ list of the city or of any ward thereof as finally revised by the council;

**“Special franchise”**

24. **“Special franchise”** means every right, authority or permission to construct, maintain or operate within the city in, under, above, on or through any highway, road, street, lane, public place or public water within the jurisdiction of the city any poles, wires, tracks, pipes, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water and heat, power, transportation, telegraphic or other service;

**“Transient trader”**

25. **“Transient trader”** means a person doing business in the municipality who occupies premises for temporary purposes, or who, not having resided in the municipality for at least three months next preceding the time of the commencement by him of such business, offers goods or merchandise for sale by auction or in any other manner, and whether conducted by himself or a licensed auctioneer. The term shall include any person commencing business in the municipality, whose name has not been entered on the assessment roll for the then current year, in respect of business or income.

1915, c.16, s.2; 1916 c.18, ss. 2, 3, 4; 1917  
(sess. 2), c.25, s.2; 1918-19, c.34, s.2; R.S.S.  
1920, c.86, s.2.

**Boundaries of townships and sections**

**3** For the purpose of defining boundaries of a city municipality under this Act those sides of road allowances on which monuments or posts have been or may hereafter be placed under a survey made or to be made pursuant to *The Dominion Lands Act*, being chapter 55 of *The Revised Statutes of Canada 1906*, *The Dominion Lands Surveys Act*, being chapter 21 of the statutes of Canada 1908 or any enactment which may be passed in amendment thereto or in substitution therefor, shall be the boundaries either of townships or of sections:

Provided however that in the case of correction lines the south side of the road allowance shall be the boundaries and that the boundaries of any Indian reserve shall be the lines defining that side of the road allowance immediately next to such Indian reserve.

1915, c.16, s.3; 1916, c.18, s.5; R.S.S. 1920, c.86,  
s.3.

**Computation of time**

4(1) Where anything is required to be done on a day which falls on a holiday such thing may be done on the next day which is not a holiday; but nothing in this section contained shall extend or apply to the day fixed by this Act for the nomination or election of candidates for the offices of mayor or alderman.

(2) Notwithstanding anything contained in *The Interpretation Act*, whenever any particular time of the day is referred to in this Act the same shall mean “mountain standard time” or any other time that the council may adopt by bylaw for regulating business hours within the city.

1915, c.16, s.4; R.S.S. 1920, c.86, s.4.

**Extension of time**

5 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 fixed, on or by which certain other things are to be done or proceedings had, then, notwithstanding anything herein contained, if default be made in respect of the earlier date, a like delay shall be allowed in respect of the later date.

1915, c.16, s.5; R.S.S. 1920, c.86, s.5.

**Forms**

6 Where forms are prescribed, deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same, and forms to the like effect and in substantial compliance with this Act shall suffice.

1915, c.16, s.6; R.S.S. 1920, c.86, s.6.

**Bylaw changes**

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

1915, c.16, s.7; R.S.S. 1920, c.86, s.7.

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**PART I**
**Incorporation****Corporation name**

8 The inhabitants of every city heretofore or hereafter created or established in Saskatchewan shall be a municipal corporation under the name of “The City of \_\_\_\_\_.”

1915, c.16, s.8; R.S.S. 1920, c.86, s.8.

**Annexation of territory**

**9(1)** Whenever two-thirds of the adult inhabitants who are householders of and in any territory adjacent to the city desire annexation thereto, and present a petition to that effect to the council, and the council agrees to such annexation or any part thereof, the Lieutenant Governor in Council may by proclamation annex the said territory, or part thereof, to and make it part of the city, from and after such date and on such terms and conditions as the Lieutenant Governor in Council may order.

(2) No such annexation shall be made under this section except on condition that an area of at least five per cent. of the territory proposed to be annexed shall be contributed or allotted by the owners of the lands in such territory or by some of them to the city, to be used as public parks or open spaces or for such other civic purposes as the council may deem most expedient.

(3) In the event of such owners failing to agree as to the area so to be contributed or allotted, the city may purchase such area from any part of the said territory, or may expropriate the same in accordance with the provisions of Part X, and may charge and assess the price or compensation payable therefor against the lands in the said territory rateably in proportion to their respective values as shown by the next revised assessment roll, and the several amounts so charged and assessed may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

1915, c.16, s.9; R.S.S. 1920, c.86, s.9.

**Altering the limits of a city**

**10(1)** The Lieutenant Governor in Council may, upon the request of the council of any city, include within the city any territory adjacent thereto, which, from the proximity of streets or buildings or from the probable future exigencies of the city, it may be deemed desirable to include therein or to annex thereto:

Provided that no such request shall be made until the owners of the land proposed to be added have been heard at a meeting of the council of which twenty days previous notice has been given to each such owner either by handing the same to him personally or by sending it in a registered letter to his last known address.

(2) In case for any cause it is satisfactorily shown that the limits of a city should be altered by adding thereto or taking therefrom any territory, the Lieutenant Governor in Council may, of his own motion and without any request therefor, but after consultation with the municipal council, make such alterations and make due provision for the settlement and adjustment of all matters arising out of such alteration.

(3) Every alteration of the limits of a city shall take effect upon such date, and on such terms and conditions, as the Lieutenant Governor in Council may by proclamation determine.

1916, c.18, s.6; R.S.S. 1920, c.86, s.10.

**Powers under sections 9 and 10**

**11** The power conferred by sections 9 and 10 upon the Lieutenant Governor in Council to provide terms and conditions for the annexation of territory to a city shall, for greater certainty but not so as to restrict the generality of the terms employed in these sections, include and be deemed always to have included the power to make any provision that may be deemed advisable as to assessment, taxation, total or partial exemption from taxation, construction of local improvements, adjustment of liabilities and all other matters affecting the common interests of the city and the annexed territory, or arising out of or in connection with the annexation.

1915, c.16, s.11; R.S.S. 1920, c.86, s.11.

**PART II****Municipal Government****POWERS AND CONSTITUTION****Exercise of powers**

**12(1)** The powers of the corporation shall be exercised by the council of the city, subject to the provisions herein contained as to commissioners.

**Council a continuing body**

**(2)** The council shall be deemed and considered to be continuing, notwithstanding any annual or other election of the members composing it; and, after any such election and the organisation of the council for the next year, it may take up and carry on to completion all proceedings commenced but not completed by the last year's council.

1915, c.16, s.12; R.S.S. 1920, c.86, s.12.

**Constitution of council**

**13** The council of the city shall consist of the mayor, who shall be head thereof, and of six or such other even number of aldermen not less than six nor more than twenty as the council, by bylaw in the case of a first election and in the case of any subsequent election by a bylaw to be submitted to the electors, shall determine.

1915, c.16, s.13; R.S.S. 1920, c.86, s.13.

**Wards**

**14** The council may at any time and from time to time, by a bylaw to be approved by the electors, provide that the city shall be divided into several delineated wards, and that of the aldermen to be elected a number not exceeding four shall be elected from each ward. Every such bylaw shall provide for the retirement of one or more of the aldermen at the expiration of one year and the remainder at the expiration of two years, or for the retirement of all either at the expiration of one year, or of two years.

1915, c.16, s.14; R.S.S. 1920, c.86, s.14.

**Polling subdivisions**

**15** The council may at any time and from time to time, by bylaw, divide the city or any ward thereof into polling subdivisions with defined limits, and may alter the boundaries of existing subdivisions as occasion may require.

1915, c.16, s.15; R.S.S. 1920, c.86, s.15.

**Alterations**

**16** Any alteration of polling subdivisions or creation of new subdivisions shall be made before the publication of the voters' lists for the year, or, if not so made, shall not take effect until the next voters' lists are being prepared.

1915, c.16, s.16; R.S.S. 1920, c.86, s.16.

**Abolition of ward system**

**17** The council of any city wherein the ward system has been adopted may, by a bylaw to be approved by the electors, provide for the abolition of the ward system and for reversion to the system of electing aldermen by a general vote of the electors.

1915 c.16 s. 17; R.S.S. 1920, c.86, s.17.

**When bylaws take effect**

**18** Every bylaw passed under section 13, 14 or 17 shall take effect so as to be applicable to the then next ensuing election for aldermen, and the aldermen then in office shall hold office only until the new council meets notwithstanding that the term of office for which they were elected has not elapsed.

1915, c.16, s.18; R.S.S. 1920, c.86, s.18.

**Ascertaining term of office**

**19** Where a bylaw is passed under section 13 or section 17, then, unless otherwise determined by the said bylaw, of the number of aldermen elected the half receiving the highest number of votes, or, in the event of there being no poll, the half first nominated shall hold office for two years and the remaining half for one year, and thereafter one-half the required number of aldermen shall be elected annually by a general vote of the electors and shall hold office for two years unless otherwise provided.

1915, c.16, s.19; R.S.S. 1920, c.86, s.19.

**Term of office of alderman**

**20** The term of office of an alderman shall not exceed two years.

1915, c.16, s.20; R.S.S. 1920, c.86, s.20.

**Election of mayor**

**21** The mayor shall be elected annually by a general vote of the electors in the manner hereinafter provided.

1915, c.16, s.21; R.S.S. 1920, c.86, s.21.

**Remuneration of mayor and council**

**22** The mayor shall be paid such remuneration as shall be fixed by the council, and each of the aldermen shall as remuneration be paid \$5 for each regular or special meeting of the council and for each meeting on other occasions in committee of the whole, provided that the total sum paid to an alderman for the year shall not exceed three hundred dollars.

1918-19, c.34, s.3; R.S.S. 1920, c.86, s.22.

**Persons eligible for council**

**23** Every person shall be eligible for election as mayor or alderman who is a British subject by birth or by naturalisation, is of the full age of twenty-one years, is able to read and write, is not subject to any disqualification under this Act and is resident within the city or within two miles of the limits of the city and whose name appears on the voters' list provided for in section 99.

1915, c.16, s.23; 1917, c.11, s.2; R.S.S. 1920, c.86, s.23.

**Persons disqualified for council**

**24(1)** No judge of any court of civil jurisdiction, no sheriff, no gaoler or keeper of a house of correction, no constable, assessor, city clerk, treasurer, auditor or other paid official of the city, no bailiff, no inspector of licenses, no person having by himself, his partner or agent an interest in a contract with or on behalf of the city, or being indebted to the city, no surety for any officer or employee of the city, no person who is insolvent within the meaning of *The Bankruptcy Act* and no person who has been convicted of an offence punishable with death or with imprisonment for five years or over, shall be qualified to be a member of the council.

(2) No person shall be disqualified from being a member of the council by reason of his having a contract for the publication of an advertisement in a newspaper or by reason of his being a shareholder in an incorporated company having dealings or contracts with the city, or having a contract for the supply to him of a public utility, or by his having a lease of property from the city for a term of twenty-one years or upwards; but no such leaseholder shall vote in the council on any question affecting a lease from the city, and no such shareholder shall vote on any question affecting such company.

1915, c.16, s.24; R.S.S. 1920, c.86, s.24.

**Emoluments**

**25** It shall not be competent for the council to appoint one of its members to an office of emolument in its gift or disposal.

1915, c.16, s.25; R.S.S. 1920, c.86, s.25.

## VACANCIES

**Resignation**

**26** The mayor or any alderman may resign his seat in the council at any time upon written notice to the city clerk who shall place the same before the council at its next meeting, and the said resignation shall take effect and the seat shall become vacant upon receipt of the notice by the clerk, unless such notice specifies a future date at which it is to take effect, in which case it shall take effect upon such date.

1915, c.16, s.26; 1917, c.11, s.3; R.S.S. 1920, c.86, s.26.



**Declaration of vacancy**

**27** If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of *The Bankruptcy Act*, or assigns his property for the benefit of his creditors, or absents himself from the meetings of the council for three months without being authorised so to do by a resolution of the council entered upon its minutes, his seat in the council shall *ipso facto* become vacant and the council shall forthwith declare the seat vacant.

1915, c.16, s.27; R.S.S. 1920, c.86, s.27.

**Election to fill vacancy in council**

**28(1)** If a seat in the council becomes vacant by death, resignation or otherwise, the council shall forthwith appoint a returning officer to hold an election to fill the vacancy, and such election shall be held in the same manner as nearly as may be as other elections under this Act.

(2) If the seat in the council of an alderman, whose term would not otherwise have expired at the end of the then current year, become vacant after the first day of November in any year, then such vacancy may be filled by the election of an extra alderman at the next general election, and the person obtaining the next highest number of votes after the regular number of aldermen have been elected shall fill such vacancy.

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

1915, c.16, s.28; R.S.S. 1920, c.86, s.28.

**Compulsory resignation**

**29** In the event of a member of the council forfeiting his seat at the council or his right thereto, or becoming disqualified to hold the same, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith resign his seat and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat him as provided by law.

1915, c.16, s.29; R.S.S. 1920, c.86, s.29.

**MEETINGS OF COUNCIL****First meeting**

**30** The first meeting of the council in each year shall be held on the first Monday in January, except when that day is a public holiday, in which case the meeting shall take place on the next subsequent day which is not a public holiday; and the council of the previous year shall hold office until the new council meets.

1915, c.16, s.30; R.S.S. 1920, c.86, s.30.

**Subsequent meetings**

**31** The subsequent regular meetings of the council shall be held on such days as the council shall determine.

1915, c.16, s.31; R.S.S. 1920, c.86, s.31.

**Quorum**

**32** A majority of the whole council shall be necessary to form a quorum.

1915, c.16, s.32; R.S.S. 1920, c.86, s.32.

**Conduct of meetings**

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

1915, c.16, s.33; R.S.S. 1920, c.86, s.33.

**MAYOR****Duties**

**34(1)** The mayor shall be the chief executive officer of the city, and it shall be his duty to be vigilant and active in causing the laws governing the city to be duly executed, to inspect the conduct of all civic officers, to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished so far as in his power, to communicate from time to time to the council all such information, and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the city.

(2) The mayor shall be *ex officio* a justice of the peace.

1915, c.16, s.34; R.S.S. 1920, c.86, s.34.

**Appointment of special constables**

**35** The mayor may at any time and from time to time, by writing under his hand, appoint and engage one or more special constables within the city for such time, not exceeding fifteen days, as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the council. Such special constables shall for the time being form a part of the police force of the city.

1915, c.16, s.35; R.S.S. 1920, c.86, s.35.

**Power of suspension**

**36** The mayor may suspend any municipal officer, other than a city commissioner, and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer. In case he is dismissed, such officer shall receive no salary or remuneration from the date of his suspension unless the council by a resolution otherwise determine.

1915, c.16, s.36; R.S.S. 1920, c.86, s.36.

**To preside, etc.**

**37** The mayor shall preside at all meetings of the council and shall preserve order and enforce the rules of the council.

1915, c.16, s.37; R.S.S. 1920, c.86, s.37.

**Deputy mayor**

**38** The council shall at its first meeting and every three months thereafter from among its members appoint a deputy mayor who shall hold office for three months and until his successor is appointed, and who, in case the mayor through illness, absence or any other cause is unable to perform the duties of his office or in case his office is vacant, shall have all the powers of the mayor during such inability or vacancy.

1915, c.16, s.38; R.S.S. 1920, c.86, s.38.

**Chairman**

**39** If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting, the members present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had.

1915, c.16, s.39; R.S.S. 1920, c.86, s.39.

**Vote**

**40** The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise, and (save as otherwise provided herein) any question upon which there is an equality of votes shall be deemed to be negatived.

1915, c.16, s.40; R.S.S. 1920, c.86, s.40.

**Special meetings**

**41(1)** The mayor may call special meetings of council whenever he deems it expedient, and he shall do so when requested in writing by a majority of the council.

(2) Where a special meeting of the council is to be held, all the members shall be duly notified at least twenty-four hours prior thereto of the meeting and (in general terms) of the business to be transacted thereat. Such notice may be delivered personally or left at the usual place of business or residence of the member.

1915, c.16, s.41; R.S.S. 1920, c.86, s.41.

**Public meetings**

**42** If so requested at any time by the written petition of thirty electors, the mayor shall by a printed public notice conspicuously posted in at least ten places in the city call a public meeting of the electors for the discussion of the municipal affairs of the city or of any matters relating thereto.

1915, c.16, s.42; R.S.S. 1920, c.86, s.42.

**Signing of cheques**

**43(1)** The mayor, or such other person as the council may from time to time appoint for the purpose, shall sign, jointly with the treasurer, all cheques issued by the city.

**Single cheque for payroll**

(2) The council may by resolution authorise the mayor and treasurer to issue each week, fortnight or month, as the case may be, a single cheque covering the total amount of the weekly, fortnightly or monthly payroll, such cheque to be deposited in the bank in a wages account and to be paid out upon cheques signed by the treasurer alone.

(3) The authority gives by such resolution shall be considered a continuing authority until the resolution is rescinded.

1915, c.16, s.43; R.S.S. 1920, c.86, s.43.

**COMMISSIONERS****Appointment of commissioners**

44 The council may appoint one or more commissioners to be called "The Commissioners of the City of \_\_\_\_\_" who shall hold office during the pleasure of the council, but shall not be dismissed except upon a majority vote of all the members thereof. The mayor shall be *ex officio* a commissioner in addition to those appointed by the council.

1915, c.16, s.44; R.S.S. 1920, c.86, s.44.

**Interest in contract**

45 No person having an interest in a contract with the city, shall be appointed commissioner; and no commissioner shall during his term of office have an interest direct or indirect in any such contract. Should a commissioner acquire such an interest he may be immediately dismissed without notice and without compensation.

1915, c.16, s.45; R.S.S. 1920, c.86, s.45.

**Powers and duties**

46(1) Subject to the legislative jurisdiction of the council, there shall be vested in the said commissioners all such powers and duties as shall be specified from time to time by bylaw or resolution of council.

(2) The power thus delegated may include such executive duties of the council as require the exercise of a discretion or are judicial or quasi-judicial in their character; and they may be altered from time to time by bylaw or resolution of the council.

1915, c.16, s.46; 1916, c.18, s.7; R.S.S. 1920, c.86, s.46.

**Salary**

47 The council shall fix the annual salary to be paid to each of the appointed commissioners, and in case of dismissal a commissioner shall receive three months' notice, or, in lieu thereof, one-fourth of his annual salary.

1915, c.16, s.47; R.S.S. 1920, c.86, s.47.

**Incapacity**

48 In case any commissioner is incapable through illness or other cause of performing the duties of his office, the council may appoint a substitute who during such illness, absence or other incapacity shall have and exercise all the powers of the said commissioner.

1915, c.16, s.48; R.S.S. 1920, c.86, s.48.

**Estimates**

**49** The commissioners of the city shall submit to the council at its first meeting in each year recommendations and estimates for expenditures which in their opinion should be made by the city during the year; and the council shall deal with the same and shall provide the necessary funds for such expenditures as it may determine to make.

1915, c.16, s.49; R.S.S. 1920, c.86, s.49.

**OFFICIALS****Appointment of officials**

**50(1)** The council shall appoint a clerk, a treasurer, an assessor, a solicitor and one or more auditors, and may also appoint such other officers as are deemed necessary for carrying into effect the provisions of this Act or of any other Act affecting the city or of any city bylaw.

(2) The same person may be appointed to more than one office.

1915, c.16, s.50; R.S.S. 1920, c.86, s.50.

**Tenure of office**

**51** All city officials shall hold office during the pleasure of the council, or according to the terms expressed in the bylaws by which they are appointed; and, in addition to the duties assigned to them by this Act or by the general law of Saskatchewan, shall perform such other duties as may be required of them by the bylaws.

1915, c.16, s.51; R.S.S. 1920, c.86, s.51.

**Security**

**52** The council may by bylaw require an official to give such security as is deemed 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 mayor and shall be laid by him before the council.

1915, c.16, s.52; R.S.S. 1920, c.86, s.52.

**Character of security**

**53** The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust, may be accepted instead of or in addition to the personal bond of an official.

1915, c.16, s.53; R.S.S. 1920, c.86, s.53.

**Liability**

**54** Every officer, servant and agent of the city shall be personally liable for any damage arising from his acts or defaults, or from his refusal or neglect to discharge 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.

1915, c.16, s.54; R.S.S. 1920, c.86, s.54.

**Gratuities**

**55** The council may grant any officer who has been in the service of the city, including its previous existence as a town, for at least twenty years, and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

1915, c.16, s.55; R.S.S. 1920, c.86, s.55.

**CITY CLERK****City clerk to attend meetings, etc.**

**56(1)** The city clerk shall attend all meetings of the council and shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council; and, if required by any member present, shall record the name and vote of every member voting on any matter submitted. He shall safely keep all the books, documents and records of the council and the originals or duly certified copies of all the bylaws thereof.

(2) It shall be his duty to summon all meetings of the council, to communicate the resolutions and instructions of the council to the parties concerned therein, and to conduct the general official correspondence of the council and the city.

1915, c.16, s.56; R.S.S. 1920, c.86, s.56.

**Absence**

**57(1)** The council may by resolution appoint some person to act in place of the clerk when absent or incapable of performing his duties, or during a vacancy in the office, and during such period the person so appointed shall have all the powers of the clerk.

(2) The city commissioners, if any, or in other cases the mayor, may appoint in writing some one to act in place of the clerk until the next meeting of the council, the clerk being absent or incapable of performing his duties and during such period the person so appointed shall have all the powers of the clerk.

1915, c.16, s.57; R.S.S. 1920, c.86, s.57.

**Records open to inspection**

**58** Any elector may at all reasonable times inspect any contract, bylaw, report of the commissioners or of any committee or of any official of the city (other than the city solicitor or any counsel engaged by the city), or any account relating thereto, or the minutes of council, after the same respectively have been submitted to the council, and the city clerk shall, within 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.

1915, c.16, s.58; R.S.S. 1920, c.86, s.58.

**Copies**

**59** A copy of any such book, record, document or account certified under the hand of the city clerk and the city seal shall be received in evidence in all courts without proof of the seal of the city or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders.

1915, c.16, s.59; R.S.S. 1920, c.86, s.59.

**CITY TREASURER****Custody of funds**

**60** The treasurer shall collect, receive and safely keep all moneys belonging or accruing due to the city from whatever source, and shall pay out the same only to such persons and in such manner as is directed by law or by the bylaws or resolutions of the council.

1915, c.16, s.60; R.S.S. 1920, c.86, s.60.

**Absence**

**61** The council may by resolution appoint a person to act instead of the treasurer in case the treasurer is absent or incapable of performing his duties, or during a vacancy in the office, and where so acting the appointee shall have all the powers of the treasurer.

1915, c.16, s.61; R.S.S. 1920, c.86, s.61.

**Deposits and cheques**

**62** The treasurer shall daily, or as often as the council may direct, deposit in the name of the city, in some chartered bank designated by resolution of the council, all moneys received by him in excess of \$100; and subject to the provisions of section 43 he shall jointly with the mayor, or such other person as the council may from time to time appoint, sign all necessary cheques.

1915, c.16, s.62; R.S.S. 1920, c.86, s.62.

**Books kept**

**63(1)** The treasurer shall keep and make use of such books of record and account as the minister or the council shall from time to time require him to keep and use.

**Monthly statement**

**(2)** The treasurer shall also prepare and submit to the council monthly a correct statement of the moneys at the credit of the city.

1915, c.16, s.63; R.S.S. 1920, c.86, s.63.

**Fees for searches**

**64** The treasurer or assessor shall collect a fee of twenty-five cents per lot for every search made in the assessment or tax rolls by any person other than the owner of the property searched or his agent, and such fee shall form part of the general revenue of the city.

1915, c.16, s.64; R.S.S. 1920, c.86, s.64.

## COLLECTOR OF TAXES

**Collector of taxes**

**65** The council may appoint a collector of taxes as a permanent or temporary officer and may make regulations defining his duties, among which may be included duties otherwise belonging to the treasurer or assessor.

1915, c.16, s.65; R.S.S. 1920, c.86, s.65.

## CITY SOLICITOR

**Appointment**

**66** The city solicitor shall be a member of the Law Society of Saskatchewan, and the council may determine his duties and the terms and period of his employment.

1915, c.16, s.66; R.S.S. 1920, c.86, s.66.

**Remuneration**

**67** In case the remuneration of the city solicitor is to be paid wholly or partly by salary, the city shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the city is a party.

1915, c.16, s.67; 1917 (sess. 2), c.25, s.3; R.S.S. 1920, c.86, s.67.

## AUDIT

**Appointment of auditors**

**68** The council shall, from time to time and as often as the office is vacant, appoint one or more auditors but no one who at the time of appointment or during the preceding year is or was a member of the council, or is or was city clerk or treasurer, or has or had directly or indirectly, alone or with any other person, a share or interest in any contract or employment with or on behalf of the city (except as auditor), shall be so appointed. An incorporated company or partnership may be appointed auditor.

1915, c.16, s.68; R.S.S. 1920, c.86, s.68.

**Audit**

**69(1)** The auditor shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the city or relating to any matter under its control or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture, shall stamp thereon in indelible letters the word "audited" and initial the same.

(2) The auditor shall on every such occasion write a special report respecting all expenditures made contrary to law, bylaw or resolution, and shall deliver the said report to the mayor who shall lay the same before the council at its next meeting.

1915, c.16, s.69; R.S.S. 1920, c.86, s.69.



**Audit before payment**

**70** The council may by bylaw provide that the auditor shall audit all accounts before they are paid.

1915, c.16, s.70; R.S.S. 1920, c.86, s.70.

**Auditor's reports**

**71(1)** On or before the fifteenth day of November in each year the auditor shall prepare, in such form as the minister may direct, an abstract of the revenue and expenditure of the city up to the preceding thirty-first day of October including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise disposed of and how disposed of and those remaining on hand.

(2) The treasurer shall, on or before the first day of December, cause the said statement to be printed in such quantity as the minister may direct. In the absence of such direction he shall publish a summary of its contents in at least one issue of some newspaper published in the city.

1915, c.16, s.71; 1918-19, c.34, s.4; R.S.S. 1920, c.86, s.71.

**Abstract**

**72** On or before the first day of March in each year the auditor shall prepare in such form as the minister may direct an abstract of the revenue, expenditure, assets and liabilities of the city up to the thirty-first of December of the preceding year, including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand; and shall make a special report respecting any expenditures made contrary to law.

1915, c.16, s.72; 1918-19, c.34, s.5; R.S.S. 1920, c.86, s.72.

**Publication**

**73** The auditor shall deliver the said abstract and report forthwith or as soon as may be to the mayor, who shall lay the same before the council at its next meeting; and the council shall on or before the first day of April in each year cause the said abstract and report, or a synopsis thereof, to be published in some newspaper published in the city and shall cause a copy of such abstract to be forwarded to the minister.

1915, c.16, s.73; R.S.S. 1920, c.86, s.73.

**Inspections**

**74** Any elector may inspect the said abstracts and reports, at all reasonable hours, and may by himself or his agent and at his own expense take a copy thereof or extract therefrom. An elector shall be entitled to be supplied with printed copies, if there are sufficient prints available, on payment of a charge of fifty cents per copy.

1915, c.16, s.74; R.S.S. 1920, c.86, s.74.

**Financial year**

**75** The financial year of the city shall commence on the first day of January and close on the thirty-first day of December.

1916, c.18, s.8; R.S.S. 1920, c.86, s.75.

**Comptroller**

**76(1)** The city may appoint a comptroller or chief accountant whose duty it shall be to keep all the city's books other than those required to be kept by the treasurer in connection with the receipt and disbursement of moneys.

(2) In case such appointment is made the council shall from time to time appoint an auditor or firm of auditors, not members of the permanent staff of the city, to examine, audit and report annually upon the books and accounts affecting the city or relating to any matter under its control or within its jurisdiction, to supervise the work of the accounting staff, to supervise generally the accounting in all the city departments, to make special reports on any expenditure made contrary to law or bylaw or resolution of council.

(3) In such case the council may assign to the comptroller or chief accountant such of the duties set out in sections 69 to 73 as are not assigned to the auditor mentioned in subsection (2) of this section.

1915, c.16, s.75; R.S.S. 1920, c.86, s.76.

**DECLARATIONS OF OFFICE****Declarations by officials**

**77** Every member of the council, every commissioner appointed by the council, the city clerk, the treasurer, every assessor, the city solicitor, city engineer, and every other civic officer who may by the terms of his appointment be required so to do, 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 that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office or, of the offices, in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*) to which I have been elected (*or appointed*) in this city, 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 undue execution of the said office (*or offices*), and that I have not by myself, my partner or agent, either directly or indirectly, any interest in any contract with or on behalf of the said city save and except that arising out of my office as (*naming the office*), and except any contract I may have for the supply of a public utility and that I am not for any other reason disqualified from holding the said office (*or offices*).

1915, c.16, s.76; R.S.S. 1920, c.86, s.77.

**Holders of more than one office**

**78** Any person who has been elected or appointed to two or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

1915, c.16, s.77; R.S.S. 1920, c.86, s.78.

**Declaration of auditor**

**79** 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 city of \_\_\_\_\_ 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 had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of the city during the preceding year, and that I have not any such contract or employment except that of auditor for the present year.

1915, c.16, s.78; R.S.S. 1920, c.86, s.79.

**Before whom taken**

**80** The mayor and aldermen and the other civic officers, except the city clerk, who are required to make a declaration of office, shall make and subscribe the said declaration before some justice of the peace, notary public or commissioner for oaths, or before the city clerk; the declaration of the city clerk shall be made and subscribed before a justice of the peace, notary public or commissioner for oaths; and the person before whom the declaration is made shall give the necessary certificate of its having been duly so made and subscribed.

1915, c.16, s.79; R.S.S. 1920, c.86, s.80.

**Power to administer oaths, etc.**

**81** The mayor or any justice of the peace, notary public or commissioner for oaths may administer any oath, affirmation or declaration relating to the business of the city, except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

1915, c.16, s.80; R.S.S. 1920, c.86, s.81.

**Deposit of form of oath**

**82** The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the city clerk who shall preserve it among the city records.

1915, c.16, s.81; R.S.S. 1920, c.86, s.82.

**In absence of mayor**

**83** The mayor, or in his absence the presiding officer of the council or of any committee thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to or being dealt with by the council or any committee thereof.

1915, c.16, s.82; R.S.S. 1920, c.86, s.83.

## POLICE

**Board of police commissioners**

**84(1)** There shall be in every city of ten thousand inhabitants or over a board of police commissioners consisting of the mayor, the judge of the district court of the judicial district in which the city is situated and the police magistrate.

(2) If there are two or more district court judges for the judicial district, the Lieutenant Governor in Council shall designate the judge who is to be a member of the board.

(3) During a vacancy in the office of judge or magistrate, or in case of the absence of either from Saskatchewan, the council may appoint a person to act until the vacancy is filled or during the absence of the member.

(4) In case of the illness or absence from Saskatchewan of the mayor, the person appointed presiding officer of the council shall act instead of the mayor.

1915, c.16, s.83; 1916, c.18, s.9; 1918-19, c.34, s.6; R.S.S. 1920, c.86, s.84.

**Meetings of the board**

**85(1)** The board shall hold at least twelve meetings during the year, and each commissioner shall receive a sum not exceeding \$5 for each meeting attended by him.

(2) The aggregate remuneration for any one commissioner for a year shall not exceed \$60.

(3) The gross expenditure in respect of the board, police force and police department shall not exceed the amount fixed in the estimates of the council for that purpose unless otherwise first specially authorised by resolution of council.

1915, c.16, s.84; R.S.S. 1920, c.86, s.85.

**Quorum**

**86** A majority of the board shall constitute a quorum, and the acts of the majority shall be considered the acts of the board.

1915, c.16, s.85; R.S.S. 1920, c.86, s.86.

**Chairman**

**87** The board shall appoint one of its members to be chairman.

1915, c.16, s.86; R.S.S. 1920, c.86, s.87.

**Bylaws**

**88** The board may pass bylaws in respect of all matters within its powers, and such bylaws shall be sufficiently authenticated by the signature of the chairman. A copy of any such bylaw, either written or printed, purporting to be certified a true copy by any member of the board shall be received in evidence in all courts without proof of the signature or official character of the member who signed the same.

1915, c.16, s.87; R.S.S. 1920, c.86, s.88.

**Power to provide penalties**

**89** Where the board has authority to make bylaws, it shall have power in and by such bylaws to attach penalties for the infraction thereof, and all such penalties may be recovered by way of summary conviction before the police magistrate of the city or before any justice of the peace residing in or near to the city.

1915, c.16, s.88; R.S.S. 1920, c.86, s.89.

**Constitution of police force**

**90** The police force shall consist of a chief of police and as many constables and other officers and assistants as may by the council be deemed necessary from time to time.

1915, c.16, s.89; R.S.S. 1920, c.86, s.90.

**Board controls the force**

**91** The board shall appoint the members of the police force, who shall hold office during pleasure. The board shall have sole charge and control of the force and of the police department.

1915, c.16, s.90; R.S.S. 1920, c.86, s.91.

**Oath taken by constables**

**92** The members of the police force shall, before entering upon their duties as members of such force, take and subscribe the following oath:

I, A. B., do swear that I will well and truly serve His Majesty the King in the office of chief of police (*or police constable as the case may be*) for the city of \_\_\_\_\_ with no favour or affection, malice or ill will; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against the person and properties of all persons, and that I will to the best of my skill and knowledge discharge all the duties of my office faithfully and according to law. So help me God.

1915, c.16, s.91; R.S.S. 1920, c.86, s.92.

**Board makes regulations**

**93** The board shall from time to time make such regulations as it may deem expedient for the government of the force, for preventing neglect or abuse and for rendering the force efficient in the discharge of all its duties.

1915, c.16, s.92; R.S.S. 1920, c.86, s.93.

**Duties of police constables**

**94** Subject to the paramount authority of the board, the constables shall obey all lawful directions, and be subject to the orders, of the chief of police, and shall be charged with the special duty of preserving the peace, apprehending offenders and generally with the performance of all duties which by law devolve upon constables and peace officers.

1915, c.16, s.93; R.S.S. 1920, c.86, s.94.

**Dismissals from force**

**95** Any member of the force may be suspended or dismissed by the chief of police, who shall forthwith report such suspension or dismissal to the board of police commissioners. Any member so suspended or dismissed shall have the right to be heard in person or through his solicitor before the board at such time as may be arranged by the board.

1917 (sess. 2), c.25, s.4; R.S.S. 1920, c.86, s.95.

**Board's powers of investigation**

**96** The board may investigate the conduct of any member of the police force, either of its own motion or in connection with a charge of negligence or misconduct; and, for the purposes of such investigation, it shall have all the powers and authority for compelling witnesses to attend and testify under oath concerning the subject matter of the investigation, for preserving order and for punishing for contempt, that may be exercised by a police magistrate or justice of the peace in respect of criminal or quasi-criminal matters pending before him.

1915, c.16, s.95; R.S.S. 1920, c.86, s.96.

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### PART III

## Municipal Elections

### VOTERS' LIST

**Qualifications of voters**

**97** The persons qualified to vote at municipal elections shall be the men and women of the full age of twenty-one years whose names appear upon the last revised voters' list of the city.

1915, c.16, s.96; R.S.S. 1920, c.86, s.97.

**First election**

**98** The persons qualified to vote at the first election of mayor and aldermen in any new city shall be the men and women of the full age of twenty-one years whose names are on the last revised voters' list of the town, village or rural municipality or portion thereof respectively forming part of the city.

1915, c.16, s.97; R.S.S. 1920, c.86, s.98.

**Preparation of list**

**99(1)** The assessor shall, on or before the first day of September in each year, prepare a voters' list in alphabetical form. He shall place thereon:

- (a) the names of all men and women of the full age of twenty-one years who are assessed upon the last revised assessment roll;
- (b) the names of all such men and women who have been *bona fide* residents in the city for at least three months prior to the first day of July in the current year, and have paid to the city for that year or any portion thereof a license fee of at least \$10;

- (c) the names of all persons appearing on the householders' list hereinafter provided for;
  - (d) the name of every woman who is the wife of a man qualified under either clause (a) or clause (b) who is resident with her husband in the city and who satisfies the assessor by statutory declaration or otherwise on or before the fifteenth day of August that she is entitled to have her name entered upon the list; and
  - (e) the name of every man whose wife is qualified under either clause (a) or clause (b) and who satisfies the assessor by statutory declaration or otherwise on or before the fifteenth day of August that he is entitled to have his name entered upon the list.
- (2) The assessor shall distinguish on the said list those who are qualified to vote as burgesses, and where the city has been divided into wards or polling subdivisions, the list shall show those who are entitled to vote in each ward or polling subdivision as the case may be.
- (3) The assessor shall cause four copies of such list to be printed with sections 101, 103 and 104 prefixed thereto, and shall post up one copy in the office of the city clerk, and one in each of three other public places conveniently separated within the limits of the city, on or before the first day of October, and notice of such posting shall be published once in each week for two successive weeks in a newspaper published in the city.
- (4) Any assessor who neglects or refuses to comply with the provisions of this section shall be liable to a penalty not exceeding \$100.

1915, c.16, s.98; 1917, c.11, s.4; 1919-20, c.23,  
s.2; R.S.S. 1920, c.86, s.99.

**Town school districts mainly within city**

- 100**(1) In case a school district lies partly within and partly without the limits of a city, the city assessor shall include in the voters' list the names of all persons qualified as voters of the school district in respect of that portion only of the same which lies outside the city limits.
- (2) Such names shall be placed in a separate part of the list, marked so as to show the area to which it applies, and with a memorandum to the effect that it is a list of voters for the purposes of the school district only.
- (3) The persons whose names appear in such separate part of the voters' list, shall be entitled to vote upon questions affecting the school district, but shall not merely by reason thereof be considered voters in the municipality for any other purpose.

1915, c.16, s.99; R.S.S. 1920, c.86, s.100.

**Additions to list**

**101** Any person who is otherwise duly qualified, but whose name does not appear on the voters' list, or whose name is put down in error, or whose name has been omitted from the last revised assessment roll, may either by himself or his agent apply to have the voters' list amended upon giving the assessor a notice in the following form:

To the assessor of the city of \_\_\_\_\_

Take notice that I intend to apply to the court of revision to have my name added to the voters' list (*or as the case may be*) for the following reasons (*here state the grounds according to the facts*).

(Signature of applicant)

Applicant.

or

(Name of applicant)

Applicant by his agent.

1915, c.16. s.100; R.S.S. 1920, c.86, s.101.

**Declaration**

**102** A person making application, either by himself or his agent, to the assessor, to have his name added to the voters' list, shall at the time of making such application file with the assessor a statutory declaration in the following form or to the like effect:

CANADA:

Province of Saskatchewan

To WIT:

I, \_\_\_\_\_ of the city of \_\_\_\_\_  
in the Province of Saskatchewan (*here give occupation and qualification under section 99 of The City Act*) make oath and say:

1. That I am of the full age of twenty-one years;
2. That I am the owner of (*here give description of property and interest therein*);  
or (*where applicant is a licensee*)

2. That I resided in the city for at least three months prior to the first day of July last and that I am still a *bona fide* resident thereof;

3. That I have taken out a license as \_\_\_\_\_ and have paid to the city in respect thereof a license fee of \$ \_\_\_\_\_ .

or (*where applicant is a householder*)

2. That I resided in the city for a period of at least three months prior to the first day of July last and that I am still a *bona fide* resident thereof;

3. That during the said period I was tenant of premises situated (*here describe the premises*) at a rental of \$ \_\_\_\_\_ per \_\_\_\_\_ ; and that I am now tenant of premises situated (*here describe the premises*) at a rental of \$ \_\_\_\_\_ per \_\_\_\_\_ ;

or (*where applicant is resident wife or husband*)



2. That I am the wife (or husband) of \_\_\_\_\_ who is qualified to vote at municipal elections in this city as (*here state nature of husband's or wife's qualification*) and that I reside with my husband (or wife) in the city.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 19\_\_\_\_\_. } .....

*City Assessor or a Commissioner,  
J.P. or N.P.*

1915, c.16, s.101; 1917, c.11, s.5; 1919-20, c.23, s.3; R.S.S. 1920, c.86, s.102.

## Disqualification

**103(1)** If any person, who has qualified as a voter on income or as an occupant of land, has left the city; or

If, before the first day of October in the then current year, a person has disposed of or ceased to occupy the property for which he was qualified as a voter; or

If any person's name is wrongfully upon the list;

such person shall be liable to have his name struck off the voters' list as being disqualified, and the assessor or any elector may apply to the court of revision to have his name, or that of any person otherwise disqualified struck off the list, and the name of the proper person, if any, substituted therefor.

(2) The applicant when not the assessor shall give six clear days' notice in writing to the assessor of his intention to apply to the court of revision, and shall state in such notice the grounds of his objection to the qualifications of the person whose name he desires to have struck off.

1915, c.16, s.102; R.S.S. 1920, c.86, s.103.

## Notice

**104** Notices served upon the assessor under sections 101 and 103 shall be served on or before the first day of November.

1915, c.16, s.103; R.S.S. 1920, c.86, s.104.

## List of applicants

**105** On or before the fifth day of November the assessor shall make a list of all applicants for amendments to the voters' list, giving names and grounds of each such application, and shall post the same in a conspicuous place in his office; and he shall immediately thereafter, notify the parties interested, by registered letter, of the time and place fixed for the hearing of such applications.

1915, c.16, s.104; R.S.S. 1920, c.86, s.105.

**Court of revision**

**106(1)** On or before the fifteenth day of November in each year the council shall meet as a final court of revision of the voters' list and shall then hear and determine all applications of which notice has been given to the assessor as hereinbefore provided; and the assessor shall thereupon amend the voters' list in all cases provided for by sections 101 and 103 as may be required.

(2) Where commissioners have been appointed, the commissioners shall form the court of revision, and shall possess all the powers and perform all the duties which would otherwise belong to or devolve upon the council.

1915, c.16, s.105; R.S.S. 1920, c.86, s.106.

**Revised list**

**107(1)** The list so amended shall be the voters' list of the city for the ensuing year or until a new voters' list has been finally revised.

(2) The court of revision may at any time correct any gross and palpable errors in the list, and any corrections so made shall be initialed by the assessor.

1915, c.16, s.106; R.S.S. 1920, c.86, s.107.

**Powers of court**

**108** As to the attendance of witnesses and the imposition and recovery of penalties the court of revision of the voters' list shall have the powers and privileges conferred upon it by this Act in relation to the assessment roll, and the procedure at such sitting shall be the same as or similar to the procedure prescribed for the council when sitting as a court for the revision of the assessment roll.

1915, c.16, s.107; R.S.S. 1920, c.86, s.108.

## PRELIMINARY PROCEEDINGS

**Returning officer, etc.**

**109(1)** The city clerk shall, unless the council otherwise specially provides by a bylaw, be by virtue of his office returning officer for the municipal elections, and shall appoint such deputy returning officers, poll clerks, constables and other officials as may be necessary, and do all such acts as may be required for holding the election in conformity with the provisions of this Act.

(2) The council may, at least one week prior to the last Monday in November in each year, appoint by bylaw a returning officer other than the city clerk for the ensuing municipal elections, and also, if elections are to be from wards, a deputy returning officer for each ward; and, if the city or any ward has been divided into polling subdivisions, the council shall appoint a deputy returning officer for each polling subdivision and name the place or places where the votes are to be polled.

1919-20, c.23, s.4; R.S.S. 1920, c.86, s.109.

**Inability to act**

**110** In the event of any of the deputy returning officers appointed dying or being unable to act from any cause whatever, the returning officer shall have power to appoint a substitute.

1915, c.16, s.109; R.S.S. 1920, c.86, s.110.

**Polling place not available**

**111** In case a polling place named in a bylaw is not available, the returning officer shall provide a convenient place in the vicinity, and shall post a notice at the regular polling place stating the place to which the poll has been removed, or he shall station some person thereat for the purpose of directing voters.

1915, c.16, s.110; R.S.S. 1920, c.86, s.111.

**Annual meeting of electors**

**112** The city clerk shall at least one week prior to the last Monday in November in each year cause to be posted up in ten conspicuous places in the city, and shall advertise at least twice during the week immediately preceding such meeting in one or more newspapers published in the city, a notice of the annual meeting of the electors in the following form:

## NOTICE

City of \_\_\_\_\_

Public notice is hereby given that a meeting of the electors of the city of \_\_\_\_\_ will be held (*description of place*) on Monday, the (*here fill in the date on which the last Monday in November falls*) day of November, 19 \_\_\_\_\_, at eight o'clock p.m. for the purpose of receiving the auditor's interim statement of the finances of the city for that portion of the year ending on the thirty-first day of October and for the purpose of receiving the reports of the chairmen of the various committees of the council (and of the city commissioners *if any*).

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

.....

*City Clerk.*

1915, c.16, s.111; R.S.S. 1920, c.86, s.112.

**Mayor, etc., attends and submits reports**

**113(1)** At the time and place appointed the mayor, treasurer, auditor, the chairmen of the various committees and the city commissioners, if any have been appointed, shall attend and submit to the meeting their respective reports for that portion of the current year ending the thirty-first day of October.

(2) The minister may from time to time prescribe forms for the foregoing reports.

1915, c.16, s.112; R.S.S. 1920, c.86, s.113.

**Notice of nomination**

**114** The returning officer shall at least six days previous to the first Monday in December, post up in ten conspicuous places in the city, and shall advertise in one or more newspapers published in the city, a notice in the following form:

**NOTICE**

City of \_\_\_\_\_ Municipal Elections 19 \_\_\_\_\_ .

Public notice is hereby given that a meeting of the electors of the city of \_\_\_\_\_ will be held (*description of place*) on Monday, the (*here fill in the date on which the first Monday in December falls*) day of December, 19 \_\_\_\_\_ , from ten o'clock in the forenoon until noon for the purpose of nominating candidates for the offices of mayor of the city and an alderman for each ward (*or as the case may be, providing for school trustees, and, where the hospital board is elective, members of that board, and for members of any other elective board*) for the next ensuing year.

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

G. H.,  
Returning Officer.

1915, c.16, s.113; R.S.S. 1920, c.86, s.114.

**Nominations**

**115** At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations. Any person whose name appears on the last revised voters' list may propose or second the nomination of a duly qualified person to serve as mayor or alderman of the city. If the number of persons nominated does not exceed the requisite number, the returning officer shall declare the persons so nominated duly elected.

1915, c.16, s.114; R.S.S. 1920, c.86, s.115.

**Consent to nomination**

**116** Every nomination for mayor or alderman shall be in writing and shall be accompanied by a written statement from the person named in such nomination that he is eligible to be elected for such office, and a written consent to accept the office if elected.

1915, c.16, s.115; R.S.S. 1920, c.86, s.116.

**Poll declared**

**117** In the event of more than the required number of persons being nominated, the returning officer shall declare that a poll will be held, and shall name the time (which shall be on the same day of the week as the nomination but in the next following week), the place or places where the votes are to be polled and the deputy returning officers appointed to receive the same and also the time and place at which the result of the polling will be declared.

1915, c.16, s.116; R.S.S. 1920, c.86, s.117.

**Notice of polling**

**118** Whenever a poll has to be taken, the returning officer shall without any unreasonable delay after the nominations, cause to be posted up in the city hall, and shall advertise in one or more newspapers published in the city, twice, if there is a daily paper so published, a notice to the following effect:

**NOTICE**

City of \_\_\_\_\_ Municipal Elections 19 \_\_\_\_\_ .

Public notice is hereby given that a poll has been granted for the election of mayor of the city of \_\_\_\_\_ and of an alderman for Ward No. 3 (*or as the case may be, providing for school trustees, and for the members of any other elective board*) for the year 19 \_\_\_\_\_, and that the polling will take place on (*here insert date of polling*) the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, from nine o'clock in the forenoon until eight o'clock in the afternoon at the following places (*here specify polling places*). And that I will at (*describe the place*) on (*day of week*), the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the forenoon, sum up the votes and declare the result of the election.

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

*G. H.,  
Returning Officer.*

1915, c.16, s.117; R.S.S. 1920, c.86, s.118.

**Withdrawal of candidate**

**119** Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer, a declaration in writing to that effect signed by himself in the presence of the returning officer, a justice of the peace, commissioner for oaths or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void.

1915, c.16, s.118; R.S.S. 1920, c.86, s.119.

**Abandonment of poll**

**120** If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for an office does not exceed the number required by this Act to be elected for such office, the returning officer shall return as duly elected the candidate or candidates so remaining in nomination without waiting for the day fixed for holding the poll, and the polling for such office shall not take place.

1915, c.16, s. 119; R.S.S. 1920, c.86, s.120.

**Notice**

**121** In such cases the returning officer shall forthwith cause to be posted up in the city hall, and shall advertise at least once, in one or more newspapers in the city, a notice to the following effect:

**NOTICE**

City of \_\_\_\_\_ Municipal Elections 19 \_\_\_\_\_ .

Whereas, Mr. \_\_\_\_\_ nominated for the office of \_\_\_\_\_ for Ward No. \_\_\_\_\_ (*or as the case may be*) has withdrawn his candidature for the said office leaving Mr. \_\_\_\_\_ the only candidate therefor, I hereby give notice that no voting for the said office will take place on the \_\_\_\_\_ day of (*date of polling*), 19 \_\_\_\_\_ .

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

*G. H.,*

*Returning Officer.*

1915, c.16, s.120; R.S.S. 1920, c.86, s.121.

**Vote by ballot**

**122** In case of a poll at a municipal election, the vote shall be given by ballot.

1915, c.16, s.121; R.S.S. 1920, c.86, s.122.

**Ballot boxes**

**123** Where a poll is required, the city clerk shall provide as many ballot boxes as there are polling subdivisions.

1915, c.16, s.122; R.S.S. 1920, c.86, s.123.

**Their construction**

**124** The ballot boxes shall be made of some durable material, shall be provided with a lock and key and shall be so constructed that, the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box is unlocked.

1915, c.16, s.123; R.S.S. 1920, c.86, s.124.

**Their distribution**

**125** When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the city clerk to deliver the same to the returning officer who shall deliver one of the ballot boxes to every deputy returning officer appointed for the purposes of the election, not later than fifteen minutes before the opening of the poll.

1915, c.16, s.124; R.S.S. 1920, c.86, s.125.

**Printed ballots**

**126** Where a poll is required, the returning officer shall forthwith cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purposes of the election.

1915, c.16, s.125; R.S.S. 1920, c.86, s.126.

**127** Every ballot paper in an aldermanic election shall contain a brief explanatory note stating the number of candidates required to be elected and voted for to make the ballot valid; and shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames, and if there are two or more candidates with the same surname in the order of their christian names.

1915, c.16, s.126; R.S.S. 1920, c.86, s.127.

**Their contents**

**128** The names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for aldermen; but one kind or set of ballot papers shall be prepared for all the wards containing the names of the candidates for mayor; and another kind or set shall be prepared for each ward containing the names of candidates for aldermen in the ward:

Provided that until a ward system is established the names of the mayor and aldermen may be included in the same ballot.

1915, c.16, s.127; R.S.S. 1920, c.86, s.128.

**Form of ballot**

**129** The ballot papers shall be in the following forms:

**Form for Mayor**

MAYOR	Election of Mayor for the City of ..... ..... for 19 .....	ALLAN. CHARLES ALLAN, of the City of ..... Merchant.
		BROWN. WILLIAM BROWN, of the City of ..... Banker.

**Form for Aldermen**

*Note.*—The number of alderman to be elected is \_\_\_\_\_. The ballot must be marked for \_\_\_\_\_ candidates to be valid.

ALDERMAN	Election of Alderman for the City of ..... ..... for 19 .....	ARGO. JAMES ARGO, of the City of ..... Gentleman.
		BAKER SAMUEL BAKER, of the City of ..... Baker.
		DUNCAN. ROBERT DUNCAN, of the City of ..... Printer.

1915, c.16, s.128; R.S.S. 1920, c.86, s.129.

**Supplies to deputy returning officer**

**130** Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the ward or polling subdivision 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 ballot papers.

1915, c.16, s.129; R.S.S. 1920, c.86, s.130.

**Directions for voters**

**131(1)** The returning officer shall, before the opening of the poll, deliver or cause to be delivered to every deputy returning officer such number of printed directions for the guidance of voters as he may deem sufficient.

(2) Such directions shall be printed in conspicuous characters and may be according to the following form:

**DIRECTIONS FOR THE GUIDANCE OF VOTERS**

The voter will go into one of the compartments and, with 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 such name.

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

If the voter inadvertently spoils the ballot paper, he may return it to the deputy returning officer who will, if satisfied of such inadvertence, give him another.

If the voter does not vote for the full number of candidates for any office that he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for said office.

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

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

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



In the following forms of ballot paper given for illustration the candidates for mayor are Jacob Thompson and Robert Walker, and for alderman, John Bull and Morgan Jones. The elector has marked the first ballot paper in favour of Jacob Thompson for mayor, and the second ballot paper in favour of John Bull for alderman.

#### Form for Mayor

MAYOR	Election of Mayor for the City of ..... for 19 .....	THOMPSON, JACOB THOMPSON, of the City of _____ Merchant.	<b>X</b>
		WALKER, ROBERT WALKER, of the City of _____ Physician.	

#### Form for Aldermen

*Note.*—The number of aldermen to be elected is \_\_\_\_\_. The ballot must be marked for \_\_\_\_\_ candidates to be valid.

ALDERMEN	Election of Aldermen for the City of ..... for 19 .....	BULL, JOHN BULL, of the City of _____ Butcher.	<b>X</b>
		JONES, MORGAN JONES, of the City of _____ Grocer.	

1915, c.16, s.129; R.S.S. 1920, c.86, s.131.

#### Returning officers

**132** Every returning officer, deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon the duties of his office make and subscribe a solemn declaration to the following effect:

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been appointed in this city 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.

1915, c.16, s.131; R.S.S. 1920, c.86, s.132.

**Oaths**

**133** When any oath, affirmation or declaration is required to be taken or made by a returning officer, or deputy returning officer, and no special provision is herein made therefor, the same may be made and subscribed before the city clerk, the poll clerk, a justice of the peace, or in case of deputy returning officer, before the returning officer, as well as before any person authorised to administer an oath; and the returning officer, deputy returning officer, or any justice of the peace, as well as any such person may administer any oath, affirmation or declaration required to be made by a poll clerk, constable or other officer under the provisions of this Act.

1915, c.16, s.132; R.S.S. 1920, c.86, s.133.

**Posting up of directions**

**134** Every deputy returning officer shall before the opening of the poll, or immediately after he has received the printed directions from the returning officer (if he did not receive the same before the opening of the poll), cause the said printed directions to be placarded outside the polling place for which he is appointed to act, and also in every voting compartment of the polling place, and shall see that they remain so placarded until the close of the poll.

1915, c.16, s.133; R.S.S. 1920, c.86, s.134.

**Voting compartments**

**135** Every polling place shall be furnished with one or more compartments in which the voters can mark their ballots screened from observation, and it shall be the duty of the returning officer to see that such accomodation is provided at each polling place.

1915, c.16, s.134; R.S.S. 1920, c.86, s.135.

**Copy voters' list**

**136** The returning officer shall, before the poll is opened, deliver to every deputy returning officer a copy, certified by the assessor to be a correct copy, of the voters' list for the ward or polling subdivision for which such deputy returning officer is to act, and a blank poll book in which to record the names and qualifications of the electors who vote.

1915, c.16, s.135; R.S.S. 1920, c.86, s.134.

**Poll book**

**137** The poll book shall be in the following form:

REMARKS		
Refusal to swear		
Sworn		
Objected to		
VOTED FOR	Hospital Board	
	High School Trustee	
	School Trustee	
	Alderman	
	Mayor	
Occupation		
Residence		
Qualification		
NAME		
No.		

1915, c.16, s.136; R.S.S. 1920, c.86, s.137.

**Certificate to persons attending other than their own poll**

**138** The returning officer, on the request of any elector who has been appointed deputy returning officer, or poll clerk or constable, or agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualifications in respect of which he is entitled to vote.

1915, c.16, s.137; R.S.S. 1920, c.86, s.138.

**Rights on production of certificate**

**139** On the production of the certificate the deputy returning officer, poll clerk, constable or agent shall have the right to vote at the polling place where he is stationed during the polling day instead of the polling place where he would otherwise have been entitled to vote; and the deputy returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy returning officer, poll clerk, constable or agent during the whole of the day of polling, nor to vote for alderman except in the ward where he would otherwise be entitled to vote.

1915, c.16, s.138; R.S.S. 1920, c.86, s.139.

**Oath of certified persons**

**140** In case a deputy returning officer votes at the polling place to which he has been appointed as such, the poll clerk appointed to act at the polling place, or, in the absence of the poll clerk, any elector authorised to be present, may administer to the deputy returning officer any of the oaths required by law to be taken by voters.

1915, c.16, s.139; R.S.S. 1920, c.86, s.140

**Poll clerks**

**141(1)** The deputy returning officer may, by writing under his hand, appoint a poll clerk who in the absence of the deputy returning officer or in case of his illness or inability to fulfil the duties required of him by this Act, shall have the powers of the officer by whom he was appointed.

**Constables**

(2) The deputy returning officer may also appoint a constable to maintain order at the polling place, or he may summon to his assistance in the polling place any police constable or peace officer for the purpose of maintaining order, of preserving the public peace or preventing any breach thereof, or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Act.

1915, c.16, s. 140; R.S.S. 1920, c.86, s.141.

**Oath for poll officials**

**142** Every returning officer, deputy returning officer, poll clerk, constable, candidate or agent authorised to be present at any polling place, before exercising at any polling place any of the rights or functions of the office for which he has been so appointed, shall take and subscribe before a justice of the peace, the city clerk, a commissioner for oaths or (in the case of a poll clerk or constable or agent) before the deputy returning officer at whose polling place he is appointed to act, an oath in form following:

I, A. B., do swear that I will not at the election to be held in the city of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, attempt in any way unlawfully 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 or persons for whom any elector has voted. So help me God.

1915, c.16, s.141; R.S.S. 1920, c.86, s.142.

## THE POLL

**Duration of poll**

**143** The polls shall be kept open from nine o'clock in the forenoon until eight o'clock in the afternoon of the same day.

1915, c.16, s.142; R.S.S. 1920, c.86, s.143.

**Agents**

**144** Any person producing to the deputy returning officer at any time a written authority to represent a candidate as his agent at a polling place shall be recognised as such by the said officer.

1915, c.16, s.143; R.S.S. 1920, c.86, s.144.

**Elector has only one vote**

**145(1)** An elector may vote once only for mayor and once only for alderman, and in case his name or a name intended for his appears in the voters' list for more than one ward (if the elections are to be from wards) he shall cast his votes for mayor, alderman, high school trustees, public school trustees, separate school trustees, hospital governors where elective, and any bylaw referred to the electors or burgesses, in the same ward.

(2) In case the city or any ward is divided into polling subdivisions, all such votes shall be cast in the same subdivision.

1915, c.16, s.144; 1918-19, c.34, s.7; R.S.S. 1920, c.86, s.145.

**Penalty**

**146** Any person who votes oftener than he is entitled to do under the provisions of this Act shall incur a penalty not to exceed \$50 and costs.

1915, c.16, s.145; R.S.S. 1920, c.86, s.146.

**Evidence of voting**

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

1915, c.16, s.146; R.S.S. 1920, c.86, s.147.

**Exhibition of ballot box**

**148** The deputy returning officer presiding at the poll shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty. He shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and shall thereupon place it in his view for the receipt of ballot papers and shall keep it so in full view of all present, and locked and sealed during the hours of polling.

1915, c.16, s.147; R.S.S. 1920, c.86, s.148.

**Procedure in voting**

**149** When a person claiming to be entitled to vote presents himself for the purpose of voting, the deputy returning officer shall proceed as follows:

1. He shall ascertain that the name of such person, or a name apparently intended therefor, is entered upon the voters' list for the ward or polling subdivision for which the said officer is appointed to act;
2. He shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification, residence and occupation of such person;
3. When the vote is objected to by any candidate or his agent, the deputy returning officer shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "objected to" noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate;
4. If any candidate or his agent demands that the voter be sworn, the deputy returning officer shall administer to him the following oath:

You swear (*or solemnly affirm*) that you are of the full age of twenty-one years, and that you are the person named (*or intended to be named by the name of* \_\_\_\_\_) in the voters' list now shown to you (*showing the list to the voter*);

That you have not voted before at this election for aldermen (*if the elector is tendering his vote for aldermen*) either at this or at any other polling place and (*if the elector is tendering his vote for mayor*) that you have not voted before for mayor 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 either 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 services connected with this election;

And 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;

5. If the voter takes the said oath, the deputy returning officer shall receive the vote and shall enter or cause to be entered opposite such person's name, in the proper column of the said poll book, the word "sworn" or "affirmed," according to the fact;
6. Where the voter has been required to take the oath or affirmation and refuses to take the same, the deputy returning officer shall enter (or cause to be entered) opposite the name of such voter in the proper column of the poll book the words "refused to swear" or "refused to affirm" according to the fact, and the vote of such person shall not be taken or received, and, if the deputy returning officer takes or receives such vote or causes the same to be taken or received, he shall incur a penalty of \$100;

7. When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the deputy returning officer shall place or cause to be placed a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book, and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper;

8. Except in the case mentioned in paragraph 6 the ballot papers shall then be delivered to the voter.

1915, c.16, s.148; R.S.S. 1920, c.86, s.149.

**Explanation to voter**

**150** 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.

1915, c.16, s.149; R.S.S. 1920, c.86, s.150.

**Initialing poll book**

**151** The deputy returning officer shall place or cause to be placed in the columns of the poll book headed "mayor" "alderman," "school trustee" and "hospital board," a check mark opposite the name of every voter receiving a ballot paper at the time he receives the same, to denote that the voter has received a ballot paper for mayor, alderman, school trustee, or member of the hospital board, as the case may be.

1915, c.16, s.151; R.S.S. 1920, c.86, s.151.

**Marking of ballot**

**152** Upon receiving from the deputy returning officer the ballot paper prepared as aforesaid, the voter shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in section 131 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 other place within the division which contains the name of the candidate. He shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper, and so as to expose the initials of the said officer, and leaving the compartment shall, without delay and without showing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper, deliver the ballot paper 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 paper, verify his own initials and at once deposit the ballot 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.

1915, c.16, s.152; R.S.S. 1920, c.86, s.152.

**Secrecy of vote**

**153** While a voter is in a voting compartment for the purpose of marking his ballot paper, 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 paper.

1915, c.16, s.153; R.S.S. 1920, c.86, s.153.

**Ballot not removed from poll**

**154** No person who has received a ballot paper from the deputy returning officer shall take the same out of the polling place.

1915, c.16, s.154; R.S.S. 1920, c.86, s.154.

**Removing ballot from poll**

**155** Any person who, having received a ballot paper from the deputy returning officer, leaves the polling place without first delivering the same to the said officer in the manner prescribed, shall thereby forfeit his right to vote; and the officer shall make an entry in the poll book in the column for "remarks" to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be. In the latter case the officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same.

1915, c.16, s.155; R.S.S. 1920, c.86, s.155.

**Inability, etc., to mark ballot**

**156** In the case of an application by a person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper, or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, or where the voting is on a Saturday that he is of the Jewish faith and objects on religious grounds to mark his ballot in the manner prescribed by section 152, the proceedings shall be as follows:

1. The deputy returning officer shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box;
2. The deputy returning officer shall state or cause to be stated in the poll book, by an entry opposite the name of such person in the proper column of the poll book, that the vote of such person is marked in pursuance of this section and the reason why it is so marked;
3. The declaration aforesaid may be in the following form:

I, A. B., of \_\_\_\_\_, being named on the voters' list for polling subdivision No. \_\_\_\_\_ in Ward No. \_\_\_\_\_ of the city of \_\_\_\_\_ being a duly qualified elector of the said city of \_\_\_\_\_, do hereby declare that I am unable to read (*or* that I am from physical incapacity unable to mark a ballot paper, or, that I object on religious grounds to mark a ballot paper, *as the case may be*).

A. B. \_\_\_\_\_ his (X) mark.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_;



4. In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to that effect, and such declaration shall at the time of the polling be made by the person claiming to be entitled to vote before the deputy returning officer who shall attest the same according to the following form:

I, *C. D.*, the undersigned, being the deputy returning officer for Ward No. \_\_\_\_\_ (*or* polling subdivision No. \_\_\_\_\_ in Ward No. \_\_\_\_\_) of the city of \_\_\_\_\_, do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above named *A. B.*, was signed by him in my presence with his mark (*or, in the case of one who objects on religious grounds to mark a ballot paper, was orally made before me*).

Signed, \_\_\_\_\_ *C. D.*,  
*Deputy Returning Officer.*

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

1915, c.16, s.156; R.S.S. 1920, c.86, s.156.

#### **Voter who cannot speak English**

**157** Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate the oath as well as any lawful question necessarily put to the voter, and his answers; and the interpreter shall take the oath following:

I swear (*or affirm*) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election, and that I will keep secret all knowledge which has come to me of the person or persons for whom any elector has voted. So help me God.

1918-19, c.34, s.8; R.S.S. 1920, c.86, s.157.

#### **Ballot spoiled before voting**

**158** A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy returning officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer, receive another ballot paper in the place of the ballot paper so delivered up. The said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him, and he shall preserve the same till he makes his return under section 171.

1915, c.16, s.158; R.S.S. 1920, c.86, s.158.

#### **Persons entitled to be in polling place**

**159** During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorised to attend at the polling place, and the voter who is for the time being actually engaged in voting.

1915, c.16, s.159; R.S.S. 1920, c.86, s.159.

## PROCEEDINGS AFTER CLOSE OF POLL

### Procedure on close of poll

**160** In every polling place the deputy returning officer shall immediately after the closing of the poll, in the presence of the poll clerk, if any, and of such of the candidates or of their agents as may then be present, open the ballot box and proceed to count the votes as follows:

He shall examine the ballot papers, and every ballot paper:

- (a) which has not on its back his initials; or
- (b) on which more votes are given than the elector is entitled to give; or
- (c) on which there are not the full number of votes the elector is entitled to give; or
- (d) on which anything except the initials of the said officer on the back is written or marked by which the voter can be identified; or
- (e) which have been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

shall be void and shall not be counted.

1915, c.16, s.160; R.S.S. 1920, c.86, s.160.

### Objections noted

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

1915, c.16, s.161; R.S.S. 1920, c.86, s.161.

### Ballot numbered and initialed

**162** Every objection shall be numbered, and, a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer.

1915, c.16, s.162; R.S.S. 1920, c.86, s.162.

### Ballot indorsed

**163** The deputy returning officer shall indorse "rejected" on any ballot paper which he rejects as invalid, and shall indorse "rejection objected to" if any objection is made to his decision.

1915, c.16, s.163; R.S.S. 1920, c.86, s.163.

### Count

**164** The deputy returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be made under the following heads:

- (a) name or number of ward or polling subdivision and date of election;
- (b) number of votes for each candidate;
- (c) rejected ballot papers.

1915, c.16, s.164; R.S.S. 1920, c.86, s.164.

**Signed statement**

**165** Upon the completion of the written statement it 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 such statement.

1915, c.16, s.165; R.S.S. 1920, c.86, s.165.

**Agents at count**

**166** 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 the counting of the votes, and not more than one when the candidate himself is present.

1915, c.16, s.166; R.S.S. 1920, c.86, s.166.

**Certificate of count**

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

1915, c.16, s.167; R.S.S. 1920, c.86, s.167.

**Certificate on poll book and sealing up of packages**

**168** Every deputy returning officer shall at the close of the poll, certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall at the completion of the counting of votes, in the presence of the candidates or agent of the candidates, make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding at the poll and of the ward or polling subdivision:

- (a) the statement of votes given for each candidate and of the rejected ballot papers;
- (b) the used ballot papers which have not been objected to and have been counted;
- (c) the ballot papers which have been objected to but which have been counted;
- (d) the rejected ballot papers;
- (e) the spoiled ballot papers;
- (f) the unused ballot papers;
- (g) a statement of the number of voters whose votes have been marked by him under sections 156 and 157, with the declaration of inability; and the notes taken of objections made to ballot papers found in the ballot box.

1915, c.16, s.168; R.S.S. 1920, c.86, s.168.

**Deputy's oath on return**

**169** Before returning the voters' list and poll book to the returning officer, the deputy returning officer shall make and subscribe before a justice of the peace or before the poll clerk his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made; which declaration may be in the following form:

I, *C. D.*, the undersigned deputy returning officer for Ward No. \_\_\_\_\_ (or for polling subdivision No. \_\_\_\_\_ of Ward No. \_\_\_\_\_) of the city of \_\_\_\_\_, do solemnly swear (or, *if he is a person permitted by law to affirm, do solemnly affirm*) that to the best of my knowledge the annexed voters' list and poll book used in and for the said ward (or polling subdivision) at this election held on the \_\_\_\_\_ day of December, 19\_\_\_\_\_, were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

Signed \_\_\_\_\_ *C. D.*,  
*Deputy Returning Officer.*

Sworn (or affirmed) before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_. .

Signed \_\_\_\_\_ *K. Y.*,  
*Justice of the Peace (or as the case may be);*

and shall thereafter be annexed to the voters' list and such voters' list, poll book and declaration may be inspected at any time in the presence of the city clerk by any elector.

1915, c.16, s.169; R.S.S. 1920, c.86, s.169.

**Delivery to returning officer**

**170** The deputy returning officer shall forthwith deliver the voters' list, poll book and packets personally to the returning officer; and if owing to illness or other cause he is unable to do so, he shall deliver such packets to a person chosen by him for the purpose; and shall write on the outside of the cover of each of the packets the name of the person to whom the same has been so delivered, and shall take a proper receipt therefor. He shall also forthwith return the ballot box to the returning officer and deliver to that officer a duplicate of the statements of the votes given for each candidate and of the rejected ballot papers signed by him and certified to be correct.

1915, c.16, s.170; R.S.S. 1920, c.86, s.170.

**Ballot paper account**

**171** The packet shall be accompanied by a statement made by the deputy returning officer showing the number of ballot papers intrusted to him and accounting for them under the heads of:

1. Counted;
2. Rejected;
3. Unused;
4. Spoiled;
5. Ballot papers given to voters who afterwards returned the same declining to vote; and
6. Ballot papers taken from the polling place;

which statement shall give the number of papers under each head.

1915, c.16, s.171; R.S.S. 1920, c.86, s.171.

**Summary by returning officer of result**

**172** The returning officer, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up from the statements the number of votes for each candidate; and shall at the city hall or at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election. He shall also put up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

1915, c.16, s.172; R.S.S. 1920, c.86, s.172.

**Returning officer's casting vote**

**173** In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates for any office have an equal number of votes, the returning officer whether otherwise qualified or not shall, at the time when he declares the result of the poll, give a casting vote so as to decide the election.

1915, c.16, s.173; R.S.S. 1920, c.86, s.173.

**And no other**

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

1915, c.16, s.174; R.S.S. 1920, c.86, s.174.

**Assumption of office**

**175** The person elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly.

1915, c.16, s.175; R.S.S. 1920, c.86, s.175.

**Return by returning officer to city clerk**

**176** Forthwith after the election the returning officer shall deliver to the city clerk the ballot boxes, packets and returns aforesaid; and the city clerk shall thereafter be responsible for their safe keeping and for their delivery when required.

1915, c.16, s.176; R.S.S. 1920, c.86, s.176.

**Destruction of ballots**

**177** The city clerk shall retain for one month all ballot papers received by him as aforesaid, and shall then, unless otherwise ordered by a judge, cause them to be destroyed in the presence of two witnesses whose affidavit that they have witnessed the destruction of the said papers shall be taken before the mayor, a justice of the peace, or a commissioner for oaths and filed by the city clerk among the records of the city.

1915, c.16, s.177; R.S.S. 1920, c.86, s.177.

**Other officials not disqualified**

**178** All deputy returning officers, poll clerks and constables shall, if otherwise qualified, be entitled to vote.

1915, c.16, s.178; R.S.S. 1920, c.86, s.178.

**GENERAL PROVISIONS****Candidate acting on his own behalf**

**179** A candidate may himself undertake the duties which any agent of his might have undertaken, or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorised to attend; but no candidate shall be present at the marking of a ballot for a voter under section 156 or 157.

1915, c.16, s.179; R.S.S. 1920, c.86, s.179.

**Candidates and agents**

**180** When, in the sections of this Act relating to elections of mayor or aldermen, expressions are used requiring or authorising any act or thing to be done, or implying that any act or thing is to be done, in the presence of the agents of a candidate or candidates, such expressions shall be deemed to refer to the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done, the nonattendance of any agent at such time and place shall not invalidate it.

1915, c.16, s.180; R.S.S. 1920, c.86, s.180.

**Errors not affecting result**

**181** No election shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the holding of a poll or the counting of the votes, or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity, if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election.

1915, c.16, s.181; R.S.S. 1920, c.86, s.181.

**Expense**

**182** All reasonable expenses incurred at any election under this Act shall be paid by the treasurer out of the funds of the city upon the production to him of proper accounts verified in such manner as the council may direct.

1915, c.16, s.182; R.S.S. 1920, c.86, s.182.

**Posting legal provisions at polls**

**183** The city clerk shall, prior to every election or the voting upon any bylaw, furnish every deputy returning officer with at least two copies of sections 3 and 4 of *The Controverted Municipal Elections Act* and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and see that they are so kept posted during polling hours.

1915, c.16, s.183; R.S.S. 1920, c.86, s.183.

**Inspection**

**184(1)** No person shall be allowed to inspect any ballot papers in the custody of the city clerk, except under order of a 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 city clerk.

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

1915, c.16, s.184; R.S.S. 1920, c.86, s.184.

**RECOUNTS****Recount**

**185** In case, at any time within fourteen days from the time when the ballot papers used at any election have been received by the city clerk, it is, on the affidavit of a credible person, made to appear to a judge that a deputy returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers, the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate whose seat may be affected, of the time and place at which he will proceed to recount the same.

1915, c.16, s.185; R.S.S. 1920, c.86, s.185.

**Deposit**

**186** At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of \$25 as security for the payment of costs and expenses, and the said sum shall not be paid out by the clerk without the order of the judge.

1915, c.16, s.186; R.S.S. 1920, c.86, s.186.

**Attendance**

**187** The judge, the city clerk with the ballot papers, each candidate and his agent notified to attend the recount of votes 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.

1915, c.16, s.187; R.S.S. 1920, c.86, s.187.

**Procedure opening of packets**

**188** At the time and place appointed the judge shall proceed to recount all the ballot papers received by the city clerk from the returning officer as having been given in the election complained of, and he shall in the presence of such of the parties aforesaid as attend, open the sealed packets containing:

- (a) the used ballot papers which have not been objected to and have been counted;
- (b) the ballot papers which have been objected to but which have been counted;
- (c) the rejected ballot papers;
- (d) the spoiled ballot papers;
- (e) the unused ballot papers.

In recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

1915, c.16, s.188; R.S.S. 1920, c.86, s.188.

**Time**

**189** The judge shall as far as practicable proceed continuously with the recount of the votes, allowing only time for refreshment, excluding Sundays and on other days, except so far as he and the parties aforesaid agree, excluding the hours between six o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents.

1915, c.16, s.189; R.S.S. 1920, c.86, s.189.

**Mode of counting**

**190** The judge shall proceed to recount the votes as follows:

1. He shall examine the ballot papers;
2. Any ballot paper:
  - (a) which has not on its back the initials of the deputy returning officer; or
  - (b) on which votes are given for more candidates than are to be elected for the office in question; or
  - (c) on which there are not the full number of votes the elector is entitled to give; or
  - (d) on which anything except the initials of the said officer on the back is written or marked by which the voter can be identified; or
  - (e) which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

shall be void and shall not be counted;



3. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, or on which there are not the full number of votes the elector is entitled to give, shall be void as regards all the candidates for that office, but shall be good as regards the votes for any other office in respect to which the voter has not voted for more or fewer candidates than he is entitled to vote for; but 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;

4. The judge shall take a note of any objections made by a candidate or by his agent to a ballot paper, and shall decide any question arising out of the objection; and the decision of the judge shall be final;

5. The judge shall then count the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:

- (a) names of candidates;
- (b) number of votes for each candidate;
- (c) ballot papers wanting initials of deputy returning officer;
- (d) ballot papers rejected as marked for more or fewer candidates than were to be elected;
- (e) ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) ballot papers rejected as unmarked or void for uncertainty;

6. Upon the completion of the recount, or as soon as he has ascertained the result of the voting, the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the city clerk, who shall thereupon, by notice to be posted in his office, declare elected the candidate having the highest number of votes; and in case of an equality of votes the city clerk shall have the casting vote;

7. Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions contained in *The Controverted Municipal Elections Act* by proceedings in the nature of *quo warranto* or otherwise.

1915, c.116, s.190; R.S.S. 1920, c.86, s.190.

#### Costs

**191(1)** 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 any 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.

(2) 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.

(3) 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 the costs were taxed and an affidavit of the non-payment thereof.

1915, c.16, s.191; R.S.S. 1920, c.86, s.191.

## PENALTIES

### Offences

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

- (a) without due authority supply a ballot paper to any person; or
  - (b) fraudulently put into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
  - (c) fraudulently take a ballot paper out of the polling place; or
  - (d) without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or
  - (e) apply for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person, or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot paper believing 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 an election, apply at the same election for a ballot paper in his own name, or advise or abet, counsel or procure any other person so to do.
- (2) No person shall attempt to commit any offence specified in this section.
- (3) A person guilty of any violation of this section shall be liable on summary conviction, if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months with or without hard labour or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

1915, c.16, s.192; R.S.S. 1920, c.86, s.192.

### Penalties

**193** 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 140 to 194 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.

1915, c.16, s.193; R.S.S. 1920, c.86, s.193.

**Offences by officers, etc.**

**194(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, agent or other person shall interfere with, or attempt to interfere with, a voter when marking his ballot paper, or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No candidate, agent or other person shall in the polling booth canvass or solicit votes or make any communication to a voter otherwise than through the deputy returning officer.

(4) No one shall display in the polling booth or distribute there a specimen ballot paper marked for a candidate, or leave or post the same in the voting compartment.

(5) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(6) 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.

(7) 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.

(8) Every person who acts in contravention of this section shall be liable on summary conviction to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

1915, c.16, s.194; R.S.S. 1920, c.86, s.194.

**Secrecy of vote**

**195** 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.

1915, c.16, s.195; R.S.S. 1920, c.86, s.195.

**Proportional representation bylaw**

**196(1)** Notwithstanding anything in this Act contained, the council may submit to the electors a bylaw providing for the election of the mayor and aldermen according to a system of proportional representation, the proposed system to be set forth in such bylaw.

(2) The said bylaw shall contain all such rules, regulations and provisions as may be deemed necessary or desirable for bringing the proposed system into operation and rendering it practicable and effective, and while the bylaw is in force the preceding sections of this part shall apply to the municipal elections of the city only in so far as they are not inconsistent with the rules, regulations and provisions contained in the bylaw.

(3) The day appointed for taking the vote shall be not less than three, nor more than five, weeks, after the first publication of the notice mentioned in section 269.

(4) The notice mentioned in section 269 shall set forth the bylaw in full, and shall be advertised and posted as required by section 270.

(5) In case a majority of the ballots cast are in favour of the bylaw it shall be the duty of the council to pass the bylaw at its next regular meeting.

(6) Where a bylaw introducing a system of proportional representation has been adopted in accordance with the terms of this Act and elections have been held under its provisions for two successive years, a petition may, at any time, be presented to the council, signed by at least five per cent of the electors qualified to vote at municipal elections, asking for the submission of a bylaw rescinding such first mentioned bylaw, and the council shall thereupon prepare and submit to the electors such rescinding bylaw.

(7) In case a majority of the ballots cast are in favour of rescission, it shall be the duty of the council to pass the rescinding bylaw at its next regular meeting.

(8) In case a bylaw under subsection (1) fails to receive the assent of the electors, or in case after its adoption such bylaw is rescinded, no bylaw for a similar purpose shall be submitted to the electors before the expiration of two years from the date of the voting on the original bylaw or on the rescinding bylaw, as the case may be.

*Note.*—For provisions as to corrupt practices at elections, see *The Controverted Municipal Elections Act*.

1919-20, c.23, s.5; R.S.S. 1920, c.86, s.196.

## SCHOOL TRUSTEES

### Notice from school boards

**197(1)** The board of trustees of high school, public school and separate school districts of a city shall give notice to the city clerk, on or before the fifteenth day of November in each year, of the number of vacancies required to be filled to make the school boards complete.

(2) Where any such school district extends beyond the limits of the city, the secretary treasurer of each town, village or rural municipality within which any portion of the district is comprised shall on or before the said fifteenth day of November, furnish the city clerk with a list of the persons qualified to vote in such portion, certified to be correct, and distinguishing between public and separate school supporters.

1915, c.16, s.196; R.S.S. 1920, c.86, s.197.

### Nomination and election

**198** The nomination and election of school trustees shall be held at the same time and place and by the same officers, and shall be conducted in the same manner as the nomination and election of mayor and aldermen.

1915, c.16, s.197; R.S.S. 1920, c.86, s.198.

**Same procedure as for aldermen**

**199** All the provisions in this Act contained, respecting the election and qualification of aldermen and the qualifications of electors and the voting at elections, shall *mutatis mutandis* apply to the election of school trustees.

1915, c.16, s.198; R.S.S. 1920, c.86, s.199.

**Separate school supporters**

**200** In the lists of qualified voters to be delivered to the returning officer by the assessor before the opening of the poll, the assessor shall place opposite the names of any persons on the said list, who are assessed on the last revised assessment roll as supporters of separate schools, the letters “SSS”; and no deputy returning officer shall deliver to any such person a ballot paper for the public school trustees.

1915, c.16, s.199; R.S.S. 1920, c.86, s.200.

**Oaths**

**201** In case any objection is made to the right of any person to vote at an election of school trustees the officer presiding at the poll shall require the person to whose right of voting objection is taken to take the oaths required by section 149.

1915, c.16, s.200; R.S.S. 1920, c.86, s.201.

**Form of ballot**

**202** A separate set of ballot papers shall be prepared by the returning officer at each election containing the names of the candidates nominated for school trustees, in the same form as those used for the election of aldermen, except that the words “high (*or* public *or* separate) school trustee” shall be substituted for the word “alderman” thereon.

1915, c.16, s.201; R.S.S. 1920, c.86, s.202.

**PART IV****Powers and Duties of the Council****LEGISLATIVE JURISDICTION****Extent**

**203** The jurisdiction of the council shall be confined to the limits of the city and to any property outside the city belonging to or under the control and management of the city, except where authority beyond the same is expressly given by this or any other Act.

1915, c.16, s.202; R.S.S. 1920, c.86, 203.

**Bylaws generally**

**204** In matters not specifically provided for by this Act the council may pass such bylaws and make such regulations as may be deemed expedient and are not contrary to law, for the peace, order and good government of the city, and for promoting the health, safety, morality and welfare of the inhabitants thereof, and for governing the proceedings of the council, the conduct of its members, and the calling of meetings.

1915, c.16, s.203; R.S.S. 1920, c.86, 204.

**Bylaws in particular**

**205** For greater certainty but not so as to limit the general powers conferred by section 204, the council may make bylaws or regulations for all or any of the following purposes:

**Raising revenue**

1. Raising its revenues by assessment on (a) lands, (b) businesses, (c) income, and (d) special franchises, provided that the taxes upon income for all purposes shall not exceed 30 mills on the dollar;

**Temporary loans**

2. Authorising the mayor and treasurer to borrow such sums of money as may be required to meet the current expenditure of the city until the taxes levied for the year can be collected;

**Exemption from taxation**

3. Exemption from taxation for the then current year;

**Remitting taxes on agricultural land**

4. Remitting all or a part of the taxes, including arrears, upon land used for agricultural purposes within the city limits other than rates imposed to meet the principal, interest or sinking fund of debentures, and refunding proportionately taxes upon such land already paid:

Provided that no such remission shall be made in respect of land which is subdivided into lots or blocks according to a registered plan or which does not exceed forty acres in extent;

**Compromising taxes**

5. Compromising upon such terms as may be agreed upon for the payment of arrears of taxes of indigent persons;

**Cruelty to animals**

6. The prevention of cruelty to animals;

**Grants in aid**

7. Granting aid to The Canadian Patriotic Fund, The Canadian Red Cross Society, agricultural societies, boards of trade, incorporated mechanics' and literary institutes and playground associations;

**Aids to victims of calamity**

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

**Relief of poor**

9. The relief of the poor;

**Detention homes**

10. Erecting temporary detention homes or shelters for neglected children;

**Nursing homes**

11. Licensing and supervising nursing or maternity homes;

**License inspectors**

12. Appointing one or more license inspectors and regulating and defining their duties and their remuneration;

**Policemen**

13. Appointing policemen, where the city has less than ten thousand inhabitants, and regulating and defining their duties and remuneration;

**Public health**

14. Subject to *The Public Health Act* or any other Act affecting the public health and any regulations made thereunder, providing for the health of the city and against the spreading of contagious or infectious diseases, and appointing and defining the duties of a health officer and assistants;

**Bathing houses**

15. Establishing and maintaining, or granting money to aid in the construction of public bathing houses;

**Public bathing**

16. Preventing or regulating bathing or washing the person in any public water in or near the municipality;

**Scavenging**

17. The making of provision for the proper scavenging of the city, licensing and regulating scavengers and fixing a schedule of rates to be charged by scavengers;

**Garbage and ashes**

18. Establishing and maintaining a system for the collection, removal and disposal at the expense of the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and erecting and maintaining such buildings, machinery and plant as may be deemed necessary for the purpose; or contracting with some person for the collection, removal and disposal by him of the ashes, garbage and other refuse, upon such terms and conditions as may be deemed expedient;

**Planting trees**

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

**Census**

20. Taking the census of the city;

**Public works**

21. Laying out, constructing, repairing and maintaining highways, roads, streets, bridges, alleys, byways and culverts;

**Public buildings**

22. The erection of municipal, convention and memorial halls, and of lock-ups, weigh houses, markets and all such buildings as may be required by the municipality and the expropriation of lands therefor:

Provided that in the case of convention and memorial halls the bylaw shall be submitted to the burgesses and shall receive the assent of two-thirds of the burgesses voting thereon;

**Public markets**

23. The establishment and regulation of public markets and of stock yards, and the imposition of penalties for light weights, short measurement and any breach of contract in public markets, and restraining or preventing selling on the streets; providing shelter for animals and vehicles in connection with such markets, charging fees for the use of such shelter, and imposing market fees in respect of articles or animals brought to market for sale or disposal;

**Public scales**

24. Establishing city scales for weighing or measuring, and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement, establishing or regulating the fees to be paid for weighing and measuring on such scales, compelling dealers in coal to weigh upon such scales all coal sold by them if requested to do so by the purchaser, and prohibiting the owners of private scales from charging fees for the use of the same when such city scales are in operation;



**Ferries**

25. Installing, maintaining and operating any ferry running within or within and without the city under the provisions of *The Highways Act*;

**Public wells**

26. Regulating and controlling the use of wells, springs and other sources of supply of water for the city, making provision for a supply of water for the city, regulating the use of and rates to be paid for same and preventing the contamination of any stream of water flowing through or past the city;

**Regulating buildings**

27. Subject to any provincial rules or regulations, regulating the size, structure, number and construction of doors in churches, theatres and halls or other places of public meeting or places of amusement and the street gates leading thereto, the size and structure of stairs and stair railings in such buildings, the strength of beams and joists and other supports used in their construction, the method of lighting them and the provisions of stand pipes and other fire appliances in connection therewith;

**Preventing obstructions in buildings**

28. Preventing the obstruction of the halls, aisles, passage ways, alleys or approaches in a church, theatre, hall or other place of public meeting during the occupation of the same for a public assemblage;

**Fire escapes**

29. Providing for and regulating the construction and maintenance upon buildings more than two storeys in height of a sufficient number of proper ladders, fire balconies and fire escapes;

**Walls, etc., of buildings**

30. Regulating the size and strength of walls, beams, joists, rafters, roofs and other supports in buildings within the city;

**Sewers**

31. Constructing and maintaining such sewers, drains and ditches, either within or without the city, as may be required to secure the proper drainage of the city, and disposing of the sewage;

**Sidewalks**

32. Building and repairing sidewalks, preventing the leading, riding and driving of cattle or horses on sidewalks;

**Motor vehicles**

33. Making provision for the carrying out of any provincial law regulating the speed of motor vehicles on highways; and regulating the speed of such vehicles in any manner not inconsistent with the provincial law;

**Speed of traffic**

34. Regulating the rate or pace of riding or driving any vehicle within the city;

35. Preventing the incumbering of streets and other public places by vehicles and other articles;

**Bicycles**

36. Controlling or preventing the riding of bicycles or tricycles on any sidewalk;

**Clearing snow, etc., by residents**

37. Compelling persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them;



**By non-residents**

38. Providing for the clearing of sidewalks adjoining property of nonresidents and all other persons who for twenty-four hours neglect to clear the same, and, in case of nonpayment of the expenses thereof by the owner or occupant, charging the same against the property as a special assessment to be recovered in like manner as and with other taxes;

**Quarries, etc.**

39. Purchasing, contracting and working any quarry, gravel or sand pit wherever situated, for the purpose of the city;

**Assize of bread**

40. Fixing the quality and weight of bread offered for sale or sold within the city and prescribing the marks which it shall bear, and making and enforcing regulations for the sanitary conditions of bread, bakehouses and bakeries;

**Articles of food**

41. Regulating the sale of any articles used for food or drink and providing for the inspection of the same and for seizure and forfeiture of such articles offered or exposed for sale, contrary to law;

**Special franchise**

42. Granting a special franchise to any company or syndicate mentioned in section 254 (c) subject to the conditions therein set forth;

**Electric plant, waterworks, etc.**

43. Building, erecting, buying or leasing, controlling and operating any electric light, heat or power plant, gas or waterworks plant;

**Contracts for light and water**

44. Authorising the mayor and city clerk to sign any contract with any person or corporation to supply light, power, water or gas for the use of the city for any period not exceeding twenty years, subject to the ratification of the bylaw by two-thirds of the burgesses voting thereon;

**Removal of rubbish**

45. Compelling the removal of dirt, filth, dust or rubbish off the roads, lanes or any other places within the city by the party depositing the same and the placing of the same where ordered by the council either within or without the city;

**Nuisance grounds**

46. Regulating and controlling the use of nuisance grounds owned or used by the city;

**Privies**

47. Preventing and controlling the construction of privy vaults and providing for the keeping of the same in a proper state of cleanliness;

**Privy tax**

48. Charging to all assessed owners of lands upon which privies exist, whether used or not, a fixed sum per privy per annum to cover the cost of removing the contents thereof, such charge to be added to the tax roll as a special assessment against the land of such owners, and to be recoverable in like manner as other taxes which are a lien upon land;

*Note.*—Bylaws passed since the first day of January, 1918, in accordance with paragraph 48 as above set out, are declared to be and to have been valid if otherwise in conformity with the requirements of the law.

**Placards, posters, etc.**

49. Prohibiting the posting or exhibition of placards, play bills, posters, writings or pictures or the writing of words, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralise, on any wall or fence or elsewhere on or adjacent to a highway or public place;

**Billboards**

50. Preventing and controlling throughout the city or in any specified part thereof, the erection and use of billboards, signboards or other advertising devices of any kind, whether the notices be printed or otherwise displayed; requiring a license from the council or a city official designated for the purpose as a condition of erecting or continuing the use of any signboard, billboard or other advertising device, and authorising the removal and destruction of signboards or billboards or other advertising devices erected or maintained without such license;

**Billposters**

51. Regulating and licensing billposters and preventing the pulling down and defacing of signboards and billboards or printed or other notices lawfully affixed, and preventing the defacing of private or other property by printed or other notices;

**Indecent play or performance**

52. Prohibiting the production or giving of an immoral or an indecent play or performance in any theatre, hall or other public place of amusement or entertainment, and authorising the chief constable, the deputy chief constable or any inspector of police, or any officer or person specially detailed for that purpose, to enter any theatre, hall or other place of public amusement or entertainment, and if at his request such play or performance is not forthwith stopped, to apprehend the performers without warrant, and to take them as soon as practicable before a police magistrate or a justice of the peace;

**Sparring and boxing**

53. Prohibiting sparring exhibitions and boxing matches, where an admission fee is charged, without the written authority of the council or the chief of police, as the case may be;

**Nuisances**

54. Preventing and compelling the abatement of nuisances generally;

**Slaughter houses, dairies, etc.**

55. Subject to *The Public Health Act* and any rules or regulations made thereunder:

- (a) preventing and controlling the erection and use of slaughter houses within the city;
- (b) inspecting and regulating slaughter houses and dairies, as well as all other places within the city where food is produced or kept which is intended for sale;
- (c) inspecting and regulating slaughter houses, dairies and all other places outside the city from or through which food is brought for sale within the city;
- (d) framing and enforcing building and sanitary regulations with regard to all places mentioned in clauses (b) and (c);
- (e) establishing and maintaining public slaughter houses;

**Storage of explosives**

56. Preventing and controlling the storage of gunpowder and other combustible, explosive or dangerous substances within the city;

**Firearms and explosives**

57. Preventing the discharge of firearms and explosives in the city;

**Projections on sidewalk**

58. Directing the removal of doorsteps, porches, railings or other erections or obstructions projecting into or over any sidewalk, street or other public place, at the expense of the owner of the property with which such projections are connected, and assessing said expense, if not paid forthwith upon demand against said lot or property;

**Building inspectors**

59. Appointing street and building inspectors and defining their duties, providing for the summary removal of any pole or wire or other obstruction from the street, or for the pulling down or removal or closing to the use of the public of any building or other erection within the city which shall be deemed dangerous by such inspectors;

**Naming streets, etc.**

60. Naming or numbering the streets or avenues and changing the names and numbers or any of them of streets and avenues now existing or hereafter laid out within the city;

**Hawkers**

61. Licensing, regulating and governing hawkers and pedlers and transient traders;

**Transient traders**

62. Requiring transient traders to pay a business tax or give security therefor as a condition of commencing business;

**Horse dealers**

63. Licensing and regulating all persons carrying on business as sellers of horses and mules within the city or bringing horses and mules into the city for the purpose of selling or offering the same for sale;

**Dog tax**

64. Restraining and regulating the running at large of dogs, imposing a tax on persons owning, possessing or harbouring them, and providing for killing dogs running at large contrary to law;

**Billiard tables**

65. Licensing, regulating and governing persons who for hire or gain, keep or have in their possession, or on their premises, any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort; and limiting the number of licenses to be granted and the number of such tables which shall be licensed;

**Licensing shows, etc.**

66. Preventing or regulating and licensing waxworks, menageries, circuses, shows, theatres and caravans, requiring the payment of license fees by exhibitors thereof not exceeding \$500 per day, and imposing fines on persons for infringing such bylaws to the amount of \$50 and costs over and above the amount of the license fee. Such fine and costs and fee may be levied by distress and sale of the goods of the showman, or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not, and in addition the offender may be imprisoned for a period not exceeding six months;

**Places of amusement**

67. Preventing or regulating and licensing exhibitions, halls, opera houses, bowling alleys and other places of amusement, held or kept for hire or profit;

**Business, etc.**

68. Controlling, regulating and licensing livery, feed and sale stables, motor liveries, real estate dealers and agents, intelligence officers or employment officers or agents, butcher shops or stalls, skating, roller or curling rinks and all other businesses, industries or callings carried on or to be carried on within the municipality or commercial travellers or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or otherwise for or on account of any merchant, manufacturer or other person selling directly to the consumer not having his principal place of business in the city; and collecting license fees for the same;

**Porters, etc.**

69. Licensing porters, water dealers, milk dealers or carriers or common carriers, draymen, hackmen, taxicab drivers, omnibus drivers and all persons performing work with horses or mules within the city for hire and regulating the same and fixing a schedule of fees to be charged by the same;

**Pawnshops**

70. Licensing and regulating pawnshops, junk stores or shops and second hand stores or shops and fixing the amount to be paid for license for the same and the time such license shall be in force;

**Educational institutions**

71. Granting aid to educational institutions or exempting them from taxation beyond the current year, but no such exemption shall extend beyond a period of ten years;

**Charitable institutions**

72. Granting aid to any charitable institution to any amount not exceeding \$2,000 in any one year without requiring the approval of the burgesses;

73. Granting aid further than the above to a charitable institution, or exempting it from taxation beyond the current year, but no such exemption shall extend beyond a period of ten years;

74. Nominating a poor relief board, and providing out-of-door aid to the resident poor;

**Road improvement**

75. Entering into an agreement with the board of highway commissioners for the improvement of any road or portion of a road beyond the boundaries of the municipality in accordance with the provisions of *The Highways Act*;

**Fire department**

76. Establishing a fire department, appointing the officers thereof, regulating and providing their remuneration and prescribing their duties;

**Fire protection**

77. Providing protection from fire by the purchase of engines and equipment, and compelling the building of fire walls;

**Assistance in extinguishing fires**

78. Compelling the inhabitants to assist and aid in the extinguishing of fires, pulling down and razing buildings and removing property in the vicinity of fires for the purpose of preventing the spreading of the same; and providing compensation for loss or damage sustained by reason of said pulling down, razing or removal:

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

**Erection and repair of buildings**

79. Respecting the erection, classification and repair of buildings to be erected within the city or any part thereof, the distance of such buildings from the street line and the minimum space to be allowed between buildings and the side lines of the lots upon which they are constructed;

**Wooden buildings, etc./Chimneys/Removal of buildings**

80. Preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the city, prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material within defined areas of the city, regulating the construction and dimensions of chimneys and enforcing the proper cleaning of the same and authorising the pulling down or removal at the expense of the owner thereof of any building or erection which may be constructed or placed in contravention of any bylaw;

**Prohibiting erection**

81. Prohibiting the erection of any building used or to be used as a livery, feed or sale stable, blacksmith shop, laundry, implement warehouse, creamery or lumber, coal or wood shed in such parts of the city as the council may designate:

Provided that no such bylaw shall prohibit the continued maintenance for any of said purposes of any building used for such purposes at the time of the passing of such bylaw;

**Prevention of fires**

82. Generally establishing such measures as the safety and welfare of the city may require for the prevention and extinguishment of fires;

**Hospitals**

83. Taking over, purchasing, erecting, maintaining and regulating hospitals or granting aid for the erection and maintenance of the same either by direct payment or by guaranteeing the repayment of the principal and interest of any loan obtained by the hospital authorities:

Provided that the amount of any such guarantee together with the debenture indebtedness of the city shall not exceed the amount fixed by section 311; and further that, in case of a guarantee, the bylaw shall receive the assent of two-thirds of the burgesses voting thereon;

**Uniting with other municipalities for common purposes**

84. Uniting with the councils of other municipalities in the construction and maintenance of an hospital or charitable institution deemed by all the councils concerned to be of benefit to their respective municipalities, and entering into an agreement as to the joint control and management thereof in accordance with regulations made under *The Union Hospital Act*, the sum granted for maintenance not to exceed two mills on the dollar upon the total value of the assessable property within the city according to the last revised assessment roll;

85. Uniting with the councils of other municipalities for the construction and maintenance of any public work or performance of any matter or thing deemed by all councils concerned to be of benefit to their respective municipalities, and entering into an agreement as to the joint control and management of any undertaking that concerns their respective municipalities:

Provided that for the purposes of this and paragraph 84 the word “**municipality**” shall include rural municipality, village and town;

#### **Railways**

86. Subject to the provisions of any Act of the Parliament of Canada or of the Legislature of Saskatchewan, or to any order of the Board of Railway Commissioners for Canada, sanctioning and permitting the track of any railroad, street railway or tramway to be laid in, on or along any street or avenue of the city, subject to the ratification of the bylaw by two-thirds of the burgesses voting thereon as hereinafter provided, providing compensation for any damage that may be done on the property or on said streets or avenues, the amount of said damage, if any, to be settled in the manner provided herein in regard to the expropriation of land, and regulating the use of locomotive engines and of steam or other motive power on any or every portion of any railroad within the city, providing and regulating the speed of cars upon any and every part of any railroad within the city and imposing a penalty not exceeding \$500 for breach of such bylaw;

#### **Railway trains**

87. Subject to the provisions of any Act of the Parliament of Canada or of Saskatchewan respecting railways or to any order of the Board of Railway Commissioners for Canada, regulating the rate of speed of railway trains and engines along or across any of the streets or avenues of the city and preventing the obstruction of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time, and preventing the loading or unloading of any car or truck alongside or from any street crossing or sidewalk in the city or the blowing of whistles or ringing of bells while the engine is going along or across any street or avenue except under conditions mentioned in such bylaw, and imposing a penalty for breach of such bylaw not exceeding \$500:

Provided that in any proceedings taken for infraction of bylaws passed under this or paragraph 86, service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad;

Provided further that any of the persons in charge of the engine, car, truck or train as well as the railroad company shall be liable for the penalty provided in the bylaw, and proceedings may be taken against either or any of them;

#### **Parks, exhibition grounds, etc.**

88. Acquiring an estate in landed property within or without the city for a public park, forest area, garden or walk, or for athletic grounds or a place for exhibitions, and for the disposal thereof when no longer required for the purpose or when the council deems it advisable to dispose of the same:

Provided, however, that no land purchased for any of the above purposes, or acquired for general unspecified purposes and subsequently applied to any of the above purposes, shall be sold or disposed of in any way except under the authority of a bylaw assented to by two-thirds of the burgesses voting thereupon;

**Landed property**

89. Accepting and taking charge of landed property within or without the city dedicated for a public park, garden or walk for the use of the inhabitants;

**Monuments to soldiers**

90. Erecting monuments to soldiers who have fallen in the war, and acquiring grounds for a site therefor;

**Bands of music**

91. Aiding the establishment or maintenance of bands of music by any corps of active militia within the city or any other bands of music;

**Cemetery**

92. Purchasing, maintaining and controlling a cemetery outside the city and preventing or regulating the burial of the dead within the city:

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

**Street railway**

93. Constructing, maintaining and operating a municipal street railway;

**Time**

94. Adopting any other time than “mountain standard time” for regulating business hours within the municipality, subject to the approval of a majority of the electors voting thereon;

**Any municipal question**

95. Submitting to the vote of the electors any municipal question not specifically authorised by this Act;

**Restraint of animals**

96. Restraining and regulating the running at large or trespassing of any animals, providing for distraining and impounding them, and determining the compensation to be allowed for carrying out the provisions of such bylaw and for services rendered in respect to, and sustenance supplied for, animals, distrained or impounded; appointing poundkeepers and providing sufficient yards, buildings and inclosures for the safe keeping of such animals as it may be the duty of the poundkeeper to impound; appraising damages to be paid by the owners of animals impounded for trespassing and providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid;

**Civic holiday**

97. Authorising the mayor to proclaim as a civic holiday a day to be named in the bylaw.

1915, c.16, s.204; 1916, c.18, s.11; 1917, c.11, s.7;  
1917 (sess. 2), c.25, s.5; 1918-19, c.34, s. 9; 1919-  
20, c.23, s.6; R.S.S. 1920, c.86, s.205.

**Taking security**

**206** Where power is given to the city under the provisions of this or any other Act to perform services or sell goods or lands, it shall have and be deemed always to have had the same right as a private individual to take security for any debt owing to it, arising out of matters transacted in the exercise of such power.

1917 (sess. 2), c.25, s.6; R.S.S. 1920, c.86, s.206.



## CLOSING OF SHOPS

**Closing of shops**

**207(1)** The council may by bylaw require that during the whole or any part of the year any class of shops within the city shall be closed, and remain closed on each or any day of the week, during any time between six o'clock in the afternoon and five o'clock in the morning of the next following day, or that any class of shops shall be closed and remain closed on any one day of the week after the hour of 12 o'clock noon or such later hour as may be deemed advisable.

**Petition by shopkeepers**

(2) No such bylaw shall be passed unless upon petition, and unless the council is satisfied that such petition is signed by not less than three-fourths in number of the occupiers of shops throughout the city belonging to the class to which such petition relates.

**Half day a week closing**

(3) The council may also upon the receipt of a petition therefor, and upon being satisfied that such petition is signed by not less than two-thirds in number of the occupiers of shops throughout the city, require by bylaw that all shops shall be closed and remain closed on any one day of the week after the hour of 12 o'clock noon or such later hour as may be deemed advisable.

**Repeal of bylaw**

(4) No bylaw passed under this section shall be repealed unless it appears to the council that more than one-third in number of the occupants of a class of shops affected thereby are opposed to its continuance, in which case the council may repeal the bylaw in so far as it relates to such class.

**Chemists and druggists excepted**

(5) A pharmaceutical chemist or chemist and druggist shall not be liable to fine, penalty or punishment under any such bylaw for supplying medicines, drugs or medical appliances after the hour appointed by such bylaw for the closing of shops.

**Supplying article in emergency**

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

**“Shop”**

(7) **“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 tobacconist, newsagent, hotel, inn, victualling house or refreshment house.

**“Closed”**

(8) **“Closed”** means not open for the serving of customers.

1915, c.16, s.205; 1917 (sess. 2), c.25, s.7; R.S.S.  
1920, c.86, s.207.



## LICENSES

**Powers incidental to licenses**

**208** The power to license any business, industry or calling or the person carrying on or engaged in it shall include the power to prohibit the carrying on or engaging in it without a license, and to impose penalties upon unlicensed persons, to fix the fees to be paid for licenses and to enforce payment of the same, to limit the time during which a license shall remain in force and to suspend or revoke or provide for the suspension or revocation of licenses; and such power shall, within the city, extend to persons who carry on business partly within and partly without the city limits.

1918-19, c.34, s.10; R.S.S. 1920, c.86, s.208.

**Power to prohibit**

**209** The power to license any trade, calling, business or occupation or the person carrying on or engaged in it shall include the power to prohibit persons from carrying on or engaging in such trade, calling, business or occupation without a license.

1915, c.16, s.207; R.S.S. 1920, c.86, s.209.

**Council has discretion**

**210(1)** The granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or the revoking of license under any of the powers conferred upon a council by this or any other Act, shall be in its discretion, 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.

(2) The council may delegate to the medical health officer the power to revoke the license of any person who sells food or drink for human consumption in the city but who neglects or refuses to comply with the rules, orders or regulations of the commissioner of public health or with the bylaws of the city relevant to such business.

1915, c. 16, s.208; 1916, c.18, s.12; R.S.S. 1920, c.86, s.210.

**Refund on revocation**

**211** Where a license is revoked, the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

1915, c.16, s.209; R.S.S. 1920, c.86, s.211.

**Licenses not to exclude taxes**

**212** The imposing or collecting of license fees shall in no case be held to prevent the assessment of any land held or used by the license holders or the collection of any taxes lawfully imposed thereon.

1915, c.16, s.210; R.S.S. 1920, c.86, s.212.

**Production of provincial license**

**213** No city nor city official shall issue a license to any one as owner of a motor vehicle, chauffeur, dealer in motor vehicles or keeper of a garage; auctioneer; owner, proprietor, manager, agent or person in charge of a menagerie, circus, wild west show, trained animal show or similar show; owner, proprietor, lessee or manager of a theatre, moving picture theatre, opera house, concert hall, dance hall, assembly room or other place of public entertainment, or film exchange, or as itinerant exhibitor of moving pictures, moving picture operator or operator's apprentice; or to any other person required by law to obtain a provincial license, until the applicant has first produced the proper provincial license, and no license issued by a municipality without such production shall be valid. The city license issued in such case shall state the fact that the licensee has produced a provincial license.

1915, c.16, s.211; 1916, c.18, s.13; R.S.S. 1920, c.86, s.213.

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

**214** The council shall have power:

- (a) to license public hotels and other places of public accommodation, and to adopt by bylaw regulations with respect to the licensing and the conducting, management, appointments and inspection of all such places, and to enforce such regulations by means of penalties;
- (b) to refund in whole or in part any taxes other than school taxes paid by any licensee of a public hotel;
- (c) 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;
- (d) to provide sample rooms for the convenience of commercial travellers, and to fix the fees for the use of such rooms;
- (e) to make suitable arrangements for the care and maintenance, by the licensee of any public hotel or other place of public accommodation, of any library the council may desire to instal.

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.214.

**Councils may rent, lease or purchase buildings**

**215** The council may subject to the approval of a vote of the burgesses as in the case of money bylaws rent, lease, purchase or otherwise acquire any building or land which it desires to use in any way for the purpose of providing public accommodation.

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.215.

**Voting**

**216** For the purpose of any vote to be taken under section 215, the provisions of this Act with respect to voting on money bylaws shall, with the necessary modifications, apply.

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.216.

**Powers after securing authority**

**217** Upon securing authority to acquire property for the purpose of providing public accommodation the council may:

- (a) furnish the premises so acquired;
- (b) provide for the management of such premises;
- (c) do all such other acts and things as may be deemed necessary or advisable to have the said premises conducted and managed successfully and economically as a place of public accommodation.

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.217.

**Provisions of funds**

**218** All moneys required for carrying out the provisions of sections 214, 215 and 217 may be provided from the general revenues of the city or by the issue of debentures or other securities.

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.218.

**Application to conduct hotel made to clerk**

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

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.219.

**Form of application**

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

## PUBLIC ACCOMMODATION

## APPLICATION FOR LICENSE

I, \_\_\_\_\_ hereby make application for a license to operate a \_\_\_\_\_ in the building occupied by me situate on lot No. \_\_\_\_\_ block No. \_\_\_\_\_ in the city of \_\_\_\_\_ in the Province of Saskatchewan. I am the true owner of the business and I am the owner of (or have a lease of) the premises for which this license is requested, and I am of the full age of twenty-one years.

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

.....  
*Signature.*

.....  
*Signature of Applicant.*

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

1917 (sess. 2.), c.25, s.8; R.S.S. 1920, c.86, s.220.

**Council may issue license**

**221(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 clerk to issue the license applied for. Such license shall be in the following form:

**PUBLIC ACCOMMODATION****LICENSE**

The council of the city of \_\_\_\_\_ hereby grants to \_\_\_\_\_ this license to conduct a \_\_\_\_\_ in the premises situate on lots No. \_\_\_\_\_ in block No. \_\_\_\_\_ in the city of \_\_\_\_\_ which license shall continue in force till the thirty-first day of January, 19 \_\_\_\_\_, unless otherwise suspended or cancelled.

Dated at _____ this _____ day of _____ 19 _____ ( <i>Seal of Municipality</i> )	}	..... <i>Signature of Clerk.</i>
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(2) The fee payable in advance for a license for a public hotel shall be such as the council may determine, but it shall not exceed \$1.

(3) The provisions of subsection (6) of section 413 shall not apply to this fee.

(4) The fee payable in advance for a license for a boarding house or restaurant shall be such as the council may determine.

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.221.

**Application for renewal of licenses**

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

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.222.

**Licenses framed and exhibited**

**223(1)** Every person licensed to conduct a public hotel or other place of public accommodation shall cause his license to be framed and continuously exhibited in a conspicuous public position on the licensed premises.

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

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.223.

**Sign exhibited**

**224(1)** Every person licensed to conduct a public hotel shall cause to have placed over the door of the main entrance to the premises a sign on which shall be painted in conspicuous characters the words "Public Hotel."

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

1917 (sess. 2). c.25, s.8; R.S.S. 1920, c.86, s.224.

**Penalty for misrepresentation by unlicensed person**

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

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.225.

**Notice of municipal bylaw**

**226(1)** The clerk shall, when the council has made provision by bylaw for licensing public hotels or other places bylaw of public accommodation, give public notice of the same in such manner as the council may determine.

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

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

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.226.

**Conduct of hotels regulated**

**227** 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.

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.227.

**Suspension or cancellation of license**

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

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.228.

**Service and effect of notice of cancellation**

**229(1)** Written notice of every such cancellation or suspension shall be forthwith served by the clerk on the licensee personally or on some one in his employ, and upon receipt of such notice it shall be the duty of such licensee or employee to forthwith remove the license and the sign referred to in sections 223 and 224.

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

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.229.

**Public rest and reading rooms**

**230(1)** For the purpose of aiding in the establishment of a public rest and reading room in any public hotel or other place of public accommodation in a city and of providing for the care of any library the council may desire to instal in such hotel or place of public accommodation the following grants or expenditures may be paid to the licensee of such hotel or place of public accommodation by the councils concerned, namely:

(a) by the council of the city such sums as may be deemed advisable but not exceeding \$200 annually;

(b) by the councils of every adjacent rural municipality such sums as may be deemed advisable but not exceeding \$20 annually for each division of the municipality.

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

(3) Money payable as a grant under the provisions of this Act shall be exempt from attachment.

1917 (sess. 2), c.25, s.8; 1919-20, c.23, s.7; R.S.S. 1920, c.86, s.230.

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

**231(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 is prohibited by law."

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

1917 (sess. 2), c.25, s.8; R.S.S. 1920, c.86, s.231.

## DEFINING BUSINESS AREAS

### Business areas

**232**(1) The council may prescribe areas within which no business shall be carried on or within which any particular business shall not be carried on, and may prohibit the carrying on within the city of any business likely in the opinion of the council to become or give rise to a nuisance.

(2) No bylaw under this section shall receive more than one reading at any one meeting of the council.

(3) Should a bylaw under this section prohibit the continued maintenance of a business already in existence in the city or in the defined area, the city shall compensate the owner for any loss which he may suffer in consequence of the prohibition.

(4) No such prohibition shall become effective before the expiration of a period of three months from the date upon which the bylaw containing it was finally passed by the council, nor until a notice thereof in general terms has been advertised once a week for three successive weeks in a newspaper published in the city.

(5) A claim for such compensation may be filed with the city clerk at any time within three months after the date when the prohibition becomes effective.

(6) A claim for compensation, if not mutually agreed upon, shall be determined by arbitration under this Act, and all the proceedings of Part X with reference to the ascertaining of damages for land injuriously affected by the city's exercise of any of its powers shall apply, in so far as applicable and not inconsistent with the express terms of this section, to such claim and arbitration.

1915, c.16, s.212; 1916, c.18, s.14; R.S.S. 1920, c.86, s.232.

## EMERGENCY FUND

### Emergency fund

**233** The council may establish a fund for working capital or as an emergency fund, and may from time to time include in the estimates for the year and set aside from the current revenue sums to be applied to such purposes, and may regulate the mode in which such fund shall be used, paid out and recouped; provided always that the use of any part of said fund for any specific purpose shall in no way limit the right of the council to raise separate funds for such purpose in any manner provided for in this Act, in which case the council shall recoup said working capital or emergency fund.

1915, c.16, s.213; R.S.S. 1920, c.86, s.233.

## PURCHASE OF LAND

**Acquiring land**

**234(1)** The council may acquire for any public civic purpose whatever such land within or without the city as it shall deem expedient to acquire.

(2) Land acquired by the city may be held, improved and used, or when in the opinion of the council it is no longer required for the use of the corporation it may, subject to the provisions of paragraph 88 of section 205, be leased, sold or otherwise disposed of without the matter being referred to the burgesses.

1915, c.16, s.214; R.S.S. 1920, c.86, s.234.

**No sale at less than actual value**

**235** No city shall have the power to lease, sell or otherwise convey or dispose of a site for industrial or commercial purposes at a price less than the fair actual value of the interest so conveyed or disposed of.

1915, c.16, s.215; R.S.S. 1920, c.86, s.235.

**Investment of proceeds**

**236** The proceeds of the sale of any lands by the city shall be considered to be held on capital account and may be used for acquiring other lands or invested in the same manner as sinking funds, or may be on such terms as the local government board may deem proper, used for or loaned to any of the city's public utilities.

1915, c.16, s.216; R.S.S. 1920, c.86, s.236.

**Disposal of income**

**237** All income derived from said lands or from the investment of the proceeds arising from the sale thereof, may be appropriated by the council as if it were money raised by general rate for general municipal purposes.

1915, c.16, s.217; R.S.S. 1920, c.86, s.237.

**Decision of council not open to question**

**238** Except in cases falling within section 235 the decision of a council as to the time when, the manner in which, the price for which, or the person to whom any property of the corporation, which the council may lawfully sell, shall be sold, shall not be open to question, review or control by any court, if the purchaser is a person who may lawfully buy and the council acted in good faith.

1915, c.16, s.218; R.S.S. 1920, c.86, s.238.

## TAKING MORE LAND THAN REQUIRED

**Taking more land than required**

**239** Whenever the council or commissioners desire to undertake any work or enterprise authorised by this or any other Act and for the purpose of carrying out the same it may become necessary to acquire any land or any land may be injuriously affected thereby, the council or commissioners, if they deem it expedient, may acquire any adjoining land, or the land liable to be injuriously affected, and the surplus of any land so acquired, over and above the land required for the work or enterprise, they may hold, lease, sell or otherwise dispose of.

1915, c.16, s.219; R.S.S. 1920, c.86, s.239.



## PUBLIC UTILITIES

***Municipal Public Works Act, application of***

**240** The provisions of *The Municipal Public Works Act*, shall be deemed to be incorporated in this Act, and the city shall, with respect to public works of the various classes therein mentioned, possess all the powers and remedies conferred by the said Act, whether or not such works have been or shall be constructed under bylaws purporting to be passed under the authority thereof.

1915, c.16, s.220; R.S.S. 1920, c.86, s.240.

**241** Section 48 of the said Act shall not apply to money borrowed or debentures issued after the twenty-fourth day of June, 1915.

1915, c.16, s.221; R.S.S. 1920, c.86, s.241.

## ESTABLISHING A CIVIC CENTRE

**Civic centre**

**242** In the event of the council acquiring land for the establishment of a civic centre, with a view to grouping together in some central location the civic offices and other buildings of a public character, it shall be in the power of the council to pass bylaws or regulations prescribing the height, structural character and architectural features of all buildings on lands fronting on or adjoining such civic centre and the uses to which such buildings may be put, and prohibiting the use of any such buildings on such frontage or adjoining lands for the exhibition of advertisement hoardings, or the holding of travelling shows, or for any other purpose which the council may deem aesthetically offensive or obnoxious, having regard to the character of the locality as a civic centre:

Provided that the council shall not be liable, in respect of any such bylaws or regulations or the enforcement thereof, to make compensation to the owners or occupiers of lands or buildings affected thereby, excepting in the event of any building having to be taken down, removed or altered in consequence of such bylaws or regulations, in which case the amount of compensation shall, failing agreement, be determined by arbitration in the manner provided for by Part X.

1915, c.16, s.222; R.S.S. 1920, c.86, s.242.

## SUPERANNUATION AND BENEFIT FUNDS

**Superannuation and benefit grants**

**243** The council may by bylaw provide for aiding and assisting by annual money grant or otherwise, as the council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of civic employees or of any class thereof.

1915, c.16, s.223; R.S.S. 1920, c.86, s.243.

## RESTRAINING VAGRANTS AND OTHERS

### Restraining vagrants, etc.

**244** The council may pass bylaws for restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place and may provide that the chief constable of the city or the inspector or other member of the police force of the city in charge of any police station to which any person is brought on the charge of being drunk without being disorderly may release such person without bringing him before a police magistrate or justice of the peace.

1915, c.16, s.224; R.S.S. 1920, c.86, s.244.

## PARKS BOARD

### Parks board

**245** The council may by bylaw appoint a parks board to exercise such powers in the control, supervision and management of any park, street boulevard, playground and cemetery as the council may determine and may provide for the remuneration, if any, of the members thereof; such members shall hold office during the pleasure of the council.

1915, c.16, s.225; R.S.S. 1920, c.86, s.245.

## HOSPITAL BOARD

### Hospital board of governors

**246(1)** The council may by bylaw appoint a board of governors consisting of not less than two and not more than nine members to manage, control and operate any hospital belonging to the city, and may define the powers and duties of such board and the remuneration, if any, of the members.

(2) The council may by such bylaw provide that the board of governors or part thereof may be elected, in which case the nomination and election of members of such board shall be held at the same time and place, and by the same officers, and shall be conducted in the same manner as the nomination and election of mayor and aldermen. All the provisions in this Act contained respecting the election and qualification of aldermen, and the qualification of electors and the voting at elections shall *mutatis mutandis* apply to the election of members of such board.

(3) The bylaw shall also state the period of time during which each member shall hold office.

(4) In case the validity of the election of any member of such board is contested, proceedings shall be taken under *The Controverted Municipal Elections Act*.

1915, c.16, s.226; R.S.S. 1920, c.86, s.246.

## NOXIOUS WEEDS

**Noxious weeds inspectors**

**247(1)** It shall be the duty of the council and it shall have power to appoint before the first day of March in each year such inspectors as may be required to carry out and enforce the provisions of *The Noxious Weeds Act* within the city and to clearly define the territory of each such inspector so that every part of the city shall be covered; and every inspector so appointed shall hold office until his successor is appointed and shall have all the power and shall perform all the duties of an inspector appointed in accordance with the provisions of the said Act, and shall be paid such remuneration as the council may fix.

(2) It shall be the duty of the clerk to notify the Weeds Commissioner at the Department of Agriculture forthwith of the appointment of such inspectors and of their post office address and of the territory assigned to each.

1915, c.16, s.227; R.S.S. 1920, c.86, s.247.

## CARE OF THE INDIGENT SICK

**Care of sick**

**248(1)** The council of every city shall make due provision for the care and treatment of any person who has been a resident of the municipality for at least thirty days, who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment.

**Demand by hospital board**

(2) In the absence of such provision, if any such person is admitted as a patient by an hospital which receives aid from the general revenue of the province, the hospital board may demand from the council a sum not exceeding two dollars per day for each day's actual treatment and stay of the patient in the hospital, provided that:

- (a) such demand shall be made within thirty days after the discharge or death of the patient;
- (b) the hospital board before becoming entitled to such sum shall notify the council within one week after the admission of the patient of the fact of such admission and that the board will claim from the council compensation for his care and treatment under this Act.

**Recovery of payment from patient**

(3) Any sum thus paid by the city to the hospital, and any expenses otherwise incurred for medical care and treatment under this section, may be recovered from the patient by action or by distraint by the treasurer of the city, and in the event of the death of the patient the council may recover from his administrators or executors the said sum.

**Agreement between council and board**

(4) The council may enter into an agreement with the board of any hospital to care for and treat all such patients of the city for such annual sum and subject to such conditions and restrictions as may be agreed upon.

1916, c.16, s.228; 1918-19, c.34, s.11; R.S.S.  
1920, c.86, s.248.

**Burial of destitute persons**

**249**(1) The council shall make provision for the decent burial of the bodies of destitute and friendless persons who have died within the city or who have died in an hospital or while under the care of the city.

(2) Should any such person die leaving goods within the city the expense of burial may be recovered by the treasurer by distraint and sale of the same.

(3) Should any such person die possessed of an interest in land, the city shall have a charge upon the land for the expense of burial, and may file a caveat for the protection of such charge in the proper land titles office.

1918-19, c.34, s.12; R.S.S. 1920, c.86, s.249.

**TESTING CATTLE FOR TUBERCULOSIS****Cattle tuberculosis tests**

**250** The council may pass bylaws for:

(a) appointing inspectors to inspect and subject to the tuberculin test cattle kept within the city and empowering the inspectors to make such orders as may be required for effectually carrying out the provisions of this Act;

(b) providing for the collection, detention or isolation of such animals for the purpose of making the test; branding and quarantining infected animals; compelling the owners to separate such animals from their herds, and to remove them from the city; preventing the sale of milk from animals which have been quarantined or found to be infected and slaughtering animals kept in the city in disobedience to an order for their removal;

(c) requiring persons who know that an animal is affected with tuberculosis or has reacted to the tuberculin test to report the same to the nearest inspector.

1919-20, c.23, s.8; R.S.S. 1920, c.86, s.250.

**AREAS UNDER SIDEWALKS****Areas under sidewalks**

**251**(1) The council may permit areas or openings to be constructed in or under the sidewalks or streets of the city and may make an annual charge for such privileges, and for the use of the areas or openings, of such sums as the council may think reasonable, and may enforce the payment of said sums in like manner as municipal taxes.

(2) Provided that this section or any privilege or permission granted under it shall not create a vested right in any such area or opening.

(3) Provided further that neither this section nor any permission or privilege in respect of such areas or openings granted by any city under this section shall interfere with any liability created or existing under the provisions of this Act or with the remedies over provided by this Act.

1915, c.16, s.229; R.S.S. 1920, c.86, s.251.

## SUNDAY STREET CARS

### Sunday street cars

**252(1)** The council of any city may pass a referred bylaw declaring that section 243 of *The Saskatchewan Railway Act* shall cease to apply to the operation within the city of any street railway, tramway or electric railway; and on, from and after the coming into force of such bylaw until the same is repealed as provided by subsection (2) hereof, the said section 243 of *The Saskatchewan Railway Act* shall cease to apply to the operation within the said city of any street railway, tramway or electric railway.

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

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

(4) The persons qualified to vote upon any bylaw provided by this section shall be the persons whose names appear in the last revised voters' list of the city.

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

1915, c.16, s.230; R.S.S. 1920, c.86, s.252.

## COLD STORAGE

### Cold storage

**253** The council of a city may establish and carry on the business of cold storage in connection with or upon the market property of the corporation.

1915, c.16, s.231; R.S.S. 1920, c.86, s.253.

## RESTRICTIONS ON LEGISLATION

### Restrictions on legislation

**254(1)** Subject to the provisions of section 319, every bylaw for:

(a) acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating and acquiring sufficient land for the convenient carrying on of bridges, cemeteries, crematories, elevators, exhibitions, gaols, gas or electric light, heat or power works, hospitals, lockup houses, markets, parks, poorhouses, roads, road or street construction plant and machinery, sewerage or drainage works, street railways, water powers or water works, where it is not intended that the cost shall be borne out of the revenue for the then current year;

(b) making loans or grants to educational or charitable institutions, or exempting them from taxation beyond the current year;

(c) granting to any gas or electric light or power syndicate or company or street railway syndicate or company any special franchise whether exclusive or not;

(d) contracting debts not payable within the current year;

shall in the case of bylaws provided for in clause (b), subject to the exception created by section 205, paragraph 72 and in clause (c) hereof receive the assent of two-thirds of the burgesses voting thereon in accordance with the provisions of sections 267 to 304, and in other cases a majority of the burgesses so voting.

(2) No bylaw for any of the purposes mentioned in clause (c) shall be passed if the city has a similar system, undertaking or business in operation as a municipal public work, nor shall any special franchise be granted for a longer period than twenty years.

(3) A debt contracted pursuant to a bylaw and not payable within the current year shall be made payable within a period not in any case to exceed forty years from the date of the issue of the debentures issued thereunder.

1915, c.16, s.232; 1916, c.18, s.15; R.S.S. 1920, c.86, s.254.

#### **Jurisdictions beyond city limits**

**255** Where the council decides to undertake any of the enterprises mentioned in clause (a) of subsection (1) of section 254, or to assist any of the institutions mentioned in clause (b) thereof, it may do so notwithstanding that the same may be wholly or partly outside the limits of the city.

1915, c.16, s.233; R.S.S. 1920, c.86, s.255.

#### **No bonusing**

**256** No city shall have power to bonus in any manner, exempt from taxation beyond the current year, subscribe for stock in, or guarantee the payment of any bonds or debentures issued by, any industrial or commercial undertaking or any railway company other than an incorporated street railway company operating within or near the city.

1915, c.16, s.234; R.S.S. 1920, c.86, s.256.

### **DECLARING AND ABATING NUISANCES**

#### **Council may declare nuisances**

**257(1)** The council may by resolution or by bylaw declare any building, structure or erection of any kind whatsoever 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, a nuisance and dangerous to the public safety or health, and by such bylaw or resolution 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 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 the two next following subsections, the order shall be served personally upon the owner, agent, lessee or occupant of the premises.

(3) Where the nuisance so declared is a building, structure or erection, publication of the order for a period of five days in a daily newspaper published in the city, or, where there is no such paper, in two successive issues of a weekly newspaper there published shall be good and sufficient service upon the owner, agent, lessee or occupant of the premises.

(4) Where the nuisance is not a building, structure or erection, publication of the order for a period of two days in a daily newspaper published in the city, or, where there is no such paper, in one issue of a weekly newspaper there published, shall be good and sufficient service upon the owner, agent, lessee or occupant of the premises.

1915, c.16, s.235; 1919-20, c.23, s.9; R.S.S. 1920, c.86, s.257.

### DOING OMITTED WORK

#### **Council may do work**

**258** 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 city may recover the expense thereof with costs by action or in like manner as municipal taxes.

1915, c.16, s.236; R.S.S. 1920, c.86, s.258.

### NO EXCLUSIVE FRANCHISE

#### **No exclusive franchise**

**259** The council shall have no power to give any person an exclusive right of exercising any business or special franchise within the city, except in cases where such power is conferred expressly or by necessary implication in this or some other Act.

1915, c.16, s.237; R.S.S. 1920, c.86, s.259.

### REASONABLENESS OF BYLAWS

#### **Bylaws not open to question**

**260** A bylaw passed by a council in the exercise of any of the powers conferred by and in accordance with this Act and in good faith shall not be open to question, or be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

1915, c.16, s.238; R.S.S. 1920, c.86, s.260.

## REPEAL AND AMENDMENT

### Repeal and amendment of bylaws

**261** The council may repeal or amend any bylaw except where the same has received the assent of the burgesses of the city, and in such case only when the repeal or amendment of the bylaw is similarly assented to by the said burgesses:

Provided that no bylaw relating to the procedure of the council when in session shall be repealed, amended or suspended except as far as the terms thereof shall themselves permit unless:

1. By bylaw unanimously passed at a regular or special meeting of the council at which all the members thereof are present; or
2. By a bylaw passed at a regular meeting of the council in pursuance of a notice in writing given and openly announced at the next preceding regular meeting of the council, setting forth the terms or substantial effect of the proposed bylaw.

1915, c.16, s.239; R.S.S. 1920, c.86, s.261.

## PETITION FOR SUBMISSION

### Petition for submission of bylaw

**262** When one-third of the resident ratepayers whose names appear on the last revised assessment roll petition the council for the submission to the electors of a bylaw on any question concerning a matter within the legislative jurisdiction of the council, a bylaw in accordance with the request of the petitioners shall be introduced by the council within four weeks after presentation of the petition, shall be advertised in some newspaper published in the city in at least one number of such paper each week for two successive weeks, and shall be finally passed by the council within four weeks of the voting thereon in case the bylaw receives the approval of the electors as required by this Act.

1915, c.16, s.240; 1916, c.18, s.16; R.S.S. 1920, c.86, s.262.

## PASSING, TESTING AND PROOF OF BYLAWS

### Passing, etc., of bylaw

**263** Every bylaw under this Act shall be under the seal of the city, and shall be signed by the mayor or other person who presided at the meeting at which the bylaw was finally passed and by the city clerk; and every bylaw shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at one meeting of the council except by the unanimous vote of the members present thereat.

1915, c.16, s.241; R.S.S. 1920, c.86, s.263.

### Evidence of bylaw

**264** A copy of any bylaw written or printed and under the seal of the city and certified to be a true copy by the mayor or city clerk shall be received as *prima facie* evidence of its due passing and of the contents thereof without further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the mayor or city clerk has been forged.

1915, c.16, s.242; R.S.S. 1920, c.86, s.264.



**Printed copies as evidence**

**265** Printed documents purporting to be printed copies of any or all bylaws passed by the council, and purporting to be printed by the authority thereof, shall be admitted as *prima facie* evidence in all courts in this province of such bylaws and of the due passing thereof.

1915, c.16, s.243; R.S.S. 1920, c.86, s.265.

**Validation of bylaws**

**266** No bylaw passed by a city previously to the coming into force of this Act shall be held to be invalid merely because it was beyond the legislative jurisdiction of the council at the time it was enacted, if it conforms to the provisions of this Act; and every such bylaw shall, if otherwise legal and operative, be deemed valid and binding according to its purport.

1916, c.18, s.17; R.S.S. 1920, c.86, s.266.

**PART V****Voting on Bylaws****Interpretation**

**267** In this part unless the context otherwise requires:

- (a) **“bylaw”** includes a resolution and a question upon which the opinion of the electors is to be obtained;
- (b) **“electors”** means the persons entitled to vote at the municipal elections, except in the case of a money bylaw or other bylaw upon which only the burgesses can vote, in which case it means the burgesses.

1915, c.16, s.244; R.S.S. 1920, c.86, s.267.

**Procedure**

**268(1)** In case a bylaw requires the assent or is submitted to obtain the opinion of the electors, before the final passing thereof, the following proceedings shall, except in cases herein otherwise provided for, be taken.

**Procedure bylaw**

(2) The council shall, by a separate bylaw hereinafter called the procedure bylaw, fix the day and hour for taking the votes of the electors and the places in the city where polls shall be opened. The day appointed shall be not less than three, nor more than five, weeks after the first publication of the notice hereinafter mentioned.

**City clerk *ex officio* returning officer**

(3) The city clerk shall, unless the council otherwise specially provides, be by virtue of his office returning officer and shall appoint such deputy returning officers, poll clerks, constables and other officials as may be necessary, and do all such acts as may be required for taking the votes of the electors in conformity with the provisions of this Act.

**Appointment of returning officers**

(4) The council may, by the procedure bylaw, appoint a returning officer other than the city clerk and such number of deputy returning officers as may be expedient for the purpose of taking the votes of the electors and such returning officer and deputy returning officers shall have and be subject to the like powers, authorities, duties and liabilities as returning officers and deputy returning officers in the case of an election under this Act.

**Voting may be at annual election**

(5) A proposed bylaw may be submitted on the day of the annual election, and, where it is so submitted, the procedure bylaw shall provide that the voting shall take place at the same time and at the same places as the annual election, and it shall not be necessary to appoint a separate returning officer or separate deputy returning officers to take the vote.

**Counting votes**

(6) The council shall by the procedure bylaw fix a time when and a place where the returning officer shall sum up the number of votes given for and against the proposed bylaw, or in the affirmative and the negative on the question submitted, and a time when the mayor will be in his office for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the returning officer on behalf of the persons respectively interested in promoting or opposing the passing of the bylaw respectively, or voting in the affirmative or negative on the question.

(7) Where two or more bylaws are to be submitted on the same date, it shall be sufficient to pass one procedure bylaw applying to all the bylaws submitted.

1915, c.16, s.245; 1919-20, c.23, s.10; R.S.S.  
1920, c.86, s.268.

**Publication**

**269**(1) The council shall advertise in at least one newspaper published in the city a notice signed by the city clerk, giving a correct statement of the question to be submitted, or, in case of a bylaw, a concise statement of its object; the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the returning officer; and also the time for taking the vote, and the number and position of the polling divisions.

(2) In case of a money bylaw the statement above mentioned shall show the amount of the debt or liability to be created or the money to be raised, how the same is to be payable, and the amount to be raised annually for payment of the debt and interest, or the instalments if the debt is to be paid in instalments.

(3) In case of a bylaw granting a special franchise as defined by this Act, the proposed bylaw shall be published in full.

1915, c.16, s.246; R.S.S. 1920, c.86, s.269.

**Advertisement**

**270** Such notice shall be advertised once a week for three successive weeks, and the returning officer shall also post up a printed copy of such notice at ten or more conspicuous places in the city.

1915, c.16, s.247; R.S.S. 1920, c.86, s.270.

**Statement by returning officer**

**271** To each copy so published and posted shall be appended a notice over the printed signature of the returning officer stating that the above is a correct statement of the question submitted or a correct summary of a proposed bylaw which has been introduced and may be finally passed by the council, in the event of the assent of the electors being obtained thereto, within four weeks of the voting thereon, and that upon the day and at the place or places fixed for taking the votes of the electors the voting thereon will be held between the hours of 9 a.m. and 8 p.m.

1915, c.16, s.248; R.S.S. 1920, c.86, s.271.

**Voting on several bylaws**

**272** Where more money bylaws than one are to be submitted at the same time, summaries of all or any number of them may be included in one notice signed by the city clerk as required by section 269. In such case only one notice, signed by the returning officer as required by section 271, need be appended thereto, which notice may refer in general terms to all the bylaws summarised.

1915, c.16, s.249; R.S.S. 1920, c.86, s.272.

**Corporations**

**273** Where a bylaw requires the assent of burgesses before the final passing thereof, any bank or other financial or commercial corporation assessed on the last revised assessment roll as the freeholder of real property, which if held by an individual would entitle him to vote, shall be entitled to one vote only which may be given by the chief resident officer of such corporation.

1915, c.16, s.250; 1917, c.11, s.8; R.S.S. 1920, c.86, s.273.

**Printing ballot papers**

**274** Forthwith after the day has been fixed as aforesaid for taking the votes of the electors, the returning officer shall cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purposes of the voting.

1915, c.16, s.251; R.S.S. 1920, c.86, s.274.

**Appointment of representatives for final count**

**275** At the time named for the purpose, the mayor shall attend at his office, and, if requested, shall appoint by writing signed by him two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in promoting the passing of the bylaw or voting in the affirmative on the question and a like number on behalf of the persons interested in opposing the passing of the bylaw, or voting in the negative on the question.

1915, c.16, s.252; R.S.S. 1920, c.86, s.275.

**Oath of appointee**

**276** Before any person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in the following form:

I, the undersigned *A. B.*, do solemnly declare that I am an elector (*or burgess*) of the city of \_\_\_\_\_ and that I am desirous of promoting (*or opposing as the case may be*) the passing of the bylaw (*here insert object of the bylaw*) (*or, of voting in the affirmative or in the negative, as the case may be, on the question*) to be submitted to the electors (*or burgesses*) of the said city on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

(Signature) \_\_\_\_\_ *A. B.*,

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

\_\_\_\_\_ *C. D.*,

*Mayor.*

*or*

\_\_\_\_\_ *E. F.*,

*Returning Officer.*

1915, c.16, s.253; R.S.S. 1920, c.86, s.276.

**Production of appointment**

**277** Every person so appointed before being admitted to the polling place or to the summing up of the votes, as the case may be, shall produce his written appointment to the deputy returning officer presiding at the poll or the returning officer, as the case may be.

1915, c.16, s.254; R.S.S. 1920, c.86, s.277.

**Substitute**

**278** In the absence of any person authorised as aforesaid to attend at the polling place for the final summing up of the votes any elector in the same interest as the person so absent may, upon making and subscribing before the deputy returning officer or the returning officer, a declaration in the following form, be admitted to the polling place to act for the person so absent:

I, the undersigned *A. B.*, do solemnly declare that I am an elector (*or burgess*) of the city of \_\_\_\_\_ and that I am desirous of promoting (*or opposing as the case may be*) the passing of the bylaw (*here insert object of the bylaw*) (*or, of voting in the affirmative or in the negative, as the case may be, on the question*) to be submitted to the electors (*or burgesses*) of the said city on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

(Signature) \_\_\_\_\_ *A. B.*,

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

*C.D.*, \_\_\_\_\_

*Deputy Returning Officer.*

1915, c.16, s.255; R.S.S. 1920, c.86, s.278.

**Form of ballot in case of bylaw**

**279** The ballot paper shall in case of a bylaw be in the following form:

Voting on bylaw to ( <i>here insert object of the bylaw</i> ), submitted to the electors ( <i>or burgesses</i> ) of the city of _____ this _____ ( <i>date</i> )	FOR  THE BYLAW.
	AGAINST  THE BYLAW.

1915, c.16, s.256; R.S.S. 1920, c.86, s.279.

**Form of ballot in case of a question**

**280** The ballot paper shall in case of a question be in the following form:

..... 19..... Voting on the following question ( <i>here state question</i> )	YES.
	NO.

1915 c.16, s.257; R.S.S. 1920, c.86, s.280.

**Present at poll**

**281** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or electors authorised to attend as aforesaid at the polling place.

1915, c.16, s.258; R.S.S. 1920, c.86, s.281.

**Certain sections to apply**

**282** The provisions of sections 138, 139 and 140 respectively shall apply, *mutatis mutandis*, to voting on a bylaw.

1915, c.16, s.259; R.S.S. 1920, c.86, s.282.

**Voters' lists**

**283**(1) The returning officer before the poll is opened shall deliver to the deputy returning officer for every ward or polling subdivision a voters' list containing the names arranged alphabetically of all the electors entitled to vote on the bylaw in that ward or polling subdivision, and a brief description of the property in respect of which each is entitled to vote, and he shall attest the said list by writing under his hand.

(2) In case of an elector voting on business or income, the fact shall be noted in the column provided for the description of property.

1915, c.16, s.260; R.S.S. 1920, c.86, s.283.

**Preparation of lists**

**284**(1) Where all the municipal electors are entitled to vote on the proposed bylaw the same lists shall be used in taking the vote as would be proper voters' lists to be used at a municipal election. Such lists shall be prepared by the assessor and shall be as final and conclusive as to the right to vote as when used at a municipal election.

(2) In other cases the lists shall be prepared by the assessor from the last revised assessment roll of the city, but the council may up to the eighth day before the day fixed for voting on the bylaw strike out from the said lists the name of any person who has ceased to have the necessary qualification or include therein the name of any person who has since the final revision of the said roll acquired such qualification.

(3) The lists prepared by the assessor shall be certified by him to be true and correct lists of the persons entitled to vote on the proposed bylaw, and shall be handed by him, fifteen days at least before the day fixed for the voting, to the clerk who shall forthwith post up the same in his office.

1915, c.16, s.261; R.S.S. 1920, c.86, s.284.

**Elector may vote once only**

**285** An elector may vote once only upon a bylaw.

1915, c.16, s.262; R.S.S. 1920, c.86, s.285.

**Form of poll book**

**286** The poll book shall be in the following form:

Names of the electors	Column for mark indicating that the elector has voted	Description of property in respect of which a burgess is entitled to vote	Objections	Sworn or affirmed	Refused to swear or affirm	Remarks

1915, c.16, s.263; R.S.S. 1920, c.86, s.286.

**Vote by ballot**

**287** At the day and hour fixed as aforesaid the polls shall be held and the votes shall be taken by ballot.

1915, c.16, s.264; R.S.S. 1920, c.86, s.287.

**Duration**

**288** The polls shall be kept open from nine o'clock in the forenoon until eight o'clock in the afternoon of the same day.

1915, c.16, s.265; R.S.S. 1920, c.86, s.288.

**Officers' oaths**

**289** Every returning officer, deputy returning officer, poll clerk, constable or agent authorised to be present at any polling place at the voting on a bylaw shall, before exercising any of the rights or functions of his office, make and subscribe a declaration in the following form:

I, *A. B.*, do solemnly promise and declare that at the voting on the bylaw (*or* question) submitted to the electors (*or* burgesses) of the city of \_\_\_\_\_ (the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector (*or* burgess) shall vote or has voted, and that I will not in any way whatsoever aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the manner in which any elector (*or* burgess) has voted on the bylaw (*or* question).

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

*C.D.,*  
*Justice of the Peace, Returning Officer or Deputy Returning Officer.*

1915, c.16, s.266; R.S.S. 1920, c.86, s.289.

**Directions to voters**

**290** The printed directions to be delivered to the deputy returning officers shall be in the following form:

**DIRECTIONS FOR THE GUIDANCE OF VOTERS**

The voter will go into one of the compartments, and with the pencil provided in the compartment will place a cross (thus X) on the right hand side in the upper space if he votes for the passing of the bylaw or in the affirmative on the question, and in the lower space if he votes against the passing of the bylaw, or in the negative on the question.

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

If the voter inadvertently spoils a ballot paper he may return it to the deputy returning officer, who will, if satisfied of such inadvertence, give him another.

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

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any ballot paper not given to him by the deputy returning officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following form of ballot paper given for illustration, the voter has marked his paper in favour of the passing of the bylaw:

Voting on bylaw to ( <i>here insert object of the bylaw</i> ), submitted to the electors ( <i>or burgesses</i> ) of the city of _____ this _____ ( <i>date</i> )	FOR THE BYLAW <span style="float: right;">X</span>
	AGAINST THE BYLAW



**Oath of voter**

**291**(1) Every elector tendering a vote on the bylaw may be required by the deputy returning officer or by any elector entitled to vote on the bylaw who may be present in the polling booth, to make, before his vote is recorded, the following oath or affirmation or any part thereof or to the effect thereof:

You swear that you are of the full age of 21 years;

That you have not voted before on the bylaw;

That you are according to law entitled to vote on this bylaw;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you now tender;

That you are the person named (*or* intended to be named) in the voters' list (*showing the voters' list to the voter*);

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on this bylaw or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And 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.

(2) In case the bylaw has been submitted for the approval of the burgesses, there shall be added to the above oath the following clause: "That you are a freeholder in your own right."

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

1915, c.16, s.268; R.S.S. 1920, c.86, s.291.

**Oath on behalf of corporation**

**292**(1) The chief resident officer of any corporation tendering a vote on the bylaw 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:

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

That the said corporation is a freeholder in this city;

That you have not cast any vote on the bylaw on behalf of the corporation;

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

That the said corporation is the corporation named (*or* intended to be named) in the voters' list (*showing the voters' list to the voter*);

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

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

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

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

1915, c.16, s.269; R.S.S. 1920, c.86, s.292.

#### **Deputy returning officer's statement**

**293** The written statement to be made by every deputy returning officer at the close of the polling shall be made under the following heads:

1. Name or number of ward or polling subdivision and date of voting;
2. Number of votes for and against the bylaw, or in the affirmative and negative of the question;
3. Rejected ballot papers.

1915, c.16, s.270; R.S.S. 1920, c.86, s.293.

#### **Objections**

**294** The deputy returning officer shall take a note of any objection made by any person authorised to be present to any ballot paper found in the ballot box, and shall decide any question arising out of the objection; each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer.

1915, c.16, s.271; R.S.S. 1920, c.86, s.294.

#### **Count**

**295** Every deputy returning officer at the completion of the counting of the votes shall, in the presence of the persons authorised to attend, make up into separate packets, sealed with his own seal and the seals of such persons authorised to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the voting, the name of the deputy returning officer and of the ward or polling subdivision:

1. The statement of votes given for and against the bylaw, or in the affirmative and negative of the question, and of the rejected ballot papers;
2. The used ballot papers which have not been objected to and have been counted;
3. The ballot papers which have been objected to but which have been counted;
4. The rejected ballot papers;
5. The spoiled ballot papers;
6. The unused ballot papers;
7. The voters' list and poll book with the oath in the form prescribed by section 169 annexed thereto, a statement of the number of electors whose votes are marked by him under sections 156 and 157 with their declaration of inability, and the note taken of objections made to ballot papers found in the ballot box.

1915, c.16, s.272; R.S.S. 1920, c.86, s.295.

**Return**

**296(1)** Every deputy returning officer shall at the close of the poll, certify under his signature on the poll book in full words the total number of electors who have voted at the polling place at which he has been appointed to preside; and, before placing the voters' list and poll book in their proper package as aforesaid, he shall make and subscribe before a justice of the peace or the poll clerk his declaration under oath that the voters' list and poll book were used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made. The declaration shall be in the form prescribed by section 169, and shall thereafter be annexed to the voters' list.

(2) The deputy returning officer shall then forthwith return the ballot box to the returning officer and he shall at the same time deliver to the returning officer the sealed packets and a duplicate statement of the votes given for and against the bylaw, or in the affirmative and negative of the question, and of the rejected ballot papers, signed by him and certified to be correct.

1915, c.16, s.273; R.S.S. 1920, c.86, s.296.

**Certificate of result**

**297** Every deputy returning officer, upon being requested so to do, shall deliver to the persons authorised to attend at the polling place a certificate of the number of votes given at the polling place for and against the bylaw or in the affirmative and negative of the question, and of the number of the rejected ballot papers.

1915, c.16, s.274; R.S.S. 1920, c.86, s.297.

**Summary by returning officer**

**298** The returning officer, after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place, shall, at the time and place appointed by the bylaw, in the presence of the persons authorised to attend or of such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the bylaw, or in the affirmative and negative of the question, and shall then and there declare the result, and shall forthwith certify such result to the council under his hand whether the majority of the electors voting upon the bylaw have approved or disapproved of the bylaw or have voted in the affirmative or negative of the question.

1915, c.16, s.275; R.S.S. 1920, c.86, s.298.

**Secrecy of the vote**

**299** Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

1915, c.16, s.276; R.S.S. 1920, c.86, s.299.

**Section 194 to apply**

**300** All the provisions of section 194 prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefor, applicable to municipal elections, shall apply *mutatis mutandis* to the voting on a bylaw whether the submission is optional with or compulsory upon the council.

1915, c.16, s.277; R.S.S. 1920, c.86, s.300.

**Scrutiny**

**301** Within two weeks after the returning officer has declared the result of the voting on a bylaw, any person who was entitled to vote thereon may apply for a scrutiny of the votes to a judge after giving notice of the application to such persons as the judge directs, and if it appears by affidavit that there are reasonable grounds for the application and if the applicant enters in a recognisance before the judge in the sum of \$100 with two sureties, to be allowed as sufficient by the judge upon affidavit of justification, in the sum of \$50 each, conditioned to prosecute the application with effect and to pay any costs which may be adjudged to any persons against the applicant, the judge may order a scrutiny of the votes to be had and shall in such case appoint a day and place for entering upon the scrutiny.

1915, c.16, s.278; R.S.S. 1920, c.86, s.301.

**Notice**

**302** At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the judge directs and to the returning officer.

1915, c.16, s.279; R.S.S. 1920, c.86, s.302.

**Hearing by judge**

**303** At the time appointed the returning officer shall attend before the judge with the ballot papers, and the judge, upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel, shall, in a summary manner, determine whether the required majority of votes was or was not given for the bylaw and shall forthwith certify the result to the council.

1915, c.16, s.280; R.S.S. 1920, c.86, s.303.

**Powers of judge general**

**304** The judge upon such scrutiny shall possess the like power and authority as to all matters arising upon the scrutiny as he possesses upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge who may apportion the same as to him seems just.

1915, c.16, s.281; R.S.S. 1920, c.86, s.304.

**Passing bylaw**

**305(1)** Where a proposed bylaw which the council has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it shall be the duty of the council to pass the bylaw within four weeks after the voting takes place.

(2) In other cases it shall not be incumbent on the council to pass the bylaw, but if the council determines to pass it, it shall be passed within four weeks after the voting takes place.

(3) The bylaw in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared, nor, if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the judge.

(4) The time which intervenes between the making of an application for a scrutiny and the final disposition of it shall not be reckoned as part of the four weeks.

(5) The Local Government Board may extend the time for passing a bylaw under either the first or second subsection (1) or subsection (2), in case such time has been allowed to elapse without the bylaw being passed.

1915, c.16, s.282; R.S.S. 1920, c.86, s.305.

**Certain sections apply**

**306** All the provisions of sections 141 to 184 shall, so far as not inconsistent with the provisions of sections 268 to 305, apply *mutatis mutandis* to proceedings under sections 267 to 304.

1915, c.16, s.283; R.S.S. 1920, c.86, s.306.

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PART VI

**Quashing Bylaws**

**Motion to quash**

**307**(1) Any elector of the city may, within two months after the passing of any bylaw or resolution of the council, apply to a 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 city and determine the scale of such costs.

(2) Notice of the motion shall be served at least seven clear days before the return day of the motion.

(3) The bylaw or resolution may be proved by the production of a copy thereof certified under the hand of the city clerk and the city seal; and the city clerk shall deliver such copy upon payment of a fee therefor at the rate of ten cents per folio.

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

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

(6) In lieu of the recognisance the applicant may pay into the 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 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 and out of court in actions pending in the said court.

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

1915, c.16, s.284; R.S.S. 1920, c.86, s.307.

#### Validation of bylaws

**308** In case no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof.

1915, c.16, s.285; R.S.S. 1920, c.86, s.308.

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## PART VII

### Money Bylaws

#### DEBENTURE DEBTS

#### Borrowing money

**309** Subject to the limitations and restrictions contained in this Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

1915, c.16, s.286; R.S.S. 1920, c.86, s.309.

#### Debentures

**310** Bylaws for contracting debts not payable within the current year shall provide for the issuing of debentures and the levying of annual rates for the payments of such debts.

1915, c.16, s.287; R.S.S. 1920, c.86, s.310.

#### Limitation of amount

**311** The amount of the debenture debt of the city at any time outstanding shall not exceed twenty per cent. of the total amount of the assessment in respect of land, businesses, income and special franchises, exclusive, however, of:

- (a) debentures issued under powers conferred by *The Municipal Public Works Act* prior to the twenty-fourth day of June, 1915;
- (b) debentures issued under the authority of *The Secondary Education Act*;
- (c) debts incurred for local improvements to the extent to which the amounts are secured by special assessments;
- (d) debts contracted for the construction or maintenance of a street railway.

1915, c.16, s.288; R.S.S. 1920, c.86, s.311.

**Calculation of amount of debt**

**312** The amount of any funds or securities held by the city to the credit of a sinking fund shall be deducted in calculating the total amount of the debenture debt of the city at any time outstanding.

1915, c.16, s.289; R.S.S. 1920, c.86, s.312.

**Contents of bylaw**

**313** The bylaw creating a debt shall state by recital or otherwise:

- (a) the amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;
- (b) the period over which the indebtedness is to be spread and the amount of the instalment to be paid in each year, or the period at the end of which the same is to be paid;
- (c) the rate of interest, and whether the same is to be paid annually or semi-annually;
- (d) the amount of rateable property in the city according to the last revised assessment roll;
- (e) the amount of the existing debenture debt of the city and how much, if any, of the principal or interest thereof is in arrears;
- (f) that any consent of the Commissioner of Public Health required by *The Public Health Act* has been obtained.

1915, c.16, s.290; R.S.S. 1920, c.86, s.313.

**Time of taking effect**

**314** The bylaw shall name a day when it is to take effect which day shall be not more than three months after the day on which the voting is to take place; and if no day is named in the bylaw it shall take effect on the day of the final passing thereof.

1915, c.16, s.291; R.S.S. 1920, c.86, s.314.

## DEBENTURES

**Optional mode of payment**

**315(1)** The bylaw may provide that the indebtedness shall, as the council may deem expedient, be payable either:

- (a) in such manner that the principal shall be repayable at the end of the period of years during which the debentures are to run, together with interest on such debentures to be paid annually or semi-annually as the council may by the bylaw provide;
- (b) in such manner that the principal and interest shall be combined and be made payable in, as nearly as possible, equal annual instalments during the period for which the debentures have to run;

- (c) in such manner that, without combining the principal and interest the instalments of principal shall be of such amounts that, with the interest, payable annually or semi-annually the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same;
  - (d) in such manner that the principal shall be repaid in equal annual instalments, with interest annually or semi-annually upon the balances from time to time remaining unpaid.
- (2) In case the indebtedness is to be payable in the manner set out in clause (a) of subsection (1), the bylaw shall provide for raising each year during the currency of the debentures:
- (a) a specific sum sufficient to pay the interest on the debentures when and as it becomes due;
  - (b) a specific sum which, with the estimated interest, at a rate not exceeding four per cent. per annum, capitalised yearly, will be sufficient to pay the principal of the debentures when and as it becomes due.
- (3) In the cases set forth in clauses (b), (c) and (d) of subsection (1), the bylaw shall provide for the raising in each year in which an instalment falls due of a specific sum to pay both principal and interest when and as they become due.

1915, c.16, s.292; R.S.S. 1920, c.86, s.315.

**Debentures and coupons payable in cash**

**316(1)** The bylaw may provide that the debentures and coupons shall be payable in lawful money of Canada or in sterling money of Great Britain, or in gold coin of the United States of America as provided by *The Currency Act, 1910*, or as to part thereof in one and part thereof in the other of the said moneys of equivalent value, and may be made payable at any place or places in Canada, Great Britain or the United States of America or elsewhere; the equivalent value of the said moneys shall be the value provided in *The Currency Act, 1910*.

(2) Any bylaw authorising the issue of debentures for a certain amount with interest in lawful money of Canada shall be taken to authorise the issue of debentures, or any of them, according to the provisions of this section, unless such bylaw provides that the provisions of this section shall not apply to such bylaw.

1915, c.16, s.293; R.S.S. 1920, c.86, s.316.



**Change in mode of issue of debentures**

**317** In the case of a bylaw heretofore or hereafter passed, the council may by bylaw, without the assent of the electors, authorise a change in the mode of issue of the debentures, or in the place or places where the same are payable or both; and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*; or may change the interest from annual to semi-annual or *vice versa*; or provide that the debentures may be issued in a different currency or may be in different amounts from those authorised by the original bylaw; and where any debentures issued under a bylaw have been sold, pledged or hypothecated the council, upon again acquiring them, or at the request of any holder of them, may by bylaw without such assent authorise the cancellation of the same and the issue of one or more debentures in substitution therefor, and may make such new debentures payable by the same or a different mode and at the same or a different place or places or provide that the interest shall be changed from annual to semi-annual or *vice versa*; or may provide that they may be issued in a different currency or may be in different amounts from those of the original debentures:

Provided that neither the period over which the indebtedness was originally spread nor the term at the end of which the same was made payable, as the case may be, nor the rate of interest, is increased and that the amount of the principal of such new debentures does not exceed the amount of the principal remaining owing upon the original debentures.

1915, c.16, s.294; R.S.S. 1920, c.86, s.317.

**Changing the rate of interest**

**318** When in the opinion of the council, with a view to the better marketing of the city's securities, it is desirable that the debentures authorised by a money bylaw bear a rate of interest differing from the rate specified in the bylaw, the council may, with the approval of the Local Government Board which is hereby authorised to give such approval, and without submitting the same to the electors, pass a bylaw to amend the first mentioned bylaw by providing for a different rate of interest and for a corresponding change in the amount to be raised annually.

1915, c.16, s.295; R.S.S. 1920, c.86, s.318.

**Borrowing additional**

**319** Where a city has heretofore constructed, purchased or acquired, or hereafter constructs, purchases or acquires (1) gas, electric light, power or water works or works for the development of a water power for generating, or works for producing, transmitting or distributing electrical power or energy, or (2) sewerage works or works for the interception, purification or disposal of sewage, at the expense of the corporation at large, the council may pass bylaws for borrowing such further sums as may be necessary to extend or improve such works or to meet the cost of extensions or improvements already made:

- (a) any such bylaw shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Local Government Board;

(b) such approval may be given if it is shown to the satisfaction of the board that the extension is necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual payments in respect of such debt and the interest thereon, or in the case of the extension or improvement of sewerage works or works for the interception, purification or disposal of sewage, that such extension or improvement is approved of by the Commissioner of Public Health.

1915, c.16, s.296; R.S.S. 1920, c.86, s.319.

### SUBMISSION OF DEBENTURE BYLAWS TO MINISTER

#### Application for approval of debenture bylaw

**320(1)** The council of any city, which has heretofore passed or shall hereafter pass, under the authority of this or any other Act, a bylaw for contracting a debt or incurring a liability or for borrowing money, may apply to the minister for a certificate approving the bylaw.

#### Certificate not granted while proceedings pending

(2) No certificate shall be granted while any action or proceeding in which the validity of the bylaw is called in question, or by which it is sought to quash it, is pending, nor until two months after the final passing of the bylaw, unless notice of the application is given in such manner and to such persons, if any, as the minister may direct.

#### Form of certificate

(3) The certificate may be in the following form:

In pursuance of *The City Act* the Minister of Municipal Affairs hereby certifies that the within bylaw is valid and binding and that its validity is not open to be questioned in any court on any ground whatever.

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

[SEAL]

.....

*Minister of Municipal Affairs.*

#### Signing certificate

(4) Such certificate may be signed by the Deputy Minister of Municipal Affairs, and shall, when so signed, be as valid, binding and effectual in all respects as if signed by the minister.

1915, c.16, s.297; R.S.S. 1920, c.86, s.320.

#### Minister may grant certificate upon proof of substantial compliance with law

**321** The minister may grant the certificate, notwithstanding any defect or irregularity substance or in form in the proceedings prior to the final passing of the bylaw or in the bylaw itself, if, in the opinion of the said minister, the provisions of the Act under the authority of which the bylaw was assumed to be passed have been substantially complied with.

1915, c.16, s.298; R.S.S. 1920, c.86, s.321.

**Bylaw and debentures not open to question after approval**

**322** Every bylaw hitherto or hereafter approved by the certificate of the minister, and the debentures issued or to be issued in conformity therewith, shall be valid and binding upon the city and upon the property liable to the rate imposed by or under the authority of the bylaw, and neither the validity of the bylaw nor that of any such debenture shall be open to question in any court, either on the ground of want of authority in the council to pass the bylaw or on any other ground whatever.

1915, c.16, s.299; R.S.S. 1920, c.86, s.322.

**Countersigning of debentures**

**323(1)** Where a bylaw has been approved under the provisions of section 320, the minister may, upon application of the city council or of a debenture holder, countersign any debenture issued under the authority of the bylaw, and such countersigning by the minister shall be conclusive evidence of the validity of the debenture and of the legality of its issue and that the bylaw under the authority of which it was issued has been approved as above mentioned; such debenture so countersigned shall be binding upon the city and upon the property held for the rate imposed by or under authority of the bylaw.

(2) The signature of the Deputy Minister of Municipal Affairs upon any debenture heretofore or hereafter issued shall be and is a valid and sufficient counter signature of such debenture by the minister.

1915, c.16, s.300; R.S.S. 1920, c.86, s.323.

**Validity of bylaws and debentures**

**324** Where the interest for one year or more on the debentures issued under a bylaw heretofore or hereafter passed, and the principal of any debenture which has matured, have been paid by the city, the bylaw and the debentures issued under it shall be valid and binding upon the city.

1917, c.11, s.9; R.S.S. 1920, c.86, s.324.

## DEBENTURES

## Forms of debentures

**325** A debenture shall be in one of the forms following or to the like effect:

## FORM 1

City of \_\_\_\_\_

\$ \_\_\_\_\_ Debenture No. \_\_\_\_\_

Under the authority of *The City Act* and of bylaw No. \_\_\_\_\_ of the city of \_\_\_\_\_, passed on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, the said city promises to pay the bearer at \_\_\_\_\_ the sum of \_\_\_\_\_ dollars with interest at the rate of \_\_\_\_\_ per cent. per annum, in \_\_\_\_\_ consecutive annual instalments according to the terms of the several coupons hereto attached.

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

.....

*Mayor.*

{ Corporate seal }  
 { of the city }

.....

*Treasurer.*

And the coupons may be in the following form:

Coupons

Coupon No. \_\_\_\_\_

Debenture No. \_\_\_\_\_

The city of \_\_\_\_\_ will pay to the bearer at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ the sum of \_\_\_\_\_ dollars.

.....

*Mayor.*

.....

*Treasurer.*

## CITIES

c. 86

## FORM 2

City of \_\_\_\_\_

\$ \_\_\_\_\_ Debenture No. \_\_\_\_\_

Under the authority of *The City Act* and of Bylaw No. \_\_\_\_\_ of the city of \_\_\_\_\_, passed on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, the said city hereby promises to pay to the bearer at \_\_\_\_\_ the sum of \_\_\_\_\_ dollars on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (*if interest is payable in the meantime add*) and to pay interest thereon at the rate of \_\_\_\_\_ per centum per annum (*yearly or half yearly as the case may be*) on the \_\_\_\_\_ day of \_\_\_\_\_ in each year, to the bearer of the several interest coupons hereto attached, upon presentation and surrender thereof as the same respectively become due.

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

.....  
*Mayor.*

{ Corporate seal }  
 { of the city }

.....  
*Treasurer.*

And the coupons may be in the following form:

Coupons

Coupon No. \_\_\_\_\_

Debenture No. \_\_\_\_\_

The city of \_\_\_\_\_ will pay to the bearer at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ the sum of \_\_\_\_\_ dollars.

(Signed)

.....  
*Mayor.*

.....  
*Treasurer.*

1915, c.16, s.301; R.S.S. 1920, c.86, s.325.

**Execution of debentures**

**326** A debenture shall be sealed with the seal of the city, and signed either by the mayor or by some person authorized by bylaw to sign the same in his stead and by the treasurer or by some person authorised by bylaw to sign in his stead.

1915, c.16, s.302; R.S.S. 1920, c.86, s.326.

**Signatures engraved**

**327** The signatures on coupons attached to debentures may be engraved or lithographed.

1915, c.16, s.303; R.S.S. 1920, c.86, s.327.

**Times and modes of issue**

**328** Debentures may be issued either all at one time or in instalments at such times as the council deems expedient; but no debenture shall be issued after the expiration of four years from the final passing of the bylaw authorising the issue, and any debenture may, provided it be actually issued within the said period of four years, bear any date within the said period.

1915, c.16, s.304; R.S.S. 1920, c.86, s.328.

**Validation of debentures**

**329** Any debenture issued under this Act shall be valid and binding upon the city, notwithstanding any insufficiency in form or substance or otherwise of the bylaw or of the authority of the city in respect thereof; provided that the bylaw, not being a local improvement bylaw, has, in case it is one provided for in clauses (b) and (c) of subsection (1) of section 254, received the assent of two-thirds, and in any other case has received the assent of the majority, of burgesses voting thereon, and that no successful application has been made to quash it within two months after its final passing.

1915, c.16, s.305; R.S.S. 1920, c.86, s.329.

**Debenture register**

**330** The treasurer shall open and keep a book to be known as "The Debenture Register" wherein shall be entered particulars of every bylaw authorising the issue of debentures and of all debentures issued thereunder, and every debenture issued shall have written, printed or stamped thereon a memorandum, signed by the treasurer, with the proper particulars inserted therein in the following form:

Registered in the debenture register as No. \_\_\_\_\_ under bylaw No. \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

1915, c.16, s.306; R.S.S. 1920, c.86, s.330.

**Effect of registration**

**331** In case any debenture is registered in the debenture register, the same shall be valid and binding in the hands of the city or of any *bona fide* purchaser for value, notwithstanding any defect in form or substance.

1915, c.16, s.307; R.S.S. 1920, c.86, s.331.

**Certificate of registration**

**332** A certificate, signed by the mayor and treasurer and sealed with the corporate seal of the city, that any debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

1915, c.16, s.308; R.S.S. 1920, c.86, s.332.

**Registration of transfer**

**333** Any debenture issued by the council may contain a provision in the following words:

This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this city, be transferable except by entry by the treasurer or his deputy in the debenture register of the city.

1915, c.16, s.309; R.S.S. 1920, c.86, s.333.

**Debenture transfer register**

**334(1)** In case of the issue of any debentures containing the provision mentioned in section 333 the treasurer shall enter in the debenture register a copy of all certificates of ownership of debentures which he may give, and also every subsequent transfer of such debenture.

(2) No such entry shall be made except upon the written authority of an unregistered holder or the person last entered in such book as the owner of such debenture, or of his executor or administrators or of his or their lawful attorney, which authority shall be retained and duly filed by the treasurer.

(3) After a certificate of ownership has been indorsed as aforesaid, the debenture shall only be transferable by entry by the treasurer or his deputy in such debenture register from time to time as transfers of such debenture are authorised by the then owner thereof or his lawful attorney.

1915, c.16, s.310; R.S.S. 1920, c.86, s.334.

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## PART VIII

**Registered Stock****City may borrow on security of stock**

**335** Where power is given to the city to borrow money on the security of debentures or otherwise, it may borrow the whole or any part of the amount on the security of inscribed or registered stock hereinafter termed “stock,” which shall be a valid and binding charge upon the city secured upon its general rates and revenues.

1915, c.16, s.311; R.S.S. 1920, c.86, s.335.

**Registration transfer, etc.**

**336** Such stock shall be styled “City of \_\_\_\_\_ Consolidated Stock.” The city may issue certificates for such stock in such form as the council may approve, and the stock shall be subject to such regulations as to the inscription, registration, transfer, management and redemption thereof as the council may deem advisable.

1915, c.16, s.312; R.S.S. 1920, c.86, s.336.

**Provisions applicable**

**337** All the provisions of this Act affecting debentures, shall, in so far as the same are applicable and are not inconsistent with the expressed provisions relating to stock, apply equally to stock and debentures or either of them.

1915, c.16, s.313; R.S.S. 1920, c.86, s.337.

**Interest**

**338** The stock shall bear interest at such rate as the council may deem expedient, payable semi-annually, and may be made payable as to both principal and interest in sterling money or in currency or in gold coin of the United States of America as authorised by *The Currency Act 1910* at an office or offices to be named in any part of Great Britain, the United States or Canada, or elsewhere.

1915, c.16, s.314; R.S.S. 1920, c.86, s.338.

**Redemption**

**339** The stock may at the time of issue be made redeemable at a fixed period, or the city may also stipulate for the option of redemption in whole or in part after a certain period and before the final maturity of the stock by giving six months' previous notice to the holders of the stock proposed to be redeemed, such notice to be given by registered letter addressed to the registered holder of the stock at his address as it appears on the register.

1915, c.16, s.315; R.S.S. 1920, c.86, s.339.

**Consolidated loans**

**340(1)** In order to secure the advantage of homogeneous long term securities, the council may from time to time, after the passing of bylaws covering the several amounts required whether for local improvements or otherwise, and without in any way affecting the provisions for the levying of the annual rates or in the case of local improvements the liens on the property therein described, consolidate the amounts and issue consolidated stock therefor. Any unsold debentures or consolidated stock may form part of a later consolidation.

**Investments pending maturity**

(2) When the sinking fund and the special assessment levied under any bylaw so consolidated shall have reached an amount sufficient to discharge the debt created under the bylaw, the amount may, pending the maturity of the consolidated stock, be invested in any of the securities authorized for the investment of the sinking fund, or it may be applied directly to the extinguishment of a corresponding amount of the outstanding debt of the city by the purchase and cancellation of stock; and, notwithstanding the provisions of subsection (3) of section 254, the consolidated stock may be made of a final maturity not exceeding fifty years.

1915, c.16, s.316; R.S.S. 1920, c.86, s.340.

**Contents of bylaw**

**341** The powers given by section 340 shall be exercised by virtue and under the authority of a bylaw which shall be approved by an affirmative vote of at least a majority of all the members of the council, and such bylaw shall state whether by recital or otherwise:

- (a) the total amount of the consolidated loan, specifying the individual bylaws with the respective amount authorised under each and the respective arrangements for sinking funds thereunder;
- (b) the term for which it is made, and the provisions for the redemption thereof at maturity;
- (c) the rate of interest thereon, and the date on which it is payable;
- (d) particulars of the place or places of issue, registration, transfer, payment of interest, and redemption of the capital at maturity.

1915, c.16, s.317; R.S.S. 1920, c.86, s.341.

**Powers of council**

**342** The council shall have the following powers:

- (a) it may from time to time declare all or any of the debentures or of the public securities issued by the city to be convertible into stock, and any block or blocks of stock convertible into debentures or into stock certificates payable to bearer;



- (b) it may authorise the issue of an equivalent amount of such stock in exchange for such debentures or other securities, and for debentures issued or other securities authorised but not sold or disposed of;
- (c) it may, on such conditions as it may determine, authorise the creation and issue of stock for the purpose of redeeming any outstanding debentures or other securities, and of paying any expenses in connection with such redemption or the carrying out of the provisions of this Act;
- (d) any such conversion of debentures or other securities into stock, or of stock into debentures, may be effected either by arrangement with the holders of such debentures or other securities or by the purchase thereof out of the moneys received by the sale of new stock, or partly in one way and partly in the other.

1915, c.16, s.318; R.S.S. 1920, c.86, s.342.

#### **Provisions for interest and sinking fund**

**343(1)** The consolidating bylaw shall provide for raising annually during the currency of the loan a sum sufficient to pay the interest, and also a sum, by way of sinking fund, sufficient, with interest thereon at four per cent. per annum compounded yearly to retire the stock at maturity.

(2) Such provision shall be sufficiently complied with by the levy of rates under the separate bylaws to an amount equal to or greater than the sinking fund and interest of the consolidated debt.

1915, c.16, s.319; R.S.S. 1920, c.86, s.343.

#### **Collection of deficit of interest or sinking fund**

**344(1)** If, in any year, the amounts levied for interest under the separate bylaws are insufficient to meet the interest of the consolidated debt, or if the aggregate levies for sinking fund purposes under the separate bylaws up to that time are insufficient to meet the sinking fund of the consolidated debt, the council shall provide for the difference and levy and collect the same by a general rate.

(2) Such levy shall not relieve land specially assessed from the special rate nor prejudice the city's right to recover the amounts from persons liable therefor in any manner authorised by law.

1915, c.16, s.320; R.S.S. 1920, c.86, s.344.

#### **No increase in authorised loan**

**345** Nothing in this part of the Act shall operate to allow of an increase in the authorised amount of any loan, except that, where stock is issued in exchange for debentures or other securities bearing a higher rate of interest than such stock, an additional amount of stock may be issued to make up the difference in the current saleable value between such debentures and stock.

1915, c.16, s.321; R.S.S. 1920, c.86, s.345

**Fiscal agents appointment**

**346** The council may appoint one or more fiscal agents in the city of London, England, and elsewhere, and may enter into an agreement with them as to the rate of compensation to be allowed for their services, in addition to the expenses incurred by them on the city's behalf, in providing for all or any of the following matters:

**Duties**

- (a) the issue of debentures or stock, treasury bills and similar securities, and the inscription or registration of stock in registers to be kept at the offices of the fiscal agents or elsewhere;
- (b) issuing allotment letters and provisional scrip certificates to represent moneys paid up on account of any debentures or stock pending the issue of the final certificate;
- (c) the issue of debentures or stock certificates and the signature of the same;
- (d) issuing stock certificates to bearer, and as often as occasion shall arise, reregistering or reinscribing the stock represented by such certificates;
- (e) effecting the conversion of debentures or other securities into stock and regulating the transfer of stock;
- (f) the transfer of stock from one place of registry to another;
- (g) paying interest on debentures or stock or the capital sums represented thereby;
- (h) negotiating loans on the security of authorised bylaws or other securities of the city;
- (i) receiving from time to time all moneys on the city's behalf, and paying out such moneys as the city may direct;
- (j) generally for conducting all business connected with debentures or the issue and service of stock and the inscription, registration and transfer thereof, including arrangements for the listing of such securities on any exchange and paying any governmental duties or taxes in connection therewith.

1915, c.16, s.322; R.S.S. 1920, c.86, s.346

**Trusts**

**347** No officer or person employed in the inscription, registration, transfer, management or redemption of any of the aforesaid securities, or in payment of any dividend or interest thereon, shall be bound to see to the execution of any trust expressed or implied to which such securities are subject.

1915, c.16, s.323; R.S.S. 1920, c.86, s.347.

**Powers of council**

**348** The council may do or cause to be done all things which may be required by any stock exchange in reference to the securities herein referred to and to their issue and to the listing thereof, and may pay any governmental duty or tax in respect thereof.

1915, c.16, s.324; R.S.S. 1920, c.86, s.348.

**Certificate of minister**

**349**(1) Where a consolidated bylaw has been approved under the provisions of section 320 the minister may, upon application of the city council, issue a certificate as to the validity of the whole issue of stock thereunder, and may countersign any stock issued or which may thereafter be issued under the authority of the bylaw, and such certificate or countersigning by the minister shall be conclusive evidence of the validity of such stock, and the legality of the issue of such stock shall be thereby conclusively established and its validity shall not be open to question in any court.

(2) Such stock so countersigned shall be valid and binding upon the city and upon the property held for the rate imposed by or under the authority of the bylaw, and the signature of the minister may be written or stamped on the stock certificate.

1915, c.16, s.325; R.S.S. 1920, c.86, s.349.

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**PART IX****Municipal Finance****ACCOUNTS AND INVESTMENTS****Interest and sinking fund accounts**

**350** The treasurer shall keep in his books two separate accounts of every debt, one for the interest and the other for the sinking fund or for instalments of principal, both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and he shall keep the said accounts so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for payment of it.

1915, c.16, s.326; R.S.S. 1920, c.86, s.350.

**Disposal of surplus**

**351** If, after paying the interest of a debt for any financial year, and appropriating the necessary sum to the sinking fund of such debt or in payment of the instalments of principal, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund or in payment of the principal.

1915, c.16, s.327; R.S.S. 1920, c.86, s.351.

**No diversion of sinking fund**

**352** No money levied and collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the city.

1915, c.16, s.328; R.S.S. 1920, c.86, s.352.

**Use of excess interest on sinking fund**

**353** Notwithstanding anything herein contained, if after paying the interest of a debt for the financial year preceding the year in which the application hereinafter mentioned is made, and paying the necessary sum into the sinking fund account up to the thirty-first day of December of that year, the city has received and receives during the current year interest on or earnings of its sinking fund investments in excess of interest at the rate required by section 315, the Local Government Board may, on the application of the council and on such terms and conditions as may be deemed advisable, authorise the council to use such excess interest or earnings for current or other expenditures:

Provided, however, that the current year's levies for sinking fund purposes shall not be used to cover any deficiency in the sinking fund account for the previous year.

1919-20, c.23, s.11; R.S.S. 1920, c.86, s.353.

**Liability for diversion**

**354(l)** Subject to provisions section 353 if the council applies any of the said money for current or other expenditure, the members who vote for such application shall be personally liable for the amount diverted, and the same may be recovered by the city by action against them in any court of competent jurisdiction.

(2) If the council, upon the request in writing of a ratepayer, or of a holder of any of the debentures the sinking fund for payment of which has been diverted, refuses or neglects for one month to bring an action therefor, the action may be brought either by any ratepayer on behalf of himself and other ratepayers or by any holder of debentures the sinking fund for payment of which has been diverted.

(3) The members of the council who vote for such application shall be disqualified from holding any municipal office for two years.

1915, c.16, s.329; 1916, c.18, s.18; 1917, c.11, s.11; R.S.S. 1920, c.86, s.354.

**Treasurer's annual statement**

**355(1)** The treasurer shall prepare and lay before the council each year before the striking of the annual rate, a statement showing what amount will be required to be raised for sinking fund during the year.

(2) For every contravention of this section the treasurer shall incur a penalty not exceeding \$25.

1915, c.16, s.330; R.S.S. 1920, c.86, s.355.

**Neglect to levy sinking fund**

**356** If the council neglects in any year to levy the amount required to be raised for a sinking fund, or for the instalment necessary for the payment of a debenture debt each member of the council shall be disqualified from holding any municipal office for the next two years; but no member shall be liable to the penalty hereby imposed who shows to the satisfaction of the judge that he made reasonable efforts to procure the levying of the said amounts.

1915, c.16, s.331; R.S.S. 1920, c.86, s.356.

**Deficiency in sinking fund**

**357** In case at any time there is a deficiency in the sinking fund account of the city, the council may pass bylaws providing for the issue of debentures, and for levying rates for payment thereof upon the general rateable property in the city, without the assent of the burgesses, for the purpose of making good the deficiency; and the proceeds of any debentures issued for such purpose shall be allocated to the sinking funds of the various issues to which they may be properly applicable.

1915, c.16, s.332; R.S.S. 1920, c.86, s.357.

**Investment of sinking fund**

**358(1)** Subject to the provisions of sections 361 and 376, the council shall from time to time invest the sinking fund in any stock debentures or securities of the Government of Canada or of any province of Canada, or any debentures or securities the payment of which is guaranteed by the Government of Canada or of any province of Canada, or in the debentures of any municipal corporation or school district in Saskatchewan, or in debentures issued under *The Rural Telephone Act*, or in local improvement or any other debentures of the city; or in first mortgage of freehold real estate to an amount not exceeding one-third of the sworn cash valuation of an independent appraiser, and from time to time as such securities mature may invest in other like securities; and may invest and reinvest the fund or any part thereof in authorised securities, and sell, assign or transfer the same, and call in and vary the investments for others of a like nature.

(2) The council may regulate by bylaw the manner in which such investment shall be made.

(3) It shall not be necessary that any of the debentures referred to in this section shall have been disposed of by the council; but the council may apply the sinking fund, to an amount equal to the amount of such debentures, for the purposes to which the proceeds of such debentures are properly applicable; and they shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly.

(4) The council may direct by bylaw that any surplus moneys in the hands of the treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt; and may invest such sinking fund in any of the securities named in and according to the provisions of this section.

(5) No part of the moneys at the credit of the sinking fund account shall be invested in any securities, whether by the council itself or by sinking fund trustees, without the previous approval of the Local Government Board to such investment.

1915, c.16, s. 333; 1917, c.11, s.12; 1918-19, c.34, s.13; R.S.S. 1920, c.86, s.358.

**Prohibition as to investment**

**359** No member of the council shall take part in or be a party to the investment of any moneys referred to in section 358 otherwise than is therein authorised, and any person so doing shall be held personally liable for any loss thereby sustained by the city.

1915, c.16, s.334; R.S.S. 1920, c.86, s.359.

**Surplus income from civic works**

**360** The council may appropriate to the payment of any debt the surplus income derived from any civic work or utility, or from any share or interest therein, after paying the annual expenses thereof, or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or may be applied in payment of any instalment thereof accruing due; or the council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any civic work, for the purpose of meeting contingencies which in the opinion of the council may be likely to arise in connection therewith.

1915, c.16, s.335; R.S.S. 1920, c.86, s.360.

**Redemption of debentures**

**361** The council may by bylaw direct that any part of the sinking fund, instead of being invested as herein provided, shall from time to time be applied towards payment or redemption of any of the debentures to which such sinking fund is applicable, at such value as may be agreed upon between the council and the holders of the debentures.

1915, c.16, s.336; R.S.S. 1920, c.86, s.361.

**Loan on debentures**

**362(1)** Pending the sale of any debentures authorised by bylaw under this or any other Act or in lieu of selling or disposing of the same, the council may by bylaw authorise the mayor and treasurer to raise money by way of loan on such debentures and to deposit or hypothecate the same for any such loan.

(2) The city may give a security for such loan promissory notes of the city, treasury bills, temporary debentures or similar forms of obligation, signed by the mayor and treasurer, and each such bill, debenture or obligation shall be valid and binding upon the city according to its tenor.

(3) The city may renew all or any portion of such securities at maturity for such further period and on such terms as may be deemed advisable.

(4) The proceeds of every such loan shall be applied to the purpose for which such debentures were issued, and should such debentures be subsequently sold and disposed of, the proceeds thereof shall first be applied in payment of the loan; but the lender shall not be bound to see to the application of the proceeds of any such loan.

1915, c.16, s.337; R.S.S. 1920, c.86, s.362.

**Annual return as to sinking fund made to minister**

**363** Where by any bylaw heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the bylaw, the city, in each year in which the sinking fund is required to be raised, shall transmit to the minister a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with, and the state of the investment of any part of the sinking fund therefor collected, which return shall be verified by the affidavit or statutory declaration of the mayor and of the treasurer.

1915, c.16, s.338; R.S.S. 1920, c.86, s.363.

**Penalty**

**364** Any city which does not comply with the provisions of section 363, and the mayor and treasurer thereof, shall be guilty of an offence; and for every offence each shall incur a penalty not exceeding \$100 to be recovered with costs of summary conviction.

1915, c.16, s.339; R.S.S. 1920, c.86, s.364.

**Capital and current expense**

**365** No money borrowed for capital expenditure, or in the hands of the city as capital funds, shall be applied towards current expense.

1915, c.16, s.340; R.S.S. 1920, c.86, s.365.

**Liability**

**366** If the council applies any of the said money for current expense, the members who vote for such application shall be personally liable for the amount diverted, and the same may be recovered by the city by action against them in any court of competent jurisdiction.

1915, c.16, s.341; R.S.S. 1920, c.86, s.366.

**Penalty**

**367** In case any of the said money is applied towards current expense, the mayor and treasurer shall be guilty of an offence; and for every such offence, each shall incur a penalty of not less than \$100 to be recovered with costs on summary conviction.

1915, c.16, s.342; R.S.S. 1920, c.86, s.367.

## SINKING FUND TRUSTEES

**Sinking fund trustees**

**368(1)** The city may by bylaw provide for the appointment of trustees to take in charge the sinking fund of the city in which case the following provisions shall apply.

**Fund deposited in bank**

(2) The sinking fund to redeem the outstanding debentures of the city shall, in each year, when received by the treasurer, be deposited by him in some chartered bank, to be designated by the council, to the credit of a special account to be called "The sinking fund account of the city of \_\_\_\_\_" and the same shall be invested in the name of the city by three trustees, two of whom shall be appointed by the judge on application by the city, and the third by the council, in such of the securities mentioned in section 358 as the trustees think best.

**Payments to trustees**

(3) The said trustees may require the treasurer to pay from the funds so deposited such sums as they from time to time require for investment, and all such sums coming into the hands of the treasurer from the temporary investment of the sinking fund shall be applied in the manner and to and for the purposes above mentioned.



**Remuneration of trustees**

(4) Each of the trustees shall be paid for his services an amount not exceeding \$10 for each meeting held by them, the number of meetings being as many as may be necessary; the council to find office room, all other costs, charges and expenses including cost of repairs, collection of rents, expenses and clerical assistance to be paid from the general funds of the city.

**Statements by trustees**

(5) The trustees shall, whenever required by the council, give a detailed statement in writing of the said fund and the manner in which the same is invested and in no case shall the moneys to the credit of the sinking fund account be withdrawn without the consent of the said trustees.

**Tenure of office**

(6) The trustees appointed under this section shall hold office until removed therefrom by the council or the judge in manner provided for their appointment.

1915, c.16, s.343; R.S.S. 1920, c.86, s.368.

**Powers of trustees**

**369** The said trustees shall have as full power and authority to deal with the sinking fund as the council would otherwise have, and in particular they shall have the powers hereinafter set forth, namely:

- (a) to invest and reinvest the fund in authorised securities, to sell, assign or transfer the same, and to call in and vary the investments for others of a like nature;
- (b) to collect the money due upon mortgages or other securities in which portions or all of the said fund are invested, and to take such steps as seem proper for enforcing the securities and for the adjustment, compromise or collection of the debts due thereunder;
- (c) to foreclose mortgages and all parties having any interest in or claim upon the property covered thereby; in which case the title to the property shall be vested in the city with absolute power to sell, transfer, and dispose of the same;
- (d) to lease, rent, insure or otherwise deal with the property foreclosed;
- (e) to sell, assign, transfer and convey property obtained by foreclosure, and to sell under power of sale property mortgaged to the city; provided that conveyances shall be signed by at least two of the trustees in their official capacity;
- (f) to sign discharges or part discharges of mortgages and receipts for money paid on account of any claim of the city; provided that such discharges or receipts shall be given in the name of the city but shall be signed by at least two of the trustees.

1915, c.16, s.344; R.S.S. 1920, c.86, s.369.

**Temporary loans**

**370** The said trustees may, with the consent of the council given by resolution, when necessary to meet any payment of the sinking fund, borrow sums not exceeding twenty-five thousand dollars (\$25,000) from any chartered bank in Canada for a period not exceeding six months, and in security for such temporary loan they may pledge or hypothecate any stock, debentures, mortgages or other securities held by them.

1915, c.16, s.345; R.S.S. 1920, c.86, s.370.



**Sinking fund account**

**371** All funds coming into the hands or under the control of the said trustees for the benefit of the sinking fund shall be deposited by them in a separate account in a chartered bank doing business in Canada or in a chartered bank in the city of London, England, to be called the “sinking fund account,” and no part of this account shall in any case be withdrawn except upon cheque signed by at least two of the trustees and except for carrying out the said trust and for the due and proper administration of the same.

1915, c.16, s.346; R.S.S. 1920, c.86, s.371.

**Quorum of trustees**

**372** At all meetings of the said trustees called by the chairman or, in his absence, by either one of the other trustees in the usual way two of the number shall form a quorum, and all acts done for or on behalf of the said trustees by the quorum shall be as effectual as if done by the three trustees.

1915, c.16, s.347; R.S.S. 1920, c.86, s.372.

**Trustees may purchase securities**

**373** Said trustees may purchase any of the debentures, stock or other securities of the city.

1915, c.16, s.348; R.S.S. 1920, c.86, s.373.

**Council may require change of investments**

**374(1)** The council may at any time, by resolution, require the trustees not to invest any part of the sinking fund in the manner hereinbefore provided and that the investments already made be called in and the amounts due thereupon be collected and paid into the sinking fund of the city; and upon such resolution being communicated to the said trustees they shall not make any further investments as aforesaid until rescission of such resolution but shall proceed to call in and realise upon those already made as the same mature.

(2) In such case the council shall have no power to withdraw any moneys from said account except as provided in subsection (3); provided that such account may be transferred from one chartered bank to another and shall be kept in some chartered bank at compound interest.

(3) The sinking fund which shall be to the credit of the city as debentures now outstanding shall mature shall be applied to the payment of the same at the date of such maturity or may be used in the purchase thereof before maturity.

1915, c.16, s.349; R.S.S. 1920, c.86, s.374.

**Trust company**

**375(1)** Instead of trustees the council may appoint a trust company approved by the Lieutenant Governor in Council, under the provisions of *The Trust Companies Act*, for acceptance by the courts.

(2) Such company shall have all the power and authority conferred on trustees by this Act, and all the above provisions with respect to trustees shall apply *mutatis mutandis*, and as far as applicable to the company.

1915, c.16, s.350; R.S.S. 1920, c.86, s.375.

## DEPOSIT OF SINKING FUND WITH PROVINCIAL TREASURER

**Deposit with Provincial Treasurer**

**376(1)** The council may by bylaw provide that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer to the Provincial Treasurer.

**Interest on funds**

(2) Where such provision is made the Provincial Treasurer may receive from the treasurer of the city the annual amounts so levied and allow and credit the city with interest thereon at the rate of four per cent. per annum, compounded yearly, until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

**Money to form part of consolidated fund**

(3) All moneys received by the Provincial Treasurer under the provisions of this section shall form part of the consolidated fund of the province and a statement of the amount at the credit of each city shall be set forth annually in the public accounts of the province.

**May be invested in debentures, etc.**

(4) The Lieutenant Governor in Council may from time to time direct the Provincial Treasurer to invest the amount at the credit of the city, or any part thereof, as directed by section 12 of *The Treasury Department Act* or in the debentures of such city, to redeem which such sinking funds were paid to the Provincial Treasurer.

1915, c.16, s.351; R.S.S. 1920, c.86, s.376.

**Amount payable into sinking fund a debt due to treasurer**

**377** Where a bylaw has been passed under the authority of section 376, the amount payable in any year to the credit of the sinking fund which under the provisions of the bylaw is to be paid to the Provincial Treasurer shall be deemed a debt due to him, and in default of payment thereof he may sue therefor in any court of competent jurisdiction in his own name as for a debt due to the Crown.

1915, c.16, s.352; R.S.S. 1920, c.86, s.377.

**Copy bylaws sent to Provincial Treasurer**

**378** Every city the council of which shall hereafter pass any bylaw under the provisions of section 376 shall within thirty days after the final passing of the bylaw transmit a duly certified copy thereof to the Provincial Treasurer.

1915, c.16, s.353; R.S.S. 1920, c.86, s.378.

## PART X

**Expropriation and Arbitration****Interpretation**

**379** In this Part, unless the context otherwise requires:

- (a) **“land”** shall include a right or interest in, and easement over, land;
- (b) **“owner”** shall include mortgagee, lessee, tenant, occupant, a person entitled to a limited estate or interest in land, a trustee in whom land is vested, a committee of the estate of a lunatic, an executor, an administrator and a guardian.

1915, c.16, s.354; R.S.S. 1920, c.86, s.379.

**Council may acquire land**

**380** In case the council desires to acquire land for any purpose authorised by this Act, the council, if it cannot acquire the land at a fair price by agreement with the owners, may expropriate the same in the name and on behalf of the city.

1915, c.16, s.355; R.S.S. 1920, c.86, s.380.

**Compensation**

**381(1)** The council shall make to the owners of land taken by the city in the exercise of any of the powers conferred by this Act due compensation therefor, and shall pay damages for any land injuriously affected by such exercise.

(2) Such compensation or damages shall be the value of the land taken or the amount of the injury done, as the case may be, less any increased value which the contemplated work may give to the lands of the claimant beyond the increased value common to all the lands in the locality.

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

(4) Where part only of the land of an owner is expropriated, there shall be included in the award a sum sufficient to compensate him for any damages directly resulting from severance.

1915, c.16, s.356; R.S.S. 1920, c.86, s.381.

**Deposit of plan of land taken**

**382(1)** Before taking any land the council shall deposit with the city clerk plans and specifications showing the land to be taken or used, the work to be done thereon and the names of the owners thereof according to the last revised assessment roll and the records of the proper land titles office.

**Notification to owners**

(2) The city clerk shall thereupon cause to be served upon every owner of the land to be expropriated a notice of the intention of the council to proceed with the work or undertaking, and to expropriate the land necessary therefor, of the date of such deposit, and that all claims for compensation for the land so to be taken, with the amount and particulars thereof, must be filed with him within a stated period after the service of such notice.

**Filing claim**

(3) Where the person to be served resides within Saskatchewan, the time allowed for filing a claim shall be fifteen days after service of the notice. Where the person to be served resides outside Saskatchewan he shall be allowed such time as may be ordered by the judge on application by the city.

**Date for ascertaining compensation**

(4) The date of the deposit of the plans and specifications shall be the date with reference to which the amount of compensation shall be ascertained.

**Claim may be barred**

(5) If any claimant under this section has not filed his claim within the period limited, it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

1915, c.16, s.357; R.S.S. 1920, c.86, s.382.

**Claim for damages**

**383** Except where the person entitled is an infant, a lunatic, or of unsound mind, a claim for damages resulting from his land being injuriously affected shall be made in writing, with particulars of the claim, within one year after the injury was sustained, or after it became known to such person, or within the time limited by a notice, if any is given, under the provisions of section 384, whichever of these periods shall first expire, and, if not so made, the right to such damages shall be forever barred.

1915, c.16, s.358; 1918-19, c.34, s.14; R.S.S. 1920, c.86, s.383.

**Publication of completion**

**384(1)** The council may authorise the city clerk to give notice in a local newspaper of the completion of any municipal work forthwith after the person in charge of the work has given his final certificate. Such notice shall state the last day on which a claim for damages in respect of land not taken but injuriously affected by the work may be filed with the clerk.

(2) The notice shall also state that the owner of such land must file with the clerk within three months after publication of the notice his claim for damages, stating the amount and particulars of such claim.

(3) Such notice shall be inserted in three successive issues of a daily newspaper published in the city, if any; otherwise in such issues of a weekly paper there published, and the date of the first publication of such notice shall be the date in respect of which the damages shall be ascertained.

(4) Any claim not made within the period limited shall be forever barred, unless upon application to a judge of the Court of King's Bench, made not later than one year from the publication of the notice, and after seven days' notice to the city, the judge allows the claim to be made.

(5) Nothing in this section contained shall revive a claim which has been barred by effluxion of time under the provisions of section 383.

1915, c.16, s.359; 1918-19, c.34, s.15; R.S.S. 1920, c.86, s.384.

**Claims by infants, etc.**

**385** In the case of an infant, a lunatic or a person of unsound mind, a claim for damages may be made within one year, or within one year after he ceased to be under the disability, whichever shall be the longer, or in case of his death while under disability within one year after his death, and, if not so made, the right to compensation shall be forever barred.

1915, c.16, s.360; R.S.S. 1920, c.86, s.385.

**Easements**

**386** The provisions of sections 383, 384 and 385 shall not apply where an expropriating bylaw provides for acquiring an easement or right in the nature of an easement, and the damages arise from the exercise of such easement or right.

1915, c.16, s.361; R.S.S. 1920, c.86, s.386.

**Compensation appurtenant to land**

**387** A claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land, and shall pass by any transfer or conveyance thereof.

1915, c.16, s.362; R.S.S. 1920, c.86, s.387.

**Owner unknown**

**388(1)** If the owner of the land is absent from Saskatchewan, or is unknown, or cannot be found, or if there is no person competent to contract with the city for the sale and conveyance of the land, the judge may, on the application of the city appoint a person to act for the owner, and all acts done, contracts made, and conveyances executed by such person, shall be as valid and effectual as if the same were done, made or executed by the owner, and he were of full age and competent to do the act, make the contract or execute the conveyance.

**Payment into court where person not absolute owner**

(2) In case any person acting as aforesaid has not the absolute estate in the property, the city shall pay the amount to be paid in respect of such property as a judge shall direct into court, and the city shall not be bound to see to the application of any sum so paid.

1915, c.16, s.363; R.S.S. 1920, c.86, s.388.

**Payment into court on refusal to execute transfer**

**389** If any person to whom compensation or damages are payable refuses to execute the proper transfer, discharge or other instrument, or if it is made to appear to the judge that for any other reason it is proper that the compensation or damages should be paid into court, the judge may give leave to the city to make such payment into court.

1915, c.16, s.364; R.S.S. 1920, c.86, s.389.

**Interest**

**390** In every case in which leave is given to pay money into court, the judge may, in his discretion, order the city to pay in addition six months' interest on the amount of the compensation or damages at six per cent.

1915, c.16, s.365; R.S.S. 1920, c.86, s.390.

**Vesting order**

**391** In every case in which compensation for lands taken has been paid into court, the judge, on the application of the city, may grant an order vesting in the city the absolute title to the lands in respect whereof such payment in has been made.

1915, c.16, s.366; R.S.S. 1920, c.86, s.391.

**Compensation and damages stand in lieu of land**

**392** The compensation or damages which may be agreed upon or awarded for land taken or injuriously affected shall stand in the stead of such land and shall be subject to the limitations and charges, if any, to which the said lands were subject; and any claim to or incumbrance upon the said lands or to or upon any portion thereof, shall, as against the city, be converted into a claim to the money so agreed upon or awarded, or to a like proportion thereof.

1915, c.16, s.367; R.S.S. 1920, c.86, s.392.

**Distribution of moneys paid into court**

**393(1)** Where compensation or damages in respect of lands taken or injuriously affected are paid into court, the city clerk shall insert a notice, in such form and for such time as a judge may direct, in a newspaper of the city, calling upon persons entitled thereto to file their claims to the said compensation or damages or any part thereof; and all such claims shall be received and adjudicated upon by the said judge.

(2) Judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interest therein, and to the compensation or damages therefor, and the judge shall make such order for distribution, payment or investment of the money, and for securing the rights of all persons interested therein, as may be necessary.

(3) The costs of the proceedings including allowances to witnesses, shall be paid by the city or by such person as the judge may direct.

(4) If an order for distribution is obtained in less than three months from the payment into court the judge may direct a proportionate part of the interest, if any, to be returned to the city.

(5) The payment into court shall discharge the city from all liability in respect of the compensation.

1915, c.16, s.368; R.S.S. 1920, c.86, s.393.

**Tender**

**394(1)** The council, in all cases where claims for compensation or damages are made against the city, which, under the provisions of this or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to the person making such claim such amount as they consider proper compensation for the land taken or injuriously affected.

(2) In the event of the nonacceptance by the claimant of the amount so tendered and of the arbitration being proceeded with, if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the city and set off against any amount awarded against it.

1915, c.16, s.369; R.S.S. 1920, c.86, s.394.

**Arbitration**

**395** Where the compensation or damages have not been agreed upon, the amount thereof shall be determined by the award of an arbitrator appointed by a judge of the Court of King's Bench upon motion made to him by either party.

1915, c.16, s.370; R.S.S. 1920, c.86, s.395.

**Arbitrator's fees**

**396(1)** The judge making such appointment may prescribe the fees to be paid to the arbitrator.

(2) In the absence of an order or direction of the judge, the fees to be paid to the arbitrator shall be as follows:

For every meeting where the arbitration is not proceeded with, but an enlargement or postponement is made at the request of either party, \$5;

For every day's sitting to consist of not less than six hours, \$30;

For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied, \$5;

(3) In addition to the above fees, a judge of the Court of King's Bench may, on the application of the arbitrator, allow to the arbitrator a fair and reasonable sum for his care, pains and trouble and his time expended in considering the evidence, examining legal authorities and drawing up his award, as well as in taking a view of the ground where such view has been found necessary or has been asked for by the parties.

1915, c.16, s.371; R.S.S. 1920, c.86, s.396.

**Oath**

**397(1)** The arbitrator, before proceeding with the reference, shall take and subscribe the following oath:

I, A. B., swear (*or affirm*) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge.

(2) The omission of an arbitrator to take the oath shall not affect the validity of the award unless before the reference is begun objection is made to its being proceeded with on that account.

1915, c.16, s.372; R.S.S. 1920, c.86, s.397.

**Particulars of claim delivered**

**398(1)** In the case of a claim for damages for injuriously affecting land, the claimant before the taking of evidence is begun, shall deliver to the city and file with the arbitrator, particulars of his claim.

(2) The arbitrator shall have the same power to amend the claim or the particulars as a court would have in an action.

1915, c.16, s.373; R.S.S. 1920, c.86, s.398.

**Refusal of certain evidence**

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

1915, c.16, s.374; R.S.S. 1920, c.86, s.399.



**Effect of reference**

**400** The reference of any such claim to arbitration shall not be deemed to be an admission of any liability on the part of the city; and all defences and objections shall be open to either party as if an action had been brought.

1915, c.16, s.375; R.S.S. 1920, c.86, s.400.

**Costs**

**401** The arbitrator may award the payment by any of the parties to the other of the costs of the arbitration or of any portion thereof, and may direct the scale on which such costs shall be taxed, in which case the costs shall be taxed by the officers of the court without any further order; and the amount so determined shall be payable within one week after taxation.

1915, c.16, s.376; R.S.S. 1920, c.86, s.401.

**Notes of evidence and view**

**402(1)** In case of an award under this Act, the arbitrator shall take and shall file with the award full notes of the oral evidence given on the reference, and also all documentary evidence so given or a copy thereof; and in case he proceeds partly on a view or upon any knowledge or skill possessed by him he shall also put in writing a statement thereof.

(2) Notwithstanding anything herein contained either party to the reference may require that the evidence shall be taken in shorthand, in which case it shall be so taken unless otherwise ordered by the arbitrator.

(3) Where the evidence is taken in shorthand, the examination may be taken down by question and answer and the practice of the court as to such examination, the depositions, proof of the depositions and office copies of the same shall apply to such examination.

(4) The arbitrator shall file the award, and the evidence as above mentioned, with the clerk of the court, accompanied by a certificate showing the number of hours occupied at each sitting and the date of and the fees charged by him for each sitting.

1915, c.16, s.377; R.S.S. 1920, c.86, s.402.

**Delivery of award**

**403** Any party to the reference may pay to the clerk of the court the fees demanded by the arbitrator together with the sum of \$1 to be retained by the clerk as a filing fee, and the clerk shall thereupon deliver the award to the person so making payment.

1915, c.16, s.378; R.S.S. 1920, c.86, s.403.



**Appeal**

**404(1)** In every case where the amount of the claim exceeds \$1,000 an appeal shall lie from the award to the Court of Appeal in like manner as from a judgment or decision of the district court or a judge thereof.

(2) On an appeal from an award the court may call for and receive additional evidence to be taken in such manner as the court directs, and may set aside the award or remit the matters referred or any of them from time to time for reconsideration and determination by the arbitrator, or may refer such matters or any of them to any other person, and may fix the time within which the further or new award shall be made, or may increase or diminish the amount awarded or otherwise modify the award as may be deemed just.

1915, c.16, s.379; R.S.S. 1920, c.86, s.404.

**Entry on land**

**405(1)** At any time after the passing of a bylaw for entering on or expropriating land, the city, by leave of the judge and upon payment into court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon the land, and, if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the judicial district to put the city in possession, and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do.

(2) Leave of the judge and payment into court shall not be necessary where the land is being expropriated for or in connection with the opening, widening, altering or diverting of a highway, unless upon application by the owner, a judge otherwise directs.

1915, c.16, s.380; R.S.S. 1920, c.86, s.405.

**When award not binding on city**

**406** Where the arbitration is as to compensation, if the expropriating bylaw did not authorise or profess to authorise entry upon or use to be made of the land before the award except for the purpose of survey, or if the bylaw gave or professed to give such authority but the arbitrators by their award find that it was not acted upon, the award shall not be binding on the city unless it is adopted by bylaw within one month after the making of the same; and if it is not so adopted, the expropriating bylaw shall be deemed to be repealed, and the city shall pay the costs between solicitor and client of the reference and award, and shall also pay to the owner the damages, if any, sustained by him in consequence of the passing of the bylaw, and such damages if not mutually agreed upon shall be determined by arbitration under the provisions of *The Arbitration Act*.

1915, c.16, s.381; R.S.S. 1920, c.86, s.406.

**Application of *The Arbitration Act***

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

1915, c.16, s.382; R.S.S. 1920, c.86, s.407.

## PART XI

**Assessment and Taxation****Assessment district**

**408** The council may by bylaw divide the city into assessment districts, and if deemed necessary may appoint one or more assistants to aid the assessor in his work.

1915, c.16, s.383; R.S.S. 1920, c.86, s.408.

**Assessment board**

**409** The council of every city shall appoint an assessment board whose duty shall be to take over the assessment roll on the completion thereof and before assessment notices are sent out, and to make such corrections as the majority of the board may decide. The said board shall consist of not less than three nor more than five members of whom the assessor shall be one, and it may include one or two members of the council to be appointed for that purpose by the council.

1915, c.16, s.384; R.S.S. 1920, c.86, s.409.

**Subjects of taxation**

**410** Subject to the other provisions of this Act the municipal and school taxes of the city shall be levied upon: (1) lands; (2) businesses; (3) income; and (4) special franchises.

1915, c.16, s.385; R.S.S. 1920, c.86, s.410.

**Exemptions**

**411** The following property shall be exempt from taxation:

1. The interest of the Crown in any property including property held by any person in trust for the Crown;
2. Property specially exempted by law or held for the public use of the Government of Saskatchewan;
3. If any property mentioned in paragraphs 1 and 2 is occupied by any person otherwise than in an official capacity, the occupant shall be assessed therefor but the property itself shall not be liable;
4. Every place of public worship and the land used in connection therewith not exceeding one acre, except such part as may have any other building thereon;
5. Every cemetery and burying ground;
6. The buildings and grounds not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of every school established under the authority of *The Secondary Education Act* or *The School Act*, every hospital which receives public aid under and by virtue of *The Hospitals Act*, the association known as "The Young Men's Christian Association" and the association known as "The Young Women's Christian Association," and any law school established and maintained by the Benchers of the Law Society of Saskatchewan, so long as such building and grounds are actually used and occupied by such institution but not if otherwise occupied;
7. The buildings with grounds attached owned and occupied by a branch of the Great War Veterans' Association;

8. All property (real and personal) belonging to the city;
9. Every highway, lane or other public way, and every public square or park whether situated inside or outside the city;
10. The property of every public library established under *The Public Libraries Act*, and of every other public institution, literary or scientific, to the extent of the actual occupation of such property for the purposes of the institution;
11. The property of any children's aid society, incorporated under *The Children's Protection Act*, or approved by the Lieutenant Governor in Council for the purpose of the said Act, if used exclusively for the purposes of and in connection with the society;
12. The income of every married person and of every widow or widower with children up to \$1,500, and of every other person up to \$1,000, and in addition thereto the amount of any pension paid to a member or ex-member of His Majesty's military or naval forces or a pension paid to any member of the forces of His Majesty's allies in the late war who is a British subject, or to a dependent of any such member or ex-member;
13. The grounds and buildings of every agricultural society established under *The Agricultural Societies Act*;
14. Lands exempt from assessment under paragraphs 4, 5, 6, 8, 10, 11 and 13 shall nevertheless be liable to be assessed for local improvements.

1915, c.16, s.386; 1916, c.18, s.19; 1919-20, c.23, s.12; R.S.S. 1920, c.86, s.411.

**When person assessed for realty and income**

**412** Any person who is assessed and taxed in respect of land and buildings thereon, and income derived from wages or salary, shall be liable to pay in addition to the amount of his tax on land and buildings thereon only the amount, if any, by which his taxes on such income exceed his taxes on land and buildings thereon.

1915, c.16, s.386 (2); 1916, c.18, s.19; R.S.S. 1920, c.86, s.412.

**Mode of assessment/Land**

**413(1)** Land shall be assessed at its fair actual value, and buildings and improvements thereon at not more than sixty per cent. of their actual value. In case the value at which any specified land has been assessed appears to be more or less than its true value, the amount of the assessment shall nevertheless not be varied on appeal, unless the difference be substantial, if the value at which it is assessed bears a fair and just proportion to the value at which lands in the immediate vicinity of the land in question are assessed.

**Buildings and improvements/Increase of assessment**

(2) The assessment of buildings and improvements shall not in any year be reduced below the assessment for the previous year by a greater amount than fifteen per cent. of the fair actual value of such buildings and improvements.

The assessment of buildings and improvements may be increased beyond the assessment for the previous year by an amount not greater than fifteen per cent. of their fair actual value, provided that the assessment when increased does not exceed sixty per cent. of such value.

**Businesses**

(3) The mode of assessing businesses shall be as follows:

- (a) 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;
- (b) 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;
- (c) the rate shall not exceed \$8 per square foot, except in the case of banks, loan companies or other financial institutions, in which case such rate shall not exceed \$15 per square foot.

**Yard used for businesses**

(4) Whenever it is found by the assessor that a business is being carried on, either wholly or partially, outside of any building, he shall fix a rate per square foot of the yard space used for such business, and shall as far as he deems practicable classify the various businesses, and he may fix a different rate for each, but such rate shall not exceed \$4 per square foot.

**Special franchise**

(5) The owner of a special franchise shall not be assessed in respect of business or income, but in addition to an assessment on land shall be assessed for the actual cost of the plant and apparatus less a reasonable deduction for depreciation.

**No double assessment**

(6) No person who is assessed in respect of any business or special franchise shall be assessed in respect of the income derived therefrom, and no person who is assessed in respect of any business or special franchise or of any income derived therefrom shall be liable to pay a license fee to the city in respect of the same business or special franchise.

**Transient resident pays no income tax**

(7) No person shall be assessed in respect of income who is not continuously resident in the city and who has a permanent home elsewhere in the province.

**Partners, joint tenants, etc.**

(8) Whenever two or more persons are, as business partners, joint tenants, tenants in common or by any other kind of joint interest, the owners or occupants of any land or of any building liable to taxation hereunder, the name of each of such persons shall be entered on the assessment roll in respect of his interest or share of or in such land or building.

1915, c.16, s.387; 1916, c.18, s.20; 1917, c.11, s.14; R.S.S. 1920, c.86, s.413.

**Occupant or owner liable**

**414** The occupant of any building liable to taxation under section 413 shall be liable for the business tax aforesaid, though he may also be the owner of the premises and liable as such owner to taxation on the land.

1915, c.16, s.388; R.S.S. 1920, c.86, s.414.

## CITIES

## c. 86

**Wild Lands Tax Act not to apply**

**415** The provisions of *The Wild Lands Tax Act*, shall not apply to land within the boundaries of a city.

1917 (sess. 2), c.25, s.11; R.S.S. 1920, c.86, s.415.

## ASSESSMENT ROLL

**Date for completion**

**416** The assessor shall complete his assessment roll in each year by the thirty-first day of May.

1915, c.16, s.389; R.S.S. 1920, c.86, s.416.

**Form of roll**

**417** Unless the minister otherwise provides, the assessment roll shall be in the following form:

ASSESSMENT ROLL FOR YEAR 19____. CITY OF _____	Date of delivery or posting of notice.	
	Value of property exempt from taxation.	
	Date of assessment.	
	Public or separate school supporter.	
	Total amount of assessment.	
	Special franchises.	
	Taxable income.	
	Business assessment.	
	V. (vacant) R. (residential) B. (business).	
	Value of buildings.	
	The fair actual value of each parcel or lot of real property or of the interest of the taxable person therein.	
	Frontage and depth.	
	Brief description of taxable property.	
	Ow. (owner), occ. (occupant).	
	Post office address.	
	The names in full (if the same can be ascertained) of every person taxable in the city.	
	No. of assessment.	

1915, c.16, s.390; R.S.S. 1920, c.86, s.417.

**Fraudulent assessment**

**418** If any assessor makes a fraudulent assessment, or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein, or wilfully or fraudulently omits the name of any person who should be entered therein, or wilfully neglects any duty required of him by this Act, he shall be liable to a penalty of \$100.

1915, c.16, s.391; R.S.S. 1920, c.86, s.418.

**Notice of assessment by publication**

**419** The assessor, within fifteen days after completing the said roll and after the same has been corrected pursuant to the provisions of section 409, shall publish in a newspaper published in the city a notice in the following form:

City of \_\_\_\_\_

Assessment Roll, 19 \_\_\_\_\_ .

Notice is hereby given that the assessment roll of the city for the year 19 \_\_\_\_\_ has been prepared and is now open to inspection at my office in the city hall from 10 a.m. to 4 p.m. on every juridical day except Saturday (and on that day from 10 a.m. to noon), and that any ratepayer who desires to object to the assessment of himself or of any other person must within thirty days after the date of this notice lodge his complaint in writing at my office.

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

*A. B.,*

*Assessor.*

1915, c.16, s.392; R.S.S. 1920, c.86, s.419.

**Notice by mail**

**420(1)** The assessor shall also, within fifteen days after the completion by him of the assessment roll and after the same has been corrected pursuant to the provisions of section 409 transmit by post to every person named thereon an assessment slip containing the particulars appearing in the roll with respect to such person.

**Lodging complaints**

(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 419, and there shall be indorsed thereon a written or printed form of complaint as given in section 423.

**Error not to invalidate assessment**

(3) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

1915, c.16, s.393; R.S.S. 1920, c.86, s.420.

## APPEAL TO COURT OF REVISION

**Appeal**

**421** If any person named in the said roll thinks that he or any other person has been assessed too low, or too high, or that his name or the name of any other person has been wrongly inserted in or omitted from the roll, or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa*, he may within the time limited as aforesaid give notice in writing to the assessor that he appeals to the court of revision to correct the said error; and in such notice he shall give a name and address where notices may be served upon him.

1915, c.16, s.394; R.S.S. 1920, c.86, s.421.

**Court of revision**

**422** In cities where one or more commissioners have been appointed, the council or the commissioners shall constitute the court of revision, as the council shall by resolution determine. Where the council acts, the council shall appoint not less than three nor more than five of its own members to form such court.

1915, c.16, s.395; R.S.S. 1920, c.86, s.422.

**Form of notice of appeal**

**423** Every such complaint shall be in the following form:

To the assessor of the city of \_\_\_\_\_

Sir,—I hereby appeal against assessment (No. \_\_\_\_\_, or *as the case may be*) in ward No. \_\_\_\_\_ on the following grounds (*herein state grounds of appeal*).

My address for service of notice in connection with this appeal is \_\_\_\_\_

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

C. D.,

*Applicant.*

1915, c.16, s.396; R.S.S. 1920, c.86, s.423.

**Notice of hearing**

**424** The assessor shall forthwith notify every such appellant, and every other person whose assessment is affected or may be affected, of the time and place of the sittings of the court of revision to hear the said appeal.

1915, c.16, s.397; R.S.S. 1920, c.86, s.424.

**Time of notice**

**425(1)** Every such notice shall be posted by registered letter to the post office address of such person as given in the complaint, or, if no address is there given, to the address entered on the assessment roll, at least fifteen days before the sitting of the court of revision.

(2) If such person has a place of business within the city, the assessor shall cause such notice to be posted by registered letter addressed to him at his place of business, or to be served thereat, six days at least before the sitting of the court, and such posting or service shall in all such cases be sufficient.

1915, c.16, s.398; R.S.S. 1920, c.86, s.425.

**List of appeals**

**426** Before the sitting of the court of revision the assessor shall prepare a list of the appeals in the following form, which list shall be posted up on a notice board at the door of the city hall and shall continue so posted during the sittings of the court.

Appeals to be heard by the court of revision of the city of \_\_\_\_\_  
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 tenant
L.M.	Self	Income overcharged
etc.	etc.	

1915, c.16, s.399; R.S.S. 1920, c.86, s.426.

**Secretary**

**427(1)** The assessor shall be the clerk and secretary of the court of revision in connection with assessment appeals.

**Witnesses**

(2) As such clerk the assessor may, when required so to do, issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned, having first 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, fails to attend at the time and place mentioned, or having attended or being present in court refuses to be sworn, if required to give evidence, he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the court hearing the appeal may for good and sufficient reasons excuse such person from attending, and in such event no penalty shall be incurred by reason of such nonattendance.

1915, c.16, s.400; R.S.S. 1920, c.86, s.427.

**Conduct of hearing**

**428** The appeals shall be heard, as far as possible, in the order in which they stand upon the list, but the court may adjourn or expedite the hearing of any appeal as thought fit.

1915, c.16, s.401; R.S.S. 1920, c.86, s.428.

**Non-appearance**

**429** 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 may proceed *ex parte*.

1915, c.16, s.402; R.S.S. 1920, c.86, s.429.



**Evidence**

**430(1)** It shall not be necessary to hear upon oath the complainant or assessor or the person complained against, except where the court 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 hearing the appeal.

1915, c.16, s.403; R.S.S. 1920, c.86, s.430.

**Termination of sittings**

**431** All the duties of the said court of revision under the foregoing sections shall be completed by the tenth day of August; and no appeal shall be heard after that date.

1915, c.16, s.404; R.S.S. 1920, c.86, s.431.

**Amendment of roll**

**432** Forthwith after the conclusion of the sittings, the assessor shall amend the assessment roll in accordance with the decisions of the court. 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 assessor.

1915, c.16, s.405; R.S.S. 1920, c.86, s.432.

**Binding effect of amended roll**

**433** The roll, as finally passed by the court of revision and certified by the assessor as so passed, shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 420, or any omission to deliver or to transmit such notice.

1915, c.16, s.406; R.S.S. 1920, c.86, s.433.

**GENERAL PROVISIONS AS TO ASSESSMENT ROLL****Evidence of roll**

**434** A copy of the roll or any portion thereof written or printed without any erasure or interlineation, under the seal of the city and certified to be a true copy by the assessor shall be received as *prima facie* evidence in any court of justice without the production of the original.

1915, c.16, s.407; R.S.S. 1920, c.86, s.434.

**Omissions from assessment roll**

**435(1)** If, at any time before the first day of December, it shall be discovered that the property, business or income of any taxable person or part thereof is not included in the roll, or that any person has commenced business after the roll was completed, the assessor shall notify such taxable person by registered mail, if he resides or has a place of business within the city that at a meeting of the court of revision to be held at least six days after such notice, an application will be made to the said court to make an assessment in respect of such property, business or income for such sum as may be deemed right, and that such taxable person is required to attend such meeting to show cause why the said assessment should not be made and as to the amount thereof.

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

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

Provided that all the provisions of this Act as to appeals from assessments, as far as the same are applicable, shall apply to any such assessment.

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

1915, c.16, s.408; R.S.S. 1920, c.86, s.435.

**Person claiming to be assessed**

**436(1)** Where a person claims to be assessed, or claims that another person should be assessed, or named in the assessment roll, so as to be entitled to be an elector, and the assessor has reason to suspect that the person so claiming or on whose behalf the claim is made has not a just right to be so assessed or to be named in the roll so as to be entitled to be an elector, the assessor shall make reasonable inquiries before assessing or naming any such person in the assessment roll.

**Rights of person entitled to be assessed**

(2) Any person entitled to be assessed, or to have his name inserted in the assessment roll, shall be so assessed or shall have his name so inserted without any request in that behalf; and a person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted in the assessment roll as the other person would or could have had personally, unless such other person actually dissents therefrom.

**Penalty for improper insertion**

(3) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll, and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll, and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll, or assesses or procures the assessment of a person at too low an amount, with intent in any such case to deprive that person of his right to be an elector, shall upon summary conviction thereof be liable to a penalty of \$25 with costs and to imprisonment for a period not exceeding thirty days.

**Public or separate schools**

(4) The assessor shall accept the statement of any ratepayer, or a statement made on behalf of any ratepayer by his written authority, that he is a supporter of public schools or of separate schools, as the case may be, and such statement shall be sufficient *prima facie* evidence for entering opposite the name of such person in the assessment roll the letters "PSS" or "SSS," as the case may be, and in the absence of any such statement the assessor shall make such entries in accordance with his belief.

1915, c.16, s.409; R.S.S. 1920, c.86, s.436.

**Information given**

**437(1)** It shall be the duty of every assessable person to give to the assessor all information necessary to enable him to make up the roll, but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

(2) Any assessable person who refuses or neglects to furnish within a reasonable time any information required by the assessor, shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding \$5 for every day during which the default continues.

(3) Any person who wilfully furnishes the assessor with false information shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding \$25.

1915, c.16, s.410; 1918-19, c.34, s.18; R.S.S.  
1920, c.86, s.437.

**Information by employers**

**438(1)** It shall be the duty of every person employing any other person in his trade, manufacture, business or calling, to give to the assessor on demand information concerning the names and places of residence of all persons employed by him whose wages, salary or remuneration exceed \$200 per annum.

(2) Any employer who refuses or neglects to furnish within a reasonable time information required by the assessor shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding \$5 for every day during which the default continues.

(3) Any employer who wilfully furnishes the assessor with false information shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding \$25.

1915, c.16, s.411; 1918-19, c.34, s.19; R.S.S.  
1920, c.86, s.438.

**Adoption of roll**

**439(1)** The roll, with any amendments made as aforesaid, shall be adopted by the council on or before the fifteenth day of August and shall thereupon become and be the revised assessment roll of the city:

Provided that there shall be a right of appeal from the decision of the court of revision to the Local Government Board as provided by and according to the procedure prescribed herein.

1915, c.16, s.412; R.S.S. 1920, c.86, s.439.

**Correction of errors**

**440** The council or commissioners, where any have been appointed, may at any time correct any gross and palpable errors in the roll or voters' list, and any corrections so made shall be initialed by the assessor.

1915, c.16, s.413; R.S.S. 1920, c.86, s.440.

**APPEAL FROM COURT OF REVISION TO THE LOCAL GOVERNMENT BOARD****Appeal**

**441** An appeal to the Local Government Board shall lie not only against the decision of the court of revision on an appeal, but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

1915, c.16, s.414; R.S.S. 1920, c.86, s.441.

**Proceedings on appeal**

**442** In all appeals under the provisions of section 441 the proceedings shall be as follows:

**Notice of appeal**

1. The appellant shall in person or by agent serve upon the assessor, within eight days after the decision of the court of revision, or in case of the omission, neglect or refusal of the said court to hear or decide an appeal, within eight days after the completion of the sittings of the court, a written notice of his intention to appeal;
2. The assessor shall, immediately after the time limited for service of such notice, forward a list of all appeals to the board, and the board shall fix a day for the hearing of such appeals;

**Assessor notifies parties interested**

3. The assessor shall immediately upon being notified by the board of the day fixed for the hearing of such appeals, give notice in writing to all parties interested in the said appeals respectively of the time and place fixed for the hearing of the same;

**Time of notice**

4. Every such notice shall be posted by registered letter to the post office address of the appellant as entered on the assessment roll, at least fifteen days before the day fixed for hearing the appeals; unless such person has a place of business within the city, in which case the assessor shall cause the said notice to be posted by registered letter to the appellant's address at such place of business, or to be served thereat, at least six days before the day fixed for hearing the appeals:

Provided, however, that, in the event of failure by the assessor to have the required service of the notice made or to have the same made as required by this Act, the board may direct the service to be made for some subsequent day then to be fixed by it for the hearing of the appeal;

**Assessor posts notice**

5. The assessor shall, immediately upon being notified of the day fixed for the hearing of such appeals, cause a conspicuous notice to be posted up, in his office, and in the place where the council holds its sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, also a statement of the time and place fixed by the board for the hearing of such appeals;

**City clerk is clerk of board**

6. The city clerk shall be the clerk of the board at its sittings for hearing the appeals and may issue notices to parties and witnesses to attend and to produce documents;

**Parties and witnesses served**

7. It shall be the duty of every person served with notice to attend pursuant to such notice, and the notice shall be of the same force and effect as a subpoena;

**Hearing and determination of appeals**

8. At the time appointed the board shall hear the appeals and it may adjourn the hearing from time to time and defer judgment thereon at pleasure, but all appeals shall be determined before the fifteenth day of September. All deferred judgments shall be in writing and when given shall be filed with the city clerk;

**Production of roll**

9. At such hearing the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be confirmed, altered or amended according to the decision of the board if then given, and the chairman, or in his absence, another member of the board, shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the board reserves judgment, the city clerk shall, when the same is given, forthwith alter and amend the roll according to the terms of the judgment, and shall write his own name or initials opposite every such alteration or correction;

**Powers of board**

10. In such proceedings the board shall possess all such powers for compelling the attendance of all parties whether claiming or objecting or objected to, and all other persons whatsoever, and for their examination on oath, for the production of books, papers, rolls and documents and for the enforcement of its orders, decisions and judgments, as belong to or might be exercised by a judge of the district court in respect of any civil proceeding in said court;

**Inspection by board**

11. The board may inspect the property whose assessed value is in dispute and any other properties in the municipality with the view to arriving at the value for assessment purposes, and may base its decision wholly or in part upon such inspection;

**Revival of assessment**

12. The board may, of its own motion revise the assessment of the city generally, or of any part thereof, or of any individual properties in respect of which no notice of appeal has been given, and for such purpose it may set a day or days for the hearing and adjourn the same from time to time, and may cause such notices to be given and such parties to be served as may be deemed expedient;

**Title of proceedings**

13. All process or other proceedings in, about or by way of appeal may be entitled as follows:

In the matter of appeal from the court of revision of the city of \_\_\_\_\_

A. B.,  
*Appellant,*

and

C. D.,  
*Respondent;*

**Cost of proceedings**

14. The costs of any proceeding before the board shall be paid by, or apportioned between, the parties in such manner as the board thinks proper; and, where costs are ordered to be paid by any party, the same shall be enforceable by execution, to be issued as the board may direct from the district court or in the same manner as upon an ordinary judgment for costs recovered in such court;

**Taxation**

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

**Decision final**

16. Subject to the provisions hereinafter contained the decision and judgment of the board shall be final and conclusive in every case adjudicated upon;

**Filing of decisions**

17. The clerk of the district court shall, at the request of the board, the municipality or any party interested, file the orders, decisions and judgments of the board in the same manner as if they were orders, decisions or judgments of the court;

**Appeal to Court of Appeal**

18. 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 board to the Court of Appeal;

**Procedure**

19. The procedure on such appeal shall be the same as is or may be provided on an appeal from a final order, judgment or decision of the district court in a civil action.

1915, c.16, s.415; 1916, c.18, s.21; 1917 (sess. 2),  
c.25, s.12; R.S.S. 1920, c.86, s.442.

## POLL TAX

**Poll tax**

**443**(1) Except members of His Majesty's naval or military forces on full pay or on actual service or of the Royal Canadian Mounted Police force or of the city fire brigade, every male person of the age of twenty-one years or upwards who has been a resident of the city for at least three months during the then current year prior to the thirty-first day of October and who is not assessed upon the last revised assessment roll shall be liable to pay a poll tax of \$3.

(2) The said poll tax may be collected at any time after the first day of June; but every person liable to pay a poll tax, and any of the persons hereinbefore excepted, and every woman who is not assessed upon the last revised assessment roll, upon satisfying the assessor on or before the fifteenth day of July in the then current year that for a period of at least three months prior to the first day of July he or she has *bona fide* resided in the city, and that during the said period he or she has been and still is a *bona fide* occupant of premises therein as a "tenant" of the owner of the said premises at a rental which would amount to at least ninety dollars annually, shall be entered by the assessor upon a list to be called the "householders' list," and shall thereupon be exempt from the payment of a poll tax for the then current year:

Provided, however, that 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 Act.

(3) The householder's wife or husband residing with him or her upon the premises in respect of which the rental is paid shall also be entered by the assessor upon the householders' list.

(4) Any person applying to be placed upon the householders' list shall inform the assessor whether he is a public or a separate school supporter.

1915, c.16, s.416; 1917, c.11, s.15; 1917, (sess. 2), c.25, s.13; 1918-19, c.34, s.20; 1919-20, c.23, s.14; R.S.S. 1920, c.86, s.443.

**Mode of collection**

**444** A poll tax may be collected in the same manner as other municipal taxes, or may be recovered on summary conviction with costs against the person neglecting or refusing to pay the same; and the person appointed to collect the tax may also demand the same from the employer of the person liable to pay it and the employer shall deduct the same from the salary or wages which are then or shall first thereafter during the then current year become owing by him to the person liable to pay such poll tax, and shall pay the same as soon as the amount of the tax is earned by his said employee to the person appointed to collect it and in default may on summary conviction be ordered to pay the same together with costs and in default of payment to imprisonment for a period not exceeding thirty days.

1915, c.16, s.417; R.S.S. 1920, c.86, s.444.

**Poll tax rescinded**

**445** Notwithstanding anything herein contained, the council of any city may by resolution passed at any time previous to the first day of June in each year determine that the poll tax shall not be imposed.

1915, c.16, s.418; R.S.S. 1920, c.86, s.445.

## RATES AND ESTIMATES

**Assessm**

**446** The council shall in each year assess and levy on the whole rateable property within the municipality a sum sufficient to pay all debts of the corporation, whether of principal or interest, falling due within the year.

1915, c.16, s.419; R.S.S. 1920, c.86, s.446.

**Estimates**

**447** The council shall, in each year, prepare estimates of all sums required for the purposes of the municipality during such year, making due allowance for the cost of collection and for the abatement of taxes and for taxes which may not be collected.

1915, c.16, s.420; R.S.S. 1920, c.86, s.447.

**Bylaws**

**448** One bylaw or several bylaws for assessing and levying the rates may be passed as the council may deem expedient.

1915, c.16, s.421; R.S.S. 1920, c.86, s.448.

**Public entertainment**

**449** The council of any city may include in the annual estimates a sum of money to be expended in the reception and entertainment of distinguished guests, and in payment of any travelling expenses necessarily incurred in and about the business of the corporation.

1915, c.16, s.422; 1916, c.18, s.22; R.S.S. 1920, c.86, s.449.

**Deficiency**

**450** If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any unappropriated fund belonging to the city, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated or from any one or more of them.

1915, c.16, s.423; R.S.S. 1920, c.86, s.450.

**Surplus**

**451(1)** If the sums collected exceed the estimates, the balance shall form part of the general funds of the city and shall be at the disposal of the council unless otherwise specially appropriated.

(2) If any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

(3) If any portion of the excess has been collected for school purposes or under a free library rate, the amount in excess shall be held to the credit of the proper school board or the library board, as the case may be.

1915, c.16, s.424; R.S.S. 1920, c.86, s.451.



**Date of maturity of taxes**

**452** The rates imposed for any year shall be considered to have been imposed and to be due on and from the first day of January of such year unless otherwise expressly provided by the bylaw under which the same are imposed.

1915, c.16, s.425; R.S.S. 1920, c.86, s.452.

**TEMPORARY LOANS****Temporary loans**

**453(1)** The council may by bylaw authorise the mayor and treasurer to borrow, either before or after the passing of the bylaw levying the taxes for the current year, from any person or bank such sums as the council deem necessary to meet the current expenditure of the city for municipal purposes or the amount required to make up any deficiency in the sinking fund until the taxes levied or to be levied for the year can be collected.

(2) The city may give as security for any such loan treasury bills, temporary debentures or similar forms of obligation, signed by the mayor and treasurer, and each such bill, debenture or obligation shall be valid and binding upon the city according to its tenor.

(3) The council may by bylaw or agreement designate what revenues of the city, if any, are charged with the repayment of such treasury bills, temporary debentures or other obligations. School taxes shall not be so charged.

(4) Such treasury bills may be drawn payable in lawful money of Canada or in sterling money of Great Britain, or in gold coin of the United States of America as authorised by *The Currency Act 1910* or as to part of the advance in one and part in the other, and may be made payable at any place or places in Canada, Great Britain or the United States of America; the equivalent values of the said moneys shall be the value provided in *The Currency Act 1910*.

(5) The council may from time to time, during a period of two years succeeding that in which such moneys are borrowed, pass bylaws for extending the loan and renewing or extending such bills, debentures or other obligations, whether original or renewal.

1915, c.16, s.426; 1917 (sess. 2), c.25, s.14;  
R.S.S. 1920, c.86, s.453.

**Limitation**

**454** The amount so borrowed shall not exceed the estimated amount of the taxes for the current year, and if the council authorises the borrowing of any larger sum than the amount aforesaid every member of the council who votes therefor shall be disqualified from holding any municipal office for two years.

1915, c.16, s.427; R.S.S. 1920, c.86, s.454.

## TAXES

**Tax roll**

**455**(1) On or before the first day of October in each year the assessor shall prepare a tax roll and the treasurer shall proceed to collect the taxes specified therein.

**Contents**

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain:

- (a) the name of every person assessed;
- (b) his residence;
- (c) the nature and description of the property in respect of which he is assessed;
- (d) the total amount for which he is assessed;

and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which such person is chargeable by way of taxes on account of (1) the general rate, which may include the general debenture rate; (2) special rate; (3) school rate; and (4) arrears and the total thereof.

**Alternative form**

(3) Notwithstanding anything contained in subsection (2) the council may by bylaw provide that, in addition to the information mentioned in clauses (a), (b), (c) and (d), it shall be sufficient for the assessor to set down opposite the assessed value of the property of each taxable person, in a column provided for that purpose, the amount with which such person is chargeable for all sums ordered to be levied by the council, in which case it shall not be necessary to state the particular sums mentioned in the said subsection.

**Minimum tax**

(4) Any person whose business tax would be less than \$10 for any business shall be taxed \$10 for that business; and the council may by bylaw require that any person whose taxes other than business taxes would be less than \$3 shall be taxed \$3.

**Appendix to roll**

(5) Appended to every roll made up under subsection (3) there shall also be a table setting forth:

- (a) the total amount of taxes to be collected under and by virtue of such roll; and
- (b) the name and amount of each rate levied by the municipality which is required by law, or by the bylaw imposing it, to be kept distinct and accounted for separately, and specifying the aggregate proceeds of each rate.

1915, c.16, s.428; 1917, c.11, s.16; 1917 (sess. 2), c.25, s.15; 1918-19, c.34, s.21; R.S.S. 1920, c.86, s.455.

**Tax notice to resident**

**456**(1) If a taxable person is a resident of the city the treasurer shall either transmit to him by post a written or printed notice specifying the amount of the taxes payable by such person, in respect of each assessment, or shall deliver the same to him or to any grown up person for him at his residence or place of business, or upon the premises in respect of which the taxes are payable.

(2) The written or printed notice above mentioned shall contain a schedule specifying the different rates and the amount on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in such notice, and containing the information required to be entered in the tax roll under section 455. It shall show the amount of all taxes other than the business tax with which the person taxed is chargeable in respect of the assessment. The amount of the business tax shall be shown either in the same or in a separate notice. If the land in respect of which any portion of the taxes contained in the notice is due has been sold for taxes within the preceding twelve months, the notice shall state the fact and the amount required to redeem.

(3) The treasurer or any official deputed by him shall immediately enter upon the roll a memorandum of the date of the service or posting of such notice, which service or posting shall be verified by the initials of the party performing the same; and such entry shall be *prima facie* evidence that the notice was served or posted as aforesaid and of the date thereof.

1915, c.16, s.429; 1916, c.18, s.23; R.S.S. 1920, c.86, s.456.

**Tax notice of nonresident**

**457** In case the taxable person is a nonresident, the treasurer shall transmit to him by post a similar statement of the taxes charged against him in the roll; and the treasurer or an official deputed by him shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials. Such entry shall be *prima facie* evidence that the said notice was so transmitted and of the date of such transmission.

1915, c.16, s.430; 1917, c.11, s.17; R.S.S. 1920, c.86, s.457.

**Instalments**

**458** The council may by bylaw require payment of taxes including local improvement rates, school rates and all other rates, to be made by the taxable person at the office of the treasurer on any day or days, and in bulk or by instalments; and may provide that on punctual payment of any instalment the time of payment of the remainder may be extended to a day or days to be named in the bylaw; or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

1915, c.16. s.431; R.S.S. 1920, c.86, s.458.

**Discount on taxes**

**459**(1) The council may by bylaw allow a discount for prompt payment of taxes, not exceeding one per cent. for each full month that such payment is made before the thirty-first day of December of the year in which the taxes are imposed.

(2) In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same are levied, there shall be added thereto by way of penalty a sum equal to eight per centum of the arrears; and upon the expiry of each succeeding year during which the whole or any portion of the combined amounts of taxes and penalty or penalties remains unpaid, an additional sum equal to eight per centum of the arrears shall be added thereto. Amounts so added shall form part of the taxes which by section 460 are created a special lien upon land.

(3) Nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for collection of the said taxes.

1918-19, c.34, s.22; R.S.S. 1920, c.86, s.459.

**Land tax a lien**

**460** The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor, and from any subsequent owner of the whole or any part thereof; and such taxes shall be a special lien upon the land and shall be collectible by action or distraint in priority to every claim, privilege, lien or incumbrance of any person except that of His Majesty, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city.

1915, c.16, s.433; R.S.S. 1920, c.86, s.460.

**Evidence**

**461** The production of a copy of so much of the roll as relates to the taxes payable by any person in the city certified as a true copy by the treasurer shall be conclusive evidence of the debt.

1915, c.16, s.434; R.S.S. 1920, c.86, s.461.

**Deduction by tenant**

**462** Any tenant may deduct from his rent any taxes paid by him which as between him and his landlord the latter ought to pay.

1915, c.16, s.435; R.S.S. 1920, c.86, s.462.

**Collection from tenant**

**463** When taxes are due upon any land occupied by a tenant the treasurer may give such 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 taxes due and unpaid, including 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 amount of the unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

1915, c.16, s.436; R.S.S. 1920, c.86, s.463.

**Distress for taxes where lien**

**464** When taxes which are a lien upon land remain unpaid, in the case of a resident of the city for fourteen days after notice given under section 456, or in case of nonresidents for one month after the posting of the statement provided for by section 457, the treasurer may levy the same with costs by distress either:

1. Upon the goods and chattels belonging to or in the possession of the owner or tenant of the land, whose name appears on the roll and who is hereinafter called "the person taxed"; or
2. Upon the interest of the person taxed in any goods found on the land, including his interest in any goods to the possession of which he is entitled under a contract for purchase, or under a contract by which he may become the owner thereof upon performance of any condition; or
3. Upon any goods or chattels of the owner of the land, although the name of such owner does not appear upon the roll; or
4. Upon any goods and chattels on the land where the title to such goods and chattels is claimed in any of the ways following:
  - (a) by virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; or
  - (b) by purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; or
  - (c) by the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or of such owner or by any relative of his in case such relative lives on the land as a member of the family; or
  - (d) by virtue of any assignment or transfer made for the purpose of defeating distress.

1915, c.16, s.437; R.S.S. 1920, c.86, s.464.

**Goods of owner or taxed person only seizable**

**465** Where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by the tenant of said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him.

1915, c.16, s.438; R.S.S. 1920, c.86, s.465.

**Tenant's goods**

**466** No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant.

1915, c.16, s.439; R.S.S. 1920, c.86, s.466.

**Distress where no lien**

**467** When taxes which are not a lien on land remain unpaid, in the case of a resident of the city for fourteen days after notice given under section 456, or in the case of a nonresident for one month after the posting of the statement provided for by section 457, the treasurer may levy the same with costs by distress either:

1. Upon the goods or chattels of the person taxed wherever found within the city; or
2. Upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or
3. Upon the goods and chattels in the possession of the person taxed, where title to the same is claimed in any of the ways defined by clauses (a), (b) and (c) of paragraph 4 of section 464, and with the words "or against the owner though his name does not appear on the roll" and the words "or from such owner" and the words "or of such owner" and the words "on the land" omitted therefrom;
4. And also, in case of a business tax, upon the goods and chattels or interest therein, as the case may be, falling within any of the classes mentioned in the foregoing clauses of this section, of any person who occupies the premises in respect of which the business tax was assessed as purchaser of the business theretofore carried on therein by the person taxed.

1915, c.16, s.440; R.S.S. 1920, c.86, s.467.

**Stranger's goods**

**468** Notwithstanding anything herein contained, no goods which are in the possession of the person liable to pay such taxes for the purpose only of storing and warehousing the same, or of selling the same upon commission, or as agent, shall be levied upon or sold for such taxes.

1915, c.16, s.441; R.S.S. 1920, c.86, s.468.

**Assignee or liquidator**

**469** Goods in the hands of an assignee for the benefit of creditors, or in the hands of a liquidator under a winding up order, shall be liable only for the taxes assessed against the assignor or the company which is being wound up, prior to the date of the assignment or winding up order, and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon. All such taxes shall be a preferential lien and charge on such goods, and before making any distribution of assets every assignee and liquidator shall pay them in full.

1915, c.16, s.442; R.S.S. 1920, c.86, s.469.

**Exemptions**

**470(1)** The goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress for taxes unless they are the property of the person taxed, or of the owner, though his name does not appear on the roll.

(2) The person who claims such exemption shall select and point out the goods and chattels as to which he claims exemption.

1915, c.16, s.443; R.S.S. 1920, c.86, s.470.

**Anticipatory distress**

**471** If at any time after demand has been made or notice given pursuant to sections 456 and 457, 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 city, and makes affidavit to that effect before the mayor or a justice of the peace the mayor or justice may issue a warrant to the treasurer authorising him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired, and the treasurer may levy accordingly.

1915, c.16, s.444; R.S.S. 1920, c.86, s.471.

**Costs**

**472** The costs chargeable in respect of any distress and levy shall be those payable to bailiffs under *The Distress Act*.

1915, c.16, s.445; R.S.S. 1920, c.86, s.472.

**Errors**

**473** No defect, error or omission in the form or substance of the notice or statement required by sections 456 and 457, or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of the taxes.

1915, c.16, s.446; R.S.S. 1920, c.86, s.473.

**Sale**

**474** The treasurer shall, by advertisement posted up in at least three public places in the city near to the distrained property, give at least seven days' public notice of the time and place of sale and of the name of the person whose property is to be sold, and at the time named in the notice the treasurer shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary.

1915, c.16, s.447; R.S.S. 1920, c.86, s.474.

**Surplus, return of**

**475** If the property distrained has been sold for more than the amount of the 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 is entitled by lien or other right to the surplus, the said surplus shall be returned to the person in whose possession the property was when the distress was made.

1915, c.16, s.448; R.S.S. 1920, c.86, s.475.

**Surplus, claim to**

**476** If the claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

1915, c.16, s.449; R.S.S. 1920, c.86, s.476.

**Contested claim**

**477** If the claim is contested, the surplus shall be retained by the treasurer until the respective rights of the parties have been determined by action or otherwise.

1915, c.16, s.450; R.S.S. 1920, c.86, s.477.

**Reasons for noncollection**

**478** If any of the taxes mentioned in the roll remain unpaid on the thirty-first day of December in any year and the treasurer is not able to collect the same, he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words “nonresident” or “not sufficient property to distrain,” or “instructed by council not to collect,” or “instructed by council to return not collected,” or as the case may be.

1915, c.16, s.451; R.S.S. 1920, c.86, s.478.

**Taxes may be sued for**

**479** Notwithstanding anything contained in this Act the city shall have, and shall be deemed always to have had, the power to recover all moneys due for taxes by suit as a debt owing to the city.

1915, c.16, s.452; R.S.S. 1920, c.86, s.479.

**Tax certificates and searches**

**480** The treasurer or assessor shall on demand furnish a written statement of the arrears of taxes charged against any land at that date, certified under his hand, and whether such certificate be desired or not a charge shall be made of twenty-five cents per lot or parcel of consecutive lots in the same block and under the same assessment for every search made by a person other than the person taxed or his agent.

1915, c.16, s.453; 1917, c.11, s.18; R.S.S. 1920, c.86, s.480.

**Compromise and remission of taxes in certain cases**

**481(1)** In case:

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

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

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

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

1917, c.11, s.19; R.S.S. 1920, c.86, s.481.



## SPECIAL PROVISIONS

**Provisions may be adopted by bylaw**

**482** Notwithstanding anything in this Act contained the council of a city may by bylaw to be passed on or before the first day of October in any year adopt the provisions hereinafter in this section contained 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;

**Assessment notices**

2. 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;

**Court of revision**

3. The court of revision shall sit to hear appeals from the assessment on or before the tenth day of March;

**Adoption of roll**

4. 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 city;

**Striking the rate**

5. The council shall in each year fix and levy the annual rate or rates as provided in section 446 on or before the fifteenth day of April;

**Appeals to Local Government Board**

6. All appeals from the court of revision to the Local Government Board shall be determined before the tenth day of April;

**Tax roll**

7. The assessor shall prepare the tax roll as provided in section 455 on or before the fifteenth day of May;

**Taxes payable in instalments**

8. Taxes shall be payable twice a year in equal instalments, the first of such instalments to be paid on or before the thirty-first day of July and the second on or before the thirty-first day of December, provided that local improvement taxes levied under bylaws passed in the current year may be added to the tax roll prepared pursuant to paragraph 7 at any time up to the first day of December, and shall be payable in one instalment on or before the thirty-first day of December.

1915, c.16, s.454; 1917, c.11, s.20; R.S.S. 1920, c.86, s.482.

**Discount and percentage charge**

**483(1)** In any case where a bylaw has been passed making the taxes payable in instalments, the council may also by bylaw allow a discount for the payment of taxes or any instalment thereof on or before a day or days therein named, and may impose an additional percentage charge for nonpayment of such taxes or any class of taxes or any instalment thereof by a day or days named in such bylaw.

(2) No percentage charge proportionately greater than one per cent. per month shall be imposed on any instalment of taxes or on the aggregate amount thereof; and no discount exceeding five per cent. shall be allowed.

- (3) Such discount or additional charge may by the bylaw be based upon a sliding scale corresponding with the length of time default is made.
- (4) The additional percentage charge shall be added to the unpaid tax or instalment thereof, and collected in like manner as if it had been originally imposed and formed part of such unpaid tax or instalment.
- (5) No discount shall be allowed on local improvement taxes.
- (6) In case a bylaw is passed providing for payment by instalments or allowing a discount or imposing an additional percentage charge, a notice shall be given in accordance with sections 456 and 457 on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or the percentage charge imposed, if any.

1915, c.16, s.455; R.S.S. 1920, c.86, s.483.

**Provisions as to assessment and taxation apply**

**484** Where the council has passed the necessary bylaw under section 482 or section 483, 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.

1915, c.16, s.456; R.S.S. 1920, c.86, s.484.

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PART XII

**Local Improvements**

INTERPRETATION

**“Bridge”**

**485** In this Part:

- 1. **“Bridge”** shall include a viaduct, a culvert, a subway and embankment, and a pavement on a bridge;

**“Clerk”**

- 2. **“Clerk”** shall include any person authorised or required by the council to perform any duty which under this Act is to be or may be performed by the clerk;

**“Constructing”**

- 3. **“Constructing”** and **“construction”** shall include reconstructing and reconstruction, wholly or in part, when the lifetime of the work has expired;

**“Corporation”**

- 4. **“Corporation’s portion of the cost”** shall mean that part or proportion of the cost of a work which is not to be specially assessed;

**“Curbing”**

- 5. **“Curbing”** shall include a curbing of any material in or along a street, whether constructed in connection with or apart from the laying down of a pavement or sidewalk, or with or without a projection for the purpose of a gutter;

**“Engineer”**

6. **“Engineer”** shall include a person authorised or required by the council to perform any duty which under this Act is to be or may be performed by an engineer;

**“Frontage”**

7. **“Frontage,”** when used in reference to a lot abutting directly on a work, shall mean that side or limit of the lot which abuts directly on the work;

**“Lifetime”**

8. **“Lifetime,”** as applied or applicable to a work, shall mean the lifetime of the work as estimated by the engineer, or in case of an appeal as finally determined by the court of revision or the Local Government Board, as the case may be;

**“Lot”**

9. **“Lot”** shall mean a subdivision or a parcel of land which is required to be separately assessed;

**“Owner”**

10. **“Owner”** shall mean the person appearing by the last revised assessment roll of the municipality to be the owner of land, and shall include a tenant for years, the unexpired term of whose tenancy including any renewal thereof to which he is entitled extends for not less than the period during which the special assessment for the work is to be made, if by the terms of his tenancy he would be liable for the payment of the special assessment for the work, but shall not include a person who is, or is assessed as, owner, where there is a tenant for years of the land, who is an owner within the meaning of this clause;

**“Owners’ portion of the cost”**

11. **“Owners’ portion of the cost”** shall mean that portion of the cost of a work which is to be specially assessed upon the land abutting directly on the work or upon land immediately benefited by the work;

**“Pavement”**

12. **“Pavement”** shall include any description of pavement or roadway;

**“Paving”**

13. **“Paving”** shall include macadamising, planking and the laying down or construction of any description of pavement or roadway and the construction of a curbing;

**“Sewer”**

14. **“Sewer”** shall include a common sewer and a drain;

**“Sidewalk”**

15. **“Sidewalk”** shall include a street crossing;

**“Specially assessed”**

16. **“Specially assessed”** shall mean specially rated for or charged with part of the cost of a work;

**“Street”**

17. **“Street”** shall include a lane, an alley, a park, a square, a public drive, and a public place, or a part of any of them;

**“Value”**

18. **“Value”** shall mean assessed value, exclusive of buildings, according to the last revised assessment roll of the municipality;

**“Work”**

19. **“Work”** shall mean a work or service which may be undertaken as a local improvement.

## LOCAL IMPROVEMENT WORKS

**Works which may be undertaken**

**486** A work of any of the following descriptions may be undertaken as a local improvement, that is to say:

1. Opening, widening, straightening, extending, grading, levelling, macadamising, diverting, paving or planking any street or public lane, alley, way or place;
2. Constructing any sidewalk (which shall include any street crossing constructed in connection with a sidewalk), bridge, culvert, or embankment forming part of a highway; or
3. Curbing, sodding, boulevarding or planting any street or public lane, alley, square or other public place;
4. Making, deepening, enlarging or prolonging any common sewer or water main and making sewer or water service connections;
5. Constructing any conduit for wires or pipes along a roadway, street, lane, alley, square or other public place;
6. Reconstructing (but not merely repairing and maintaining) any of the said works during the originally estimated lifetime thereof;
7. Repairing and maintaining any of the said works only after the lapse of the originally estimated lifetime thereof;
8. Acquiring, establishing, laying out and improving a park or square not having a greater area than two acres, or a public drive;
9. Erecting ornamental street lighting standards;
10. Installing high pressure water mains specially constructed for the purposes of fire protection;
11. Constructing and erecting on petition only, on any street or part of a street, equipment, plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires, to the extent to which the cost of the same exceeds the cost of the equipment, plant and works which would otherwise be provided at the expense of the corporation at large;
12. Such other work as may be approved of by the Local Government Board as proper to be undertaken as a local improvement.

1915, c.16, s.458; R.S.S. 1920, c.86, s.486.

**Works undertaken in connection with sewer or pavement**

**487(1)** Where the work is the construction of a pavement the council, before constructing it, may make all necessary private drain connections from an existing sewer to the street line on either or both sides, and may also lay all necessary water mains, and, where gas works are owned by the corporation, all necessary gas mains;

It may also lay all necessary water service pipes and install stopcocks, and may make all necessary alterations or renewals of said connections, pipes and stopcocks; and where gas works are owned by the corporation may lay all necessary gas connections and make alterations or renewals;

Where the work is the construction of a sewer or water main, the council may at the same time as the work is proceeded with, construct all necessary private drain connections and water service pipes and stopcocks;

The cost of private drain connections, water service pipes and stopcocks or gas connections, or the alteration or renewal thereof, shall be specially assessed only upon the particular lot for or in connection with which it was constructed or affected.

**Works deemed part of construction**

(2) The works mentioned in subsection (1) shall be deemed part of the work of construction of the pavement, water main or sewer in all respects except as to the manner in which the cost of them is to be specially assessed as provided by that subsection.

**Amount assessed**

(3) The amount to be assessed against each lot in respect of a private drain connection, water service pipe or gas connection shall be the cost thereof from the centre of the street to the street line, whether or not the sewer or water or gas main is laid in the centre of the street.

1915, c.16, s.459; 1916, c.18, s.25; R.S.S. 1920, c.86, s.487.

**Construction of private drain connections without petition**

**488(1)** Where a sewer has been heretofore constructed, the council, by a vote of two-thirds of all the members thereof at any general or special meeting, may undertake the construction of private drain connections from the sewer to the street line on either or both sides as a local improvement without any petition therefor, and the cost of each private drain connection shall be specially assessed upon the particular lot for or in connection with which it is constructed, and the owners of the land shall not have the right of petition provided for by section 496, and the provisions of subsection (3) of section 487 shall apply.

(2) Where a water main has heretofore been laid, the council shall have similar powers for the construction of water service connections, and the provisions of subsection (1) shall *mutatis mutandis* apply.

1915, c.16, s.460; R.S.S. 1920, c.86, s.488.

**Making sewer and water connections compulsory**

**489(1)** The council may, by a two-thirds vote of all the members thereof, require the owners of all property in the city, whether occupied or not, to connect such property by sewer and water connections approved by the city with the city system as now constructed or as the same may hereafter be extended from time to time; and in default of the owner making such connections within the time limited for the purpose, the council may do the work and charge the expense against the property affected, and may collect the amount in the same manner as is adopted by the city for the collection of the cost of installing such water or sewer connection when made at the request of the property owner, or in any other manner decided upon by bylaw of the city.

(2) The provisions of this section shall apply only to property owners, a portion of whose land adjoins a street or lane along which a sewer or water main, as the case may be, has been laid adjacent to such land.

1915, c.16, s.461; R.S.S. 1920, c.86, s.489.

## PROCEDURE FOR UNDERTAKING WORK

**Bylaws for undertaking works**

**490(1)** A bylaw may be passed for undertaking a work as a local improvement:

- (a) on petition; or
  - (b) without petition, on the initiative of the council, hereinafter called the initiative plan, except in the case of a park or square or public drive mentioned in paragraph 8 of section 486; or
  - (c) on sanitary grounds, as mentioned in section 492; or
  - (d) without petition, in the case mentioned in sections 488 and 491.
- (2) Instead of passing separate bylaws for each work, the council may pass one bylaw in respect of several works.

1915, c.16, s.462; R.S.S. 1920, c.86, s.490.

**Construction on two-thirds vote without petition**

**491** Notwithstanding anything to the contrary contained in this or any other Act or in any bylaw of the municipality, where the council determines and by bylaw, passed at any general or special meeting by a vote of two-thirds of all the members thereof, declares that it is desirable that the construction of a curbing, pavement, sidewalk, sewer or bridge, or the opening, widening, extending, grading, altering the grade of, diverting or improving a street or the laying of a water main, should be undertaken as a local improvement, the council may undertake the work without petition, and the owners of the land shall not have the right of petition, provided for by section 496.

1915, c.16, s.463; R.S.S. 1920, c.86, s.491.

**Construction of sewer on recommendation of health authorities**

**492** Where the council, upon the recommendation of the Commissioner of Public Health or of the board of health of the city, determines and, by bylaw passed at a regular or special meeting of the council by vote of two-thirds of all the members thereof, declares that the construction, enlargement or extension of a sewer as a local improvement is necessary or desirable in the public interest on sanitary grounds, the council may undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 496.

1915, c.16, s.464; R.S.S. 1920, c.86, s.492.

**Publication of notice of intention**

**493(1)** Where it is intended to proceed under sections 488, 491 or 492, the council shall not be deemed to proceed on the initiative plan, but, before passing the bylaw for undertaking the work, shall cause notice of its intention, to be published in the following form, such notice to be inserted once in each week for two weeks in at least one newspaper published in the city:

Take notice that:

1. The council of the corporation of the city of \_\_\_\_\_ intends to construct as a local improvement (*describe the work*) on (or in) \_\_\_\_\_ street, between (*describe the points between which the work is to be constructed*) and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be especially assessed add*) and upon the following land which is immediately benefited by the work (*describe the land*);
2. The estimated cost of the work is \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ is to be paid by the corporation. The estimated special rate per foot frontage is \_\_\_\_\_. The special assessment is to be paid in annual instalments;
3. A petition against the work will not avail to prevent its construction.

Dated \_\_\_\_\_.

*City Clerk.*

(2) Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form shall be altered to show the special rate per foot frontage in each district or section. Where more than one improvement is to be advertised, the several works may be referred to in a schedule, and the form may be otherwise altered to suit the case.

1915, c.16, s.465; R.S.S. 1920, c.86, s.493.

**Signatures required to petition**

**494** The petition for a work shall be signed by at least two-thirds in number of the owners representing at least one-half of the value of the lots liable to be specially assessed.

1915, c.16, s.466; R.S.S. 1920, c.86, s.494.

**Petition may be granted by succeeding council**

**495** The petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part of the work:

Provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, such part.

1915, c.16, s.467; R.S.S. 1920, c.86, s.495.



**Initiative plan—publication and service of notice**

**496(1)** Where the council proceeds on the initiative plan, notice of the intention of the council to undertake the work shall be given in the following form by publication thereof once each week for two weeks in at least one newspaper published in the city:

Take notice that:

1. The council of the corporation of the city of \_\_\_\_\_ intends to construct (*describe the work*) on (or in) \_\_\_\_\_ street between (*describe the points between which the work is to be constructed*) as a local improvement and intends to specially assess a part of the cost upon the land abutting directly on the work (*in case other land is to be especially assessed add*) and upon the following land which is immediately benefited by the work (*describe the land*);
2. The estimated cost of the work is \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ is to be paid by the corporation, and the estimated special rate per foot frontage is \_\_\_\_\_. The special assessment is to paid in \_\_\_\_\_ annual instalments;
3. Persons desiring to petition against undertaking the work or any part thereof must do so on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Dated \_\_\_\_\_.

*City Clerk.*

(2) Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form shall be altered to show the special rate per foot frontage in each district or section. Where more than one improvement is to be advertised, the several works may be referred to in a schedule, and the form may be otherwise altered to suit the case.

**When work may be undertaken**

(3) Unless within two weeks after the last publication of the notice a majority of the owners representing at least one-half of the value of the lots which are liable to be specially assessed petition the council not to proceed with it, the work may be undertaken as a local improvement.

**Contents of notice**

(4) The notice shall be sufficient if it designates by a general description the work to be undertaken and the street or place whereon or wherein, and the points between which the work is to be effected, and the number of the instalments by which the special assessment is to be payable.

**May cover different works**

(5) The notice may relate to and include any number of different works.

1915, c.16, s.468; R.S.S. 1920, c.86, s.496.

**Effect of petition against work**

**497(1)** Where the council has proceeded on the initiative plan and has been prevented from undertaking a work by reason of a petition having been presented under the provisions of section 496 the council shall not proceed on the initiative plan with regard to the same work for a period of two years after the presentation of the petition.

(2) Nothing in this section shall prevent the council from exercising the power conferred by sections 488, 489, 491 or 492.

1915, c.16, s.469; R.S.S. 1920, c.86, s.497.



**Lot of petitioner described**

**498** There shall be set out opposite to every signature to the petition for or against a work a description of the lot of which the petitioner is the owner by its lot, block and plan number or such other description as will enable the assessor to identify it.

1915, c.16, s.470; R.S.S. 1920, c.86, s.498.

**Assessor determines sufficiency of petition**

**499(1)** The sufficiency of a petition for or against a work shall be determined by the assessor, and his determination shall be evidenced by his certificate and when so evidenced shall be final and conclusive.

**What owners are counted**

(2) Where the sufficiency of a petition has been determined by the assessor it shall be deemed to have been and to be a sufficient petition notwithstanding that changes may be made by the court of revision or by the Local Government Board in the lots to be specially assessed which have the effect of increasing or reducing the number of the lots.

**Determining value of lots**

(3) When it is necessary to determine the value of any lot, and the same cannot be ascertained from the proper assessment roll by reason of the lot not having been separately assessed, or for any other reason, the assessor shall fix and determine the value of such lot, and the value thereof as so fixed and determined shall be deemed for the purpose of this Act to be the assessed value thereof, and his determination shall be final and conclusive.

**Owner whose name is not on roll may petition**

(4) Where a person who is, but does not appear by the last revised assessment roll to be, the owner of land is a petitioner, he shall be deemed an owner, if his ownership is proved to the satisfaction of the assessor, and if the person who appears by the assessment roll to be the owner is a petitioner his name shall be disregarded in determining the sufficiency of the petition.

**Joint owners**

(5) Where two or more persons are jointly assessed for a lot, in determining the sufficiency of a petition:

- (a) they shall be reckoned as one owner only;
- (b) they shall not be entitled to petition unless a majority of them concur and the signatures of any of them, unless the petition is signed by the majority, shall be disregarded in determining the sufficiency of the petition.

1915, c.16, s.471; R.S.S. 1920, c.86, s.499.

**Petitions lodged with clerk**

**500** A petition for or against the undertaking of a work shall be lodged with the clerk, and shall be deemed to be presented to the council when it is so lodged.

1915, c.16, s.472; R.S.S. 1920, c.86, s.500.

**Withdrawal of name from petition**

**501** No person shall have the right to withdraw his name from, and no name shall be added to, a petition after the assessor has certified as to its sufficiency.

1915, c.16, s.473; R.S.S. 1920, c.86, s.501.

## HOW COST OF WORK TO BE ASSESSED

### Frontage rate

**502(1)** Except as in this Act is otherwise expressly provided the entire cost of a work undertaken shall be specially assessed upon the lots abutting directly on the work, according to the extent of their respective frontages thereon, by an equal special rate per foot of such frontage sufficient to defray such cost.

### Items included in cost

- (2) The following items may be included in the cost of the work:
- (a) engineering expenses;
  - (b) cost of advertising and service of notices;
  - (c) interest on temporary loans;
  - (d) compensation for lands taken for the purposes of the work or injuriously affected by it and the expenses incurred by the corporation in connection with determining such compensation;
  - (e) the estimated cost of the issue and sale of debentures and any discount allowed to the purchasers of them;
  - (f) amount required to be raised for sinking fund and interest in respect of debentures during construction.

1915, c.16, s.474; R.S.S. 1920, c.86, s.502.

### Corporation's portion of cost

- 503(1)** There shall be included in the corporation's portion of the cost:
- (a) at least one-third of the cost of a sewer having a sectional area of more than four feet; and
  - (b) so much of the cost of a work as is incurred at street intersections.

### Surface drainage

- (2) Where there is no provision for surface drainage by means of separate storm water sewers, there may also be included in the corporation's portion of the cost the entire cost of the culverts and other works in connection with a sewer or pavement which are provided and are required for surface drainage.

1915, c.16, s.475; R.S.S. 1920, c.86, s.503.

### Apportionment of cost of sewers

**504(1)** Where the work is the construction of a sewer or the laying of a water main or both the council may, by a vote of two-thirds of all the members, provide that a certain sum per foot frontage shall be specially assessed upon the land abutting directly on the work and that the remainder of the cost shall be borne by the corporation.

- (2) The part of the cost to be borne by the corporation shall not be less than that which, under section 503 is to be included in the corporation's portion of the cost.

1915, c.16, s.476; R.S.S. 1920, c.86, s.504.

**Special frontage assessment**

**505(1)** The council may by bylaw passed in any general or special meeting, by a vote of two-thirds of all the members of the council, provide that in all cases where the work is the construction of a sewer or the laying of a water main, a certain sum per foot frontage shall be specially assessed upon the land abutting directly on the work.

**Report of engineer**

(2) Such bylaw shall be passed only upon a report of the city engineer certifying that in his opinion the sum to be fixed as a uniform frontage rate for sewers or for water mains, as the case may be, does not exceed the sum which on the average might be fairly and equitably imposed in respect of that species of work on abutting property throughout the city, having regard to the provisions contained in sections 499 and 503.

**General local benefit fund**

(3) Where such a bylaw has been passed, and while it is in operation, in case the special assessment for any work affected by it exceeds the total cost of such work, the proceeds of the special rate to the amount of the excess shall be placed in a general local improvement fund, and shall not be used for any other purpose than to meet the whole or a part of the corporation's portion of the cost of a work of similar character.

**Repeal of bylaw**

(4) Such bylaw shall not be repealed except by a vote of two-thirds of all members of the council.

**Validity of bylaw**

(5) It is hereby declared that the council has always possessed the right to pass such a bylaw and where such a bylaw has hitherto been passed the same is declared to be valid and effectual for all purposes whether or not made upon the report of the engineer, provided it was passed by a majority of all the members of the council.

1915, c.16, s.477; R.S.S. 1920, c.86, s.505.

**City may assume part of cost of sidewalk or pavement**

**506(1)** The council may, by bylaw passed at any general or special meeting by a vote of three-fourths of all the members of the council, provide that such part as to the council may seem proper of the cost of any or every granolithic, stone, cement, asphalt or brick sidewalk, or of every pavement or curbing constructed as a local improvement which otherwise would be chargeable upon the land abutting directly on the work shall be paid by the corporation.

(2) Such bylaw shall not be repealed except by vote of three-fourths of all the members of the council.

1915, c.16, s.478; R.S.S. 1920, c.86, s.506.

**Reduction of assessment of corner lots**

**507(1)** In the case of corner lots and triangular or irregularly shaped lots situate at the junction or intersection of streets a reduction shall be made in the special assessment which otherwise would be chargeable thereon sufficient, having regard to the situation, value and superficial area of such lots as compared with the other lots, to adjust the assessment on a fair and equitable basis.

**Lots unfit for building purposes**

(2) Where a lot is for any reason, wholly or in part, unfit for building purposes, a reduction shall also be made in the special assessment, which otherwise would be chargeable thereon, sufficient to adjust its assessment as compared with that of the lots fit for building purposes on a fair and equitable basis.

**How reduction made**

(3) The reduction shall be made by deducting from the total frontage of the lot liable to the special assessment so much thereof as is sufficient to make the proper reduction, but the whole of the lot shall be charged with the special assessment as so reduced.

**Reduction borne by city**

(4) The amount of any reduction made in the assessment of any lot under the provisions of this section shall not be chargeable upon the lots liable to be specially assessed, but shall be paid by the corporation.

1915, c.16, s.479; R.S.S. 1920, c.86, s.507.

**Assessment of cost of sidewalk or curb**

**508** Where the work undertaken is a sidewalk or curbing, only the land abutting on that side of the street upon which the work is constructed shall be specially assessed.

1915, c.16, s.480; R.S.S. 1920, c.86, s.508.

**Assessment of nonabutting land for cost of certain sewers**

**509(1)** Where the work is a sewer and in order to afford an outlet for the sewage for any land not abutting directly on the work or for the drainage of it, the sewer is of a larger capacity than is required for the purpose of the abutting land such other land may be specially assessed for a fair and just proportion of the cost of the work.

(2) In the cases provided for by the preceding subsection, that part of the cost of the work for which the abutting land is to be specially assessed shall be assessed upon it in the manner provided by section 502, and that part of the cost for which such other land is to be specially assessed shall be assessed upon it in the manner provided by sections 511 and 512.

(3) When the work is the construction of a sewer, and for the purpose of affording an outlet therefor the sewer is carried along a street or place where, owing to the peculiar position of any lot or parcel of land abutting thereon, or to the absence of buildings thereon, such sewer would not have been carried except as a means of affording an outlet, such lot or parcel of land may be exempted from payment of any special assessment in respect of such sewer either for the whole or a part of the term of the special assessment, or from the payment of the whole or a part of the proportionate cost thereof, as shall appear just under the circumstances.

1915, c.16, s.481; R.S.S. 1920, c.86, s.509.

**Apportionment of cost of bridge or opening of street**

**510(1)** Where the work is the construction of a bridge or the opening, widening, extending, grading, altering the grade of, diverting or improving a street, and the council is of the opinion that for any reason it would be inequitable to charge the cost of the work on the land abutting directly thereon, the council may provide for the payment by the corporation of such part of the cost as to the council may seem just, and so much of the residue thereof as may seem just may be specially assessed upon the land abutting directly on the work, and so much of such residue as may seem just on such other land as is immediately benefited by the work.

**Method of assessment**

(2) In the case provided for by the preceding subsection that part of the cost of the work for which the abutting land is to be specially assessed shall be assessed thereon in the manner provided by section 502, and that part of the cost for which land not abutting directly on the work is to be specially assessed shall be assessed thereon in the manner provided by sections 511 and 512.

1915, c.16, s.482; R.S.S. 1920, c.86, s.510.

**Assessment of nonabutting land equally benefited**

**511** Where land not abutting directly upon a work is to be specially assessed, if the whole of it is equally benefited, the portion of the cost to be borne by such land shall be specially assessed upon the lots according to the extent of their frontage by an equal special rate per foot of such frontage.

1915, c.16, s.483; R.S.S. 1920, c.86, s.511.

**Assessment of nonabutting land unequally benefited**

**512** Where land not abutting directly upon a work is to be specially assessed, and the whole of it is not equally benefited, such land shall be divided into as many districts or sections as there are different proportions of benefit so that a district or section shall embrace all the land which will be benefited in the same proportion, and its proper portion of the cost shall be assigned to each district or section, and the portion of the cost to be borne by each district or section shall be specially assessed on the lots therein according to the extent of their frontage by an equal special rate per foot of such frontage.

1915, c.16, s.484; R.S.S. 1920, c.86, s.512.

**Assessment for high pressure water main**

**513(1)** Where the work is a high pressure water main specially laid for purposes of fire protection, the council may provide for payment by the corporation of such part of the cost as may seem just, and the residue may be assessed against the land specially benefited by the work in such proportions as each parcel of land and buildings bears to all the land and buildings specially benefited.

(2) In such case, without changing the total amount of the special assessment, the special assessment on each parcel of land may be varied from year to year so that it shall bear the same proportion to the total special assessment as the assessment on such parcel of land and buildings according to the last revised assessment roll bears to the total assessment for the year on all parcels of land and buildings covered by the special assessment.

1915, c.16, s.485; R.S.S. 1920, c.86, s.513.

**Apportionment of rate in case of subdivision**

**514** In case there has been or shall hereafter be a change of plan of subdivision, or a division of the ownership of any parcel or parcels of land upon or in respect of which a special rate for local improvement has been or shall hereafter be levied or assessed, the assessor, both in respect to arrears and also to the special rate for future years may apportion to and against each respective part of the original parcel or parcels of land such proportion or share of the sum originally assessed against the same as he shall deem just, and the sum or sums so reapportioned shall be levied and collected as if they had in the original bylaw been assessed against the parcels according to the resubdivision or division ownership.

1915, c.16, s.486; R.S.S. 1920, c.86, s.514.

**Ascertaining proportions of cost**

**515** The council may make bylaws for providing the means of ascertaining and finally determining what portion of the coat of a local improvement shall be raised by special assessment, and what portion shall be borne by the municipality at large; and, in case of a special assessment, what lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted; and, where a portion of the cost is to be assessed upon land not abutting directly upon the work, in what proportions the assessment is to be borne by the several lands affected; and it is hereby declared that bylaws of general application may be passed for the said purposes, and that it shall not be necessary to pass a special bylaw in each particular instance.

1915, c.16, s.487; R.S.S. 1920, c.86, s.515.

**Sewer and water connections**

**516(1)** The council may pass bylaws providing for the construction of sewer and water connections from the main sewer or main water pipe, as the case may be, to the street line, upon the written request of the owners of abutting land, and for assessing the cost of such connections against the properties affected.

(2) The council may, for the purpose of paying for such connections in the first instance, and before any of the work is undertaken, borrow money on the credit of the municipality at large and issue debentures therefore.

(3) It shall not be necessary to pass bylaws imposing special assessments upon the individual properties connected, but such assessments may be made under the terms of a bylaw of general application.

(4) The amount to be assessed against each lot in respect of a private drain connection or water service pipe shall be the amount mentioned in section 487, subsection (3).

1915, c.16, s.488; R.S.S. 1920, c.86, s.516.

**Payment when work done**

**517(1)** In every case in which the council constructs private drain connections or private water service connections whether under the provisions of section 487, section 488, section 489 or section 516, the council may require or permit the cost of such connections to be paid when the work is done instead of spreading the payment over a period of years, or may provide for collection of the amount in any other manner decided upon by bylaw.

(2) Subsection (1) shall apply notwithstanding that the work, having been done under the provisions of section 487, is deemed part of the work of construction of a pavement or sewer or water main, and that repayment of the cost of such construction has been spread over a number of years.

1916, c.18, s.26; R.S.S. 1920, c.86, s.517.

**Special assessment roll prepared**

**518** Before a special assessment is imposed, the council shall procure to be made a special assessment roll, in which shall be entered:

- (a) every lot to be specially assessed in respect of the owner's portion of the cost, the name of the owner and the number of feet of its frontage to be so assessed;
- (b) every lot which, but for the provisions of section 531, would be exempt from the special assessment and the number of feet of its frontage;
- (c) the rate per foot with which each lot is to be assessed;
- (d) the number of instalments by which the special assessment is to be payable.

1915, c.16, s.489; R.S.S. 1920, c.86, s.518.

**APPEAL AGAINST SPECIAL ASSESSMENT****Appeal**

**519(1)** There shall be a right of appeal against every proposed special assessment to the court of revision, and further to the Local Government Board in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.



**Notice of sittings of court of revision**

(2) Ten days' notice of the time and place of the sittings of the court of revision shall be given by publication, and at least fifteen days before the day appointed for the sittings a notice shall be mailed to the owner of every lot proposed to be specially assessed, in the following form:

Take notice that:

1. The council of the corporation of the \_\_\_\_\_ of \_\_\_\_\_ has constructed as a local improvement (*describe the work*) on (*or in*) \_\_\_\_\_ street between (*describe the points between which the work has been constructed*);
2. The cost of the work is \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ is to be paid by the corporation. The special rate per foot frontage is \_\_\_\_\_. The special assessment is to be paid in annual instalments;
3. The estimated lifetime of the work is \_\_\_\_\_ years;
4. A court of revision will be held on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, at \_\_\_\_\_ o'clock at the (*insert place of meeting*) for the purpose of hearing complaints against the proposed assessments or the accuracy of frontage measurements and any other complaint which persons interested may desire to make and which is by law cognisable by the court.

Dated \_\_\_\_\_

*Assessor.*

(3) Where that part of the municipality in which the land to be specially assessed is situate is divided into districts or sections the form shall be altered to show the special rate per foot frontage in each district or section.

1915, c.16, s.490; 1916, c.18, s.27; R.S.S. 1920,  
c.86, s.519.

**Powers of court of revision**

**520(1)** The court of revision shall have jurisdiction and power to review the proposed special assessment and to correct the same as to all or any of the following matters:

- (a) where the owners' portion of the cost is to be specially assessed against the land abutting directly on the work, as to the following matters:
  - (i) the names of the owners of the lots;
  - (ii) the frontage or other measurements of the lots;
  - (iii) the amount of the reduction to be made under the provisions of section 507 in respect of any lot;
  - (iv) as to the lots which, but for the provisions of section 531, would be exempt from special assessment; and
  - (v) as to the rate per foot with which any lot is to be specially assessed;
- (b) where part of the owners' portion of the cost is to be specially assessed on land not abutting directly on the work, in addition to the matters mentioned in clause (a), as to the lots other than those abutting directly on the work which are or will be immediately benefited by it, and as to the special assessment which such lots should respectively bear;
- (c) in all cases as to the actual cost of the work.



(2) The court of revision shall not have jurisdiction or authority to review or to alter the proportions of the cost of the work which the lands to be specially assessed and the corporation are respectively to bear according to the provisions of the bylaw for undertaking the work.

(3) In case the assessment of any party is decreased or increased on appeal, the court may raise or lower proportionately the assessment of other parties assessed without further notice.

1915, c.16, s.491; R.S.S. 1920, c.86, s.520.

#### Adjourned sittings

**521(1)** Where it appears to the court of revision that any lot which has not been specially assessed should be specially assessed; before finally determining the matter the court shall adjourn its sittings to a future day and shall cause notice to be given to the owner of such lot of the time and place when the adjourned sittings will be held.

(2) Such notice shall be in the form given in section 519, with the substitution of the following paragraph for paragraph 4:

“4. You are served with this notice because the court of revision is of opinion that your lot though not specially assessed should be specially assessed in respect of the owner’s portion of the cost of the work, and an adjourned sittings of the court will be held on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_ o’clock at the (*insert place of meeting*) when the matter will be determined by the court.”

(3) The notice shall be mailed at least six days before the time fixed for the adjourned sittings.

(4) If the court of revision determines that any such lot ought to be specially assessed, the court shall have jurisdiction and power to fix and determine the amount of the special assessment thereon.

1915, c.16, s.492; R.S.S. 1920, c.86, s.521.

#### When roll final

**522** The assessor shall make such corrections in the special assessment roll as are necessary to give effect to the decisions of the court of revision, and the roll when so corrected shall be certified by the assessor, and when so certified, except in so far as it may be further amended on appeal to the Local Government Board, such assessment roll and the special assessments shall be valid and binding upon all persons concerned and upon the land specially assessed, notwithstanding any defect, error or omission therein or any defect or error in the bylaw for undertaking the work or in any notice given or proceeding taken or the omission of any proceeding or thing which ought to have been taken or done before the passing of the bylaw for undertaking the work or thereafter down to and including the completion of such revision.

1915, c.16, s.493; R.S.S. 1920, c.86, s.522.

**Appeal to Local Government Board**

**523(1)** The owner of a lot specially assessed may appeal to the Local Government Board from any decision of the court of revision.

(2) The provisions of this Act as to appeals to the board from the court of revision with respect to an ordinary assessment shall apply, as nearly as may be, to an appeal under the provisions of this section.

(3) The board shall have the like jurisdiction and powers as are conferred on the court of revision by section 520, and the provisions of section 521 shall apply where it appears to the board that any lot not specially assessed ought to be so assessed.

1915, c.16, s.94; R.S.S. 1920, c.86, s.523.

**BORROWING POWERS****Temporary loans**

**524(1)** The council may agree with any bank or person for temporary advances to meet the cost of the work pending the completion of it and may give as security for any such loan treasury bills, temporary debentures or similar forms of obligation, signed by the mayor and treasurer; and may from time to time, pending the issue and sale of debentures pass bylaws for extending the loan and renewing or extending such bills, debentures or other obligations, whether original or renewal, notwithstanding that the work for which the advances were made has been completed.

**Issue of debentures**

(2) The council may, when the work undertaken is completed, borrow on the credit of the corporation at large such sums as may be necessary to defray the cost of the work undertaken, including the corporation's portion of the cost, or to repay temporary advances incurred to meet the cost of such work pending completion and may issue debentures for the sums so borrowed.

**Certain provisions apply**

(3) The provisions of this Act as to bylaws for creating debts shall apply to bylaws passed under the authority of subsection (2), except that it shall not be necessary:

- (a) that the bylaw be submitted to or receive the assent of the burgesses;
- (b) that any rate be imposed for the payment of so much of the principal sum borrowed as represents the owners' portion of the cost or of the interest thereon, other than the special rate per foot frontage imposed to meet it;

and except that the debentures, save as provided by section 527, shall be payable within the lifetime of the work.

**Contents of bylaw**

(4) Every bylaw for raising that portion of the cost which is payable by way of special assessment, or any part thereof, shall state by recital or otherwise:

- (a) the amount of the debt which such bylaw is intended to create, and in general terms the object for which it is to be created;
- (b) the total amount required to be raised annually for paying the debt and interest under the bylaw, and whether the whole or if not what portion thereof is payable by way of special assessment;

(c) the total value of the land charged with the special assessment, and if any portion of the debt created by such bylaw is to be borne by the city at large the value of the whole rateable property of the city according to the last revised assessment roll;

(d) that the debt is contracted on the credit and security of the city at large.

**Special rates for owners' portion**

(5) The special rates imposed for the owners' portion of the cost shall form a special fund for the payment of the debentures issued under the authority of subsection (2), and the interest thereon, and shall not be applicable to or be applied for any other purpose.

**General rate meets deficiency in special rate**

(6) If in any year the amount realised from the special rate imposed to provide for the owners' portion of the cost and interest is insufficient to pay the amount falling due in such year in respect of so much of the debentures as represent the owners' portion of the cost, the council shall provide for the deficiency in the estimates for the following year and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon.

**Owners' portion not part of debenture debt**

(7) The amount borrowed under the provisions of subsection (2), in respect of the owners' portion of the cost, shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of section 311.

**Corporation's portion included in yearly estimates**

(8) Instead of borrowing the amount of the corporation's portion of the cost of a work undertaken the council may include the same in the estimates of the year.

1915, c.16, s.495; R.S.S. 1920, c.86, s.524.

**General loan bylaw**

**525**(1) Notwithstanding anything hereinbefore contained, the council may, on or before the first day of June in any year, make an estimate of the sums required to meet the cost of local improvements intended to be undertaken during the year; and may, by bylaw which need not be referred to the burgesses, authorise the issue and sale of debentures for the purpose of raising the whole or any portion of such estimated cost before proceeding with the work or before completion, and without providing for special assessments.

(2) Such bylaw shall provide that the amount shall be borrowed on the credit and security of the city at large.

(3) The debt may be made payable in any one of the manners authorised by section 315, and the debentures shall bear such rate of interest, not exceeding six per cent. per annum, as the council may by the bylaw direct.

(4) The amounts levied annually by special assessment under individual local improvement bylaws, passed for the purpose of recouping to the city the property's share of the cost, shall be deducted from the amount required to be raised under the general loan bylaw, and the balance only which remains after such deduction shall be provided by general rate.

(5) Pending the completion of the respective works included in the estimate and the passing of bylaws imposing special assessments therefor, interest and sinking fund or instalments of principal and interest, as the case may be, may be paid out of the proceeds of the sale of the debentures, or out of the proceeds of temporary loans.

(6) The bylaw may provide for extending the time for payment of the debt in any one of the said methods for a period of thirty years, notwithstanding that the special assessments to be made for recouping the city the cost of the local improvements may, according to the different classes of work, be payable at one or more different periods.

(7) The council shall possess a discretion as to whether it shall consolidate the debt created in one year by one or more such bylaws.

(8) Where debentures are issued upon an estimate as provided by this section, individual bylaws imposing special assessments for the different works included in the estimate shall be passed subsequently, but such bylaws shall not be passed until the respective works are completed and the actual cost ascertained.

(9) When the sums realised from the special rate imposed under any individual bylaw for a portion of the debt have reached an amount sufficient to discharge such portion, the money may, pending the maturity of the debentures, be invested in any of the securities authorised for the investment of the sinking fund.

(10) If the council's estimate of the cost of local improvements shall in any year prove to be less than the total cost of such works deemed necessary in such year, the council may nevertheless proceed with the works and include the amount of the unprovided balance in an estimate for the following year.

(11) Should the amount raised for local improvements in any year exceed the cost of the improvements, the unexpended balance may be used for a similar purpose in the following year.

(12) Nothing in subsections (1) to (11) contained shall affect the procedure for initiating local improvements, the manner of imposing special assessments therefor according to the respective characters of the works, the times fixed for payment of such assessments or the provisions as to appeals.

(13) The provisions of subsections (3), (5), (6) and (7) of section 524 shall apply *mutatis mutandis* and so far as they are not inconsistent with the express provisions of this section, to bylaws passed and debts incurred under this section.

1915, c.16, s.496; R.S.S. 1920, c.86, s.525.

#### Consolidation of bylaws

**526(1)** Where two or more works have been constructed and the bylaws provided for by subsection (2) of section 524 have been passed, instead of borrowing the separate sums thereby authorised to be borrowed and issuing debentures therefor, the council by bylaw, hereinafter called the consolidating bylaw, may provide for borrowing the aggregate of such separate sums and for issuing one series of debentures therefor.

(2) The consolidating bylaw shall show by recitals or otherwise in respect of what separate bylaws it is passed.

(3) It shall not be necessary that the consolidating bylaw shall impose any rate to provide for the payment of the debentures issued under it or the interest thereon, but the rates imposed by the separate bylaws shall be levied, collected and applied for that purpose.

(4) Instead of passing a bylaw under section 524 in respect of each individual work, the council may pass one bylaw in respect of several works, giving in such bylaw in respect of each work substantially the same information as would be given in several bylaws respecting such works, and may provide in such bylaw for borrowing the aggregate cost of such several works and for issuing one series of debentures therefor.

1915, c.16, s.497; R.S.S. 1920, c.86, s.526.

#### **Annual instalment of special assessment**

**527(1)** The council shall impose upon the land liable therefor the special assessment with which it is chargeable in respect of the owners' portion of the cost, and the same shall be payable in such annual instalments as the council shall prescribe, but not so as to extend beyond the lifetime of the work unless the work is of the class prescribed in clause (8) of section 486, in which case the annual instalments may extend over a period of not more than 40 years.

(2) In fixing the amount of the annual instalments a sum sufficient to cover the interest shall be added.

(3) The council may also either by general bylaw or by a bylaw applicable to the particular work prescribe the terms and conditions upon which persons whose lots are specially assessed may commute for a payment in cash the special rates imposed thereon.

(4) Sums paid under subsection (3) shall be invested in securities mentioned in section 358, provided that from the interest earnings shall be paid an amount sufficient to pay interest on the amount of the debentures issued with respect to the levy on properties on which the debentures were issued, and from the principal an amount sufficient to pay the necessary amount into the sinking fund account, or that portion of the principal accruing due during the year.

1915, c.16, s.498; 1918-19, c.34, s.23; R.S.S.  
1920, c.86, s.527.

#### **Provisions to apply to collection and recovery**

**528** The provisions of this Act as to the collection and recovery of taxes and the proceedings which may be taken in default of payment thereof shall apply to the special assessments and the special rates imposed for the payment of them.

1915, c.16, s.499; R.S.S. 1920, c.86, s.528.

#### **Where assessment irregular new assessments may be made**

**529(1)** If a debt has been incurred by the corporation for or in respect of a work undertaken before the passing of this Act and after the incurring of the debt, the special assessment for the work is found or adjudged to be invalid or the bylaw for borrowing money to defray the cost of the work is quashed or set aside, either wholly or in part, by reason of any irregularity or illegality in making such assessment or in passing such bylaw, the council shall cause a new assessment to be made or may pass a new bylaw when and so often as may be necessary to provide the money required to be raised to discharge the debt so incurred.

**Where assessment confirmed bylaw not quashed**

(2) In the case of a work undertaken after the passing of this Act, if the special assessment in respect of it has become confirmed under the provisions of section 522, no bylaw for borrowing money to defray the cost of the work or for imposing the special assessment shall be quashed, set aside or adjudged to be invalid by reason of its illegality or of any defect in it, but the court in which any proceeding for quashing, setting aside or declaring to be invalid the bylaw is taken shall, on such terms and conditions as to costs and otherwise as may be deemed proper, direct the council to amend or repeal such bylaw and, where a repealing bylaw is directed, to pass a new bylaw in proper form in lieu of the repealed bylaw, and it shall be the duty of the council to pass such bylaw or bylaws accordingly.

**Obligations under illegal bylaw binding**

(3) Every liability or obligation incurred and every debenture issued by the corporation under the authority of any such defective or illegal bylaw shall be as effectual and as binding as if the amending or new bylaw directed to be passed had been passed and was in force at the time such liability or obligation was incurred or such debenture was issued.

**Amending bylaw**

(4) Although no proceeding has been taken to quash, set aside or declare invalid the bylaw the council may of its own motion and, if required by any person to whom it has incurred any liability on the faith of the bylaw, shall pass such amending or new bylaw as may be necessary to make effectual and binding the liability so incurred and any debenture issued under the authority of such bylaw, and the provisions of subsection (3) as to the effect of an amending or new bylaw shall apply to any bylaw so passed.

1915, c.16, s.500; R.S.S. 1920, c.86, s.529.

## REPAIR OF WORK

**Repair at expense of city**

**530** After a work undertaken has been completed it shall during its lifetime be kept in repair by and at the expense of city of the corporation.

1915, c.16, s.501; R.S.S. 1920, c.86, s.530.

## ASSESSMENT OF LAND EXEMPT FROM TAXATION

**Land specially assessed**

**531** Land exempt from taxation for local improvements under any general or special Act shall nevertheless, for all purposes except petitioning for or against undertaking a work, be subject to the provisions of this Act and shall be specially assessed; but the special assessments imposed thereon which fall due while such land remains exempt shall not be collected or collectible from the owner thereof unless there has been a previous agreement to the contrary with such owner, but shall be paid by the corporation.

1915, c.16, s.502; R.S.S. 1920, c.86, s.531.

## MISCELLANEOUS

**Special rates not deemed incumbrances**

**532** The special assessment and the special rates charged or chargeable upon land for or in respect of the cost of any work undertaken, whether upon petition or otherwise, except so much of them as is in arrear and unpaid, shall not, as between a vendor and a purchaser, or as respects a covenant against incumbrances, or for the right to convey, or for quiet possession free from incumbrances, be deemed to be an incumbrance upon the land upon which the special rate is charged or chargeable.

1915, c.16, s.503; R.S.S. 1920, c.86, s.532.

**Work may be continued by succeeding council**

**533**(1) Proceedings for undertaking a work begun by one council may be continued, and the work may be begun, continued and completed by a succeeding council.

(2) Where proceedings have been taken before the passing of this Act the same may be continued and completed under the provisions of the law as it previously stood, but sections 524 and 526 shall apply to the work when completed.

1915, c.16, s.504; R.S.S. 1920, c.86, s.533.

**Local Government Board may approve forms**

**534** The Local Government Board may approve of forms of bylaws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and no bylaw, notice or other proceeding which is in substantial conformity with the form so approved shall be open to objection on the ground that it is not in the form required by the provisions of this Act applicable thereto; but the use of such forms shall not be obligatory.

1915, c.16, s.505; R.S.S. 1920, c.86, s.534.

**Rebating special assessments**

**535**(1) In case a special assessment has been imposed before the passing of this Act in respect of the estimated cost of a local improvement, but the work has not been done and no debentures have been sold in respect thereof and the council desires to abandon the same, the council may by a bylaw passed by two-thirds of all the members repeal the local improvement bylaw, cancel the special assessment and refund to the owners the several amounts paid by them on account thereof with legal interest.

(2) Such abandonment and cancellation shall in no way affect the right of the council to pass another bylaw in respect of such improvement at any future time, on complying with the provisions of this Act prescribing the procedure to be followed.

1915, c.16, s.506; R.S.S. 1920, c.86, s.535.



## PART XIII

**Highways and Public Places****Control of highways within the city**

**536** All public roads, streets, bridges, highways, lanes, alleys, squares or other public places in a city shall be subject to the direction, management and control of the council for the public use of the city.

1915, c.16, s.507; R.S.S. 1920, c.86, s.536.

**Without the city**

**537** The Lieutenant Governor in Council may by order in council direct that any highway, bridge or stream not wholly within the city limits, or any part of such highway, bridge or stream, shall be subject to the direction, management and control of the council for the public use of the city.

1915, c.16, s.508; R.S.S. 1920, c.86, s.537.

**Closing, etc., of streets**

**538(1)** The city may pass bylaws for closing and selling or leasing any public highway the fee whereof is not vested in the Crown, or any public highway the fee whereof is vested in the Crown provided that the consent of the Minister of Highways has been first obtained.

(2) No such bylaw shall be passed:

(a) unless at least two weeks' notice of the intention of the council to pass the same be given by registered letter to all persons who are either registered or assessed as owners of the lands abutting upon the portion of highway so proposed to be closed and sold or leased; nor

(b) unless such notice is advertised previous to the passing of the bylaw in some newspaper published in the city at least once each week for two successive weeks; nor

(c) until any person who claims that his land will be injuriously affected thereby, and petitions to be heard, has been afforded an opportunity to be heard by himself or his agent in relation to the proposed bylaw.

(3) Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damage caused to his land by reason of anything done under the bylaw; such compensation to be determined in the same manner and subject to the same conditions as in the cases provided for by sections 379 to 407.

1915, c.16, s.509; 1917, c.11, s.21; R.S.S. 1920, c.86, s.538.

**Responsibility for repairs**

**539(1)** Every public road, street, bridge, highway, square, alley or other public place subject to the direction, management and control of the council, including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the city or by any person with the permission of the council, shall be kept in repair by the city, and on default of the city so to keep the same in repair, the city, besides being subject to any punishment provided by law, shall be civilly responsible for all damage sustained by any person by reason of such default.



(2) This section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by a private person until the same has been established as a public work by bylaw or otherwise assumed for public use by the corporation.

(3) The city shall not be liable for damages under this section unless the person claiming the same has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair.

(4) Nothing herein contained shall cast upon the city any obligation or liability in respect of acts done or omitted by persons exercising powers or authorities conferred upon them by law, and over which the city has no control, where the city is not a party to such acts or omissions and where the authority under which such persons proceed is not a bylaw, resolution or license of the council.

1915, c.16, s.510; R.S.S. 1920, c.86, s.539.

#### **Snow and ice**

**540** Except in case of negligence a corporation shall not be liable for personal injury caused by snow or ice upon a sidewalk.

1915, c.16, s.511; R.S.S. 1920, c.86, s.540.

#### **Action within three months**

**541** No action shall be brought against a corporation for the recovery of damages occasioned by default in its duty of repair as mentioned in section 539, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained.

1915, c.16, s.512; R.S.S. 1920, c.86, s.541.

#### **Notice of claim**

**542** No action shall be brought for the recovery of such damages unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the mayor or city clerk within thirty days after the happening of the injury.

1915, c.16, s.513; 1916, c.18, s.28; R.S.S. 1920, c.86, s.542.

#### **Case of death**

**543** In case of the death of the person injured, failure to give such notice shall not be a bar to the action; and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of opinion that there is reasonable excuse for the want or insufficiency of the notice and that the corporation was not thereby prejudiced in its defence.

1915, c.16, s.514; 1916, c.18, s.29; R.S.S. 1920, c.86, s.543.

**Municipalities liable jointly**

**544(1)** Where the city and an adjacent municipality are jointly liable for keeping in repair a public road, street, bridge, stream or other highway, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing.

(2) An action by any such person shall be brought against all such corporations jointly and any of them may require that the proportions in which damages and costs recovered in the action are to be borne by them shall be determined therein.

(3) In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission for which the damages have become payable or are recovered, and the damages and costs shall be apportioned between them accordingly.

1915, c.16, s.515; 1916, c.18, s.29; R.S.S. 1920, c.86, s.544.

**No liability on officer of city**

**545(1)** Where an action may be brought against the city by any person who has suffered damages by reason of the default of the city in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place, no action shall be brought in respect of such damage against any member of the council or officer or employee thereof personally, but the remedy therefor shall be wholly against the city.

(2) This section shall not affect the liability of a mere contractor with the city, nor of any officer or employee of any such contractor, by reason of whose act or neglect the damage was caused.

1915, c.16, s.516; R.S.S. 1920, c.86, s.545.

**City's remedy over in action of damages**

**546** Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near to a highway, street, bridge, alley, square or other public place, placed, made, left or maintained by any person other than a servant or agent of the city, or by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the city, the city shall have a remedy over against the other person for, and may enforce payment accordingly of, the damages and costs, if any, which the plaintiff in the action may recover against the city.

1915, c.16, s.517; R.S.S. 1920, c.86, s.546.

**In same action**

**547** The city shall be entitled to such remedy over in the same action if the other party is a party to the action; and if it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by him.

1915, c.16, s.518; R.S.S. 1920, c.86, s.547.

**Party defendant**

**548** The city may in such action have the other person added as a party defendant or third party if not already a defendant, for the purposes of the remedy over, and the other person may defend such action as well against the plaintiff's claim as against the claim of the city to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

1915, c.16, s.519; R.S.S. 1920, c.86, s.548.

**In separate action**

**549** If such person is not a party defendant or is not added as a party defendant or third party, or if the city has paid the damages before an action is brought to recover the same or before recovery in an action against the corporation, the city shall have a remedy over by action against such person.

1915, c.16, s.520; R.S.S. 1920, c.86, s.549.

**Admission of third party's liability**

**550** Such other person shall be deemed to admit the validity of the judgment, if any, obtained against the city only where a notice has been served on him pursuant to the provisions of *The King's Bench Act* or of any rules of court made thereunder, or where he has admitted or is estopped from denying the validity of such judgment.

1915, c.16, s.521; R.S.S. 1920, c.86, s.550.

**Nonadmission of liability**

**551** Where such notice has been served and there has been no such admission or estoppel, and the other person has not been made a party defendant or third party to the action against the city, or when damages have been paid without action or without recovery of judgment against the city, the liability of the city for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over, must be established in the action against such person to entitle the city to recover in the action.

1915, c.16, s.522; R.S.S. 1920, c.86, s.551.

## PART XIV

**Actions by and against City****Rights as in proceedings**

**552** Where duties, obligations or liabilities are imposed by law upon any person in favour of the corporation or the inhabitants or some of the inhabitants of the city, or where contracts or agreements are or have heretofore been entered into imposing such duties, obligations or liabilities, the city 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 or as plaintiff upon the relation of any person interested, or in an action by such inhabitants or one or more of them on his or their own behalf or on behalf of himself or themselves and of such inhabitants.

1915, c.16, s.523; R.S.S. 1920, c.86, s.552.

**Notice of action in certain cases**

**553** No action shall be brought for anything done under a bylaw or resolution which is illegal in whole or in part until one month after the bylaw or resolution or the illegal part thereof 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 city; and every such action shall be brought against the city alone and not against any person acting under the bylaw or resolution.

1915, c.16, s.524; R.S.S. 1920, c.86, s.553.

**Tender of amends**

**554** In case the city or the commissioners tender amends to the plaintiff or his solicitor, if 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.

1915, c.16, s.525; R.S.S. 1920, c.86, s.554.

**Limitation of period of liability**

**555** In cases not otherwise provided for, no action shall be brought against the city for the recovery of damages after the expiration of three months from the time when the damages were sustained, unless, upon application to a judge of the Court of King's Bench made not later than one year from such date, and after seven days' notice to the city, the judge allows the claim to be made.

1917, c.11, s.22; R.S.S. 1920, c.86, s.555.

## EXECUTIONS AGAINST CITIES

**Procedure of writs of execution in sheriff's hands**

**556** Any writ of execution against a city may be indorsed with a direction to the sheriff of the judicial district in which the city is, to levy the amount thereof by rate and the proceedings thereon shall be as follows:

**Copy writ delivered to city clerk**

1. The sheriff shall deliver a copy of the writ and indorsement to the city clerk with a statement in writing of the amount required to satisfy such execution, including the amount of interest calculated to some day as near as is convenient to the day of the service, and sheriff's fees;

**Execution rate**

2. If the amount, with interest thereon from the day mentioned in the statement, is not paid to the sheriff within thirty days after such delivery, the sheriff shall examine the assessment roll of the city and shall, in like manner as rates are struck for general city purposes, strike a rate sufficient in the dollar to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

**Sheriff's precept to treasurer**

3. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the city treasurer and shall annex thereto the roll of such rate, and shall by such precept, after reciting the writ and that the city has neglected to satisfy the same and referring to the roll annexed to the precept, command the city treasurer to levy such rate at the time and in the manner by law required in respect of the general annual rates;

**Levy of special rate**

4. At the time for levying the annual rates next after the receipt of such precept, the city treasurer shall add a column to the tax roll headed: "Execution rate in *A. B.* versus the city of \_\_\_\_\_ (*as the case may be*)," adding a similar column if there are more executions than one, and shall insert therein the amount by such precept to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time that he is required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, deducting his percentage;

**Surplus**

5. The sheriff shall, after satisfying the execution and all fees thereon, return any surplus within ten days after receiving the same to the city treasurer for the general purposes of the city;

**Treasurer's percentage**

6. In case the treasurer of any city against which an execution is issued is not paid by percentage, he shall be paid for such collections a sum not exceeding two and one-half per centum;

**City officials officers of court**

7. The city clerk, the treasurer and the assessor shall, for the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution, be deemed to be officers of the court from which such writ issued, and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

**Penalty paid to city**

**557(1)** A penalty or fine under any bylaw of the city shall, if no other provision be made respecting it, belong to the city for the public use of the same and form part of its general revenue.

**Expenses of imprisonment**

(2) In the event of any person being committed to goal by reason of a breach of a city bylaw there shall be chargeable to the city such part of the expenses paid by the province for the transport of such person to gaol, and for his maintenance while there, as may be designated by the Lieutenant Governor in Council.

1915, c.16, s.527; R.S.S. 1920, c.86, s.557.

**PART XV****Penalties****Amount of penalty, etc.**

**558** The council may by any bylaw:

1. Impose a penalty not exceeding \$100 exclusive of costs for breach of any provision of a bylaw;
2. Enact that, in case the conviction be for the nonpayment of a license fee payable to the city under the provisions of a bylaw, the convicting justice may adjudge payment thereof in addition to the penalty.

1915, c.16, s.528; R.S.S. 1920, c.86, s.558.

**Recovery**

**559** Such penalty, or penalty and license fee, as the case may be, may, unless other provision is specially made in respect thereof, be recovered and enforced with costs by summary conviction before a police magistrate or justice of the peace having jurisdiction in the city, and upon default of payment the person convicted may be committed to gaol or to the guardroom of the Royal Canadian Mounted Police force, or to a public lockup for any time determined by the said police magistrate or justice, not exceeding thirty days and with or without hard labour, unless such penalty, or penalty and license fee, as the case may be, and costs, including the costs of the committal and of the conveyance of the person convicted to the said gaol, guardroom or lockup, are sooner paid.

1915, c.16, s.529; R.S.S. 1920, c.86, s.559.

## PART XVI

**Miscellaneous**

## GOVERNMENTAL COMMISSION OF INQUIRY

**Inquiry by government**

**560** In case one-third of the members of the council, or one-fourth of the electors of the city, petition the Lieutenant Governor in Council for a commission to issue under the great seal to inquire into the financial affairs of the city, the Lieutenant Governor in Council may issue a commission accordingly; and the commissioner or commissioners shall have all the powers of commissioners appointed under *The Public Inquiries Act*.

1915, c.16, s.530; R.S.S. 1920, c.86, s.560.

## JUDICIAL COMMISSION OF INQUIRY

**Inquiry by Judge**

**561**(1) In case the council passes a resolution requesting a judge to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of a member of the council, commissioner or other officer, servant or agent of the city, or of any person having a contract therewith, in relation to the duties or obligations of such person to the city; or in case the council sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the city or the conduct of any part of the public business thereof, and passes a resolution requesting a judge to make inquiry, the judge shall inquire into the same and he shall for that purpose have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*, and the judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken thereon.

(2) When any such resolution has been passed by the council, the Attorney General may, notwithstanding anything in this Act contained, appoint the district court judge of any judicial district in the province to make the inquiry.

(3) The judge shall be entitled to receive and shall be paid the same fees as an arbitrator is entitled to receive under section 396.

(4) The council may engage and pay counsel to represent the city, and may pay all proper witness fees to persons summoned to give evidence at the instance of the city; and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question, maybe represented by counsel.

1915, c.16, s.531; 1918-19, c.34, s.24; R.S.S.  
1920, c.86, s.561.

**Investigation by committee of council**

**562** The council may at any time by resolution appoint a committee of its members to investigate any charge which may be made against any employee of the city, and the committee so appointed may summon such employee before it to answer the charge, and shall have power to summon witnesses and to take evidence under oath, and may pay all proper witness fees to persons summoned to give evidence, and the committee shall report the result of its inquiry to the council.

1915, c.16, s.532; R.S.S. 1920, c.86, s.562.

