

The Local Government Board Act

being

Chapter 23 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 23

An Act respecting the Local Government Board

Short title

1 This Act may be cited as *The Local Government Board Act*.

1917, c.8, s.1; R.S.S. 1920, c.23, s.1.

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

“Local authority”

1. “**Local authority**” means the council of a city, town, village or rural municipality, the board of trustees of a school district and the directors of a rural telephone company.

1917, c.8, s.2; R.S.S. 1920, c.23, s.2.

PART I

Organisation, Powers and Procedure

ORGANISATION OF BOARD

Organisation of board

3(1) There shall be a board to be styled “The Local Government Board” (in this Act referred to as the board), to be composed of three members to be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman and shall be entitled to hold the position of chairman as long as he continues a member of the board.

(2) In the case of the absence of any member of the board, or his inability to act, or in case of a vacancy in the office, the two remaining members shall concur in exercising the powers of the board.

(3) In the absence of the chairman, all orders, rules, regulations and other documents may be signed by any one member, and when so signed shall have the like effect as if signed by the chairman. Whenever it appears that a member other than the chairman has acted for and in the place of the chairman, it shall be conclusively presumed that he has so acted in the absence or disability of the chairman.

(4) Each of the members shall hold office during good behaviour for a period of ten years from the date of appointment, but shall be removable by the Lieutenant Governor on address of the Legislative Assembly. A member may at any time be suspended by the Lieutenant Governor in Council for cause assigned, and another person appointed to act in his stead until the Legislative Assembly at its next session has considered and taken action in the premises.

(5) Vacancies caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council, but a vacancy shall not impair the power of the remaining members to act. In any such case the signature of one member shall be sufficient.

(6) A member shall cease to hold office upon reaching the age of seventy years.

(7) A member on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment.

(8) The members shall receive such remuneration and perform such duties, in addition to the duties assigned to them by this Act, as may be provided by the Lieutenant Governor in Council.

1917, c.8, s.3; R.S.S. 1920, c.23, s.3.

Body corporate

4 The board shall be a body corporate with perpetual succession and a common seal of such design as may be provided by the Lieutenant Governor in Council, and such seal shall be judicially noticed.

1917, c.8, s.4; R.S.S. 1920, c.23, s.4.

Where member interested

5 Whenever a member is interested in a matter before the board, the Lieutenant Governor in Council may, upon the application of such member or otherwise, appoint some disinterested person to act as a member *pro hac vice*, and the Lieutenant Governor in Council may also appoint a person to act during the sickness, absence or disability of a member.

1917, c.8, s.5; R.S.S. 1920, c.23, s.5.

Advisory committee

6(1) There shall be associated with the board for advisory purposes a committee consisting of two members to be appointed annually, one by the executive of the provincial organisation representing rural municipalities and the other by the executive of the provincial organisation representing urban municipalities.

(2) The duties of the committee shall be to confer with the board from time to time concerning matters of general interest in relation to the carrying out of this Act.

(3) The members of the committee shall receive, for attendance at meetings at which they are requested to be present, such per diem allowance and travelling expenses as may be determined by the Lieutenant Governor in Council.

1917, c.8, s.6; R.S.S. 1920, c.23, s.6.

Secretary and clerks

7 The board may with the approval of the Lieutenant Governor in Council appoint or employ a secretary and such other officers, clerks or servants as it deems necessary, and any person so appointed or employed shall receive such remuneration as shall be determined by the Lieutenant Governor in Council.

1917, c.8, s.7; R.S.S. 1920, c.23, s.7.

Duties of secretary

8 The secretary shall:

- (a) keep a record of all proceedings conducted before the board or any member thereof;
- (b) have the custody and care of all records and documents belonging to or pertaining to the board, or filed in his office;
- (c) obey all rules and directions made or given by the board touching his duties or his office;
- (d) see that every regulation and order made by the board is drawn pursuant to the direction of the board, properly authenticated and filed in his office.

1917, c.8, s.8; R.S.S. 1920, c.23, s.8.

Certified copies of regulations

9 Upon application of any person, and on payment of such fees as the board may prescribe, the secretary shall deliver to such person a certified copy of any such regulation or order.

1917, c.8, s.9; R.S.S. 1920, c.23, s.9.

Secretary *pro tem*.

10 In the absence of the secretary the board may appoint a secretary *pro tempore* who shall act in the place of the secretary, or a member of the board may act as secretary.

1917, c.8, s.10; R.S.S. 1920, c.23, s.10.

One member may be appointed to report

11 The board or the chairman may authorise any one of the members to report to the board upon any question or matter arising in connection with the business of the board, and such member shall, when so authorised, have all the powers of the board for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and, upon such report being made to the board, it may be adopted as the order of the board, or otherwise dealt with as to the board seems proper.

1917, c.8, s.11; R.S.S. 1920, c.23, s.11.

Services of officer or employee

12 For the purpose of any inquiry or examination conducted by it or in the performance of any of the other duties assigned to it by this Act or by order in council, the board may, with the consent of the minister in charge of any department of Government, avail itself of the services of any officer or other employee of such department.

1917, c.8, s.12; R.S.S. 1920, c.23, s.12.

Sittings

13 The board shall sit at such times and places and conduct its proceedings in such manner as may seem to it most convenient for the speedy dispatch of business.

1917, c.8, s.13; R.S.S. 1920, c.23, s.13.

Use of court house

14(1) Where sittings of the board, or of any member thereof, are appointed to be held in any city, town or place in which a court house is situate, the member presiding at any such sittings shall have, in all respects, the same authority as a judge of the Court of King's Bench with regard to the use of the court house and other buildings or apartments set apart in the judicial district for the administration of justice; but subject to the prior right of the court and of judicial and administrative officers to use such buildings and apartments for the purposes of the administration of justice.

(2) Where sittings are appointed to be held in any municipality where there is a hall belonging to the corporation, the corporation shall, upon request, allow such sittings to be held in such hall.

1917, c.8, s.14; R.S.S. 1920, c.23, s.14.

Whole time required

15 The members of the board shall devote their whole time to the performance of their duties under this Act, and shall not accept any office or employment inconsistent with this section.

1917, c.8, s.15; R.S.S. 1920, c.23, s.15.

DISQUALIFICATIONS OF MEMBERS

Disqualifications

16 The members shall, during their term of office, be subject to the following disqualifications:

Not to deal in certain securities

1. No member shall, directly or indirectly, hold, purchase or become interested in any stock, debenture or other security issued by a local authority in Saskatchewan, or become concerned or interested in a bargain or contract for the construction of any work made with or on behalf of any such local authority, or become or remain a member of any company which deals in the securities of local authorities or is concerned or interested in any such bargain or contract;

Disfranchisement

2. No member shall be entitled to be registered as a voter or to vote at a municipal election or at an election for the Legislative Assembly of Saskatchewan.

1917, c.8, s.16; R.S.S. 1920, c.23, s.16.

JURISDICTION AND POWERS

Powers of board

17 The board shall have power:

Inquire into applications

1. To inquire into the merits of any application of a local authority for permission to raise money by way of debenture or upon the security of stock, and to grant or refuse such permission;

Management of sinking funds

2. To manage, notwithstanding anything contained in *The City Act* or *The Town Act*, the sinking fund of any local authority which desires to intrust the same to the board for management;

Supervision of expenditure

3. To supervise the expenditure of moneys borrowed by a local authority under this Act;

Obtaining statements

4. To obtain from any local authority at any time a statement in detail of its assets and liabilities and of its revenue and expenditures for any definite period, or any other statement of its affairs which may be deemed expedient;

Revising assessments

5. To revise the assessment of those portions of rural municipalities which have been subdivided according to registered plan, as provided by *The Subdivisions Act*;

Sales of shares

6. To administer *The Sale of Shares Act*;

Assessment appeals

7. To hear assessment appeals under the provisions of *The City Act* and *The Town Act* respectively;

Extending debentures

8. To grant permission for extension of the time for repaying the indebtedness incurred by municipalities for the cost of municipal public works, as provided by *The Municipal Debentures Repayment Act*;

Duties assigned

9. To perform such other duties as are now or shall be hereafter from time to time assigned to the board by statute or under statutory authority.

1917, c.8, s.17; R.S.S. 1920, c.23, s.17.

May make orders

18(1) In matters within its jurisdiction the board may order and require any person, or local authority to do forthwith or within or at any specified time and in any manner prescribed by the board, so far as it is not inconsistent with this Act or any other Act conferring jurisdiction, any act, matter or thing which such person, or local authority is or may be required to do under this Act or under any other general or special Act, and may forbid the doing or continuing of any act, matter or thing which is in contravention of any such Act or of any regulation, order or direction of the board.

May decide all questions

- (2) The board shall, as to matters within its jurisdiction, have authority to hear and determine all questions of law or of fact.

Judicial powers

(3) The board shall, except as herein otherwise provided, as respects the amendment of proceedings, the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its order and other matters necessary or proper for the due exercise of its jurisdiction or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in the Court of King's Bench.

1917, c.8, s.18; R.S.S. 1920, c.23, s.18.

When board may act

19(1) The board may, of its own motion, and shall, upon the request of the Lieutenant Governor in Council, inquire into, hear and determine any matter or thing within its jurisdiction.

- (2) Any power or authority vested in the board under this Act or any other Act may, though not so expressed, be exercised from time to time, or at any time, as the occasion requires.

1917, c.8, s.19; R.S.S. 1920, c.23, s.19.

Default in obeying order

20 If default is made by any person or local authority in the doing of any act, matter or thing, which the board has authority, under this or any other Act, general or special, to direct and has directed to be done, the board may authorise such person as it sees fit to do the act, matter or thing, and in every such case the person so authorised may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the person or local authority in default as money paid for and at the request of such person or local authority; and the certificate of the board of the amount so expended shall be conclusive evidence thereof.

1917, c.8, s.20; R.S.S. 1920, c.23, s.20.

APPLICATION WITH REGARD TO LOANS

Application to raise loan

21 When a local authority desires to provide for raising a loan by way of debenture or other security for the purpose of any work or undertaking, the acquisition of property or any other object within its jurisdiction, application shall be made to the board for permission to do so.

1917, c.8, s.21; R.S.S. 1920, c.23, s.21.

When made

22(1) In the case of a municipality, such application shall be made prior to or forthwith after the first reading of a bylaw providing for the loan and before such bylaw is submitted to a vote of the burgesses; and no further action shall be taken by the council upon the bylaw until the authorisation of the board has been obtained as hereinafter provided.

(2) In the case of school districts and of rural telephone companies, the board of trustees in the one case and the directors in the other shall continue to follow the procedure laid down in *The School Act* and in *The Rural Telephone Act* respectively, for obtaining permission to borrow money.

1917, c.8, s.22; R.S.S. 1920, c.23, s.22.

Application

23 Every application shall be addressed to the secretary of the board, and shall be accompanied in the case of applications by the councils of cities and towns by a copy of the bylaw dealing with the proposed loan, and in other cases, by the documents prescribed by the various statutes governing the application, and such other information as the board may require.

1917, c.8, s.23; R.S.S. 1920, c.23, s.23.

DEALING WITH LOAN APPLICATIONS

Inquiry

24 The board in conducting its inquiry and in arriving at its decision shall consider the nature of the work, undertaking or other object of the proposed loan, the necessity for or expediency of the same, the financial position of the local authority and all such other matters as in the opinion of the board may call for consideration.

1917, c.8, s.24; R.S.S. 1920, c.23, s.24.

Evidence

25 The board in the course of an inquiry may summon and examine on oath any person whose evidence it desires to obtain, and may fix a date for the hearing of all parties interested in the granting or refusing of an application, in which case it may order that proper public notice be given of the hearing.

1917, c.8, s.25; R.S.S. 1920, c.23, s.25.

Certificate of Public Health Commissioner

26 When a local authority proposes to borrow money by way of debenture or other security, for the purpose of establishing or extending a system of waterworks or of constructing, altering or extending a common sewer or system of sewerage, the board shall not grant the permission applied for until the certificate of the Commissioner of Public Health approving the proposed undertaking has first been obtained under the provisions of *The Public Health Act*.

1917, c.8, s.26; R.S.S. 1920, c.23, s.26.

Certificate of authorisation

27(1) All debentures issued by local authorities shall contain, in addition to the other particulars required by law, a note or memorandum under the seal of the board, signed by the chairman or in his absence by one of the other members of the board authorising the issue.

(2) Nothing contained in this section or in any other section of this Act shall be deemed to repeal any of the provisions concerning the countersigning of debentures by a minister or deputy minister contained in any Act now in force in Saskatchewan.

1917, c.8, s.27; R.S.S. 1920, c.23, s.27.

Powers in management of sinking fund

28 In case the board undertakes the management of the sinking fund of a local authority, it shall be at liberty to invest the same in all or any of the securities in which trustees having trust money in their hands are authorised to invest it under the provisions of *The Trustee Act*; it shall have all the powers and authorities conferred upon sinking fund trustees by *The City Act* and *The Town Act* respectively; and the treasurer of the local authority shall be subject to the control and requisition of the board, and shall deposit the sinking fund as required by *The City Act* or *The Town Act*, as the case may be.

1917, c.8, s.28; R.S.S. 1920, c.23, s.28.

SUPERVISION OF EXPENDITURE

Supervision of application of moneys borrowed

29 In case the board undertakes to supervise the application of any moneys borrowed by a local authority under this Act, the board, one of its members, its auditor, engineer, inspector or other person appointed to make an inquiry or report, may:

- (a) enter upon and inspect any place, building or works, the property or under the control of the local authority, the entry or inspection of which appears to it requisite;

- (b) require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make;
- (c) require the production of all material, books, papers, plans, specifications, drawings and documents;
- (d) administer oaths, affirmations or declarations;

and shall have the like power of enforcing the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, and other matters necessary or proper for the due exercise of its jurisdiction as is vested in the Court of King's Bench in respect of any cause or matter properly before it.

1917, c.8, s.29; R.S.S. 1920, c.23, s.29.

PRACTICE AND PROCEDURE

Notices: requisites of

30 Any notice required or authorised to be given in writing:

- (a) by the board, may be signed by the chairman, any other member of the board, or the secretary;
- (b) by an inspecting engineer, or other officer or person appointed by the board, may be signed by such inspecting engineer, officer or other person, as the case may be;
- (c) by any other person, may be signed by such person or his duly authorised agent or solicitor.

1917, c.8, s.30; R.S.S. 1920, c.23, s.30.

Notices: how served

31 Any notice required to be given to a company, a municipal or other corporation, copartnership, firm or individual, shall be deemed to be sufficiently given by delivering the same, or a copy thereof, within the time, if any, limited therefor:

- (a) in the case of a municipal corporation, to the head of the municipality or to the clerk;
- (b) in the case of any other company or corporation, to the president, vice president, manager or secretary, or to some adult person in its employ at its head office;
- (c) in the case of a firm or copartnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or at the office or place of business of the firm to a clerk employed therein; and
- (d) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or, at his office or place of business, to a clerk in his employ.

1917, c.8, s.31; R.S.S. 1920, c.23, s.31.

Service by publication

32(1) If, in any case within the jurisdiction of the board, it is made to appear, to the satisfaction of the board, that service of any such notice cannot conveniently be made in the manner provided in section 31, the board may order and allow service to be made by publication in *The Saskatchewan Gazette*, and also, if thought desirable, in a newspaper; and such publication in each case shall be deemed to be equivalent to service in the manner provided in the said section.

(2) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this or section 31.

1917, c.8, s.32; R.S.S. 1920, c.23, s.32.

Duty of sheriffs, etc.

33 Sheriffs, deputy sheriffs, constables and other peace officers shall whenever required so to do aid, assist and obey the board in the exercise of the jurisdiction conferred by this Act.

1917, c.8, s.33; R.S.S. 1920, c.23, s.33.

Local authority furnishes statements free

34(1) The officials of any local authority, to whom the board makes application for statements, reports, copies of documents or information of any kind, shall furnish the required statements, copies or information to the board free of cost.

Registrars of land titles furnish certificates, etc., without charge

(2) The registrars of land titles in the different land registration districts throughout the province shall furnish the board with such certificates and certified copies of documents as the board may in writing require, without charge, and the board and any member or official of the board thereunto authorised may at any time search in the public records of the land titles offices without charge.

1917, c.8, s.34; R.S.S. 1920, c.23, s.34.

Effect of documents issued by company

35 Every written or printed document purporting to have been issued or authorised by a company or any officer, agent or employee of a company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document.

1917, c.8, s.35; R.S.S. 1920, c.23, s.35.

Evidence of documents

36(1) Every document purporting to be signed by the chairman and secretary of the board or by either of them, by a single member of the board, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that such document was duly signed, and shall be sufficient notice to a company and all parties interested, if served in the manner provided by section 32 for service of notice, that such document was duly signed and issued by the board or inspecting engineer, as the case may be.

(2) If such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the board, or inspecting engineer, it shall be *prima facie* evidence of such regulation, order, direction, decision or report, and, when served in the manner provided by section 32, shall be sufficient notice of such regulation, order, direction, decision or report from the time of such service.

1917, c.8, s.36; R.S.S. 1920, c.23, s.36.

Certified plan, etc., *prima facie* evidence

37(1) Any document purporting to be certified by the secretary as being a copy of any plan, profile, book of reference or other document deposited with the board, or of any portion thereof, shall, without proof of signature of the secretary, be *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Certified copies of documents of board

(2) A copy of any regulation, order or other document in the custody of the secretary, or of record with the board, purporting to be certified by the secretary to be a true copy, and purporting to be sealed with the seal of the board, shall be *prima facie* evidence of such regulation, order or document, without proof of the signature of the secretary.

1917, c.8, s.37; R.S.S. 1920, c.23, s.37.

Publication of regulations and orders, judicial notice

38 Any rule, regulation, order or decision of the board, shall, when published by the board, or by leave of the board, in two successive issues of *The Saskatchewan Gazette*, and while the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof.

1917, c.8, s.38; R.S.S. 1920, c.23, s.38.

Notice of application in contentious matters

39 In contentious matters, the board may require such notice of an application to or hearing by the board to be given, as may be deemed requisite.

1917, c.8, s.39; R.S.S. 1920, c.23, s.39.

Procedure in urgent cases when no notice given

40(1) When the board is authorised to hear an application, complaint or dispute, or make an order upon notice to the parties interested, it may, upon the ground of urgency or for other reason appearing to the board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

(2) A person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the board may allow, apply to the board to vary, amend or rescind such order or decision, and the board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just.

1917, c.8, s.40; R.S.S. 1920, c.23, s.40.

General rules

41 The board may make general rules regulating practice and procedure.

1917, c.8, s.41; R.S.S. 1920, c.23, s.41.

ORDERS OF THE BOARD**Order may be conditional**

42(1) The board may direct in any order that the same, or any portion or provision thereof, shall come into force at a future fixed time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance, to the satisfaction of the board or person named by it for the purpose, of any terms which the board may impose upon any party interested, and the board may direct that the whole or any portion of such order shall have force for a limited time or until the happening of any specified event.

(2) The board may, instead of making an order final in the first instance, make an interim order and reserve further directions, either for an adjourned hearing of the matter or for further application.

1917, c.8, s.42; R.S.S. 1920, c.23, s.42.

Extent of relief

43 Upon any application to the board, the board may make an order granting the whole or part only of such application, or may grant such further or other relief in addition to, or in substitution for, that applied for as to the board seems just and proper, as fully and in all respects as if such application had been for such partial, further or other relief.

1917, c.8, s.43; R.S.S. 1920, c.23, s.43.

Interim *ex parte* order

44 The board may, if the special circumstances of any case, in its opinion, so require, make an interim *ex parte* order authorising, requiring or forbidding anything to be done which the board would be empowered on application, petition, notice and hearing to authorise, require or forbid, but no such order shall be made for any longer time than the board deems necessary to enable the matter to be heard and determined.

1917, c.8, s.44; R.S.S. 1920, c.23, s.44.

Extension of time

45 When any work, act, matter or thing is, by any regulation, order or decision of the board, required to be done, performed or completed within a specified time, the board may, if the circumstances of the case in its opinion so require, upon giving such notice as it deems reasonable, or in its discretion without notice, extend the time so specified.

1917, c.8, s.45; R.S.S. 1920, c.23, s.45.

Board may appoint person to inquire and report

46(1) The board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute before the board, or upon any matter or thing over which the board has jurisdiction.

(2) The board may order by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses.

1917, c.8, s.46; R.S.S. 1920, c.23, s.46.

May rehear

47 The board may rehear an application before deciding it, or may review, rescind, change, alter or vary any decision or order made by it.

1917, c.8, s.47; R.S.S. 1920, c.23, s.47.

Jurisdiction need not be shown

48 An order of the board need not show upon its face that any proceeding or notice was had or taken, or that any circumstance existed, necessary to give it jurisdiction to make such order.

1917, c.8, s.48; R.S.S. 1920, c.23, s.48.

Limitation respecting certain orders

49 Every order of the board authorising an act to be done by a local authority, shall in case such act is not done become null and void at the expiration of one year from its date, unless further extended by the board.

1917, c.8, s.49; R.S.S. 1920, c.23, s.49.

Appeal to Court of Appeal

50(1) An appeal shall lie from the board to the Court of Appeal upon a question of jurisdiction, but such appeal shall not lie unless leave to appeal is obtained from a judge of the Court of King's Bench sitting in chambers within one month after the making of the order or decision sought to be appealed from or within such further time as the judge, under the special circumstances of the case, shall allow, after notice to the opposite party stating the grounds of appeal.

(2) Upon such leave being obtained, the registrar shall set the appeal down for hearing at the next sittings; and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors, if any, by whom such parties were represented before the board and to the secretary, notice in writing that the case has been so set down and the appeal shall be heard by the court as speedily as practicable.

(3) On the hearing of the appeal the court may draw all such inferences as are not inconsistent with the facts expressly found by the board and are necessary for determining the question of jurisdiction, as the case may be, and shall certify its opinion to the board and the board shall make an order in accordance with such opinion.

(4) The board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

(5) The Court of Appeal shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeal and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from a judge of the Court of King's Bench to the Court of Appeal shall be applicable to appeals under this Act.

(6) Neither the board nor any member of the board shall in any case be liable to costs by reason or in respect of an appeal or application.

(7) Save as otherwise specially provided:

- (a) every decision or order of the board shall be final; and
- (b) no order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court.

1917, c.8, s.50; R.S.S. 1920, c.23, s.50.

Reference by Lieutenant Governor in Council for report

51 The Lieutenant Governor in Council may at any time refer to the board, for a report or other action, any question, matter or thing arising or required to be done in respect of any matter subject to the jurisdiction of the board, under any general or special Act, and the board shall without unnecessary delay comply with the order in council.

1917, c.8, s.51; R.S.S. 1920, c.23, s.51.

PART II

Special Powers

CONTROL OF MUNICIPAL FINANCE

Jurisdiction in case of default

52(1) The board shall have jurisdiction to inquire into, hear and determine applications by or on behalf of any persons interested, complaining that a municipal corporation or school district:

- (a) has failed to retire its debentures or debenture coupons as they became due and were duly presented for payment;
- (b) has failed to make payment of outstanding accounts incurred by way of capital expenditure or otherwise;
- (c) has failed to do any act, matter or thing required to be done by this Act or by any stipulation or condition contained in a municipal or school money bylaw accepted or acted upon by any person;
- (d) is in serious financial difficulties likely to cause it to make default in payment of its outstanding debentures or debenture coupons, or any of them;

and requesting the board to make any order, or give any directions or approval which by law it is authorised to give or make.

(2) The board shall not commence such inquiry under clauses (a) and (b) of this section until the persons interested in at least sixty per cent. of the indebtedness of the municipal corporation or school district, or their representatives, have filed with the secretary of the board a request in writing, giving the post office address of each petitioner, that the board undertake such inquiry.

(3) The decision of the board, as to whether any person is or is not a party interested within the meaning of the foregoing subsection, shall be binding and conclusive upon all persons.

(4) The board before commencing such inquiry shall cause to be mailed by registered post to each of the petitioners whose name and post office address appears upon the petition hereinbefore mentioned, and to the municipal corporation or school district concerned, a notice in writing giving the time and place, when and where the board will commence such inquiry, and shall cause a similar notice to be inserted in one or more newspapers published in or near the municipality or school district concerned. Such mailing and publication shall be deemed a sufficient service of the notice upon all persons interested.

(5) The board may order and require any person, municipal corporation or school district to do forthwith or within or at any specified time and in any manner prescribed by the board, so far as is not inconsistent with this Act, any act, matter or thing which such person, municipal corporation or school district is or may be required to do under this Act or under any other general or special Act, and may forbid the doing or continuing of any act, matter or thing which is in contravention of any such Act or of any such regulation, order, direction, or bylaw.

(6) The board shall, as to matters within its jurisdiction, have authority to hear and determine all questions of law or of fact.

(7) The board shall, except as herein otherwise provided, as respects the amendment of proceedings, the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in the Court of King's Bench.

1916, c.11, s.1; 1917 (sess. 2), c.61, s.2; R.S.S.
1920, c.23, s.52.

Jurisdiction exclusive

53 The board shall have exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act.

1916, c.11, s.2; R.S.S. 1920, c.23, s.53.

Rehearing

54 The board may rehear any application before deciding it or may review, rescind, change, alter or vary any decision or order made by it.

1916, c.11, s.3; R.S.S. 1920, c.23, s.54.

Orders may be conditional

55(1) The board may direct in any order that the same, or any portion or provision thereof, shall come into force at a future fixed time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance, to the satisfaction of the board or person named by it for the purpose, of any terms which the board may impose upon any party interested, and the board may direct that the whole or any portion of such order, shall have force for a limited time, or until the happening of any specified event.

(2) The board may, instead of making an order final in the first instance, make an interim order and reserve further directions, either for an adjourned hearing of the matter for further application.

1916, c.11, s.4; R.S.S. 1920, c.23, s.55.

Extent of relief

56 Upon any application to the board, the board may make an order granting the whole, or part only, of such application, or may grant such further or other relief in addition to, or in substitution for, that applied for as to the board seems just and proper, as fully and in all respects as if such application had been for such partial, further or other relief.

1916, c.11, s.5; R.S.S. 1920, c.23, s.56.

Interim *ex parte* order

57 The board may, if the special circumstances of any case, in its opinion, so require, make an interim *ex parte* order authorising, requiring or forbidding anything to be done which the board would be empowered on application, petition, notice and hearing to authorise, require or forbid, but no such order shall be made for any longer time than the board may deem necessary to enable the matter to be heard and determined.

1916, c.11, s.6; R.S.S. 1920, c.23, s.57.

Extension of time

58 When any work, act, matter or thing is, by any regulation, order or decision of the board, required to be done, performed or completed within a specified time, the board may, if the circumstances of the case in its opinion so require, upon giving such notice as it may deem reasonable, or in its discretion without notice, extend the time so specified.

1916, c.11, s.7; R.S.S. 1920, c.23, s.58.

Order is final

59 Every order of the board shall be final, and no order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari*, or any other process or proceeding in any court.

1916, c.11, s.8; R.S.S. 1920, c.23, s.59.

May appoint person to inquire and report

60(1) The board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute before the board, or upon any matter or thing over which the board has jurisdiction.

(2) The board may order by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses.

1916, c.11, s.9; R.S.S. 1920, c.23, s.60.

Consent of ratepayers not required

61 It shall not be necessary that any of the bylaws for the purposes mentioned in this Act shall be submitted to, or receive the assent of, the ratepayers otherwise entitled to vote thereon.

1916, c.11, s.10; R.S.S. 1920, c.23, s.61.

Specific powers**62** The board shall have power:

- (a) to order and direct the retirement of outstanding debentures and accounts for new debentures to be issued; and to fix the terms and conditions upon which such exchange shall be made;
- (b) to order and direct the consolidation of the existing debenture debt and to authorise the issue of new debentures to cover such consolidation and outstanding accounts, and to fix the terms and conditions applicable thereto;
- (c) to order and direct that the holders of outstanding debentures and accounts shall be entitled to and be bound to accept in exchange for debentures or accounts held by them, debentures to be issued, and to fix the terms and conditions upon which such exchange shall be made, such debentures to be issued in such manner as the board deems advisable;
- (d) to appoint a time and place at which outstanding debentures or receipts for accounts may be deposited or offered in exchange for debentures issued or to be issued;
- (e) to order and direct that, after the provision for exchange or otherwise respecting the cancellation or calling in of outstanding debentures comes into effect, no levy of rates or sums imposed or required to be levied by the bylaws, under the authority of which the outstanding debentures or any of them were issued, shall be made:

Provided, however, that the board may order and direct a continuation of the levies of rates or sums imposed against properties specially taxed under the authority of local improvement bylaws;

- (f) to order and direct that taxes, whether in arrears or not, be set aside to be used for any specific purpose or purposes;
- (g) to ratify and confirm any agreement entered into by a municipal corporation or school district with the holders of outstanding debentures or accounts. Such ratification and confirmation of such agreement by the board shall make the agreement legal, valid and binding on all the parties thereto;
- (h) to order and direct that a municipal corporation or school district be relieved from or do defer levying in any year or for such term of years and upon such conditions as the board directs, any rate imposed by any bylaw or bylaws under which a debt was contracted prior to such order.

1916, c.11, s.11; 1917 (sess. 2), c.61, s.3; R.S.S.
1920, c.23, s.62.

After order legal proceedings forbidden

63 Upon the order of the board directing the cancellation, exchange, calling in or withdrawal of debentures or accounts outstanding at the date of the order of the board, no action or other proceeding shall be maintained by or on behalf of the holder of debentures issued or on any account existing prior to the date of said order, or of coupons to such debentures, and judgment recovered in respect of any such debenture account or coupon shall not be enforceable against the municipal corporation or school district, its property or effects, and it shall be a sufficient defence to any such action or proceeding to state that any new debenture or debentures issued under the provisions of this Act had been duly lodged or tendered as directed by the board, and on the same facts being shown, proceedings in any action or on such judgment may be stayed or set aside.

1916, c.11, s.12; R.S.S. 1920, c.23, s.63.

Certain Acts apply

64 The provisions of part I and part III of this Act and of *The Municipal Debentures Repayment Act*, shall, except in so far as inconsistent herewith, be applicable hereto.

1916, c.11, s.13; R.S.S. 1920, c.23, s.64.

Municipal Acts apply

65 The provisions of any Act or Acts relating to such municipal corporation or school district shall, except in so far as such Act is inconsistent herewith, be applicable hereto.

1916, c.11, s.14; R.S.S. 1920, c.23, s.65.

Approval of forms

66 Notwithstanding anything contained in any Act or law to the contrary, any bylaws and debentures issued pursuant to this Act may be in such form as may be approved by the board, and, upon such approval being given, no irregularities in the form of any of the debentures issued under the authority of this Act or any bylaw authorising the issue thereof or any other bylaw herein referred to, shall render the same invalid or be allowed as a defence to any action against the municipal corporation or school district for the recovery of the amount thereof or the interest thereon or any part thereof.

1916, c.11, s.15; R.S.S. 1920, c.23, s.66.

Cancelled debentures no part of outstanding indebtedness

67 No portion of the debenture indebtedness of the municipal corporation or school district represented by the debentures ordered to be cancelled or retired shall after the order of the board for cancellation, exchange or other disposition of such outstanding debentures, form part of the general debt of the municipality or school district within the meaning of the Act or Acts limiting the borrowing powers of such municipal corporation or school district, and it shall not be necessary to recite the amount of the loan secured by such outstanding debentures.

1916, c.11, s.16; 1917, c.34, s.49; R.S.S. 1920, c.23, s.67.

Annual estimates submitted

68 During the period such order of the board continues in force, the council of the municipal corporation, or the board of trustees of the school district, shall, unless the board otherwise orders, submit annually to the board for revision and approval a statement of the annual estimates of expenditure of the municipal corporation or school district for the then current year, such annual estimates when approved by the board shall be final and binding upon the municipal corporation or school district, unless subsequently varied or cancelled by an order of the board.

1916, c.11, s.17; R.S.S. 1920, c.23, s.68.

Rates approved

69 During the period such order of the board continues in force, the council of the municipal corporation, or the board of trustees of the school district, shall submit annually to the board for revision and approval the rate or rates proposed to be struck for the then current year. The rate so approved or fixed by the board shall be final and binding upon the municipal corporation or school district for the then current year.

1916, c.11, s.18; R.S.S. 1920, c.23, s.69

Appointment by judge of person to do act omitted by local authority

70(1) If default is made by a municipal corporation or school district in the doing of any act, matter or thing which the board has ordered or directed to be done, any person interested may thereupon make application to a judge of the Court of King's Bench in chambers for the appointment of such person as trustee as to such judge seems a proper and fit person to do the act, matter or thing in respect of which default was made, the judge being hereby authorised to make such appointment in every such case.

(2) The person so authorised as trustee may do such act, matter or thing and shall have exclusive jurisdiction in that respect, and the expenses incurred in the doing of the same may be recovered from the municipal corporation or school district in default as money paid for and at the request of such municipal corporation or school district, and the certificate of a judge of the Court of King's Bench as to the amount so expended shall be conclusive evidence thereof.

1916, c.11, s.19; R.S.S. 1920, c.23, s.70.

Publication of orders

71 All orders and directions made by the board under the provisions of this Act shall, when published by the board, or by leave of the board, in two successive issues of *The Saskatchewan Gazette*, and while the same remain in force, have the like effect as if enacted in an Act of the Legislature, and all courts shall take judicial notice thereof.

1916, c.11, s.20; R.S.S. 1920, c.23, s.71.

PART III**Miscellaneous Provisions****COSTS AND FEES****Costs and taxation**

72(1) The costs of and incidental to any proceeding before the board, except as herein otherwise provided, shall be in the discretion of the board, and may be fixed in any case at a sum certain or may be taxed.

(2) The board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

(3) The board may prescribe a scale under which such costs shall be taxed.

1917, c.8, s.52; R.S.S. 1920, c.23, s.72.

Fees on application for municipal loans

73 With every application for permission to raise money by way of loan or debentures or other security there shall be paid in the case of cities a fee of \$5, in the case of towns \$3, and in all other cases a fee of \$1, and such fee shall in all cases accompany the application.

1917, c.8, s.53; R.S.S. 1920, c.23, s.73.

Fees, how regulated

74(1) The board may, with the approval of the Lieutenant Governor in Council prescribe the fees to be paid by local authorities or persons interested in the matters which come before it.

(2) Such fees may be either in addition to or in substitution for fees which have hitherto been prescribed by statute.

1917, c.8, s.54; R.S.S. 1920, c.23, s.74.

Annual report to Legislature

75(1) The board shall, in the month of January in each year, transmit to the president of the Executive Council for the year ending on the thirty-first day of December previous, a report showing briefly:

- (a) applications to the board and summaries of the findings made thereon;
 - (b) the number and the nature of the inquiries which it has held of its own motion;
 - (c) such matters as the Lieutenant Governor in Council directs.
- (2) The report shall be laid before the Legislative Assembly during the first fifteen days of the then next ensuing session, or within fifteen days after its receipt if the Legislature shall be then sitting.

1918-19, c.43, s.1; R.S.S. 1920, c.23, s.75.

GENERAL**Audit of accounts**

76 The Provincial Auditor shall arrange for an annual audit of the accounts of the board in connection with sinking funds and their management, and an inspection of the books and records of the board connected with such funds for the preceding financial year. Such audit and inspection shall be under the supervision of the Provincial Auditor and the costs and expenses thereof shall be paid by the board as part of the cost of managing the funds at its disposal.

1917, c.8, s.55; R.S.S. 1920, c.23, s.76.

