

# *The Town Act*

*being*

Chapter 138 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

## **NOTE:**

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

# Table of Contents

	SHORT TITLE		REMUNERATION OF COUNCIL
1	Short title	33	Remuneration of mayor and councillors
	INTERPRETATION		MAYOR
2	Interpretation	34	Duties
3	Boundaries of townships and sections	35	Appointment of special constables
4	Computation of time	36	Power of suspension
5	Extension of time	37	To preside, etc.
6	Declaration instead of oath	38	Deputy mayor
7	Forms	39	Chairman
8	Bylaw changes	40	Vote
	PART I	41	Special meetings
	<b>Incorporation</b>	42	Public meetings
9	Corporation name	43	Signing of cheques
10	Annexation of territory		OFFICIALS
11	Altering limits of a town	44	Appointment
12	Powers under sections 10 and 11	45	Tenure of office
13	Change of name	46	Security
14	Existing rights not affected	47	Character of security
	REVERSION OF TOWN TO VILLAGE	48	Liability
15	Procedure	49	Gratuities
	PART II		TOWN CLERK
	<b>Municipal Government</b>	50	Town clerk to attend meetings, etc.
	POWERS AND CONSTITUTION	51	Absence
16	Exercise of powers	52	Records open to inspection
17	Constitution of council	53	Evidence of records
18	Polling subdivisions		THE TREASURER
19	Alterations	54	Custody of funds
20	Term of office of mayor and councillors	55	Absence
21	Persons eligible for council	56	Deposits and cheques
22	Persons disqualified for council	57	Books and statements
23	Emoluments	58	Fees for searches
	VACANCIES	59	Treasurer furnishes security
24	Resignation		TOWN SOLICITOR
25	Declaration of vacancy	60	Appointment and duties
26	Election to fill vacancy	61	Remuneration
27	Compulsory resignation		BUILDING INSPECTOR
28	Power of minister to appoint councillors, etc.	62	Restrictions as to approval of plans
	MEETINGS OF COUNCIL		AUDIT
29	First meeting	63	Appointment of auditors
30	Subsequent meetings	64	Audit
31	Quorum	65	Audit before payment
32	Conduct of meetings	66	Notice of tax indebtedness

## FINANCIAL STATEMENTS

- 67 Treasurer
- 68 Auditor
- 69 Delivery and publication
- 70 Inspections
- 71 Financial year

## DECLARATIONS OF OFFICE

- 72 Declarations by officials
- 73 Holders of more than one office
- 74 Declaration of auditor
- 75 Before whom taken
- 76 Power to administer oaths, etc.
- 77 Deposit of oath
- 78 Oaths concerning matters before council

## POLICE

- 79 Constitution of police force
- 80 Appointed by council
- 81 Council makes regulations
- 82 Duties of police constables
- 83 Dismissal or suspension from force
- 84 Agreement with Government of Canada to police town

## PART III

**Municipal Elections**

## FIRST ELECTION

- 85 First election
- 86 Persons eligible as candidates
- 87 Who may nominate candidates
- 88 Term of office of mayor
- 89 Term of office of councillors
- 90 Village council continued until election of town council
- 91 Date of first election
- 92 Special election before preparation of voters' list
- 93 Names furnished the returning officer

## VOTERS' LIST

- 94 Qualification of voters
- 95 Polling subdivisions
- 96 Residents' list
- 97 Enumeration of voters
- 98 Preparation of list
- 99 Interfering with voters' list
- 100 Town school districts mainly within town
- 101 Additions to list

- 102 Declaration on application for amendment of voters' list

- 103 Disqualification
- 104 Notice
- 105 List of applicants
- 106 Court of revision
- 107 Revised list
- 108 Powers of court

## PRELIMINARY PROCEEDINGS

- 109 Returning officer, etc.
- 110 Inability to act
- 111 Polling place not available
- 112 Notice of nomination
- 113 Nominations
- 114 Consent to nomination
- 115 Retention and disposal of nomination papers and candidates' acceptances
- 116 Poll declared
- 117 Notice of polling
- 118 Withdrawal of candidate
- 119 Abandonment of poll
- 120 Notice of abandonment
- 121 Vote by ballot
- 122 Ballot boxes
- 123 Their construction
- 124 Their distribution
- 125 Printed ballots
- 126 Contents
- 127 Names of candidates
- 128 Form of ballot
- 129 Directions for voters
- 130 Declaration of returning officers, etc.
- 131 Administration of oaths
- 132 Posting directions
- 133 Voting compartments
- 134 Copy of voters' list
- 135 Poll book
- 136 Certificate to persons attending other than their own poll
- 137 Rights on production of certificate
- 138 Oath to certificated persons
- 139 "Officer presiding"
- 140 Poll clerks and constables
- 141 Oath for poll officials

## THE POLL

- 142 Duration
- 143 Agents
- 144 Elector has only one vote
- 145 Evidence of voting
- 146 Exhibition of ballot box
- 147 Procedure in voting
- 148 Explanation to voter
- 149 Initialing poll book
- 150 Marking ballot
- 151 Secrecy of vote
- 152 Ballot not removed from poll
- 153 Removing ballot from poll
- 154 Inability, etc., to mark ballot
- 155 Voter who does not understand English language
- 156 Ballot spoiled before voting
- 157 Persons entitled to be in polling place

## SPECIAL POLL FOR ABSENTEES

- 158 Application of sections 159 to 166
- 159 Special polling place
- 160 Conduct of poll
- 161 Hours of poll
- 162 Declaration by voter
- 163 Poll clerk to record that declaration made
- 164 Oath of voter
- 165 Sealing ballot box
- 166 Counting votes

## PROCEEDINGS AFTER CLOSE OF POLL

- 167 Procedure on close of poll
- 168 Objections noted
- 169 Ballot numbered and initialed
- 170 Ballot endorsed
- 171 Count
- 172 Signed statement
- 173 Agents at count
- 174 Certificate of count
- 175 Certificate on poll book and sealing up of packages
- 176 Deputy's oath on return
- 177 Delivery to returning officer
- 178 Ballot paper account
- 179 Summary by returning officer of result
- 180 Declaration of result
- 181 Procedure in case of tie
- 182 Assumption of office
- 183 Return by returning officer to town clerk

- 184 Destruction of ballots

## GENERAL PROVISIONS

- 185 Candidate acting on his own behalf
- 186 Candidates and agents
- 187 Errors not affecting result
- 188 Expenses
- 189 Posting legal provisions at poll
- 190 Inspection of ballot papers
- 191 Printed documents to bear name of printer

## RECOUNTS

- 192 Recount
- 193 Deposit
- 194 Attendance
- 195 Opening of packets
- 196 Time
- 197 Mode of counting
- 198 Costs

## OFFENCES AND PENALTIES

- 199 Ballot papers and ballot boxes
- 200 Election officials
- 201 Secrecy of vote
- 202 Secrecy of vote

## SCHOOL TRUSTEES

- 203 Notice from school boards
- 204 Nomination and election
- 205 Same procedure as for councillors
- 206 Separate school supporters
- 207 Oaths
- 208 Form of ballot

## PART IV

### Powers and Duties of the Council

- 209 Extent of jurisdiction

## BYLAWS

- 210 Resolutions of council
- 211 Passing, signing and sealing of bylaw
- 212 Evidence of bylaw
- 213 Proof of approval of bylaw
- 214 Printed copies as evidence
- 215 Petition for submission of bylaw
- 216 Repeal and amendment of bylaws
- 217 Quashing of bylaws and resolutions
- 218 Bylaws procured by bribery and corruption
- 219 Validation of bylaws

220 General power to pass bylaws

221 Powers in particular

#### LICENCES

222 Powers of council

223 Council has discretion

224 Refund on revocation

225 Licences not to exclude taxes

226 Production of provincial licence

227 Evidence of carrying on business

228 Notice to person employing contractor where licence fee unpaid

229 Information by licensees

#### SECURITY

230 Taking security

231 Acquiring property in settlement of or security for lien or charge

#### SURPLUS FUNDS

232 Investment of surplus funds

#### CLOSING OF SHOPS

233 Interpretation

#### CHILDREN OUT AT NIGHT

234 Power to pass bylaw

#### LICENSING WORKING CHILDREN

235 Powers of council

#### PUBLIC ACCOMMODATION

236 Public hotels, etc., subject to licence

237 Power of council to rent, lease or purchase buildings

238 Voting

239 Powers after securing authority

240 Provision of funds

241 Application for hotel licence

242 Application form

243 Issue of licence and fee

244 Application for renewal of licence

245 Licences framed and exhibited

246 Sign exhibited

247 Penalty for misrepresentation by unlicensed person

248 Notice of municipal bylaw

249 Conduct of hotels regulated by council

250 Suspension or cancellation of licence

251 Service and effect of notice of cancellation

252 Public rest and reading rooms

253 Notice displayed in public hotels, etc.

#### PROHIBITING CERTAIN BUSINESSES

254 Powers of council

#### SPECIAL FUNDS

255 Power to establish

#### PURCHASE AND DISPOSAL OF LAND

256 Acquiring land

257 Disposal of land

258 No sale at price less than actual value

259 Sale of lands to war veterans

260 Use of proceeds from sale of lands

261 Transfer of moneys from sinking fund

262 Disposal of income

#### TAKING MORE LAND THAN REQUIRED

263 Power to take more land than required

#### HOUSING

264 Power to enter into agreements

265 Power to erect, purchase and renovate dwellings

#### PUBLIC UTILITIES

266 Application of *Municipal Public Works Act*

267 Same

268 Agreements for joint use of poles

269 Airport

#### ESTABLISHING A MUNICIPAL CENTRE

270 Building bylaws

#### SUPERANNUATION AND BENEFIT FUND

271 Superannuation or benefit fund

#### RESTRAINING DRUNKEN PERSONS

272 Bylaws

#### PARKS BOARD

273 Appointment and duties

#### AUTO CAMPS

274 Power to acquire and operate camp

#### HOSPITAL BOARD

275 Appointment and duties

#### CARE OF INDIGENT SICK PERSONS

276 Liability for medical expenses of residents for thirty days

277 Agreement with medical practitioner

278 Residents for less than thirty days

279 Where correct name not furnished

280 Harvesters

- 281 Information to be supplied by hospital board
- 282 Liability where hospital outside province
- 283 Recovery of expenses by town

#### BURIAL OF DESTITUTE PERSONS

- 284 Burial of destitute persons

#### SASKATCHEWAN ANTI-TUBERCULOSIS LEAGUE

- 285 Statement by Saskatchewan Anti-Tuberculosis League
- 286 Payment by town
- 287 Power to make special levy
- 288 Taxes recoverable

#### NOXIOUS WEEDS

- 289 Inspectors

#### INSPECTING AND TESTING CATTLE

- 290 Powers of council

#### RESTRAINING ANIMALS RUNNING AT LARGE

- 291 Powers of council
- 292 Penalty for improper impounding
- 293 Notice by poundkeeper
- 294 Copies of notices posted at pound
- 295 Sale of impounded animals
- 296 Poundkeeper not to have interest in sale
- 297 When animals may not be sold
- 298 Particulars of sale to town clerk
- 299 Poundkeeper does not require auctioneer's licence
- 300 Proceeds of sale
- 301 Owner's claim to net proceeds

#### SUNDAY STREET CARS

- 302 Powers of council

#### DANGEROUS CROSSINGS

- 303 Stop signs

#### AREAS UNDER SIDEWALKS

- 304 Areas under sidewalks

#### COLD STORAGE

- 305 Cold storage

#### FUEL

- 306 Powers of council

#### DECLARING AND ABATING NUISANCES

- 307 Powers of council

#### EXTRAORDINARY EXPENDITURES

- 308 Powers of council

#### DOING OMITTED WORK

- 309 Powers of council

#### RESTRICTIONS ON JURISDICTION

- 310 Restrictions
- 311 Jurisdiction beyond town limits
- 312 No bonusing
- 313 No exclusive franchise

#### PART V

#### Voting on Bylaws

- 314 Interpretation
- 315 Procedure
- 316 Publication
- 317 Advertisement
- 318 Statement by returning officer
- 319 Voting on several bylaws
- 320 Votes of corporations and religious organizations
- 321 Printing ballot papers
- 322 Appointment of representatives for final count
- 323 Declaration of appointee
- 324 Production of appointment
- 325 Substitute
- 326 Form of ballot in case of bylaw
- 327 Form of ballot in case of a question
- 328 Persons present at poll
- 329 Certain sections to apply
- 330 Voters' lists
- 331 Preparation of lists
- 332 Elector votes once only
- 333 Form of poll book
- 334 Vote by ballot
- 335 Duration
- 336 Officers' declarations
- 337 Directions to voters
- 338 Oath of voter
- 339 Oath on behalf of corporation
- 340 Presiding officer's statement
- 341 Objections
- 342 Count
- 343 Return
- 344 Certificate of result
- 345 Summary by returning officer
- 346 Certificate of result to council
- 347 Secrecy of vote
- 348 Section 201 to apply
- 349 Scrutiny

- 350 Notice
- 351 Hearing by judge
- 352 Powers of judge
- 353 Passing bylaw
- 354 Certain sections apply

## PART VI

### Capital Finance

#### DEBENTURE DEBTS

- 355 Power to borrow money
- 356 Debentures
- 357 Limitation of period for payment
- 358 Limitation of amount
- 359 Calculation of amount of debt
- 360 Contents of bylaw
- 361 Time of taking effect
- 362 Optional mode of payment
- 363 Debentures and coupons payable in cash
- 364 Change in mode of issue of debentures
- 365 Changing rate of interest
- 366 Power to borrow additional sums
- 367 Light, power and waterworks debentures

#### APPROVAL OF MINISTER

- 368 Minister's certificate of approval
- 369 Certificate granted upon proof of substantial compliance with law
- 370 Bylaw and debentures not open to question after approval
- 371 Countersigning of debentures
- 372 Validity of bylaws and debentures

#### FORM OF DEBENTURES

- 373 Forms
- 374 Execution of debentures
- 375 Signatures on coupons
- 376 Times and modes of issue
- 377 Validation of debentures

#### DEBENTURE REGISTER

- 378 Debenture register
- 379 Effect of registration
- 380 Certificate of registration
- 381 Registration of transfer
- 382 Debenture transfer register
- 383 Transmission of debentures, etc., by will or upon intestacy

## REPAYMENT OF DEBENTURES

- 384 Interest and sinking fund accounts
- 385 Disposal of surplus
- 386 Surplus income from civic works
- 387 Loan on debenture
- 388 Cancellation of debentures purchased by town

### SINKING FUND

- 389 Treasurer's annual statement
- 390 Neglect to levy sinking fund
- 391 Sinking fund bank account
- 392 No diversion of sinking fund
- 393 Deficiency in sinking fund
- 394 Investment of sinking fund
- 395 Prohibition as to investment
- 396 Redemption of debentures
- 397 Use of excess interest on sinking fund
- 398 Liability for diversion
- 399 Annual return as to sinking fund
- 400 Penalty

### SINKING FUND TRUSTEES

- 401 Appointment
- 402 Powers of trustees
- 403 Temporary loans
- 404 Sinking fund account
- 405 Quorum of trustees
- 406 Power to purchase town securities
- 407 Power of council to require change of investments
- 408 Trust company

### PROVINCIAL TREASURER

- 409 Deposit with Provincial Treasurer
- 410 Amount payable into sinking fund a debt due to the Provincial Treasurer
- 411 Copy of bylaws sent to Provincial Treasurer

### DISPOSAL OF CAPITAL FUNDS

- 412 Capital and current expense
- 413 Liability for diversion
- 414 Penalty
- 415 Disposal of unexpended balances
- 416 Misappropriation of unexpended balances

## PART VII

### Assessment and Taxation

#### ASSESSMENT

- 417 Assessment districts
- 418 Preparation of assessment roll

419 Assessment of land and buildings, etc.

420 Businesses

421 No double assessment

422 Farm lands

423 Information for assessor

424 Roll checked by assessment committee

425 Fraudulent assessment

426 Notice of assessment by publication

427 Notice by mail

428 Alternative procedure

#### APPEAL TO COURT OF REVISION

429 Appeal

430 Court of revision

431 Form of notice of appeal

432 Notice of hearing

433 Time of notice

434 List of appeals

435 Secretary

436 Conduct of hearing

437 Nonappearance

438 Evidence

439 Termination of sittings

440 Amendment of roll

441 Binding effect of amended roll

442 Reassessment in case of subdivision

#### GENERAL PROVISIONS AS TO ASSESSMENT ROLL

443 Evidence of roll

444 Omissions from roll

445 Exempt property when sold to be reassessed

446 Person claiming to be assessed

447 Adoption of roll

448 Right of appeal

449 Correcting gross errors

#### APPEAL FROM COURT OF REVISION TO SASKATCHEWAN ASSESSMENT COMMISSION

450 Appeal

451 Proceedings on appeal

452 Filing of decisions

#### APPEAL FROM SASKATCHEWAN ASSESSMENT COMMISSION TO COURT OF APPEAL

453 Appeal to Court of Appeal

#### STATED CASES FROM SASKATCHEWAN ASSESSMENT COMMISSION TO COURT OF APPEAL

454 Power of commission to submit stated case on question  
of law

455 Correction of roll

#### BINDING EFFECT OF ASSESSMENT ROLL

456 Roll binding when certificate issued by minister

#### TAXATION

457 Subjects of taxation

458 Exemptions

459 Exceptions to exemptions

460 Liability for local improvement taxes

461 Adjustment of levy on commencement or  
discontinuance of business

462 Certain buildings liable to taxation as improvements

463 Liability of building owner for business tax

464 Rental tax

465 Service tax

466 Information by employers

467 Failure to furnish information

468 Mode of collection

469 Amusement tax

#### ESTIMATES AND LEVY

470 Estimates

471 Levy

472 Bylaws

473 Agreement with The Director, The Veteran's Land Act

474 Deficiency

475 Surplus

476 Date of maturity of taxes

#### TEMPORARY LOANS

477 Temporary loans

478 Limitation

#### TAXES

479 Tax roll

480 Conversion of business tax to licence fee

481 Tax notice to resident

482 Tax notice to nonresident

483 Instalments and discount

484 Discount on advance payments of taxes

485 Penalty for nonpayment of taxes

486 Land tax a lien

487 Evidence of tax

488 Collection from tenant

489 Deduction by tenant

490 Insurance moneys applied on taxes



- 491 Distress for taxes
- 492 Security for business tax
- 493 Distress for licence fee
- 494 Removal or demolition of buildings prohibited if taxes unpaid
- 495 Executor, administrator, trustee or liquidator
- 496 Anticipatory distress
- 497 Errors
- 498 Priority over distress by landlord
- 499 Suit for taxes
- 500 Tax certificates and searches
- 501 Compromise and remission of taxes
- 502 Compromise by consent of minister
- 503 Transfer of taxes to school district
- 504 Charging back to school district
- 505 Compromise of school taxes

#### SPECIAL PROVISIONS

- 506 Power to adopt
- 507 Provisions as to assessment and taxation apply

#### PART VIII

#### Local Improvements

#### INTERPRETATION

- 508 Interpretation

#### LOCAL IMPROVEMENT WORKS

- 509 Works which may be undertaken
- 510 Works undertaken in connection with sewer or pavement
- 511 Construction of private drain connections without petition
- 512 Making sewer and water connections compulsory
- 513 Power of council to advance portion of cost
- 514 Payment by owner in lump sum
- 515 Same

#### PROCEDURE FOR UNDERTAKING WORK

- 516 Bylaws for undertaking work
- 517 Construction on two-thirds vote without petition
- 518 Construction of sewer on recommendation of health authorities
- 519 Publication of notice of intention
- 520 Signatures required to petition
- 521 Petition granted by succeeding council
- 522 Undertaking by owners to connect premises with sewer and water mains
- 523 Initiative plan—contents, publication and service of notice

- 524 Effect of petition against work
- 525 Lot of petitioner described
- 526 Assessor determines sufficiency of petition
- 527 Petitions lodged with clerk
- 528 Withdrawal of name from petition

#### HOW COST OF WORK TO BE ASSESSED

- 529 Frontage rate
- 530 Town's portion of cost
- 531 Apportionment of cost of sewers
- 532 Common sewer
- 533 Special frontage assessment
- 534 Assessment where lot does not abut on the work
- 535 Assumption by town of part of cost of sidewalk or pavement
- 536 Reduction of assessment of corner lots
- 537 Assessment of cost of sidewalk or curb
- 538 Assessment of nonabutting land for cost of certain sewers
- 539 Apportionment of cost of bridge or opening of street
- 540 Assessing cost of fire wall
- 541 Power of council to grant owner reduced assessment by way of compensation
- 542 Assessment of nonabutting land equally benefited
- 543 Assessment of nonabutting land unequally benefited
- 544 Assessment for high pressure water main
- 545 Apportionment of rate in case of subdivision
- 546 Ascertaining proportions of cost
- 547 Sewer and water connections
- 548 Payment when work done
- 549 Special assessment roll
- 550 Assessment of land exempt from taxation
- 551 Watermains

#### APPEAL AGAINST SPECIAL ASSESSMENT

- 552 Appeal
- 553 Powers of court of revision
- 554 Adjourned sittings
- 555 When roll final
- 556 Appeal to Local Government Board

#### BORROWING POWERS

- 557 Temporary loans
- 558 Consolidation of bylaws
- 559 Annual instalments of special assessment
- 560 Annual instalments to form part of taxes
- 561 Where assessments irregular new assessments may be made

## REPAIR OF WORK

562 Repair at expense of town

## MISCELLANEOUS

563 Special rates not deemed encumbrances

564 Work continued by succeeding council

565 Local Government Board approves forms

566 Rebating special assessments

## PART IX

### Highways and Public Places

567 Control of highways within the town

568 Outside the town

569 Closing, etc., of streets

570 Responsibility for repairs

571 Snow or ice on sidewalk

572 Action within three months

573 Notice of claim

574 Failure to give notice

575 Municipalities liable jointly

576 No liability on officer of town

577 Town's remedy over in action for damages

578 In same action

579 Party defendant

580 In separate action

581 Admission of third party's liability

582 Nonadmission of liability

## PART X.

### Actions by and against Town

583 Rights as in proceedings

584 Notice of action in certain cases

585 Tender of amends

586 Limitation of period of liability

## CLAIMS FOR DAMAGE TO LAND

587 Interpretation

588 Liability of town

589 Limitation of actions for damages

## EXECUTIONS AGAINST TOWNS

590 Procedure on writs of execution in sheriff's hands

## PART XI

### Penalties

591 Amount of penalty, etc.

592 Recovery

593 Penalty paid to the town

594 Order to comply with bylaw

## PART XII

### Miscellaneous

## GOVERNMENTAL COMMISSION OF INQUIRY

595 Inquiry by Government

## JUDICIAL COMMISSION OF INQUIRY

596 Inquiry

597 Investigation by committee of the council

## ERECTION OF TOWNS INTO CITIES

598 Erection of towns into cities

## CHAPTER 138

### An Act respecting Towns

#### SHORT TITLE

##### Short title

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

R.S.S. 1953, c.138, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act:

##### “arrears of taxes”

- 1 “**arrears of taxes**” means taxes unpaid and outstanding after the expiry of the year in which they were imposed;

##### “boarding house”

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

##### “burgess”

- 3 “**burgess**” means an elector who is assessed upon the last revised assessment roll;

##### “business”

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

##### “clerk”, etc.

- 5 “**clerk**”, “**treasurer**”, “**assessor**” and “**auditor**” mean respectively the persons occupying the positions of clerk, treasurer, assessor and auditor of a town;

##### “council”

- 6 “**council**” means the council of a town;

##### “elector”

- 7 “**elector**” or “**voter**” means a person entitled to vote at municipal and school elections in a town;

##### “hawker” or “pedlar”

- 8 “**hawker**” or “**pedlar**” means a person who:

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

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

- (e) a person selling newspapers or farm periodicals;
- (f) a farmer selling products raised in Saskatchewan on his own farm;
- (g) a person selling fish of his own catching;
- (h) a merchant selling or offering for sale goods, wares or merchandise which he ordinarily deals in, if he has a recognized place of business in the town and pays a business tax in respect thereof; provided that this exception does not apply to a person or corporation whose principal retail business is carried on through hawkers or pedlars;
- (i) a *bona fide* servant or an employee of such person or farmer or merchant, having written authority to sell;
- (j) a person holding written authority from the Canadian National Institute for the Blind or from the Canadian Federation of the Blind to sell goods and merchandise, and producing such authority when required to do so by any peace officer or town official;

**“judge”**

9 **“judge”** means a judge of the district court of the judicial district within which the town is situated, and **“court”** or **“district court”** means the said district court;

**“land”**

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

- (a) buildings, or parts of buildings, structures or fixtures, erected or placed upon, in, over, under, or affixed to land, but not machinery permanently affixed to buildings or imbedded in foundations, or such foundations;
- (b) structures and fixtures erected or placed upon, in, over, under, or affixed to, any highway, lane or public place or water, but not the rolling stock of a railway, electric railway, tramway or street railway;

**“minister”**

11 **“minister”** means the Minister of Municipal Affairs;

**“money bylaw”**

12 **“money bylaw”** means a bylaw for contracting a debt or obligation or for borrowing money;

**“municipality”, etc.**

13 **“municipality”, “town” or “town municipality”** means any town now incorporated as such and also any town incorporated under the provisions of this Act;

**“occupant”**

14 **“occupant”** includes the resident occupier of land or, if there is no resident occupier, the person entitled to the possession thereof, a leaseholder and a person having or enjoying in any way for any purpose the use of land otherwise than as owner;

**“owner”**

15 **“owner”** means a person who has any right, title, estate or interest in land other than that of a mere occupant, tenant or mortgagee;

**“parcel”**

16 **“parcel”** means a lot or block in a registered subdivision, or a part of such lot or block, or a number of lots or blocks when assessed together;

**“person”**

17 **“person”** includes a corporation or partnership, and women as well as men;

**“pipe line”**

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

**“places of public accommodation”**

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

**“public hotel”**

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

**“railway company”**

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

**“railway roadway”**

22 **“railway roadway”** means the continuing strip of land not exceeding one hundred feet in width and used by the railway company as a right of way and includes the superstructure thereon;

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

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

**“referred bylaw”**

24 **“referred bylaw”** means a bylaw referred to the vote of the burgesses or the electors, as the case may require;

**“resident”**

25 **“resident”** means a person residing within the town;

**“restaurant”**

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

**“revised assessment roll”**

27 **“revised assessment roll”** means the assessment roll of the town as finally adopted by the council or, where there have been any appeals to the Saskatchewan Assessment Commission, as finally revised by the commission, and includes any additions made to the roll under sections 444 and 445;

**“revised voters’ list”**

28 **“revised voters’ list”** means the voters’ list of the town as finally revised by the court of revision;

**“special franchise”**

29 **“special franchise”** means every right, authority or permission to construct, maintain or operate within the town in, under, above, on or through any highway, road, street, lane, public place or public water within the jurisdiction of the town, any poles, wires, tracks, pipes, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or motor omnibus systems, 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 or heat, power, transportation, telegraphic or other service;

**“transient trader”**

30 **“transient trader”** means:

- (a) a person doing business in the municipality 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;
- (b) a person commencing any business whatever in the municipality who has not been entered on the assessment roll for the then current year in respect of business.

1947, c.44, s.2; 1948, c.34, s.2; 1951, c.41, s.2;  
1953, c.47, s.2; R.S.S. 1953, c.138, s.2.

**Boundaries of townships and sections**

**3** For the purpose of defining boundaries of a town under this Act those sides of road allowances on which monuments or posts have been or are hereafter placed under a survey made or to be made pursuant to any statute of the Parliament of Canada or of the Legislature of Saskatchewan governing the survey of lands, shall be the boundaries either of townships or of sections:

Provided that in the case of correction lines the south side of the road allowance shall be the boundary, and that the boundaries of an Indian reserve shall be the lines defining that side of the road allowance immediately next to the reserve.

1947, c.44, s.3; R.S.S. 1953, c.138, 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 contained in this section extends or applies to the day fixed by this Act for the nomination or election of candidates for the offices of mayor or councillor.

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

(3) Notwithstanding the provisions of *The Interpretation Act*, the word “holiday” mentioned in subsection (1) includes any day which is proclaimed a civic holiday under the provisions of this Act.

1947, c.44, s.4; R.S.S. 1953, c.138, s.4.

**Extension of time**

5(1) Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had, if it appears that such date was fixed having regard to an earlier date, on or by which certain other things are to be done or proceedings had, then, notwithstanding anything herein contained, if default is made in respect of the earlier date, a like delay shall be allowed in respect of the later date.

(2) If anything to be done by or under this Act at or within a certain fixed time cannot be or is not so done, the minister may from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired.

1947, c.44, s.5; R.S.S. 1953, c.138, s.5.

**Declaration instead of oath**

6 When a person is required by this Act to take an oath he may make a solemn declaration to the same effect, and such solemn declaration shall be deemed a sufficient compliance with the provisions of the Act.

1947, c.44, s.6; R.S.S. 1953, c.138, s.6.

**Forms**

7 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.

1947, c.44, s.7; R.S.S. 1953, c.138, s.7.

**Bylaw changes**

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

1947, c.44, s.8; R.S.S. 1953, c.138, s.8.

## PART I

**Incorporation****Corporation name**

**9** The inhabitants of every town heretofore or hereafter created or established in Saskatchewan shall be a municipal corporation under the name of "The Town of \_\_\_\_\_".

1947, c.44, s.9; R.S.S. 1953, c.138, s.9.

**Annexation of territory**

**10** When two-thirds of the adult inhabitants who are householders of and in any territory adjacent to the town 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 remove the said territory, or part thereof, from the local improvement district, rural municipality, village or city adjoining the town and annex the same to and make it part of the town, from and after such date and on such terms and conditions as the Lieutenant Governor in Council may order.

1947, c.44, s.10; 1953, c.47, s.3; R.S.S. 1953, c.138, s.10.

**Altering limits of a town**

**11(1)** The Lieutenant Governor in Council may upon the request of the council of a town include within the town any territory adjacent thereto, which, from the proximity of streets or buildings or from the probable future exigencies of the town, it may be deemed desirable to include therein or to annex thereto:

Provided that no 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 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) If it is satisfactorily shown that the limits of a town 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 council, make such alteration and make due provision for the settlement and adjustment of all matters arising out of the alteration.

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

(4) A proclamation issued under the provisions of this section shall provide that any territory added to or withdrawn from a town be withdrawn from or added to an adjoining local improvement district, rural municipality, village or city, as the case may require.

1947, c.44, s.11; R.S.S. 1953, c.138, s.11.



**Powers under sections 10 and 11**

**12** The powers conferred by sections 10 and 11 upon the Lieutenant Governor in Council to provide terms and conditions for the annexation of territory to a town shall, for greater certainty but not so as to restrict the generality of the provisions of these sections, include and be deemed always to have included the power to make any provision that may seem 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 town and the annexed territory, or arising out of or in connection with the annexation.

1947, c.44, s.12; R.S.S. 1953, c.138, s.12.

**Change of name**

**13** The Lieutenant Governor in Council may from time to time alter the name of a town upon the petition of the council and notice of such alteration shall be published in *The Saskatchewan Gazette*. In such case the seal theretofore used by the town shall continue to be the seal thereof until changed by the council.

1947, c.44, s.13; R.S.S. 1953, c.138, s.13.

**Existing rights not affected**

**14** No change in the name of a town made in accordance with the provisions of section 13 shall affect any obligation, right, action or property incurred, established, done or acquired prior to the change.

1947, c.44, s.14; R.S.S. 1953, c.138, s.14.

## REVERSION OF TOWN TO VILLAGE

**Procedure**

**15(1)** Upon recommendation of the minister the Lieutenant Governor in Council may by proclamation, which shall be published in the *Gazette*, revert a town to the status of a village.

(2) The proclamation shall be published not later than the first day of October and the town shall, on the first day of January next following, become a village.

(3) Upon the reversion of a town to a village all the provisions of *The Village Act* shall, except as herein otherwise provided, apply thereto.

(4) Upon publication of the proclamation the term of office of the councillors who were last elected for a two year term shall expire at the end of the current year, and in place of providing for the election of a mayor and councillors, the council shall take the necessary steps to provide for the election to office of three councillors.

(5) The councillors elected as provided in subsection (4) shall on and after the said first day of January be deemed to be the members of the council of the village, and shall have all the powers and be charged with all the duties of a village council, and shall hold office as follows:

(a) the councillor receiving the highest number of votes at the election shall hold office for three years from the said first day of January;

(b) the councillor receiving the second highest number of votes at the election shall hold office for two years from the said first day of January;

- (c) the remaining councillor shall hold office for one year from the said first day of January:

Provided that if such councillors are elected by acclamation the one first nominated shall hold office for three years, the one next nominated shall hold office for two years and the remaining councillor shall hold office for one year.

- (6) The town clerk shall become the secretary treasurer of the village, and all the other officers of the town shall be and become officers of the village, and each shall hold office at the pleasure of the council.

- (7) All books, accounts, records, lists, vouchers, moneys and all other properties of the town shall forthwith on demand of the secretary treasurer of the village be delivered by the person last holding them to the secretary treasurer of the village, who shall, for the purpose of receiving the said books, accounts, records, lists, vouchers, moneys and other properties be deemed to be the successor in office of the town clerk.

- (8) All bylaws of the town and all regulations made thereunder having force and effect in the town at the date of its reversion to a village shall, unless they conflict with the provisions of *The Village Act*, continue in full force in the village as bylaws of the village until amended or repealed by bylaws passed by the council.

- (9) All taxes due to the town shall, on its reversion to a village, be deemed to be taxes due to the village.

- (10) All suits and rights of action by or against the town shall, after its reversion to a village, be continued or maintained by or against the village, and all debts and liabilities of the town shall be assumed and paid by the village.

- (11) The title to and all rights in respect of any real estate or other property of the town shall, upon the reversion of the town to a village, be vested in the village.

1947, c.44, s.15; 1949, c.43, s.2; R.S.S. 1953,  
c.138, s.15.

---

## PART II

### Municipal Government

#### POWERS AND CONSTITUTION

##### Exercise of powers

- 16(1)** The powers of the corporation shall be exercised by the council of the town.

##### Council a continuing body

- (2) The council shall be deemed to be continuing, notwithstanding any annual or other election of the members composing it; and, after such election and the organization 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.

1947, c.44, s.16; R.S.S. 1953, c.138, s.16.

**Constitution of council**

**17** The council shall consist of the mayor who shall be head thereof, and six councillors.

1947, c.44, s.17; R.S.S. 1953, c.138, s.17.

**Polling subdivisions**

**18** The council may, by bylaw, divide the town into polling subdivisions with defined limits, and may alter the boundaries of existing subdivisions as occasion may require.

1947, c.44, s.18; R.S.S. 1953, c.138, s.18.

**Alterations**

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

1947, c.44, s.19; R.S.S. 1953, c.138, s.19.

**Term of office of mayor and councillors**

**20** Subject to the provisions hereinafter contained respecting the term of office of the mayor and councillors elected at the first election after a village becomes a town, the term of office of the mayor shall be for one year and the term of office of the councillors shall be for two years and both the mayor and the councillors shall be elected by a general vote of the electors.

1947, c.44, s.20; R.S.S. 1953, c.138, s.20.

**Persons eligible for council**

**21** Every person shall be eligible for election as mayor or councillor who is an elector, is a British subject, is of the full age of twenty-one years, is able to read and write, is not subject to any disqualification under this Act or *The Controverted Municipal Elections Act*, and is resident within the town or within two miles of its limits.

1947, c.44, s.21; 1948, c.34, s.3; R.S.S. 1953, c.138, s.21.

**Persons disqualified for council**

**22(1)** No judge of any court of civil jurisdiction, no sheriff, no jailer or keeper of a house of correction, no constable, assessor, town clerk, treasurer, auditor or other paid official of the town, no bailiff, no inspector of licences, no person having by himself, his partner or agent an interest in a contract with or on behalf of the town, or being indebted to the town, no surety for any officer or employee of the town, no undischarged bankrupt or undischarged authorized assignor and no person who has been convicted of an offence punishable with death shall be qualified to be a member of the council; and no person who has been convicted of an offence punishable with imprisonment for five years or over shall be so qualified for a period of five years after he has completed his sentence.

(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 town, or having a contract for the supply to him of a public utility, or having a contract with the town for the purchase or care of a cemetery plot or the purchase of a residential building lot intended as a site for his home, or by his having a lease of property from the town for a term of twenty-one years or upwards; but no such shareholder shall vote in the council on any question affecting such company, and no such leaseholder shall vote on any question affecting his lease.

(3) A certificate of the town treasurer, purporting to be signed by him and under the seal of the town, to the effect that the person named therein is indebted to the town in the amount mentioned therein or that such person is not indebted to the town, shall be received in any court as *prima facie* evidence of such indebtedness or non-indebtedness.

1947, c.44, s.22; 1953, c.47, s.4; R.S.S. 1953, c.138, s.22.

#### Emoluments

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

1947, c.44, s.23; R.S.S. 1953, c.138, s.23.

### VACANCIES

#### Resignation

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

1947, c.44, s.24; R.S.S. 1953, c.138, s.24.

#### Declaration of vacancy

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

1947, c.44, s.25; R.S.S. 1953, c.138, s.25.

#### Election to fill vacancy

**26(1)** Subject to subsection (2), if a seat in the council becomes vacant by death, resignation or otherwise, the council shall forthwith appoint a returning officer to hold an election to fill the vacancy, and the election shall be held in the same manner as nearly as may be as other elections under this Act.

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

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

(4) Where more than the regular number of vacancies are to be filled at a general election every elector shall be entitled to vote for as many extra candidates as are required to fill the vacancies and the candidates obtaining in order of sequence the next highest number of votes after the regular number of councillors have been elected shall fill the additional vacancies for the unexpired terms:

Provided that where no more candidates are nominated than the number required to fill all vacancies the candidates last nominated shall be deemed to be elected to fill the additional vacancies for the unexpired terms.

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

1947, c.44, s.26; 1950, c.35, s.2; R.S.S. 1953, c.138, s.26.

#### **Compulsory resignation**

**27** If a member of the council forfeits his seat in the council or his right thereto, or becomes disqualified to hold the same, or if his seat becomes vacant by disqualification or otherwise, he shall forthwith resign his seat and if he does not do so within ten days thereafter proceedings may be taken to unseat him as provided by law.

1947, c.44, s.27; R.S.S. 1953, c.138, s.27.

#### **Power of minister to appoint councillors, etc.**

**28(1)** The minister may at any time appoint some person or persons to act in the room and stead of the council, town clerk, treasurer and assessor of a town or of any one or more of them and every person so appointed shall have all the powers and authority conferred by this Act on a town council, clerk, treasurer and assessor or on such one or more of them in whose stead he is appointed and shall be remunerated out of the funds of the town or otherwise as the minister may determine.

(2) Upon the appointment of any person as aforesaid, the person or persons, as the case may be, previously elected as members of the council and in whose stead such appointment or appointments were made, shall cease to hold office.

1947, c.44, s.28; R.S.S. 1953, c.138, s.28.

## MEETINGS OF COUNCIL

**First meeting**

**29** The first meeting of the council in each year shall be held on or before the tenth day of January; and the council of the previous year shall hold office until the new council meets.

1947, c.44, s.29; R.S.S. 1953, c.138, s.29.

**Subsequent meetings**

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

1947, c.44, s.30; R.S.S. 1953, c.138, s.30.

**Quorum**

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

1947, c.44, s.31; R.S.S. 1953, c.138, s.31.

**Conduct of meetings**

**32** 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 the meeting.

1947, c.44, s.32; R.S.S. 1953, c.138, s.32.

## REMUNERATION OF COUNCIL

**Remuneration of mayor and councillors**

**33(1)** The mayor shall be paid such remuneration not exceeding \$300 per annum as may be fixed by the council.

(2) The council may pass a resolution for paying a sum not exceeding \$4 per diem for each councillor for attending each meeting of the council.

(3) The total number of meetings for which councillors may be paid during the year for which they are elected shall not exceed thirty, provided that if the population of the town, according to the last Dominion census, exceeds three thousand, councillors may be paid for one additional meeting for each one hundred of the population in excess of three thousand and not exceeding forty-five hundred.

(4) A member of the council appointed to any board which is under the jurisdiction of the council may be paid the remuneration fixed by council for members of such board.

(5) A member of the council entrusted by that body with any business of the town requiring his absence therefrom or appointed a delegate to any convention held within or outside the town may be paid such *per diem* allowance as may be specified not exceeding \$10 per day for each day he is required to absent himself from his own business, trade or calling to attend to the duties so imposed upon him and such allowance shall be in addition to his actual expenses for travelling and accommodation.

1947, c.44, s.33; 1948, c.34, s.4; 1951, c.41, s.3;  
1953, c.47, s.5; R.S.S. 1953, c.138, s.33.

## MAYOR

**Duties**

**34(1)** The mayor shall be the chief executive officer of the town, and it shall be his duty to be vigilant and active in causing the laws governing the town to be duly executed, to inspect the conduct of all municipal officers, to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished so far as in his power, to communicate 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 town.

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

1947, c.44, s.34; R.S.S. 1953, c.138, s.34.

**Appointment of special constables**

**35(1)** The mayor may by writing under his hand appoint and engage one or more special constables within the town for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of a special constable shall cease if his appointment is not confirmed at the next regular meeting of the council.

(2) Special constables shall form a part of the police force of the town.

1947, c.44, s.35; R.S.S. 1953, c.138, s.35.

**Power of suspension**

**36** The mayor may suspend any municipal official and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended official. If he is dismissed, the official shall receive no salary or remuneration from the date of his suspension unless the council by a resolution otherwise determines.

1947, c.44, s.36; R.S.S. 1953, c.138, s.36.

**To preside, etc.**

**37(1)** The mayor shall preside at all meetings of the council and shall preserve order and enforce the rules of the council.

(2) The mayor may leave the chair for the purpose of taking part in the debate, or for any other reason, and in such case he shall call on some other member of the council to take his place until he resumes the chair.

1947, c.44, s.37; R.S.S. 1953, c.138, s.37.

**Deputy mayor**

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

1947, c.44, s.38; R.S.S. 1953, c.138, s.38.

**Chairman**

**39** If the person who ought to preside at any meeting of the council has before the hour appointed for the meeting notified the town clerk that he will not be present or if he 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, if present.

1947, c.44, s.39; 1953, c.47, s.6; R.S.S. 1953, c.138, s.39.

**Vote**

**40** The mayor or other officer presiding at any meeting of the council, and all the councillors present, shall vote on every question on which a vote is taken, except where disqualified 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.

1947, c.44, s.40; R.S.S. 1953, c.138, s.40.

**Special meetings**

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

(2) Subject to subsection (3), 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. The notice may be delivered personally or left at the usual place of business or residence of the member.

(3) The mayor may call a special meeting of the council upon such shorter notice, either verbal or written, as he deems sufficient, if all the members of the council give their consent in writing to such notice before the commencement of the meeting.

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

1947, c.44, s.41; R.S.S. 1953, c.138, s.41.

**Public meetings**

**42(1)** The mayor may, when authorized by resolution of the council, call a public meeting of the burgesses or electors for the discussion of any municipal matter.

(2) If so requested by a petition signed by not less than five per cent or twenty, whichever is the greater in number, of the electors whose names appear on the last revised voters' list, the mayor shall, by a printed notice conspicuously posted in at least ten places in the town three days previous to the day of the meeting, call a public meeting of the electors for the discussion of the municipal affairs of the town or of any matter relating thereto.



(3) The council may, by notice posted in at least ten conspicuous places in the town and inserted in one or more issues of a newspaper published in the town or circulating therein, hold a public meeting of the electors prior to the first day of June in any year for the purpose of presenting a statement of the financial operations of the town for the preceding fiscal year. The auditors and such other officials or members of the council as the council may designate shall attend the meeting and submit their respective reports on the finances and general conduct of the affairs of the town for the preceding fiscal year:

Provided that if a petition for such a meeting is received by the town clerk prior to the first day of May signed by not less than twenty electors or five per cent of electors according to the last revised voters' list, whichever is the greater, the council shall hold the meeting within thirty days of the receipt of the petition.

1947, c.44, s.42; 1950, c.35, s.3; 1951, c.41, s.4;  
R.S.S. 1953, c.138, s.42.

#### **Signing of cheques**

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

(2) The council may by resolution authorize 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 given by such resolution shall be considered a continuing authority until the resolution is rescinded.

1947, c.44, s.43; R.S.S. 1953, c.138, s.43.

## **OFFICIALS**

#### **Appointment**

**44(1)** The council shall appoint a clerk, a treasurer, an assessor, a solicitor and one or more auditors, and may also appoint such other officials as are deemed necessary for carrying into effect the provisions of this Act or of any other Act affecting the town or of any town bylaw.

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

1947, c.44, s.44; R.S.S. 1953, c.138, s.44.

#### **Tenure of office**

**45** All town 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.

1947, c.44, s.45; R.S.S. 1953, c.138, s.45.

**Security**

**46** 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.

1947, c.44, s.46; R.S.S. 1953, c.138, s.46.

**Character of security**

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

1947, c.44, s.47; R.S.S. 1953, c.138, s.47.

**Liability**

**48** Every officer, servant and agent of the town shall be personally liable for damage arising from his acts or defaults, or from his failure 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.

1947, c.44, s.48; R.S.S. 1953, c.138, s.48

**Gratuities**

**49(1)** The council may grant any officer or employee who has been in the service of the town, including its previous existence as a village, for at least ten 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.

(2) The said sum may be paid to the officer or employee in instalments in such amount and over such period of time as may be agreed upon.

(3) If such officer or employee dies before the total sum is paid to him the unpaid balance may, at the discretion of the council, be paid to the wife or husband of the deceased in one sum or by instalments.

1947, c.44, s.49; 1948, c.34, s.5; R.S.S. 1953, c.138, s.49.

**TOWN CLERK****Town clerk to attend meetings, etc.**

**50(1)** The 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 certified copies of the bylaws thereof.

(2) He shall summon all meetings of the council, communicate the resolutions and instructions of the council to the parties concerned therein, and conduct the general official correspondence of the council and the town.

1947, c.44, s.50; R.S.S. 1953, c.138, s.50

**Absence**

**51(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 while so acting the appointee shall have all the powers of the clerk.

(2) 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 while so acting the appointee shall have all the powers of the clerk.

1947, c.44, s.51; R.S.S. 1953, c.138, s.51.

**Records open to inspection**

**52** Any elector may at all reasonable times inspect any contract, bylaw, report of any committee or of any official of the town, other than the town solicitor or counsel engaged by the town, or any account relating thereto, or the minutes of council, after the same respectively have been submitted to the council, and the clerk shall within a reasonable time after demand by an elector furnish him with copies of any such documents or parts thereof at the rate of ten cents per one hundred words, each figure to be counted as one word.

1947, c.44, s.52; R.S.S. 1953, c.138, s.52.

**Evidence of records**

**53** A copy of any book, record, document or account certified under the hand of the clerk and the town seal shall be received in evidence in all courts without proof of the seal of the town 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.

1947, c.44, s.53; R.S.S. 1953, c.138, s.53.

## THE TREASURER

**Custody of funds**

**54** The treasurer shall collect, receive and safely keep all moneys belonging or accruing due to the town 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.

1947, c.44, s.54; R.S.S. 1953, c.138, s.54.

**Absence**

**55** The council may by resolution appoint a person to act in place of the treasurer when absent or incapable of performing his duties, or during a vacancy in the office, and while so acting the appointee shall have all the powers of the treasurer.

1947, c.44, s.55; R.S.S. 1953, c.138, s.55.

**Deposits and cheques**

**56** The treasurer shall daily, or as often as the council may direct, deposit in the name of the town, in a chartered bank designated by resolution of the council, all moneys received by him and in so doing shall use such form of deposit book as may be prescribed by the minister; and, subject to the provisions of section 43, he shall jointly with the mayor, or such other person as the council may appoint, sign all necessary cheques.

1947, c.44, s.56; R.S.S. 1953, c.138, s.56.

**Books and statements**

**57(1)** The treasurer shall keep and make use of such books of record and account as the minister or the council shall require him to keep and use.

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

1947, c.44, s.57; R.S.S. 1953, c.138, s.57.

**Fees for searches**

**58** The treasurer shall collect a fee of ten 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 town.

1947, c.44, s.58; R.S.S. 1953, c.138, s.58.

**Treasurer furnishes security**

**59(1)** The treasurer shall before entering upon his duties give security to the council by a bond or policy or guarantee of any corporation empowered to grant securities, bonds or policies within the province for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust, and such security shall be for such an amount as the council deems expedient and shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council.

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

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

(3) The bond and the employer's statement in connection with the application therefor shall be in such form as may be prescribed by the minister and no bond or statement in any other form shall be accepted. A copy of the bond and statement shall be forwarded to the minister by the town clerk, and a copy shall be retained in the clerk's office and shall be placed before the council by the mayor at its first meeting in each year.

1947, c.44, s.59; R.S.S. 1953, c.138, s.59.

**TOWN SOLICITOR****Appointment and duties**

**60** The town 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.

1947, c.44, s.60; R.S.S. 1953, c.138, s.60.

**Remuneration**

**61** If the remuneration of the town solicitor is to be paid wholly or partly by salary, the town shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the town is a party, provided such costs are by the terms of the engagement of the solicitor payable to him as part of his remuneration in addition to his salary.

1947, c.44, s.61; R.S.S. 1953, c.138, s.61.

**BUILDING INSPECTOR****Restrictions as to approval of plans**

**62(1)** No plans, drawings or specifications for the erection, construction, enlargement or alteration of any building to be used as a place of public assembly with a seating capacity in excess of one hundred and twenty-five persons, and no plans, drawings or specifications for the erection, construction, enlargement or alteration of any other building costing more than \$20,000, shall be passed, approved or accepted by any person appointed to pass, approve or accept the same unless the plans, drawings and specifications have been prepared by or in collaboration with an architect or a professional engineer operating within the provisions, respectively, of *The Saskatchewan Architects Act* or *The Engineering Profession Act*.

(2) Subsection (1) does not apply to plans, drawings or specifications prepared and approved by a department, board or commission of the Government of Canada or of Saskatchewan.

1948, c.34, s.6; R.S.S. 1953, c.138, s.62.

**AUDIT****Appointment of auditors**

**63(1)** 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 town 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 town, except as auditor, shall be so appointed.

(2) An incorporated company or partnership may be appointed auditor.

1947, c.44, s.62; R.S.S. 1953, c.138, s.63.

**Audit**

**64(1)** The auditor shall at least once in each year, or at such intervals in each year as the council may by resolution prescribe, examine, audit and report upon all books and accounts affecting the town 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 report to the mayor who shall lay the same before the council at its next meeting.

1947, c.44, s.63; R.S.S. 1953, c.138, s.64.

**Audit before payment**

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

1947, c.44, s.64; R.S.S. 1953, c.138, s.65.

**Notice of tax indebtedness**

**66(1)** Upon the completion of the annual audit or at a later date but in any case not later than the first day of August, the auditor shall send, by post prepaid, to every person who appears by the tax roll or consolidated tax record to be indebted to the town a notice in a form to be prescribed by the minister, setting forth the amount of such indebtedness in respect of each parcel of land standing in the name of such person and if the land has been sold for taxes the notice shall state that fact. Upon completion of his duties the auditor shall submit to the council a certificate stating that the provisions of this section have been complied with.

(2) In any particular case the minister may by order dispense with the requirements of subsection (1) or direct that the said requirements shall apply to such number or percentage of persons indebted for taxes as the order may specify.

1947, c.44, s.65; R.S.S. 1953, c.138, s.66.

## FINANCIAL STATEMENTS

**Treasurer**

**67(1)** On or before the first day of October in each year the treasurer shall prepare, in such form as the minister may direct, an abstract of the revenue and expenditure of the town up to the preceding thirty-first day of August, including a statement showing the total amount of the actual debenture indebtedness of the town and the debentures authorized but unsold.

(2) The treasurer shall on or before the fifteenth day of October cause the said statement to be printed in such quantity as the minister may direct. In the absence of such direction he may publish a summary of its contents in at least one issue of a newspaper published in the town or, if there is no newspaper published in the town, in a newspaper circulating therein.

1947, c.44, s.66; 1951, c.41, s.5; R.S.S. 1953, c.138, s.67.

**Auditor**

**68** On or before the first day of March in each year the auditor shall prepare on a form supplied by the minister, an abstract of the revenue, expenditure, assets and liabilities of the town up to the thirty-first day of December of the preceding year, including a statement showing the total amount of the actual debenture indebtedness of the town and the debentures authorized but unsold, and shall make a special report respecting any expenditures made contrary to law.

1947, c.44, s.67; R.S.S. 1953, c.138, s.68.

**Delivery and publication**

**69** The auditor shall forthwith or as soon as may be send, by post prepaid, a copy of the abstract and report to the minister and a copy 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 abstract and report, or a synopsis thereof, to be published in a newspaper published in the town or, if there is none such, in a newspaper circulating therein.

1947, c.44, s.68; R.S.S. 1953, c.138, s.69.

**Inspections**

**70(1)** An 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.

(2) 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.

1947, c.44, s.69; R.S.S. 1953, c.138, s.70.

**Financial year**

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

1947, c.44, s.70; R.S.S. 1953, c.138, s.71.

## DECLARATIONS OF OFFICE

**Declarations by officials**

**72** Every member of the council, the town clerk, the treasurer, assessor, the town solicitor, town engineer and every other town official 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 town;

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)*;

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 town 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)*.

1947, c.44, s.71; R.S.S. 1953, c.138, s.72.



**Holders of more than one office**

**73** 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.

1947, c.44, s.72; R.S.S. 1953, c.138, s.73.

**Declaration of auditor**

**74** 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 town 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 town, during the preceding year, and that I have not any such contract or employment except that of auditor for the present year.

1947, c.44, s.73; R.S.S. 1953, c.138, s.74.

**Before whom taken**

**75** The mayor and councillors and the other town officers except the town clerk, who are required to make a declaration of office, shall make and subscribe the declaration before a justice of the peace, notary public or commissioner for oaths, or before the town clerk; the declaration of the town 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 so made and subscribed.

1947, c.44, s.74; R.S.S. 1953, c.138, s.75.

**Power to administer oaths, etc.**

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

1947, c.44, s.75; R.S.S. 1953, c.138, s.76.

**Deposit of oath**

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

1947, c.44, s.76; R.S.S. 1953, c.138, s.77.

**Oaths concerning matters before council**

**78** 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 committee.

1947, c.44, s.77; R.S.S. 1953, c.138, s.78.



## POLICE

**Constitution of police force**

**79** 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, and for the purpose of *The Trade Union Act* the council shall be deemed to be the employer of such constables and other officials and assistants, and subject to the provisions of the said Act, the chief of police shall be deemed to be an agent of the said employer and such constables, officials and assistants shall be deemed to be employees.

1947, c.44, s.78; R.S.S. 1953, c.138, s.79.

**Appointed by council**

**80** The members of the force shall be appointed by the council and shall hold office during pleasure, and shall, before entering upon their duties, take and subscribe the following oath:

**Form of oath**

I, A.B., do swear that I will well and truly serve Her Majesty the Queen in the office of chief of police (*or* police constable, *as the case may be*) for the town of \_\_\_\_\_ with no favour or affection, malice or ill will; that I will to the best of my power cause the peace to be kept and preserved and will 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.

1947, c.44, s.79; R.S.S. 1953, c.138, s.80.

**Council makes regulations**

**81** The council shall 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 its duties.

1947, c.44, s.80; R.S.S. 1953, c.138, s.81.

**Duties of police constables**

**82** The constables shall obey all lawful directions of 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.

1947, c.44, s.81; R.S.S. 1953, c.138, s.82.

**Dismissal or suspension from force**

**83(1)** Any member of the force may be suspended or dismissed by the council; but, before any member of the force is suspended or dismissed, he shall have a right to be heard either in person or by attorney before the council.

(2) The chief of police may suspend any member of the force for cause, and shall forthwith report such suspension to the council. Any member so suspended shall have the right to be heard in person or through his attorney before the council at such time as may be arranged by the council.

1947, c.44, s.82; R.S.S. 1953, c.138, s.83.

**Agreement with Government of Canada to police town**

**84** Subject to the prior approval of the Lieutenant Governor in Council, the council may enter into arrangements with the Government of Canada for the use or employment of the Royal Canadian Mounted Police Force, or any portion thereof, in aiding the administration of justice in the town and in carrying into effect the laws of the town, and may, in any such arrangement, agree upon and determine the amount of money to be paid by the town for such services.

1947, c.44, s.83; R.S.S. 1953, c.138, s.84.

---

**PART III****Municipal Elections****FIRST ELECTION****First election**

**85** The persons qualified to vote at the first election after a village becomes a town, for mayor and councillors, shall be the men and women of the full age of eighteen years:

- (a) whose names are on the last revised voters' list of the village now comprised within the town; or
- (b) whose names are on the last revised voters' list of the rural municipality for that portion of the town not formerly comprised within the said village; or
- (c) whose names are not on such voters' lists but who are otherwise qualified and take the oath required by subsection (2) of section 147.

1947, c.44, s.84; R.S.S. 1953, c.138, s.85.

**Persons eligible as candidates**

**86** For the purposes of such first election, the persons eligible for election as mayor or councillor shall be those whose names are on the last revised voters' list of the village now comprised within the town, or on the last revised voters' list of the rural municipality for that portion of the town not formerly comprised within the village, and who otherwise possess the qualifications set out in section 21.

1947, c.44, s.85; R.S.S. 1953, c.138, s.86.

**Who may nominate candidates**

**87** Only persons qualified to vote for candidates shall be qualified to nominate candidates for the office of mayor or councillor.

1947, c.44, s.86; R.S.S. 1953, c.138, s.87.

**Term of office of mayor**

**88** The term of office of the mayor chosen at the first election shall, if the election is prior to the first day of July, be to the end of the then current calendar year, and if such election is not prior to the first day of July then until the end of the next ensuing calendar year.

1947, c.44, s.87; R.S.S. 1953, c.138, s.88.

**Term of office of councillors**

**89** The three candidates first nominated for councillors in the event of there being no poll, or the three candidates receiving the highest number of votes in the event of a poll being held, shall be declared elected for the term ending at the end of the calendar year next following or next but one following the date of the election, according as such election is held prior or not prior to the first day of July; and the remaining three candidates so nominated or elected shall be declared elected for the term ending with the then calendar year or the next following calendar year, according as such election is held prior or not prior to the first day of July; and thereafter one-half the required number of councillors shall be elected annually and shall hold office for two years unless otherwise provided.

1947, c.44, s.88; R.S.S. 1953, c.138, s.89.

**Village council continued until election of town council**

**90** The council of the village shall, until the election of a council under the provisions of this Act, be deemed to be the council for the town, and shall have all the powers and be charged with all the duties of a town council and all the officers of the village shall be and become officers of the town and shall hold office until their successors are appointed.

1947, c.44, s.89; R.S.S. 1953, c.138, s.90.

**Date of first election**

**91** If the first election is held at any other time than that fixed for the annual elections, the Lieutenant Governor in Council shall fix the date of such first election.

1947, c.44, s.90; R.S.S. 1953, c.138, s.91.

**Special election before preparation of voters' list**

**92** If an election is held after the first election but before the preparation and revision of a voters' list, the provisions of this Act as to the first election, including the qualification of voters and candidates, shall apply.

1947, c.44, s.91; R.S.S. 1953, c.138, s.92.

**Names furnished the returning officer**

**93** For the purposes of the said first election the secretary treasurer of the rural municipality and the proper officer of the village shall respectively, two days prior to nomination day, furnish the returning officer with a list of all the persons on the last revised voters' lists of the municipality and village for that part of the town formerly included in them or either of them.

1947, c.44, s.92; R.S.S. 1953, c.138, s.93.

**VOTERS' LIST****Qualification of voters**

**94(1)** The persons qualified to vote at elections subsequent to the first shall, subject to the provisions of section 92, be men and women of the full age of eighteen years who are British subjects and whose names appear upon the last revised voters' list of the town.

(2) Notwithstanding subsection (1), where the name of a person of the full age of eighteen years, who is a British subject and who is assessed upon the last revised assessment roll, or who has paid a licence fee of at least \$10 or a service tax or rental tax, is not contained in the voters' list, he may obtain from the assessor a certificate stating that his name is not on the voters' list, that he is assessed upon the last revised assessment roll or has paid a licence fee, service tax or rental tax, as the case may be, and that he is entitled to vote, and may present the certificate to the deputy returning officer at any polling place; and the deputy returning officer shall thereupon enter the name of such person on the voters' list and shall allow such person to vote.

(3) If the name of the wife or husband of a person mentioned in subsection (2) is not contained in the voters' list, she or he may obtain a certificate as provided by that subsection upon satisfying the assessor of her or his marital status, that she or he is of the full age of eighteen years and a British subject, and that she or he is residing with her husband or his wife in the town.

1947, c.44, s.93; 1949, c.43, s.3; R.S.S. 1953,  
c.138, s.94.

#### Polling subdivisions

**95** The council may divide the town into polling subdivisions.

1949, c.43, s.4; R.S.S. 1953, c.138, s.95.

#### Residents' list

**96(1)** Every person who is of the full age of eighteen years, is a British subject and has resided in the town for a period of at least five months immediately prior to the first day of June may prior to the first day of August register with the assessor by completing a statement in the form following:

#### VOTERS' REGISTRATION FORM

Town of.....

Consecutive No. ....

Full name .....

Street address .....

Occupation .....

Are you over eighteen years of age? .....

Are you a British subject? .....

Have you resided in the town for at least five months immediately prior to the first day of June? .....

Public or Separate School supporter .....

Assessed for property (*give description*) .....

Paid licence fee or rental tax or service tax (*give particulars*) .....

.....

List hereunder the members of your family who have resided in the town for at least five months immediately prior to the first day of June, are British subjects and over eighteen years of age.

Give full names and relationship.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Polling Subdivision No. ....

*Signature*

- (2) A copy of the completed form may be retained by the registrant.
- (3) The head of a family may register on behalf of members of his or her family.
- (4) The council may by bylaw provide that the assessor shall, within the first ten days of June in each year, cause two copies of the form mentioned in subsection (1) together with a stamped return envelope to be delivered to each householder in the town and thereupon each person or head of a family may register in accordance with the provisions of this section by mailing one copy of the form completed by him to the assessor.

1949, c.43, s.5; R.S.S. 1953, c.138, s.96.

#### **Enumeration of voters**

**97(1)** Notwithstanding section 96, the council may, by bylaw passed before the first day of June in any year, provide for a system of enumeration of the names of persons entitled to vote at municipal elections.

- (2) The council shall appoint one or more enumerators and assign one or more of them to each polling subdivision or one or more polling subdivisions to each enumerator, as the case may require, and shall also assign to each enumerator such duties as may be deemed necessary to the carrying out of the provisions of this section and the bylaw.

(3) Before commencing his duties each enumerator shall subscribe to the following oath:

#### OATH OF ENUMERATOR

I, \_\_\_\_\_, appointed enumerator for the Town of \_\_\_\_\_, in the Province of Saskatchewan, do solemnly swear that I will act faithfully in the capacity of enumerator without partiality, fear, favour or affection. So help me God.

Sworn before me at \_\_\_\_\_  
this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

} .....  
*Enumerator*

.....  
*Town Assessor or a Commissioner for  
Oaths, Justice of the Peace or Notary  
Public.*

(4) While the bylaw remains in force enumeration shall take place during the month of June in each year and the procedure and the enumerators' forms shall be as nearly as may be in accordance with subsections (1), (2) and (3) of section 96.

1952, c.49, s.2; R.S.S. 1953, c.138, s.97.

#### Preparation of list

**98(1)** From duplicates of the hospital services cards issued in accordance with the provisions of *The Saskatchewan Hospitalization Act*, the completed voters' registration forms or the completed enumerators' forms, as the case may be, and the last revised assessment roll the assessor shall on or before the first day of September prepare a voters' list arranged according to polling subdivisions, placing the names for each division in alphabetical order and distinguishing those who are qualified to vote as burgesses.

(2) Subject to subsection (3), the names taken from the hospital services cards and the voters' registration forms or enumerators' forms and placed on the voters' list shall be those of persons who are eighteen years of age and have resided in the town for at least five months immediately prior to the first day of June.

(3) The names of persons who, from information in the possession of the assessor, or known not to be British subjects shall be omitted from the voters' list.

(4) On or before the first day of September the assessor shall prepare a supplementary voters' list and shall place thereon the name and address of every corporation and of every church and other religious organization not exempt from taxation which is assessed upon the last revised assessment roll.

(5) A corporation or a church or other religious organization, the name of which appears on the supplementary voters' list, shall not be entitled to vote at the municipal elections.

(6) The town clerk shall cause copies of the voters' list to be prepared with sections 101, 103 and 104 prefixed thereto, and shall post one copy in his own office, and one in each of three other public places in the town conveniently separated, on or before the tenth day of September.

(7) A town clerk who fails to comply with the provisions of this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

1947, c.44, s.95; 1949, c.43, s.6; 1950, c.35, s.4;  
1952, c.49, s.3; R.S.S. 1953, c.138, s.98.

**Interfering with voters' list**

**99(1)** A person unlawfully taking down, covering up, mutilating, defacing or altering a voters' list is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and costs, and in default of payment to imprisonment for a term not exceeding six months.

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

1947, c.44, s.96; R.S.S. 1953, c.138, s.99.

**Town school districts mainly within town**

**100(1)** If a school district lies partly within and partly outside a town, the town assessor, on receiving from the secretary treasurer of any village or rural municipality within which any portion of the district is comprised, or, in the case of a local improvement district, the secretary treasurer of the school district, the list of persons qualified to vote in such portion as required by subsection (2) of section 203, shall add the names of all such persons to the voters' list.

(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.

1947, c.44, s.97; R.S.S. 1953, c.138, s.100.

**Additions to list**

**101** Any person who is otherwise qualified, but whose name does not appear on the voters' list, or whose name is put down in error, may apply to have the voters' list amended upon giving the assessor a notice in the following form:

To the assessor of the town of \_\_\_\_\_:

Take notice that I intend to apply to the council 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*).

.....  
*Applicant.*

1947, c.44, s.98; R.S.S. 1953, c.138, s.101.

**Declaration on application for amendment of voters' list**

**102** A person making application to the assessor under section 101 shall at the time of making the 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 Town of \_\_\_\_\_ in the Province of Saskatchewan, (*here give occupation*), do hereby solemnly declare:

- 1 That I am of the full age of eighteen years;
- 2 That I am a British subject;

3 That I was a resident of the town for the period of five months immediately preceding the first day of June;

or

*(where applicant has not complied with the condition mentioned in paragraph 3 but is assessed for taxes or has paid a licence fee of at least \$10, a service tax or a rental tax)*

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

2 That I am a British subject;

3 That I am assessed for taxes (or have paid a licence fee, service tax or rental tax, *as the case may require*);

or

*(where applicant is the wife or husband of a person assessed for taxes, or of a licensee who has paid a fee of at least \$10, or of a service or rental taxpayer)*

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

2 That I am a British subject;

3 That I am the wife (or husband) of a person assessed for taxes (or of a person who has paid a licence fee of at least \$10, or a service or rental tax, *as the case may require*) and reside with him (or her) in the town;

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*.

Sworn before me at \_\_\_\_\_  
this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

.....  
*Town Assessor or a Commissioner for  
Oaths, Justice of the Peace or Notary  
Public.*

1947, c.44, s.99; 1949, c.43, s.7; R.S.S. 1953,  
c.138, s.102.

#### Disqualification

**103(1)** If a person whose name is on the voters' list has left the town; or

If a 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 council to have the name of such person 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 council, 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.

1947, c.44, s.100; R.S.S. 1953, c.138, s.103.



**Notice**

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

1947, c.44, s.101; 1949, c.43, s.8; R.S.S. 1953, c.138, s.104.

**List of applicants**

**105(1)** On or before the first day of October the assessor shall make a list of all applicants for amendments to the voters' list, giving names and grounds of each application, and shall post the list in a conspicuous place in his office.

(2) He shall also give seven clear days' notice by advertisement in one issue of a newspaper, published or having a general circulation in the town, of the time and place fixed for hearing applications; and, in every case in which application has been made for removal of a name from the list, he shall notify the person whose name is objected to, by registered letter, of the objection and of such time and place.

(3) If the court of revision is not satisfied that an application to place a name upon the list should be granted, consideration of the application shall be adjourned, and the assessor shall notify the applicant, by registered letter, of the time and place at which his application will be further considered.

1947, c.44, s.102; 1949, c.43, s.9; R.S.S. 1953, c.138, s.105.

**Court of revision**

**106** On or before the tenth day of October 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.

1947, c.44, s.103; 1949, c.43, s.10; R.S.S. 1953, c.138, s.106.

**Revised list**

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

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

1947, c.44, s.104; R.S.S. 1953, c.138, s.107.

**Powers of court**

**108** As to the attendance of witnesses and the imposition and recovery of penalties, the council sitting as a 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.

1947, c.44, s.105; R.S.S. 1953, c.138, s.108.

## PRELIMINARY PROCEEDINGS

**Returning officer, etc.**

**109(1)** The council shall, prior to the first Monday in October in each year, by resolution or by bylaw, appoint a returning officer for the next town elections, and also, if the town has been divided into polling subdivisions, a deputy returning officer for each polling subdivision; and shall name the place or places where the votes are to be polled.

(2) The council may also at any time prior to the elections appoint a person to act as substitute in case the returning officer dies or is unable to act. Such substitute shall have all the powers and shall while acting perform all the duties of the returning officer.

1947, c.44, s.106; 1949, c.43, s.11; R.S.S. 1953, c.138, s.109.

**Inability to act**

**110** If a deputy returning officer dies or is unable to act the returning officer shall have power to appoint a substitute.

1947, c.44, s.107; R.S.S. 1953, c.138, s.110.

**Polling place not available**

**111** If a polling place named in a resolution or 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 a person thereat for the purpose of directing the voters.

1947, c.44, s.108; R.S.S. 1953, c.138, s.111.

**Notice of nomination**

**112** The returning officer shall at least six days previous to the fourth Monday in October post in five conspicuous places in the town, and shall advertise in one or more newspapers published in the town, or, where there is none such, in a newspaper circulating therein, a notice in the following form:

## NOTICE

Town of \_\_\_\_\_ Municipal Elections 19\_\_\_\_\_.

Public notice is hereby given that a meeting of the electors of the town of \_\_\_\_\_ will be held (*description of place*) on Monday, the (*here fill in the date on which the fourth Monday in October falls*) day of October, 19\_\_\_\_\_, from eleven o'clock in the forenoon until noon for the purpose of nominating candidates for the offices of mayor and councillors (*or as the case may be, providing for school trustees, and for members of any other elective board*).

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

G.H.,  
Returning Officer

1947, c.44, s.111; 1949, c.43, s.13; R.S.S. 1953, c.138, s.112.

**Nominations**

**113(1)** At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations.

(2) No person shall be nominated for more than one municipal office.

(3) No member of the council shall be eligible for nomination or election as mayor, except in the case of the annual election held in the last year of his term of office, unless he has, before ten o'clock in the morning of the day of nomination, filed his resignation with the clerk, which resignation shall take effect at midnight on the thirty-first day of December following the day of nomination or on any earlier date specified in the resignation.

(4) If the number of persons nominated does not exceed the requisite number, the returning officer shall declare the persons so nominated duly elected.

1947, c.44, s.112; R.S.S. 1953, c.138, s.113.

**Consent to nomination**

**114(1)** Every nomination for mayor or councillor shall be in writing signed by two electors, and shall be accompanied by a written statement from the person named in the nomination that he is eligible to be elected for such office and that he will accept the office if elected.

(2) The nomination and statement shall be in the form following:

**NOMINATION PAPER.**

We, the undersigned electors of the town of \_\_\_\_\_, hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of a mayor (*or councillor*) of the said town.

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

.....

.....

*Signatures of electors.*

**CANDIDATE'S ACCEPTANCE**

I, the said \_\_\_\_\_ named in the foregoing nomination, hereby state:

1 That I am of the full age of twenty-one years;

2 That I am an elector residing in, or within two miles of the limits of, the town of \_\_\_\_\_;

or

*(in the case of an election of a school trustee)*

2 That I am an elector residing in the school district;

and

*(in all cases)*

3 That I am a British subject;

4 That I am not indebted to the town;

5 That I am not otherwise disqualified;

6 That I will accept the office of \_\_\_\_\_ of the said town, if elected.

Signed in the presence of

..... }  
*Signature of witness.*      *Signature of candidate.*

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

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

1947, c.44, s.113; 1951, c.41, s.6; R.S.S. 1953, c.138, s.114.

#### **Retention and disposal of nomination papers and candidates' acceptances**

**115** Forthwith after the close of the nomination meeting the returning officer shall deliver all completed nomination papers and candidates' acceptances in his possession to the town clerk who shall retain them in his custody for a period of six months after the day of nomination and shall then dispose of them in the same manner as that provided by section 184.

1953, c.47, s.7; R.S.S. 1953, c.138, s.115.

#### **Poll declared**

**116** If more than the required number of persons are nominated, the returning officer shall declare that a poll will be held, and shall name the time (which shall be on the Wednesday of the week following that in which nominations are held), the place or places where the votes are to be polled, and the deputy returning officers, if any, appointed to receive the same, and also the time and place at which the result of the polling will be declared.

1947, c.44, s.114; 1949, c.43, s.14; R.S.S. 1953, c.138, s.116.

#### **Notice of polling**

**117** When a poll has to be taken the returning officer shall without any unreasonable delay after the nomination cause to be posted in at least five conspicuous places within the town a notice to the following effect:

#### **NOTICE**

Town of \_\_\_\_\_ Municipal Elections 19\_\_\_\_\_.

Public notice is hereby given that a poll has been granted for the election of mayor and councillors of the town of \_\_\_\_\_ (*and 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 day of week*) the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, from nine o'clock in the forenoon until six o'clock in the afternoon at the following place or places (*here specify polling place or places*), and that I will at (*describe the place*) on (*day of week*) the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at twelve o'clock noon, sum up the votes and declare the result of the election.

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

G.H.,  
Returning Officer.

1947, c.44, s.115; 1953, c.47, s.8; R.S.S. 1953,  
c.138, s.117.

#### Withdrawal of candidate

**118** Any candidate nominated may withdraw within twenty-four 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.

1947, c.44, s.116; R.S.S. 1953, c.138, s.118.

#### Abandonment of poll

**119** If by reason of a 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.

1947, c.44, s.117; R.S.S. 1953, c.138, s.119.

#### Notice of abandonment

**120** In such cases the returning officer shall forthwith cause to be posted in three conspicuous places in the town, a notice to the following effect:

#### NOTICE

Town of \_\_\_\_\_ Municipal Elections 19\_\_\_\_.

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

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

G.H.,  
Returning Officer.

1947, c.44, s.118; R.S.S. 1953, c.138, s.120.

**Vote by ballot**

**121** In case of a poll at a town election the vote shall be given by ballot.

1947, c.44, s.119; R.S.S. 1953, c.138, s.121.

**Ballot boxes**

**122** Where a poll is required the town clerk shall provide as many ballot boxes as are required.

1947, c.44, s.120; R.S.S. 1953, c.138, s.122.

**Their construction**

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

1947, c.44, s.121; R.S.S. 1953, c.138, s.123.

**Their distribution**

**124(1)** When it becomes necessary for the purposes of an election to use the ballot boxes it shall be the duty of the town clerk to deliver the same to the returning officer for the purposes of the election.

(2) If there are deputy returning officers, the returning officer shall, not later than one hour before the opening of the poll, deliver to every deputy returning officer appointed for the purpose of the election, one of the ballot boxes and such other materials as are necessary in order to enable the electors to mark their ballot papers.

1947, c.44, s.122; R.S.S. 1953, c.138, s.124.

**Printed ballots**

**125** Where a poll is required the returning officer shall forthwith cause to be printed at the expense of the town a number of ballot papers sufficient for the purposes of the election.

1947, c.44, s.123; R.S.S. 1953, c.138, s.125.

**Contents**

**126** Every ballot paper in an election of councillors shall contain a brief explanatory note stating the number of candidates required to be elected; 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.

1947, c.44, s.124; 1953, c.47, s.9; R.S.S. 1953, c.138, s.126.

**Names of candidates**

**127** The names of the candidates for mayor shall not be included in the same ballot paper with the names of the candidates for councillors.

1947, c.44, s.125; R.S.S. 1953, c.138, s.127.

**Form of ballot**

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

**Form for Mayor**

MAYOR	Election of Mayor for the Town of..... for 19____.	ALLAN. CHARLES ALLAN, of the Town of _____ Merchant.
		BROWN. WILLIAM BROWN, of the Town of _____ Banker.

**Form for Councillors**

**NOTE**—The number of councillors to be elected is \_\_\_\_\_.

COUNCILLORS	Election of Councillors for the Town of..... for 19____.	ARGO. JAMES ARGO, of the Town of _____ Gentleman.
		BAKER. SAMUAL BAKER, of the Town of _____ Baker.
		DUNCAN. ROBERT DUNCAN, of the Town of _____ Printer.

1947, c.44, s.126; 1953, c.47, s.10; R.S.S. 1953, c.138, s.128.

FOR HISTORICAL REFERENCE ONLY

**Directions for voters**

**129(1)** The returning officer shall before the opening of the poll prepare 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 of the ballot paper opposite the name of each 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 the ballot so folded to the deputy returning officer and forthwith leave 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 votes for more candidates for an office than he is entitled to vote for, his ballot paper will be void so 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, for councillors 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 councillor.

#### Form for Mayor

MAYOR	Election of Mayor for the Town of..... for 19____.	THOMPSON. JACOB THOMPSON, of the Town of Merchant.	X
		WALKER ROBERT WALKER, of the Town of Physician.	

#### Form for Councillors

*NOTE*—The number of councillors to be elected is \_\_\_\_\_.

COUNCILLORS	Election of Councillors for the Town of..... for 19____.	BULL. JOHN BULL, of the Town of Butcher.	X
		JONES. MORGAN JONES, of the Town of Grocer.	

1947, c.44, s.127; 1953, c.47, s.11; R.S.S. 1953, c.138, s.129.

#### Declaration of returning officers, etc.

**130** 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 town, 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.

1947, c.44, s.128; R.S.S. 1953, c.138, s.130.



**Administration of oaths**

**131** 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 town clerk, the poll clerk, a justice of the peace or, in case of a deputy returning officer, before the returning officer, as well as before any person authorized 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.

1947, c.44, s.129; R.S.S. 1953, c.138, s.131.

**Posting directions**

**132** Every returning officer, or deputy returning officer, where there are such, shall before the opening of the poll cause the said printed directions to be placarded outside the polling place and also in every voting compartment of the polling place, and shall see that they remain so placarded until the close of the poll.

1947, c.44, s.130; R.S.S. 1953, c.138, s.132.

**Voting compartments**

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

1947, c.44, s.131; R.S.S. 1953, c.138, s.133.

**Copy of voters' list**

**134** Where deputy returning officers have been appointed, 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 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.

1947, c.44, s.132; R.S.S. 1953, c.138, s.134.

**Poll book**

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

Remarks		
Refusal to Swear		
Sworn		
Objected to		
VOTED FOR	High School Trustee	
	School Trustee	
	Councillors	
	Mayor	
Occupation		
Residence		
Qualification		
Name		
No.		

1947, c.44, s.133; R.S.S. 1953, c.138, s.135.

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

**136** 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.

1947, c.44, s.134; R.S.S. 1953, c.138, s.136.

**Rights on production of certificate**

**137** 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 certificate shall entitle the 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.

1947, c.44, s.135; R.S.S. 1953, c.138, s.137.

**Oath to certificated persons**

**138** If 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 authorized to be present, may administer to the deputy returning officer any of the oaths required by law to be taken by voters.

1947, c.44, s.136; R.S.S. 1953, c.138, s.138.

**“Officer presiding”**

**139** In sections 140 to 208, **“officer presiding at the poll”** or **“presiding officer”** means a returning officer or deputy returning officer in charge of a polling place.

1947, c.44, s.137; R.S.S. 1953, c.138, s.139.

**Poll clerks and constables**

**140(1)** The officer presiding at the poll may by writing under his hand appoint a poll clerk who, in the absence of such officer or in case of his illness or inability to fulfill the duties required of him by this Act, shall have the powers of the officer by whom he was appointed.

(2) The officer presiding at the poll 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, 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.

1947, c.44, s.138; R.S.S. 1953, c.138, s.140.

**Oath for poll officials**

**141** Every returning officer, deputy returning officer, poll clerk, constable, candidate or agent authorized 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 town clerk, a commissioner for oaths or, in the case of a poll clerk or constable or agent, before the officer presiding at the polling place for which 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 town 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.

1947, c.44, s.139; R.S.S. 1953, c.138, s.141.

**THE POLL****Duration**

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

1947, c.44, s.140; 1953, c.47, s.12; R.S.S. 1953, c.138, s.142.

**Agents**

**143** Any person producing to the presiding officer a written authority to represent a candidate as his agent at a polling place shall be recognized as such by the said officer; provided that not more than two agents representing the same candidate shall be present in a room in which voting is taking place.

1947, c.44, s.141; R.S.S. 1953, c.138, s.143.

**Elector has only one vote**

**144(1)** An elector may vote once only for mayor and once only for councillors.

(2) If the town is divided into polling subdivisions, all such votes shall be cast in the same subdivision.

1947, c.44, s.142; R.S.S. 1953, c.138, s.144.

**Evidence of voting**

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

1947, c.44, s.144; R.S.S. 1953, c.138, s.145.

**Exhibition of ballot box**

**146** The 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.

1947, c.44, s.145; R.S.S. 1953, c.138, s.146.

**Procedure in voting**

**147(1)** When a person whose name is on the voters' list presents himself for the purpose of voting, the officer presiding at the poll 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;
- 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 presiding officer shall enter the objection in his 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 a candidate or his agent demands that the voter be sworn, the presiding officer shall administer to him the following oath:

You swear (*or* solemnly affirm) that you are of the full age of eighteen years, a British subject, 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;

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 to you either directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses or any 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.

(2) If a person whose name is not on the voters' list of the polling subdivision in which he resides presents himself for the purpose of voting and claims he is entitled to vote, the presiding officer shall, upon administering to him the following oath, place his name on the voters' list and shall permit him to vote:

You swear (*or solemnly affirm*):

- 1 That you are of the full age of eighteen years;
- 2 That you are a British subject;
- 3 That you resided in the town for a period of at least five months immediately prior to the first day of June and have continued to reside therein;

or

*(in case of a burgess or a person who has paid a licence fee, service tax or rental tax)*

- 3 That you are assessed upon the last revised assessment roll (*or have paid a licence fee of at least \$10 or a service tax or a rental tax, as the case may be*);

or

*(in case of a wife or husband of a person assessed for taxes, or of a licensee who has paid a fee of at least \$10, or of a service or rental taxpayer)*

- 3 That you are the wife (*or husband*) of a person assessed for taxes (*or of a person who has paid a licence fee of at least \$10, or a service or rental tax, as the case may require*) and reside with him (*or her*) in the town.

(3) If, in the case of a person mentioned in subsection (2), a candidate or his agent demands that the voter be sworn, the deputy returning officer shall, before permitting him to vote, administer to him the following oath:

You swear (*or solemnly affirm*):

- 1 That you have not voted before at this election;
- 2 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;
- 3 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 expense or any services connected with this election;
- 4 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.

(4) If the voter takes either of the said oaths, the presiding officer shall receive the vote and shall enter or cause to be entered opposite such person's name, in the proper column of the poll book, the word "sworn" or "affirmed", according to the fact.

(5) Where the voter refuses to take the required oath or affirmation the presiding 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 presiding officer takes or receives such vote or causes the same to be taken or received, he is guilty of an offence and liable on summary conviction to a fine of \$100.

(6) When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the presiding officer shall place or cause to be placed a check or mark opposite 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.

(7) Except in the case mentioned in subsection (5) the ballot paper shall then be delivered to the voter.

1947, c.44, s.146; 1948, c.34, s.8; 1949, c.43, s.15;  
R.S.S. 1953, c.138, s.147.

#### **Explanation to voter**

**148** The officer presiding at the poll 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.

1947, c.44, s.147; R.S.S. 1953, c.138, s.148.

#### **Initialing poll book**

**149** The officer presiding at the poll shall place or cause to be placed in the columns of the poll book headed "mayor", "councillors", "school trustee" and "high school trustee", 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, councillors, school trustee, or high school trustee, as the case may be.

1947, c.44, s.148; R.S.S. 1953, c.138, s.149.

#### **Marking ballot**

**150** Upon receiving from the officer presiding at the poll 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 129 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 marks 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 anyone 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 it, deliver the ballot paper so folded to the presiding 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.

1947, c.44, s.149; R.S.S. 1953, c.138, s.150.

#### **Secrecy of vote**

**151** 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.

1947, c.44, s.150; R.S.S. 1953, c.138, s.151.

**Ballot not removed from poll**

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

1947, c.44, s.151; R.S.S. 1953, c.138, s.152.

**Removing ballot from poll**

**153** Any person who, having received a ballot paper from the presiding 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.

1947, c.44, s.152; R.S.S. 1953, c.138, s.153.

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

**154(1)** 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 150, the proceedings shall be as follows:

1 The presiding 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 presiding 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 said declaration may be in the following form:

I, *A.B.*, of \_\_\_\_\_, being named on the voters' list (for polling subdivision No. \_\_\_\_\_) of the town of \_\_\_\_\_ and being a duly qualified elector of the said town 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 presiding officer, who shall attest the same according to the following form:

I, *C.D.*, the undersigned, being the returning officer of the town of \_\_\_\_\_ (*or* deputy returning officer for polling subdivision No. \_\_\_\_\_ in the town 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*).

*C.D.*,  
(Deputy) Returning Officer.

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

(2) If a voter who is incapacitated by blindness requests that the person acting as his escort shall mark his ballot paper on his behalf, that person may do so, and in such case the foregoing provisions do not apply.

1947, c.44, s.153; R.S.S. 1953, c.138, s.154.

#### **Voter who does not understand English language**

**155(1)** Where a voter does not understand the English language, the presiding officer may appoint some person to act as interpreter, by appointment in writing in the following form:

I, *C.D.*, the undersigned, being the returning officer of the town of \_\_\_\_\_ (*or* deputy returning officer for polling subdivision No. \_\_\_\_\_ in the town of \_\_\_\_\_), do appoint \_\_\_\_\_ to act as interpreter in the \_\_\_\_\_ language (for the said subdivision) at the municipal election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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

.....  
(Deputy) Returning Officer.

(2) The person thus appointed shall, before acting, take an oath in the following form:

I, \_\_\_\_\_ of the town of \_\_\_\_\_ having been appointed interpreter in the \_\_\_\_\_ language (for polling subdivision No. \_\_\_\_\_), at the municipal election to be held in the said town on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, make oath and say:

That I will truly and faithfully and without partiality interpret the directions of the (deputy) returning officer to voters using the \_\_\_\_\_ language at this poll, and any oath, affirmation or declaration required to be taken by such voters;



That I will act faithfully as interpreter in such language under the direction of the (deputy) returning officer; 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.

Sworn before me at \_\_\_\_\_,  
Saskatchewan, the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.  
.....  
(Deputy) Returning Officer.

(3) The returning officer may, at any time prior to the election, or upon the day of election, appoint an interpreter for any polling subdivision in form similar to that mentioned in subsections (1) and (2), and shall transmit to every deputy returning officer the oath taken by his appointee.

(4) All such oaths, whether taken before the returning officer or the deputy, shall be attached to the poll book.

(5) The proceedings in the case of a voter who does not understand the English language shall otherwise be similar to those prescribed in section 154 in the case of persons unable to read, except that, where the voter is able to sign his name to the declaration there given, he may either sign his name or make his mark.

1947, c.44, s.154; 1948, c.34, s.9; R.S.S. 1953, c.138, s.155.

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

**156** 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 presiding 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. The said officer shall immediately write the word “cancelled” upon the ballot paper so delivered to him, and he shall preserve the same until he makes his return under section 177 or 183, as the case may be.

1947, c.44, s.155; R.S.S. 1953, c.138, s.156.

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

**157** 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 authorized to attend at the polling place, and the voter who is for the time being actually engaged in voting.

1947, c.44, s.156; R.S.S. 1953, c.138, s.157.

### **SPECIAL POLL FOR ABSENTEES**

#### **Application of sections 159 to 166**

**158** Sections 159 to 166 inclusive shall apply only to persons who are qualified electors and who have reason to believe that they will be necessarily absent from their places of residence on the election day.

1947, c.44, s.157; R.S.S. 1953, c.138, s.158.

**Special polling place**

**159** For the purpose of enabling every such person to vote at an election the council may direct the returning officer to establish a special polling place centrally located so as to suit the convenience of the voters.

1947, c.44, s.158; R.S.S. 1953, c.138, s.159.

**Conduct of poll**

**160** Except as hereinafter provided, the poll to be held at every such polling place shall be conducted in the same manner as is provided by this Act for the conduct of other polls in an election.

1947, c.44, s.159; R.S.S. 1953, c.138, s.160.

**Hours of poll**

**161** The poll at each polling place so established shall be open between the hours of seven and ten o'clock in the afternoon of the three days, exclusive of Sunday, immediately preceding the day of election.

1947, c.44, s.160; R.S.S. 1953, c.138, s.161.

**Declaration by voter**

**162(1)** Every person applying to vote at such polling place, before being permitted to do so, shall be required by the deputy returning officer in charge of the poll to make and sign the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I, \_\_\_\_\_, of the Town of \_\_\_\_\_ do hereby declare that I expect to be necessarily absent from the place where I am entitled to vote at this election on election day.

.....  
*Signature of voter.*

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

Witness.....  
*Deputy Returning Officer.*

(2) A person signing such declaration knowing that the statement therein is false is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$100.

1947, c.44, s.161; R.S.S. 1953, c.138, s.162.

**Poll clerk to record that declaration made**

**163** The poll clerk at each such polling place shall record in the poll book, in the column headed "Remarks", after the name of each person who votes, a notation that he has signed the declaration referred to in section 162.

1947, c.44, s.162; R.S.S. 1953, c.138, s.163.

**Oath of voter**

**164** The deputy returning officer, every candidate and the agent of every candidate may require a voter, before being handed a ballot, to take any other oath which may be required of voters under this Act.

1947, c.44, s.163; R.S.S. 1953, c.138, s.164.

**Sealing ballot box**

**165** Upon the close of the poll each day the deputy returning officer and each candidate or agent present who desires so to do shall fix their respective seals to the ballot box in such manner that the box cannot be opened and that no ballots can be deposited therein without breaking the seals.

1947, c.44, s.164; R.S.S. 1953, c.138, s.165.

**Counting votes**

**166** On the day of election the deputy returning officer, at the same polling place, in the presence of the candidates and the agents who are present, shall at the hour of six o'clock in the afternoon open the ballot box, count the votes and take all other proceedings provided by this Act for deputy returning officers in connection with the conduct of an election after the close of the poll.

1947, c.44, s.165; 1953, c.47, s.14; R.S.S. 1953, c.138, s.166

**PROCEEDINGS AFTER CLOSE OF POLL****Procedure on close of poll**

**167** In every polling place the officer presiding at the poll shall immediately after the close of the poll, in the presence of the poll clerk, if any, and of such of the candidates or their agents as are present, open the ballot box and proceed 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 anything except the initials of the said officer on the back is written or marked by which the voter can be identified; or
- (d) 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.

1947, c.44, s.166; 1953, c.47, s.15; R.S.S. 1953, c.138, s.167.

**Objections noted**

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

1947, c.44, s.167; R.S.S. 1953, c.138, s.168.

**Ballot numbered and initialed**

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

1947, c.44, s.168; R.S.S. 1953, c.138, s.169.

**Ballot endorsed**

**170** The presiding officer shall endorse "rejected" on any ballot paper which he rejects as invalid, and shall endorse "rejection objected to" if any objection is made to his decision.

1947, c.44, s.169; R.S.S. 1953, c.138, s.170.

**Count**

**171** The presiding officer shall then count the votes given for each candidate upon the ballot papers not rejected, and shall prepare 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 of the town (and name or number of polling subdivision, if any) and date of election;
- (b) number of votes for each candidate;
- (c) rejected ballot papers.

1947, c.44, s.170; R.S.S. 1953, c.138, s.171.

**Signed statement**

**172** Upon the completion of the written statement it shall be signed by the presiding officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign it.

1947, c.44, s.171; R.S.S. 1953, c.138, s.172.

**Agents at count**

**173** Not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the counting of the votes, and not more than one when the candidate himself is present.

1947, c.44, s.172; R.S.S. 1953, c.138, s.173.

**Certificate of count**

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

1947, c.44, s.173; R.S.S. 1953, c.138, s.174.

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

**175** Every presiding 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 such of the candidates or their agents as are present, make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as are present and desire to affix their seals and marked upon the outside with a short statement of the contents thereof, the date of the election, the name of the town, the name of the officer presiding at the poll and of the polling subdivision, if any:

- (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 154 and 155, with the declaration of inability; and the notes taken of objections made to ballot papers found in the ballot box.

1947, c.44, s.174; R.S.S. 1953, c.138, s.175.

#### Deputy's oath on return

**176** The officer presiding at the poll 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 returning officer for the town of \_\_\_\_\_ (or deputy returning officer for polling subdivision No. \_\_\_\_\_ in the town 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 polling subdivision) at this election held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

C.D.,  
(Deputy) Returning Officer.

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

K.Y.,

\_\_\_\_\_ Justice of the Peace (*or as the case may be*); and such declaration shall thereafter be annexed to the poll book.

1947, c.44, s.175; R.S.S. 1953, c.138, s.176.

#### Delivery to returning officer

**177(1)** Where the town has been divided into polling subdivisions, each 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 the 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.

(2) 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.

1947, c.44, s.176; R.S.S. 1953, c.138, s.177.

**Ballot paper account**

**178** The packets shall be accompanied by a statement made by the presiding 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.

1947, c.44,s.177; R.S.S. 1953, c.138, s.178.

**Summary by returning officer of result**

**179** 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.

1947, c.44, s.178; R.S.S. 1953, c.138, s.179.

**Declaration of result**

**180** The returning officer, immediately after making the declaration mentioned in section 176, or, where the town has been divided into polling subdivisions, at noon on the day following the return of the ballot papers and statements, shall, at the town hall or some other public place, 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.

1947, c.44, s.179; R.S.S. 1953, c.138, s.180.

**Procedure in case of tie**

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

1947, c.44, s.180; R.S.S. 1953, c.138, s.181.

**Assumption of office**

**182** The person elected shall make the necessary declarations of office and qualifications and shall assume office accordingly.

1947, c.44, s.181; R.S.S. 1953, c.138, s.182.

**Return by returning officer to town clerk**

**183(1)** Forthwith after the election the returning officer shall deliver to the town clerk the poll book, ballot boxes, packets and returns aforesaid; and the town clerk shall thereafter be responsible for their safe keeping and for their delivery when required.

(2) The same may be inspected at any time in presence of the town clerk by any elector.

1947, c.44, s.182; R.S.S. 1953, c.138, s.183.

**Destruction of ballots**

**184** The town clerk shall retain for six weeks all ballot papers and other documents received by him, 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 and documents shall be taken before the mayor, a justice of the peace or a commissioner for oaths and filed by the town clerk among the records of the town.

1947, c.44, s.183; R.S.S. 1953, c.138, s.184.

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

**185** 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 authorized to attend; but no candidate shall be present at the marking of a ballot for a voter under section 154 or 155.

1947, c.44, s.184; R.S.S. 1953, c.138, s.185.

**Candidates and agents**

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

1947, c.44, s.185; R.S.S. 1953, c.138, s.186.

**Errors not affecting result**

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

1947, c.44, s.186; R.S.S. 1953, c.138, s.187.

**Expenses**

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

1947, c.44, s.187; R.S.S. 1953, c.138, s.188.

**Posting legal provisions at poll**

**189** The town 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.

1947, c.44, s.188; R.S.S. 1953, c.138, s.189.

**Inspection of ballot papers**

**190(1)** No person shall be allowed to inspect any ballot papers in the custody of the town 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 town 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.

1947, c.44, s.189; R.S.S. 1953, c.138, s.190.

**Printed documents to bear name of printer**

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

1947, c.44, s.190; R.S.S. 1953, c.138, s.191.

**RECOUNTS****Recount**

**192** If, within fourteen days from the time when the ballot papers used at an election have been received by the town clerk, it is on the affidavit of a credible person made to appear to a judge that a presiding officer in counting the votes 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.

1947, c.44, s.191; R.S.S. 1953, c.138, s.192.



**Deposit**

**193** 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.

1947, c.44, s.192; R.S.S. 1953, c.138, s.193.

**Attendance**

**194** The judge, the town clerk with the ballot papers, each candidate and his agent notified to attend the recount 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.

1947, c.44, s.193; R.S.S. 1953, c.138, s.194.

**Opening of packets**

**195(1)** At the time and place appointed the judge shall proceed to recount all the ballot papers received by the town 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.

(2) In recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be disclosed.

1947, c.44, s.194; R.S.S. 1953, c.138, s.195.

**Time**

**196(1)** The judge shall as far as practicable proceed continuously with the recount, 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.

(2) 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.

1947, c.44, s.195; R.S.S. 1953, c.138, s.196.

**Mode of counting**

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

- 1 He shall examine the ballot papers;
- 2 A ballot paper:
  - (a) which has not on its back the initials of the presiding 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 anything except the initials of the said officer on the back is written or marked by which the voter can be identified; or

(d) 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 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 of which the voter has not voted for more 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 presiding officer on a ballot paper shall affect the vote;

4 The judge shall take a note of any objection 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 presiding officer;
- (d) ballot papers rejected as marked for more 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 town clerk, who shall thereupon, by notice to be posted in his office, declare elected the candidate having the highest number of votes.

7 If two or more candidates for the same office have been allowed by the judge the same number of votes, he shall write the names of such candidates separately on blank sheets of paper of equal size and of the same colour and texture and, after folding the same in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the sheets; and the candidate whose name appears on the sheet thus withdrawn shall be by the judge declared elected:

Provided that the foregoing paragraph does not apply where the candidates having an equal number of votes also had an equal number of votes at the time of the casting up of the votes by the returning officer, and where one of such candidates had been declared elected under section 181, and in such case the judge shall declare elected the candidate who previously had been declared elected under the provisions of section 181.

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

1947, c.44, s.196; 1953, c.47, s.16; R.S.S. 1953, c.138, s.197.

#### Costs

**198(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.

1947, c.44, s.197; R.S.S. 1953, c.138, s.198.

### OFFENCES AND PENALTIES

#### Ballot papers and ballot boxes

**199(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; 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 an 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 is liable on summary conviction, if he is the returning officer, to imprisonment for a term not exceeding two years; and if he is any other person to imprisonment for a term not exceeding six months or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

1947, c.44, s.198; 1953, c.47, s.17; R.S.S. 1953, c.138, s.199.

**Election officials**

**200** 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 201 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.

1947, c.44, s.199; R.S.S. 1953, c.138, s.200.

**Secrecy of vote**

**201(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 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 place or within fifty yards from the building containing the polling place canvass or solicit votes or make any communication to a voter otherwise than through the presiding officer.

(4) No person shall display in the polling place or distribute or post therein or within fifty yards from the building containing the polling place a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote, 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 is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

1947, c.44, s.200; R.S.S. 1953, c.138, s.201.

**Secrecy of vote**

**202** 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.

1947, c.44, s.201; R.S.S. 1953, c.138, s.202.

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

## SCHOOL TRUSTEES

**Notice from school boards**

**203**(1) The board of trustees of high school, public school and separate school districts of a town shall give notice to the town clerk, on or before the first day of October 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 town, the secretary treasurer of each village or rural municipality within which any portion of the district is comprised or, in the case of a local improvement district, the secretary treasurer of the school district, shall, on or before the first day of September, furnish the town 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.

1947, c.44, s.202; 1949, c.43, s.16; 1950, c.35, s.6;  
R.S.S. 1953, c.138, s.203.

**Nomination and election**

**204** 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 councillors:

Provided that paragraph 4 of the candidate's acceptance contained in subsection (2) of section 114 does not apply to such nomination.

1947, c.44, s.203; R.S.S. 1953, c.138, s.204.

**Same procedure as for councillors**

**205**(1) The provisions of this Act respecting the election and qualification of councillors and the qualifications of electors and the voting at elections apply *mutatis mutandis* to the election of school trustees, save that a person residing in the school district, if otherwise qualified, shall be eligible for election as a school trustee notwithstanding that he does not reside within the town or within two miles of the town limits.

(2) A person nominated as a trustee for a public or separate school district may also be nominated and elected as a trustee of a high school district.

1947, c.44, s.204; R.S.S. 1953, c.138, s.205.

**Separate school supporters**

**206** In the list 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 appear by the enumerators' or voters' registration forms or the last revised assessment roll to be supporters of separate schools, the letters "SSS"; and no officer presiding at a poll shall deliver to any such person a ballot paper for the public school trustees.

1947, c.44, s.205; 1951, c.41, s.7; 1953, c.47, s.18;  
R.S.S. 1953, c.138, s.206.

**Oaths**

**207** If 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 made to take the oath required by section 147.

1947, c.44, s.206; R.S.S. 1953, c.138, s.207.

**Form of ballot**

**208** 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 councillors, except that the words “high (*or public or separate*) school trustee” shall be substituted for the word “councillors” thereon.

1947, c.44, s.207; R.S.S. 1953, c.138, s.208.

---

## PART IV

### Powers and Duties of the Council

**Extent of jurisdiction**

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

1947, c.44, s.208; R.S.S. 1953, c.138, s.209.

## BYLAWS

**Resolutions of council**

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

1947, c.44, s.209; R.S.S. 1953, c.138, s.210.

**Passing, signing and sealing of bylaw**

**211(1)** Every bylaw shall be under the seal of the town, 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 town clerk.

(2) 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.

1947, c.44, s.210; R.S.S. 1953, c.138, s.211.

**Evidence of bylaw**

**212** A copy of any bylaw or resolution written or printed without erasure or interlineation and under the seal of the town and certified to be a true copy by the mayor or town 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 town clerk has been forged.

1947, c.44, s.211; R.S.S. 1953, c.138, s.212.

**Proof of approval of bylaw**

**213(1)** Where by this or any other Act the approval of any member of the executive council is required to a bylaw and the Act does not otherwise provide, a certificate by the town clerk, under his hand and the seal of the town, specifying the bylaw and stating by his name of office the minister by whom it has been approved and the date of such approval, shall be *prima facie* evidence that the bylaw has been so approved.

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

1947, c.44, s.212; R.S.S. 1953, c.138, s.213.

**Printed copies as evidence**

**214** 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 the province of such bylaws and of the due passing thereof.

1947, c.44, s.213; R.S.S. 1953, c.138, s.214.

**Petition for submission of bylaw**

**215** When a petition is presented to the council for the submission of a bylaw on any question concerning a matter within the legislative jurisdiction of the council and the petition is signed:

- (a) in the case of a bylaw on which all electors may vote, by one-third of the resident electors whose names appear on the last revised voters' list;
- (b) in the case of a bylaw on which only burgesses may vote, by one-third of the resident burgesses whose names appear on the last revised voters' list;

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 a newspaper published in the town, or in case there is none such, then in some newspaper circulating therein, 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 if the bylaw receives the approval of the electors or burgesses as required by this Act.

1947, c.44, s.214; R.S.S. 1953, c.138, s.215.

**Repeal and amendment of bylaws**

**216** The council may repeal or amend any bylaw, but where the bylaw has received the assent of the electors the repeal or amendment shall be similarly assented to:

Provided that no bylaw relating to the procedure of the council when in session shall be repealed, amended or suspended except so 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 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.

1947, c.44, s.215; R.S.S. 1953, c.138, s.216.



**Quashing of bylaws and resolutions**

**217(1)** Any elector of the town 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 town 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 town clerk and the town seal; and the town clerk shall deliver such copy upon payment of a fee therefor at the rate of ten cents per folio.

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

(5) The judge may allow the recognizance upon the sureties 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 recognizance the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him; and the certificate of such payment into court shall be filed in court with the other papers relating to the motion.

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

1947, c.44, s.216; R.S.S. 1953, c.138, s.217.

**Bylaws procured by bribery and corruption**

**218** Any bylaw which has been procured to be passed through or by means of a violation of any of the provisions of sections 3 and 4 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions of section 217.

1947, c.44, s.217; R.S.S. 1953, c.138, s.218.

**Validation of bylaws**

**219(1)** If no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof.

(2) No bylaw passed by a town 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 and any agreement entered into thereunder shall, if otherwise legal and operative, be deemed valid and binding according to its purport.

1947, c.44, s.218; R.S.S. 1953, c.138, s.219.



**General power to pass bylaws**

**220** In matters not specifically provided for by this Act the council may pass such bylaws as may be deemed expedient and are not contrary to law, for the peace, order and good government of the town, 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.

1947, c.44, s.219; R.S.S. 1953, c.138, s.220.

**Powers in particular**

**221** For greater certainty but not so as to limit the general powers conferred by section 220, the council may make bylaws for all or any of the following purposes:

**Raising revenue**

1 raising its revenues by assessment on (a) lands, (b) businesses and (c) special franchises;

**Temporary loans**

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

**Exemption from taxation**

3 exemption from taxation for the then current year;

**Remission of certain taxes**

4 remitting all or a part of the taxes, including arrears, upon land used for agricultural purposes within the town 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 twenty acres in extent;

**Compromising or abating taxes and other indebtedness**

5 subject to the consent of the minister, compromising or abating the claim of the town for taxes payable to the town or other indebtedness owing by any person to the town, and entering into an agreement for payment of the balance on such terms as may be agreed upon;

**Grants in aid**

6 granting aid to The Canadian Red Cross Society, The St. John Ambulance Association, The Saskatchewan Society for the Prevention of Cruelty to Animals, welfare societies, agricultural societies, boards of trade, chambers of commerce, incorporated mechanics' and literary institutes, Boy Scout Associations, Girl Guide Associations, rifle associations and militia organizations;

**Hudson Bay Route Association**

7 granting aid, not exceeding \$50 in any year, to the Hudson Bay Route Association;

**State Hospital and Medical League**

8 granting aid, not exceeding \$25 in any year, to the State Hospital and Medical League and to the Handicapped Civilians Association;

**Aid to victims of calamity**

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

**Social aid board**

10 nominating a social aid board;

**Aid to poor**

11 granting social aid to the poor and providing for taking security where deemed advisable from persons to whom such aid is granted, and prescribing the form of security;

**Detention homes**

12 providing temporary detention homes or shelters for neglected children;

**Nursing homes**

13 licensing and supervising nursing and maternity homes;

**Police and licence inspectors**

14 appointing policemen, and one or more licence inspectors and regulating and defining their duties and their remuneration;

**Public health**

15 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 town and against the spread of communicable diseases, and appointing and defining the duties of a health officer and assistants;

**Large health districts**

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

**Public wells**

17 regulating and controlling the use of wells, springs and other sources of supply of water for the town, making provision for a supply of water for the town, providing a means of delivery of water to consumers in the town, regulating the use of and rates to be paid for the same and preventing the contamination of any stream of water flowing through or past the town;

**Assize of bread**

18 subject to the provisions of *The Bread Sales Act*, fixing the quality and weight of bread offered for sale or sold within the town 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**

19 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;

**Wrapping of bread**

20 requiring bakers and other persons offering bread for sale to wrap the same in paper of a prescribed quality and description, and forbidding such persons to expose, offer for sale or sell bread which is not so wrapped;

**Dairy and bakery products**

21 providing for the distribution and delivery of dairy and bakery products within the town;

**Operation of bakeries**

22 acquiring and operating bakeries;

**Swimming pools, gymnasias and playgrounds**

23 establishing and maintaining a swimming pool, gymnasium and playground or granting aid to organizations maintaining any such establishment;

**Bathing houses**

24 establishing and maintaining, or granting money to aid in the construction of public bathing houses;

**Preventing bathing**

25 preventing or regulating bathing or washing the person in any public water in the town;

**Scavenging**

26 the making of provision for the proper scavenging of the town, licensing and regulating scavengers and fixing a schedule of rates to be charged by scavengers;

**Ashes, garbage and refuse**

27 establishing and maintaining a system for the collection, removal and disposal at the expense of the town, of garbage or of garbage and other refuse or of ashes, garbage and other refuse; or defining and classifying garbage and providing for the collection, removal and disposal of garbage or of garbage and other refuse or of ashes, garbage and other refuse, throughout the whole town or in defined areas of it at the expense of the owners and occupants of the lands in respect of which the service is rendered; and, in either case, compelling owners and occupants of land to provide such receptacles as may be specified in the bylaw for the collection of ashes, garbage and other refuse, and erecting and maintaining such buildings, machinery and plant as may be deemed necessary for the collection, removal and disposal of such ashes, garbage and other refuse 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;

**Privies**

28 preventing and controlling the construction of privy vaults and providing for the keeping of the same in a proper state of cleanliness;

**Privy tax**

29 charging to all assessed owners or occupants of land, whether otherwise exempt from taxation or not, upon which privies or septic tanks or other similar devices exist for the disposal of wastes whether used or not, a fixed sum per privy or tank or other device 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 or, where the land is exempt from taxation, against the occupants, and to be recoverable in like manner as other taxes which are a lien upon land, except that in the case of land exempt from taxation the property itself shall not be liable and the said charge shall be in addition to any tax imposed under subsection (1) of section 459;

**Removal of rubbish**

30 prohibiting or restricting, controlling and regulating the placing or depositing of such rubbish as may be designated in the bylaw upon any street or lane or in any park, public place or watercourse and compelling the removal of such rubbish by the party so placing or depositing the same and the placing of the same where ordered by the council either within or outside the town;

**Removal of rubbish from buildings and lots**

31 providing for the summary removal from any building or other erection or any lot of such rubbish as may be designated in the bylaw or directing that any such rubbish shall be removed or otherwise dealt with by the owner, agent, lessee, occupier or other person designated in the bylaw;

**Nuisance grounds**

32 regulating and controlling the use of nuisance grounds owned or used by the town;

**Planting trees**

33 providing for planting and protecting trees on highways and other public places;

**Protecting trees from insects**

34 providing for the protection of trees on private property from insect pests, for entering upon such property for the purpose and for charging the cost to the owner of the property, or to the town, as may be deemed advisable;

**Census**

35 Taking the census of the town;

**Membership in co-operative association**

36 becoming a member of a co-operative association by the purchase of one or more shares or otherwise and holding additional shares of which it becomes the owner by the application of dividends;

**Acquiring land for highway**

37 acquiring land for the opening, widening, altering or diverting of a street, lane or other public highway;

**Parks, exhibition grounds, etc.**

38 acquiring an estate in landed property within or outside the town for a public park, forest area, garden or walk or for athletic grounds, playgrounds, parking areas or a place for exhibitions, and providing for the disposal thereof when no longer required for the purpose or when the council deems it advisable to dispose of the same; provided that no land purchased for 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;

**Museums, zoos and wild animal parks**

39 establishing or acquiring and maintaining and operating museums, zoos and wild animal parks either within or outside the town, or granting aid towards the establishment, maintenance and operation of such museums, zoos and parks;

**Accepting landed property**

40 accepting and taking charge of landed property within or outside the town dedicated for a public park, garden or walk for the use of the inhabitants;

**Leases of certain lands**

41 with the consent of the minister, governing the leasing of land dedicated for a public park or for athletic or exhibition grounds, to any association organized for the purpose of fostering an interest in athletics or exhibitions, and providing for a charge for admission to such grounds, whether or not so leased;

**Construction and maintenance of roads, etc.**

42 laying out, constructing, repairing and maintaining highways, roads, streets, sidewalks, bridges, alleys, byways and culverts;

**Public buildings**

43 the erection of halls, lock-ups, weigh houses, markets and all such buildings as may be required by the municipality and the expropriation of lands therefor;

**Acquisition of property for operation of a municipal business**

44 the acquisition or erection of buildings, either separately or in conjunction with other structures which may be acquired or erected, for the purpose of conducting any business which the town is empowered to operate or for the purpose of leasing such buildings or any portion thereof, and the acquisition of a site for such buildings or any of them;

**Quarries, etc.**

45 purchasing or leasing and working any quarry, gravel or sand pit wherever situated, for the purpose of the town;

**Ferries**

46 installing, maintaining and operating any ferry running within or within and outside the town under the provisions of *The Highways and Transportation Act*;

**Rinks**

47 acquiring, building, establishing and operating skating rinks and curling rinks;

**Public markets/Selling on streets**

48 the establishment and regulation of public markets and of stock yards, and the imposition of penalties for 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**

49 establishing town scales for weighing or measuring, and compelling the weighing or measuring thereon 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, or by any inspector appointed by the council for the purpose, and prohibiting the owners of private scales from charging fees for the use of the same when such town scales are in operation;

**Compulsory weighing of coal**

50 where no bylaw has been passed under paragraph 49, compelling dealers in coal, if requested to do so by any inspector appointed by the council for the purpose, to weigh coal sold by them upon such scales as may be designated by the inspector;

**Licensing fuel dealers**

51 licensing persons who sell, distribute or deliver coal or coke, or wood for use as fuel, by retail within the town; controlling and regulating the weighing and sale of coal and coke and the measurement and sale of wood for use as fuel; and controlling and regulating or providing for the distribution and delivery of coal, coke and wood within the town;

**Woodsawing and woodcutting machines**

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

**Erection, etc., of buildings**

53 respecting the erection, classification, alteration, repair, demolition or removal of buildings within the town or any part thereof, and in particular for:

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

**Building permits**

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

**Removal of buildings**

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

**Community planning**

56 carrying out the provisions of *The Community Planning Act*;

**Preventing obstructions in buildings**

57 preventing the obstruction of the halls, aisles, passageways, alleys or approaches in a church, theatre, hall or other place of public meeting during the occupation of the same for a public assemblage;

**Sewers**

58 constructing and maintaining such sewers, drains and ditches, either within or outside the town, as may be required to secure the proper drainage of the town, and disposing of the sewage;

**Encumbering streets**

59 preventing the encumbering of streets and other public places by vehicles and other articles;

**Cattle and horses on sidewalks**

60 preventing the leading, riding and driving of cattle or horses on sidewalks;

**Bicycles on sidewalks**

61 controlling or preventing the riding of bicycles or tricycles on any sidewalk;

**Licensing owners of bicycles**

62 licensing the owners of bicycles, prescribing regulations with respect thereto and controlling and regulating the operation and parking of bicycles on streets and other public places;

**Hedges or shrubs at street intersections**

63 prohibiting the planting of hedges or shrubs on private property at or adjacent to and within twenty-five feet from street intersections or such lesser distance as may be stated in the bylaw, requiring the removal of hedges or shrubs already planted, or limiting the height of such hedges or shrubs whether planted before or after the date of the passing of the bylaw;

**Barbed wire**

64 prohibiting or regulating and controlling the use of barbed wire within the town or any part thereof;

**Motor vehicles**

65 making provision for the carrying out of any provincial law regulating the use and speed of motor vehicles on highways; and regulating the speed of such vehicles in any manner not inconsistent with the provincial law;

**Speed of vehicles**

66 regulating, subject to the provisions of *The Vehicles Act*, the rate or pace of riding or driving any vehicle within the town;

**Weight of vehicles**

67 restricting the weight of vehicles or of vehicles with their loads, using the streets or any particular streets of the town;

**Parking of vehicles**

68 subject to the provisions of *The Vehicles Act*:

- (a) classifying motor and other vehicles for any and all purposes involving the use of streets, lanes and other public places;
- (b) preventing or restricting, controlling and regulating:
  - (i) the parking of vehicles or any particular classification thereof on all or any streets, lanes and other public places or any portion thereof;
  - (ii) the parking on specified streets or lanes or within a certain distance from any building, of vehicles used for carrying inflammable, combustible, explosive or other dangerous material, whether loaded or unloaded;
  - (iii) any other use of the streets, lanes and other public places or any portion thereof by or for vehicles or any particular classification thereof;
- (c) defining the route or routes through the town that vehicles or any particular classification thereof must follow in entering or traversing the town;



**Special franchise**

69 granting a special franchise to any company or syndicate mentioned in clause (c) of subsection (1) of section 310 subject to the conditions set forth in that section and to the provisions of sections 44 and 49 of *The Public Utilities Companies Act*;

**Operation of gas and oil service stations**

70 acquiring and operating gas and oil service stations;

**Electric plant, waterworks, etc.**

71 building, erecting, buying or leasing, controlling and operating any electric light, heat or power plant, gas or waterworks plant;

**Contracts for light and water**

72 subject to the prior approval of the Local Government Board and subject also to the ratification of the bylaw by a majority of the burgesses voting thereon, authorizing the mayor and town clerk to sign any contract with any person or corporation to supply light, power, water or gas for the use of the town for any period not exceeding twenty years;

**Placards, posters, etc.**

73 prohibiting the posting or exhibition of placards, playbills, 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 demoralize, on any wall or fence or elsewhere on or adjacent to a highway or public place;

**Billboards**

74 preventing and controlling throughout the town or in any specified part thereof, the erection and use of billboards, signboards or other advertising devices of any kind, whether the notices are printed or otherwise displayed; requiring a licence from the council or a town official designated for the purpose as a condition of erecting or continuing the use of any signboard, billboard or other advertising device, and authorizing the removal and destruction of signboards or billboards or other advertising devices erected or maintained without such licence;

**Billposters**

75 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**

76 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 authorizing 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**

77 controlling and regulating sparring exhibitions and boxing matches and prohibiting such exhibitions or matches without the written authority of the council or the chief of police, or other authority appointed for the purpose;

**Loud speakers**

78 prohibiting or controlling and regulating the use of loud speakers or other devices for the amplification of sound on any street or other public place or in any building or premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place;



**Nuisances**

79 preventing and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises;

**Slaughter houses and dairies**

80 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 town;
- (b) inspecting and regulating slaughter houses and dairies, as well as all other places within the town where food is produced or kept which is intended for sale or human consumption;
- (c) inspecting and regulating slaughter houses, dairies and all other places outside the town from or through which food is brought for sale or human consumption within the town; provided that this clause does not apply to any place by reason only of the fact that food is brought therefrom into the town by a farmer for his own consumption or that of his family living with him;
- (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;

**Licensing owners of cows and dairies**

81 licensing and regulating the owners, possessors or harbourers of cows, any of the milk from which is offered for sale or is to be consumed within the town, and all persons operating depots or dairies at which such milk is treated, bottled or otherwise handled in bulk;

**Milk and cream pasteurizing and distribution plants**

82 establishing, maintaining and operating a milk and cream pasteurizing and distribution plant or a milk and cream pasteurizing plant;

**Pasteurization of milk and cream**

83 requiring the pasteurization of all milk and cream which is to be offered for sale or is to be consumed within the town;

**Firearms and explosives**

84 preventing the discharge of firearms and explosives in the town;

**Projections on sidewalks, streets, etc.**

85 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 the expense, if not paid forthwith upon demand, against the property;

**Building inspectors**

86 appointing street and building inspectors and defining their duties, providing for the summary removal of any pole or wire or other obstructions from the street, or directing that any building or other erection within the town, which the council by resolution declares to be dangerous to the public safety or health, shall be repaired, pulled down, removed, closed to the public or otherwise dealt with by the owner, agent, lessee, occupier or other person designated in the resolution;

**Naming or numbering of streets, avenues and buildings**

87 naming or numbering the streets and avenues or numbering the buildings and changing the names and numbers or any of them of streets, avenues and buildings now existing or hereafter laid out or erected within the town;

**Auctioneers, hawkers, etc.**

88 subject to any law in force in the province, classifying, licensing, regulating and governing auctioneers, hawkers and pedlars and transient traders;

**Transient traders**

89 requiring transient traders to pay a business tax or give security therefor as a condition of commencing business;

**Licensing contractors**

90 licensing contractors who enter into contracts for the erection, alteration or repair of buildings or structures, the installation of heating plants, plumbing or other fixtures or the performance of other similar work in the town; classifying such contractors; prescribing a schedule of licence fees to be paid by such contractors which fees may vary as between the different classifications, and requiring such contractors to pay the prescribed fee as a condition of commencing to carry out any such contract;

**Horse dealers**

91 licensing and regulating all persons carrying on business as sellers of horses and mules within the town or bringing horses and mules into the town for the purpose of selling or offering the same for sale;

**Dogs**

92 restraining and regulating the running at large of dogs; providing for the impounding of dogs running at large and for the killing, sale or other disposition of impounded dogs if not claimed from pound within a specified time or if the claimant does not comply within a specified time with such conditions governing payment of costs and expenses and removal from pound as the bylaw may provide; classifying dogs for licensing purposes; and prescribing a tariff of licence fees to be paid by persons owning, possessing or harbouring dogs, which fees may vary as between the different classifications of dogs;

**Dangerous dogs**

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

**Bees**

94 licensing, regulating and controlling persons keeping bees within the town or any designated part thereof or prohibiting the keeping of bees within the town or any designated part thereof;

**Billiard tables**

95 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;

**Licensing shows, etc.**

96 preventing or regulating and licensing waxworks, menageries, circuses, shows, theatres and caravans, requiring the payment of licence 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 licence 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**

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

**Operation of places of amusement**

98 acquiring and operating exhibitions, theatres and places of amusement;

**Business, etc.**

99 controlling, regulating and licensing:

- (a) all businesses carried on or to be carried on within the municipality which are not in this Act specifically provided for, whether or not a place of business is used in connection therewith:

provided that where a business tax is assessed in respect of any business, the municipality may license, regulate and control all persons who carry on the same and who are not assessable for the purpose of business taxation in respect thereof;

- (b) commercial travellers or other persons selling goods, wares, merchandise, or other effects of any kind or offering the same for sale by sample cards, specimens or by any method whatever 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 town;

and collecting licence fees for the same;

**Licensing other persons**

100 licensing, regulating and governing persons other than those mentioned in paragraph 99 who in the course of their business buy or sell or buy and sell goods by retail within the town and who are not assessable for the purposes of business taxation in respect of such business;

**Licensing consignment and commission agents**

101 licensing, regulating and governing persons who buy or sell, or buy and sell, goods, wares or merchandise upon consignment or commission;

**Clubs and associations**

102 classifying, controlling and regulating clubs and associations, whether incorporated or unincorporated, whether formed or maintained for social or commercial purposes or for purposes of recreation; licensing clubs or associations falling within any of the classes, and requiring payment of licence fees of the same or different amounts by clubs or associations falling within the various classes licensed;

**Porters, etc.**

103 subject to the provisions of *The Vehicles Act*, controlling, regulating and licensing porters, draymen, hackmen, taxicab drivers, omnibus drivers and all persons performing work with horses or mules or vehicles driven by mechanical power within the town for gain, waterdealers, common carriers, persons removing or hauling furniture, goods, stone, gravel, earth or any other commodity whatever into or within the town, and fixing a schedule of maximum and minimum fees to be charged by them; provided that this paragraph does not include a farmer or his employee conducting business, as a part of his farming operations, within the town;

**Transient barbers**

104 licensing and regulating persons who go from house to house carrying on the business of a barber or hairdresser or who carry on such business at the private residences of customers, and who are not assessable for the purpose of business taxation in respect of such business;

**Transient cleaners and furriers**

105 licensing and regulating persons who go from house to house carrying on the business of a dry cleaner or furrier or who carry on such business at the private residences of customers, and who are not assessable for the purpose of business taxation in respect of such business;

**Pawnshops**

106 licensing and regulating pawnshops, junk stores or shops and second hand stores or shops and fixing the amount to be paid for a licence and the time such licence shall be in force;

**Vending machines, etc.**

107 preventing or controlling, regulating and licensing automatic vending machines, automatic baseball machines, automatic golf machines, pin games, marble games, problem punch boards and all other machines, instruments, contrivances, games or mechanical devices of like nature whether or not the same are kept for hire or profit;

**Educational institutions**

108 subject to the provisions of section 310, 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;

**School fees**

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

**Same**

110 paying the fees of any pupil from the town in respect of his attendance at the high school classes of any district conducting such classes;

**Aid to charities**

111 granting aid to any charitable institution to any amount not exceeding \$1,000 in any one year to any one institution without requiring the approval of the burgesses;

**Same**

112 subject to the provisions of section 310, 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;

**Road improvement**

113 entering into an agreement with the Minister of Highways and Transportation 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 and Transportation Act*;

**Making grants for roads**

114 making a grant to any rural municipality to be expended by such municipality upon the construction or repair of roads adjacent to and leading into the town, provided that all sums so granted shall not exceed \$1,000 in any one year;

**Fire department**

115 establishing a fire department, appointing the officers thereof, regulating and providing their remuneration and prescribing their duties;

**Fire equipment**

116 providing protection from fire by the purchase of engines and equipment, and compelling the building of fire walls;

**Prevention and extinguishment of fires**

117 generally establishing such measures as the safety and welfare of the town may require for the prevention and extinguishment of fires, and in particular for:

- (a) regulating the storage of inflammable liquids in and about buildings;
- (b) preventing or controlling the storage of gunpowder and other combustible, explosive or dangerous materials within the town;
- (c) regulating the installation of stoves and stovepipes or other apparatus or things which may be dangerous in causing or promoting fires, and enforcing the proper cleaning of chimneys, flues and stovepipes;
- (d) requiring buildings and yards to be kept in a safe condition to guard against fire or other dangerous risk or accident; and regulating the removal and safekeeping of ashes;
- (e) regulating the conduct and enforcing the assistance of persons present, for the preservation of property at fires; pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire; and providing compensation for loss or damage sustained by reason of the said pulling down or demolishing; provided that in all cases where a building is pulled down or demolished by the order of any one acting under the authority of the council, the council shall compensate the owner for the amount of insurance to which the owner would have been entitled had the building been burned;

**Extinguishing fires outside the town**

118 entering into a contract with any village, rural municipality or person upon such terms and conditions as may be agreed upon for the use of the fire fighting equipment of the town in extinguishing fires outside the town, or permitting the use of such equipment in extinguishing fires outside the town and charging for such services where no contract has been entered into and a request for such services is made by a village or rural municipality or any of its officers or by any person;

**Licensing dry cleaners and pressers**

119 licensing, regulating and governing the business of dry cleaners, dry dyers, cleaners and pressers and persons engaged in those and similar businesses in which gasoline, carbon bisulphide, naphtha, benzine, benzol or other light petroleum or coal tar products or volatile or inflammable liquids are used;

**Hospitals**

120 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 town shall not exceed the amount fixed by section 358; 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**

121 uniting with the councils of other towns and of villages and rural municipalities in the construction and maintenance of a charitable institution or so uniting in the formation of a union hospital district under the provisions of *The Union Hospital Act*;

**Same**

122 uniting with the councils of other towns and of cities, villages and rural municipalities in 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;

**Employment office**

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

**War memorials**

124 erecting one or more memorials to members of the armed forces who gave their lives in the service of Canada in any war and acquiring grounds for a site therefor, and providing for the repair and maintenance of such memorials; or granting aid for such erection, acquisition, repair and maintenance;

**Bands of music**

125 aiding the establishment or maintenance of bands of music by any corps of active militia within the town or any other bands of music;

**Cemetery**

126 purchasing, maintaining and controlling a cemetery within or outside the town and preventing or regulating the burial of the dead within the town; provided that in each cemetery purchased and owned by a town there shall be set aside a portion for the burial of destitute persons;

**Time**

127 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 on the bylaw:

provided that where the bylaw applies only to part of a year the time adopted by the bylaw shall commence to operate at 2 o'clock a.m. on the last Sunday in April and shall cease to operate at 2 o'clock a.m. on the last Sunday in September;

**Submitting municipal questions**

128 submitting to the vote of the electors any municipal question not specifically authorized by this Act to be submitted;

**Civic holiday**

129 authorizing the mayor to proclaim any day or part of any day except Sunday to be a civic holiday;

**Rats**

130 granting a bonus to be fixed by the council for each rat tail brought to the clerk or some other official chosen by the council.

1947, c.44, s.220; 1948, c.34, s.10; 1950, c.35, s.7;  
1951, c.41, s.8; 1952, c.49, s.4; 1953, c.47, s.19;  
R.S.S. 1953, c.138, s.221.

**LICENCES****Powers of council**

**222(1)** The power to license any business, industry or calling or the person carrying on or engaged in it includes the power to prohibit the carrying on or engaging in it without a licence, and to impose penalties upon unlicensed persons, to fix the fees to be paid for licences and to enforce payment of the same, to limit the time during which a licence shall remain in force and to suspend or revoke or provide for the suspension or revocation of licences; and such power shall, within the town, extend to persons who carry on business partly within and partly outside the town.

(2) A licence fee may be in the nature of a tax for the privilege conferred by the licence and may be computed in any manner adopted by the council.

1947, c.44, s.221; R.S.S. 1953, c.138, s.222.

**Council has discretion**

**223(1)** The granting or refusing of any licence which the council has power to grant under the provisions of this or any other Act, or the revoking of any such licence, 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 licence of any person who sells food or drink for human consumption in the town but who neglects or refuses to comply with the rules, orders or regulations of the Minister of Public Health or with the bylaws of the town relevant to such business.

1947, c.44, s.222; R.S.S. 1953, c.138, s.223.

**Refund on revocation**

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

1947, c.44, s.223; R.S.S. 1953, c.138, s.224.

**Licences not to exclude taxes**

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

1947, c.44, s.224; R.S.S. 1953, c.138, s.225.

**Production of provincial licence**

**226(1)** No town or town official shall issue a licence to any person required by law to obtain a provincial licence until the applicant has first produced the proper provincial licence, and no licence issued by a municipality without such production shall be valid;



(2) The town licence issued in such case shall state the fact that the licensee has produced the said provincial licence.

1947, c.44, s.225; R.S.S. 1953, c.138, s.226.

**Evidence of carrying on business**

**227** Where in any prosecution or proceeding under a bylaw providing for the licensing of any business, industry or calling, or of persons carrying on the same or engaged therein, it is alleged that the person proceeded against carried on or engaged in such business, industry or calling without having first obtained a licence to do so, proof of one transaction in such business, industry or calling shall be sufficient to establish that the person proceeded against carried on or engaged in such business, industry or calling.

1947, c.44, s.226; R.S.S. 1953, c.138, s.227.

**Notice to person employing contractor where licence fee unpaid**

**228** Where a bylaw for the licensing of contractors has been passed pursuant to paragraph 90 of section 221 and a licence fee imposed by the bylaw is unpaid, the licensing officer may give notice in writing to any person by whom the contractor is employed requiring such person to pay the licence fee out of moneys payable by him to the contractor, and upon receipt of the notice by such person the amount of the licence fee shall to the extent of moneys so payable be a debt due by such person to the town and may be recovered in the same manner as taxes may be recovered.

1947, c.44, s.227; R.S.S. 1953, c.138, s.228.

**Information by licensees**

**229(1)** Every person carrying on or engaged in any business in respect of which a licence is required under this Act shall, upon request of a licence inspector or such other person as may be appointed for the purpose of obtaining information, give to the inspector or such person all information necessary to enable him to carry out his duties.

(2) A person carrying on or engaged in any such business who fails to furnish such information within ten days from the date on which the request is made is guilty of an offence and liable on summary conviction to a fine not exceeding \$5 for every day during which the default continues.

1947, c.44, s.228; R.S.S. 1953, c.138, s.229.

## SECURITY

**Taking security**

**230** Where power is given to the town 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.

1947, c.44, s.229; R.S.S. 1953, c.138, s.230.



**Acquiring property in settlement of or security for lien or charge**

**231** The town may acquire, hold and dispose of real or personal property offered or transferred to it in partial or complete settlement or payment of, or as security for, any lien or charge or any right to a lien or charge or any taxes, licence fee or other indebtedness owing to the town.

1947, c.44, s.230; R.S.S. 1953, c.138, s.231.

**SURPLUS FUNDS****Investment of surplus funds**

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

1947, c.44, s.231; R.S.S. 1953, c.138, s.232.

**CLOSING OF SHOPS****Interpretation**

**233(1)** In this section:

**“shop”**

1 **“shop”** means any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail or public auction, blacksmiths’ shops, barbers’ shops and ladies’ hair-dressing, manicuring and beauty parlours;

**“closed”**

2 **“closed”** means not open for the serving of customers except when applied to garages, filling stations, service stations or gasoline pumps, in which case it means not open for the serving of customers with gasoline, lubricating oil or grease; and, except in the case of garages, “the serving of customers” includes the receiving of orders from customers.

**Closing of shops**

(2) During the whole of the year shops shall be and remain closed on each day of the week during the following times, namely:

(a) subject to clause (c), all shops except blacksmiths’ shops, garages, filling stations, service stations and gasoline pumps shall be and remain closed between the hours of six o’clock p.m. and five o’clock a.m. of the next following day;

(b) subject to clause (c), all blacksmiths’ shops, garages, filling stations, service stations and gasoline pumps shall be and remain closed between the hours of seven o’clock p.m. and five o’clock a.m. of the next following day except, in the case of garages, for the purpose of storing cars and emergency services and, in the case of blacksmiths’ shops, for emergency services;

(c) on each Saturday, excepting a Saturday which is the twenty-fourth day of December, and on each of the four days, other than a Sunday, immediately prior to the twenty-fourth day of December, all shops shall be and remain closed between the hours of ten o'clock p.m. and five o'clock a.m. of the next following day except, in the case of garages, for the purpose of storing cars and emergency services and, in the case of blacksmiths' shops, for emergency services.

**Bylaw for Saturday closing**

(3) Notwithstanding the provisions of clause (c) of subsection (2), the council may by bylaw, without petition, 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, require that, during the whole or any part of the year, all shops or any class or classes of shops shall be and remain closed on each Saturday after the hour of six o'clock p.m. or after such later hour as the council may deem fit, but not later than ten o'clock p.m. during the months of November to April inclusive and not later than eleven o'clock p.m. during the months of May to October inclusive:

Provided that where a bylaw requires that certain classes of shops shall be closed and remain closed on each Saturday, during the whole or any part of the year, after the hour of six o'clock p.m. or a later hour stated therein, the hour provided in respect of any one or more classes of shops may differ from that provided in respect of any other class or classes of shops affected.

**Half day a week closing**

(4) The council may by bylaw require that, during the whole or any part of the year, all shops or any class or classes of shops shall be closed on any one day of the week at the hour of twelve o'clock noon, or such later hour as may be deemed advisable, and shall remain closed until five o'clock a.m. of the next following day:

Provided that where a bylaw requires that certain classes of shops shall be closed and remain closed on any one day of the week after the hour of twelve o'clock noon or a later hour stated therein, the day provided in respect of any one or more classes of shops may differ from that provided in respect of any other class or classes of shops affected.

**Day a week closing**

(5) In place of proceeding as set forth in subsection (4) the council may by bylaw adopt the provisions of that subsection for the purpose of closing all shops or any class or classes of shops on any one day of the week at twelve o'clock midnight until five o'clock a.m. of the second following day.

**Closing on holidays**

(6) The council may by bylaw require that during the whole or any part of any specified holiday, or day proclaimed as a civic holiday, all shops or any specified class or classes thereof shall be and remain closed.

**Petition**

(7) Within two months following receipt of a petition therefor, and upon being satisfied that it is signed by not less than three-fourths in number of the occupiers of shops throughout the town, belonging to the class or classes to which the petition relates, the council may, if it deems it advisable, pass a bylaw fixing an earlier closing hour, for the class or classes of shops to which the petition relates, than that specified in subsection (2).

**Repeal or amendment of bylaw passed upon petition**

(8) No bylaw passed under the provisions of subsection (7) shall be repealed or amended except:

- (a) upon petition for such repeal or amendment, signed by not less than one-third in number of the occupiers of shops of the class or classes to which such bylaw relates; or
- (b) by a bylaw unanimously passed at a regular or special meeting of the council at which all the members thereof are present; or
- (c) 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 and substantial effect of the proposed bylaw:

Provided that nothing in this subsection shall be construed as empowering the council to pass any bylaw which would have the effect of fixing a later closing hour than that specified in subsection (2).

**Regulations**

(9) The council may by bylaw make regulations as to the form of the petitions referred to in subsections (7) and (8), and as to the production of evidence that any such petition has been signed by the required number of persons, and classifying shops for any of the purposes of this section. The decision of the council as to the sufficiency of any such petition shall be final and conclusive and not subject to review by any court.

**Later closing of certain shops permitted**

(10) Notwithstanding anything contained in this section or in any bylaw passed pursuant to this section, any shop in which the principal trade or business carried on is that of a tobacconist, news agent, hotel, refreshment house, confectionery, bakery or druggist, may be kept open after the hour fixed by this section or any such bylaw for the closing thereof, for the sale by retail only of any of the following, hereinafter referred to as "exempted merchandise":

tobacco, cigars, cigarettes, smokers' sundries, newspapers, magazines, periodicals, pamphlets, writing material, picture cards, bread, cakes, pastries, milk, soft drinks, ice cream, sherbet, candy, nuts, confectionery, fresh fruit, food, and any drink which may be lawfully sold, for consumption on the premises only, preparations for or articles used in the care of the teeth, scalp, skin or feet, including tooth brushes and combs, shaving supplies (excepting razors), photo supplies and finishing, provided that the said toilet preparations or articles are not put up in gift packages, and in the case of druggists, hotels and refreshment houses respectively, the following additional articles:

in the case of a druggist, medicines, drugs and medical supplies and appliances;

in the case of a hotel, the providing of rooms with or without meals;

in the case of a refreshment house, the supply, for consumption on the premises or elsewhere, of cooked meats, cooked vegetables and cooked fish, when in unsealed containers.

No goods other than exempted merchandise shall be sold in any shop while the shop is open for the sale of exempted merchandise only.

**Sale of exempted merchandise**

(11) No shop shall be kept open after the hour fixed for the closing thereof by this section or any bylaw passed pursuant to this section, for the sale by retail of exempted merchandise unless the proprietor or manager of the shop has previously filed with the town clerk a statement in writing setting forth that the principal trade or business carried on in such shop is that of a tobacconist, news agent, hotel, refreshment house, confectionery, bakery or druggist, as the case may be.

**Change in principal trade or business**

(12) A similar statement may also be filed at any time in the event of a change in the principal trade or business carried on in any shop.

**Definitions of certain trades or businesses**

(13) For the purposes of this section, the trade or business:

(a) of a tobacconist means the sale by retail of the following articles:

tobacco, cigars, cigarettes and smokers' sundries, including cigarette papers, matches, lighters, cigar and cigarette holders, pipes, pipe cleaners, pipe, cigar and cigarette cases, tobacco pouches and humidors;

(b) of a news agent means the sale by retail of the following articles:

newspapers, magazines, periodicals, pamphlets, books, writing material, playing cards, picture cards and souvenirs;

(c) of a hotel means providing the public with rooms or with rooms and meals;

(d) of a refreshment house means providing the public with food and any drink which may lawfully be sold, for consumption on the premises, and the sale by retail of the following articles for consumption either on or off the premises, namely:

cooked meats, vegetables and fish, when in unsealed containers, and soft drinks, ice cream and sherbet;

(e) of a confectionery means the sale by retail of candies, nuts, sweetmeats, soft drinks, ice cream and sherbet;

(f) of a bakery means the sale by retail of bread, cakes and pastries;

(g) of a druggist means the sale by retail of medicines, drugs, medical supplies and appliances.

**Notice to be displayed in certain shops**

(14) Where any shop, in which the principal trade or business carried on is that of a tobacconist, news agent, hotel, refreshment house, confectionery, bakery or druggist, remains open after the hour fixed for the closing thereof by this section or any bylaw passed pursuant to this section, for the purpose of selling or offering for sale any exempted merchandise, the person in charge of such shop shall, throughout the whole of the period during which the shop remains open after such fixed closing hour, keep in a conspicuous place in the store a card, not less than thirty inches by eighteen inches, on which the following words are printed in the English language:

**NOTICE**

This shop is now closed under the provisions of *The Town Act*, except for the sale of the following exempted merchandise only:

*(Here list the exempted merchandise being offered for sale).*

**Supplying article in emergency**

(15) Nothing in this section or in any bylaw passed pursuant to this section shall render the proprietor or person in charge of a shop liable to fine, penalty or other punishment for supplying any article required for immediate use by reason of an emergency arising from sickness, personal injury or death.

**Gasoline, etc.**

(16) Notwithstanding anything contained in this section, the council may by bylaw:

- (a) prescribe conditions on which gasoline, lubricating oil and grease may be sold in garages, filling stations and service stations or in any of them;
- (b) prescribe conditions on which services, material and parts may be supplied by blacksmiths' shops, machine shops or implement dealers;
- (c) select through a plan of rotation certain shops of the classes mentioned herein where such commodities may be sold or services, material and parts supplied and prescribe the hours in which such business may be carried on;

during the time when garages, filling stations, service stations, gasoline pumps, blacksmiths' shops, machine shops and implement shops are closed under the provisions of this section or under any bylaw passed pursuant to this section

**Sale by public auction restricted**

(17) During the hours when any class of shops in which goods are offered for sale by retail are required to be closed under the provisions of this section or any bylaw passed pursuant to this section, no goods of the kind ordinarily sold in shops of that class shall be offered for sale by public auction; provided that this subsection does not apply to used or second-hand goods.

**Prohibition respecting employees in shop after closing hour**

(18) No employer shall suffer or permit any of his employees to be in his shop within the period during which the shop is required to be closed, except for one-half hour after the commencement of that period; provided that an employer may, with the consent of his employees, and upon compliance with any relevant provisions of *The Minimum Wage Act* or any regulations or orders made thereunder respecting overtime, use their services after such half-hour period for the purpose of taking inventories, dressing windows, arranging stock, balancing books of account or other work which cannot reasonably be done while the shop is open for the serving of customers.

**Penalty**

(19) The proprietor of any shop, and the person in charge thereof, when any contravention of any of the provisions of this section or any bylaw passed pursuant to this section occurs, are each guilty of an offence and liable on summary conviction to a fine not exceeding \$100; provided that in the case of a conviction of the proprietor or the person in charge of a shop, in which the principal trade or business is that of a tobacconist, news agent, hotel, refreshment house, confectionery, bakery or druggist, for violation of subsection (10) by the unlawful sale of any goods other than exempted merchandise at a time when exempted merchandise only may be sold, the minimum fine shall be \$50. In default of payment of any fine imposed under this subsection, the person upon whom the fine is imposed is liable to imprisonment for a term not exceeding six months.

**Evidence of principal trade or business**

(20) In any prosecution for alleged violation of subsection (10) by the unlawful sale in a shop of goods other than exempted merchandise at a time when exempted merchandise only may be sold, the statement, or the last statement, as the case may be, filed pursuant to subsection (11) or (12) before the commission of the alleged violation shall be received in any court as *prima facie* evidence of the principal trade or business carried on in the shop at the time of the alleged violation, without proof of the authority of the person by whom the statement purports to be made or of the signature of such person. In any such prosecution if it is proved that no statement has been filed, the principal trade or business carried on in the shop at the time of the alleged violation shall be deemed to be the trade or business named in the information as the principal trade or business carried on in the shop.

**Tourists camps**

(21) The restrictions contained in the preceding subsections respecting the sale of food, gasoline, lubricating oil and grease do not apply to the sale of such articles by the operator of a tourist camp within the camp area to tourists registered in the camp.

**Time**

(22) Any reference in this section to time shall be deemed to be a reference to the time in common usage in the town.

**Sale of beer not affected**

(23) Nothing contained in this section or in any bylaw passed pursuant to this section shall be deemed to apply to the sale of beer in licensed premises in a hotel.

**Lord's Day Act**

(24) Nothing contained in this section or in any bylaw passed pursuant to this section shall be construed as authorizing the sale upon Sunday of any merchandise, the sale of which on that day is prohibited by the *Lord's Day Act (Canada)*.

1947, c.44, s.232; 1948, c.34, s.11; 1950, c.35, s.8;  
1951, c.41, s.9; R.S.S. 1953, c.138, s.233.

## CHILDREN OUT AT NIGHT

**Power to pass bylaw**

**234(1)** The council may pass bylaws regulating the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed.

(2) A child found in a public place after the time appointed may be warned to go home by any constable or peace officer, and if after such warning the child is found loitering in a public place such child may be taken by the constable or officer to the child's home or to a children's shelter.

(3) Any parent or guardian may be summoned for permitting his child or ward to violate such bylaw habitually and may be fined for the first offence \$1, without costs, for the second offence \$2 and for a subsequent offence \$5.

1947, c.44, s.233; R.S.S. 1953, c.138, s.234.

## LICENSING WORKING CHILDREN

**Powers of council**

**235(1)** The council may pass bylaws for regulating and controlling and licensing children engaged as:

- (a) express or dispatch messengers;
- (b) vendors of newspapers, magazines or small wares;
- (c) bootblacks.

(2) No licence fee imposed hereunder shall exceed the sum of 50 cents per annum, and no child engaged in two or more of the said occupations shall be compelled to take out more than one licence, nor pay more than one licence fee.

(3) No licence shall be granted to a female child under the age of eighteen years nor to a male child under the age of 12 years, nor to a male child of the age of 12 years but under the age of 14 years, unless in the latter case such child presents written authority from his parent or guardian authorizing him to make application for a licence for the purpose of engaging in any of the above named occupations.

(4) No male licensee under this section shall be permitted to engage in any occupation for which he is licensed within the municipality after the hour of 8 o'clock in the evening in the months of December, January and February, or after the hour of 9 o'clock in the evening throughout the rest of the year, or during school hours, and no female licensee shall be permitted to engage in any occupation for which she is licensed within the municipality after the hour of seven o'clock in the evening or before the hour of seven o'clock in the morning.

1947, c.44, s.234; R.S.S. 1953, c.138, s.235.

## PUBLIC ACCOMMODATION

**Public hotels, etc., subject to licence**

**236(1)** The council shall have power:

- (a) to license public hotels and other places of public accommodation, and to adopt by bylaw regulations with respect to the licensing and the conduct, management, appointments and inspection of all such places and to enforce such regulations by means of penalties;
- (b) to 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 which the council may desire to install.



(2) Notwithstanding the provisions of clause (a) of subsection (1), the council may by bylaw make regulations, either additional to or in place of any adopted under the said clause (a), governing the operation, management, hours of business and inspection of restaurants situated in or within a specified distance from any class or classes of restricted areas where such areas are defined by a zoning bylaw of the town.

1947, c.44, s.235; 1951, c.41, s.10; R.S.S. 1953, c.138, s.236.

**Power of council to rent, lease or purchase buildings**

**237** 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.

1947, c.44, s.236; R.S.S. 1953, c.138, s.237.

**Voting**

**238** For the purpose of any vote to be taken under section 237, the provisions of this Act with respect to voting on money bylaws apply with the necessary modifications.

1947, c.44, s.237; R.S.S. 1953, c.138, s.238.

**Powers after securing authority**

**239** 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 the premises;
- (c) do all other acts and things deemed necessary or advisable to have the premises conducted and managed successfully and economically as a place of public accommodation.

1947, c.44, s.238; R.S.S. 1953, c.138, s.239.

**Provision of funds**

**240** All moneys required for carrying out the provisions of sections 236, 237 and 239 may be provided from the general revenues of the town or by the issue of debentures or other securities.

1947, c.44, s.239; R.S.S. 1953, c.138, s.240.

**Application for hotel licence**

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

1947, c.44, s.240; R.S.S. 1953, c.138, s.241.



**Application form**

**242(1)** The application shall be in the following form:

PUBLIC ACCOMMODATION  
APPLICATION FOR LICENCE

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

Dated at _____ this _____ day of _____, 19____, and signed in the presence of _____ <div style="text-align: center;">..... <i>Signature</i></div>	}	..... <div style="text-align: center;"><i>Signature of Applicant.</i></div>
--	---	--

(2) In addition to the information contained in the above form, the applicant for a licence shall furnish such information as the council may require.

1947, c.44, s.241; R.S.S. 1953, c.138, s.242.

**Issue of licence and fee**

**243(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 and that the premises to be used are necessary and suitable for the purpose, may by resolution instruct the clerk to issue the licence applied for.

(2) The licence shall be in the following form:

PUBLIC ACCOMMODATION  
LICENCE

The council of the town of \_\_\_\_\_ hereby grants to \_\_\_\_\_ this licence to conduct a \_\_\_\_\_ in the premises situated on lots No. \_\_\_\_\_ in block No. \_\_\_\_\_ in the town of \_\_\_\_\_ which licence shall continue in force until the thirty-first day of January, 19\_\_\_\_, unless suspended or cancelled.

Dated at _____ this _____ day of _____, 19____.	}	..... <div style="text-align: center;"><i>Signature of Clerk</i></div>
---	---	---

[Seal of town]

(3) The fee payable in advance for a licence for a public hotel shall be such as the council may determine, but it shall not exceed \$10.

(4) Section 421 does not apply to such fee.

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

1947, c.44, s.242; 1950, c.35, s.9; R.S.S. 1953, c.138, s.243.

**Application for renewal of licence**

**244** Every annual application for the renewal of a licence 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.

1947, c.44, s.243; R.S.S. 1953, c.138, s.244.

**Licences framed and exhibited**

**245(1)** Every person licensed to conduct a public hotel or other place of public accommodation shall cause his licence to be framed and continuously exhibited in a conspicuous public position on the licensed premises.

(2) A licensee who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

1947, c.44, s.244; R.S.S. 1953, c.138, s.245.

**Sign exhibited**

**246(1)** Every person licensed to conduct a public hotel shall place over the door of the main entrance to the premises a sign on which shall be painted in conspicuous characters the words "Public Hotel".

(2) A licensee who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

1947, c.44, s.245; R.S.S. 1953, c.138, s.246.

**Penalty for misrepresentation by unlicensed person**

**247** 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 licence as herein provided, or any sign intended to cause the public to believe that the building is a public hotel, or that the owner or any occupant thereof has been licensed to conduct the same as a public hotel, is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in default of payment to imprisonment for one month.

1947, c.44, s.246; R.S.S. 1953, c.138, s.247.

**Notice of municipal bylaw**

**248(1)** The clerk shall, when the council has made provision by bylaw for licensing public hotels or other places of public accommodation, give public notice of the same in such manner as the council may determine.

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

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

1947, c.44, s.247; R.S.S. 1953, c.138, s.248.

**Conduct of hotels regulated by council**

**249** 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.

1947, c.44, s.248; R.S.S. 1953, c.138, s.249.

**Suspension or cancellation of licence**

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

1947, c.44, s.249; R.S.S. 1953, c.138, s.250.

**Service and effect of notice of cancellation**

**251(1)** Written notice of 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 the notice the licensee or employee shall forthwith remove the licence and the sign referred to in sections 245 and 246.

(2) A licensee or employee who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in default of payment to imprisonment for fourteen days.

1947, c.44, s.250; R.S.S. 1953, c.138, s.251.

**Public rest and reading rooms**

**252(1)** For the purpose of aiding in the establishment of a public rest and reading room in any public hotel or other place of public accommodation in a town and of providing for the care of any library which the council may desire to install 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 town such sums as may be deemed advisable but not exceeding \$200 annually;

(b) by the council of every adjacent rural municipality such sums as may be deemed advisable but not exceeding \$30 annually for each division of the municipality.

(2) For the purpose of better carrying out the provisions of this section the 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 the licensee.

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

1947, c.44, s.251; R.S.S. 1953, c.138, s.252.

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

**253(1)** There shall be displayed in a conspicuous place in the main office or public room of every public hotel or other place of public accommodation, licensed as such under the provisions of this Act, a notice bearing in plain characters that may be easily read the following words: "The keeping or consuming of intoxicating liquors on any part of these premises, other than in a private guest room or licensed premises, is prohibited by law".

(2) A proprietor or manager of any licensed public hotel or other place of public accommodation who fails to have and to keep the said notice displayed as provided by subsection (1) is guilty of an offence and liable on summary conviction to a fine of \$50 and in default of payment to imprisonment for thirty days.

1947, c.44, s.252; R.S.S. 1953, c.138, s.253

## PROHIBITING CERTAIN BUSINESSES

**Powers of council**

**254(1)** The council may prohibit the carrying on within the town 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) If a bylaw under this section prohibits the continued maintenance of a business already in existence in the town the town shall compensate the owner of such business 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 town, or if there is none such, in a newspaper circulating therein.

(5) A claim for such compensation may be filed with the town clerk 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 *The Municipal Expropriation Act*, and all the provisions of that Act with reference to the ascertaining of damages for lands injuriously affected by the town'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.

1947, c.44, s.253; 1948, c.34, s.13; R.S.S. 1953, c.138, s.254.

## SPECIAL FUNDS

**Power to establish**

**255** The council may establish a fund for working capital, for post-war reconstruction purposes 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 or any of them, and may regulate the mode in which any such fund shall be used, paid out or recouped; provided that the use of any part of a 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 the fund so used.

1947, c.44, s.254; R.S.S. 1953, c.138, s.255.

## PURCHASE AND DISPOSAL OF LAND

**Acquiring land**

**256** The council may acquire for any municipal purpose such land within or outside the town as it deems expedient to acquire.

1947, c.44, s.255; R.S.S. 1953, c.138, s.256.

**Disposal of land**

**257(1)** Land acquired by the town 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 paragraph 38 of section 221, be leased, sold or otherwise disposed of without the matter being referred to the burgesses.

(2) Subject to paragraph 38 of section 221, land acquired by the town may be exchanged for other land on the basis of their respective assessed values, and the council may impose upon the other party to the exchange such conditions regarding the improvement of the land given in exchange as may be deemed expedient.

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

(4) The provisions of section 30 of *The Tax Enforcement Act* and section 26 of *The Arrears of Taxes Act*, chapter 146 of *The Revised Statutes of Saskatchewan, 1940*, respecting prior notice of sale do not apply to land conveyed or disposed of under subsection (3).

1947, c.44, s.256; 1951, c.41, s.11; R.S.S. 1953, c.138, s.257.

**No sale at price less than actual value**

**258** No town 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.

1947, c.44, s.257; R.S.S. 1953, c.138, s.258.

**Sale of lands to war veterans**

**259** Lands acquired through tax process or in settlement of the town's claim for taxes may be sold to persons who were volunteers or reservists as defined by *The Volunteers' and Reservists' Relief Act, 1942*, at such price and upon such terms and conditions as the council may consider advisable.

1947, c.44, s.258; R.S.S. 1953, c.138, s.259.

**Use of proceeds from sale of lands**

**260(1)** The proceeds of the sale of any lands by the town except lands acquired through tax process or in settlement of the town's claim for taxes shall be considered to be held on capital account, and may be invested in the same manner as sinking funds or used for the purposes of any of the municipality's public utilities or for such other capital expenditures and on such terms as may be approved by the Local Government Board.

(2) If the proceeds of the sale of any lands have been invested in the purchase of the town's own debentures, the town may, with the approval of the Local Government Board, cancel the said debentures and the levies required for their repayment.

1947, c.44, s.259; R.S.S. 1953, c.138, s.260.

**Transfer of moneys from sinking fund**

**261(1)** When debentures and the levies required for their repayment have been cancelled, as provided by section 260, and moneys have been paid into the sinking fund account to meet the payment of such debentures, the council may make application to the Local Government Board for permission to pay out of the sinking fund account the amount paid in on account of such debentures, with interest accumulated thereon at not more than four per cent per annum, into an account established under the provisions of section 260.

(2) The Local Government Board may, where sinking fund trustees have been appointed, direct the payment out as aforesaid, and upon receipt of such directions, the sinking fund trustees shall make payment accordingly.

1947, c.44, s.260; R.S.S. 1953, c.138, s.261.

**Disposal of income**

**262** All income derived from the 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.

1947, c.44, s.261; R.S.S. 1953, c.138, s.262.

## TAKING MORE LAND THAN REQUIRED

**Power to take more land than required**

**263** When the council desires to undertake any work or enterprise authorized 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 if deemed expedient may acquire any adjoining land, or the land liable to be injuriously affected, and may hold, lease, sell or otherwise dispose of the surplus of any land so acquired, over and above the land required for the work or enterprise.

1947, c.44, s.262; R.S.S. 1953, c.138, s.263.

## HOUSING

**Power to enter into agreements**

**264**(1) The council may enter into an agreement or agreements with Wartime Housing Limited, Central Mortgage and Housing Corporation or Saskatchewan Reconstruction Housing Corporation for the erection and equipping by the corporation of houses within the town, upon such terms and conditions as may be agreed upon.

(2) The agreement may provide that the town may, with the approval of the Local Government Board, expend in any year such sum or sums as may be designated by the board to meet part of the cost of erection or for the purchase of such houses or any of them.

(3) Where an agreement has been heretofore or is hereafter entered into, the council may, notwithstanding the provisions of section 312, but with the approval of the Local Government Board, by the same or a separate agreement partially or entirely exempt from taxation such houses or any of them and the land used in connection therewith, as well as the occupants thereof, for such term of years as may be specified in the agreement.

(4) Where an agreement is entered into with Saskatchewan Reconstruction Housing Corporation the council may, in addition to exercising any or all of the powers conferred by this section, provide in the agreement for the free transfer to that corporation of title to any town owned lands required by the corporation for building sites.

(5) Where property is partially exempt from taxation pursuant to the provisions of subsection (3) the amount levied, exclusive of local improvement taxes, shall be apportioned *pro rata* to the various purposes in respect of which taxes are levied on all properties in the town.

1947, c.44, s.263; 1953, c.47, s.20; R.S.S. 1953, c.138, s.264.

**Power to erect, purchase and renovate dwellings**

**265**(1) A town may, with the approval of the Local Government Board, expend in any year such sum or sums as may be designated by the board to meet all or part of the cost of erecting or purchasing houses and the land used in connection therewith, or of acquiring other suitable accommodation for residential purposes, and renovating, remodelling or modernizing any dwelling owned by it or in respect of which the town has made a contribution towards the erection or purchase thereof.

(2) The town may sell or lease property acquired under subsection (1) or may enter into an agreement with the owner of a dwelling in respect of which the town made a contribution towards its erection or purchase for the repayment by him, upon such terms as may be agreed upon, of the amount expended by the town in making such contribution or in renovating, remodelling or modernizing such dwelling.

1947, c.44, s.264; R.S.S. 1953, c.138, s.265.



## PUBLIC UTILITIES

**Application of *Municipal Public Works Act***

**266** The provisions of *The Municipal Public Works Act* shall be deemed to be incorporated in this Act, and the town 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 heretofore or are hereafter constructed under bylaws purporting to be passed under the authority thereof.

1947, c.44, s.265; R.S.S. 1953, c.138, s.266.

**Same**

**267** Section 50 of the said Act does not apply to money borrowed or debentures issued after the fourteenth day of March, 1916.

1947, c.44, s.266; R.S.S. 1953, c.138, s.267.

**Agreements for joint use of poles**

**268** The council may enter into an agreement with the Saskatchewan Government Telephones providing for the joint use by the municipality and the corporation of any poles belonging to or to be erected by either party; and may erect poles suitable for such use.

1947, c.44, s.267; R.S.S. 1953, c.138, s.268.

**Airport**

**269** The council may pass bylaws for acquiring land within or outside the town for the purpose of constructing or extending an airport, and providing for the improvement and maintenance thereof, subject to "*The Air Regulations*" (Canada) and such other regulations as may be approved from time to time by the Governor in Council.

1947, c.44, s.268; 1949, c.43, s.17; R.S.S. 1953, c.138, s.269.

## ESTABLISHING A MUNICIPAL CENTRE

**Building bylaws**

**270** If the council acquires land for the establishment of a municipal centre, with a view to grouping together in a central location the municipal offices and other buildings of a public character, the council may pass bylaws prescribing the height, structural character and architectural features of all buildings on lands fronting on or adjoining such municipal centre and the uses to which such buildings may be put, and prohibiting the use of any buildings on such fronting or adjoining lands for the exhibition of advertisement boardings, 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 municipal centre:

Provided that the council shall not be liable, in respect of such bylaws or the enforcement thereof, to make compensation to the owners or occupiers of lands or buildings affected thereby, except in the event of any building having to be taken down, removed or altered in consequence of such bylaws, in which case the amount of compensation shall, failing agreement, be determined by arbitration in the manner provided for by *The Municipal Expropriation Act*.

1947, c.44, s.269; R.S.S. 1953, c.138, s.270.



## SUPERANNUATION AND BENEFIT FUND

### Superannuation or benefit fund

**271(1)** The council may by bylaw set up, contract for and maintain a plan of superannuation or a benefit fund for the benefit of municipal employees or any group thereof, or of members of the police force, or of employees of the library board or of the hospital board, or all or any of them, and of their dependents or any of them, classify the employees affected or any group thereof, as to age or otherwise, as may be deemed expedient, and make adherence and contribution to such plan or fund compulsory or optional as to all employees or any group or class thereof. A bylaw passed under this section shall not be deemed to be a money bylaw.

(2) The council may, with the previous approval of the Local Government Board, invest any surplus money at the credit of the fund in any of the securities mentioned in section 394 and sell, assign or transfer such securities and reinvest the proceeds thereof or any part of the proceeds in like securities.

1947, c.44, s.270; R.S.S. 1953, c.138, s.271.

## RESTRAINING DRUNKEN PERSONS

### Bylaws

**272** The council may pass bylaws for restraining and punishing persons found drunk in any road, street, highway, lane, alley, park or other place or in any restaurant, store, garage, office, beer parlour, hotel, place of public entertainment or any other place to which the public has access.

1948, c.34, s.14; R.S.S. 1953, c.138, s.272.

## PARKS BOARD

### Appointment and duties

**273(1)** 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.

(2) Such members may be named by resolution of the council and shall hold office during the pleasure of the council.

1947, c.44, s.272; R.S.S. 1953, c.138, s.273.

## AUTO CAMPS

### Power to acquire and operate camp

**274(1)** The council may, upon securing a permit from the Minister of Public Health, establish or acquire and operate an auto camp or tourist camp, including the dispensing of food, gasoline, lubricating oil and grease to any registered occupant of the camp.

(2) The operation of the camp, including the dispensing of the articles mentioned in subsection (1), may be delegated to the parks board.

1951, c.41, s.12; R.S.S. 1953, c.138, s.274.

## HOSPITAL BOARD

**Appointment and duties**

**275(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 town, and may define the powers and duties of the board and the remuneration, if any, of the members.

(2) Such members may be named by resolution of the council and shall hold office during the pleasure of the council.

(3) 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 the 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 councillors; and all the provisions of this Act respecting the election and qualification of councillors and the qualification of electors and the voting at elections apply *mutatis mutandis* to the election of members of the board.

(4) Where the members of the board are elected as provided by subsection (3) the bylaw shall also state the period of time during which each member shall hold office.

(5) If the validity of the election of any member is contested, proceedings shall be taken under *The Controverted Municipal Elections Act*.

1947, c.44, s.273; R.S.S. 1953, c.138, s.275.

## CARE OF INDIGENT SICK PERSONS

**Liability for medical expenses of residents for thirty days**

**276(1)** The council of every town shall make due provision for the care and treatment of any indigent person who has been a resident of the town for at least thirty days, who falls ill and requires medical attendance and treatment.

(2) In this section and the following sections **“indigent person”** means a person who is actually destitute of means from his own resources of obtaining necessary medical attendance and treatment.

(3) All provision for medical care and treatment of indigent persons shall be made by means of a written order.

(4) Such written order may be dispensed with in respect of medical advice, attendance or medicines given by a medical practitioner at a first visit or any further necessary treatment during the emergency if the medical practitioner concerned certifies that the case was, or that he was informed that the case was, one of sudden and urgent necessity.

(5) A council may delegate its duties under this section to a committee consisting of one or more of its members and may authorize each member of the committee to issue the written orders mentioned in subsection (3).

(6) A medical practitioner who attends an indigent person on a written order made under subsection (3), or, in case of emergency, without such order, shall forthwith after his first visit notify the clerk of the town that medical attendance and treatment is being given and that he will claim from the town compensation for such attendance and treatment. The clerk of the town shall, within sixty days after receipt by him of such notice, notify the medical practitioner that the council admits the claim or denies liability as the case may be; and if such notification is not given by the clerk within the said period the council shall be deemed to have admitted the claim and shall pay the compensation claimed.

(7) In the absence of such provision, if an indigent person who is not a beneficiary under *The Saskatchewan Hospitalization Act* is, on the request of the council, admitted as a patient by a hospital approved under *The Hospital Standards Act* or any former *Hospital Standards Act*, or in case of emergency without such request, the board of the hospital may demand from the council a sum not exceeding the daily public ward rate of the hospital for each day's actual treatment and stay of the patient therein; provided that:

- (a) the hospital board has notified the council within fifteen days after the admission of the patient, of the fact of such admission and that the board will claim from the municipality compensation for his care and treatment under this Act;
- (b) such demand is made within thirty days after the discharge or death of the patient;
- (c) the board, within fifteen days after the admission of the patient or at as early a date as practicable, furnishes the council with the statement mentioned in section 281.

(8) If the patient is not a resident of the town the council shall, within sixty days from the admission of such patient, notify the hospital board to that effect; otherwise such patient shall be deemed to be a resident for the purposes of this Act.

(9) Upon receipt of a certificate of the medical health officer of the town, or of the director of a cancer clinic conducted by the Saskatchewan Cancer Commission, to the effect that it will imperil the life or health of the patient to delay admission to the hospital until the council of the town can be consulted, the case shall be deemed to be an emergency case within the provisions of this section.

1947, c.44, s.274; 1949, c.43, s.18; R.S.S. 1953, c.138, s.276.

#### **Agreement with medical practitioner**

**277** Notwithstanding anything contained in section 276 the council may enter into an agreement with one or more medical practitioners for the care and treatment of all indigent persons upon such terms and conditions as may be agreed upon.

1947, c.44, s.275; R.S.S. 1953, c.138, s.277.

#### **Residents for less than thirty days**

**278** Where:

- (a) a person, who falls ill and is financially incapable of procuring the necessary medical attendance and treatment, has resided for a less period than thirty days in the town in which he so falls ill;

(b) such person is admitted as a patient by a hospital falling within the terms of subsection (7) of section 276, either with or without a request from the council of that town; and

(c) the hospital board has complied with clauses (a), (b) and (c) of the proviso to subsection (7) of section 276;

the hospital board may demand payment for such person's treatment and stay, at the rate above mentioned, from the council of the city, town, village or rural municipality in which he was last resident for a period of at least thirty days.

1947, c.44, s.275a; R.S.S. 1953, c.138, s.278.

**Where correct name not furnished**

**279** If a patient has not furnished the board with the correct name of the municipality in which he resides, and the board has in consequence failed to notify the council of that municipality as required by clause (a) of the proviso to subsection (7) of section 276 within the time thereby limited, or has failed to furnish the statement mentioned in section 281 within that time, the board may give the notice or furnish the statement within fifteen days after discovering the true residence of the patient.

1947, c.44, s.275b; R.S.S. 1953, c.138, s.279.

**Harvesters**

**280** If the person mentioned in section 278 has come into the province from an outside point to work as a harvest hand, having paid for his transportation at a special rate allowed to harvest hands, the hospital board may demand payment from the council of the city, town, village or rural municipality in which he last worked for a period of thirty days or, if there is none such, from the council of the municipality in which he last worked.

1947, c.44, s.275c; R.S.S. 1953, c.138, s.280.

**Information to be supplied by hospital board**

**281** It shall be the duty of the board, upon the admission of an indigent person to the hospital, to obtain from such person or from other available sources, if possible, the following information, namely: the name and address of the patient, the name of the city, town, village or rural municipality in which he resides, the names and addresses of the parties, if any, for whom he worked during the sixty days immediately preceding his admission to the hospital, a brief description of any land of which he is the owner or occupant, and the means he has of paying the hospital charges for his care and treatment; and to furnish a statement of such information, certified correct, to the clerk of the town from which the board expects payment of its account.

1947, c.44, s.275d; R.S.S. 1953, c.138, s.281.

**Liability where hospital outside province**

**282(1)** Subject to the provisions of subsection (2), if an indigent person who falls ill is not a beneficiary under *The Saskatchewan Hospitalization Act*, and has been resident in a town for at least thirty days, and is on the request of the council or, in case of emergency, without such request, admitted to a hospital in another province which receives aid from the general revenues of that province, the council of the town shall pay to the hospital board its charges for the care and treatment of such person, at such rate, not exceeding \$5 per day, as may be stated in the order mentioned in subsection (2), for each day of his stay in the hospital.

(2) When the Lieutenant Governor in Council is satisfied that reciprocal provisions have been made or will be made by the Legislature of another province he may by order declare the provisions of subsection (1) to be in force and to apply to that province.

1949, c.43, s.19; R.S.S. 1953, c.138, s.282.

**Recovery of expenses by town**

**283(1)** Any expenses heretofore or hereafter incurred by the town for medical or hospital care and treatment of an indigent person, in consequence of any duty imposed upon it by or pursuant to this or any other Act, or any sums paid by it on behalf of any person in respect of taxes levied under any Act for the purpose of providing such care and treatment, may be recovered by action or by distress, in the same manner as taxes, by the treasurer of the town from:

- (a) such person;
- (b) the husband or wife of such person;
- (c) the father or mother of such person where that person is under twenty-one years of age and is dependent upon his parents or either of them for support;
- (d) the executor or administrator of any person mentioned in clause (a), (b) or (c).

(2) The taking of any proceeding to recover such moneys from one or more of the persons mentioned in clauses (a), (b), (c) and (d) of subsection (1) shall not preclude the town from proceeding against any other person liable under this section.

(3) The lands of every person mentioned in clauses (a), (b) and (c) of subsection (1) shall be subject to a charge for any moneys recoverable under subsection (1), and the town may file a caveat for the protection of such charge in the proper land titles office.

(4) Subsections (1), (2) and (3) apply *mutatis mutandis* in respect of any expenses incurred by the town for hospitalization of an indigent person in a hospital owned or operated by the town; provided that the amount which the town may recover in such case shall not exceed \$2.50 per day for each day's actual treatment and stay of the patient therein.

1947, c.44, s.276; R.S.S. 1953, c.138, s.283.

## BURIAL OF DESTITUTE PERSONS

### Burial of destitute persons

**284(1)** The council shall make provision for the decent burial of the bodies of destitute persons who have died within the town or who have died in another municipality while under the care of the town, but the amount so expended in any one case shall not exceed \$75.

(2) If any such person dies leaving goods within the town the expense of burial may be recovered by the treasurer by distraint and sale of the same, and if any such person dies leaving money the town shall have a first claim upon the same for the expense of burial.

(3) If any such person dies possessed of an interest in land, the town shall have a charge upon the land for the expense of the burial, and may file a caveat for the protection of such charge in the proper land titles office.

(4) If any destitute person who has been resident in the town for a less period than thirty days dies there, the council may recover the burial expenses from the city, town, village or rural municipality in which the deceased person was last resident for a period of at least thirty days.

(5) Where a destitute person becomes an inmate of a home or institution in the town for the aged or infirm or a patient in a hospital in the town, and has not immediately before the time when he becomes such inmate or patient resided in the town for a period of at least thirty days, and dies while an inmate or patient of such home, institution or hospital, the municipality in which he was last resident for a period of not less than thirty days prior to becoming such inmate or patient shall be responsible for the burial expenses of such person and the town may recover the same from such municipality.

1947, c.44, s.277; 1950, c.35, s.10; R.S.S. 1953, c.138, s.284.

## SASKATCHEWAN ANTI-TUBERCULOSIS LEAGUE

### Statement by Saskatchewan Anti-Tuberculosis League

**285** On or before the first day of March in each year, the Saskatchewan Anti-Tuberculosis League shall mail to the treasurer of the town a notice showing the portion of the net estimated expenditure of the League for the current year to be borne by the town, and giving the additional information mentioned in section 26 of *The Tuberculosis Sanatoria and Hospitals Act*.

1947, c.44, s.278; R.S.S. 1953, c.138, s.285.

### Payment by town

**286** The council shall pay to the League one-half of the amount shown in the notice mentioned in section 285 on or before the thirtieth day of June and the balance on or before the thirty-first day of December of the current year.

1947, c.44, s.279; R.S.S. 1953, c.138, s.286.

### Power to make special levy

**287(1)** Sums required for the purpose of section 286 may be included in the general municipal levy or may be raised by special levy.

(2) In the latter case the tax shall be levied in the same manner as the general municipal rates, and all the provisions of this Act respecting the assessment and collection of taxes, including penalties for non-payment and provisions for enforcing payment of the same, and the provisions of *The Tax Enforcement Act* shall apply to such tax in the same manner and to the same extent as if it were part of the general municipal levy.

1947, c.44, s.280; R.S.S. 1953, c.138, s.287.

#### **Taxes recoverable**

**288** All taxes due by the town remaining unpaid to the League after the dates fixed by section 286 for payment of the same shall be a debt due by the town to the League, bearing interest at the rate of five per cent per annum from the said dates, and may be recovered with accrued interest by suit in the name of the League.

1947, c.44, s.281; R.S.S. 1953, c.138, s.288.

### **NOXIOUS WEEDS**

#### **Inspectors**

**289(1)** The council shall appoint such inspectors as may be required to carry out and enforce the provisions of *The Noxious Weeds Act* within the town and shall clearly define the territory of each such inspector so that every part of the town is covered.

(2) Every inspector so appointed shall have all the powers 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 determine.

(3) The clerk shall forthwith notify the Field Crops Commissioner at the Department of Agriculture of the appointment of such inspectors, of their post office addresses and of the territory assigned to each.

(4) Where an inspector destroys noxious weeds upon land in a town pursuant to the provisions of *The Noxious Weeds Act*, the council may charge the owners of such lands a sum to be fixed by the council, not exceeding \$1 for each lot on which weeds are destroyed.

1947, c.44, s.282; R.S.S. 1953, c.138, s.289.

### **INSPECTING AND TESTING CATTLE**

#### **Powers of council**

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

- (a) appointing inspectors to inspect and subject to such tests as may be required by such bylaws all cattle within the town and all dairy cows any of the milk from which is used for human consumption within the town, and empowering the inspectors to make such orders as may be required for effectually carrying out the provisions of this section;



- (b) providing for the collection, detention and isolation of such animals for the purpose of making such tests; branding and quarantining infected animals; compelling the owners to separate such animals from their herds; preventing the use for human consumption of milk from animals which have been quarantined or found to be infected and slaughtering animals which have not been separated from the herds when required to be separated by order of an inspector;
- (c) requiring persons who know that an animal is infected with any disease communicable to human beings or has reacted to a test for such disease to report the same to the nearest inspector.

1947, c.44, s.283; R.S.S. 1953, c.138, s.290.

### RESTRAINING ANIMALS RUNNING AT LARGE

#### Powers of council

**291** The council may by bylaw make provision for distraining and impounding animals running at large and for determining the compensation to be allowed for carrying out the provisions of the bylaw and for services rendered in respect of and sustenance supplied for animals distrained or impounded; for appointing poundkeepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the poundkeeper to impound; for appraising damages to be paid by the owners of animals impounded for trespassing and, subject to the provisions of this Act, for providing for the sale of animals impounded if they are not claimed within a reasonable time or if the damages, costs and expenses are not paid.

1947, c.44, s.284; R.S.S. 1953, c.138, s.291.

#### Penalty for improper impounding

**292** If a poundkeeper impounds or assists or incites or employs any person to impound an animal in any town, unless the animal was an estray or was trespassing upon the poundkeeper's own property, he is, in addition to any civil liability which he may incur by reason thereof, guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

1947, c.44, s.285; R.S.S. 1953, c.138, s.292.

#### Notice by poundkeeper

**293(1)** If the owner of any impounded animal is known to the poundkeeper, the poundkeeper shall forthwith deliver or cause to be delivered to or at the place of residence of such owner or his servant, a notice in the following form:

To *(name of owner or Queen's Printer as the case may require)*.

Notice is hereby given under section 293 of *The Town Act* that *(description of animal impounded)* was impounded in the pound kept by the undersigned on the *(description of place where pound is located)* on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

.....  
Signature of Poundkeeper



(2) If the owner is not known, or the owner or person notified does not within ten days after the mailing or delivery of such notice appear at the pound and release the animal so impounded by payment of the lawful fees and claims for damages, the poundkeeper shall cause to be inserted in two consecutive issues of a newspaper, if any, published within the town a notice in the form contained in subsection (1), and shall forward to the Queen's Printer for publication in the *Gazette* a copy of the notice accompanied by a fee of \$2 for each animal impounded:

Provided that the fees payable to the Queen's Printer in connection with each impoundment shall not exceed \$5.

1947, c.44, s.286; R.S.S. 1953, c.138, s.293

#### **Copies of notices posted at pound**

**294** Every poundkeeper shall, without charge, in addition to any copies of any notice which he may be required under this Act to post or deliver, post a copy thereof in a conspicuous place at his pound and in the nearest post office and shall use reasonable diligence to keep and maintain the notice at his pound as long as the animal is impounded therein.

1947, c.44, s.287; R.S.S. 1953, c.138, s.294

#### **Sale of impounded animals**

**295(1)** Subject to the provisions of section 297, when an animal has not been released from the pound within twenty days after the notice has been published as provided for in section 293, the animal shall be sold by public auction after notice of the sale has been posted for eight days in three conspicuous places within the town, one of which shall be the post office nearest the pound, and at such sale the poundkeeper shall be the auctioneer.

(2) The sale shall be held at the pound or at such other place as may be designated by bylaw of the town and shall commence at the hour of two o'clock in the afternoon.

1947, c.44, s.288; R.S.S. 1953, c.138, s.295.

#### **Poundkeeper not to have interest in sale**

**296** The poundkeeper shall not, either in person or by his agent, purchase any animal at such sale or have any interest of any kind in any animal so purchased.

1947, c.44, s.289; R.S.S. 1953, c.138, s.296.

#### **When animals may not be sold**

**297(1)** If more animals than one are impounded on any distress and the owner thereof is known, the poundkeeper shall not sell any more of such animals after he has realized from the sales sufficient to satisfy the claims for damages, expenses and fees chargeable against the animals, and the owner of the animals shall be entitled to those remaining unsold.

(2) If the owner of the animals is unknown, the poundkeeper shall sell all the animals impounded.

1947, c.44, s.290; R.S.S. 1953, c.138, s.297.

#### **Particulars of sale to town clerk**

**298** The poundkeeper shall immediately after the sale send to the town clerk a description of the animals sold and a statement showing the date of the sale, the amount realized and the disposition thereof.

1947, c.44, s.291; R.S.S. 1953, c.138, s.298.

**Poundkeeper does not require auctioneer's licence**

**299** No poundkeeper making a sale under the provisions of this Act shall be liable to a penalty for selling without a licence as an auctioneer.

1947, c.44, s.292; R.S.S. 1953, c.138, s.299.

**Proceeds of sale**

**300(1)** The proceeds of the sale of an impounded animal sold under the provisions of this Act shall be applicable in payment:

- (a) of any costs and charges attending the sale;
- (b) of all sustenance fees;
- (c) to the person impounding the animal the amount due to him for impounding charges and for damage done;

and the residue, if any, shall be paid to the owner of the animal or, if not claimed at the time of sale by any person entitled thereto, to the town clerk.

(2) If impounded animals, advertised for sale as required by section 295, fail to sell or if the proceeds of sale are less than an amount equal to the costs of sale, the fees authorized by this Act and the damages claimed by the impounder, such costs, fees and damages, or the deficiency, may be collected by distress from the owner, if known.

1947, c.44, s.293; R.S.S. 1953, c.138, s.300.

**Owner's claim to net proceeds**

**301** Any money paid to the town clerk under the provisions of section 300 shall be paid over to the owner of the animal sold, on evidence satisfactory to the council being furnished and application therefor being made to the council within twelve months from the date of the sale; otherwise such money shall form part of the general revenue of the town.

1947, c.44, s.294; R.S.S. 1953, c.138, s.301.

**SUNDAY STREET CARS****Powers of council**

**302(1)** The council may pass a referred bylaw declaring that section 245 of *The Saskatchewan Railway Act* shall cease to apply to the operation within the town of any street railway, tramway or electric railway; and on, from and after the coming into force of the bylaw until the same is repealed as provided by subsection (2) hereof, section 245 of *The Saskatchewan Railway Act* shall cease to apply to the operation within the town of any street railway, tramway or electric railway.

(2) The council may also pass a bylaw repealing any bylaw provided for by subsection (1); and on, from and after the coming into force of the repealing bylaw section 245 of *The Saskatchewan Railway Act* shall apply to the operation within the town of any street railway, tramway or electric railway.

(3) Every 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 for by this section shall be the electors.

## TOWNS

c. 138

(5) The provisions of this Act respecting bylaws requiring the assent of the burgesses, 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.

1947, c.44, s.295; R.S.S. 1953, c.138, s.302

## DANGEROUS CROSSINGS

**Stop signs**

**303**(1) The council may by resolution declare any railway crossing within the town dangerous.

(2) The clerk shall forthwith after the passage of such a resolution apply to the Department of Highways and Transportation for an official stop sign.

(3) Upon receipt of the sign the council shall cause it to be erected and thereafter maintained in accordance with the regulations of the department.

1947, c.44, s.296; R.S.S. 1953, c.138, s.303.

## AREAS UNDER SIDEWALKS

**Areas under sidewalks**

**304**(1) The council may permit areas or openings to be constructed in or under the sidewalks or streets of the town and may make an annual charge for such privilege, and for the use of the areas or openings, of such sums as the council may deem reasonable.

(2) Such sums may be added to the tax roll as a special assessment against the lands affected and in such case the said sums shall be recoverable in like manner as other taxes which are a lien upon land.

(3) This section or any privilege or permission granted under it shall not create a vested right in any such area or opening.

(4) Neither this section nor any permission or privilege in respect of such areas or openings granted by a town 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.

1947, c.44, s.297; R.S.S. 1953, c.138, s.304.

## COLD STORAGE

**Cold storage**

**305** The council may establish and carry on the business of cold storage in connection with or upon the market property of the corporation.

1947, c.44, s.298; R.S.S. 1953, c.138, s.305.

## FUEL

**Powers of council**

**306**(1) The council may borrow from any bank or other corporation or person such sums of money as may be necessary for the purpose of purchasing coal, wood or other fuel.

(2) The council may purchase supplies of such fuel and sell and dispose of the same in anticipation of or during a period of such scarcity or failure of supply of fuel or such threatened scarcity or failure of supply thereof as may appear to create an emergency.

1947, c.44, s.299; R.S.S. 1953, c.138, s.306.

## DECLARING AND ABATING NUISANCES

**Powers of council**

**307**(1) The council may by resolution or by bylaw declare any building, structure or erection of any kind whatever, or any drain, ditch, watercourse, pond, surface water or any other matter or thing in or upon any private land, street or road or in or about any building or structure, a nuisance and dangerous to the public safety or health, and by such resolution or bylaw as may be directed therein order that the same shall be removed, pulled down, filled up or otherwise dealt with by the owner, agent, lessee or occupier thereof, as the council may determine and within such time after service of the order as may be therein named.

(2) At or near the locality of the nuisance so declared a placard shall be posted giving the order provided for herein and, subject to the provisions of subsections (3) and (4), the order shall be served personally upon the owner, agent, lessee or occupier of the premises.

(3) When 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 town, or, where there is no such paper, in two successive issues of a weekly newspaper there published, or, where there is no newspaper published in the town, in a newspaper circulating therein, shall be good and sufficient service upon the owner, agent, lessee or occupier of the premises.

(4) Where the nuisance is not a building, structure or erection, publication of the order for a period of two days in a daily newspaper published in the town, or, where there is no such paper, in one issue of a weekly newspaper there published, or, where there is no newspaper published in the town, in a newspaper circulating therein, shall be good and sufficient service upon the owner, agent, lessee or occupier of the premises.

1947, c.44, s.301; R.S.S. 1953, c.138, s.307.

## EXTRAORDINARY EXPENDITURES

**Powers of council**

**308** The council may include in the annual estimates such sums as may be required to meet the cost of:

- (a) membership in any association of municipal institutions or municipal officers or any water development association;
- (b) sending delegates to attend conventions or other meetings of such associations;
- (c) travelling or other expenses necessarily incurred in and about the business of the town;
- (d) the reception and entertainment of distinguished guests.

1951, c.41, s.13; R.S.S. 1953, c.138, s.308.

## DOING OMITTED WORK

**Powers of council**

**309** 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 town may recover the expense thereof with costs by action or in like manner as municipal taxes.

1947, c.44, s.302; R.S.S. 1953, c.138, s.309.

## RESTRICTIONS ON JURISDICTION

**Restrictions**

**310(1)** Subject to the provisions of section 366, 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, jails, gas or electric light, heat or power works, hospitals, lock-up houses, markets, parks, poor houses, roads, road or street construction plant and machinery, sewerage or drainage works, transportation systems, 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, electric light, power, or transportation syndicate or company any special franchise whether exclusive or not;
- (d) contracting debts not payable within the current year;

shall, subject to the exception created by paragraph 111 of section 221, receive the assent of a majority of the burgesses voting thereon in accordance with the provisions of sections 314 to 352.

(2) No bylaw for any of the purposes mentioned in clause (c) of subsection (1) shall be passed if the town 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.

1947, c.44, s.303; 1952, c.49, s.5; R.S.S. 1953, c.138, s.310.

#### **Jurisdiction beyond town limits**

**311** Where the council decides to undertake any of the enterprises mentioned in clause (a) of subsection (1) of section 310 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 town.

1947, c.44, s.304; R.S.S. 1953, c.138, s.311.

#### **No bonusing**

**312** Subject to the provisions of any special Act of the Legislature, no town 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.

1947, c.44, s.305; R.S.S. 1953, c.138, s.312.

#### **No exclusive franchise**

**313** The council shall have no power to give any person an exclusive right of exercising any business or special franchise within the town, except in cases where such power is conferred expressly or by necessary implication in this or some other Act.

1947, c.44, s.306; R.S.S. 1953, c.138, s.313.

---

## **PART V**

### **Voting on Bylaws**

#### **Interpretation**

**314** In this Part:

##### **“bylaw”**

1 “**bylaw**” includes a resolution and a question upon which the opinion of the electors is to be obtained;

##### **“electors”**

2 “**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.

1947, c.44, s.307; R.S.S. 1953, c.138, s.314

#### **Procedure**

**315(1)** If 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.

**Appointment of returning officer, etc.**

(2) The council shall, by a separate bylaw hereinafter called the procedure bylaw, appoint a returning officer 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.

**Time for voting**

(3) The council shall by the procedure bylaw fix the day and hour for taking the votes of the electors and the places in the town where polls shall be opened, and where the votes are to be taken at more than one place shall name a deputy returning officer to take the votes at every such place and may also invoke the provisions of sections 158 to 166 for the purpose of enabling the persons named therein to vote on the bylaw mentioned in subsection (1).

**Same**

(4) The day appointed shall be not less than three nor more than five weeks after the first publication of the notice mentioned in section 316.

**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 or voting in the affirmative or negative on the question.

**Procedure bylaw**

(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 bylaws submitted.

1947, c.44, s.308; 1951, c.41, s.14; R.S.S. 1953, c.138, s.315.

**Publication**

**316(1)** The council shall advertise in at least one newspaper published in the town or, if there is none such, in a newspaper circulating therein, a notice signed by the town 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 mentioned in subsection (1) 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) Subject to the provisions of subsection (4), in case of a bylaw granting a special franchise the proposed bylaw shall be published in full.

(4) If the town has a population of less than one thousand, according to the last Dominion census, the council may, in lieu of publishing the proposed bylaw in full, comply with the provisions of subsection (1) and, in addition, forward a true copy of the proposed franchise by registered mail to each burgess whose name appears on the last revised voters' list. In such case the copies of the franchise shall be mailed on or before the date of the first publication of the notice provided for in subsection (1), and the town clerk shall retain in his office a list, certified under his hand, of the burgesses to whom a copy of the franchise was mailed.

1947, c.44, s.309; R.S.S. 1953, c.138, s.316.

#### **Advertisement**

**317** Such notice shall be advertised once a week for three successive weeks, and the returning officer shall also post a printed copy of the notice at ten or more conspicuous places in the town.

1947, c.44, s.310; R.S.S. 1953, c.138, s.317.

#### **Statement by returning officer**

**318** 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, if the assent of the electors is 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 5 p.m.

1947, c.44, s.311; R.S.S. 1953, c.138, s.318.

#### **Voting on several bylaws**

**319** 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 town clerk as required by section 316. In such case only one notice signed by the returning officer as required by section 318 need be appended thereto, which notice may refer in general terms to all the bylaws summarized.

1947, c.44, s.312; R.S.S. 1953, c.138, s.319.

#### **Votes of corporations and religious organizations**

**320(1)** Where a bylaw requires the assent of the burgesses before the final passing thereof, any corporation and any church or other religious organization whose name appears upon the voters' list shall be entitled to one vote only which, in the case of a corporation, may be given by the chief resident officer thereof and, in the case of a church or other religious organization, may be given by a resident representative thereof nominated for the purpose by the local governing body:

Provided that no burgess shall be entitled to vote on such bylaw on behalf of any corporation, church or other religious organization.



(2) If the name of a corporation, church or other religious organization which is assessed upon the last revised assessment roll is not on the voters' list and the chief resident officer or nominated representative thereof, as the case may require, presents himself for the purpose of voting and claims he is entitled to vote, the deputy returning officer shall, upon administering to him the following oath, place the name of the corporation, church or other religious organization upon the voters' list and shall permit him to vote:

You swear (*or solemnly affirm*):

- 1 That you are the chief resident officer (*or nominated representative*) of the (*naming the corporation, church or other religious organization*) and as such you are according to law entitled to vote on the bylaw on behalf of the corporation (*or church or religious organization*);
- 2 That the corporation (*or church or religious organization*) is assessed upon the last revised assessment roll;
- 3 That you are not a burgess.

1947, c.44, s.313; 1950, c.35, s.11; 1951, c.41, s.15; 1953, c.47, s.21; R.S.S. 1953, c.138, s.320.

#### Printing ballot papers

**321** Forthwith after the day has been fixed for taking the votes of the electors, the returning officer shall cause to be printed at the expense of the town a number of ballot papers sufficient for the purposes of the voting.

1947, c.44, s.314; R.S.S. 1953, c.138, s.321.

#### Appointment of representatives for final count

**322** 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.

1947, c.44, s.315; R.S.S. 1953, c.138, s.322.

#### Declaration of appointee

**323** 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 town 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 town on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*A.B.*

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*C.D.,  
Mayor.*

*or*

*E.F.,  
Returning Officer.*

1947, c.44, s.316; R.S.S. 1953, c.138, s.323

**Production of appointment**

**324** 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 officer presiding at the poll.

1947, c.44, s.317; R.S.S. 1953, c.138, s.324.

**Substitute**

**325** In the absence of any person authorized 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 presiding 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 town 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 town on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*A.B.*

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

*C.D.,*

(*Deputy*) *Returning Officer.*

1947, c.44, s.318; R.S.S. 1953, c.138, s.325.

**Form of ballot in case of bylaw**

**326(1)** Subject to subsection (2), 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 town of _____ this _____ ( <i>date</i> ).	FOR THE BYLAW.
	AGAINST THE BYLAW.

(2) Where a bylaw is submitted to the electors for the rescission of an existing bylaw, the council may by resolution determine the form of the ballot paper.

1947, c.44, s.319; R.S.S. 1953, c.138, s.326.

**Form of ballot in case of a question**

**327** The ballot paper shall in case of a question be in the following form:

<div style="text-align: center;"> 19  Voting on the following  question.  <i>(here state question)</i> </div>	YES
	NO

1947, c.44, s.320; R.S.S. 1953, c.138, s.327.

**Persons present at poll**

**328** During the time appointed for polling no person shall be entitled or permitted to be present in a polling place other than the officers, clerks and persons or electors authorized to attend at the polling place.

1947, c.44, s.321; R.S.S. 1953, c.138, s.328.

**Certain sections to apply**

**329** Sections 136, 137 and 138 respectively apply *mutatis mutandis* to voting on a bylaw.

1947, c.44, s.322; R.S.S. 1953, c.138, s.329.

**Voters' lists**

**330** Where the town has been divided into polling subdivisions, the returning officer shall at least half an hour before the poll is opened deliver to the deputy returning officer for every polling subdivision a voters' list containing the names arranged alphabetically of all the electors entitled to vote on the bylaw in that polling subdivision, and a blank poll book in which to record the names and qualifications of the electors who vote, and he shall attest the said list by writing under his hand.

1947, c.44, s.323; R.S.S. 1953, c.138, s.330.

**Preparation of lists**

**331(1)** The same lists shall be used in taking the vote as would be proper voters' list to be used at a municipal election.

(2) The lists shall be prepared by the town clerk and shall be final and conclusive as to the right to vote, save that the council may, up to the eighth day before the day fixed for voting on the bylaw, strike from the 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 list acquired such qualification.

(3) The lists prepared by the town clerk shall be certified by him to be correct lists of the persons entitled to vote on the proposed bylaw, and he shall, six days at least before the day fixed for the voting, post the same in his office. He shall also furnish the returning officer at a convenient time before the poll is opened with such copies of the lists as may be required for the election.

1947, c.44, s.324; R.S.S. 1953, c.138, s.331.

**Elector votes once only**

**332** An elector may vote once only upon a bylaw.

1947, c.44, s.325; R.S.S. 1953, c.138, s.332.

**Form of poll book**

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

Names of the electors	Column for mark indicating that the elector has voted	Qualification in respect of which elector is entitled to vote	Objections	Sworn or affirmed	Refused to swear or affirm	Remarks

1947, c.44, s.326; R.S.S. 1953, c.138, s.333.

**Vote by ballot**

**334** At the day and hour fixed pursuant to section 315 the polls shall be held and the votes shall be taken by ballot.

1947, c.44, s.327; R.S.S. 1953, c.138, s.334.

**Duration**

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

1947, c.44, s.328; R.S.S. 1953, c.138, s.335.

**Officers' declarations**

**336** Every returning officer, deputy returning officer, poll clerk, constable or agent authorized 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 town of \_\_\_\_\_ (the voting on which has been appointed for this day), I will not attempt in any way whatever unlawfully to ascertain the manner in which any elector (*or* burgess) shall vote or has voted, and that I will not in any way whatever 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\_\_\_\_.

*A.B.*,  
*C.D.*,  
*Justice of the Peace, Returning Officer*  
*or Deputy Returning Officer.*

1947, c.44, s.329; R.S.S. 1953, c.138, s.336.

**Directions to voters**

**337** The printed directions for the guidance of voters 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 officer presiding at the poll 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 presiding officer and forthwith leave the polling place.

If the voter inadvertently spoils a ballot paper he may return it to the presiding 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 paper not given to him by the presiding 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 (here insert object of the bylaw) submitted to the electors (or burgesses) of the town of _____ this (date).	<div style="text-align: center;"> FOR THE BYLAW. </div>	
	<div style="text-align: center;"> AGAINST THE BYLAW. </div>	

1947, c.44, s.330; R.S.S. 1953, c.138, s.337.

**Oath of voter**

**338(1)** Every elector tendering a vote on the bylaw may be required by the presiding 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 eighteen years;

That you have not voted before on the bylaw;

That you are according to law entitled to vote on the 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 the 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) No inquiry shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

1947, c.44, s.331; 1950, c.35, s.12; R.S.S. 1953, c.138, s.338.

#### Oath on behalf of corporation

**339(1)** The chief resident officer of a corporation or the nominated representative of a church or other religious organization may be required by the deputy returning officer or by any burgess present in the polling booth to make, before his vote is recorded, the following oath or affirmation or any part thereof:

You swear (*or solemnly affirm*):

1 That you are the chief resident officer (*or nominated representative*) of the (*naming the corporation, church or other religious organization*) and as such you are according to law entitled to vote on the bylaw on behalf of the corporation (*or church or religious organization*);

2 That the corporation (*or church or religious organization*) is the corporation (*or church or religious organization*) named in the voters' list (*showing the voters' list to the voter*);

3 That you have not voted before on the bylaw for (*stating the purpose of the bylaw*) at this election;

4 That you have not nor, to the best of your knowledge and belief, has the corporation (*or church or religious organization*) directly or indirectly received any reward or gift for the vote which you now tender, nor do you or, to the best of your knowledge and belief, the corporation (*or church or religious organization*) expect to receive any;

5 That you have not nor, to the best of your knowledge and belief, has the corporation (*or church or religious organization*) directly or indirectly received anything or been promised anything either to induce you to vote on the bylaw or for loss of time, travelling expenses or any other service connected therewith;

6 And that you have not nor, to the best of your knowledge and belief, has the corporation (*or church or religious organization*) directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

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

1947, c.44, s.332; 1950, c.35, s.13; R.S.S. 1953, c.138, s.339.

**Presiding officer's statement**

**340** The written statement to be made by every officer presiding at the poll at the close of the polling shall be made under the following heads:

- 1 Name of town (and the name or number of 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.

1947, c.44, s: 333; R.S.S. 1953, c.138, s.340.

**Objections**

**341(1)** The officer presiding at the poll shall take a note of any objection made by a person authorized to be present to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

(2) 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 presiding officer.

1947, c.44, s.334; R.S.S. 1953, c.138, s.341.

**Count**

**342** Every officer presiding at a poll shall, at the completion of the counting of the votes, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents thereof, the date of the voting, the name of the town, the name of the presiding officer and of the 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 176 annexed thereto, a statement of the number of electors whose votes are marked by him under sections 154 and 155 with their declaration of inability, and the note taken of objections made to ballot papers found in the ballot box.

1947, c.44, s.335; R.S.S. 1953, c.138, s.342.

**Return**

**343(1)** Every presiding officer shall at the close of the poll certify over 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, 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.

(2) The declaration shall be in the form prescribed by section 176, and shall thereafter be annexed to the voters' list.

(3) Where the town has been divided into polling subdivisions 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.

1947, c.44, s.336; R.S.S. 1953, c.138, s.343.

#### **Certificate of result**

**344** Every presiding officer, upon being requested so to do, shall deliver to the persons authorized 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.

1947, c.44, s.337; R.S.S. 1953, c.138, s.344.

#### **Summary by returning officer**

**345(1)** The returning officer shall, at the time and place appointed by the bylaw, in the presence of the persons authorized to attend or such of them as may be present, sum up 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.

(2) Where the town has been divided into polling subdivisions, the returning officer shall sum up from the statements mentioned in section 342, without opening any of the sealed packets of ballot papers.

1947, c.44, s.338; R.S.S. 1953, c.138, s.345.

#### **Certificate of result to council**

**346** The returning officer shall forthwith certify the result of the voting to the council in writing under his hand, showing 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.

1947, c.44, s.339; R.S.S. 1953, c.138, s.346.

#### **Secrecy of vote**

**347** 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.

1947, c.44, s.340; R.S.S. 1953, c.138, s.347.

#### **Section 201 to apply**

**348** The provisions of section 201 prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefor, applicable to municipal elections, apply *mutatis mutandis* to the voting on a bylaw whether the submission is optional with or compulsory upon the council.

1947, c.44, s.341; R.S.S. 1953, c.138, s.348.



**Scrutiny**

**349** 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 into a recognizance 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.

1947, c.44, s.342; R.S.S. 1953, c.138, s.349.

**Notice**

**350** At least seven clear days' notice of the day appointed for the scrutiny shall be given by the applicant to such persons as the judge directs and to the returning officer.

1947, c.44, s.343; R.S.S. 1953, c.138, s.350.

**Hearing by judge**

**351** 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.

1947, c.44, s.344; R.S.S. 1953, c.138, s.351.

**Powers of judge**

**352** The judge 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 he deems just.

1947, c.44, s.345; R.S.S. 1953, c.138, s.352.

**Passing bylaw**

**353(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, the council shall 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 subsection (1) or subsection (2), if such time has been allowed to elapse without the bylaw being passed.

1947, c.44, s.346; R.S.S. 1953, c.138, s.353.

**Certain sections apply**

**354** Sections 139 to 202, so far as not inconsistent with the provisions of this Part, apply *mutatis mutandis* to proceedings under this Part.

1947, c.44, s.347; R.S.S. 1953, c.138, s.354.

---

## PART VI

### Capital Finance

#### DEBENTURE DEBTS

**Power to borrow money**

**355** Subject to the limitations and restrictions contained in this Act and in *The Local Government Board Act*, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

1947, c.44, s.348; R.S.S. 1953, c.138, s.355.

**Debentures**

**356** 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 payment of such debts.

1947, c.44, s.349; R.S.S. 1953, c.138, s.356.

**Limitation of period for payment**

**357** 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.

1947, c.44, s.350; R.S.S. 1953, c.138, s.357.

**Limitation of amount**

**358** The amount of the debenture debt of the town at any time outstanding shall not exceed fifteen per cent of the total amount of the assessment in respect of land, businesses and special franchises, exclusive of:

- (a) debentures issued prior to the fourteenth day of March, 1916, under powers conferred by *The Municipal Public Works Act*;
- (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) debentures issued for the purpose of meeting expenditures under *The Housing Act*;

(e) debts contracted for the purchase, extension or improvement of an electric light and power plant or plant for producing, transmitting or distributing electrical power or energy, or for the extension or improvement of a waterworks system, as to which the Local Government Board has made an order under section 367.

1947, c.44, s.351; 1951, c.41, s.16; 1953, c.47, s.22; R.S.S. 1953, c.138, s.358.

#### Calculation of amount of debt

**359** The amount of any funds or securities held in the sinking fund, to the extent required for redemption of the outstanding debenture debt of the town issued on the sinking fund plan of repayment, shall be deducted in calculating the total amount of the debenture debt of the town at any time outstanding.

1947, c.44, s.352; R.S.S. 1953, c.138, s.359.

#### Contents of bylaw

**360** The bylaw creating a debt shall state by recital or otherwise:

- (a) the amount of the debt intended to be created and in 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 indebtedness 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 town according to the last revised assessment roll;
- (e) the amount of the existing debenture debt of the town and how much, if any, of the principal or interest thereof is in arrears;
- (f) that any consent of the Minister of Public Health required by *The Public Health Act* has been obtained.

1947, c.44, s.353; R.S.S. 1953, c.138, s.360.

#### Time of taking effect

**361** 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.

1947, c.44, s.354; R.S.S. 1953, c.138, s.361.

#### Optional mode of payment

**362(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 the 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:

provided that each instalment of principal may be for an even \$100, \$500 or \$1,000, or multiple thereof, and notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

(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) If 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, capitalized 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.

1947, c.44, s.355; 1949, c.43, s.21; R.S.S. 1953, c.138, s.362.

#### **Debentures and coupons payable in cash**

**363(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 (Canada)*, 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 for in the *Currency Act*.

(2) A bylaw authorizing the issue of debentures for a certain amount with interest in lawful money of Canada shall be taken to authorize the issue of debentures, or any of them, according to the provisions of this section, unless the bylaw provides that the provisions of this section shall not apply thereto.

1947, c.44, s.356; R.S.S. 1953, c.138, s.363.

**Change in mode of issue of debentures**

**364(1)** In the case of a bylaw heretofore or hereafter passed, the council may by bylaw without the assent of the electors, authorize 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 interest 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 authorized 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 any part of them, or at the request of any holder of them, may by bylaw without such assent authorize the cancellation of the same and the issue of one or more debentures in substitution therefor, and may make the 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 the new debentures does not exceed the amount of the principal remaining owing upon the original debentures.

(2) In case of a bylaw heretofore or hereafter passed the council may by bylaw without the consent of the electors repeal the bylaw as to all or any part of the debentures to be issued thereunder and as to all or a proportionate part of the amounts to be raised annually.

(3) The repealing bylaw shall state the facts upon which it is founded, and may provide for the treasurer withdrawing from the sinking fund amounts which may have been paid into that fund in respect of debentures which are not to be issued.

(4) No bylaw authorized by this section shall take effect until approved by the Local Government Board.

1947, c.44, s.357; R.S.S. 1953, c.138, s.364.

**Changing rate of interest**

**365** When:

(a) owing to a decline or advance in the rate of interest between the passing of a money bylaw and the sale or other disposal of the debentures, they or any of them cannot be sold or disposed of except at a heavy premium or at a discount involving a substantial reduction in the amount required to be provided; or

(b) in the opinion of the council, with a view to the better marketing of the town securities, it is desirable that the whole or any part of the debentures authorized by such a 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 authorized to give such approval, and without submitting the same to the electors, pass a bylaw to amend the money bylaw by providing for a different rate of interest upon all or any of the debentures and for a corresponding change in the amount to be raised annually with respect thereto.

1947, c.44, s.358; R.S.S. 1953, c.138, s.365.

**Power to borrow additional sums**

**366(1)** Where a town has heretofore constructed, purchased or acquired, or hereafter constructs, purchases or acquires (1) gas, electric light, power or waterworks 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.

(2) A 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.

(3) 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 by the Minister of Public Health.

(4) The amount borrowed shall not exceed ten per cent of the original cost of the system.

1947, c.44, s.359; R.S.S. 1953, c.138, s.366.

**Light, power and waterworks debentures**

**367(1)** On the application of the council of any town, the Local Government Board may order that debentures hereafter issued for the purchase, extension or improvement of an electric light and power plant or plant for producing, transmitting or distributing electrical power or energy, or for the extension or improvement of a waterworks system, or a stated amount of such debentures, shall form no part of the debenture debt of the town under section 358;

and the board may make its order subject to such conditions and restrictions as it deems advisable.

(2) Where an order has been made under subsection (1), and it appears that the rates, rents or charges charged or demanded by the town for supplying light, power or energy, or for supplying water, are insufficient to meet the fixed and operating expenses of the utility, any ratepayer or the holder of one or more of the town's debentures may apply to the Local Government Board for a variation of such rates, rents or charges, and the board may upon hearing the application deal with the matter and fix such rates, rents or charges as may seem requisite.

(3) Under similar circumstances the Local Government Board may of its own motion inquire into such rates, rents or charges, and may vary the same in such manner as may seem requisite.

1953, c.47, s.23; R.S.S. 1953, c.138, s.367.

## APPROVAL OF MINISTER

**Minister's certificate of approval**

**368(1)** The council of any town, which has heretofore passed or hereafter passes, 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.

(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.

(3) The certificate may be in the following form:

In pursuance of *The Town 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.*

(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.

1947, c.44, s.360; R.S.S. 1953, c.138, s.368.

**Certificate granted upon proof of substantial compliance with law**

**369** The minister may grant the certificate, notwithstanding any defect or irregularity in 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 minister the provisions of the Act under the authority of which the bylaw was assumed to be passed have been substantially complied with.

1947, c.44, s.361; R.S.S. 1953, c.138, s.369.

**Bylaw and debentures not open to question after approval**

**370** Every bylaw heretofore 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 town 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.

1947, c.44, s.362; R.S.S. 1953, c.138, s.370.



**Countersigning of debentures**

**371(1)** Where a bylaw has been approved under the provisions of section 368, the minister may, upon application of the 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 town 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.

1947, c.44, s.363; R.S.S. 1953, c.138, s.371.

**Validity of bylaws and debentures**

**372** 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 town, the bylaw and the debentures issued under it shall be valid and binding upon the town.

1947, c.44, s.364; R.S.S. 1953, c.138, s.372.

**FORM OF DEBENTURES****Forms**

**373** A debenture shall be in one of the forms following or to the like effect:

**FORM 1**

Town of \_\_\_\_\_

\$ \_\_\_\_\_ Debenture No. \_\_\_\_\_

Under the authority of *The Town Act* and of Bylaw No. \_\_\_\_\_ of the town of \_\_\_\_\_, passed on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the said town 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\_\_\_\_.

{ Corporate seal  
of the town }

.....  
*Mayor.*

.....  
*Treasurer.*



## TOWNS

c. 138

And the coupons may be in the following form:

## Coupons

Coupon No. \_\_\_\_\_

Debenture No. \_\_\_\_\_

The town of \_\_\_\_\_ will pay to the bearer at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the sum  
of \_\_\_\_\_ dollars.

.....  
*Mayor.*

.....  
*Treasurer.*

## FORM 2

Town of \_\_\_\_\_

\$ \_\_\_\_\_ Debenture No. \_\_\_\_\_

Under the authority of *The Town Act* and of Bylaw No. \_\_\_\_\_ of  
the town of \_\_\_\_\_, passed on the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_, the said town 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 cent 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.*

.....  
*Treasurer.*

{ Corporate seal }  
of the town }

And the coupons may be in the following form:

## Coupons

Coupon No. \_\_\_\_\_

Debenture No. \_\_\_\_\_

The town of \_\_\_\_\_ will pay to the bearer at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the sum  
of \_\_\_\_\_ dollars.

.....  
*Mayor.*

.....  
*Treasurer*

**Execution of debentures**

**374** A debenture shall be sealed with the seal of the town, and signed either by the mayor or by some person authorized by bylaw to sign the same in his stead and by the treasurer.

1947, c.44, s.366; R.S.S. 1953, c.138, s.374.

**Signatures on coupons**

**375** The signatures on coupons attached to debentures may be reproduced by lithographing or printing or any other method of mechanical reproduction.

1947, c.44, s.367; R.S.S. 1953, c.138, s.375.

**Times and modes of issue**

**376(1)** Debentures may be issued either all at one time or in instalments at such times as the council deems expedient and may be dated accordingly; but no debenture shall be issued after the expiration of four years from the final passing of the bylaw authorizing the issue, and any debenture may, provided it is actually issued within the said period of four years, bear any date within that period.

(2) Any taxes imposed in accordance with the provisions of the bylaw after the final passing thereof and not required to repay the debenture or any portion of the debenture, including interest thereon, issued under the authority of the bylaw may be used for the purpose of meeting the cost, including interest, of the work authorized by the bylaw.

1947, c.44, s.368; R.S.S. 1953, c.138, s.376.

**Validation of debentures**

**377** Any debenture issued under this Act shall be valid and binding upon the town, notwithstanding any insufficiency in form or substance or otherwise of the bylaw or of the authority of the town in respect thereof; provided that the bylaw, not being a local improvement bylaw, 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.

1947, c.44, s.369; R.S.S. 1953, c.138, s.377.

**DEBENTURE REGISTER****Debenture register**

**378** The treasurer shall open and keep a book to be known as "The Debenture Register" wherein shall be entered particulars of every bylaw authorizing 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\_\_\_\_.

1947, c.44, s.370; R.S.S. 1953, c.138, s.378.

**Effect of registration**

**379** Every debenture registered in the debenture register shall be valid and binding in the hands of the town or of any *bona fide* purchaser or value, notwithstanding any defect in form or substance.

1947, c.44, s.371; R.S.S. 1953, c.138, s.379.

**Certificate of registration**

**380** A certificate, signed by the treasurer and sealed with the seal of the town, that a debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration.

1947, c.44, s.372; R.S.S. 1953, c.138, s.380.

**Registration of transfer**

**381** Any debenture may contain a provision in the following words:

This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this town, be transferable except by entry by the treasurer or his deputy in the debenture register until a transfer to bearer has been registered.

1947, c.44, s.373; R.S.S. 1953, c.138, s.381.

**Debenture transfer register**

**382(1)** In case of the issue of debentures containing the provision mentioned in section 381 the treasurer shall enter in the debenture register a copy of all certificates of ownership of debentures which he gives, and also every subsequent transfer of any such debenture.

(2) No such entry shall be made except upon the written authority of an unregistered holder or the person last entered in the register as the owner of such debenture, or of his executor or administrator or of his or their lawful attorney, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed as aforesaid, the debenture shall be transferable only by entry by the treasurer or his deputy in the debenture register, as transfers of the debenture are authorized by the then owner thereof or his lawful attorney, executor or administrator, until a transfer to bearer has been registered.

(4) The treasurer, on a receipt of a debenture accompanied by a transfer purporting to be signed by the owner, the signature being guaranteed by a bank or notary public, shall register the transfer in accordance with the request, and in so doing neither the treasurer nor the town shall incur liability to the true owner for any loss caused by the transfer, if the transfer was not signed by him.

1947, c.44, s.374; R.S.S. 1953, c.138, s.382.

**Transmission of debentures, etc., by will or upon intestacy**

**383(1)** In this section “debenture” includes a stock certificate.

(2) Where:

(a) a transmission of registered debentures issued by a town under this or any other Act takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; and

(b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in Canada, or in the United Kingdom of Great Britain and Northern Ireland, or in any other of Her Majesty's dominions, or in any of Her Majesty's colonies or dependencies, or in the United States of America;

the probate of the said will or the said letters of administration or the said document testamentary or, in the case of a transmission by notarial will in the province of Quebec, a copy thereof duly certified in accordance with the laws of the said province, or the said other judicial or official instrument, or a copy thereof or extract therefrom certified under the seal of such court or other authority, without any proof of the authenticity of such seal or other proof whatever, shall be produced to and deposited with the treasurer of the town or, where the register of any such debentures is kept in the office of the Local Government Board, shall be produced to and deposited with the board.

(3) A certificate by the Provincial Treasurer or Deputy Provincial Treasurer that all succession duties payable to the province in respect of such debentures have been paid shall also be produced to and deposited with the treasurer or the board, as the case may require, together with such other documents as the town's or the board's own practice or regulations may require.

(4) Such production and deposit under subsections (2) and (3) shall be sufficient authority to the treasurer or the board, as the case may be, after obtaining any consent required under the *Dominion Succession Duty Act*, to pay the amount or value of any dividend, coupon, debenture or obligation, or to transfer or consent to the transfer of any debenture or obligation, in pursuance of and in conformity with such probate, letters of administration or other such document.

1947, c.44, s.375; R.S.S. 1953, c.138, s.383.

## REPAYMENT OF DEBENTURES

### Interest and sinking fund accounts

**384** The treasurer shall keep in his books two separate accounts of the debenture 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 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.

1947, c.44, s.376; R.S.S. 1953, c.138, s.384.

### Disposal of surplus

**385** If, after paying the interest of a debt for any financial year and appropriating the necessary sum to the sinking fund of the debt or in payment of the instalments of principal, there is a surplus properly applicable to the 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.

1947, c.44, s.377; R.S.S. 1953, c.138, s.385.

**Surplus income from civic works**

**386** The council may appropriate to the payment of any debt the surplus income derived from any municipal 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 appropriate to a fund to be known as a reserve fund part of any surplus income arising from any municipal work, for the purpose of meeting contingencies which in the opinion of the council may be likely to arise in connection therewith.

1947, c.44, s.378; R.S.S. 1953, c.138, s.386.

**Loan on debenture**

**387(1)** Pending the sale of debentures authorized by bylaw under this or any other Act or in lieu of selling or disposing of the same, the council may by bylaw authorize the mayor and treasurer to raise money by way of loan on the debentures and to deposit or hypothecate the same for such loan.

(2) The town may give as security for such loan promissory notes of the town, treasury bills, temporary debentures or similar forms of obligation, signed by the mayor and treasurer, and each such note, bill, debenture or obligation shall be valid and binding upon the town according to its tenor.

(3) The town 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 if the debentures are 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 the loan.

1947, c.44, s.379; R.S.S. 1953, c.138, s.387.

**Cancellation of debentures purchased by town**

**388** A town purchasing its own debentures out of current funds may, with the approval of the Local Government Board, cancel the debentures so purchased and the levies or any portion thereof required for their repayment.

1947, c.44, s.380; R.S.S. 1953, c.138, s.388.

**SINKING FUND****Treasurer's annual statement**

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

1947, c.44, s.381; R.S.S. 1953, c.138, s.389.

**Neglect to levy sinking fund**

**390** 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.

1947, c.44, s.382; R.S.S. 1953, c.138, s.390.

**Sinking fund bank account**

**391** The sinking fund to redeem the outstanding debentures of the town shall in each year, as and when received by the treasurer, be deposited by him in a chartered bank to be designated by the council, to the credit of a special account to be called "The Sinking Fund Account of the Town of \_\_\_\_\_".

1947, c.44, s.383; R.S.S. 1953, c.138, s.391.

**No diversion of sinking fund**

**392** 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 town.

1947, c.44, s.384; R.S.S. 1953, c.138, s.392.

**Deficiency in sinking fund**

**393** If at any time there is a deficiency in the sinking fund account of the town, 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 town, without the assent of the burgesses, for the purposes of making good the deficiency; and the proceeds of debentures issued for such purpose shall be allocated to the sinking funds of the various issues to which they may be properly applicable.

1947, c.44, s.385; R.S.S. 1953, c.138, s.393.

**Investment of sinking fund**

**394(1)** Subject to sections 396 and 409, the council shall invest the sinking fund in stock, debentures or securities of the Government of Canada or of any province of Canada, or in 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, school unit or school district in Saskatchewan, or in debentures issued under *The Rural Telephone Act* or *The Union Hospital Act*, or in local improvement or any other debentures of the town; and from time to time as such securities mature may invest in other like securities; and may invest and re-invest the fund or any part thereof in authorized 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 the debentures, for the purposes to which the proceeds of the debentures are properly applicable; and the council 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.

1947, c.44, s.386; 1949, c.43, s.22; R.S.S. 1953, c.138, s.394.

#### **Prohibition as to investment**

**395** No member of the council shall take part in or be a party to the investment of any moneys referred to in section 394 otherwise than as therein authorized, and any person so doing shall be held personally liable for any loss thereby sustained by the town.

1947, c.44, s.387; R.S.S. 1953, c.138, s.395.

#### **Redemption of debentures**

**396** 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.

1947, c.44, s.388; R.S.S. 1953, c.138, s.396.

#### **Use of excess interest on sinking fund**

**397(1)** 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 town 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 362, the Local Government Board may, on the application of the council and on such terms and conditions as may be deemed advisable, authorize the council to use such excess interest or earnings for such purposes as may be designated by the Local Government Board:

Provided 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.

(2) Notwithstanding anything herein contained, if at any time it is made to appear, to the satisfaction of the Local Government Board, that owing to abnormal economic conditions an extraordinary situation exists with respect to the financial condition of a town, the board may, on the application of the council and on such terms and conditions as may be deemed advisable, authorize the council to use the whole or a part of any balance of excess interest or earnings held in reserve in the sinking fund account for such purposes as may be designated by the board.

1947, c.44, s.389; 1948, c.34, s.15; R.S.S. 1953, c.138, s.397.



**Liability for diversion**

**398(1)** Subject to the provisions of section 397, 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 town 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, action may be brought either by any ratepayer on behalf of himself and other ratepayers or by any holder of such debentures.

(3) The members of the council who vote for such application shall be disqualified from holding any municipal office for two years.

1947, c.44, s.390; R.S.S. 1953, c.138, s.398.

**Annual return as to sinking fund**

**399(1)** 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 treasurer shall on or before the first day of March in each year prepare and transmit to the Minister of Municipal Affairs a return in such form as the minister may prescribe, showing the standing of the sinking fund on the thirty-first day of December of the preceding year.

(2) The return shall be accompanied by a statement of the assets and liabilities of the fund on the said thirty-first day of December and shall be signed by the treasurer and certified as correct by the auditor.

1947, c.44, s.391; R.S.S. 1953, c.138, s.399.

**Penalty**

**400** A treasurer who fails to comply with section 399 is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

1947, c.44, s.392; R.S.S. 1953, c.138, s.400.

**SINKING FUND TRUSTEES****Appointment**

**401(1)** The town may by bylaw provide for the appointment of trustees to take in charge the sinking fund of the town in which case the following provisions shall apply.

**Fund to be invested**

(2) The sinking fund to redeem the outstanding debentures of the town shall in each year be invested in the name of the town by three trustees, two of whom shall be appointed by a judge on application by the town, and the third by the council, in such of the securities mentioned in section 394 as the trustees think best.

**Payments to trustees**

(3) The trustees may require the treasurer to pay from moneys to the credit of the sinking fund 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 town.

**Statements by trustees**

(5) The trustees shall, when required by the council, give a detailed statement in writing of the 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 trustees.

**Tenure of office**

(6) The trustees shall hold office until removed therefrom by the council or the judge in manner provided for their appointment.

1947, c.44, s.393; R.S.S. 1953, c.138, s.401.

**Powers of trustees**

**402** The 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 power:

- (a) to invest and reinvest the fund in authorized 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 any portion or all of the fund is 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 town 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 town; provided that conveyances shall be signed by at least two of the trustees in their official capacity; and
- (f) to sign discharges or partial discharges of mortgages and receipts for money paid on account of any claim of the town; provided that such discharges or receipts shall be given in the name of the town but shall be signed by at least two of the trustees.

1947, c.44, s.394; R.S.S. 1953, c.138, s.402.

**Temporary loans**

**403** The trustees may, with the consent of the council given by resolution, when in the opinion of the trustees it is expedient to do so in the interests of the sinking fund, borrow sums not exceeding \$10,000 in all 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 in the sinking fund:

Provided that any loan made under this section may be renewed for a period not exceeding six months.

1947, c.44, s.395; R.S.S. 1953, c.138, s.403.

**Sinking fund account**

**404** All funds coming into the hands or under the control of the 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 be withdrawn except upon cheque signed by at least two of the trustees and except for carrying out the trust and for the due and proper administration of the same.

1947, c.44, s.396; R.S.S. 1953, c.138, s.404.

**Quorum of trustees**

**405** At all meetings of the 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 trustees by the quorum shall be as effectual as if done by the three trustees.

1947, c.44, s.397; R.S.S. 1953, c.138, s.405.

**Power to purchase town securities**

**406** The trustees may purchase any of the debentures, stock or other securities of the town.

1947, c.44, s.398; R.S.S. 1953, c.138, s.406.

**Power of council to require change of investments**

**407(1)** The council may 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 town; and upon such resolution being communicated to the trustees they shall not make any further investments until rescission of the resolution but shall proceed to call in and realize upon those already made as the same mature.

(2) In such case the council shall have no power to withdraw any moneys from the said account except as provided in subsection (3); provided that the 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 to the credit of the town as debentures outstanding mature shall be applied to the payment of the same at the date of maturity or may be used in the purchase thereof before maturity.

1947, c.44, s.399; R.S.S. 1953, c.138, s.407.

**Trust company**

**408(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.

1947, c.44, s.400; R.S.S. 1953, c.138, s.408.

## PROVINCIAL TREASURER

**Deposit with Provincial Treasurer**

**409(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 town the annual amounts so levied and allow and credit the town with interest thereon at the rate of four per cent per annum, compounded yearly, until 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 and a statement of the amount at the credit of each town shall be set forth annually in the public accounts of the province.

**Investments**

(4) The Lieutenant Governor in Council may direct the Provincial Treasurer to invest the amount at the credit of the town, or any part thereof, as directed by section 29 of *The Treasury Department Act* or in the debentures of the town, to redeem which such sinking funds were paid to the Provincial Treasurer.

1947, c.44, s.401; R.S.S. 1953, c.138, s.409.

**Amount payable into sinking fund a debt due to the Provincial Treasurer**

**410** Where a bylaw has been passed under the authority of section 409, 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.

1947, c.44, s.402; R.S.S. 1953, c.138, s.410.

**Copy of bylaws sent to Provincial Treasurer**

**411** Every town the council of which passes a bylaw under the provisions of section 409 shall within thirty days after the final passing of the bylaw transmit a certified copy thereof to the Provincial Treasurer.

1947, c.44, s.403; R.S.S. 1953, c.138, s.411.

## DISPOSAL OF CAPITAL FUNDS

**Capital and current expense**

**412** No money borrowed for capital expenditure, or in the hands of the town as capital funds, shall be applied towards current expense.

1947, c.44, s.404; R.S.S. 1953, c.138, s.412.

**Liability for diversion**

**413** 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 town by action against them in any court of competent jurisdiction.

1947, c.44, s.405; R.S.S. 1953, c.138, s.413.

**Penalty**

**414** If any of the said money is applied towards current expense, the mayor and treasurer are guilty of an offence, and for every such offence each is liable on summary conviction to a fine of not less than \$100.

1947, c.44, s.406; R.S.S. 1953, c.138, s.414.

**Disposal of unexpended balances**

**415** Where debentures have been issued for a public work, and upon completion of the work or in consequence of its partial abandonment there remains an unexpended balance, the council may, by resolution reciting the facts, declare its intention to apply to the Local Government Board for authority to use such balance for capital expenditure upon any object not authorized by the bylaw under which the debentures were issued; and the Local Government Board may grant permission to use the balance for such purposes and upon such terms and conditions as may be deemed expedient.

1947, c.44, s.407; R.S.S. 1953, c.138, s.415.

**Misappropriation of unexpended balances**

**416(1)** If the council applies moneys included in any such unexpended balance to any purpose not authorized by the Local Government Board, the members who vote for such application shall be personally liable for the amount diverted, and the same may be recovered by the town by action against them in any court of competent jurisdiction.

(2) If the council upon the request in writing of a ratepayer refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and other ratepayers.

(3) The members of the council who vote for such application shall be disqualified from holding any municipal office for two years.

1947, c.44, s.408; R.S.S. 1953, c.138, s.416.

**PART VII****Assessment and Taxation****ASSESSMENT****Assessment districts**

**417** The council may by bylaw divide the town into assessment districts, and if deemed necessary may appoint one or more assistants to aid the assessor in his work.

1947, c.44, s.409; R.S.S. 1953, c.138, s.417.

**Preparation of assessment roll**

**418(1)** As soon as may be in each year but not later than the thirty-first day of May the assessor shall assess:

- 1 in respect of every parcel of land in the town:
  - (a) the registered owner; or
  - (b) the owner under *bona fide* agreement for sale; or
  - (c) in the case of property exempt from taxation:
    - (i) the owner under *bona fide* agreement for sale; or
    - (ii) the occupant under lease, licence or permit except an occupant occupying the land in an official capacity; and
- 2 every person who is engaged in mercantile, professional or any other business in the town, save that of a farmer, stock raiser or person otherwise engaged in agricultural pursuits or person engaged in fur farming; and
- 3 the owner of a special franchise; and
- 4 the owner of a building situated on land belonging to another person, or not attached to the land on which it is placed; and
- 5 the owner of a gas or oil pipe line placed or affixed on or under land, whether the land is owned by the owner of the pipe line or the pipe line is placed or affixed on or under land under an easement or other agreement;

and shall prepare an assessment roll in which he shall enter the names and addresses of the persons mentioned in paragraphs 1, 2, 3, 4 and 5.

(2) The assessment roll shall be in such form as may be prescribed by the minister, and may consist of leaves held together in book form or cards held in a suitable filing device.

1947, c.44, s.410; 1951, c.41, s.17; R.S.S. 1953, c.138, s.418.

**Assessment of land and buildings, etc.**

**419** Subject to the other provisions of this section:

- 1 the dominant and controlling factor in the assessment of land and buildings shall be equity;
- 2 land shall be assessed at its fair value;
- 3 the railway roadway owned by a railway company, or occupied by it if the roadway is owned by some other person and is exempt from taxation, shall be assessed at an amount not exceeding \$5,000 per mile. All other land owned or occupied by a railway company shall be assessed at its fair value but the superstructure thereon shall not be assessed;
- 4 where an owner or occupant of land exempt from taxation is assessed his interest shall be assessed at the fair value of the land;
- 5 buildings and improvements, except railway superstructure, upon land shall be assessed at not more than sixty per cent of their fair value;

6 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 value of such buildings and improvements. The assessment of buildings and improvements may be increased beyond the assessment for the previous year by such amount as the council may determine;

7 paragraph 6 does not apply in any town where the assessable property has been revalued by the Saskatchewan Assessment Commission or the minister;

8 where a building or a portion of a building situated on railway property exempt from taxation is used by an employee of the railway company for residential purposes, such building, or portion, and the land on which it is situated shall be assessed to the occupant, but the occupant shall not be assessed therefor in a greater amount than \$750;

9 if land exempt from taxation under section 458 ceases to be so exempt on or before the first day of December in any year, the assessor shall assess the owner or occupant and enter his name upon the assessment roll;

10 where the value at which any specified land or building has been assessed appears to be more or less than its fair value the amount of the assessment of the land or building, as the case may require, shall nevertheless not be varied on appeal if:

(a) the value at which the land is assessed bears a fair and just proportion to the value at which other lands in the town are assessed; or

(b) the value at which the building is assessed bears a fair and just proportion to the value at which other buildings in the town are assessed;

11 the gas or oil pipe line placed or affixed on or under land shall be assessed for \$1,000 per mile for a pipe line of two inches in diameter or fraction thereof and for each additional one inch or fraction thereof in diameter up to eight inches an additional sum of \$260 per mile and thereafter for each additional one inch or fraction thereof in diameter an additional sum of \$320 per mile, exclusive of the value of any pumping equipment or buildings used in connection with the pipe line; provided that where more than one pipe line is laid upon or under the same continuing strip of land or pipe line right of way, the assessment of each such additional pipe line shall be in addition to the assessment of a single pipe line, but each such additional pipe line shall be assessed for three-fourths of the said amounts;

12 the value of land through which any pipe line runs shall not be reduced where the pipe line has been buried therein and the surface rights are not owned by the owner of the pipe line.

1947, c.44, s.411; 1948, c.34, s.16; 1949, c.43, s.23; 1951, c.41, s.18; 1953, c.47, s.24; R.S.S. 1953, c.138, s.419.

#### Businesses

**420(1)** Business shall be assessed in the following manner:

1 The assessor shall fix a rate per square foot of the floor space, irrespective of partitions, elevators, stairways, or other obstructions, of each building or part thereof used for business purposes, and shall as far as he deems practicable classify the various businesses and portions thereof;



2 He may fix a different rate for each class or portion thereof, and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class, and may classify each building or part thereof according to the kind of business carried on therein and may fix a different rate for different kinds of business carried on under the same roof, and for storehouses and warehouses or other like appurtenant buildings from that fixed for the principal building, and may fix a different rate for different flats of buildings;

3 The rate shall not exceed \$8 per square foot, except in the case of banks, loan companies or other financial institutions, in which case such rate shall not exceed \$15 per square foot.

**Yards used for businesses**

(2) Where 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.

**Grain elevators**

(3) Notwithstanding anything herein contained, the area of the floor space of a grain elevator except so much as is used for commodities other than grain, shall not be deemed, for the purpose of business assessment, to exceed one thousand square feet, nor shall the rate in respect of floor space used for grain exceed \$4 per square foot. For the purposes of this subsection "grain elevator" does not include an elevator operated by a person engaged in the business of manufacturing grain into some other product and used solely for the purpose of receiving grain to be used in such business.

**Partners, joint tenants, etc.**

(4) When 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 real property liable to taxation hereunder, the name of each of such persons shall be entered on the assessment roll in respect of his share or interest of or in such property.

**Transient traders and contractors**

(5) Notwithstanding anything herein contained, a transient trader or contractor who is assessed and taxed in respect of a business may also be required to pay a licence fee to the town in respect of the same business, but shall be liable to pay, in addition to the amount of the tax in respect of the business, only the amount, if any, by which the licence fee exceeds the said tax.

**Railway companies**

(6) A railway company, whether its property is liable to assessment and taxation or not, shall be liable to assessment and taxation under this section in respect of the business carried on as a railway and the provisions of this section, except subsection (2), shall apply.

**Special franchises**

(7) Notwithstanding the provisions of paragraph 10 of section 2 or paragraph 5 of section 419, the owner of a special franchise shall be assessed for the land, including buildings and improvements, which he uses or occupies, at the fair value. The plant and apparatus, including machinery and fixtures, erected or placed upon, in, over, under or affixed to land or to any highway, lane or public place or water, shall be assessed at the fair value.

**Same**

(8) The owner of a special franchise shall also be assessed in respect of the right, authority or permission on the basis of ten per cent of the value of the franchise under agreement.

**Same**

(9) The owner of a special franchise shall not be assessed in respect of business.

1947, c.44, s.412; 1948, c.34, s.17; 1949, c.43, s.24; R.S.S. 1953, c.138, s.420.

**No double assessment**

**421** No person who is assessed in respect of a business or special franchise shall be liable to pay a licence fee to the town in respect of the same business or special franchise.

1947, c.44, s.413; R.S.S. 1953, c.138, s.421.

**Farm lands**

**422(1)** Notwithstanding anything herein contained, where there are within the town lands not subdivided into lots but used exclusively for farming purposes, the council may, subject to the approval of the Director of Assessments of the Department of Municipal Affairs, upon passing a bylaw authorizing such agreement, agree with the owners or any of them that, while the lands remain not subdivided into town lots and are used exclusively for farming purposes, a fixed value shall be placed thereupon for assessment purposes for such period of time not exceeding five years as may be specified in the agreement, or that the rate of taxation for all purposes upon the assessed value of the land, or the value fixed by the agreement, shall not during the said period exceed the rate agreed upon.

(2) If an agreement under subsection (1) cannot be reached or, upon application by the owner of the land, the council does not forthwith enter into an agreement, the owner may petition the Saskatchewan Assessment Commission to adjudicate in the matter and the commission may, upon being satisfied that the land will not be required for subdivision into lots for building purposes, order the town to assess the land at a stated sum for a specified term of years not exceeding five and may also fix the maximum rate of taxation for all purposes to be imposed upon the assessed value of the land or the value mentioned in the order, during the term so specified.

(3) An agreement entered into under subsection (1) or an order issued under subsection (2) may at the expiration of the period stated in the agreement or order be renewed or varied for one or more further periods, each not to exceed five years.

1947, c.44, s.414; 1949, c.43, s.25; 1953, c.47, s.25; R.S.S. 1953, c.138, s.422.

**Information for assessor**

**423(1)** Every person whose property is assessable shall give to the assessor all information necessary to enable him to make up the roll, but no statement made by any person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

(2) Every railway company shall, during the month of October in each year, transmit to the assessor of each town a certified statement showing:

- (a) the total number of miles of the railway roadway situated within the town;
- (b) the description and area in acres of land within the town owned or occupied by the company, other than railway roadway;

(c) the description and location of any buildings, structures, erections and improvements within the town, except railway superstructure, owned or occupied by the company;

(d) the address of the office of the company where assessment and tax notices are to be sent.

(3) A person who fails to furnish within a reasonable time any information required by the assessor is guilty of an offence and liable on summary conviction to a fine not exceeding \$5 for every day during which the default continues.

(4) A person who wilfully furnishes the assessor with false information is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

1947, c.44, s.415; 1948, c.34, s.18; R.S.S. 1953, c.138, s.423.

#### **Roll checked by assessment committee**

**424** The council shall appoint two of its members who, with the assessor, shall constitute an assessment committee, and such committee shall, on the completion of the roll by the assessor and before assessment notices are sent out, check the roll and make such corrections therein as the majority of the committee may decide; provided that the committee shall have no authority to alter the amount of any assessment.

1947, c.44, s.416; R.S.S. 1953, c.138, s.424.

#### **Fraudulent assessment**

**425** If an assessor makes a fraudulent assessment, or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein, or wilfully or fraudulently omits the name of any person who should be entered therein, or wilfully neglects any duty required of him by this Act, he is guilty of an offence and liable on summary conviction to a fine of \$100.

1947, c.44, s.417; R.S.S. 1953, c.138, s.425.

#### **Notice of assessment by publication**

**426** Within fifteen days after completing the roll and after it has been corrected pursuant to the provisions of section 424, the assessor shall publish in a newspaper published in the town or, if there is none such, in a newspaper circulating therein, a notice in the following form:

Town of \_\_\_\_\_

Assessment Roll, 19\_\_\_\_.

Notice is hereby given that the assessment roll of the town for the year 19\_\_\_\_ has been prepared and is now open to inspection at my office in the town hall (*or as the case may be*) 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 person who desires to object to the assessment of himself or of any other person must within thirty days after the date of this notice (*or, where the council has passed a bylaw under subsection (1) of section 428*, the date of the publication of this notice in *The Saskatchewan Gazette*) lodge his complaint in writing at my office.

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

A.B.,  
Assessor.

1947, c.44, s.418; R.S.S. 1953, c.138, s.426.

**Notice by mail**

**427(1)** The assessor shall also, within fifteen days after the completion by him of the assessment roll and after it has been corrected pursuant to the provisions of section 424, 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 assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 426 and there shall be endorsed thereon a written or printed form of complaint as given in section 431.

**Error not to invalidate assessment**

(3) No assessment shall be invalidated by any error in the assessment slip so transmitted or by reason of the non-transmission thereof or non-receipt thereof by the person to whom it was addressed.

1947, c.44, s.419; R.S.S. 1953, c.138, s.427.

**Alternative procedure**

**428(1)** The council may by bylaw, notwithstanding anything contained in section 427, adopt the following provisions, in which case they shall be substituted for subsection (1) of section 427:

“(1) When the assessment in respect of land, business or special franchise is altered from what it was in the preceding year or is a new assessment, 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 424, transmit by post to the person assessed or leave with him or his agent an assessment slip containing the particulars appearing in the roll with respect to such a person. Except in such cases it shall not be necessary to send or deliver notice of the assessment but this does not exclude or limit the right of appeal to the court of revision and Saskatchewan Assessment Commission”.

(2) If a bylaw is passed under subsection (1) a notice in the form given in section 426 shall be published in the *Gazette* within fifteen days after the completion of the assessment roll and after the same has been corrected pursuant to the provisions of section 424.

1947, c.44, s.420; R.S.S. 1953, c.138, s.428.

## APPEAL TO COURT OF REVISION

**Appeal**

**429** If any person thinks that he or any other person has been wrongly assessed or has been assessed too high, or too low, or that his name or the name of any other person has been wrongly inserted in or omitted from the roll, or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa*, or that a building has been wrongly classified for the purpose of business assessment or that the rate per square foot of floor space fixed by the assessor for such purpose is too high or too low, he may, within the time limited by the notice under section 426, give notice in writing to the assessor that he appeals to the court of revision to correct the error, and in such notice he shall give a name and address where notices may be served upon him.

1947, c.44, s.421; R.S.S. 1953, c.138, s.429.

**Court of revision**

**430** The council shall be the court of revision to hear and decide all assessment appeals, but no member of the council shall sit as a member of the court of revision upon an appeal in respect of any property or business in which he has any interest, directly or indirectly.

1947, c.44, s.422; R.S.S. 1953, c.138, s.430.

**Form of notice of appeal**

**431** Every notice of appeal shall be in the following form:

To the assessor of the town of \_\_\_\_\_

SIR,—I hereby appeal against assessment (No. \_\_\_\_\_, *or as the case may be*) on the following grounds (*herein state grounds of appeal*).

My address for service of notice in connection with this appeal is \_\_\_\_\_.

Dated this \_\_\_\_\_ day \_\_\_\_\_, 19\_\_\_\_.

*C.D.,  
Appellant.*

1947, c.44, s.423; R.S.S. 1953, c.138, s.431.

**Notice of hearing**

**432** The assessor shall forthwith notify every appellant, and every other person whose assessment is affected or may be affected, of the time and place of the sittings of the council as a court of revision to hear the appeal.

1947, c.44, s.424; R.S.S. 1953, c.138, s.432.

**Time of notice**

**433(1)** Such notice shall be posted by registered letter to the post office address of such person as given in the notice of appeal, 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 town, the assessor shall cause the notice to be posted by registered letter addressed to him at his place of business, or to be served thereat, fifteen days at least before the sitting of the court of revision, and such posting or service shall in all such cases be sufficient.

1947, c.44, s.425; R.S.S. 1953, c.138, s.433.

**List of appeals**

**434** 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 on a notice board at the office of the town clerk and shall continue so posted during the sittings of the court.

Appeals to be heard by the court of revision of the town 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
etc.	etc.	

1947, c.44, s.426; R.S.S. 1953, c.138, s.434.

**Secretary**

**435(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 to do so, issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned, having 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 is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and costs:

Provided that the court of revision hearing the appeal may for good and sufficient reasons excuse such person from attending and in that event no fine shall be incurred by reason of non-attendance.

1947, c.44, s.427; R.S.S. 1953, c.138, s.435.

**Conduct of hearing**

**436** The appeals shall be heard, as far as possible, in the order in which they stand upon the list, but the court of revision may adjourn or expedite the hearing of any appeal as thought fit.

1947, c.44, s.428; R.S.S. 1953, c.138, s.436

**Non appearance**

**437** If the appellant, or any other person whose assessment is affected or may be affected by the result of the appeal, fails to appear in person or by an agent, the court of revision may proceed *ex parte* and, unless such appellant or other person has submitted to the court of revision a statement in writing giving in detail his reasons for appealing, its decision shall be final and not subject to review by the Saskatchewan Assessment Commission.

1947, c.44, s.429; R.S.S. 1953, c.138, s.437.

**Evidence**

**438(1)** It shall not be necessary to hear upon oath the complainant or assessor or the person complained against, except where the court of revision deems it necessary or proper, or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses may be administered by any member of the court of revision hearing the appeal.

1947, c.44, s.430; R.S.S. 1953, c.138, s.438.

**Termination of sittings**

**439** All the duties of the 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.

1947, c.44, s.431; R.S.S. 1953, c.138, s.439.

**Amendment of roll**

**440** Forthwith after the conclusion of the sittings, the assessor shall amend the assessment roll in accordance with the decisions of the court of revision. Every 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.

1947, c.44, s.432; R.S.S. 1953, c.138, s.440.

**Binding effect of amended roll**

**441(1)** 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 the roll, or any defect, error or mis-statement in the notice required by section 427 or 428 or any omission to deliver or to transmit such notice.

(2) When a person assessed for lands has no interest in the land, the assessment shall bind the land but not the person assessed.

(3) This section applies only in towns where a revaluation by the Saskatchewan Assessment Commission or the minister has not been made.

1947, c.44, s.433; 1948, c.34, s.19; R.S.S. 1953, c.138, s.441.



**Reassessment in case of subdivision**

**442(1)** Where any parcel of land has been subdivided, the assessor may, on the application of the owner of any of the parts into which the parcel has been divided, cancel the assessment of the parcel and reassess the property, apportioning the assessed value and the taxes among the different parcels according to the new subdivision, but such reassessment shall not exceed in the whole the amount of the previous assessment.

(2) Notices of such apportionment shall be given in the same manner as notice of a new assessment, and any of the parties interested may appeal to the court of revision against the decision of the assessor.

(3) The proceedings upon such appeal and the duties and powers of the court of revision, of the assessor and of the clerk shall be the same, as nearly as may be, as in the case of appeals against assessments.

(4) There shall be no appeal from the decision of the court of revision.

1947, c.44, s.434; R.S.S. 1953, c.138, s.442.

**GENERAL PROVISIONS AS TO ASSESSMENT ROLL****Evidence of roll**

**443** A copy of the roll or any portion thereof written or printed without erasure or interlineation, under the seal of the town and certified to be a true copy by the assessor, shall be received as *prima facie* evidence in any court without the production of the original.

1947, c.44, s.435; R.S.S. 1953, c.138, s.443.

**Omissions from roll**

**444(1)** If, before the first day of December, it is discovered that the property or business 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 town, 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 court to make an assessment in respect of such property or business for such sum as may be deemed right, and that such taxable person is required to attend the meeting to show cause why the 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 town, the notice shall be posted by registered letter to his post office address fifteen days before the meeting of the court of revision.

(3) After such notice has been mailed and after the expiration of the time mentioned therein, or if such taxable person is not known then without any notice, the court of revision may make an assessment in respect of such property or business and direct the assessor to enter the same and the name of the taxable person if known upon the proper tax roll as the court directs:

Provided that the provisions of this Act as to appeals from assessments, as far as the same are applicable, shall apply to 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 collectable in the same manner as other taxes.

1947, c.44, s.436; 1951, c.41, s.19; R.S.S. 1953, c.138, s.444.

**Exempt property when sold to be reassessed**

**445(1)** If, in a town which has adopted the special provisions contained in section 506, property exempt from taxation is sold and disposed of before the first day of October in the year for which the assessment is made, so as to become liable to assessment and taxation, the assessor shall assess such property and amend the assessment roll accordingly, and he shall forthwith transmit by registered mail to the owner or other taxable person particulars of the assessment.

(2) The taxable person may thereupon appeal to the court of revision against the assessment and in such case the proceedings upon appeal and the duties and powers of the court of revision, of the assessor and of the clerk shall be the same, as nearly as may be, as in the case of other appeals against assessments.

(3) 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 making allowance for the portion of the year during which the property was exempt from taxation; and the rates shall be collectable in the same manner as other taxes.

1947, c.44, s.437; R.S.S. 1953, c.138, s.445.

**Person claiming to be assessed**

**446(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 a 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 to deprive that person of his right to be an elector, is guilty of an offence and liable on summary conviction to a fine of \$25 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.

1947, c.44, s.438; R.S.S. 1953, c.138, s.446.

**Adoption of roll**

**447(1)** The roll, with any amendments made pursuant to the foregoing provisions, 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 town.

(2) This section applies only in towns where a revaluation by the Saskatchewan Assessment Commission or the minister has not been made.

1947, c.44, s.439; 1948, c.34, s.20; R.S.S. 1953, c.138, s.447.

**Right of appeal**

**448** There shall be a right of appeal from the decision of the court of revision to the Saskatchewan Assessment Commission according to the procedure prescribed herein.

1948, c.34, s.21; R.S.S. 1953, c.138, s.448.

**Correcting gross errors**

**449** The council may at any time correct any gross or palpable error in the roll, and any corrections so made shall be initialed by the assessor.

1947, c.44, s.440; R.S.S. 1953, c.138, s.449.

## APPEAL FROM COURT OF REVISION TO SASKATCHEWAN ASSESSMENT COMMISSION

**Appeal**

**450** An appeal to the Saskatchewan Assessment Commission lies at the instance of the assessor or of any appellant to the court of revision or of any other person, not only against the decision of the court of revision on an appeal, but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

1947, c.44, s.441; R.S.S. 1953, c.138, s.450.

**Proceedings on appeal**

**451** In all appeals under the provisions of section 450 the proceedings shall be as follows:

**Notice of appeal**

1 Where the decision of the court of revision is given at the time of the hearing, the appellant shall in person or by agent serve upon the assessor within fourteen days after the decision of the court a written notice of his intention to appeal to the commission. Where such decision is not given at the time of the hearing, the assessor shall forward a notice of the decision to the appellant by registered letter, and the appellant shall serve his notice of intention to appeal, within fourteen days after the date of the registration of the letter. In case of the omission, neglect or refusal of the said court to hear or decide an appeal the appellant shall serve his notice of intention to appeal, within fourteen days after completion of the sittings of the court. The appellant shall in any case forward a copy of the notice to the Saskatchewan Assessment Commission;

**List of appeals forwarded to commission**

2 The assessor shall immediately after the time limited for service of such notice forward a list of all appeals to the secretary of the commission and the commission shall fix a day and place for hearing the appeals;

**Assessor notifies parties interested**

3 The assessor shall immediately upon being notified by the commission give notice in writing to all parties interested in the appeals respectively of the time and place fixed by the commission for hearing the same;

**Time of notice**

4 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 town, in which case the assessor shall cause the notice to be posted by registered letter to the appellant's address at such place of business, or to be served thereat, at least ten days before the day fixed for hearing the appeals:

Provided that, if the assessor fails to have the required service of the notice made or to have the same made as required by this Act, the commission may direct the service to be made for a subsequent day then to be fixed by it for the hearing of the appeal;

**Assessor posts notice of appeals**

5 The assessor shall immediately upon being notified of the day fixed for hearing the appeals cause a conspicuous notice to be posted in his office and in the place where the council holds its sittings, containing the names of the appellants and parties against whose assessments appeals have been taken, and a brief statement showing the grounds or causes of appeal and the time and place fixed by the commission for hearing the appeals;

**Parties and witnesses served**

6 Every person served with notice shall attend pursuant to the notice, and the notice shall be of the same force and effect as a subpoena;

**Hearing and determination of appeals**

7 At the time appointed the commission shall hear the appeals and it may adjourn the hearing from time to time and defer decision thereon at pleasure, but all appeals shall be determined before the fifteenth day of September. All deferred decisions shall be in writing and when given shall be filed with the town clerk;

**Production of roll**

8 At the hearing the person having charge of the assessment roll passed by the court of revision shall appear and produce the roll and all papers and writings in his custody connected with the matter of appeal, and the roll shall be confirmed, altered or amended according to the decision of the commission if then given, and the chairman, or in his absence another member of the commission, shall write his initials opposite any part of the roll in which any mistake, error or omission is corrected or supplied; and if the commission reserves its decision, the town clerk shall, when the same is given, forthwith alter and amend the roll according to the terms of the decision, and shall write his own name or initials opposite such alteration or correction;

**Powers of commission**

9 In such proceedings the commission shall possess all such powers for compelling the attendance of all parties whether claiming or objecting or objected to, and all other persons whomsoever, and for their examination on oath, for the production of books, papers, rolls and documents and for the enforcement of its orders and decisions, as belong to or might be exercised by a judge of the district court in respect of any civil proceeding in that court;

**Title of proceedings**

10 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 town of \_\_\_\_\_

*A.B.,  
Appellant,*

and

*C.D.,  
Respondent.*

**Inspection by commission**

11 The commission may inspect or cause to be inspected property the assessed value of which is in dispute and any other properties in the municipality with a view to arriving at the value for assessment purposes, and may base its decision wholly or in part upon such inspection;

**Cost of proceedings**

12 The costs of any proceeding before the commission shall be paid by or apportioned between the parties in such manner as the commission 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 commission may direct from the district court or in the same manner as upon an ordinary judgment for costs recovered in such court;

**Taxation**

13 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 for such costs; and where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

**Decision final**

14 Subject to the provisions of section 453, the decision of the commission shall be final and conclusive in every case adjudicated upon.

1947, c.44, s.442; 1948, c.34, s.22; R.S.S. 1953, c.138, s.451.

**Filing of decisions**

**452** The clerk of the district court shall, at the request of the commission, the municipality or any party interested, file the orders and decisions of the commission in the same manner as if they were orders or decisions of the court.

1947, c.44, s.443; R.S.S. 1953, c.138, s.452

## APPEAL FROM SASKATCHEWAN ASSESSMENT COMMISSION TO COURT OF APPEAL

**Appeal to Court of Appeal**

**453(1)** Where the ground of appeal was that the appellant or some other person was wrongly assessed as a public or separate school supporter, an appeal lies from the commission to the Court of Appeal.

(2) The procedure on such appeal shall be the same as is or may be provided on an appeal from a final order, judgment or decision of the district court in a civil action.

1947, c.44, s.444; R.S.S. 1953, c.138, s.453

## STATED CASES FROM SASKATCHEWAN ASSESSMENT COMMISSION TO COURT OF APPEAL

**Power of commission to submit stated case on question of law**

**454(1)** At any stage of the proceedings before the Saskatchewan Assessment Commission, the commission may submit in the form of a stated case for the opinion of the Court of Appeal a question of law arising in connection with any appeal and shall reserve its decision until the opinion of the court has been given, when it shall decide the appeal in accordance with the opinion

**Request for stated case**

(2) Any party to the proceedings before the commission, including the municipality acting on the resolution of its council, may, within thirty days after the decision of the commission, by writing addressed to the secretary of the commission, request the commission to submit a case for the opinion of the Court of Appeal on a question of law only, not involving a question of valuation, and any party making such request shall at the same time deposit with the secretary of the commission the sum of \$10 as security for costs.

**Extension of time**

(3) A judge of the Court of Appeal may, before or after the expiration of the time allowed by subsection (2) for requesting a stated case, enlarge the time for making such request.

**Submission of case on request**

(4) Within fifteen days after the receipt of such request and deposit, the commission shall submit in writing a stated case for the opinion of the court.

**Costs**

(5) The costs of and incidental to a stated case shall be in the discretion of the court.

**Entry of stated case**

(6) Where a case is stated, the secretary of the commission shall forthwith file the case with the registrar of the court, who shall enter the same for argument before the court.

**Judgment**

(7) The court shall hear and determine the question and within thirty days give its opinion and cause it to be forwarded to the commission; but the court may if it thinks fit cause any case to be remitted to the commission for amendment, and thereupon the commission shall amend the case accordingly and the opinion of the court shall be delivered after the amendment.

1947, c.44, s.445; R.S.S. 1953, c.138, s.454.

**Correction of roll**

**455** After receipt of the opinion of the court on a stated case, the commission shall, if the opinion is at variance with the conclusion at which it had itself arrived, direct the town assessor to make the necessary amendment to the assessment roll in accordance with the opinion, and the assessor shall forthwith do so.

1947, c.44, s.446; R.S.S. 1953, c.138, s.455.

## BINDING EFFECT OF ASSESSMENT ROLL

**Roll binding when certificate issued by minister**

**456(1)** This section applies in all towns where a revaluation of the properties, businesses and special franchises has been made by the Saskatchewan Assessment Commission or by the minister.

(2) When the roll is finally completed and the time during which complaints and appeals against the assessment may be made has elapsed, or where there are appeals and the same have been disposed of, the assessor shall make a return to the minister in such form as he may prescribe, showing particulars of any alterations which have been made in the assessment by the court of revision, and the final assessment of the town.

(3) Upon receipt of the return the minister shall, after making such inquiries as he deems advisable, confirm the assessment by certificate issued under his seal as the assessment of the town for the current year.

(4) Upon receipt of the certificate the assessor shall immediately attach it to the last page or card of the assessment roll and the roll as thus finally completed and certified shall be the revised assessment roll of the town and shall be valid and binding on all parties concerned notwithstanding any defect or error committed in or with regard thereto or any defect, error or mis-statement in any notice required by this Act or any omission to deliver or to transmit such notice.

(5) When a person assessed has no interest in the land in respect of which he is assessed, the assessment shall bind the land but not the person assessed.

(6) Upon the issue of a certificate the minister shall cause to be published in the next issue of the *Gazette* a notice to the effect that the assessment of the town has been confirmed.



(7) No assessment which has not been confirmed by the minister shall have any force or effect and taxes levied thereon shall be deemed to be improperly levied and shall not be recoverable under this Act or *The Tax Enforcement Act*.

1948, c.34, s.23; R.S.S. 1953, c.138, s.456.

## TAXATION

### Subjects of taxation

**457** Subject to the other provisions of this Act, the municipal and school taxes of the town shall be levied upon (1) lands; (2) businesses; and (3) special franchises:

Provided that minerals, within the meaning of *The Mineral Taxation Act*, shall not be subject to taxation under this Act.

1947, c.44, s.447; R.S.S. 1953, c.138, s.457.

### Exemptions

**458** 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;
- 3 every place of public worship and the land used in connection therewith, not exceeding one acre, of which a religious organization is the owner, except such part as may have any other building thereon; provided that if any portion of a place of public worship is used as a dwelling or is leased and used for purposes other than public worship such portion and the land used in connection therewith shall be subject to taxation;
- 4 every cemetery and burial ground;
- 5 the office owned and occupied by a school district or school unit and the buildings and grounds, not exceeding four acres, owned and occupied by it for the purposes of a school, except any part of such buildings used as a dwelling and the land used in connection therewith;
- 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 hospital approved under *The Hospital Standards Act* or any former *Hospital Standards Act*, so long as such buildings and grounds are actually used and occupied by such hospital but not if otherwise occupied or occupied as a dwelling;
- 7 the building and grounds, not exceeding four acres, of and attached to or otherwise *bona fide* used in connection with and for the purposes of the association known as "The Young Men's Christian Association" and the association known as "The Young Women's Christian Association", so long as such buildings and grounds are actually used and occupied by such institution but not if otherwise occupied;
- 8 all property belonging to the town;
- 9 every highway, lane or other public way, and every public square or park whether situated inside or outside the town;

10 the property of every public library established under *The Libraries Act* or any former *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 buildings with grounds attached owned and occupied by a branch of The Canadian Legion of the British Empire Service League or the Army and Navy Veterans in Canada;

12 every monument erected as a war memorial and the land used in connection therewith to the extent of one acre;

13 the property of any children's aid society, incorporated under *The Child Welfare Act* or any former Act, or approved by the Lieutenant Governor in Council for the purpose of such Act, if used exclusively for the purposes of and in connection with the society;

14 the grounds and buildings of every agricultural society established under *The Agricultural Societies Act* or any former *Agricultural Societies Act*;

15 the buildings owned by a rural municipality and used for municipal purposes, and the land used in connection therewith not exceeding one-half acre in extent; provided that where a portion of any such building is occupied as a residence or for any purpose other than a municipal purpose, such portion shall be subject to taxation.

1947, c.44, s.448; R.S.S. 1953, c.138, s.458.

#### **Exceptions to exemptions**

**459(1)** If any property exempt from taxation, or any portion of such property, is occupied by a person otherwise than in an official capacity, or if any building on such property or any portion of such building is used as a dwelling, the occupant of such property or building, or portion thereof, shall be taxed therefor as well as for any land used in connection with such dwelling, but the property itself shall not be liable.

(2) If any land exempt from taxation under section 458 ceases to be so exempt on or before the first day of December in any year the owner or occupant assessed shall be taxed in respect of that portion of the year during which it is not exempt.

1947, c.44, s.449; 1949, c.43, s.26; R.S.S. 1953, c.138, s.459.

#### **Liability for local improvement taxes**

**460** Lands exempt from taxation under paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 13, 14 and 15 of section 458 shall nevertheless be liable to taxation for local improvements.

1947, c.44, s.450; R.S.S. 1953, c.138, s.460.

#### **Adjustment of levy on commencement or discontinuance of business**

**461** If any business is commenced after the thirty-first day of January or is discontinued before the first day of December, the council shall upon written request adjust the amount levied in respect of such business to correspond with the portion of the year during which the business is or was carried on.

1947, c.44, s.451; R.S.S. 1953, c.138, s.461.

**Certain buildings liable to taxation as improvements**

**462** Where the owner of a building situated on land belonging to another person, whether or not such land is exempt from taxation, or of a building which is not attached to the land upon which it is placed, is assessed, such building:

- (a) shall be liable to taxation as an improvement upon the land and shall be subject to a lien for the taxes;
- (b) in case of removal, may be distrained upon for such taxes within three months from the date of removal, notwithstanding that it has been attached to the soil in its new situation;
- (c) may be sold and disposed of for such taxes in the same manner as chattels distrained for taxes may be sold and disposed of;

and the purchaser of any building so sold and disposed of shall have free right of entry upon the land on which the building stands for the purpose of severing it from the soil, if necessary, and of removing it.

1947, c.44, s.452; R.S.S. 1953, c.138, s.462.

**Liability of building owner for business tax**

**463** The owner of a building who is liable to assessment in respect of business carried on therein shall, in addition to his liability for taxes levied in respect of the land and building, be liable for the business tax levied in respect of such business.

1947, c.44, s.453; R.S.S. 1953, c.138, s.463.

**Rental tax**

**464(1)** The council may by bylaw require that each householder in the town shall pay a tax not exceeding ten per cent of the annual rental value of the premises occupied by such householder and may in the same bylaw prescribe the mode or manner of assessment, the procedure on appeal to the council in respect of such assessment, the time within which the assessment shall be made, the time or times of payment of the tax either by monthly instalments or otherwise and the minimum amount of any instalment.

(2) For the purposes of this section “**householder**” means the tenant of a dwelling house or part thereof and includes a tenant occupying a room or rooms for residential purposes in any apartment or business block.

(3) The tax shall be collectable by action or distraint, and during the period of default in payment the treasurer may disconnect or discontinue the water, gas or electricity service to the premises occupied by any person in default.

1947, c.44, s.454; R.S.S. 1953, c.138, s.464.

**Service tax**

**465(1)** Subject to subsections (2), (3), (4) and (5), the council may by bylaw require that every person of the age of twenty-one years and upwards who has been a resident of the town for at least three months during the then current year prior to the first day of October shall pay a service tax of \$5. A bylaw heretofore or hereafter passed under this subsection shall remain in force and have effect until repealed.

(2) The council may by bylaw provide that any person or class or classes of persons shall be exempt from payment of the tax.

(3) The wife of a person who pays a service tax shall not be liable for the tax.

- (4) Members of Her Majesty's naval, military or air forces on full pay or on actual service or of the Royal Canadian Mounted Police force shall not be liable for the tax.
- (5) No person who or whose husband or wife is assessed upon the last revised assessment roll or pays a licence fee in respect of business or is assessed for a tax under section 464 shall be liable to pay a service tax under this section.
- (6) The service tax may be collected at any time after the first day of April.

1947, c.44, s.455; R.S.S. 1953, c.138, s.465.

#### Information by employers

**466** Every employer shall, upon request of the assessor or such other person as may be appointed by the town to collect the service tax, give to the assessor or the person so appointed a list of the names and addresses of all persons in his employ of the age of twenty-one years or upwards who have resided in the town for at least three months during the then current year prior to the first day of October.

1947, c.44, s.456; R.S.S. 1953, c.138, s.466.

#### Failure to furnish information

**467** An employer who fails to furnish such list within ten days from the date on which the request is made, or who wilfully furnishes false information in a list given by him, is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

1947, c.44, s.457; R.S.S. 1953, c.138, s.467.

#### Mode of collection

**468(1)** A service 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 become owing by him to the person liable to pay the tax, and shall pay the same as soon as the amount of the tax is earned by his 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 be imprisoned for a period not exceeding thirty days.

(2) Where in a prosecution under this section the person accused is apparently of the full age of twenty-one years, the burden of proving that he is not of that age shall be upon such person.

1947, c.44, s.458; R.S.S. 1953, c.138, s.468.

#### Amusement tax

**469(1)** For the purpose of this section:

1 “**owner**” means an individual, firm, company or corporation operating a place of amusement in the town;

2 **“place of amusement”** means a theatre, moving picture theatre, open air theatre, amusement hall, concert hall, music hall, dance hall or pavilion, circus, menagerie, sideshow, carnival or collection of sideshows, race course, race track, baseball park or grounds, athletic park or grounds, amusement park or grounds, football grounds, skating rink or other place where an exhibition or entertainment is given or game played and an entrance fee is charged or collected through the sale of tickets or otherwise;

3 **“entrance fee”** includes every charge made for seating accommodation, whether or not payment is required before entrance.

(2) The council may by bylaw require that every person attending a place of amusement shall pay a tax upon each admission thereto. The tax may vary with the amount of the entrance fee.

(3) The council may, by the bylaw imposing the tax, make rules and regulations for the collection, proper accounting and due payment thereof and for preventing evasion; and, without restricting the generality of the foregoing provision, may exercise all or any of the following powers:

(a) require that the tax shall be collected by the owners of places of amusement by means of tickets in a form prescribed or approved by a town official named for the purpose, or otherwise;

(b) allow the owners such commission upon the sale of tickets or the amount of tax collected as may be deemed reasonable;

(c) require such owners to deface tickets sold under this section and to place at the entrance of their respective places of amusement receptacles for receiving the tickets so defaced, of such pattern as may be approved by a town official named for the purpose;

(d) prescribe the manner in which such tickets shall be defaced, and their reissue prevented;

(e) authorize police constables or town inspectors to enter places of amusement when on duty to ascertain whether the provisions of the bylaw are being observed, and to place in the lobby or elsewhere notices concerning the tax;

(f) exempt certain persons and the persons attending certain classes of entertainment from paying the tax;

(g) require the owners to make returns under oath in a prescribed form, showing the number of admissions to their respective places of amusement, the entrance fees paid, and the amount of tax collected, with such other information as may be deemed necessary or convenient; and require the owners to pay over the amount collected to the town treasurer after each performance or entertainment, or at such times and in such manner as may be deemed advisable.

(4) The council may agree with the owner of a place of amusement for payment by such owner of a sum or sums in lieu of the tax and for the exemption of persons attending such place of amusement from payment of the tax during the period covered by the agreement.

## ESTIMATES AND LEVY

**Estimates**

**470** The council shall in each year prepare estimates of all sums required for the purposes of the municipality during the year, making due allowance for the cost of collection and for the abatement of taxes and for taxes which may not be collected.

1947, c.44, s.460; R.S.S. 1953, c.138, s.470.

**Levy**

**471** The council shall in each year levy on the whole rateable property within the municipality a sum sufficient to pay all debts of the town, whether of principal or interest, falling due within the year.

1947, c.44, s.462; R.S.S. 1953, c.138, s.471.

**Bylaws**

**472** One bylaw or several bylaws for assessing and levying the rates may be passed as the council may deem expedient.

1947, c.44, s.463; R.S.S. 1953, c.138, s.472.

**Agreement with The Director, The Veteran's Land Act**

**473(1)** The council may enter into an agreement with The Director, The Veterans' Land Act limiting the amount of any taxes which may be levied annually by the town during a term specified in the agreement, not exceeding twenty-five years, upon land or buildings held by the director or by a veteran, within the meaning of the *Veterans' Land Act (Canada)*, under agreement of sale with the director.

(2) No such agreement shall have any effect unless it has been approved by the minister or such other person as the Lieutenant Governor in Council may designate.

(3) Subject to the term of years specified in an agreement entered into pursuant to subsection (1) not having earlier expired, such agreement shall cease to apply with respect to land or buildings covered by the agreement and disposed of by a veteran by sale, assignment, gift or in any other manner or which, upon his death, pass to any person other than his widow or his widow and children or his infant children; and where land or buildings covered by the agreement pass, upon the death of the veteran, to his widow and children any of whom are infants, or to his infant children, the agreement shall cease to apply upon the death of the widow or upon the youngest of such children attaining the age of twenty-one years whichever is the later.

(4) The limited amount of taxes levied in accordance with the provisions of subsection (1) shall be apportioned *pro rata* to the various purposes in respect of which taxes are levied on all properties in the town.

1947, c.44, s.464; R.S.S. 1953, c.138, s.473.

**Deficiency**

**474** 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 town 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.

1947, c.44, s.465; R.S.S. 1953, c.138, s.474.

**Surplus**

**475**(1) If the sums collected exceed the estimates, the balance shall form part of the general funds of the town 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.

1947, c.44, s.466; R.S.S. 1953, c.138, s.475.

**Date of maturity of taxes**

**476** 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.

1947, c.44, s.467; R.S.S. 1953, c.138, s.476.

**TEMPORARY LOANS****Temporary loans**

**477**(1) The council may by bylaw authorize 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 deems necessary to meet the current expenditure of the town 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 town may give as security for such loan treasury bills, temporary debentures, promissory notes or similar forms of obligation, signed by the mayor and treasurer, and each such bill, debenture, promissory note or obligation shall be valid and binding upon the town according to its tenor.

(3) The council may by bylaw or agreement designate what revenues of the town, if any, are charged with the repayment of such treasury bills, temporary debentures, promissory notes or other obligations. School taxes shall not be so charged.

(4) Such treasury bills, temporary debentures, promissory notes or other obligations 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 authorized by the *Currency Act (Canada)*, 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*.

(5) The council may, during the year in which such moneys are borrowed and the two succeeding years, pass bylaws for extending the loan and renewing or extending such bills, debentures, promissory notes or other obligations, whether original or renewal.

1947, c.44, s.468; R.S.S. 1953, c.138, s.477.



**Limitation**

**478** The amount so borrowed shall not exceed the estimated amount of the taxes for the current year, and if the council authorizes the borrowing of any larger sum every member of the council who votes therefor shall be disqualified from holding any municipal office for two years.

1947, c.44, s.469; R.S.S. 1953, c.138, s.478.

**TAXES****Tax roll**

**479(1)** On or before the first day of October in each year the assessor or treasurer 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 therein opposite to or under appropriate headings the sums for which such person is chargeable by way of taxes on account of any rate that may be imposed under this or any other Act and 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) of that subsection, 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 \$15 for any business shall be taxed \$15 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 the 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.

1947, c.44, s.470; 1953, c.47, s.26; R.S.S. 1953, c.138, s.479.

**Conversion of business tax to licence fee**

**480(1)** Notwithstanding anything contained in this Act or in any other Act, the council may by bylaw provide that when taxes in respect of the assessments of businesses have been determined pursuant to section 479 the tax so determined in respect of any or all classes of businesses, except the business of a public hotel or other place of public accommodation, shall be deemed to be a licence fee and the council shall issue a licence upon receipt of an application therefor and upon payment of the licence fee or such portion thereof as may be determined by the council and the council may exercise all the powers mentioned in section 222 except the power to fix the fees to be paid for licences:

Provided that if the bylaw applies to the business of a transient trader or contractor, the council may fix the fee to be paid for a licence in respect of such business at a sum in excess of the business tax so determined in respect of such business.

(2) A person whose business tax has been constituted a licence fee as provided in subsection (1) shall forthwith after publication by the town, in one issue of a newspaper circulating in the town, of a notice of the adoption of the bylaw apply to the town for a licence in respect of the business carried on or engaged in by him.

(3) Unless a bylaw passed under subsection (1) otherwise provides, it shall not be necessary to pass another bylaw with respect to any subsequent year, and the provisions of subsection (1) governing the procedure subsequent to the passing of the bylaw shall apply.

(4) In each subsequent year in respect of which the bylaw is in force, applications for licences shall be made within thirty days after publication in one issue of a newspaper circulating in the town of a notice calling for such applications.

(5) A business tax constituted a licence fee under this section shall remain distributed in the tax roll according to the various purposes in respect of which a business tax was imposed, and when the licence fee is collected it shall be deemed to have been collected on account of such purposes.

(6) All the provisions of this Act which are applicable to a business tax determined pursuant to section 479 apply *mutatis mutandis* to a licence fee constituted under this section in the same manner and to the same extent as if it were a business tax.

(7) Notwithstanding the provisions of subsection (1) or (3), where a licence fee has been paid the licence shall continue in force until midnight of the thirty-first day of December of the year for which the licence is issued:

Provided that such licence may be revoked at any time pursuant to the provisions of subsection (2) of section 223, and thereupon the provisions of section 224 shall apply.

(8) Where a licence is required under this section the provisions of sections 225 to 229 apply.

(9) Section 421 does not apply to a business in respect of which the business tax has been constituted a licence fee under this section.

**Tax notice to resident**

**481(1)** If a taxable person is a resident of the town the treasurer shall either transmit to him by post a written or printed notice specifying the amount of the taxes payable by him, 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 notice shall contain a schedule specifying the different rates and the amounts on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in the notice, and containing the information required to be entered in the tax roll under section 479. 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.

(3) If the land in respect of which any portion of the taxes contained in a notice is due has been sold for taxes, or if a tax lien has been registered against the land pursuant to *The Tax Enforcement Act*, the notice shall state the fact.

(4) 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 the 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 and of the date of the service or posting.

1947, c.44, s.473; R.S.S. 1953, c.138, s.481.

**Tax notice to non-resident**

**482** If the taxable person is a non-resident, 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 statement was so transmitted and of the date of transmission.

1947, c.44, s.474; R.S.S. 1953, c.138, s.482.

**Instalments and discount**

**483(1)** 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.

(2) Where a bylaw passed under subsection (1) requires payment of taxes or any instalment thereof to be made on or before any day or days specified therein, the council may also provide for the imposition of an additional percentage charge for default in payment.

(3) No additional percentage charge proportionately greater than one per cent per month shall be imposed on any taxes, or on any instalment of taxes or on the aggregate amount thereof, and such charge may by 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 taxes or instalment thereof, and collected in like manner as if it had been originally imposed and formed part of the unpaid taxes or instalment.

(5) Where a bylaw passed under subsection (1) provides for payment of taxes by instalments, any instalment payable prior to the completion of the tax roll shall be estimated by dividing the amount of the taxes assessed against the property in question for the preceding year by the number of the instalments in which the taxes for the current year are payable.

(6) The council may by bylaw allow a discount not exceeding six percent for the prompt payment of taxes, or any class of taxes, or any instalment thereof, if paid before the day or days specified in the bylaw and prior to the thirty-first day of December of the year in which the taxes are imposed, and may also provide that the discount may be varied to apply at different rates to any class or classes of taxes, or any instalment thereof, or in respect of any period or periods of time prior to the said thirty-first day of December during which any taxes, or any class of taxes, or any instalment thereof are required to be paid. For the purpose of this subsection "class of taxes" means the taxes imposed on property, on business or on special franchises, subject to assessment, or the taxes imposed thereon for municipal, for school or for any other purposes, or service taxes or rental taxes.

(7) No discount shall be allowed on local improvement rates unless a bylaw under subsection (6) expressly provides for a discount on such rates.

(8) If 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 481 and 482 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.

1947, c.44, s.475; 1953, c.47, s.27; R.S.S. 1953, c.138, s.483.

#### **Discount on advance payments of taxes**

**484(1)** The council may by bylaw authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day which may be fixed by bylaw for the payment of any instalment of such taxes, and to allow a discount on such payments at a rate not exceeding five per cent per annum, and to issue prepayment receipts of such denominations as may be fixed by the bylaw, notwithstanding that the taxes for such year have not been levied, or that the assessment roll has not been adopted by the council, when the advance payment is made.

(2) If the taxes of any person making such payments are in arrear, the amounts shown on the prepayment receipts may first be applied upon the arrears.

1947, c.44, s.476; R.S.S. 1953, c.138, s.484.

**Penalty for non payment of taxes**

**485(1)** If any taxes remain unpaid after the thirty-first day of December of the year in which the same are imposed there shall be added thereto by way of penalty a sum equal to five per cent of the arrears; and upon the expiry of each succeeding year during which the whole or any portion of the combined amount of taxes and penalty or penalties remains unpaid, an additional sum equal to five per cent of such combined amount shall be added thereto:

Provided that if the arrears of taxes or any portion thereof are paid before the first day of July in any year, one-half of the penalty added in that year on such arrears or portion thereof so paid shall be rebated.

(2) Amounts so added shall form part of the taxes.

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

1947, c.44, s.477; R.S.S. 1953, c.138, s.485.

**Land tax a lien**

**486** 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 collectable by action or distraint in priority to every claim, privilege, lien or encumbrance of any person except that of Her Majesty, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the town.

1947, c.44, s.478; R.S.S. 1953, c.138, s.486.

**Evidence of tax**

**487** The production of a copy of so much of the roll as relates to the taxes payable by any person in the town certified as a true copy by the treasurer shall be conclusive evidence of the debt.

1947, c.44, s.479; R.S.S. 1953, c.138, s.487.

**Collection from tenant**

**488(1)** When taxes are due upon any land occupied by a tenant the treasurer may give the tenant notice in writing requiring him to pay the treasurer the rent of the premises as it becomes due from time to time to the amount of the 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 contained in this section prevents or impairs any other remedy for the recovery of the taxes or any portion thereof from the tenant or from any other person liable therefor.

(2) Where the land has been sold for taxes and the town is the holder of the tax sale certificate, and all taxes and costs have been paid out of moneys received or collected by the treasurer pursuant to the provisions of subsection (1) or otherwise received or collected, the treasurer may, in the same manner as provided in subsection (1), continue to receive or collect the rent of the premises to the amount required to redeem the land from the tax sale, including costs, and shall apply all moneys so received or collected on account of redemption of the land from tax sale and in payment of costs.

(3) Out of the moneys received by the treasurer pursuant to the notice mentioned in subsection (1) or pursuant to the provisions of subsection (2), the council may authorize the expenditure of such sums as it deems fit for the purpose of supplying the tenant with heat or providing any other service which, but for such notice, would have been supplied by the landlord of the premises.

(4) The treasurer may, and upon receipt of a written request of the assessed owner of the land the treasurer shall, from moneys received by him pursuant to the provisions of subsections (1) and (2), pay to the insurer the amount of the premium in respect of any insurance on buildings on the land, to the extent of the insurable value of the buildings.

(5) The council may authorize the treasurer to insure the interest of the town in all or any buildings upon land in respect of which rent is payable to the town pursuant to the provisions of subsection (1) or (2), against loss of or damage to the property by fire or windstorm or both, to the amount of all taxes which may be due at the time of such loss or damage, including costs, and also to any amount which may be required to redeem the land from tax sale including all interest, penalties and costs. The treasurer may pay the premium in respect of such insurance out of moneys received pursuant to the provisions of the said subsections. Such insurance shall inure solely to the benefit of the town and shall be subject to the following provisions:

1 The insurance shall not be construed as "other insurance" on the property or interest described in the contract or be brought into contribution with any other insurance insuring the town;

2 The insurer shall have the right of entry and control as against all persons, including the tenant, for the purposes enumerated in the statutory conditions of fire contracts respecting entry, control and abandonment;

3 The insurer shall have the right of subrogation conferred by the statutory conditions of fire contracts.

(6) Sums expended by the treasurer with the authority of the council or upon the request of the assessed owner of the land for any of the purposes mentioned in subsections (3), (4) and (5) may be deducted by him from moneys received pursuant to the provisions of subsections (1) and (2), in which case only the balance of moneys so received shall be applicable on the taxes or amounts required for redemption from tax sale.

(7) Where a landlord has appointed an agent to receive or collect the rent of premises in respect of which a notice has been given by the treasurer to the tenant pursuant to the provisions of subsection (1) or (2), the treasurer may give such agent notice in writing requiring him to account to the treasurer for all rents received by him in respect of the premises and to pay to the treasurer all such rents less a reasonable charge for commission on collection and other necessary expenses, and after receipt of the notice the agent shall be personally liable to the town for all rents received by him and not paid to the treasurer as hereby required.

(8) Where the land has been sold for taxes and the treasurer has received or collected moneys under subsection (1), the assessed owner of the land may make a written request to the treasurer that the said moneys, and any other moneys thereafter received or collected under subsection (1) in respect of the same land, shall be applied as hereinafter mentioned; and upon receipt of such request the treasurer shall, as the case may require, either:

(a) apply such moneys, when of sufficient amount, as a part payment on account of redemption of the land from tax sale;

(b) if two years have expired since the day of the tax sale and the tax sale certificate is held by some person other than the municipality, remit such moneys, when of sufficient amount, to the proper registrar of land titles, as a part payment on account of redemption of the land from tax sale.

(9) If a written request is received by the treasurer under subsection (8) and certificate of title thereafter issues to the tax purchaser or his assigns, moneys which, not being of sufficient amount to provide for a part payment on account of redemption, remain in the hands of the treasurer, shall be disposed of in such manner as may be determined by the minister.

(10) Nothing done by the treasurer pursuant to the provisions of the foregoing subsections shall be construed as entry into possession of the premises by the town, and the town shall not be accountable for any moneys except those actually received by it and shall not be under any liability by reason of any act done pursuant to the said provisions.

1947, c.44, s.480; R.S.S. 1953, c.138, s.488.

#### **Deduction by tenant**

**489** Any tenant may deduct from his rent any taxes paid by him to the treasurer pursuant to section 488 other than taxes which he is required to pay under the terms of his tenancy and any amount so deducted shall be deemed to be a payment on account of rent by the tenant to the landlord or any other person entitled to receive the rent.

1947, c.44, s.481; R.S.S. 1953, c.138, s.489.

#### **Insurance moneys applied on taxes**

**490(1)** Where property is damaged or destroyed by fire, lightning or explosion and taxes in respect of the property or the land upon which it is or was situated are unpaid or the land has been sold for taxes and the town is the holder of the tax sale certificate, the amount payable to any person under a policy of insurance on the property shall, to the extent of the unpaid taxes and the amount, if any, required to redeem the land from tax sale, be paid, on demand, by the insurer to the town, and on default the town may sue for and recover from the insurer the unpaid taxes and the amount, if any, required to redeem the land from tax sale.

(2) Subsection (1) applies only to the extent of the amount payable under the policy of insurance and only to the portion thereof not used or to be used in or toward rebuilding, reinstating or repairing the property damaged or destroyed or in or toward acquiring, setting up and repairing another building to take the place of a building totally or substantially destroyed by fire, lightning or explosion.

1947, c.44, s.482; R.S.S. 1953, c.138, s.490.



**Distress for taxes**

**491(1)** If a person fails to pay his taxes for thirty days after the mailing to or service upon him or his agent of the notice required by section 481 or 482 the treasurer may, by himself or his agent, levy the same, with costs, by distress:

- (a) upon the goods and chattels of the person who ought to pay the same, wherever found within the town;
- (b) upon any goods and chattels in his possession wherever found within the town;
- (c) subject to the provisions of subsection (1) of section 488, upon any goods and chattels found on the premises in respect of which the taxes have been levied, the property of or in the possession of any occupant of the premises except a tenant;
- (d) 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 clause (a), (b) or (c), of any person who occupies the premises in respect of which the business tax was assessed and is the purchaser of any of the goods and chattels of the person taxed;

and the costs chargeable shall be the same as those allowed in the schedule to *The Distress Act*.

(2) Notwithstanding anything herein contained, no distress or sale shall be made of goods or chattels which are the subject of a valid and subsisting lien in favour of a vendor for the price or a part of the price thereof, but the interest only of the defaulter, or of any other occupant of the premises or of any person other than the vendor, in such goods and chattels shall be liable to distress and sale.

(3) Notwithstanding anything herein contained, no goods which are in the possession of the person liable to pay such taxes for the purposes 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.

(4) 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.

(5) The person who claims such exemption shall select and point out the goods and chattels as to which he claims exemption.

(6) A treasurer or agent of a treasurer attempting to effect seizure of goods or chattels shall have the same right as a landlord under *The Landlord and Tenant Act* to break open and enter a building, yard or place to which goods or chattels liable to seizure have been fraudulently or clandestinely conveyed, and to take and seize such goods and chattels as he might otherwise have done.

(7) The treasurer may release goods and chattels held under seizure whether or not any part of the claim in respect of which seizure as made has been satisfied, without prejudice to the town's right to recover, by distress or otherwise, for the claim or the balance of the claim as the case may be.

(8) Where goods or chattels are released by the treasurer pursuant to subsection (7) he shall forthwith post a notice, signed by him, of such release in a conspicuous place in his office and on the premises where such goods or chattels were seized.

(9) The treasurer shall, by advertisement posted in at least three public places in the town near to the distrained property, give at least seven days' notice of the time and place of sale and of the name, if known, of the person whose property is to be sold; and at the time stated in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs, including \$1 for posting notices.

(10) Notwithstanding anything contained in *The Auctioneers Act*, no person selling goods or chattels under the provisions of subsection (9) shall be required to obtain an auctioneer's licence for the purpose of the sale.

(11) Where any of the goods and chattels distrained are of a perishable nature it shall not be necessary to give seven days' notice of the sale thereof, and in such case the treasurer shall, in the manner mentioned in subsection (9), give such notice of the sale as he deems expedient, having regard to the circumstances.

(12) The town may bid at such sale up to the amount due for taxes and costs and may, through the mayor, any member of the council or other person duly authorized by the council so to bid, become the purchaser of the goods and chattels distrained or of any portion thereof.

(13) If the property distrained is 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 surplus shall be returned to the person in whose possession the property was when the distress was made.

(14) If a 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.

(15) If the claim is contested, the surplus money shall be paid over by the treasurer to the clerk of the district court who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

1947, c.44, s.483; R.S.S. 1953, c.138, s.491.

#### Security for business tax

**492** Instead of proceeding under section 491, the treasurer may, in the case of a business tax, give to the person taxed an extension of time for payment of the same on receiving from that person satisfactory security for payment.

1947, c.44, s.484; R.S.S. 1953, c.138, s.492.

#### Distress for licence fee

**493** If a licence fee remains unpaid for fourteen days after it becomes payable the treasurer or his agent may levy the same, with costs, by distress upon the goods and chattels or interest therein of the licensee and the provisions of section 491 as to procedure shall thereupon apply:

Provided that if the treasurer has reason to believe that any person is about to move out of the town goods and chattels which, but for their removal, would in the hands of such person become subject to distress for a licence fee, the treasurer may make an affidavit to that effect before the mayor or a justice of the peace and the mayor or justice may issue a warrant to the treasurer authorizing him to levy for such licence fee, costs and expenses notwithstanding that the said period of fourteen days may not have expired, and the treasurer may levy accordingly.

1947, c.44, s.485; R.S.S. 1953, c.138, s.493.

**Removal or demolition of buildings prohibited if taxes unpaid**

**494(1)** No person shall demolish or remove, or engage, employ or give permission to any person to demolish or remove any building in respect of which there are taxes outstanding, or which is situated on land in respect of which there are taxes outstanding, without the prior written consent of the town.

(2) A person who commits a breach of the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$1 nor more than \$100, and in addition thereto the convicting magistrate may assess damages against the person so convicted to an amount not exceeding such outstanding taxes and may adjudge payment thereof by such person.

(3) If any such building is removed without such consent and the taxes remain unpaid, it may within three months from the date of removal be seized in its new situation by any person authorized by the town to do so, and such person shall have free right of entry upon the land to which it has been removed for the purpose of severing it from the soil, if necessary, and removing it, in which case it shall be restored to its former position.

(4) The expenses necessarily incurred in seizing and restoring such building may be added to the tax roll and collected in the same manner as taxes.

(5) If any such building is demolished or removed without such consent or, if so demolished, if any material taken from such building is removed, and the taxes remain unpaid, the town, by its authorized bailiff, may within three months from the date of removal distrain upon the building or material for such unpaid taxes and costs, and may sell the same in the same manner as chattels distrained for taxes may be sold.

1947, c.44, s.486; R.S.S. 1953, c.138, s.494.

**Executor, administrator, trustee or liquidator**

**495** Goods in the hands of an executor, an administrator or a trustee in bankruptcy, or in the hands of a liquidator under a winding up order, shall be liable only for the taxes which were assessed against the deceased owner, the bankrupt or the company which is being wound up, prior to the date of the death of the owner or the date of the authorized assignment, receiving order or winding up order, and thereafter while the executor, administrator, trustee or liquidator occupies the premises, or while the goods remain thereon. All such taxes shall be a preferential lien and charge on such goods, and upon the proceeds of sale thereof, having priority over every claim, privilege, lien or encumbrance except that of Her Majesty.

1947, c.44, s.487; R.S.S. 1953, c.138, s.495.

**Anticipatory distress**

**496(1)** If at any time after demand has been made or notice given pursuant to section 481 or 482, 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 town, 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 authorizing 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.

(2) If at any time after the first day of January in any year and before demand has been made or notice given pursuant to section 481 or 482 the treasurer has reason to believe that any person is about to move out of the town goods and chattels which, but for their removal, would in the hands of such person become subject to distress for taxes, the treasurer may make an affidavit to that effect before the mayor or a justice of the peace and the mayor or justice may issue a warrant to the treasurer authorizing him to levy for the estimated amount of the taxes for the current year, or for any less amount and for costs and expenses, in the manner provided by this Act, and the treasurer may levy accordingly. Such estimated amount shall not exceed the amount of the taxes assessed for the preceding year as shown on the assessment roll for that year.

1947, c.44, s.488; R.S.S. 1953, c.138, s.496.

#### Errors

**497** No defect, error or omission in the form or substance of the notice or statement required by sections 481 and 482 or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of the taxes.

1947, c.44, s.489; R.S.S. 1953, c.138, s.497.

#### Priority over distress by landlord

**498** A distress for taxes which are not a lien on land or for a licence fee shall have priority over a distress for rent by the landlord of the premises occupied by the person taxed or licensed, notwithstanding that the landlord's seizure may be prior in point of time.

1947, c.44, s.490; R.S.S. 1953, c.138, s.498.

#### Suit for taxes

**499** Notwithstanding anything contained in this Act the town 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 town.

1947, c.44, s.491; R.S.S. 1953, c.138, s.499.

#### Tax certificates and searches

**500(1)** The treasurer or assessor shall on demand furnish a written statement of the taxes charged against any land at that time, certified under his hand, and whether such certificate is desired or not a charge shall be made of ten 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.

(2) Notwithstanding anything contained in this Act, when a tax certificate has been issued pursuant to the provisions of subsection (1) the lien for taxes of the town upon the land described in the certificate shall be limited to the amount of taxes shown therein.

1947, c.44, s.492; R.S.S. 1953, c.138, s.500.

#### Compromise and remission of taxes

**501(1)** If:

- (a) any part of the area of the town 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) Subject to subsection (3), nothing contained herein applies to land which has been sold under *The Arrears of Taxes Act*, chapter 146 of *The Revised Statutes of Saskatchewan, 1940*, or affects 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*, chapter 146 of *The Revised Statutes of Saskatchewan, 1940*, and the municipality has become the purchaser thereof, the council may exercise the powers given by the said subsection, as in other cases.

1947, c.44, s.493; R.S.S. 1953, c.138, s.501.

#### **Compromise by consent of minister**

**502** Where there are taxes payable to the town and the council deems it expedient to compromise or abate the claim therefor, it may do so with the consent of the minister.

1947, c.44, s.494; R.S.S. 1953, c.138, s.502.

#### **Transfer of taxes to school district**

**503** The council of every town shall transfer, at least monthly to the treasurer of any school district situated wholly or partly within the town, any taxes which the town has collected on behalf of the district.

1947, c.44, s.495; R.S.S. 1953, c.138, s.503.

#### **Charging back to school district**

**504** Where taxes are levied for school purposes and the town compromises, abates or remits any portion of such taxes, or allows a discount thereon, the amount so compromised, abated, remitted or allowed shall be charged back to the school district on whose behalf the taxes were levied.

1947, c.44, s.496; R.S.S. 1953, c.138, s.504.

#### **Compromise of school taxes**

**505(1)** The council and the board of trustees of any school district wholly or partly situated within the town may, with the consent of the minister, agree upon a compromise of the claim of the district for school taxes in respect of which the town is in arrears and the town shall thereupon be released from liability to the district for such taxes beyond the sum which may have been so agreed upon.

(2) The council and the board of trustees may agree that any taxes due to the school district, or any sum agreed upon under subsection (1), may be paid by instalments, such instalments to extend over a period not exceeding ten years.

(3) Where an agreement providing for a compromise of school taxes under this section has been entered into between the council and the board of trustees of any school district, the council may authorize the mayor and treasurer to borrow from any person or bank on the credit of the school taxes due to the town such sum as may be necessary to make the required payment to the school district under the agreement.

(4) The provisions of this section also apply to the claim of the unit board of a larger school unit against the town for school taxes in respect of which the town is in arrears.

1947, c.44, s.497; 1948, c.34, s.24; R.S.S. 1953, c.138, s.505.

## SPECIAL PROVISIONS

### Power to adopt

**506** Notwithstanding anything contained in this Act the council may by bylaw to be passed on or before the first day of October in any year adopt the provisions hereinafter contained in this section with regard to assessment and taxation, which provisions shall remain in force until the bylaw is repealed:

### Assessment completed by 31st December

1 The assessment, upon which the taxes for any year are to be based, shall be made and the assessment roll completed on or before the thirty-first day of December in the previous year;

### Publication

2 The assessor shall, within twenty days after completing the roll and after the same has been corrected pursuant to the provisions of section 424, insert in a newspaper published in the town, or, if there is none such, then in a newspaper circulating therein, a notice in the form given in section 426;

### Assessment notices

3 The assessor shall, on or before the twentieth day of January, transmit by post to every person named on the assessment roll an assessment slip containing the particulars appearing in the roll with respect to such person:

Provided that where a bylaw has been passed under subsection (1) of section 428 such assessment slips shall be so transmitted only to the persons required to be served under the provisions adopted by the bylaw, and a notice in the form given in section 426 shall be published in the *Gazette* within twenty days after the completion of the assessment roll and after the same has been corrected pursuant to the provisions of section 424;

### Appeals to court of revision

4 The court of revision shall sit to hear appeals from the assessment on or before the tenth day of March;

### Adoption of roll

5 The assessment roll with any amendments made shall be adopted by the council on or before the fifteenth day of March, and shall thereupon become and be the revised assessment roll of the town;

### Striking the rate

6 The council shall in each year fix and levy the annual rate or rates as provided in section 471 on or before the fifteenth day of April;

**Appeals to Saskatchewan Assessment Commission**

7 All appeals from the court of revision to the Saskatchewan Assessment Commission shall be determined before the tenth day of April;

**Tax roll**

8 The assessor shall prepare the tax roll as provided in section 479 on or before the fifteenth day of May;

**Taxes payable in instalments**

9 The bylaw may provide that 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 8 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.

1947, c.44, s.498; R.S.S. 1953, c.138, s.506.

**Provisions as to assessment and taxation apply**

**507** Where the council has passed the necessary bylaw under section 506, 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.

1947, c.44, s.500; 1953, c.47, s.29; R.S.S. 1953, c.138, s.507.

---

## PART VIII

**Local Improvements****INTERPRETATION****Interpretation**

**508** In this Part:

**“bridge”**

1 **“bridge”** includes a viaduct, a culvert, a subway and embankment, and a pavement on a bridge;

**“clerk”**

2 **“clerk”** includes any person authorized or required by the council to perform any duty which under this Act is to be or may be performed by the clerk;

**“constructing” “construction”**

3 **“constructing”** and **“construction”** include reconstructing and reconstruction, wholly or in part, when the lifetime of the work has expired;

**“curbing”**

4 **“curbing”** includes 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”**

5 **“engineer”** includes a person authorized or required by the council to perform any duty which under this Act is to be or may be performed by an engineer;



**“frontage”**

6 **“frontage”**, when used with reference to a lot abutting directly on a work, means that side or limit of the lot which abuts directly on the work;

**“lifetime”**

7 **“lifetime”**, as applied or applicable to a work, means 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”**

8 **“lot”** means a subdivision or a parcel of land which is required to be separately assessed;

**“owner”**

9 **“owner”** means the person appearing by the last revised assessment roll of the municipality to be the owner of land, and includes 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 payment of the special assessment for the work, but does 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 paragraph;

**“owners’ portion of the cost”**

10 **“owners’ portion of the cost”** means 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”**

11 **“pavement”** includes any description of pavement or roadway;

**“paving”**

12 **“paving”** includes macadamizing, planking and the laying down or construction of any description of pavement or roadway and the construction of a curbing;

**“sewer”**

13 **“sewer”** includes a common sewer and a drain;

**“sidewalk”**

14 **“sidewalk”** includes a street crossing;

**“specially assessed”**

15 **“specially assessed”** means specially rated for or charged with part of the cost of a work;

**“street”**

16 **“street”** includes a lane, an alley, a park, a square, a public drive and a public place, or a part of any of them;

**“town’s portion of the cost”**

17 **“town’s portion of the cost”** means that part or proportion of the cost of a work which is not to be specially assessed;

**“value”**

18 **“value”** means assessed value, exclusive of buildings, according to the last revised assessment roll of the municipality;

**“work”**

19 **“work”** means a work or service which may be undertaken as a local improvement.

## LOCAL IMPROVEMENT WORKS

**Works which may be undertaken**

**509(1)** 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, macadamizing, 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 or culvert, or any embankment forming part of a highway;
  - 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 subject to the provisions of subsection (3) of section 535, resurfacing with asphalt or other suitable material, a pavement having a concrete foundation which in the opinion of the engineer is sufficient therefor although the lifetime of the existing pavement has not expired;
  - 9 acquiring, establishing, laying out and improving a park or square not having a greater area than two acres, or a public drive;
  - 10 erecting ornamental street lighting standards;
  - 11 installing high pressure water mains specially constructed for the purpose of fire protection;
  - 12 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 town at large;
  - 13 erecting fire walls and acquiring the land necessary for the same;
  - 14 constructing a spur track system and extensions thereto;
  - 15 such other work as may be approved by the Local Government Board as proper to be undertaken as a local improvement.
- (2) Any one or more of the works mentioned in paragraph 3 of subsection (1) may be undertaken in conjunction with the works mentioned in paragraph 1 or 2 or paragraphs 1 and 2 and constructed as one local improvement.

**Works undertaken in connection with sewer or pavement**

**510(1)** Where the work is the construction of a pavement the council before proceeding with the work 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 town, all necessary gas mains.

(2) The council may also lay all necessary water service pipes and install stopcocks, and may make all necessary alterations or renewals of the said connections, pipes and stopcocks; and where gas works are owned by the town may lay all necessary gas connections and make alterations or renewals.

(3) 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.

(4) The cost of a private drain connection, water service pipe, stopcock or gas connection, 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 effected.

**Works deemed part of construction**

(5) The works mentioned in subsections (1), (2) and (3) shall be deemed part of the work of construction of the pavement, sewer or water main in all respects except as to the manner in which the cost of them is to be specially assessed as provided by subsection (4).

**Amount assessed**

(6) 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.

1947, c.44, s.503; 1949, c.43, s.27; R.S.S. 1953, c.138, s.510.

**Construction of private drain connections without petition**

**511(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 523, and the provisions of subsection (6) of section 510 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 apply *mutatis mutandis*.

1947, c.44, 504; R.S.S. 1953, c.138, s.511.

**Making sewer and water connections compulsory**

**512(1)** The council may, by a two-thirds vote of all the members thereof, require the owners of all property in the town, or in any defined area of the town, whether occupied or not, to connect such property by connections approved by the town with the town systems of sanitary sewers, storm sewers and waterworks, or with any one or two of such systems, as now constructed or as the same may hereafter be extended from time to time, notwithstanding that any of such property is connected with any of such systems; and if the owner fails to make 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 town for the collection of the cost of installing such water or sewer connections when made at the request of the property owner, or in any other manner decided upon by bylaw of the town.

(2) The provisions of this section 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.

1949, c.43, s.28; R.S.S. 1953, c.138, s.512.

**Power of council to advance portion of cost**

**513(1)** The council may in any case advance any portion of the cost of plumbing fixtures and installation of the same up to an amount not exceeding \$400, and the amount advanced together with interest at such rate not exceeding five per cent per annum as the council may determine shall be divided into ten equal annual instalments and one of such instalments shall, each year for a period of ten years, be added to and form a part of the taxes on the property on which the installation was made.

(2) The provisions of this Part respecting the raising of temporary loans and borrowing upon the credit of the town at large by way of debenture to defray the cost apply *mutatis mutandis* with respect to expenditures under subsection (1).

1950, c.35, s.14; 1953, c.47, s.30; R.S.S. 1953, c.138, s.513.

**Payment by owner in lump sum**

**514** Where a work is undertaken as a local improvement the council may permit any owner of land liable to assessment for the improvement to pay in cash upon completion of the work a sum of money representing his share of the cost, and upon such payment being made the land shall be free from the annual assessments.

1947, c.44, s.505; R.S.S. 1953, c.138, s.514.

**Same**

**515(1)** Where the petition for a sidewalk or boulevard is signed by two-thirds of the owners, representing four-fifths in value, of the property liable to special assessment and is accompanied by an undertaking signed by them to pay in cash upon completion of the work their respective shares of the cost, the council, in addition to all other remedies for recovering moneys due to it in respect of the improvement, may charge the same in one sum against the property of any person in default if such default continues for thirty days after completion, whether or not the property has been transferred to another person by the original petitioner.

(2) The council shall also have the right to spread repayment of the cost of work done under this section over such term of years as may be deemed expedient in the case of property owners who did not request its construction but whose properties are nevertheless liable to be specially assessed in respect thereof.

1947, c.44, s.506; R.S.S. 1953, c.138, s.515.

## PROCEDURE FOR UNDERTAKING WORK

### Bylaws for undertaking work

**516(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 9 of subsection (1) of section 509; or
  - (c) on sanitary grounds, as mentioned in section 518; or
  - (d) without petition in the cases mentioned in sections 511 and 517.
- (2) Instead of passing separate bylaws for each work the council may pass one bylaw in respect of several works.

1947, c.44, s.507; R.S.S. 1953, c.138, s.516.

### Construction on two-thirds vote without petition

**517** 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 or resolution, 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 with the consent of the Local Government Board undertake the work without petition, and the owners of the land shall not have the right of petition provided for by section 523.

1947, c.44, s.508; R.S.S. 1953, c.138, s.517.

### Construction of sewer on recommendation of health authorities

**518** Where the council, upon the recommendation of the Minister of Public Health or of the board of health of the town determines and, by bylaw passed at a regular or special meeting of the council by a 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 523.

1947, c.44, s.509; R.S.S. 1953, c.138, s.518.

**Publication of notice of intention**

**519(1)** Where it is intended to proceed under section 511, 517 or 518 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 town or, if there is none such, in a newspaper circulating in the town:

Take notice that:

1 The council of the town 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 town. The estimated special rate per foot frontage is \_\_\_\_\_. The special assessment is to be paid in \_\_\_\_\_ annual instalments.

Dated \_\_\_\_\_.

*Town Clerk.*

(2) Where that part of the municipality in which the land to be specially assessed is situated 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.

1947, c.44, s.510; R.S.S. 1953, c.138, s.519.

**Signatures required to petition**

**520** 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.

1947, c.44, s.511; R.S.S. 1953, c.138, s.520.

**Petition granted by succeeding council**

**521** 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 such part.

1947, c.44, s.512; R.S.S. 1953, c.138, s.521.

**Undertaking by owners to connect premises with sewer and water mains**

**522(1)** If the petition requests the construction of sewer and water mains or the extension of such works the council may, before proceeding with the construction, require from each owner of improved property fronting on the proposed works a statement signifying his intention to connect his premises with such mains and may also require each such owner to deposit with his statement such sum not exceeding \$25 as the council may determine.

(2) The sums deposited under subsection (1) shall be retained by the town for a period of six months after the works petitioned for are completed and thereupon unless an owner has connected his premises with the sewer and water mains, the deposit made by him shall be forfeited and form part of the general revenue of the town.

(3) If the town fails to proceed with the construction of the works within a period of six months after the petition is received the amount, if any, deposited by each owner under subsection (1) shall be refunded to him.

(4) Upon connection of the premises of an owner with the sewer and water mains the deposit made by him shall be applied against the charge for installing the connection or shall be refunded to him, as the case may require.

1950, c.35, s.15; R.S.S. 1953, c.138, s.522.

**Initiative plan—contents, publication and service of notice**

**523**(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 town or, if there is none such, in a newspaper circulating in the town:

Take notice that:

1 The council of the town 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 town, and the estimated special rate per foot frontage is \_\_\_\_\_. The special assessment is to be 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 \_\_\_\_\_.

*Town Clerk.*

(2) Where that part of the municipality in which the land to be specially assessed is situated 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.

(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.

(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.

(5) The notice may relate to and include any number of different works.

1947, c.44, s.513; R.S.S. 1953, c.138, s.523.



**Effect of petition against work**

**524(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 523 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 section 511, 517 or 518.

1947, c.44, s.514; R.S.S. 1953, c.138, s.524.

**Lot of petitioner described**

**525** 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.

1947, c.44, s.515; R.S.S. 1953, c.138, s.525.

**Assessor determines sufficiency of petition**

**526(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 to be 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 the 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.

**Petition by owner whose name not on roll**

(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.

1947, c.44, s.516; R.S.S. 1953, c.138, s.526.

**Petitions lodged with clerk**

**527** 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.

1947, c.44, s.517; R.S.S. 1953, c.138, s.527.

**Withdrawal of name from petition**

**528** 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.

1947, c.44, s.518; R.S.S. 1953, c.138, s.528

**HOW COST OF WORK TO BE ASSESSED****Frontage rate**

**529(1)** Except as in this Act 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.

(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 town 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.

1947, c.44, s.519; R.S.S. 1953, c.138, s.529.

**Town's portion of cost**

**530(1)** There shall be included in the town'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.

(2) Where there is no provision for surface drainage by means of separate storm water sewers, there may also be included in the town's portion of the cost the entire cost of the culverts and other work in connection with a sewer or pavement which are provided and are required for surface drainage.

1947, c.44, s.520; R.S.S. 1953, c.138, s.530.

**Apportionment of cost of sewers**

**531(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 town.

(2) The part of the cost to be borne by the town shall not be less than that which under section 530 is to be included in the town's portion of the cost.

1947, c.44, s.521; R.S.S. 1953, c.138, s.531.

**Common sewer**

**532(1)** Where the work is the construction of a sewer the council may, notwithstanding that a portion of the cost is to be raised by special assessment, provide by a bylaw to be passed at any general or special meeting by a vote of two-thirds of all the members, that persons who own or occupy premises drained, or which are by bylaw required to be drained, into the sewer shall be charged a reasonable rent or service charge for the use of it.

(2) Such bylaw may regulate the times when and the manner in which the rent is to be paid, may classify the premises drained according to the size and character of the buildings comprised therein, the uses to which they are put or the nature of the business conducted upon the premises; and may fix different rates for different classes.

(3) No bylaw passed under this section and no alteration or repeal thereof shall be valid or effectual until approved by the Local Government Board; and the board may amend, alter or vary the rates charged for the service, and may prescribe new rates as may be deemed expedient.

(4) The rates, as approved from time to time by the Local Government Board, shall be in force for one year from the date of approval and until the scale of rates is revised or new rates are prescribed by the board; and shall each year, not less than two months before the expiry of the year, be submitted to the board for revision.

(5) Rents charged under this section may be levied and collected in the same manner as taxes which are not a lien upon land.

1947, c.44, s.522; R.S.S. 1953, c.138, s.532.

**Special frontage assessment**

**533(1)** The council may, by bylaw passed at any general or special meeting by a vote of two-thirds of all the members, fix a certain sum per foot frontage which shall be a uniform rate to be specially assessed upon the land abutting directly upon the work where the work is the constructing of a sewer or the laying of a water main.

(2) A bylaw shall be passed only upon a report of the 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 town, having regard to the provisions of sections 529 and 530.

(3) Where a bylaw has been passed and while it is in operation, if the special assessment for any work affected by it exceeds the total cost of the 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 town's portion of the cost of a work of similar character.

(4) Such bylaws shall not be repealed except by a vote of two-thirds of all members of the council.

1947, c.44, s.523; 1950, c.35, s.16; R.S.S. 1953, c.138, s.533.

**Assessment where lot does not abut on the work**

**534** Where a town has fixed a rate under the provisions of section 533, such rate may be assessed, on the frontage foot basis, upon any lot to which, under the bylaws of the town, a sewer or water connection has been constructed, notwithstanding that such lot does not abut directly on the work.

1947, c.44, s.524; R.S.S. 1953, c.138, s.534.

**Assumption by town of part of cost of sidewalk or pavement**

**535(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 town.

(2) Such bylaw shall not be repealed except by a vote of three-fourths of all the members of the council.

(3) Where the work undertaken is the resurfacing of a pavement as provided by paragraph 8 of subsection (1) of section 509 the town shall assume and pay the special assessments therefor charged against the lots fronting or abutting on the work, until the expiration of the period within which such lots are specially assessed for the then existing pavement.

1947, c.44, s.525; R.S.S. 1953, c.138, s.535.

**Reduction of assessment of corner lots**

**536(1)** In the case of corner lots and triangular or irregularly shaped lots situated 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 town**

(4) Subject to the provisions of subsection (5), 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 town.

**Reduction charged on other lots**

(5) Notwithstanding the provisions of subsection (4) the amount of any reduction made in the assessment of any lot under the provisions of subsection (1) may be charged upon such lot and all the other lots in the same block in such proportion as the frontage of each lot bears to the total frontage of all the lots in the block.

1947, c.44, s.526; R.S.S. 1953, c.138, s.536.

**Assessment of cost of sidewalk or curb**

**537** 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.

1947, c.44, s.527; R.S.S. 1953, c.138, s.537.

**Assessment of non abutting land for cost of certain sewers**

**538(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 subsection (1), 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 529, 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 542 and 543.

(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.

1947, c.44, s.528; R.S.S. 1953, c.138, s.538.

**Apportionment of cost of bridge or opening of street**

**539(1)** Where the work is the acquisition, establishment, laying out and improvement of a park or square or 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 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 town 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 assesment**

(2) In the case provided for by subsection (1) 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 529 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 542 and 543.

1947, c.44, s.529; R.S.S. 1953, c.138, s.539.

**Assessing cost of fire wall**

**540(1)** Where the work is the erection of a fire wall and acquiring the land necessary for the same, the cost may be assessed upon such land as in the opinion of the council is specially benefited thereby. Such cost shall be assessed in the manner provided by sections 542 and 543.

(2) Subsection (1) applies to any work of the above description completed since the first day of January, 1916.

1947, c.44, s.530; R.S.S. 1953, c.138, s.540.

**Power of council to grant owner reduced assessment by way of compensation**

**541(1)** Where the work of acquiring, establishing, opening, widening, extending or diverting a street involves the taking of a portion of a lot abutting on the work, or of one or more of a number of lots or contiguous lots owned by the same person, the council may agree with the owner that in consideration of the dedication or gift of the land required to be taken, or a release of or reduction in the owner's claim for compensation, the remainder of his lot or his remaining lots, as the case may be, shall be charged with no part or a specified portion or proportion only of the special assessment which would otherwise be chargeable thereon in respect of the cost of the work, and the special assessment roll shall be prepared in conformity with such agreement notwithstanding anything to the contrary contained in this Act.

(2) An appeal lies to the court of revision and to the Local Government Board from the action of the council in like manner as an appeal lies under the provisions of this Act with regard to the cost of a work undertaken.

1947, c.44, s.531; R.S.S. 1953, c.138, s.541.

**Assessment of non abutting land equally benefited**

**542** 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.

1947, c.44, s.532; R.S.S. 1953, c.138, s.542.

**Assessment of non abutting land unequally benefited**

**543** Where land not abutting directly upon a work is to be specially assessed, and the whole of it is not equally benefited, the 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.

1947, c.44, s.533; R.S.S. 1953, c.138, s.543.

**Assessment for high pressure water main**

**544(1)** Where the work is a high pressure water main specially laid for the purpose of fire protection the council may provide for payment by the town 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.

1947, c.44, s.534; R.S.S. 1953, c.138, s.544.

#### **Apportionment of rate in case of subdivision**

**545** If there has been or is hereafter 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 is hereafter levied or assessed, the assessor, both with respect to arrears and 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.

1947, c.44, s.535; R.S.S. 1953, c.138, s.545.

#### **Ascertaining proportions of cost**

**546** The council may make bylaws for providing the means of ascertaining and finally determining what portion of the cost 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 bylaws of general application may be passed for the said purposes, and it shall not be necessary to pass a special bylaw in each particular instance.

1947, c.44, s.536; R.S.S. 1953, c.138, s.546.

#### **Sewer and water connections**

**547(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 therefor.

(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 subsection (6) of section 510.

1947, c.44, s.537; R.S.S. 1953, c.138, s.547.



**Payment when work done**

**548(1)** Where the council constructs private drain connections or private water service connections whether under the provisions of section 510, section 511 or section 547, 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) applies notwithstanding that the work, having been done under the provisions of section 510, 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.

1947, c.44, s.538; R.S.S. 1953, c.138, s.548.

**Special assessment roll**

**549** Before a special assessment is imposed, the council shall cause 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 550, 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.

1947, c.44, s.539; R.S.S. 1953, c.138, s.549.

**Assessment of land exempt from taxation**

**550** 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 collectable from the owner thereof unless there has been a previous agreement to the contrary with such owner, but shall be paid by the town.

1947, c.44, s.540; R.S.S. 1953, c.138, s.550.

**Watermains**

**551(1)** Where a town, previously to the first day of July, 1931, laid watermains at the expense of the corporation at large, the council may pass bylaws for assessing upon the lots abutting directly upon the work, according to their respective frontages, a special annual rate.

(2) If a bylaw has been passed under section 533, the uniform frontage rate thereby fixed shall be the rate imposed under subsection (1).

(3) Where no bylaw has been passed under section 533, the special rate shall be such sum per foot frontage as would have been assessed if the work had been originally constructed under this Part and a bylaw had been passed for raising the necessary amount by the issue and sale of debentures providing for repayment of the principal sum borrowed in thirty years from the first day of July of the year in which the work was constructed; such sum per foot frontage to be evidenced by a certificate of the town engineer.

- (4) The special rate shall be assessed against the abutting properties only for so many years as remain unexpired of the said period of thirty years.
- (5) The provisions of this Part apply to the special rate in so far as applicable.
- (6) Rates levied under *The Municipal Public Works Act* and the bylaw providing for them may be cancelled by order of the Local Government Board.

1947, c.44, s.541; R.S.S. 1953, c.138, s.551.

## APPEAL AGAINST SPECIAL ASSESSMENT

### Appeal

**552(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.

(2) Ten days' notice of the time and place of the sittings of the court of revision shall be given by publication, either in a local newspaper or by posters printed in conspicuous characters and posted in five conveniently separated places in the town, 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 town 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 town. 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 cognizable by the court.

Dated \_\_\_\_\_.

*Assessor*

(3) Where that part of the municipality in which the land to be specially assessed is situated is divided into districts or sections the form shall be altered to show the special rate per foot frontage in each district or section.

1947, c.44, s.542; R.S.S. 1953, c.138, s.552.

**Powers of court of revision**

**553(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 536 in respect of any lot;
    - (iv) as to the lots which, but for the provisions of section 550, would be exempt from special assessments; 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 town are respectively to bear according to the provisions of the bylaw for undertaking the work.
- (3) If 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.

1947, c.44, s.543; R.S.S. 1953, c.138, s.553.

**Adjourned sittings**

**554(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) The notice shall be in the form given in section 552, 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.

1947, c.44, s.544; R.S.S. 1953, c.138, s.554.

**When roll final**

**555** 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.

1947, c.44, s.545; R.S.S. 1953, c.138, s.555.

**Appeal to Local Government Board**

**556(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 from the court of revision with respect to an ordinary assessment 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 553, and the provisions of section 554 shall apply where it appears to the board that any lot not specially assessed ought to be so assessed.

1947, c.44, s.546; R.S.S. 1953, c.138, s.556.

## BORROWING POWERS

**Temporary loans**

**557(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, 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 town at large such sums as may be necessary to defray the cost of the work undertaken, including the town's portion of the cost, or to repay temporary advances incurred to meet the cost of the work pending completion, and may issue debentures for the sums so borrowed.

**Certain provisions apply**

(3) The provisions of this Act and of *The Local Government Board Act* as to bylaws for creating debts 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 costs 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 559, 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 town at large the value of the whole rateable property of the town according to the last revised assessment roll;
- (d) that the debt is contracted on the credit and security of the town 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 to meet deficiency in special rate**

(6) If in any year the amount realized 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 town within the meaning of section 358.

**Alternative procedure**

(8) Instead of borrowing the amount of the cost of a work undertaken, the council may include the town's portion of the cost, or the entire cost, in the estimates of the year or may meet the town's portion of the cost or the entire cost from the general funds of the town:

Provided that where any portion of the cost, or the entire cost, is included in the estimates of the year or met from the general funds of the town, the town may nevertheless impose special assessments, in which case the provisions of this Part which relate to special assessments shall apply and a copy of the bylaw authorizing the work and providing for special assessments to be imposed, together with a copy of the special assessment roll, shall be submitted to the Local Government Board for approval.

**Consolidation of bylaws**

**558(1)** Where two or more works have been constructed and the bylaws provided for by subsection (2) of section 557 have been passed, instead of borrowing the separate sums thereby authorized 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 a rate to provide for 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 557 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 the bylaw for borrowing the aggregate cost of the several works and for issuing one series of debentures therefor.

1947, c.44, s.548; R.S.S. 1953, c.138, s.558.

**Annual instalments of special assessment**

**559(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 described in paragraph 9 of subsection (1) of section 509, in which case the annual instalments may extend over a period of not more than forty years.

(2) In fixing the amount of the annual instalments a sum sufficient to cover interest may 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) The sums paid under subsection (3) shall be invested in securities mentioned in section 394, provided that from the interest earnings shall be paid annually 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.

1947, c.44, s.549; R.S.S. 1953, c.138, s.559.

**Annual instalments to form part of taxes**

**560** The annual instalments payable under section 559 shall be added to and form part of the taxes on the land upon which the special assessment is imposed.

1947, c.44, s.550; R.S.S. 1953, c.138, s.560.

**Where assessments irregular new assessments may be made**

**561(1)** If a debt has been incurred by the town 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 the assessment or in passing the 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.

**When 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 555, 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 the council shall pass such bylaw accordingly.

**Obligations under illegal bylaw binding**

(3) Every liability or obligation incurred and every debenture issued by the town 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 when 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.

1947, c.44, s.551; R.S.S. 1953, c.138, s.561.

## REPAIR OF WORK

**Repair at expense of town**

**562** After a work undertaken has been completed it shall during its lifetime be kept in repair by and at the expense of the town.

1947, c.44, s.552; R.S.S. 1953, c.138, s.562.



## MISCELLANEOUS

**Special rates not deemed encumbrances**

**563** 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 encumbrances, or for the right to convey, or for quiet possession free from encumbrances, be deemed to be an encumbrance upon the land upon which the special rate is charged or chargeable.

1947, c.44, s.553; R.S.S. 1953, c.138, s.563.

**Work continued by succeeding council**

**564(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 557 and 558 shall apply to the work when completed.

1947, c.44, s.554; R.S.S. 1953, c.138, s.564.

**Local Government Board approves forms**

**565** The Local Government Board may approve forms of bylaws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Part, 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.

1947, c.44, s.555; R.S.S. 1953, c.138, s.565.

**Rebating special assessments**

**566(1)** Where 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.

1947, c.44, s.556; R.S.S. 1953, c.138, s.566.

## PART IX

**Highways and Public Places****Control of highways within the town**

**567** Subject to the provisions of clause (e) of section 5 and section 30 of *The Highways and Transportation Act* and section 38 of *The Saskatchewan Government Telephones Act*, every public road, street, bridge, highway, lane, alley, square or other public place in a town shall be under the direction, management and control of the council for the public use of the town.

1947, c.44, s.557; R.S.S. 1953, c.138, s.567.

**Outside the town**

**568** The Lieutenant Governor in Council may by order direct that any highway, bridge or stream not wholly within the town, 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 town.

1947, c.44, s.558; R.S.S. 1953, c.138, s.568.

**Closing, etc., of streets**

**569(1)** The town may pass bylaws for closing or 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 and Transportation 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 is 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 or sold or leased; nor

(b) unless such notice is advertised previously to the passing of the bylaw in a newspaper published in the town, or if there is none such in a newspaper circulating therein, 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 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; and such compensation shall be determined in the same manner and subject to the same conditions as in the cases provided for by *The Municipal Expropriation Act*.

1947, c.44, s.559; 1948, c.34, s.25; R.S.S. 1953, c.138, s.569.

**Responsibility for repairs**

**570(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 town or by any person with the permission of the council, shall be kept in a reasonable state of repair by the town, having regard to the character of the road, street, bridge, highway, square, alley, public place, or work made or done therein or thereon, and the locality in which the same is situated or through which it passes, and on default of the town keeping the same in such reasonable state of repair the town, 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 does not apply to any road, street, bridge, alley, 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 town.

(3) The town shall not be liable for damages under this section unless the person claiming the same has suffered by reason of the default of the town 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 town 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 town has no control, where the town is not a party to such acts or omissions and where the authority under which such persons proceed is not a bylaw, resolution or licence of the council.

1947, c.44, s.560; R.S.S. 1953, c.138, s.570.

**Snow or ice on sidewalk**

**571** Except in the case of gross negligence a town shall not be liable for personal injury caused by snow or ice upon a sidewalk or an extension of any sidewalk used as a street crossing.

1947, c.44, s.561; R.S.S. 1953, c.138, s.571.

**Action within three months**

**572** No action shall be brought against a town for the recovery of damages occasioned by default in its duty of repair as mentioned in section 570, whether the want of repair was the result of non-feasance or misfeasance, after the expiration of three months from the time when the damages were sustained and no such action shall be continued unless service of the writ of summons is made within the said three months.

1947, c.44, s.562; 1952, c.49, s.6; R.S.S. 1953, c.138, s.572.

**Notice of claim**

**573** 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 town clerk within seven days after the happening of the injury.

1947, c.44, s.563; R.S.S. 1953, c.138, s.573.

**Failure to give notice**

**574(1)** Except where the injury was caused by snow or ice upon a sidewalk, or an extension of any sidewalk used as a street crossing, 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 town was not thereby prejudiced in its defence.

(2) In case of the death of the person injured failure to give such notice shall not be a bar to the action.

1947, c.44, s.564; R.S.S. 1953, c.138, s.574.

**Municipalities liable jointly**

**575(1)** Where the town 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 such municipalities jointly and either 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 municipality 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.

1947, c.44, s.565; R.S.S. 1953, c.138, s.575.

**No liability on officer of town**

**576(1)** Where an action may be brought against the town by any person who has suffered damages by reason of the default of the town 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 town.

(2) Subsection (1) does not affect the liability of a mere contractor with the town, nor of any officer or employee of such contractor, by reason of whose act or neglect the damage was caused.

1947, c.44, s.566; R.S.S. 1953, c.138, s.576.

**Town's remedy over in action for damages**

**577** Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near 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 town, or by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the town, the town 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 town.

1947, c.44, s.567; R.S.S. 1953, c.138, s.577.

**In same action**

**578** The town 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.

1947, c.44, s.568; R.S.S. 1953, c.138, s.578.

**Party defendant**

**579** The town 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 town 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.

1947, c.44, s.569; R.S.S. 1953, c.138, s.579.

**In separate action**

**580** If such person is not a party defendant or is not added as a party defendant or third party, or if the town has paid the damages before an action is brought to recover the same or before recovery in an action against the town, the town shall have a remedy over by action against such person.

1947, c.44, s.570; R.S.S. 1953, c.138, s.580.

**Admission of third party's liability**

**581** Such other person shall be deemed to admit the validity of the judgment, if any, obtained against the town only where a notice has been served on him pursuant to the provisions of *The Queen's Bench Act* or of the rules of the Court of Queen's Bench, or where he has admitted or is estopped from denying the validity of such judgment.

1947, c.44, s.571; R.S.S. 1953, c.138, s.581.

**Non admission of liability**

**582** 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 town, or where damages have been paid without action or without recovery of judgment against the town, the liability of the town for such damages, and the fact that the damages were sustained under such circumstances as to entitle the town to the remedy over, must be established in the action against such person to entitle the town to recover in the action.

1947, c.44, s.572; R.S.S. 1953, c.138, s.582.

## PART X.

**Actions by and against Town****Rights as in proceedings**

**583** Where duties, obligations or liabilities are imposed by law upon any person in favour of the town or the inhabitants or some of the inhabitants of the town, or where contracts or agreements are or have heretofore been entered into imposing such duties, obligations or liabilities, the town 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.

1947, c.44, s.573; R.S.S. 1953, c.138, s.583.

**Notice of action in certain cases**

**584** 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 town; and every such action shall be brought against the town alone and not against any person acting under the bylaw or resolution.

1947, c.44, s.574; R.S.S. 1953, c.138, s.584.

**Tender of amends**

**585** If the town tenders amends to the plaintiff or his solicitor and such tender is pleaded and no more than the amount tendered is recovered, the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge may direct, and shall be set off against the amount recovered, and the balance due to either party may be recovered as in ordinary cases.

1947, c.44, s.575; R.S.S. 1953, c.138, s.585.

**Limitation of period of liability**

**586** In cases not otherwise provided for, no action shall be brought against the town for the recovery of damages after the expiration of three months from the date when the damages were sustained and no such action shall be continued if service of the writ of summons is not made within the said three months unless, upon application to a judge of the Court of Queen's Bench made not later than one year from such date, and after seven days' notice to the town, the judge allows the claim to be made.

1947, c.44, s.576; 1952, c.49, s.7; R.S.S. 1953, c.138, s.586

**CLAIMS FOR DAMAGE TO LAND****Interpretation**

**587** In sections 588 and 589:

**"land"**

- (a) **"land"** includes a right or interest in and easement over land; and

**“owner”**

(b) **“owner”** includes a mortgagee, lessee, tenant, occupant, a person entitled to a limited estate or interest in land, a trustee in whom land is vested, a committee of the estate of a lunatic, an executor, an administrator and a guardian.

1947, c.44, s.576a; R.S.S. 1953, c.138, s.587.

**Liability of town**

**588(1)** A town shall be civilly liable for damages if any land is injuriously affected by the exercise of any of the powers conferred upon it by this or any other Act with respect to the carrying out of any municipal public work.

(2) Such damages shall be the amount of the injury done less any increased value to other lands of the claimant resulting from the exercise of such powers.

(3) Where the amount of compensation for damages is not agreed upon the amount shall subject to subsection (4) be determined by a judge, upon application to him by either party, in which case the provisions of subsections (2) and (3) of section 7 of *The Municipal Expropriation Act* shall apply.

(4) By agreement of all parties concerned the amount of compensation may be determined by the award of three arbitrators appointed in the manner provided by subsection (1) of section 8 of *The Municipal Expropriation Act*, in which case the provisions of subsections (2), (3) and (4) of the said section 8 shall apply.

1947, c.44, s.576b; R.S.S. 1953, c.138, s.588.

**Limitation of actions for damages**

**589(1)** Subject to subsection (2), a claim by any person in respect of damages mentioned in section 588 shall be made in writing, with particulars of the claim, within one year after the injury was sustained or after it becomes known to such person, and if not so made the right to such damages shall be forever barred.

(2) In the case of an infant, a lunatic or a person of unsound mind, the claim shall be made within one year, or within one year after he ceased to be under the disability, whichever is the longer, or in case of his death while under disability within one year after his death, and if not so made the right to compensation shall be forever barred.

1947, c.44, s.576c; R.S.S. 1953, c.138, s.589.

**EXECUTIONS AGAINST TOWNS****Procedure on writs of execution in sheriff's hands**

**590** Any writ of execution against a town may be endorsed with a direction to the sheriff of the judicial district in which the town is, to levy the amount thereof by rate and the proceedings thereon shall be as follows:

**Copy of writ delivered to town clerk**

1 The sheriff shall deliver a copy of the writ and endorsement to the town clerk with a statement in writing of the amount required to satisfy the execution, including the amount of interest calculated to a date as near as is convenient to the date of the service, and sheriff's fees;



**Execution rate**

2 If the amount, with interest thereon from the date 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 town and shall, in like manner as rates are struck for general town purposes, strike a rate sufficient in the dollar to cover the amount claimed with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when the rate will probably be available;

**Sheriff's precept to treasurer**

3 The sheriff shall thereupon issue a precept under his hand and seal of office directed to the town treasurer and shall annex thereto the roll of such rate, and shall by the precept, after reciting the writ and that the town has neglected to satisfy the same and referring to the roll annexed to the precept, command the treasurer to levy the 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 the precept, the treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the town 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 the execution rate, and shall, within the time that he is required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, deducting his percentage;

**Surplus**

5 The sheriff shall, after satisfying the execution and all fees thereon, return any surplus within ten days after receiving the same to the treasurer for the general purposes of the town;

**Treasurer's percentage**

6 If the treasurer of any town 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 cent;

**Officials officers of court**

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

1947, c.44, s.577; R.S.S. 1953, c.138, s.590.

---

## PART XI

**Penalties****Amount of penalty, etc.**

**591** The council may by bylaw:

1 impose maximum and minimum penalties for breach of any provision of a bylaw, the maximum not to exceed \$100;

2 enact that, in case of a conviction for the non-payment of a licence fee payable to the town under the provisions of a bylaw, the convicting justice may adjudge payment thereof in addition to the penalty;

3 provide that, in addition to or in place of any fine imposed for breach of a bylaw regulating the licensing, operation and parking of bicycles, the bicycle in respect of which the breach is committed may be impounded for a period not exceeding thirty days.

1947, c.44, s.578; R.S.S. 1953, c.138, s.591.

#### **Recovery**

**592(1)** Subject to the provisions of subsection (2) such penalty, or penalty and licence fee, as the case may be, may be recovered and enforced with costs by summary conviction before a police magistrate or justice of the peace having jurisdiction in the town, and upon default of payment the person convicted may be committed to jail or to the guardroom of the Royal Canadian Mounted Police force, or to a public lock-up for any time determined by the police magistrate or justice, not exceeding thirty days, unless the penalty, or penalty and licence 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 jail, guardroom or lock-up, are sooner paid.

(2) Where penalties are fixed by a bylaw at sums not exceeding \$2 each for one or more specified infractions thereof the council may, subject to the approval of the minister, by the same or a separate bylaw provide that such penalties may be paid by the person committing the breach to a designated officer of the town within a stated period of time and that upon payment as so provided such person shall not be liable to prosecution for the offence.

1947, c.44, s.579; 1950, c.35, s.17; R.S.S. 1953, c.138, s.592.

#### **Penalty paid to the town**

**593(1)** A penalty or fine under any bylaw of the town shall, if no other provision is made respecting it, belong to the town for the public use of the same and form part of its general revenue.

#### **Expenses of imprisonment**

(2) If a person is committed to jail by reason of a breach of a town bylaw there shall be chargeable to the town such part of the expenses paid by the province for the transport of such person to jail, and for his maintenance while there, as may be designated by the Lieutenant Governor in Council.

(3) Notwithstanding anything contained in any Act, where any person has been convicted or fined for violation within the town of any of the provisions of any Act of the Legislature or any regulations thereunder, upon the information of a policeman or constable or other official employed and paid by the town and not a member of a force directly or indirectly employed and paid by the province, the fine imposed shall belong to the town and the convicting justice shall dispose of the fine accordingly.

1947, c.44, s.580; 1948, c.34, s.26; 1953, c.47, s.31; R.S.S. 1953, c.138, s.593.

**Order to comply with bylaw**

**594** Conviction of a person for breach of any provision of a bylaw shall not relieve him from compliance with the bylaw, and the convicting magistrate or justice of the peace shall, in addition to any fine imposed, order such person to perform, within a specified period, any act or work necessary for the proper observance of the bylaw or to remedy the breach thereof, and after the expiry of that period, failing due compliance with the order, such person shall from time to time be liable on summary conviction to a further fine of not less than \$5 nor more than \$25 for each day during which the breach continues or to imprisonment for not less than one month or to both fine and imprisonment.

1947, c.44, s.581; R.S.S. 1953, c.138, s.594.

---

## PART XII

### Miscellaneous

#### GOVERNMENTAL COMMISSION OF INQUIRY

**Inquiry**

**595** If one-third of the members of the council, or one-fourth of the electors of the town, petition the Lieutenant Governor in Council for a commission to issue under the Great Seal to inquire into the financial affairs of the town, 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*.

1947, c.44, s.582; R.S.S. 1953, c.138, s.595.

#### JUDICIAL COMMISSION OF INQUIRY

**Inquiry**

**596(1)** If the council passes a resolution requesting that an inquiry be made into 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, or an officer, servant or agent of the town, or of any person having a contract therewith, in relation to the duties or obligations of such person to the town, or if the council by resolution requests that inquiry be made into or concerning any matter connected with the good government of the town or the conduct of any part of the public business thereof, the Attorney General may appoint the district court judge of any judicial district or some other suitable person to make the inquiry.

(2) The person so appointed shall with all convenient promptitude enter upon the inquiry and he shall, upon the conclusion thereof, report to the Attorney General and to the council the result of the inquiry and the evidence taken thereon.

(3) The person appointed shall for the purpose of the inquiry have all the powers which may be conferred upon commissioners under *The Public Inquiries Act*.

(4) Such person shall be entitled to receive and shall be paid the same fees as an arbitrator is entitled to receive under *The Municipal Expropriation Act*.

(5) The council may engage and pay counsel to represent the town, and may pay all proper witness fees to persons summoned to give evidence at the instance of the town; and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question, may be represented by counsel.

1947, c.44, s.583; R.S.S. 1953, c.138, s.596.

#### Investigation by committee of the council

**597** The council may by resolution appoint a committee of its members to investigate any charge which may be made against any employee of the town, 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.

1947, c.44, s.584; R.S.S. 1953, c.138, s.597

## ERECTION OF TOWNS INTO CITIES

#### Erection of towns into cities

**598(1)** Upon the petition of the council the Lieutenant Governor in Council may by proclamation to be published in the *Gazette* declare any town which has a population of five thousand or more to be a city.

(2) The proclamation shall take effect only on, from and after such day as the Lieutenant Governor in Council may by the proclamation determine, and thereafter all the provisions of *The City Act* shall apply.

(3) Until a new council is elected under *The City Act*, the head and members of the town council existing at the date when the proclamation takes effect shall be deemed and taken for all purposes to be the head and members of the council of the new city, and all the officers of the town shall be and become officers of the city and shall hold office until their successors are appointed.

(4) All bylaws, until altered under the authority of *The City Act*, and all contracts, property, assets, rights and liabilities of the town, existing when the said Act commences to apply, shall be deemed and taken for all purposes to be the bylaws, contracts, property, assets, rights and liabilities of the new city.

(5) Every petition for the incorporation of a city shall be accompanied by a fee of \$250 which shall form a part of the general revenues of the province.

(6) As soon as may be after receiving the petition referred to in subsection (1), the minister shall appoint a person or persons to take a census of the town desiring incorporation as a city, and such person or persons shall report the result of the census to the minister and to the mayor in such form as the minister may prescribe.

(7) Notwithstanding anything contained in subsection (6), where the town is shown by the last Dominion census to have a population of five thousand or over, it shall not be necessary to take a census under subsection (6), and in that case the Lieutenant Governor in Council may remit the fee required by subsection (5).

1947, c.44, s.585; R.S.S. 1953, c.138, s.598.

FOR HISTORICAL REFERENCE ONLY