

UNEDITED

The Local Government Board (Special Powers) Act

being

Chapter 149 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

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

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CHAPTER 149

An Act to grant Special Powers to the Local Government Board

SHORT TITLE

Short title

- 1 This Act may be cited as *The Local Government Board (Special Powers) Act*.

R.S.S. 1953, c.149, s.1.

INTERPRETATION

Short title

- 2 In this Act:

“debentures”

- 1 “**debentures**” includes bonds, stock, temporary debentures, treasury bills, treasury notes and other like securities;

“local authority”

- 2 “**local authority**” means the council of a city or town, the board of a union hospital district, or the board of trustees of a town or high school district.

1951, c.46, s.2; R.S.S. 1953, c.149, s.2.

JURISDICTION

Jurisdiction to make inquiry

- 3 The Local Government Board shall have jurisdiction to inquire into the affairs of any city, town, union hospital district, high school district or town school district:

- (a) when requested to do so by the Minister of Municipal Affairs;
- (b) when the municipality, union hospital district or school district has by resolution of the local authority made such a request; or
- (c) when the creditors interested in at least twenty-five per cent of the indebtedness of the municipality, union hospital district or school district, or their representatives, have filed with the secretary of the board a petition in writing that the board undertake the inquiry, giving in the petition the name and address of each petitioner;

and the board shall for the purpose of such inquiry, and of any subsequent action considered necessary in consequence thereof, have the powers hereinafter set forth.

1951, c.46, s.3; R.S.S. 1953, c.149, s.3.

Decision of board final

- 4 The decision of the board as to whether or not a petition is sufficiently signed under section 3 shall be binding and conclusive upon all persons.

1951, c.46, s.4; R.S.S. 1953, c.149, s.4.

NOTICE OF INQUIRY

Notice

5(1) When the application is made by petition, the board shall, before commencing an inquiry, cause to be mailed by registered post to each of the petitioners whose name and post office address appear upon the petition, and to such other creditors as may be deemed advisable, and to the local authority concerned, a notice in writing giving the time and place when and where the board will commence such inquiry.

(2) When a request has been made under clause (a) or clause (b) of section 3, the board shall cause such notice to be given to such persons and in such manner as may be deemed expedient.

(3) In every case where notice has been given under the preceding subsection the board shall cause a similar notice to be inserted in *The Saskatchewan Gazette* and in one or more newspapers published in or near the municipality, union hospital district or school district. Such mailing and publication shall be deemed a sufficient service upon all persons interested.

1951, c.46, s.5; R.S.S. 1953, c.149, s.5.

SPECIAL JURISDICTION RESPECTING MUNICIPALITIES, UNION HOSPITAL DISTRICTS AND SCHOOL DISTRICTS IN FINANCIAL DIFFICULTIES

Specific powers

6(1) Where upon inquiry under section 3 the board decides that a municipality, union hospital district or school district has:

- (a) failed to meet and pay any of its debentures or interest thereon as the same became due; or
- (b) failed to meet and pay any of its other debts or liabilities when due and default in payment has been occasioned by financial difficulties; or
- (c) become so financially involved or embarrassed that default in meeting any of its obligations will probably ensue;

the decision of the board shall be binding and conclusive upon all persons and the board shall have and may exercise the special jurisdiction and powers hereinafter mentioned.

(2) The board shall have power under any one or more of the following clauses to make an order or orders:

- (a) providing for supervision of the financial affairs of the municipality, union hospital district or school district;
- (b) directing how the whole or any part of the revenues of the municipality, union hospital district or school district shall be applied or disposed of;
- (d) requiring the creation and setting aside of special reserves out of any portion of its revenues or surplus capital moneys;
- (e) giving directions as to the custody, management, investment and application of any of its reserves and surpluses;

- (f) authorizing the municipality, union hospital district or school district to use any of its available funds for the purchase or the payment of its own debentures, notes or other outstanding securities. In the case of the registered debentures such payment shall be made to the registered debenture holders as at the date of payment and in all other cases to the actual holders of the debentures;
- (g) prescribing and regulating the rates, rents, charges and fees to be charged, levied and collected for the services of municipal public works;
- (h) prescribing the fees to be charged for licences;
- (i) directing that the municipality, union hospital district or school district shall offset any indebtedness to it by any person or by another municipality, union hospital district or school district, by retention of the whole or part of the moneys payable by it to such person or to such other municipality, union hospital district or school district, as the case may, in the opinion of the board, require;
- (j) that the municipality shall follow the ordinary procedure prescribed by the relevant municipal Act for the assessment of property and collection of taxes or that it shall adopt the special provisions of such Act with regard to those matters;
- (k) that notwithstanding anything in the relevant municipal Act, buildings and improvements shall be assessed at their fair value or at such percentage or proportion thereof as may be deemed expedient, and classifying businesses and portions thereof and fixing the rates per square foot for each class or portion thereof for the purpose of business assessment and giving such administrative direction regarding any or all of such matters as the board deems advisable;
- (l) making a finding of fact as to the capacity of the municipality, union hospital district or school district to discharge its indebtedness;
- (m) ratifying and confirming any agreement, arrangement or compromise entered into or made by the municipality, union hospital district or school district with its creditors or any of them respecting its debenture debt or other indebtedness or any portion thereof and interest thereon. Such ratification and confirmation by the board shall make the agreement, arrangement or compromise legal, valid and binding on all persons who are parties thereto or affected thereby;
- (n) varying, amending or rescinding any agreement, arrangement or compromise ratified and confirmed by the board under statutory authority;
- (o) directing or permitting the cancellation, increase or decrease of or any other variation in the levy and collection of any levy, rate, tax, rent or charge imposed to meet, pay and discharge any debenture debt or other indebtedness, and interest thereon, and varying the basis, terms and times of payment of such levy, rate, tax, rent or charge;
- (p) that notwithstanding the provisions of any Act, bylaw or agreement, the municipality, union hospital district or school district be relieved from or do defer levying in any year or for such term of years, and upon such conditions as the board directs, the whole of any rate or such proportion thereof as the board directs;

- (q) directing that no levy of rates or sums imposed or required to be levied by the bylaws or other authorization under the authority of which outstanding debentures or any of them were issued shall be made; provided that the board may direct a continuation of the levies of rates or sums imposed upon properties specially taxed under the authority of local improvement bylaws;
- (r) directing the consolidation of the whole or any portion of the existing debt of the municipality, union hospital district or school district;
- (s) directing the consolidation as debt of the municipality of the whole or any portion of the existing debt of the municipality and of any union hospital district or school district on whose behalf the municipality levies taxes;
- (t) authorizing or requiring the municipality to pay at such times and upon such terms as the board may direct the whole or any portion of the debt consolidated pursuant to clause (s);
- (u) directing the issue of debentures, notes or other forms of security, securing payment of the whole or any portion of its existing debt or of the whole or any portion of the amount of debt consolidated pursuant to clause (s);
- (v) in the event of consolidation being directed under clause (s) giving directions for such reimbursement of or payment to the municipality by a union hospital district or school district as the board may order, and authorizing or imposing tax levies for the raising of revenues with which to make such reimbursement or payment;
- (w) directing the issue of new debentures, notes or other forms of security in substitution and exchange for any outstanding debentures, accounts and any other indebtedness;
- (x) authorizing the municipality, union hospital district or school district, at such time and in such manner and with such length of notice as the board may direct, to give notice of the intention of the municipality, union hospital district or school district to redeem before maturity all or any of the debentures issued by it and all or any of the coupons thereto attached. The form and contents of the notice and the manner in which the notice shall be given shall be prescribed by the board. Upon the expiration of the time fixed by the notice for redemption of a debenture or coupon the same shall become redeemable by payment of the amount owing at the expiration of the time so fixed. From and after the date fixed for redemption interest on a debenture or coupon so called for redemption on such date shall cease; provided that if the local authority defaults in making redemption interest shall accrue and be payable on such debenture or coupon as if notice of intention to redeem had not been given. The board may also give directions as to the method of selection by the municipality, union hospital district or school district of the debentures or coupons to be so called for redemption;
- (y) requiring acceptance by holders of or creditors interested in the outstanding debentures, accounts or other indebtedness, of new debentures, notes or other forms of security in substitution and exchange therefor;
- (z) effecting or directing the retirement and cancellation of the whole or any portion of outstanding debentures;
- (aa) directing the postponement of or variation in the terms, times and places of payment of the whole or any portion of the debenture debt and outstanding debentures and other indebtedness;

- (bb) directing the postponement of or variation in the terms, times and places of payment of the whole or any portion of the interest on the whole or any portion of the debenture debt and outstanding debentures and other indebtedness;
- (cc) reducing the whole or any portion of the principal amount of the existing debt;
- (dd) reducing the whole or any portion of the interest due or accruing due on the existing debt;
- (ee) fixing the terms and conditions upon which any new debentures, notes or other securities shall be exchanged for outstanding debentures, notes or other securities;
- (ff) appointing a time and place at which outstanding debentures or other securities or receipts for accounts may be deposited or offered in exchange for cash or for new debentures or notes or other securities or for cash in part and new debentures or notes or other securities in part;
- (gg) appointing a time and place at which outstanding debentures and debenture coupons or other securities or receipts for accounts may be presented for indorsement thereon of any variations in or additions to their contents;
- (hh) directing the rebating or funding of arrears of interest payable on any debt of the municipality, union hospital district or school district;
- (ii) fixing the terms and conditions including the time or times and place or places of payment and rate or rates of interest, if any, with respect to new debentures or notes to be issued by the municipality, union hospital district or school district and prescribing the form of such new debentures or notes;
- (jj) requiring or imposing the levy of such rates or sums as may be required to meet the accruing payments under new debentures or notes or other securities directed to be issued by or under any order of the board;
- (kk) varying, amending or rescinding any order made by it under this section;
- (ll) giving directions as to and fixing the expenses of the inquiry and of any refunding or adjustment ordered by the board and of supervision of the financial affairs of the municipality, union hospital district or school district;
- (mm) adjourning any inquiry or the further exercise of the powers of the board in respect of the affairs of the municipality, union hospital district or school district from time to time and for such periods of time or sine die as the board deems expedient. The adjournment may also be made without the formal issue of an order;

(nn) notwithstanding the provisions of the relevant municipal Act governing the sealing, signing and countersigning of debentures but subject to receipt by the board of a written consent from the Minister of Municipal Affairs and the mayor of the city or town, authorizing or directing that with respect to any debentures to be issued by a city or town pursuant to the exercise of any of the powers conferred by this subsection, the seal of the city or town, the signatures of the mayor and treasurer or other person or persons authorized to sign in his or their stead and the countersignature of the Minister or Deputy Minister of Municipal Affairs may be reproduced upon the debentures by lithographing or printing or any other method of mechanical reproduction. Where an order is made by the board under this clause it shall be conclusively presumed that it was made upon the written consent of the Minister of Municipal Affairs and the mayor of the city or town, and where the seal and such signatures and countersignatures are so reproduced pursuant to such order they shall have the same force and effect as if manually affixed to or subscribed on the debentures and the debentures shall be as valid, binding and effectual in all respects as if sealed, signed and countersigned in accordance with the provisions of the relevant municipal Act;

(oo) deemed by the board necessary to carry into effect any order made under the provisions of this Act or which, not being inconsistent with the provisions of this Act, the board deems necessary or expedient for the purpose of giving effect to the general intent of this Act.

(3) The board may in lieu of or in addition to making an order or orders make such report to the Minister of Municipal Affairs, the Minister of Public Health or the Minister of Education or to the local authority as the nature of the case may require and shall forward a copy of the report by mail to each of the petitioners where the inquiry was instituted by petition and to such other creditors as the board may deem advisable.

(4) The board may in lieu of or in addition to making an order or orders recommend to the Minister of Municipal Affairs, the Minister of Public Health or the Minister of Education that the municipality, union hospital district or school district be dissolved or disorganized or otherwise as the board may deem advisable.

(5) The board shall not exercise any power conferred by clause (w), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (hh) or (ii) of subsection (2), the exercise of which would affect debenture indebtedness under debentures the issue of which was authorized by the board on or after the first day of January, 1948, or is hereafter authorized by the board, until the local authority by resolution requests the board to do so and until the creditors interested in at least fifty-one per cent of the debenture indebtedness have filed with the secretary of the board a petition in writing that the board do exercise the said powers or any of them, giving in the petition the name and post office address of each petitioner; but, upon such request and petition being filed, the board may in its discretion exercise the said powers or any of them.

Stay of proceedings

7(1) When notice of inquiry has been published in the *Gazette*, as required by section 5, the publication shall operate as a stay of all actions or proceedings pending against the municipality, union hospital district or school district under inquiry, or as a stay of execution, as the case may be, and no action or other proceeding against the municipality, union hospital district or school district shall be commenced or continued nor shall a levy be made under a writ of execution against the municipality, union hospital district or school district, until the board orders that this section shall no longer apply.

(2) Where the commencement of an action or the taking of any other proceeding is prevented or delayed by reason of the provisions of this section, the time during which such prevention or delay continues shall not be computed for the purposes of any statute of limitations or any other Act or law limiting a time within which an action is required to be commenced or proceeding taken; but the person having the right of action or right to take another proceeding shall, upon the removal of the prevention or stay have the same length of time within which to take action or proceed as he had when such prevention or stay came into operation.

1951, c.46, s.7; R.S.S. 1953, c.149, s.7.

Binding effect of orders, and rehearing

8(1) An order made by the board under the provisions of subsection (2) of section 6 shall be dated as of the day on which it is made and shall, subject to subsection (2) of this section, become effective and binding upon all persons affected thereby on that date or on such later date as may be named for the purpose in the order.

(2) An order made under clause (n), (w), (z), (cc), (dd), (ee), (hh) or (ii) of subsection (2) of section 6 shall, unless rescinded or varied by the board or unless an application for a rehearing is made in accordance with subsection (3), become effective and binding upon all persons affected thereby on the expiration of sixty days after the date of publication thereof in the *Gazette*.

(3) Any person affected by and who objects to any order made under any of the clauses mentioned in subsection (2) may, before the expiration of sixty days after the date of publication of the order in the *Gazette*, give to the board notice of his objection, specifying in what particulars he objects to the order, and apply for a rehearing.

(4) Upon such application the board shall fix a time and place for a rehearing and shall give such notice thereof to the applicant and to other interested persons as it deems proper.

(5) At the rehearing full opportunity shall be given to all interested persons who appear to uphold the order or the objections thereto, of which particulars have been so given.

(6) At or following the rehearing, the board may rescind the order or vary or confirm its terms, and its decision shall be final and binding upon all persons affected thereby.

1951, c.46, s.8; R.S.S. 1953, c.149, s.8.

After order legal proceedings forbidden

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

1951, c.46, s.9; R.S.S. 1953, c.149, s.9.

Cancelled debentures no part of outstanding indebtedness

10 No portion of the debenture indebtedness of the municipality, union hospital district or school district represented by the debentures ordered to be cancelled or retired shall after the order of the board for cancellation, exchange or other disposition of such outstanding debentures, form part of the general debt of the municipality, union hospital district or school district within the meaning of shall not be necessary to recite the amount of the loan secured by such outstanding debentures.

1951, c.46, s.10; R.S.S. 1953, c.149, s.10.

Annual estimates submitted

11(1) The local authority of a municipality, union hospital district or school district which has been brought under the provisions of this Act shall, while it so continues, unless the board otherwise orders, submit annually to the board for revision and approval a statement of the annual estimates of expenditure of the municipality, union hospital district or school district and also the rate or rates proposed to be struck for the current year, and the board may alter or vary, increase or decrease, such estimates and rates.

(2) Where the board has heretofore ordered or hereafter orders that subsection (1) shall not apply to the municipality, union hospital district or school district the board may by subsequent order direct that subsection (1) shall apply in and after a subsequent year to be designated in the order and subsection (1) shall apply accordingly.

(3) Such estimates and rate shall not become effective nor shall any bylaw be passed by the local authority with respect thereto until they have been revised and approved by the board, but when so approved they shall be final and binding upon the municipality, union hospital district or school district.

1951, c.46, s.11; R.S.S. 1953, c.149, s.11.

Penalties for wrongful expenditure

12(1) If the local authority applies the funds at its disposal otherwise than as authorized by the board, the members of council, union hospital board or board of trustees who vote for such application shall be jointly and severally liable for the amount diverted and the same may be recovered by the local authority by action in any court of competent jurisdiction.

(2) If the local authority, upon the request in writing of a ratepayer or of the holder of any of the debentures of the municipality, union hospital district or school district, refuses or neglects for one month to bring an action therefor, the action may be brought either by any ratepayer on behalf of himself and other ratepayers or by any debenture holder.

(3) The members of council, union hospital board or board of trustees who vote for such application as is mentioned in subsection (1) shall be disqualified from holding any municipal office or any office in the union hospital district or school district, as the case may be, for two years.

1951, c.46, s.12; R.S.S. 1953, c.149, s.12.

Application of sections 11 and 12 to certain school districts

13 When the board has undertaken an inquiry into the affairs of a municipality then until an order is made under section 21 the provisions of sections 11 and 12 apply *mutatis mutandis* to every union hospital district and school district in behalf of which any taxes are collected by the municipality.

1951, c.46, s.13; R.S.S. 1953, c.149, s.13.

GENERAL JURISDICTION RESPECTING MUNICIPALITIES, UNION HOSPITAL DISTRICTS AND SCHOOL DISTRICTS

APPOINTMENT OF ADMINISTRATOR

Appointment on recommendation of board

14(1) The board may recommend to the Lieutenant Governor in Council the removal from office of a local authority and the appointment of an administrator for the municipality, union hospital district or school district, and the Lieutenant Governor in Council may make an order accordingly and may fix the salary of the person appointed.

(2) The board may, when authorized to inquire into the affairs of a municipality, recommend to the Lieutenant Governor in Council the appointment of an administrator for any union hospital district or town or high school district wholly or partly contained within the boundaries of the municipality, and the Lieutenant Governor in Council may make an appointment accordingly and may fix the salary of the person appointed.

(3) An administrator appointed under either subsection (1) or subsection (2) shall have all the powers and may perform all the duties of the local authority and of all or any of the officials thereof, and shall be responsible for such performance to the Local Government Board whose orders and directions from time to time he shall carry out, and he may pay the expenses of administration out of the funds of the municipality, union hospital district or school district.

1951, c.46, s.14; R.S.S. 1953, c.149, s.14.

GENERAL PROVISIONS

Arrears of taxes

15(1) The board may, where a municipality is the applicant for title, recommend to the Master of Titles and the Master of Titles may order that, notwithstanding any thing in *The Arrears of Taxes Act*, chapter 146 of *The Revised Statutes of Saskatchewan, 1940*, title do issue for lands in respect of which taxes are in arrear without payment of arrears of school taxes.

(2) The board may also, where a municipality is the applicant for title, recommend to the Lieutenant Governor in Council the remission of supplementary revenue or public revenue taxes, and, on the production of a certificate of the Provincial Treasurer that such taxes have been remitted, the Master of Titles may order that title to the lands to issue accordingly.

1951, c.46, s.15; R.S.S. 1953, c.149, s.15.

Sale of lands

16 The board may order that the provisions of the municipal Act governing a municipality, or of *The Arrears of Taxes Act*, chapter 146 of *The Revised Statutes of Saskatchewan, 1940*, or *The Tax Enforcement Act*, with reference to the sale and disposal of the lands of a municipality, shall not apply to any lands of a municipality whose affairs are the subject of inquiry under this Act, but may authorize the sale of such lands by public auction or private contract in such manner and on such terms and conditions as may appear desirable.

1951, c.46, s.16; R.S.S. 1953, c.149, s.16.

Fees in land titles office

17 The Lieutenant Governor in Council may, on the recommendation of the Local Government Board, order that no fees or only such portion of the usual fees as the board thinks proper shall be charged in the land titles office for the filing or registration of any instruments, the issue or cancellation of certificates of title or the cancellation of plans when required by the order or direction of the Master of Titles under statutory authority, or for abstracts of title or general registration or other certificates, or for any other service.

1951, c.46, s.17; R.S.S. 1953, c.149, s.17.

Exclusive jurisdiction

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

1951, c.46, s.18; R.S.S. 1953, c.149, s.18.

Approval of forms

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

1951, c.46, s.19; R.S.S. 1953, c.149, s.19.

Consent of ratepayers not required

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

1951, c.46, s.20; R.S.S. 1953, c.149, s.20.

Termination of inquiry

21 Where the board has been requested or petitioned to undertake an inquiry into the affairs of a local authority it may, at any time, make an order directing that on, from and after a date fixed thereby, no further action will be taken by the board; and thereafter the provisions of this Act shall no longer apply to the local authority named in the order, unless a further request or petition is received by the board.

1951, c.46, s.21; R.S.S. 1953, c.149, s.21.

Order is final

22 Subject to the provisions of section 53 of *The Local Government Board Act*, every order of the board shall be final and, except as provided by the said section 53, without appeal, and no order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceedings in any court save an appeal under the said section 53.

1951, c.46, s.22; R.S.S. 1953, c.149, s.22.

Publication of orders

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

1951, c.46, s.23; R.S.S. 1953, c.149, s.23.

Certain Acts apply

24 The provisions of *The Local Government Board Act* and of *The Municipal Debentures Repayment Act*, are, except in so far as inconsistent herewith, applicable hereto.

1951, c.46, s.24; R.S.S. 1953, c.149, s.24.

Municipal Acts apply

25 The provisions of any Act relating to a municipal corporation, union hospital district or school district whose affairs are subject to inquiry under this Act are, except in so far as such Act is inconsistent herewith, applicable hereto.

1951, c.46, s.25; R.S.S. 1953, c.149, s.25.

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