

UNEDITED

The Villages Act

being

Chapter 86 of *The Revised Statutes of Saskatchewan, 1909*
(effective March 15, 1911).

FOR HISTORICAL REFERENCE ONLY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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SCHEDULE

CHAPTER 86

An Act respecting Villages

SHORT TITLE

Short title

- 1 This Act may be cited as “*The Village Act.*”

1908, c.18, s.1; R.S.S. 1909, c.86, s.1.

INTERPRETATION

Interpretation

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

“Minister”

1. “**Minister**” means the minister of municipal affairs for Saskatchewan;

“Village”

2. “**Village**” means any village municipality now existing and any village municipality organised under the provisions of this Act;

“Council”

3. “**Council**” means the council of a village;

“Councillor”

4. “**Councillor**” means a member of the council of a village;

5. “**Resident elector**” means:

“Resident elector” before completion of assessment roll

(a) For the purpose of any village election held prior to the completion of the first revised assessment roll of the village any person of the full age of twenty-one years who is actually residing in the village or within two miles of the limits thereof and who has so resided as aforesaid and owned or been the occupant of assessable real or personal property in the village as provided by this Act for a period of at least two months immediately prior to the date of such election;

“Resident elector” after completion of assessment roll

(b) After the completion of the first revised assessment roll of the village any person of the full age of twenty-one years actually residing in the village or within two miles of the limits thereof whose name appears on the last revised assessment roll of the village;

“Elector”

6. “**Elector**” means any person of the full age of twenty-one years whose name appears on the last revised assessment roll of the village as the owner of assessable property therein;

“Judge”

7. “**Judge**” means a judge of the district court for the judicial district in which the village is situated;

“Person”

8. “**Person**” includes corporations, joint stock companies and partnerships;

“Secretary treasurer”

9. “**Secretary treasurer**” means the secretary treasurer of the Village;

“Assessor”

10. **“Assessor”** means the assessor of the village;

“Land”

11. **“Land”** or **“property”** includes lands, tenements and hereditaments and any estate or interest therein;

“Owner”

12. **“Owner”** includes any person who has any right, title or estate or interest other than that of a mere occupant;

“Occupant”

13. **“Occupant”** means any person who occupies any land under any title whatsoever;

“Income”

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

“Hawker” or “pedler”

15. **“Hawker”** or **“pedler”** means and includes any person who (being a principal or any agent in the employ of any person) goes from house to house selling or offering for sale any goods, wares or merchandise or carries and exposes samples or patterns of any goods, wares or merchandise to be afterwards delivered within the village to any person not being a wholesale or retail dealer in such goods, wares or merchandise; but shall not mean or include any person selling meat, fish, fruit, agricultural implements, sewing machines or farm produce by retail.

1908, c.18, s.2; 1909, c.23, s.1; R.S.S. 1909, c.86, s.2.

Deviation from forms

3 Where forms are prescribed any deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice.

1908, c.2, s.3; R.S.S. 1909, c.86, s.3.

Power to alter or revoke bylaws

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

1908, c.2, s.4; R.S.S. 1909, c.86, s.4.

Extension of time

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

1908, c.18, s.5; R.S.S. 1909, c.86, s.5.

Extension of time by order of minister

6 If anything to be done by or under this Act at or within a fixed time cannot be or is not 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.

1908, c.18, s.6; R.S.S. 1909, c.86, s.6.

PART I**ORGANISATION AND ERECTION OF VILLAGES****Area and population**

7 No portion of the province shall be erected into a village with an area greater than six hundred and forty acres of land and no such portion of the province shall be so erected unless it contains not less than fifty persons actually resident therein.

1908, c.18, s.8; R.S.S. 1909, c.86, s.7.

Erection of village

8 Whenever the residents of any portion of the province deem it advisable that such portion should be erected into a they shall apply to the minister for a form of petition which form shall be supplied by him.

1908, c.18, s.9; R.S.S. 1909, c.86, s.8.

Form and requisites of petition

9 Every petition for the erection of a village shall be in such form as is prescribed by the minister and shall be signed by at least ten persons who actually reside within the limits of the proposed village.

1908, c.18, s.10 (1); R.S.S. 1909, c.86, s.9.

10 Every signature to every such petition shall be verified by the statutory declaration of some person signing such petition.

(2) There shall be annexed to every petition a map or plan showing in detail the limits of the proposed village.

1908, c.18, s.10 (2), (3); R.S.S. 1909, c.86, s.10.

Name of poster

11 Every petition shall set forth the name and address of some responsible person or persons residing in the proposed village who will undertake on behalf of the petitioners to post up the notices required by the next following section.

1908, c.18, s.11; R.S.S. 1909, c.86, s.11.

Procedure one receipt of petition

12 Upon receipt of any such petition the minister shall forthwith require the person or persons referred to in the next preceding section to post up a notice which shall be in such form as is prescribed by the minister setting forth a time not less than three full weeks from the posting thereof during which complaints may be lodged with the minister against the organisation of the village and every such complaint shall state clearly the reasons why the complainants are opposed to such organisation of the village.

1908, c.18, s.12; R.S.S. 1909, c.86, s.12.

Posting notices

13 Every such notice shall be posted in the post office, if any, within the limits of the proposed village and in three other separate public places therein.

1908, c.18, s.13; R.S.S. 1909, c.86, s.13.

Proof of posting notices

14 Satisfactory proof that the notices hereinbefore mentioned have been posted up shall be furnished to the minister by a statutory declaration in form prescribed by him.

1908, c.18, s.14; R.S.S. 1909, c.86, s.14.

Minister's order declaring village erected

15 If in the opinion of the minister no sufficient cause is shown why the organisation of the village should not be proceeded with he shall by written order:

- (a) Declare the village to be erected and assign to it a name;
- (b) Fix a day, hour and place for the nomination meeting for the election of a council;
- (c) Appoint a suitable person to act as returning officer at such election;
- (d) Fix a day, hour and place for the first meeting of the council.

1908, c.18, s.15; R.S.S. 1909, c.86, s.15.

Notice of erection to be published

16 Notice of the erection of a village, giving its name and a description of its boundaries shall be published in *The Saskatchewan Gazette*; and such notice shall be conclusive evidence of the erection of the village and that all the necessary formalities required by this Act have been complied with.

1908, c.18, s.16; R.S.S. 1909, c.86, s.16.

ALTERATIONS IN BOUNDARIES OF VILLAGES**Alterations in boundaries of villages**

17 The minister may by order notice of which shall be published in *The Saskatchewan Gazette*:

1. Sever any portion of a village and annex the same to any adjoining municipality;

2. Annex to any village any outlying area adjacent to but not included within the limits of any city, town or village;
3. Alter and adjust the boundaries of two or more coterminous or adjacent villages or rural municipalities.

1908, c.18, s.17; R.S.S. 1909, c.86, s.17.

Settlement and adjustment incident to alteration of boundaries

18 In the event of the boundaries of any village or rural municipality being altered in any manner as provided in the next preceding section the minister shall subject to the approval of the Lieutenant Governor in Council have power to make due provision for the settlement and adjustment of all matters arising out of such alteration including the disposition of the assets and liabilities of the municipalities affected; and every decision of the minister approved of as aforesaid with respect to any such settlement and adjustment shall be final and binding on all parties concerned.

1908, c.18, s.18; R.S.S. 1909, c.86, s.18.

MISDESCRIPTION AND ERRORS IN DEFINING BOUNDARIES

Misdescription and errors in defining boundaries

19 No order purporting to be made under sections 15 and 17 of this Act shall be deemed invalid on account of any noncompliance with any of the matters required by the said Act as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall in any wise suspend or impair the operation of this Act with respect to the matter misdescribed or omitted.

1908, c.18, s.19; R.S.S. 1909, c.86, s.19.

Corrected by minister's order

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

1908, c.18, s.20; R.S.S. 1909, c.86, s.20.

BOUNDARY LINES OF VILLAGES

Boundaries of townships and sections for the purpose of this Act

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

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

1908, c.18, s.21; R.S.S. 1909, c.86, s.21.

PART II

The Village Council**Powers**

22 The powers of every village corporation under this Act shall be exercisable by the council thereof.

1908, c.18, s.22; R.S.S. 1909, c.86, s.22.

Village council

23 The council of every village shall consist of three councillors to be elected annually by general vote of the resident electors of the village in the manner hereinafter provided.

1908, c.18, s.23; R.S.S. 1909, c.86, s.23.

Qualification of councillors

24 No person shall be qualified to be elected a councillor of any village unless such person is a resident elector of the village and is a British subject by birth or naturalisation or if not a British subject has made a declaration of intention in the form set out in subsection (2) of this section and a male of the full age of twenty-one years and is not disqualified under the provisions of this Act.

Declaration by person not a British subject

(2) No person who is not a British subject shall be qualified to be elected a councillor unless and until he makes the following declaration:

CANDIDATE'S DECLARATION OF INTENTION

Canada:
Province of Saskatchewan,
To wit:

I, _____ of _____ in the
Province of Saskatchewan (*naming occupation*), do solemnly declare:

1. That I am not a British subject;
2. That I have not resided in Canada for a sufficient period of time to comply with the conditions of qualification by residence to be naturalised;
3. That it is my intention to become naturalised as a British subject as soon as the conditions of qualification by residence permit me to do so;
4. That except that I am not a British subject I am in all other respects eligible and qualified to be elected a councillor for a village.

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

Declared before me at the _____
_____ of _____
in the Province of Saskatchewan
this _____ day of _____ 19____.

.....
*A Justice of the Peace, Notary Public
or Commissioner for Oaths.*

1908, c.18, s.24; R.S.S. 1909, c.86, s.24.

Tenure of office

25 The councillors elected at the first election shall if such election be prior to the first day of July hold office to the end of the then calendar year and if such election be not prior to the first day of July till the end of the then next ensuing calendar year and thereafter every member of the council shall hold office for one year.

(2) Every member of the council shall hold office until his successor is elected.

1908, c.18, s.25; R.S.S. 1909, c.86, s.25.

26 Every member of the council and every officer of the village shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

Declaration of office

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 have been elected (*or appointed as the case may be*) and that I have not received any payment or reward or promise thereof for the exercise of any partiality or malversation or undue execution of the said office and that I have not by myself or partner either directly or indirectly any interest in any contract with or on behalf of the said municipality except that arising out of a contract for the publication of any advertisement in a public newspaper, save and except that arising out of my office as (*naming the office*). So help me God.

Deposit of declaration

(2) The person making such declaration shall before entering upon the duties of his office deposit the same in the office of the secretary treasurer; provided that in the case of the councillors first elected the said declaration shall be handed to the chairman at the first meeting of the council to be afterwards deposited by him with the secretary treasurer.

1908, c.18, s.26; R.S.S. 1909, c.86, s.26.

NAME

Name of village

27 The name of every village corporation continued or organised under this Act shall be "The Village of (*naming the same*)."

1908, c.18, s.27; R.S.S. 1909, c.86, s.27.

CHANGE OF NAME**Change of name**

28 The minister may from time to time alter the name of any village upon the petition of the council and notice of such alteration shall be published in *The Saskatchewan Gazette*; and in such case the seal theretofore used by such village shall continue to be the seal thereof until changed by the council.

1908, c.18, s.28; R.S.S. 1909, c.86, s.28.

Change not to affect existing rights and obligations

29 No change in the name of any village made in accordance with the provisions of the next preceding section shall affect any obligation, right, action or property incurred, established, done or acquired prior to such change.

1908, c.18, s.29; R.S.S. 1909, c.86, s.29.

MEETINGS OF COUNCIL**Meetings of council**

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

1908, c.18, s.30; R.S.S. 1909, c.86, s.30.

Chairman

31 The council shall at its first meeting elect a chairman who shall preside at all meetings of the council and the said chairman shall be styled overseer of the village.

1908, c.18, s.31; R.S.S. 1909, c.86, s.31.

Meetings

32 The council may at any meeting at which all the members of the council are present decide by resolution to hold regular meetings of the council and such resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

1908, c.18, s.32; R.S.S. 1909, c.86, s.32.

Special meetings

33 A special meeting of the council shall be called by the secretary treasurer when he is required so to do in writing by any two members of the council; and written notice of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be delivered personally by the secretary treasurer to every member of the council or in case of the absence from the village of any member of the council to some adult person at the residence of such member.

(2) No business other than that stated in the said 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.

1908, c.18, s.33; R.S.S. 1909, c.86, s.33.

Notice of meeting may be waived

34 The council may by unanimous consent waive notice of any special or other meeting at any time but every member of the council must be present at such meeting.

1908, c.18, s.34; R.S.S. 1909, c.86, s.34.

Place of meeting

35 Every meeting of the council shall be held in the village.

1908, c.18, s.35; R.S.S. 1909, c.86, s.35.

PROCEEDINGS AT MEETINGS**Council may make rules as to procedure**

36 Every council may make rules and regulations for governing its proceedings, calling meetings, the conduct of its members and generally for the transaction of its business provided that no such rule or regulation be contrary to law or the provisions of this Act.

1908, c.18, s.36; R.S.S. 1909, c.86, s.36.

Quorum

37 A majority of the whole council shall be necessary to form a quorum and no business shall be transacted unless there be a quorum.

1908, c.18, s.37; R.S.S. 1909, c.86, s.37.

Overseer to preside

38 The overseer shall preside at every meeting of the council and he shall preserve order and enforce the rules of the council.

1908, c.18, s.38; R.S.S. 1909, c.86, s.38.

Chairman to be appointed in absence of overseer

39 In the absence of the overseer from any meeting another member of the council shall be elected as chairman and during such meeting shall have the same authority as the overseer would have had.

1908, c.18, s. 39; R.S.S. 1909, c.86, s.39.

Quorum necessary to validate proceedings

40 No act or proceeding of any council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council at which a quorum is present.

1908, c.18, s.40; R.S.S. 1909, c.86, s.40.

Motions

41 Every matter shall be submitted to the council on the motion of the overseer or any member thereof and no seconder shall be required.

1908, c.18, s.41; R.S.S. 1909, c.86, s.41.

Majority vote

42 At every meeting of the council all questions shall be decided by the majority of the votes and the overseer or chairman of the council, as the case may be, shall have the right to vote but in the case of an equality of votes the question shall be decided in the negative.

1908, c.18, s.42; R.S.S. 1909, c.86, s.42.

Compulsory voting

43 The overseer when present and all the councillors present must vote in council on every division.

1908, c.18, s.43; R.S.S. 1909, c.86, s.43.

Meetings to be open to the public

44 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 is guilty of improper conduct at such meeting.

1908, c.18, s.44; R.S.S. 1909, c.86, s.44.

Public meeting of electors

45 If so requested at any time by the written petition of five electors the overseer shall by public notice conspicuously posted in at least three widely separated places in the village call a public meeting of the electors for the discussion of municipal affairs or of any matter relating thereto.

1908, c.18, s.45; R.S.S. 1909, c.86, s.45.

OVERSEER**Overseer**

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

1908, c.18, s.46; R.S.S. 1909, c.86, s.46.

VACANCIES**Vacancies**

47 Any councillor wishing to resign his seat in the council may do so at any time by sending notice in writing of such resignation to the secretary treasurer and every such resignation shall take effect upon receipt of the notice thereof by the secretary treasurer and shall be brought to the attention of the council at its next meeting and steps shall be taken immediately by the council to fill the vacancy.

1908, c.18, s.47; R.S.S. 1909, c.86, s.47.

Seat declared vacant in certain cases

48 If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any Act in force in Saskatchewan respecting insolvency or assigns his property for the benefit of his creditors or absents himself from the meetings of the council for three consecutive months without being authorised by a resolution of the council so to do the seat of such person in the council shall forthwith become vacant.

1908, c.18, s.48; R.S.S. 1909, c.86, s.48.

Filling vacancies

49 If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be held as nearly as may be in the manner provided by this Act for other elections; but if such vacancy occurs after the first day of November in any year such election shall not take place.

1908, c.18, s.49; R.S.S. 1909, c.86, s.49.

PART III
Elections**Elections**

50 Except as provided by section 25 hereof there shall be held annually in every village an election for councillors which election shall be conducted at the time and in the manner hereinafter provided.

1908, c.18, s.50; R.S.S. 1909, c.86, s.50.

MEETINGS FOR NOMINATION OF COUNCIL**Nomination for first election**

51 The nomination meeting for the first election of members of a council for a village erected under this Act shall be held at a time and place and on a day fixed by the minister.

1908, 18, s.51; R.S.S. 1909, c.86, s.51.

Time of nomination meeting for first election

52 The nomination meeting for the first election of members of a council for a village existing at the time of the coming in to force of this Act shall be held at the time herein provided for annual village elections and for the purpose of providing for such election the overseer of the village shall have and exercise the powers conferred by this Act on village councils.

1908, c.18, s.52; R.S.S. 1909, c.86, s.52.

Subsequent elections

53 In the case of all subsequent annual elections the council shall by resolution at least two weeks prior to the last Monday of November in each year:

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer who shall be a resident elector of the village;
- (c) Name a polling place which shall be within the village.

1908, c.18, s.53; R.S.S. 1909, c.86, s.53.

Annual meeting

54 Every annual meeting called for the nomination of members of a council shall be held from one o'clock to two o'clock in the afternoon (mountain standard time) of the first Monday of December in each year.

1908, c.18, s.54; R.S.S. 1909, c.86, s.54.

OATHS OF OFFICE

Election officials' oaths

55 Every returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon their respective duties take and subscribe before any person authorised to administer oaths within the province the following oath:

FORM OF OATH

Canada:
Province of Saskatchewan, }
To wit:

I, _____
of _____, in the Province of Saskatchewan, (*occupation*) do swear
that I will not at any time disclose to any one the name of any person who has
voted at the election to be held in the village of _____ on
the _____ day of _____ 19____; and that I will not unlawfully attempt to
ascertain the candidate or candidates for whom an elector has voted; and will not
in any way aid in the unlawful discovery of the same; and that I will keep secret
all knowledge which may come to me of the person for whom an elector has voted.
So help me God.

Sworn before me at _____ }
in the Province of Saskatchewan }
this _____ day of _____ 19____.

A J.P., N.P. or Commr. for Oaths.

1908, c.18, s.55; R.S.S. 1909, c.86, s.55.

Nomination notice

56 It shall be the duty of the returning officer at least seven clear days prior to the date fixed for the nomination meeting to post up a notice of such meeting which shall be in the form following or to the like effect:

NOTICE FOR NOMINATION FOR ELECTIONS

Village of _____. Municipal Elections 19_____.

Public notice is hereby given that a meeting of the resident electors of the village of _____ will be held at (*description of place*) on (*day of week*) the _____ day of _____ 19____, from one o'clock to two o'clock in the afternoon (mountain standard time) for the purpose of nominating candidates for election to the council of the said village.

Given under my hand and seal at _____ this _____
day of _____ 19_____.

.....
Returning Officer.

(2) Every such notice shall be posted in at least three widely separated conspicuous places in the village and in case there is a post office in the village a copy of the said notice shall be conspicuously posted therein.

1908, c.18, s.56; R.S.S. 1909, c.86, s.56.

PROCEEDINGS AT NOMINATION MEETINGS

Proceedings at nomination meetings

57 At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as councillors for the village and the meeting shall remain open from one until two o'clock in the afternoon (mountain standard time) when if the number of persons nominated to serve as councillors does not exceed the number required to be elected the returning officer shall declare the persons so nominated duly elected.

1908, c.18, s.57; R.S.S. 1909, c.86, s.57.

Form of nomination papers

58 Every nomination shall be in writing in the form following and shall be signed by at least two resident electors of the village:

NOMINATION PAPER

We, the undersigned resident electors of the village of _____, hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of councillors for the said village.

Witness our hands this _____ day of _____ 19____.

.....

Signatures of Resident Electors

1908, c.18, s.58; R.S.S. 1909, c.86, s.58.

Candidate's acceptance

59 Every such nomination to be valid shall also be accompanied by a written statement signed by the person nominated to the effect that he is eligible for election and that he will accept office if elected.

CANDIDATE'S ACCEPTANCE

Form of acceptance

I, the above named _____, hereby state that I am eligible for election as councillor of the village of _____ and that I will accept office if elected.

Signed in the presence of }
 }
Name of Witness } *Name of Candidate*

1908, c 18, s.59; R.S.S. 1909, c.86, s.59.

Declaration of poll

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

1908, c.18, s.60; R.S.S. 1909, c.86, s.60.

Withdrawal of candidate

61 Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect signed in the presence of two witnesses or the returning officer.

1908, c.18, s.61; R.S.S. 1909, c.86, s.61.

Abandonment of poll

62 If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected the polling shall not take place but the returning officer shall forthwith declare the persons nominated to be elected and post up a notice in the following form:

NOTICE

Village of _____. Municipal Elections 19____.

Whereas _____, nominated for the office of councillor has withdrawn his candidature for the said office, leaving _____ the only candidates for election to the council of the said village I hereby give notice that no voting for the said office will take place on the day of (*date of polling*).

Dated under my hand at _____ this _____ day of _____ 19____.

.....
Returning Officer.

1908, c.18, s.62; R.S.S. 1909, c.86, s.62.

TIME AND NOTICE OF POLL**Time of poll**

63 Whenever a poll is required to be taken for the election of councillors it shall be held on the same day of the week as the nomination for the said election but in the next week following and every such poll shall be open from the hour of ten o'clock in the forenoon to four o'clock in the afternoon (mountain standard time).

1908, c.18, s.63; R.S.S. 1909, c.86, s.63.

Notice of poll

64 Notice of every such poll required to be taken shall without any unreasonable delay after the nomination be posted up by the returning officer in the manner provided by section 56 hereof and every such notice shall be in the form following:

NOTICE OF POLL

Village of _____. Municipal Elections 19_____.

Public notice is hereby given that a poll has been granted for the election of councillors for the said village for the year 19_____ and the polling will take place on (*day of week*) the _____ day of _____ 19_____ from ten o'clock in the forenoon to four o'clock in the afternoon (mountain standard time) at (*specify polling place*) and that I will at (*describe the place*) on (*day of week*) the _____ day of _____ 19_____ at noon sum up the votes and declare the results of the election.

Given under my hand at _____ this _____ day of _____ 19 _____

.....
Returning Officer.

1908, c.18, s.64; R.S.S. 1909, c.86, s.64.

PREPARATIONS FOR POLL**Polling place**

65 In the case of the first election held in every village the returning officer shall if a poll is to be taken secure a suitable polling place which place shall be within the village.

1908, c.18, s.65; R.S.S. 1909, c.86, s.65.

Poll clerk

66 If so authorised by the council the returning officer may appoint a poll clerk who in the absence of the returning officer for any cause shall have all the powers of the said returning officer.

1908, c.18, s.66; R.S.S. 1909, c.86, s.66.

Ballot box

67 The returning officer shall procure a suitable ballot box to be made of some dry durable material and such box 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.

1908, c.18, s.67; R.S.S. 1909, c.86, s.67.

Ballot papers

68 The returning officer shall also cause to be printed or prepared a supply of ballot papers sufficient for the purposes of the election.

1908, c.18, s.68; R.S.S. 1909, c.86, s.68.

Ballot papers either written or printed

69 The ballot papers shall be either printed or written or partly printed and partly written.

1908, c.18, s.69; R.S.S. 1909, c.86, s.69.

Form of ballot papers

70 The ballot papers shall contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames and shall be in the following form:

VILLAGE OF _____

Councillors

Black, William	
Foster, Henry	
Smith, Frank	

1908, c.18, s.70; R.S.S. 1909, c.86, s.70.

Directions for guidance of voters

71 The returning officer shall before the opening of the poll cause to be prepared such number of printed or written directions for the guidance of voters in voting as he may deem sufficient.

(2) Such directions shall be according to the following form:

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

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

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

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

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

If the voter places any mark on his ballot 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 not counted.

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

1908, c.18, s.71; R.S.S. 1909, c.86, s.71.

PROCEEDINGS OF POLL

Proceedings at poll

72 On the day fixed for the taking of the poll the returning officer shall be present at the polling booth at least fifteen minutes before the time fixed for opening the poll.

1908, c.18, s.72; R.S.S. 1909, c.86, s.72.

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Voting compartments

73 The polling booth shall be furnished with a compartment which may be arranged by hanging a screen in which the voters can mark their ballot papers without being seen and it shall be the duty of the returning officer to see that such compartment is provided.

1908, c.18, s.73; R.S.S. 1909, c.86, s.73.

Posting up of directions

74 The returning officer shall before the opening of the poll cause to be posted on the outside of the entrance to the polling booth as well as in the compartment in the polling booth a copy of the directions referred to in section 71 hereof.

1908, c.18, s.74; R.S.S. 1909, c.86, s.74.

Secretary treasurer to deliver last revised assessment roll to returning officer

75 The secretary treasurer shall prior to every election deliver to the returning officer the last revised assessment roll of the village and furnish him with at least two copies of section 119 hereof and it shall be the duty of the returning officer to post the same in conspicuous places at the polling place and to see that they are kept so posted up during the hours of polling.

1908, c.18, s.75; R.S.S. 1909, c.86, s.76.

Poll book

76 The returning officer shall also keep or if there be a poll clerk require such poll clerk to keep a poll book in which shall be entered the record of the poll and such poll book shall be in the following form:

POLL BOOK

For the Village of _____ of _____. Record of Election held this _____ day of _____ 19____ for the election of councillors.

Name of Voter	His No. on assessment roll	Voted	Sworn or refused to swear	Remarks

1908, c.18, s.76; R.S.S. 1909, c.86, s.76.

Agents of candidates

77 Any person producing to the returning officer written authority from a candidate to represent him as agent at the polling place shall be recognised as such by the returning officer but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes.

1908, c.18, s.77; R.S.S. 1909, c.86, s.77.

Persons entitled to be present in polling booth

78 The persons entitled to be present at any one time in any polling booth during the hours of polling shall be the returning officer, the poll clerk and the candidates and not more than two agents of each such candidate and one voter.

1908, c.18, s.78; R.S.S. 1909, c.86, s.78.

Opening of poll

79 At the time fixed for the opening of the poll the returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated.

1908, c.18, s.79; R.S.S. 1909, c.86, s.79.

Who may vote

80 The persons entitled to vote for councillors shall be the resident electors of the village.

(2) In the case of every election every voter shall be entitled to and shall vote once only for the full number of persons to be elected there at and any ballot paper containing votes for more or less than such number shall be rejected.

1908, c.18, s.80; R.S.S. 1909, c.86, s.80.

First election

81 In the case of every election held prior to the completion of the first revised assessment roll of the village every person who presents himself for the purpose of voting shall be required before he is handed a ballot paper to sign a declaration in the form following and the deputy returning officer shall permit every person who signs the said declaration to vote and shall record in the poll book the name of each person who signs such declaration:

DECLARATION OF RESIDENT ELECTORS

Made this _____ day of _____ 19____.

The undersigned severally declare each for himself:

1. That he is of the full age of twenty-one years;
2. That he is actually residing in the village of _____ and that he has so resided therein for the two months immediately prior to this election;
3. That during the whole of the said two months he has been the owner or occupant of assessable property in the said village, a description of which is set opposite his name.

Name	Property voted on

(2) Any person subscribing to the declaration aforesaid and who thereby makes any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

1908, c.18, s.81; R.S.S. 1909, c.86, s.81.

Elections subsequent to the completion of assessment roll

82 In the case of every election held subsequently to the completion of the first revised assessment roll of the village the returning officer shall satisfy himself that the name of every person who presents himself for the purpose of voting or a name apparently intended for such person is on the said roll; and the returning officer or poll clerk shall record in the poll book the name of each such person.

(2) The returning officer shall not permit to vote any person whose name does not appear on the said roll.

1908, c.18, s.82; R.S.S. 1909, c.86, s.82.

Procedure in voting

83 Before a ballot paper or papers is handed by the returning officer to any voter he shall ask if there is any objection to allowing the person before him to vote and in case any candidate or his agent objects it shall be the duty of the returning officer to administer to such person the following oath:

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named*) by the name of _____ in the assessment roll now shown to you (*showing the roll to the voter*); that you are of the full age of twenty-one years and that you are now actually residing in the village of _____; 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 you either directly or indirectly either to induce you to vote at this election or for lots of time, travelling expenses, hire of teams or any other service connected with this election; that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

1908, c.18, s.83; 1908-9, c.15, s.10; R.S.S. 1909, c.86, s.83.

Oath to be noted

84 If the voter takes the said oath the returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book the word "sworn" or "affirmed" according to the fact.

1908, c.18, s.84; R.S.S. 1909, c.86, s.84.

Refusal to swear

85 Whenever a voter is required to take the said oath and he refuses to do so the returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear" and such person shall not be allowed to vote but shall be required to immediately learn the polling booth and shall not be allowed to again enter the same on the day of election for any purpose whatever.

1908, c.18, s.85; R.S.S. 1909, c.86, s.85.

Duty of returning officer

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

1908, c.18, s.86; R.S.S. 1909, c.86, s.86.

Explanation of method of voting

87 The returning officer may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

1908, c.18, s.87; R.S.S. 1909, c.86, s.87.

Inability etc., to mark ballot

88 In the case of a voter who is incapacitated by blindness or other physical cause from marking his ballot paper the deputy returning officer shall in plain view of the candidates or their agents cause the vote of such person to be marked on a ballot paper or papers for the candidates directed by such person and shall cause the ballot paper to be deposited in the ballot box.

1908, c.18, s.88; R.S.S. 1909, c.86, s.88.

Breach of duty by returning officer

89 Every returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by section 86 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid.

1908, c.18, s.89; R.S.S. 1909, c.86, s.89.

Penalty for plural voting

90 Any person who votes oftener than he is entitled to do under the provisions of this Act shall incur a penalty of \$50.

1908, c.18, s.90; R.S.S. 1909, c.86, s.90.

Evidence of voting

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

1908, c.18, s.91; R.S.S. 1909, c.86, s.91.

Marking of ballot

92 Upon receiving the ballot paper prepared as aforesaid of the voter shall forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper in the manner mentioned in the directions contained in section 71 hereof by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any place within the division which contains the name of the candidate, he shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without 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 his ballot paper deliver the ballot paper so folded to the returning officer who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present in the polling place; and the voter shall forthwith leave the polling place.

(2) Whenever the ballot paper of a voter has been deposited in the ballot box as provided by subsection (1) of this section the deputy returning officer or poll clerk shall enter in the poll book in the proper column after the voter's name the word "voted."

1908, c.18, s.92; R.S.S. 1909, c.86, s.92.

Secrecy of votes

93 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.

1908, c.18, s.93; R.S.S. 1909, c.86, s.93.

Ballot received but not used

94 No person who has received a ballot paper shall take the same out of the polling place and any person having so received a ballot paper who leaves the polling place without first delivering the same to the returning officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "refused" upon such ballot paper and shall preserve the same.

1908, c.18, s.94; R.S.S. 1909, c.86, s.94.

Ballots spoiled before voting

95 A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the returning officer the ballot paper so inadvertently dealt with receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him and shall preserve the same.

1908, c.18, s.95; R.S.S. 1909, c.86, s.95.

PROCEEDINGS AT CLOSE OF POLL**Close of poll**

96 Immediately at the hour of four o'clock in the afternoon (mountain standard time) the returning officer shall declare the poll closed:

Provided that in case when the poll is so closed there is a voter in the polling booths who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose.

1908, c.18, s.96; R.S.S. 1909, c.86, s.96.

Procedure on close of poll

97 Immediately after the close of the poll the returning officer shall in the presence of the poll clerk, if any, and of such of the candidates or of their agents as may then be present open the ballot box and proceed as follows:

1. He shall examine the ballot papers individually and any ballot paper which is not initialed as herein provided or on which more or less than the required number of votes is given or on which anything is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall not be counted but shall be set aside as rejected;
2. The deputy returning officer shall take notice of any objection made by a candidate or his agent or any elector authorised to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection;

3. The returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected as aforesaid and shall enter in the poll book a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) The date of election;
- (b) The number of persons who voted;
- (c) The number of votes for each candidate;
- (d) The number of rejected ballot papers;

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

5. The returning officer upon being requested so to do shall deliver to each of the persons authorised to attend at the polling place a certificate of the number of votes given for each candidate and of the number of rejected ballot papers;

6. The returning officer shall then in the presence of the candidates or their agents or such of them as may be present make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents:

- (a) The ballot papers counted;
- (b) The ballot papers rejected;
- (c) The unused and cancelled ballot papers;

7. The returning officer shall then place all the said packets in the ballot box which shall be sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals.

1908, c.18, s.97; R.S.S. 1909, c.86, s.97.

Statement by returning officer

98 Before leaving the polling booth the returning officer shall enter in the poll book the following statement which shall be signed by him in the presence of the poll clerk, if any, or some other witness:

I, _____, returning officer, hereby declare that to the best of my knowledge and belief I have conducted the election held by me on this date in the manner provided by law and that the entries required by law to be made in the poll book have been correctly made.

Dated this _____ day of _____ 19____.

.....
Witness.

.....
Returning Officer.

1908, c.18, s.98; R.S.S. 1909, c.86, s.98.

Declaration of election

99 At twelve o'clock noon on the day and at the place previously appointed by him for the purpose the returning officer shall publicly declare to be elected the candidate or candidates having the highest number of votes and he shall also publicly declare the number of votes polled for each candidate.

1908, c.18, s.99; R.S.S. 1909, c.86, s.99.

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Returning officer to give casting vote

100 In case it appears upon the casting up of the votes as aforesaid that two or more candidates have an equal number of votes the returning officer shall at the time when he declares the result of the poll give a casting vote so as to decide the election and except in such case no returning officer shall vote at any election.

1908, c.18, s.100; R.S.S. 1909, c.86, s.100.

Return by returning officer to secretary treasurer

101 Forthwith after the election the returning officer shall transmit to the secretary treasurer of the village the sealed ballot box and poll book used in the election and thereafter the said secretary treasurer shall be responsible for their safe keeping and for their delivery when needed.

1908, c.18, s.101; R.S.S. 1909, c.86, s.101.

Destruction of ballots

102 The secretary treasurer shall unless otherwise ordered by a judge of the district court retain for one month the said ballot box with its seals unbroken and shall then unless otherwise ordered as aforesaid cause the ballot box to be opened and the packets therein to be destroyed in the presence of two witnesses.

1908, c.18, s.102; R.S.S. 1909, c.86, s.102.

Inspection

103 No person shall be allowed to inspect any ballot papers in the custody of the secretary treasurer of a village except under order of a judge of a district court to be granted by the said judge 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 order for the inspection or production of ballot papers shall be obeyed by the said secretary treasurer.

1908, c.18, s.103; R.S.S. 1909, c.86, s.103.

Order for inspection

104 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 of a district court thinks expedient.

1908, c.18, s.104; R.S.S. 1909, c.86, s.104.

RECOUNT

Recount

105 If at any time within fourteen days from the time of the returning officer's declaration as aforesaid it is on the affidavit of a credible person made to appear to the judge of the district court within which the village is situated that any returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers the said judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same and to the secretary treasurer of the village whose duty it shall be to be present at the recount with the sealed ballot box and poll book used at the election.

1908, c.18, s.105; R.S.S. 1909, c.86, s.105.

Deposit

106 At the time of the application for a recount the applicant shall deposit with the clerk of the said district 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 said judge.

1908, c.18, s.106; R.S.S. 1909, c.86, s.106.

Persons entitled to be present at recount

107 The judge, the clerk of the court, the secretary treasurer of the village and each candidate and his agent or solicitor notified to attend the recount of votes and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of votes.

1908, c.18, s.107; R.S.S. 1909, c.86, s.107.

Procedure on recount

108 At the time and place appointed and in the presence of those notified or entitled to attend as provided by the next preceding section the judge shall proceed to recount all the ballot papers received by the returning officer as having been given in the election complained of and he shall proceed with such recount as follows:

1. The judge shall examine singly and in the presence of those entitled to be present all ballot papers counted or rejected by the returning officer, as the case may be, and during the course of such examination the judge shall keep a tally or count of votes cast for each candidate and he shall reject as void and shall not count:

- (a) Any ballot paper which is not initialed as herein provided;
- (b) Any ballot paper on which more or less than the proper number of votes are given;
- (c) Any ballot paper on which anything except the initials of the returning officer on the back is written or marked by which the voter can be identified;
- (d) Any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified; but no word or mark written or made or omitted to be written or made by the returning officer on a ballot paper shall affect the vote;

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

3. When the ballot papers have all been so examined and counted the judge shall forthwith sum up and announce the number of votes which he has allowed for each candidate and he shall there and then declare elected the candidate or candidates to the required number having the highest number of votes;

4. In case any 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 pieces of paper and after folding the same in such way that the names shall be concealed deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the said papers and the candidate whose name appears on the paper thus withdrawn shall by the judge be declared elected;

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5. The judge shall then make and transmit forthwith to the secretary treasurer of the village a written statement of the result of the recount and every such written statement shall show:

- (a) The names of the candidates;
- (b) The number of votes allowed for each candidate;
- (c) The number of ballot papers rejected;
- (d) The names of the candidates declared elected.

1908, c.18, s.108; R.S.S. 1909, c.86, s.108.

Quo warranto proceedings preserved

109 Nothing in the next preceding section contained shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of *quo warranto* or otherwise.

1908, c.18, s.109; R.S.S. 1909, c.86, s.109.

Costs

110 All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

1908, c.18, s.110; R.S.S. 1909, c.86, s.110.

Scale of costs

111 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.

1908, c.18, s.111; R.S.S. 1909, c.86, s.111.

Execution

112 The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which costs were taxed and an affidavit of the nonpayment thereof.

1908, c.18, s.112; R.S.S. 1909, c.86, s.112.

GENERAL PROVISIONS

Secrecy of votes in legal proceedings

113 No person who has voted at an election shall in any legal proceedings to question the election or return or otherwise relating thereto be required to state for whom he has voted.

1908, c.18, s.113; R.S.S. 1909, c.86, s.113.

Candidate may act for or assist his agent

114 A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorised to attend.

1908, c.18, s.114; R.S.S. 1909, c.86, s.114.

Candidates and agents

115 When in this Act expressions are used requiring or authorising any act or thing to be done or implying that any act or thing is to be done in the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is done the nonattendance of any agent at such time and place shall not invalidate it.

1908, c.18, s.115; R.S.S. 1909, c.86, s.115.

Errors not affecting results

116 No elections shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the holding of the 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 irregularity if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election.

1908, c.18, s.116; R.S.S. 1909, c.86, s.116.

Expenses

117 All reasonable expenses incurred at any election under this Act shall be paid out of the funds of the village upon the production of proper accounts verified in such manner as the council may direct.

1908, c.18, s.117; R.S.S. 1909, c.86, s.117.

Contesting elections

118 All proceedings for contesting in any way an election or the voting on any bylaw under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*.

1908, c.18, s.118; R.S.S. 1909, c.86, s.118.

Offences

119 No person shall:

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of election; or
- (e) Apply for a ballot paper in the name of some other person whether that 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 he is the person intended by the name entered on the assessment roll in respect of which he so applies; or
- (f) Having voted once apply again 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.

Penalty

(3) A person guilty of any violation of this section shall be liable if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person to imprisonment not exceeding six months with or without hard labour.

1908, c.18, s.119; R.S.S. 1909, c.86, s.119.

Duties of election officers

120 Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) 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 at such counting as to the candidate or candidates for whom any vote is given.

(4) 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.

(5) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

1908, c.18, s.120; R.S.S. 1909, c.86, s.120.

Penalties for officials

121 Every returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 50 to 120 inclusive hereof 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.

1908, c.18, s.121; R.S.S. 1909, c.86, s.121.

PART IV

Municipal Officials**APPOINTMENT****Secretary treasurer**

122 Every council shall at its first meeting or so soon thereafter as practicable appoint a secretary treasurer and an assessor who may be the secretary treasurer.

1908, c.18, s.122; R.S.S. 1909, c.86, s.122.

Appointment of other officials

123 Every council may also appoint from time to time such other officers as it deems necessary or expedient for the purpose of carrying into effect the provisions of this Act or any bylaw of the village and may fix the remuneration of any such officer.

1908, c.18, s.123; R.S.S. 1909, c.86, s.123.

Councillor not eligible

124 A councillor is not eligible to be appointed to any municipal office.

1908, c.18, s.124; R.S.S. 1909, c.86, s.124.

Appointments not to be made by tender

125 The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or by application at the lowest remuneration.

1908, c.18, s.125; R.S.S. 1909, c.86, s.125.

Tenure of office

126 All officers appointed by the council shall hold office during the pleasure of the council and in accordance with the terms expressed in the resolution by which they are appointed; and in addition to the duties assigned to them by this Act or by any general law of the province shall perform such other duties as may be required of them by the council.

1908, c.18, s.126; R.S.S. 1909, c.86, s.126.

SECURITY

Security by officials

127 In addition to defining the duties of any officer the council may require him to give such security as they may deem expedient for the faithful performance of his duties; and during the month of January in each year all such securities shall be produced to the overseer and shall be laid by him before the council.

1908, c.18, s.127; R.S.S. 1909, c.86, s.127.

Security by secretary treasurer

128 The secretary treasurer shall before entering upon his duties give security to the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust 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 secretary treasurer to the extent of the sum or sums for which such bond should have been taken:

Provided that when the majority of the council refuse or neglect 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.

1908, c.18, s.128; 1909, c.23, s.2; R.S.S. 1909, c.86, s.128.

Liability of officers, servants, etc.

129 Every officer, servant or agent of the village shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge any of the duties imposed upon him bylaw or by this Act or by the bylaws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

1908, c.18, s.129; R.S.S. 1909, c.86, s.129.

SECRETARY TREASURER**Duties of the secretary treasurer**

130 It shall be the duty of the secretary treasurer:

1. To keep a full and correct record of the proceedings of every meeting of the council in the minute book provided for that purpose and to see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the overseer or other presiding officer;
2. To enter in the minutes of every meeting the names of the members of the council present at such meeting;
3. To transcribe into a special book to be provided for the purpose a true and correct copy of every bylaw passed by the council which copy may be either written or printed or partly written and partly printed and to prepare a proper index for such bylaws;
4. To take charge of and keep on record all books, papers, accounts, assessment rolls, plans, maps, correspondence committed to his charge by the council during his term of office and deliver the same to his successor or such other person as the council may direct on his ceasing to hold office;
5. To faithfully prepare and duly transmit to the minister such statements and reports and such other information in regard to the village as may from time to time be required by the minister and in such form as he may direct;
6. To receive and safely keep all moneys belonging to the village from whatever source;
7. To deposit daily or as often as the council may direct in some chartered bank designated by the council all moneys received by him;
8. To submit all accounts and charges against the village which he receives for the consideration of the council;
9. To pay all accounts against the village only when they have been passed by the council and certified by the overseer or other presiding officer;
10. To make all payments on behalf of the village by cheque on the chartered bank in which all the moneys of the village are deposited; and every such cheque in addition to being signed by the secretary treasurer shall be countersigned by the overseer;
11. To give and take receipts for all the moneys of the village received and disbursed and to keep on file all vouchers of expenditure;
12. To keep in a cash book or such books of record and in such form as may from time to time be prescribed by the minister a complete and detailed record of all the financial transactions of the village;
13. To submit to the council at each of its regular meetings or whenever required so to do by the council a balance sheet showing the financial standing of the village;

14. To produce when called for by the council, auditor, inspector or other competent authority all books, vouchers, papers and moneys belonging to the village and to hand over the same to his successor or such person as the council may direct on his ceasing to hold office.

1908, c.18, s.130; R.S.S. 1909, c.86, s.130.

Financial year

131 The financial year of the village shall commence on the first day of January and close on the thirty-first day of December in each year.

1909, c.23, s.3; R.S.S. 1909, c.86, s.131.

AUDITOR

Auditor

132 The council shall on or before the first day of November in each year appoint an auditor but no one who then or during the preceding year is or was a member of the council or is or was secretary treasurer or who has directly or indirectly any share or interest in any contract made by the village or who is employed by the village in any capacity except that of auditor shall be appointed; the council may appoint any incorporated company or partnership as auditor.

1908, c.18, s.132; R.S.S. 1909, c.86, s.132.

Preparation and distribution of abstracts of receipts and expenditures

133 On or before the fifteenth day of November in each year the auditor shall prepare in such form as the minister may direct an abstract of the receipts, expenditures and liabilities of the village up to the preceding thirty-first day of October including a statement showing the total amount of debentures authorised to be issued, those actually sold or otherwise disposed of and those remaining on hand.

(2) The secretary treasurer on or before the first day of December of each year shall mail a copy of such abstract to the minister and every elector of the village.

Abstract of receipts, expenditures, etc., for the year

(3) On or before the first day of March in each year the auditor shall prepare in such form as the minister may direct an abstract of the receipts, expenditures, assets and liabilities of the village for the financial year ending on the thirty-first day of December of the preceding year including a statement showing the total amount of debentures authorised to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand; he shall make a special report respecting any expenditures made contrary to law; he shall deliver the said abstract and report to the overseer who shall lay the same before the council at its next meeting; and the council shall on or before the first day of April in each year cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the village or if there is no newspaper published therein in the newspaper the place of publication of which is nearest thereto and shall cause a copy of such abstract and report to be forwarded to the minister.

1908, c.18, s.133; 1909, c.23, s.4; R.S.S. 1909, c.86, s.133.

Inspection

134 Any elector may inspect the auditor's abstract and statement and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

1908, c.18, s.134; R.S.S. 1909, c.86, s.134.

Oath of office

135 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 Village 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 have not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor) with, by or on behalf of the village. So help me God.

Made before me at _____ }
this _____ day of _____ 19____. }

.....

A Com., N.P. or J. P.

1908, c.18, s.135; R.S.S. 1909, c.86, s.135.

PART V

Bylaws and General Powers and Duties of Councils

Bylaws

136 It shall be the duty of the council of every village and every council shall have power to pass such bylaws as it may deem expedient for all or any of the following purposes:

Public health

1. Providing for the health of the village and the prevention of the spread of infectious and contagious diseases;

Nuisance grounds

2. Regulating nuisance grounds for the village and making provision for the disposal of refuse by licensing scavengers or otherwise and fixing a schedule of rates to be charged by scavengers.

Cemetery

3. Controlling any cemetery and preventing the burial of the dead within the village;

Hospitals

4. Granting aid for the erection and maintenance of hospitals;

Aid to needy person

5. Granting aid or relief to any needy person who is a resident of the village;

Trees

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

Light weight

7. Establishing and regulating public markets and imposing penalties for light weight and short measurement and restraining or preventing selling on the streets;

Cruelty to animals

8. Preventing cruelty to animals;

Dogs

9. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;

Hawkers and pedlers

10. Licensing, regulating and governing hawkers and pedlers; but a village license shall not be granted unless the applicant is the holder of a provincial license for hawkers and pedlers;

Removal of dirt, etc., from roads

11. Compelling the removal of dirt, stones, filth, dust or rubbish off the roads, lanes or other public places within the village by the party depositing the same and the placing of the same where ordered by the council;

Storage of gun powder

12. Regulating the storage of gunpowder and other combustible, explosive or dangerous materials within the village;

Incumbering the streets

13. Preventing the incumbrance or obstructing of roads, streets, sidewalks and other places by vehicles or other articles or things;

Regulating use of bridges and highways

14. Regulating the driving and riding of horses and other cattle on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges and making provision for the carrying out of any provincial law respecting the same;

Traction engines

15. Making provision for regulating the use of bridges and culverts within the village by portable steam engines or steam traction engines;

Motor cars

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

Aid to agricultural societies

17. Granting aid to agricultural societies and boards of trade;

Census

18. Taking the census of the village;

Constable and license inspector

19. Appointing a village constable and license inspector and regulating and defining their duties and fixing their remuneration;

Wells

20. Regulating and controlling the use of wells and other sources of supply of water for the village and fixing rates to be paid for same and preventing the putting of anything prejudicial to health in any stream or any body of water from which water is taken for use within the village;

Public buildings

21. Regulating the size, structure and number and location of doors in churches, halls or other places of public meeting or places of amusement and also the size and structure of stairs and stair railings in all such buildings;

Preventing obstructions in aisles, etc.

22. For preventing the obstruction of the halls, aisles, passageways, alleys or approaches in or to any church, hall or other place of public meeting during the occupation of the same for a public assemblage;

Clearing obstructions in aisles, etc.

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

By nonresidents

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

Assize of bread

25. Fixing the quality and weight of bread offered for sale or sold within the village and making and enforcing regulations for the sanitary condition of bakehouses and bakeries;

Regulating food products

26. Regulating the sale of any articles used for food or drink and providing for the inspection of the same and for seizure or forfeiture of such articles offered or exposed for sale;

Slaughter houses within village

27. Preventing the erection and use of slaughter houses within the limits of the village and compelling the removal of any slaughter house therefrom;

Slaughter houses within village

28. Inspecting and regulating slaughter houses, dairies and other places either within or outside the area of the village from or through which food is brought for sale within the village and framing and enforcing building and sanitary regulations for the said slaughter houses and dairies;

Pool tables

29. Licensing, regulating and governing all persons who keep or have in their possession or on their premises any billiard, pool or bagatelle table or bowling alley in a place of public entertainment whether such table or bowling alley be used or not and fixing the sum to be paid for a license for each such table or bowling alley and the time such license shall be in force;

Livery, feed and sale stables

30. Controlling, regulating and licensing livery, feed and sale stables within the village;

Milk dealers, carriers and draymen

31. Licensing milk dealers, carriers, draymen and all persons performing work with horses or mules within the village for hire and regulating the same and fixing a schedule of fees to be charged by them;

Noxious weeds

32. Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year;

Fire arms

33. Prohibiting the discharging of fire arms or explosives in the village;

Restraining animals running at large

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

Provided that in addition to any provision that may be contained in any bylaw passed by the council of any village under this clause the provisions of sections 26, 27, 28, 29 and 30 of *The Pound District Act* or any provisions that may be substituted therefor or enacted in amendment thereof shall apply to and be observed in the case of any proceedings under such bylaw;

Provided however that the sale of any impounded animal as provided for in section 28 of *The Pound District Act* may be held at such place in the village as may be designated by such bylaw;

Prohibition of erection of livery stables, etc.

35. Prohibiting the maintenance or erection of any building used or to be used as a livery stable, blacksmith shop, laundry, creamery or lumber, coal or wood shed in such parts of the village as the council may designate:

Proviso

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

Council may do omitted work

(2) When the council has authority to direct by bylaw that any matter or thing shall be done by any person the council may also direct by the same or another bylaw that in default of its being done by such person such matter or thing shall be done at the expense of the person in default and the village may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes.

1908, c.18, s.136; 1900, c.23, ss.5, 6.; R.S.S.
1909, c.86, s.136

Bylaw to be signed and have three readings before passing

137 Every bylaw under this Act shall be under the seal of the village and shall be signed by the overseer and countersigned by the secretary treasurer and every bylaw shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at any one meeting of the council except by the unanimous vote of the members present thereat.

1908, c.18, s.137; R.S.S. 1909, c.86, s.137.

Evidence of its passing

138 A copy of any bylaw written or printed and under the seal of the village and certified to be a true copy by the overseer or secretary treasurer 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 secretary treasurer has been forged.

1908, c.18, s.138; R.S.S. 1909, c.86, s.138.

Petition for submission of bylaws

139 When one-third of the resident electors of the village petition the council for the submission of a bylaw on any question concerning a matter within the legislative jurisdiction of the council the same shall be granted and a bylaw introduced by the council within four weeks after the presenting of the said petition which bylaw shall be advertised in some newspaper published in or the newspaper published nearest to the village in at least one number of such paper each week for two successive weeks and finally passed by the council within four weeks of the voting thereon.

1908, c.18, s.139; R.S.S. 1909, c.86, s.139.

Validation of bylaws

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

1908, c.18, s.140; R.S.S. 1909, c.86, s.140.

INFRACTION OF BYLAWS

Power to inflict penalties

141 The council of every village may pass bylaws for to inflicting reasonable fines and penalties not exceeding \$100 exclusive of costs for breach of any of the bylaws of the village and for reasonable punishment by imprisonment with or without hard labour in the nearest common gaol for any period not exceeding thirty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the cost of committal are sooner paid.

Copies of bylaws to be sent to minister

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

Penalty to be paid to village

(3) Any penalty or fine under any bylaw of a village shall if no other provision be made respecting it belong to the village for the public use of the same and form part of the general revenue of the village.

1908, c.18, s.141; R.S.S. 1909, c.86, s.141.

Cost of conveyance to gaol and maintenance

142 In the event of any person being committed to gaol by reason of a breach of any bylaw of a village there shall be chargeable to such village such part of the expenses paid by the province for the transport of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

1908, c.18, s.142; R.S.S. 1909, c.86, s.142.

QUASHING BYLAWS AND RESOLUTIONS

Motion to quash

143 Any elector of the village may within two months after the passing of any bylaw or resolution of the council apply to a judge of the district court 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 according to the result of the application award costs for or against the village and may determine the scale of such costs.

Notice of motion

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is made.

Proof of bylaw

(3) The bylaw or resolution may be proved by the production of a copy thereof certified under the hand of the secretary treasurer and the seal of the village; and the secretary treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents per folio.

Security for costs

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

Affidavits of justification

(5) The judge may allow the said recognisance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the district court with the other papers relating to the motion.

Payment into court

(6) In lieu of the recognisance mentioned in subsections (4) and (5) of this section 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 having been made shall be filed in the district court with the other papers relating to the motion.

Payment out of court

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs to be paid out to the applicant in the discretion of the judge according to the result of the application.

Procedure

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

1908, c.18, s.143; R.S.S. 1909, c.86, s.143.

Bylaws procured by bribery and corruption

144 Any bylaw which has been procured to be passed through or by means of any violation of the provisions of this Act or *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions herein or therein contained.

1908, c.18, s.144; R.S.S. 1909, c.86, s.144.

POWERS AND DUTIES OF COUNCILS

Powers and duties of councils

145 In addition to all other duties and powers conferred on councils by this Act the council of every village shall have power:

Acquisition of lands

1. To enter upon, take, use and acquire for the use of the village so much real property within or without the village as may be required for a public park, recreation grounds, exhibition grounds, nuisance grounds or a cemetery or for the purpose of erecting thereon a municipal building without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto and in the event of such compensation not being mutually agreed upon by the parties concerned it shall be determined by arbitration under *The Arbitration Act*:

Proviso

Provided that in any one year no expenditure of more than \$300 shall be incurred under the provisions of this paragraph until a bylaw shall have been submitted to the vote of the electors and passed by a vote of at least two-thirds of those voting thereon; and such vote shall be taken as nearly as may be in the manner provided herein for a vote of the electors of the village on a bylaw for raising money by way of debentures;

Erect buildings

2. To erect, furnish, maintain and repair such buildings as may be beneficial to the village subject to the proviso of paragraph 1 of this section;

Weigh scales

3. To establish and maintain or to assist in establishing and maintaining public scales for weighing or measuring anything sold by weight or measurement within the village;

Accept property

4. To accept and take charge of landed property within the village dedicated for a public park or place for exhibitions;

Roads

5. To lay out, construct, repair and maintain roads, lanes, bridges, culverts, sidewalks and any other necessary public work in the interests and for the use of the village;

Drains

6. To construct through lands lying within or without the village such drains as may be expedient to secure the proper drainage of the village and to prevent the obstruction of the same;

Water supply

7. To make provision for the supply of water for the village or any portion thereof;

Ferries

8. To instal and operate within or without the village any ferry if licensed to do so under the provisions of *The Public Works Act*;

Unite with other municipalities

9. To unite with the councils of other municipalities for the construction and maintenance of any public work or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective municipalities and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities;

Exemption from taxation

10. To exempt in its discretion from the payment of municipal taxes wholly or in part any indigent persons residing within the village;

Expropriation

11. To enter upon and take and use and acquire so much real property as may be required for any highway, road, street, alley, byway, bridge, ferry or other public work in the village without the consent of the owners of such real property making due compensation therefor to the parties entitled thereto; and in the event of the amount of such compensation not being mutually agreed upon by the parties concerned it shall be determined by arbitration under *The Arbitration Act*;

Fire protection

12. To make provision for protection from fire;

Parks, etc.

13. To acquire, erect, establish and operate parks, skating rinks and curling rinks and to acquire land within or without the village for the purposes of the same.

1908, c.18, s.145; 1908-9, c.15, s.10 (2); 1909, c.23, s.7; R.S.S. 1909, c.86, s.145.

FUEL YARDS

Power to establish fuel yards

146 The council shall have power subject to the approval of the Lieutenant Governor in Council and within the limitations and restrictions and under the conditions set forth in any Order in Council in that behalf to 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 and to temporarily operate fuel yards by purchasing supplies of such fuel and selling and disposing 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.

1908, c.18, s.146; R.S.S. 1909, c.86, s.146.

HIGHWAYS AND PUBLIC PLACES

Titles to roads, etc.

147 The title to all public roads, highways, streets and lanes in every village is hereby declared to be vested in the Crown in the right of the province and every such public road, highway, street and lane shall be subject to the direction, control and management of the council of the village in which it is situated.

1908, c.18, s.147; R.S.S. 1909, c.86, s.147.

Without the village

148 The Lieutenant Governor in Council may direct that any highway, bridge or stream not wholly within the village limits or any part of such highway, bridge or stream shall be subject to the direction, management and control of the council for the public use of the village.

1908, c.18, s.148; R.S.S. 1909, c.86, s.148.

VILLAGES

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Repair of public works

149 Every council shall keep in repair all sidewalks bridges, culverts and fences and the approaches thereto which have been constructed or provided by the village or which if constructed and provided by the province have been transferred to the control of the council and in default of the council so to keep the same in repair the village shall be civilly liable for all damage sustained by any person by reason of such default.

1908, c.18, s.149; R.S.S. 1909, c.86, s.149.

Limitation of actions

150 No action shall be brought under the provisions of the next preceding section except within six months from the date upon which the cause of action arose and unless notice of such action shall have been given to the secretary treasurer of the village within one month after the date upon which such damage was caused.

1908, c.18, s.150; R.S.S. 1909, c.86, s.150.

CARE OF SICK

Care of sick

151 The council shall make due provision for the care and treatment of any person who is a resident of the village for at least thirty days who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment.

1908, c.18, s.151; 1909, c.23, s.8; R.S.S. 1909, c.86, s.151.

Hospital treatment

152 If such person is admitted as a patient by any hospital which receives aid from the general revenue of the province the board of such hospital may demand from the council a sum not exceeding fifty cents per day for each day's actual treatment and stay in such hospital.

1908, c.18, s.152; 1909, c.23, s.9; R.S.S. 1909, c.86, s.152.

Reimbursement from patient

153 Any sum thus paid by the village to the hospital may be recovered from the said patient by action or by distraint by the secretary treasurer of the village or if deemed advisable it may be added to and form part of the taxes levied by the village against any land owned by the said patient and shall be collectible in the same manner and to the same extent as all other taxes; and in the event of the death of the said patient the council may recover from his administrators and executors the said sum.

1908, c.18, s.153; R.S.S. 1909, c.86, s.153.

Council may enter into an agreement with hospital

154 Notwithstanding anything contained in the next two preceding sections any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients for such annual sum and subject to such conditions and restrictions as may be agreed upon.

1908, c.18, s.154; R.S.S. 1909, c.86, s.154.

PART VI**Municipal Loans****TEMPORARY****Temporary loans**

155 The council of every village except as hereinafter provided may from time to time by resolution authorise the overseer and secretary treasurer to borrow from any person, bank or corporation such sums of money as may be required to meet the current expenditures of the village until such time as the taxes levied for the current year are available and such resolution shall regulate the amount to be borrowed and the rate of interest to be paid; and every such loan shall be repaid out of and shall be a first charge upon the taxes which are collected for the year in which such loan is made and may be secured by the promissory note or notes of the overseer and secretary treasurer given under the seal of the village and on behalf of the council.

(2) In any calendar year the total amount of all loans thus made shall not exceed sixty per centum of the total taxes levied by the village for such year.

1908, c.18, s.155; R.S.S. 1909, c.86, s.155.

Temporary loan after July 1st

156 The council of any village organised subsequently to the first day of July in any year may by resolution authorise the overseer and secretary treasurer to borrow from any person, bank or corporation such sum or sums of money not exceeding \$500 as may be required from time to time to meet the current expenditures of the village for the remainder of such year; and every such loan shall be repaid out of and shall be a first charge upon the taxes to be levied for the year next following and may be secured by the promissory note or notes of the overseer and secretary treasurer given under the seal of the village and on behalf of the council.

1908, c.18, s.156; R.S.S. 1909, c.86, s.156.

DEBENTURE LOANS

Debenture bylaws

157 Should it appear desirable to the council of any village that a sum of money should be borrowed on the security of the village for the purpose of purchasing or constructing any road, highway, bridge, sidewalk, ferry or other village public work or for the purpose of purchasing or otherwise acquiring any land, right of way, easement or other interest in any land for the use of the village or for the purpose of draining any portion of the village or for the purpose of providing a supply of water for the village or for the purpose of providing fire protection for the village or for the purpose of purchasing, erecting, improving, altering, adding to or furnishing any building for the use of the village or for all or any of the said purposes it shall pass a bylaw to that effect which may be in such form as is prescribed by the minister or to the like effect and which shall be under the corporate seal of the village.

1908, c.18, s.157; R.S.S. 1909, c.86, s.157.

Notice to electors

158 Within fifteen days from the passing of the bylaw the council shall give notice to the electors of the village of its intention to apply to the minister for authority to borrow the amount specified in the bylaw and on the conditions therein set forth.

(2) Every such notice shall be in the form prescribed by the minister and shall be given by notices posted in the manner provided by section 56 hereof and shall state the day of posting the same.

1908, c.18, s.158; R.S.S. 1909, c.86, s.158.

Notice concerning poll on debenture

159 If within fifteen days from the date of the posting of the said notice one-fourth of the resident electors of the village demand a poll of the electors for and against the said bylaw such poll shall be held as hereinafter provided.

(2) Every demand for a poll shall be in writing and shall be accompanied by an affidavit of one or more resident electors proving the signatures attached to such demand.

(3) Every demand for a poll shall be delivered to the secretary treasurer of the village or in his absence to the overseer and a certified copy of such demand shall be forthwith transmitted to the minister.

1908, c.18, s.159; R.S.S. 1909, c.86, s.159.

Certificate from secretary treasurer to minister re passing of bylaw

160 In the event of a poll not being demanded as hereinbefore provided the secretary treasurer shall forthwith transmit to the minister:

- (a) A certified copy of the bylaw under the seal of the village;
- (b) A certified copy of the notice provided in section 158 hereof and a statutory declaration or declarations proving the posting of such notice and that a poll has not been demanded;

(c) A statutory declaration showing the total value of assessable real property in the village as shown by the last revised assessment roll thereof;

and upon receipt of the same and upon being satisfied that the several conditions required by this Act have been substantially complied with the minister may in writing authorise the council to borrow by way of debenture the sum or sums of money mentioned in the bylaw or any less sum and notice of such authorisation shall be published in *The Saskatchewan Gazette*; and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

1908, c.18, s.160; R.S.S. 1909, c.86, s.160.

Poll to be taken

161 In the event of a poll being demanded as provided by section 159 hereof the council shall by resolution fix a time for holding the said poll, appoint a returning officer, name a polling place and appoint a time and place when and where the returning officer shall sum up the votes given for and against the bylaw.

1908, c.18, s.161; R.S.S. 1909, c.86, s.161.

Notice of poll

162 Notice of the poll shall be posted up at least fourteen clear days before the date of voting in the manner prescribed by section 159 hereof and every such notice shall be in the form prescribed by the minister.

1908, c.18, s.162; R.S.S. 1909, c.86, s.162.

Proceedings at poll, etc.

163 At the day and hour fixed by the said notice a poll shall be taken and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the same manner as nearly as may be at an election for councillors.

1908, c.18, s.163; R.S.S. 1909, c.86, s.163.

Ballot paper

164 The ballot papers for voting on the bylaw shall be in the following form:

Bylaw	
FOR	
AGAINST	

1908, c.18, s.164; R.S.S. 1909, c.86, s.164.

Agents at poll

165 On the application of any person interested in promoting or opposing the bylaw the overseer shall authorise the attendance of two persons on behalf of the party applying at the polling place and at the final summing up of the votes.

1908, c.18, s.165; R.S.S. 1909, c.86, s.165.

One vote only

166 Every elector shall be entitled to vote once only on the bylaw.

1908, c.18, s.166; R.S.S. 1909, c.86, s.166.

Declaration of poll

167 The returning officer shall at the time and place appointed by the council in the presence of those authorised to attend or such of them as may be present sum up the number of votes for and against the bylaw and shall then and there declare the result and forthwith certify the same to the council under his hand.

1908, c.18, s.167; R.S.S. 1909, c.86, s.167.

Certificate from secretary treasurer concerning passing of bylaw

168 In the event of a recount not being applied for within the time specified by section 105 here of the secretary treasurer shall forthwith forward to the minister:

- (a) A certified copy of the bylaw under the seal of the village;
- (b) A certified copy of the notice provided in section 158 hereof and a statutory declaration or declarations proving the posting of such notice;
- (c) A statutory declaration showing the total value of assessable property in the village as shown by the last revised assessment roll thereof;
- (d) A certified copy of the returning officer's statement as to the result of the poll; and in the event of a recount being applied for the secretary treasurer after such recount has been held shall transmit to the minister the aforesaid documents together with a certified copy of the written statement of the judge as to the result of such recount.

1908, c.18, s.168; R.S.S. 1909, c.86, s.168.

Minister's authorisation of bylaw

169 Upon receipt of the several documents referred to in the next preceding section and upon being satisfied that the several requirements of this Act have been substantially complied with and that the bylaw has received the assent of two-thirds of the electors voting thereon the minister may in writing authorise the council to borrow by way of debenture the sum or sums of money mentioned in the bylaw or any less sum; and notice of such authorisation shall be published in *The Saskatchewan Gazette* and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

1908, c.18, s.169; R.S.S. 1909, c.86, s.169.

Issue of debentures

170 Whenever the council of any village is authorised by the minister to borrow any sum of money as herein provided the council may thereupon issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorised or of any less sum upon the terms specified in the bylaw; and the debenture or debentures and the coupons thereto attached when signed by the overseer and secretary treasurer of the village and sealed with the corporate seal thereof and when the minister shall have countersigned the debenture as hereinafter provided shall be sufficient to bind the village and create a charge or lien upon all village property and rates and taxes in the village.

1908, c.18, s.170; R.S.S. 1909, c.86, s.170.

Form of debenture

171 Every debenture issued by any village shall be in the following form or to the like effect:

\$ _____ Debenture No. _____

The Village of _____ in the Province of Saskatchewan promises to pay to the bearer at _____ the sum of _____ dollars of lawful money of Canada in _____ equal consecutive annual instalments with interest at the rate of _____ per centum per annum on the terms and in the amounts specified in the coupons attached hereto.

Dated this _____ day of _____ 19____.

.....
Overseer

[Corporate Seal]

.....
Secretary Treasurer

COUPONS

Coupon No. _____ Debenture No. _____

The Village of _____ will pay to the bearer at the _____ at _____ on the _____ day of _____ 19____ the sum of _____ dollars being the _____ instalment of principal with the total interest at the rate of _____ per centum per annum due on that date on village debenture No. _____.

.....
Overseer

[Corporate Seal]

.....
Secretary Treasurer

1908, c.18, s.171; R.S.S. 1909, c.86, s.171.

Limit for debentures

172 The total face value of all debentures issued by any village shall not be for a greater sum than ten per centum of the total value of the assessable real property in the village as shown by the last revised assessment roll thereof.

1908, c.18, s.172; R.S.S. 1909, c.86, s.172.

Rate of Interest

173 Debentures shall not carry interest at a greater rate than eight per centum per annum.

1908, c.18, s.173; R.S.S. 1909, c.86, s.173.

Term of debentures

174 Debentures shall not run for a longer period than fifteen years from the date of the first instalment of principal and interest and may be dated at any time within twelve months from the date on which the notice of the authorisation appears in *The Saskatchewan Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture.

1908, c.18, s.174; R.S.S. 1909, c.86, s.174.

Debenture to be registered by minister

175 Every debenture before being issued by the council of a village shall be sent for registration to the minister who shall cause a record to be kept of the same.

1908, c.18, s.175; R.S.S. 1909, c.86, s.175.

Debenture to be countersigned by minister

176 The minister shall thereupon if satisfied that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn register and countersign the debenture and such countersigning by the minister shall be conclusive evidence that the village has been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questionable by any court; but the same shall to the extent of the revenues of the village issuing the same be a good and indefeasible security in the hands of any *bona fide* holder thereof.

1908, c.18, s.176; R.S.S. 1909, c.86, s.176.

Debenture register

177 The secretary treasurer shall open and keep a book to be known as "The Debenture Register" which shall be in such form as is prescribed by the minister and in which shall be entered full particulars of every debenture issued by the village.

1908, c.18, s.177; R.S.S. 1909, c.86, s.177.

PART VII

Municipal Assessment and Taxation

Assessor

178 The council of every village shall appoint an assessor whose duty it shall be to make an assessment of the village in the manner hereinafter provided.

(2) If deemed advisable the council may appoint the secretary treasurer as assessor.

1908, c.18, s.178; R.S.S. 1909, c.86, s.178.

Assessment

179 As soon as may be in each year but not later than the first day of July the assessor shall assess all real and personal property and income in the village not exempt from taxation and shall prepare an assessment roll showing the name of each person assessed, the property in respect of which he is assessed and the assessed value thereof.

Mode of assessment

(2) Land shall be assessed at its fair actual value and buildings and improvements thereon at sixty per cent. of their actual value; in estimating its value regard shall be had to its situation; in case the value at which any specified land has been assessed appears to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be substantial if the value at which it is assessed bears a fair and just proportion to the value at which lands in the immediate vicinity of the land in question are assessed.

Assessment of partners, etc.

(3) Whenever two or more persons are as business partner, joint tenants, tenants in common or by any other kind of joint interest the owners or occupants of any real property or the owners of any personal 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.

1908, c.18, s.179; 1909, c.23, ss.10, 12; R.S.S.
1909, c.86, s.179.

Exemptions

180 The following property shall be exempt from assessment and taxation:

1. The interest of the Crown in any property including property held by any person in trust for the Crown;
2. Property specially exempted by law or held for the public use of the province;
3. All lands held by or in trust for the use of any tribe of Indians;
4. If any property mentioned in the three preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed therefor but the property itself shall not be liable;
5. A building used for church purposes and not used for any other purpose for hire or reward and the lot or lots whereon it stands not exceeding one-half acre except such part as may have any other buildings thereon;
6. Personal property to the amount of \$300 other than income;
7. All land in use as a public cemetery not exceeding twenty-five acres;
8. 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 every school established under the authority of *The School Act* and every incorporated hospital so long as such building and grounds are actually used and occupied by such institution but not if otherwise occupied and except such part as may have any other building thereon;
9. The buildings and grounds of agricultural societies organised under *The Agricultural Societies Act*;
10. All property (real and personal) belonging to the village and used only for village purposes;
11. Every public library established under *The Public Libraries Act*.
12. The income of every person up to the amount of \$1,000;

13. Household effects of every kind, books and wearing apparel in use;
14. Grain.

Income tax

(2) Any person who is assessed and taxed in respect of real property and income derived from wages or salary shall be liable to pay in addition to the amount of his taxes on such real property, as the case may be, only the amount, if any, by which his taxes on such income exceeds his taxes on such real property as aforesaid.

1908, c.18, s.180; 1909, c.23, s.11; R.S.S. 1909, c.86, s.180.

Tax on land values

181 If two-thirds of the total number of resident electors in any village petition the council therefor the council may by bylaw provide that the assessment in the village shall after a date to be fixed therein be limited to an assessment based upon the actual value of all lands in the village exclusive of the improvements thereon.

(2) In case such bylaw is passed the rate to be struck by the council under section 210 of this Act shall not in any year exceed two and one half cents on the dollar of the assessment.

(3) The council may repeal any such bylaw on receiving a petition of two-thirds of the total number of resident electors in the village petitioning therefor and after the date of such repeal the assessment for the year then following and so long as such repealing bylaw remains in force shall be upon all real and personal property and income in the village not exempt from taxation.

(4) Every such petition shall be accompanied by an affidavit or affidavits of one or more resident electors proving the signatures to the petition and that the persons who signed the same constitute two-thirds of such total number of resident electors.

1908, c.18, s.181; R.S.S. 1909, c.86, s.181.

Information to be given

182 It shall be the duty of every assessable person to give to the assessor all information necessary to enable him to make up the roll but no statement made by such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

1908, c.18, s.182; R.S.S. 1909, c.86, s.182.

Information by employers

183 It shall be the duty of every person employing any other person in his trade, manufacture, business or calling to give to the assessor on demand information concerning the names and places of residence of all persons employed by him whose wages, salary or remuneration exceed \$1,000 per annum.

1908, c.18, s.183; R.S.S. 1909, c.86, s.183.

184 The assessment roll shall be in the following form unless otherwise ordered by the minister:

ASSESSMENT ROLL FOR THE YEAR 19____.	VILLAGE OF _____	No. of Assessment	
		The names in full (if the same can be ascertained) of every person taxable in the village	
		Post Office Address	
		Own. (Owner), Occ. (Occupant)	
		Brief description of taxable property	
		Assessed value	
		Taxable income	
		Total amount of assessment	
		Date of mailing notice of assessment	
		Initials	
		Rate	
		Tax for current year	
		Arrears	
		Total tax	
		Date of mailing tax notice	
		Initials	
		Date of receipt of taxes	

1908, c.18, s.184; R.S.S. 1909, c.86, s.184.

Roll to be checked by assessment committee

185 The council 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 over the assessment roll and make such corrections therein as the majority of the committee may decide.

1908, c.18, s.185; R.S.S. 1909, c.86, s.185.

Fraudulent assessment

186 If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100.

1908, c.18, s.186; R.S.S. 1909, c.86, s.186.

Notice of assessment by publication

187 The assessor within ten days after completing the said roll shall post up in three conspicuous places in the village a notice in the following form:

Village of _____. Assessment Roll, 19____.

Notice is hereby given that the assessment roll of the village of _____ for the year 19____ has been prepared and is now open to inspection at the office of the secretary treasurer of the village 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 elector who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing at the office of the secretary treasurer.

Dated this _____ day of _____ 19____.

*A. B.,
Assessor.*

1908, c.18, s.187; R.S.S. 1909, c.86, s.187.

Notice by mail

188 The secretary treasurer shall also within ten days after the completion of the assessment roll transmit by post to every person named therein an assessment notice containing the particulars appearing in the roll with respect to such person.

(2) The assessment notice shall contain a statement of the last date upon which complaints may be lodged as fixed by the notice under section 187 hereof and there shall be indorsed thereon a written or printed form of complaint as given in section 190 hereof.

(3) No assessment shall be invalidated by any error in the assessment notice transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

1908, c.18, s.188; R.S.S. 1909, c.86, s.188.

Appeal to council

189 If any person named in the said roll thinks that he or any other person has been assessed too low or too high or that his name or the name of any other person has been wrongfully inserted in or omitted from the roll he may within the time limited as aforesaid give notice of complaint in writing to the secretary treasurer that he appeals to the council to correct the said error and in such notice he shall give a post office address to which notices may be sent.

1908, c.18, s.189; R.S.S. 1909, c.86, s.189.

Form of notice of appeal

190 Every such complaint shall be in the following form:

To the Secretary Treasurer of the Village of _____

Sir,—I hereby appeal against assessment (*or nonassessment*) of _____ on the following grounds (*here state grounds of appeal*).

*C. D.,
Appellant.*

Dated this _____ day of _____ 19____.

1908, c.18, s.190; R.S.S. 1909, c.86, s.190.

Notice of hearing

191 The secretary treasurer shall forthwith notify every such appellant and every other person whose assessment is affected or may be affected thereby of the time and place of the sittings of the council to hear the said appeal.

1908, c.18, s.191; R.S.S. 1909, c.86, s.191.

Time of notice

192 Every such notice shall be posted by registered letter to the post office address of such person, if any, as entered on the assessment roll or as indicated in the notice of complaint at least fifteen days before the sitting of the council unless such person has a place of business within the village in which case the secretary treasurer shall cause the said notice to be served at such place of business at least six days before the sitting of the council.

1908, c.18, s.192; R.S.S. 1909, c.86, s.192.

Court of revision

193 The council shall be the court of revision for revising the assessment roll.

1908, c.18, s.193; R.S.S. 1909, c.86, s.193.

List of appeals

194 Before the sittings of the council the secretary treasurer shall prepare a list of the appeals in the following form which list shall be posted at the office of the secretary treasurer and shall continue so posted during the sittings of the council.

Appeals to be heard by the council of the Village of _____ on the _____ day of _____ 19____.

Appellant	Respecting whom	Matter complained of
A. B.	Self	Overcharged on land
C. D.	E. F.	Name omitted
G. H.	J. K.	Not <i>bona fide</i> owner or tenant
L. M. etc.	Self etc.	Income overcharged.

1908, c.18, s.194; R.S.S. 1909, c.86, s.194.

Clerk

195 The secretary treasurer shall be the clerk and secretary of the council in connection with assessment appeals.

(2) The clerk may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$1 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 he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the council hearing the appeal may for good and sufficient reasons excuse such person from attending before them and in such event no penalty shall be incurred by reason of such nonattendance.

1908, c.18, s.195; R.S.S. 1909, c.86, s.195.

Conduct of hearing

196 The appeals shall be heard as far as possible in the order in which they stand upon the said list but the council may adjourn or expedite the hearing of any appeal as they think fit.

1908, c.18, s.196; R.S.S. 1909, c.86, s.196.

Non-appearance

197 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 council may proceed in his absence.

1908, c.18, s.197; R.S.S. 1909, c.86, s.197.

Evidence

198 It shall not be necessary to hear upon oath the complainant or assessor or the person complained against except where the council deem 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 giving evidence before the council may be administered by any member of the council hearing the appeal.

1908, c.18, s.198; R.S.S. 1909, c.86, s.198.

Termination of sittings

199 All the duties of the council as a court of revision shall be completed by the first day of September; and no appeal to the council shall be heard after that date except as provided in section 206.

1908, c.18, s.199; R.S.S. 1909, c.86, s.199.

Amendment of roll

200 Forthwith after the conclusion of the sittings the secretary treasurer shall amend the assessment roll in accordance with the decisions of the council; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the secretary treasurer.

1908, c.18, s.200; R.S.S. 1909, c.86, s.200.

Adoption of roll

201 The roll with any amendments made as aforesaid shall be the assessment roll of the village:

Provided that there shall be a right of appeal from the decision of the council to the judge as provided by and according to the procedure prescribed herein.

1908, c.18, s.201; R.S.S. 1909, c.86, s.201.

Correction of errors

202 The council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialed by the secretary treasurer.

1908, c.18, s.202; R.S.S. 1909, c.86, s.202.

APPEAL FROM COURT OF REVISION TO JUDGE

Appeal lies to judge

203 An appeal to the judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

1908, c.18, s.203; R.S.S. 1909, c.86, s.203.

Proceedings on appeal

204 In all appeals under the provisions of the next preceding section the proceedings shall be as follows:

Notice of appeal

1. The appellant shall in person or by agent serve upon the secretary treasurer within eight days after the decision of the court of revision a written notice of his intention to appeal to the judge;

List of appeals forwarded to judge

2. The secretary treasurer shall immediately after the time limited for service of such notice forward a list of all appeals to the judge and the judge shall fix a day for the hearing of such appeals;

Secretary treasurer to notify parties interested in appeals

3. The secretary treasurer shall immediately upon the judge fixing a day for the hearing of such appeals give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same;

Time of notice

4. Every such notice shall be posted by registered letter to the post office address of the appellant at least fifteen days before the day fixed by the judge for hearing the appeals unless such person has a place of business within the village in which case the secretary treasurer shall cause the said notice to be served at such place of business at least six days before the day fixed by the judge for hearing the appeals:

Provided however that in the event of failure to have the required service of notice made or to have the same made as required by this Act the judge may direct the service to be made for some subsequent day then to be fixed by him for the hearing of the appeal;

Secretary treasurer to post notice of appeals

5. The secretary treasurer shall immediately upon the judge fixing the day for the hearing of such appeals cause a conspicuous notice to be posted up in his office and in the place where the council holds its sittings containing the names of all the appellants and parties appealed against and a statement of the time and place fixed by the judge for the hearing of such appeals;

Secretary treasurer to be clerk of court

6. The secretary treasurer shall be the clerk of the court to be held by the judge for hearing the appeals;

Hearing and determination of appeals

7. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but all appeals shall be determined before the thirtieth day of September; all deferred judgments shall be in writing and when given shall be filed with the secretary treasurer;

Procedure on hearing

8. At the court to be holden by the judge to hear the appeals the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be confirmed, altered or amended according to the decision of the judge if then given who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied and if the judge reserves his decision the secretary treasurer shall when the same is given forthwith alter the said roll accordingly and shall write his own name opposite every such alteration or correction;

Judge's powers

9. In such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by a judge of the district court in respect of any civil proceeding in said court;

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 village
of _____

Between

A. B.

Appellant,

and

C. D.

Respondent;

Cost of proceedings

11. The costs of any proceeding before the judge as aforesaid shall be paid by or apportionment between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the district court or in the same manner as upon an ordinary judgment for costs recoverable in such court;

Taxation

12. 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 in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

Decision final

13. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon.

1908, c.18, s.204; R.S.S. 1909, c.86, s.204.

Council may order addition to roll

205 If at any time before the first day of November it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll the council may direct the secretary treasurer to enter the name of such person on the roll or to correct the error and every such entry or correction shall be dated and initialed by the secretary treasurer.

1908, c.18, s.205; R.S.S. 1909, c.86, s.205.

Notice to persons affected by correction of roll

206 In the event of any such addition to or correction of the roll without the knowledge or consent of the person or persons affected thereby a notice as required by section 191 hereof shall be sent to such person or persons by the secretary treasurer and every such person shall be given every reasonable opportunity to complain or appeal against the said assessment and all complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act.

1908, c.18, s.206; R.S.S. 1909, c.86, s.206.

Binding effect of amended roll

207 When the roll is finally completed and the time during which complaints and appeals against the assessment has elapsed the secretary treasurer shall over his signature enter at the foot of the last page of the roll the following certificate filling in the date of such entry: "Roll finally completed this _____ day of _____ 19____" and the roll as thus finally completed and certified to shall be valid and bind all parties concerned notwithstanding any defect or error committed in with regard to such roll or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit any such notice.

1908, c.18, s.207; R.S.S. 1909, c.86, s.207.

Evidence of roll

208 A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the municipality and certified to be a true copy by the secretary treasurer shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

1908, c.18, s.208; R.S.S. 1909, c.86, s.208.

VILLAGES

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TAXATION

Estimates

209 The council shall as soon as practicable in each year prepare in detail an estimate of the probable expenditures of the village for the year and such estimate shall include the sum or sums required to repay any temporary loan or to meet any debenture coupons which may fall due during the year.

1908, c.18, s.209; R.S.S. 1909, c.86, s.209.

Levy of rate

210 Upon the completion of the said estimate the secretary treasurer shall lay before the council the assessment roll of the village for the current year and the council shall by resolution authorise the secretary treasurer to levy upon all property and income entered in the said roll such tax at a uniform rate as shall be deemed sufficient to meet the said estimate of expenditures and in fixing the said rate the council shall make due allowance for the nonpayment of taxes.

Uniform rate of taxation

(2) The said uniform rate shall not in any one year exceed ten mills on the dollar of the assessment except where the assessment is made as provided in section 181 in which case the rate shall not exceed two and one-half cents on the dollar of the assessment:

Provided that in the case of any village which has raised a loan by way of debentures the council may in any year if deemed advisable increase the said maximum rate by such additional rate as shall be sufficient to meet any debenture coupons that may be accruing due during the year.

1908, c.18, s.210; R.S.S. 1909, c.86, s.210.

Tax roll

211 On or before the first day of September in each year or as soon thereafter as may be the secretary treasurer shall enter in the assessment roll for the year in the several columns provided for the purpose as shown in the form contained in section 184 hereof a statement of all taxes levied against each person as computed at the rate hereinbefore provided for and such statement when completed shall show:

1. The sum total of the rates levied against each person;
2. The total taxes due for the current year by each person;
3. The arrears of taxes due by each person;
4. The sum total of all taxes due by each person.

Minimum tax municipal

(2) In the event of the total tax payable by any person under this section being less than \$2 the tax to be entered in the roll as payable by such person for such purpose shall be the said \$2.

1908, c.18, s.211; 1909, c.23, s.13; R.S.S. 1909, c.86, s.211.

Mailing tax notice

212 The secretary treasurer shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by such person and the entry of the date of mailing each such notice followed by the initials of the secretary treasurer on the roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the secretary treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) Every such notice shall show the property assessed, rate of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due and shall be in the following form or to the like effect:

TAX NOTICE

Take notice that you have been assessed by the Village of (*name of village*) for the following property (*description of property*). _____ \$ (*assessed value*) and that the taxes due thereon for the year 19____ at the rate of (*state rate*) amounts to\$ _____
Arrears of taxes\$ _____

Total taxes due.....\$ _____

To.....
..... P.O.

.....
Secretary Treasurer

1908, c.18, s.212; R.S.S. 1909, c.86, s.212.

Taxes where payable

213 All taxes levied under the provisions of this Act shall be payable at the office of the secretary treasurer.

1908, c.18, s.213; R.S.S. 1909, c.86, s.213.

Taxes first lien

214 The taxes accruing upon or in respect of any land in the village shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon except claims of the Crown.

1908, c.18, s.214; R.S.S. 1909, c.86, s.214.

Penalty for nonpayment of taxes

215 In the event of any taxes remaining unpaid after the thirty-first day of December of the year in which the same are levied there shall be added thereto by way of penalty a sum equal to eight per centum of such taxes remaining unpaid and the same additional sum shall be added thereto after the thirty-first day of December in each succeeding year during which the said taxes remain unpaid and such amount or amounts so added shall form part of the taxes which by section 214 hereof are created a special lien upon land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes.

1908, c.18, s.215; R.S.S. 1909, c.86, s.215.

Receipt book for taxes

216 The secretary treasurer shall enter with the date of receipt all amounts paid him for taxes on the assessment roll opposite the lot or parcel of land for which such payment is made and he shall issue an official receipt for every such payment such as may from time to time be approved by the minister.

1908, c.18, s.216; R.S.S. 1909, c.86, s.216.

Arrears first charge on tax payment

217 In case any person pays only a portion of the taxes due by him the secretary treasurer shall first apply such taxes in payment of any arrears due by such person.

1908, c.18, s.217; R.S.S. 1909, c.86, s.217.

Distress for taxes

218 In case any person fails to pay the taxes assessed against him within thirty days after the mailing of the tax notice provided by section 212 hereof the secretary treasurer may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the village or of any goods and chattels found upon the land in respect of which the taxes are due the property of or in the possession of any other occupant of the premises and the costs chargeable shall be the same as those allowed in the schedule to *An Act respecting Distress for Rent and Extra Judicial Seizure*.

(2) The secretary treasurer shall by advertisement posted up in at least five widely separated conspicuous places in the village give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and at the time named in the notice the secretary 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.

(3) If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If the claim is contested such surplus money shall be paid over by the secretary treasurer to the clerk of the district court for the judicial district within which the village is situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

1908, c.18, s.218; R.S.S. 1909, c.86, s.218.

Suit for taxes

219 Any taxes or arrears of taxes due to the village or levied by it may be recovered by suit in the name of the council as a debt due to the village in which case the assessment roll shall be *prima facie* evidence of the debt.

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by section 212 hereof were mailed as shown by the assessment roll.

1908, c.18, s.219; R.S.S. 1909, c.86, s.219.

POLL TAX

Poll tax

220 Except members of his Majesty's naval or military force on full pay or on actual service or of the Royal North-West Mounted Police force or of the village fire brigade every male person of the age of twenty-one years or upwards who has been a resident in the village for at least three months during the then current year prior to the thirty-first day of October and who is not assessed upon the last revised assessment roll shall be liable to pay a poll tax of \$2; the said poll tax may be collected at any time after the first day of June.

1908, c.18, s.220; R.S.S. 1909, c.86, s.220.

Poll tax not collectible more than once

221 A poll tax shall not be collected from any person more than once in each year within the province.

1908, c.18, s.221; R.S.S. 1909, c.86, s.221.

Collection of poll tax

222 A poll tax may be collected in the same manner as other municipal taxes or may be recovered by way of summary conviction with costs against the person neglecting or refusing to pay the same and the person appointed to collect the same may also demand the same from the employer of the person liable to pay the same and the employer shall deduct the same from the salary or wages which are then or shall first thereafter during the then current year become owing by him to the person liable to pay such poll tax and shall pay the same as soon as the amount of the tax is earned by the said employee to the person appointed to collect the same and in default may on summary conviction be ordered to pay the same together with costs and in default of payment to imprisonment not exceeding thirty days.

1908, c.18, s.222; R.S.S. 1909, c.86, s.222.

SALE OF LAND FOR TAXES

List and advertisement

223 Whenever any portion of the taxes on any land has been due for one year calculated from the thirty-first day of December of the year in which the same were imposed the secretary treasurer shall prepare a list of all the lands as shown by the assessment roll or rolls of the village on which taxes are so due with the amount of arrears against each lot set opposite to the same and the name and address of the owner if known and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale and the overseer and secretary treasurer shall authenticate such list by affixing thereto their signatures and the seal of the village and the secretary treasurer shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the village or the newspaper published nearest to the village and for the next following five consecutive weekly issues of the said newspaper preceding the day of sale therein named shall be published a notice therein in form following:

Sale of lands in the Village of _____ for arrears of taxes.

Notice is hereby given that certain lands in the village of _____ will be offered for sale for arrears of taxes (*stating the day, time and place where and when the said lands are to be sold and the dates of the issues of said newspaper in which a full list of said lands may be found*).

(2) And the said notice shall be published for two consecutive issues of *The Saskatchewan Gazette* during the four consecutive weeks mentioned in subsection (1) hereof.

1908, c.18, s.223; R.S.S. 1909, c.86, s.223.

Contents

224 The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid the secretary treasurer will proceed to sell the land for taxes on the day and at the place mentioned in the advertisement.

1908, c.18, s.224; R.S.S. 1909, c.86, s.224.

Particulars

225 Every such notice shall specify the place, day and hour at which the sale shall commence and each lot and parcel of land shall be designated therein by a reasonable description for registration purposes.

1908, c.18, s.225; R.S.S. 1909, c.86, s.225.

Omission

226 All the lots liable for sale shall be included in the same statement and notice; but any neglect or omission to include any lands liable for sale in said list shall not be held to invalidate the sale or prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon.

1908, c.18, s.226; R.S.S. 1909, c.86, s.226.

Time of sale

227 The day of sale shall not be more than forty days after the last publication as hereinafter provided and the sale shall take place at such place in the village as the council shall from time to time by resolution appoint and in the absence of such appointment at such place in the village as the secretary treasurer in his said notice shall name.

1908, c.18, s.227; R.S.S. 1909, c.86, s.227.

Adjournment

228 The secretary treasurer may adjourn the sale from time to time provided always that no such adjournment shall be for a period exceeding fifteen days.

1908, c.18, s.228; R.S.S. 1909, c.86, s.228.

Sale by auction

229 At the place, day and hour appointed for the sale of lands if the taxes thereon including costs and charges have not previously been paid the secretary treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price there being no higher bidder but subject to redemption as hereinafter provided for.

1908, c.18, s.229; R.S.S. 1909, c.86, s.229.

Sale to village

230 If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the secretary treasurer shall there and then sell the same to the village at the upset price.

1908, c.18, s.230; R.S.S. 1909, c.86, s.230.

Surplus purchase price

231 If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall be required to pay at the time of sale only the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of the said land shall have expired without the same having been redeemed within the time limited and if the said balance of purchase money shall not be so paid by the purchaser or his assigns within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale.

1908, c.18, s.231; R.S.S. 1909, c.86, s.231.

Default of purchaser

232 If the purchaser of any parcel of land fails immediately to pay the secretary treasurer on account of the said purchase the amount claimed for arrears of taxes and charges the secretary treasurer shall forthwith again put up the property for sale.

1908, c.18, s.232; R.S.S. 1909, c.86, s.232.

Certificate of sale

233 The secretary treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further stating that a transfer of the same to the purchaser or his assigns shall be executed by the secretary treasurer on his or their demand within one month after the expiration or one year from the date of the certificate if the land be not previously redeemed and upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2 for said transfer.

1908, c.18, s.233; R.S.S. 1909, c.86, s.233.

Spoliation or waste

234 The purchaser shall on receipt of the secretary treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which lands may be redeemed; but he shall not knowingly permit any person to cut any trees or underwood growing upon the land or otherwise injure the same nor shall he do so himself but he may make any other use of the land which will not depreciate its value; the purchaser shall not be liable for any damage done to the land without his knowledge while the certificate of sale is in force.

1908, c.18, s.234; R.S.S. 1909, c.86, s.234.

Return of sales

235 A statement of the lands so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made and signed by the secretary treasurer in duplicate and may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired.

1908, c.18, s.235; R.S.S. 1909, c.86, s.235.

Redemption

236 The owner of any land which may hereafter be sold for taxes or his assigns or any other person on his or their behalf but in his or their name only may at any time within one year from the date of sale exclusive of that date redeem the land sold by paying to the secretary treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per cent. thereon and any further sum which shall have been levied against said land and paid by the purchaser before the date of redemption and the secretary treasurer shall give the party paying such redemption money a receipt stating the sum paid and the objects thereof and such receipt shall be evidence of the redemption.

1908, c.18, s.236; R.S.S. 1909, c.86, s.236.

Dates

237 For the purpose of this Act the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day.

1908, c.18, s.237; R.S.S. 1909, c.86, s.237.

Effect of redemption

238 From time of payment to the secretary treasurer of the full amount of redemption money required by this Act all rights and interests of the purchaser shall cease.

1908, c.18, s.238; R.S.S. 1909, c.86, s.238.

Payment by third party

239 Whenever such redemption is affected by a person not specially authorised by the owner or his assigns the secretary treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same and the name of the person on whose behalf the payment is made; and every redemption receipt shall be made out in duplicate, one copy shall be given to the person paying the redemption money and one shall remain on file in the office of the secretary treasurer.

1908, c.18, s.239; R.S.S. 1909, c.86, s.239.

Notice to tax purchaser

240 The secretary treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same apprising him of the fact of such redemption and of the amount of money paid in for such purpose.

1908, c.18, s.240; R.S.S. 1909, c.86, s.240.

Transfer on nonredemption

241 If the land be not redeemed within the period allowed by this Act then on demand of the purchaser or his assigns at any time after the expiration of the time limited for the redemption and upon payment of the balance of the purchase money as aforesaid and of the further sum of two dollars the secretary treasurer shall prepare and execute and deliver to him or them a transfer of the land sold:

Provided that any land sold to the village under the provisions of this Act as hereinbefore provided shall be transferred to the village by the secretary treasurer immediately upon the expiration of the time allowed for the redemption without charge.

(2) Such transfer shall state the date and cause of sale and the price and shall have the effect upon confirmation of the sale by a judge of vesting the land in the purchaser or his assigns in fee simple or otherwise according to the nature of the estate sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear; such transfer shall be in the form following or to the like effect:

TRANSFER OF LAND ON SALE FOR TAXES

I, _____ of the Village of _____, in the Province of Saskatchewan, secretary treasurer of the Village of _____, by virtue of the authority vested in me by *The Village Act* to sell lands for arrears of taxes do hereby in consideration of the sum of _____ dollars paid to me by _____ of _____ being the price for which the said land was sold at a sale by me on the _____ day of _____ 19____ for arrears of taxes due on said land to the said village, transfer to the said _____ all that piece of land being _____.

In witness whereof I have hereunto set my hand and the corporate seal of the said village this _____ day of _____ 19____.

Signed by the above named
in the presence of _____

AFFIDAVIT OF WITNESS TO BE INDORSED ON TRANSFER

Canada:	}	I, _____
Province of Saskatchewan,		of _____ (<i>residence</i>)
To wit:		in the Province of Saskatchewan (<i>occupation</i>) make oath and say:

1. That I was personally present and did see _____ named in the within instrument who is personally known to me to be the person named therein, he being the secretary treasurer of the village of _____ in the Province of Saskatchewan duly sign and execute the within instrument for the purpose named therein;

2. That the said instrument was executed in the Village of _____ in the Province of Saskatchewan and that I am the subscribing witness thereto;

3. That I personally know the said _____ and he is in my belief of the full age of twenty-one years.

Sworn before me at _____
in the Province of Saskatchewan,
this _____ day of _____ 19____.

Effect of transfer

242 Such transfer shall not only vest in the purchaser or his assigns, as the case maybe, all rights of property which the original holder had therein but shall also purge and disencumber such lands from all payments, charges, liens, mortgages and incumbrances of whatever nature and kind other than existing liens of the village or of the Crown; and whenever lands are sold for arrears of taxes and the secretary treasurer shall have given a transfer thereof such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except as against the Crown; and every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land herein described and that all the steps and formalities necessary for a valid sale had been taken and observed as provided by this Act in that behalf; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other:

- (a) Fraud or collusion;
- (b) That all taxes have been paid;
- (c) That the land was not liable to assessment.

1908, c.18, s.242; R.S.S. 1909, c.86, s.242.

Lands in which Crown is interested/Invalid sale

243 When the title to any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognise or admit that any person possesses under any colour of right whatever; and the village in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the secretary treasurer and legal interest thereon as for damages or otherwise and such costs as the court may award; but the, tax purchaser or his assigns shall have a lien on the lands for any rates or taxes paid by him or his assigns since the sale with interest at the rate aforesaid from the date when the same were so paid.

1908, c.18, s.243; R.S.S. 1909, c.86, s.243.

Tax sale fund

244 The secretary treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in the account the amount received over the taxes and charges from the purchaser of any lots sold by him against said lot with date of sale and of receipt of balance and the aggregate amount so received shall form a fund to be called the tax sale fund; and the secretary treasurer shall in the month of January in each year and on request at any other time furnish a statement to the council giving the particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the secretary treasurer for six years from the day of sale of the land of the purchase money of which it forms a part without any notice of claim or order for payment having been served on him as hereinafter provided said portion or sum so remaining unclaimed shall be forfeited and thereafter be the absolute property of the village and the said village shall forever be discharged from any claim on account thereof.

1908, c.18, s.244; R.S.S. 1909, c.86, s.244.

Claims against fund

245 Any person claiming to have been the owner or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realised more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned:

Provided that written notice is served upon the secretary treasurer previous to the time limited for forfeiture and upon producing and leaving with the secretary treasurer within six months from the date of service of such notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the legal representative of the said owner or otherwise interested in the said land and requiring the village to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of said tax sale fund shall be kept by the secretary treasurer and shall be the warrant and authority for making such payment.

1908, c.18, s.245; R.S.S. 1909, c.86, s.245.

Judge's order

246 In seeking to obtain a judge's order any claimant upon said fund shall in person or by solicitor petition the judge in writing for that purpose describing the land sold and setting forth the particulars of the said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge; and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim; and the judge may in his discretion require the claimant to serve a notice of his application upon the village or publish the same in any manner he may deem proper or to substantiate his claim in any other manner and the judge may in his discretion order said money to be paid into the court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the secretary treasurer.

1908, c.18, s.246; R.S.S. 1909, c.86, s.246.

Fees

247 The same fees shall be paid upon an application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or proceeding.

1908: c.181 s.247; R.S.S. 1909, c.86, s.247.

Costs

248 In any case where the judge deems it advisable to order notice to be served upon the village he shall in the final decision of the question if the claimant is successful order the costs of the village to be paid out of the fund in question and in case the claimant fails shall order execution to issue against him from the said court for the costs of the village after taxation thereof or as allowed by the judge.

1908, c.18, s.248; R.S.S. 1909, c.86, s.248.

Effect of making claim

249 The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be deemed an admission of the validity of the sale of the land in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid.

1908, c.18, s.249; R.S.S. 1909, c.86, s.249.

250 In case of any action or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of the said sale being the time within which only any such action can be brought or proceeding taken for that purpose the plaintiff shall within ten days after commencing his action or proceeding cause the secretary treasurer to be notified in writing of the fact of his action or proceeding having been commenced and the secretary treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of any judge or court before whom the said action or proceeding shall or may be tried; and in case the plaintiff succeeds the judge or court shall order said surplus to be repaid to the defendant, the tax sale purchaser or his proper representatives; and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the judge or court that he was at the time of sale the lawful owner of such land and the person entitled to the said surplus money according to the true intent and meaning of this Act then in such case the court or judge shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by the said plaintiff of such costs of the defendant as he may have been ordered to pay.

(2) The provisions of this and the next preceding section are hereby declared applicable only to lands for which certificate of title has not been granted.

1908, c.18, s.250; R.S.S. 1909, c.86, s.250.

Liability of village

251 In no case shall the village be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom except in case of a sale held void by a competent court in which case the costs shall be in the discretion of the said court.

1908, c.18: s.251; R.S.S. 1909, c.86, s.251.

ACTIONS BY AND AGAINST VILLAGE**Rights as in proceedings**

252 Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created; enacted or validated by any statutes imposing such duties, obligations or liabilities the village shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the attorney general had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

1908, c.18, s.252; R.S.S. 1909, c.86, s.252.

Notice of action in certain cases

253 In case a bylaw or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the village; and every such action shall be brought against the village alone and not against any person acting under the bylaw or resolution.

1908, c.18; s.253; R.S.S. 1909, c.86, s.253.

Tender of amends

254 In case the village tenders amends to the plaintiff or his solicitor if such tender is pleaded and if traversed 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.

1908, c.18, s.254; R.S.S. 1909, c.86, s.254.

EXECUTIONS AGAINST VILLAGES

Procedure on writs of execution in sheriff's hands

255 Any writ of execution against a village may be indorsed with the direction to the sheriff of the judicial district in which the village is to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Copy of writ to be delivered secretary treasurer/Demands for payment

1. The sheriff shall deliver a copy of the writ and indorsement to the secretary treasurer of the village with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Execution rate

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the village and shall in like manner as rates are struck for general village purposes strike a rate sufficient in the dollar to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

Sheriff's precept to secretary treasurer

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the secretary treasurer of the village and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Levy of special rate

4. At the time for levying the annual rates next after the receipt of such precept the secretary treasurer shall add a column to the tax roll headed: "Execution rate in *A. B.* versus the Village 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 or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts 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 secretary treasurer for the general purposes of the village;

Secretary treasurer's percentage

6. In case the secretary treasurer of any village against which an execution has issued is not paid by percentage fixed by bylaw he shall be paid for such collections a sum not exceeding two and one-half per centum.

1908, c.18, s.255; R.S.S. 1909, c.86, s.255.

Secretary treasurer and assessor officers of court

256 The secretary treasurer and the assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them.

1908, c.18, s.256; R.S.S. 1909, c.86, s.256.

PART VIII

Erection of Villages into Towns

Erection of villages into towns

257 In case it appears by the census taken under a village bylaw that the village contains over five hundred persons actually residing therein it, may be erected into a town as hereinafter provided.

1908, c.18, s.257; R.S.S. 1909, c.86, s.257.

Requisites

258 No village shall be erected into a town unless and until a resolution of the council has been approved by two-thirds of the electors voting thereon in the manner provided for the assent of electors to money bylaws. The said resolution may be in the following form:

Resolved that the council do apply to the Lieutenant Governor in Council for the incorporation of the village of _____ into a town.

1908, c.18, s.258; R.S.S. 1909, c.86, s.258.

Publishing notice

259 The secretary treasurer of the village shall upon the approval of such resolution by the electors as aforesaid post up a notice in form A in the schedule to this Act in three public places in the village and insert the same in one issue of *The Saskatchewan Gazette* and in two consecutive weekly issues of a newspaper published in the village or if there be no such newspaper then in the newspaper published nearest thereto setting forth in the notice the intention of the council to apply on behalf of the village to the Lieutenant Governor in Council for the erection of the village into a town.

1908, c.18, s.259; R.S.S. 1909, c.86, s.259.

Erection into town

260 At any time not less than one month nor more than two months after the last publication of the said notice the council may apply to the Lieutenant Governor in Council for the erection of the village into a town and shall with the application furnish such proof as the minister may require of the census, of the votes of the electors and of the publication and posting of the notices aforesaid which proof may be in accordance with forms B and C in the schedule to this Act and thereupon the Lieutenant Governor in Council may by proclamation erect the village into a town and every such proclamation shall take effect only from and after the first day of November of the year in which it is issued.

1908, c.18, s.260; R.S.S. 1909, c.86, s.260.

The Town Act applicable

261 From and after the erection of any village into a town as hereinbefore provided all of the provision of *The Town Act* shall except as herein otherwise provided for apply thereto.

1908, c.18, s.261; R.S.S. 1909, c.86, s.261.

Village council continued until election of to win council

262 The council of the village shall until the election of a council for the town under the provisions of *The Town 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.

1908, c.18, s.262; R.S.S. 1909, c.86, s.262.

Property to be delivered to secretary treasurer

263 All books, accounts, records, lists, vouchers, moneys and all other properties of the village shall forthwith on demand of the secretary treasurer be delivered by the person last holding item to the said secretary treasurer who shall for the purpose of receiving the said books, accounts, records, vouchers, moneys and other property be deemed to be the successor in office of the secretary treasurer of the village.

1908, c.18, s.263; R.S.S. 1909, c.86, s.263.

Bylaws and regulations to continue in force until varied

264 All bylaws of the village and all regulations made thereunder having force and effect in the village at the date of its erection into a town shall continue in full force in the town as bylaws of the said town until amended or repealed by bylaws passed by the council.

1908, c.18, s.264; R.S.S. 1909, c.86, s.264.

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Village taxes to be paid to town

265 All taxes due to the village shall on its erection into a town be deemed to be arrears of taxes due to such town.

1908, c.18: s.265; R.S.S. 1909, c.86, s.265.

Suits and right of liabilities action and continued

266 All suits and rights of action by or against the village shall after its erection into a town be continued or maintained by or against the town and all debts and liabilities of the village shall be assumed and paid by the town.

1908, c.18, s.266; R.S.S. 1909, c.86, s.266.

Title to property of village to be in the town

267 The title to and all rights in respect of any real estate other property of the village shall be vested in the town upon the erection of the village into a town.

1908, c.18, s.267; R.S.S. 1909, c.86, s.267.

SCHEDULE

FORM A

(Section 259)

Notice is hereby given that it is the intention of the council of the village of _____ to apply to the Lieutenant Governor in Council for the erection of the said village into a town and that the limits intended to be included therein are as follows:

Dated at _____ in the Province of Saskatchewan,
this _____ day of _____ 19____.

(Signature)
Overseer of the Village of _____

FORM B

(Section 260)

Canada:
Province of Saskatchewan,
To wit:

I, _____ of the village of _____ in the Province of Saskatchewan, (occupation), do solemnly declare:

1. That I am the overseer of the village of _____ before mentioned.

2. That on the _____ day of _____ 19____ a meeting of the council was held at _____ aforesaid for the purpose, amongst others, of passing a resolution to take the census of the village with a view of incorporating the said village into a town.
3. That at the said council meeting resolutions were passed ordering a census to be taken appointing a commissioner to take the same and fixing his remuneration.
4. That the census taken showed a population in the said village of _____ persons.
5. That on the _____ day of _____ 19____ a vote of the electors of the said village was taken to decide on the advisability of incorporating the village into a town and of indorsing a resolution of the council authorising the erection of the said village into a town; that the said resolution was then duly submitted to the electors of the village and approved of by at least two-thirds of the electors voting thereon in accordance with the provisions of *The Village Act* for voting on money bylaws.
6. That on the approval of the resolution as set forth in the last paragraph there was posted up in three public places in the said village a copy of notice hereto annexed marked Exhibit A and the said notice was also inserted in one issue of *The Saskatchewan Gazette* and in two consecutive issues of the _____ newspaper, to wit, in the issues of the following dates, namely:
7. The said newspaper is published in the said village of _____ (or is the newspaper published nearest to the said village).
8. That hereto annexed, marked Exhibits B, C and D are the respective issues of *The Saskatchewan Gazette* and the _____ newspaper referred to.

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

Declared before me at _____
 in the Province of Saskatchewan
 this _____ day of _____ 19____.

.....
A N.P., J.P. or Commissioner of Oaths.

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FORM C

(Section 260)

Canada:
 Province of Saskatchewan,
 To, Wit:

I, _____ of the village
 of _____ in the Province of Saskatchewan (occupation), do solemnly
 declare:

1. That under a resolution of the council of the village of _____ aforesaid
 which was passed at a _____ meeting held on the _____ day
 of _____ 19____, I was appointed to take the census of the said village
 with a view to having it incorporated into a town.

2. That I took such census and the census taken by me disclosed the fact that the
 village contained _____ persons actually residing therein.

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

Declared before me at _____ }
 in the Province of Saskatchewan }
 this _____ day of _____ 19____. }

.....
A N.P., J.P. or Commissioner of Oaths.

FOR HISTORICAL REFERENCE ONLY