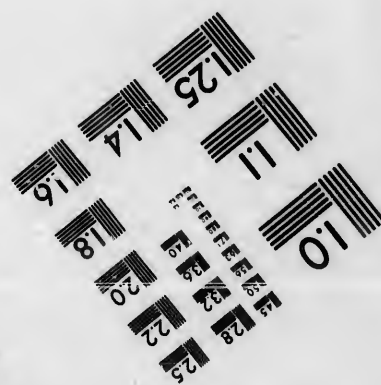
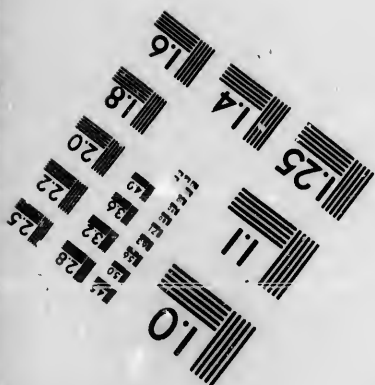
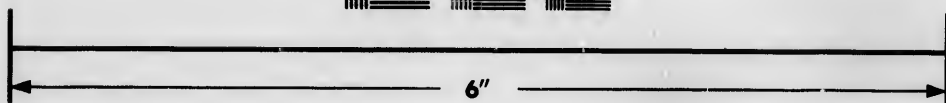
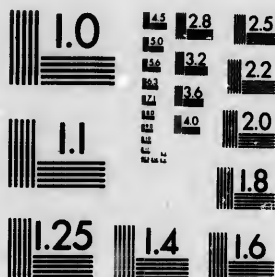


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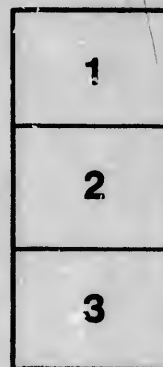
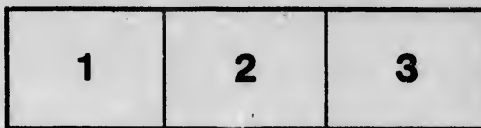
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Justice

The Manitoba Municipal Act, 83

1884,

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AND

AN ACT TO AMEND "THE JUDICIAL DISTRICTS ACT, 1883,"

BEING

47 VIC., CAP. 11 AND CAP. 12,

ASSENTED TO 29th APRIL, 1884.



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CAP. 11.

An Act to amend and revise the Acts relating to Municipalities.

[Assented to 29th April, 1884.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

COUNTIES.

1. The Province of Manitoba shall remain as at present divided into counties as follows :

- (1.) The County of Lisgar shall comprise townships 13 to 18, both inclusive, ranges 1 to 8 east, both inclusive, whole or fractional, except fractional township 18, range 4 east, and the parishes of St. Andrew's, St. Clement's, and St. Peter's, together with the Indian Reserves of St. Peter's and of the Brokenhead River, and townships 19 and 20, ranges 7 and 8, east, fractional, on the east side of Lake Winnipeg, and the Towns of Selkirk and East Selkirk.
- (2.) The County of Gimli shall comprise fractional township 18 range 4 east and all the territory on the west side of Lake Winnipeg, north of township 18, and east of the first principal meridian.
- (3.) The County of Plessis shall comprise all the remaining portions of the Province north of the fourth base line and east of Lake Winnipeg, not included in any other county ; and the Indian Reserves within these boundaries.
- (4.) The County of Varennes shall comprise all the territory within the Province, between the International boundary and the County of Plessis, or the fourth base line, east of the Counties of Manchester, Carillon, Lorette and Selkirk, including the Town of Rat Portage.
- (5.) The County of Manchester shall comprise the territory described as follows :—Townships 1, 2 and 3, ranges 1 and 2, west ; and townships 1, 2 and 3 from and including range 1, east, to the Lake of the Woods, within the Province, with the settlement belt in the parish of Ste. Agathe, between the international boundary and lot No. 297 on the west side of the Red River, and lot No. 240 on the east side of the Red River, and inclusive of said lots, including the City of Emerson,

- Carillon.** (6.) The County of Carillon shall comprise townships 4, 5 and 6, from and including range 3, east, to Lake of the Woods, within the Province.
- Morris.** (7.) The County of Morris shall comprise townships 4, 5 and 6, ranges 1 and 2, west; and ranges 1 and 2 east, whole or fractional, with that portion of the settlement belt in the parish of Ste. Agathe, including lots Nos. 299 to 527 on the west side, and lots Nos. 242 to 530 on the east side of the Red River, inclusive, including the Town of Morris.
- Lorette.** (8.) The County of Lorette shall comprise townships 7, 8 and 9, ranges 4 to 13, east, both inclusive, and the parishes of Ste. Anne and Lorette.
- D'Iberville.** (9.) The County of D'Iberville shall comprise townships 7, 8 and 9, ranges 1, 2 and 3, east, whole or fractional, and the parishes of St. Vital, St. Norbert and that part of the parish of Ste. Agathe north of and including lot No. 529 on the west side of the Red River, and lot No. 532 on the east side of the said river in said parish.
- Selkirk.** (10.) The County of Selkirk shall comprise townships 10, 11 and 12, ranges 1 to 10, east, both inclusive, whole or fractional, including the parishes of Headingly, St. Charles, St. James, St. Boniface, St. John, Kildonan, and St. Paul, the Town of St. Boniface and the City of Winnipeg.
- Marquette.** (11.) The County of Marquette shall comprise townships 7 to 20, both inclusive, ranges 1 to 4, west, both inclusive, whole or fractional, and the parishes of Baie St. Paul and St. Francois Xavier, together with the settlements of St. Laurent and Oak Point, and the fractional townships 17, 18, 19 and 20, whole or fractional, ranges 5, 6 and 7, west.
- Fairford.** (12.) The County of Fairford shall comprise all the territory within the Province north of township 20 and the first principal meridian on the east, and Lake Winnipegosis and Manitoba on the west.
- Dufferin.** (13.) The County of Dufferin shall comprise townships 1 to 6, both inclusive, ranges 3 to 8, west, both inclusive, including the Town of Nelson.
- Portage la Prairie.** (14.) The County of Portage la Prairie shall comprise townships 7 to 15, both inclusive, ranges 5 to 8 west, both inclusive, whole or fractional, together with the parishes of Poplar Point, High Bluff, Portage la Prairie and the Indian Reserve within said boundaries, including also the Town of Portage la Prairie.

(15.) The County of Norfolk shall comprise townships 7 to Norfolk. 12, both inclusive, ranges 9 to 16, west, both inclusive.

(16.) The County of Rock Lake shall comprise townships 1 Rock Lake. to 6, both inclusive, ranges 9 to 16, west, both inclusive.

(17.) The County of Westbourne shall comprise all the Westbourne. townships or parts of townships north of the fourth base line and between the line between ranges 8 and 9, west, and Lakes Manitoba and Winnipegosis on the east, and the line between ranges 12 and 13, west, on the west.

(18.) The County of Beautiful Plains shall comprise all the Beautiful Plains. territory between the fourth base line on the south, and Lake Winnipegosis and the 8th correction line on the north, ranges 13 to 16 west, both inclusive.

(19.) The County of Riding Mountain shall comprise town- Riding Moun- ships 19 to 44, both inclusive, ranges 17 to 22, west, both in- tain. clusive.

(20.) The County of Minnedosa shall comprise townships 13 Minnedosa. to 18, both inclusive, ranges 17 to 22, west, both inclusive.

(21.) The County of Brandon shall comprise townships 7 to Brandon. 12, both inclusive, ranges 17 to 22, west, both inclusive, and the City of Brandon.

(22.) The County of Turtle Mountain shall comprise town- Turtle Moun- ships 1 to 6, both inclusive, ranges 17 to 23, west, both in- tain. clusive.

(23.) The County of Souris River shall comprise townships Souris River. 1 to 6, both inclusive, from and including range 24, west, to the western boundary of the Province.

(24.) The County of Dennis shall comprise townships 7 to Dennis. 12, both inclusive, from and including range 23, west, to the western boundary of the Province.

(25.) The County of Shoal Lake shall comprise townships Shoal Lake. 13 to 18, both inclusive, from and including range 23, west, to the western boundary of the Province, with all the Indian Reserves included within these boundaries.

(26.) The County of Russell shall comprise townships 19 to Russell. 44, both inclusive, from and including range 23, west, to the western boundary of the Province, and the Indian Reserve included within these boundaries.

2. For the purposes of this Act the counties hereinbefore Counties to be described shall each be a distinct county, or shall in the mean- grouped, etc.

time be arranged or grouped for municipal purposes and for convenience, (until separated again as hereinafter provided) for the purposes of registration and the holding of the County Courts, or other purposes, as follows :—

- Lisgar, Plessis and Gimli.** (a.) The Counties of Lisgar (No. 1), Plessis (No. 3), and Gimli (No. 2), shall be united for the purposes herein mentioned, and shall be known as the "United Counties of Lisgar, Plessis and Gimli."
- Varenes.** (b.) The County of Varenes (No. 4), consisting of the County of Varenes as herein described.
- Manchester.** (c.) The County of Manchester, (No. 5.)
- Carillon.** (d.) The County of Carillon, (No. 6.)
- Morris.** (e.) The County of Morris, (No. 7.)
- Lorette.** (f.) The County of Lorette, (No. 8.)
- D'Iberville.** (g.) The County of D'Iberville, (No. 9.)
- Selkirk.** (h.) The County of Selkirk, (No. 10.)
- Marquette and Fairford.** (i.) The County of Marquette, (No. 11), and the County of Fairford, (No. 12), shall be united for the purposes herein mentioned, and shall be known as the "United Counties of Marquette and Fairford."
- Dufferin.** (k.) The County of Dufferin, (No. 13.)
- Portage la Prairie.** (l.) The County of Portage la Prairie. (No. 14.)
- Norfolk.** (m.) The County of Norfolk, (No. 15.)
- Rock Lake.** (n.) The County of Rock Lake, (No. 16.)
- Westbourne.** (o.) The County of Westbourne, (No. 17.)
- Beautiful Plains.** (p.) The County of Beautiful Plains, (No. 18.)
- Minnedosa and Riding Mountain.** (q.) The Counties of Riding Mountain (No. 19), and Minnedosa (No. 20) shall be united for the purposes hereinafter mentioned, and shall be known as the "United Counties of Minnedosa and Riding Mountain."
- Brandon.** (r.) The County of Brandon, (No. 21.)

- (s) The County of Turtle Mountain, (No. 22.) Turtle Mountain.
- (t) The County of Souris River, (No. 23.) Souris River.
- (u) The County of Dennis, (No. 24.) Dennis.
- (v) The Counties of Shoal Lake (No. 25), and Russell (No. 26), shall be united for the purposes herein specified, and shall be known as the "United Counties of Shoal Lake and Russell." Shoal Lake and Russell.

3. The county first named of any counties united under this Act shall be considered the senior; the one secondly named the junior, and the third, where there are three, the second junior of such united counties. Senior and Junior Counties.

4. For each county or union of counties as created by this Act, there shall be established by the Lieutenant-Governor-in-Council, or continued (*as the case may be*), one Registry Office and one County Court at such places in such county as the Lieutenant-Governor-in-Council shall deem most satisfactory for the public convenience; provided that the Lieutenant-Governor-in-Council, if he shall deem it expedient, may establish a registry office exclusively, or continue one already established in and for any incorporated town or city, provided however that in the united counties of Lisgar, Plessis and Gimli, the Lieutenant-Governor-in-Council may cause to be continued two registry offices therefor, and may alter and change the limits as at present existing in such manner as he may deem expedient. Registry office and County Court. Proviso as to incorporated towns, &c.

5. During the union of counties laws applicable to counties (except as to representation in Parliament or the Legislative Assembly) shall apply as if the same formed but one county. Laws applicable to union.

6. So soon as any junior county, where there is but one, or junior counties together, where there are two, shall contain at least five hundred resident ratepayers according to the last revised assessment rolls of the municipalities therein, and on a petition signed by at least two hundred resident ratepayers of said junior county or counties affirming the expediency of said united counties being separated for registration purposes, or for registration and other purposes, accompanied by such proof of the due signing of such petition and of the facts stated therein, as may be required by the Lieutenant-Governor-in-Council, the said Lieutenant-Governor-in-Council may by proclamation declare that on and after a day or days named therein the said union shall be dissolved and the said junior county or counties to be a separate county for registration and such other purposes as shall be stated; and the said Lieuten- Separation of united counties.

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ant-Governor-in-Council shall thereupon appoint the proper officers within his authority under this or any other Act of the Legislature, and do or cause to be done whatever may otherwise be necessary, and for which no other special provision is made, for the purpose of properly establishing the new county, formed as aforesaid by such junior county or counties.

Appointment of officers, &c.

Designation of new counties.

7. Where there are two junior counties in a union of counties, which contain together the required number of resident ratepayers as aforesaid, and they become separated from the senior county; the new county formed out of said junior counties shall be thereafter known as the united counties of _____ (*putting the names in the sequence in which they had theretofore stood*), and such last mentioned counties shall then become a senior and a junior county as in other cases where only two counties are united, and the said new union of said junior counties and the said theretofore senior county shall upon and after the time when such dissolution shall take effect by law, become separate and distinct counties so far as the purposes for which the separation is made shall have been declared.

Union of existing counties now formed.

8. Where two or more counties desire to form a union of counties the Lieutenant-Governor-in-Council, upon petition of at least fifty residents, of at least three months, of each of such counties, may, if he shall consider that such union would be to the advantage of such counties and that it is desired by a majority of the residents therein, order and proclaim that they shall be so united for registration and such other purposes as may be considered expedient, and from a time named in such proclamation, and the said Lieutenant-Governor-in-Council may require that notice of such petition shall have been given in the *Official Gazette* and in each of the said counties by advertisement in a newspaper or newspapers or by posted notices, or both, as the circumstances of the case may seem to render advisable, for at least one month before considering such petition, in order that any person or persons opposed to such proposed union may be heard by counter petition, and if said Lieutenant-Governor-in-Council shall deem such union advisable, he shall make such orders with reference to the terms thereof, as shall be required and in accordance with the general provisions of this Act; and the said Lieutenant-Governor-in-Council may also by like order and proclamation, add to any existing county or union of counties any at present unorganized territory adjoining such existing county or union on such terms as shall appear to be just and proper, having also in view the provisions above mentioned in respect to the unions and the general spirit, intent and meaning of this Act.

Petition for and against.

Unorganized territory may be added.

Dissolution of union.

9. The union between any two counties now or hereafter to become united under this Act may be dissolved in the same

manner and under the same conditions as above stated in the case of a senior and two junior united counties; but in cases where there are more than two counties united should one of the junior counties be allowed to separate from the others unless the two remaining counties adjoin each other; and provided, that in all cases of a proposed separation the senior county (or counties where the union has been composed of more than two) shall be also shown to contain at least five hundred resident ratepayers.

10. The dissolution of any union as aforesaid, shall take effect at any time named in the said proclamation of the Lieutenant-Governor-in-Council, and the said Lieutenant-Governor may by Order-in-Council establish a new judicial division and constitute a County Court in any such newly separated county (to be called by the name of the county in which the said court is located), and make such other provisions in reference thereto as he is authorized to do by the Act respecting County Courts; and may also establish, as authorized by law, a registry office or division in and for such new county, to be called the registry office of the united counties of _____, naming them in order, or of the county of _____, naming the former junior county (as the case may be,) and may by such Order-in-Council determine how and from which municipal source the cost and expense arising from and connected with any such newly established court or registration division shall be paid where and to such extent as the same is not already by law otherwise provided for: and in accordance with the general intent and meaning of, and until such new division shall come within the provisions otherwise, of this Act.

When dissolution may take effect.

New judicial division and county court.

Registry office

Cost and expense, how regulated.

11. The present registrars, county court clerks and other officers, appointed by or through the Lieutenant-Governor-in-Council and holding office at the time of the passing of this Act, shall still continue to be such officer until by operation of this Act the County Court or registration division for which any such officer has been appointed shall become changed and such change shall have come into force and effect or until such officer shall thereafter be removed or his appointment cancelled by the Lieutenant-Governor-in-Council.

Present registrars and clerks to be continued, &c.

12. Until the junior county or counties of a union of counties, as provided in this Act, shall contain the number of resident ratepayers mentioned in clause six, and become a separate and distinct county as aforesaid, and until the separation actually takes place, the registrars of the union of counties as established by this Act shall, as required, be provided with a set of books for each county of such union of counties comprised in such respective county, and shall therein record all instruments affecting land in such county of such union of counties; and

Registry books to be provided for each county of a union, and handed over upon a separation.

in the event of any county or counties of a union of counties becoming a separate and distinct county, as aforesaid, the registrar of the union of counties wherein such county was comprised, shall hand over to the new registrar appointed for the said county the books and records belonging to such county.

Registrars
duty as to en-
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distinct books.

13. On and after the coming into force of this Act, no registrar shall enter any documents in any of the new set of books, before having first obtained from the registrar or registrars of the county or united counties established by this Act, certified copies of all instruments (or the original instruments if such are in his or their possession) registered in the registry office of such county for which he is registrar, under the provisions of this Act; so that every registrar in this Province, by referring to his own registry books, and to the certified copies of instruments (or to the original instruments) obtained from the registrar or registrars of either county or union of counties, as aforesaid, may be able to inscribe in his new set of books for any of the counties of the union of counties for which he may be registrar, all the registered instruments affecting the lands of any such county of the union of counties; and in making the inscription of those instruments it will be the duty of every registrar to have them entered according to their respective dates of registration, and thereafter to continue to inscribe according to law in such new set of books for each county of a union of counties respectively, all instruments duly prepared for registration and to number all such instruments separately for each county of any union of counties, and mention in the certificate of registration all instruments which shall be registered after the passing of this Act, that the same have been duly entered and registered in the registry office for the county of _____ in book _____ of the county of _____ in the union of counties of _____ (if there be a union) as provided by law.

County of
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14. It shall not be necessary for the registrar to procure a new book for the county of the union of counties in which the county business was principally transacted, but to continue as heretofore to inscribe in his present registry books all other instruments affecting lands in such county or such union of counties, until such books have been filled up, or until such registrar shall be instructed otherwise by the inspector.

Sec. 2, cap. 60,
C. S. M., re-
pealed.

15. Section 2, cap. 60, Consolidated Statutes of Manitoba, known as the "Lands Registration Act of Manitoba," shall remain repealed and amended as provided by section 17 of the Municipalities Act, 1883.

Jurisdiction
where bound-
aries broken
by lakes, &c.

16. Where a body of water lies wholly or partly within the Province of Manitoba, but not within the boundaries as given

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in this Act of any county or union of counties, or where the shores of such body of water are herein made the boundaries of any counties, then jurisdiction shall be exercised in civil and criminal cases by the county nearest to where the cause of action arose or the offence was committed (*as the case may be*) if within the Province of Manitoba. And that no difficulty may arise on the question of where the cause of action arose or where the offence was committed, the counties contiguous to the said body of water shall have concurrent jurisdiction. But if from any cause whatever, a question should arise as to jurisdiction, the same shall be finally determined by the a Judge of the Court of Queen's Bench of the Province of Manitoba, to whom it shall be referred.

(a) The islands in any body of water shall belong to the ^{Islands.} municipality most contiguous thereto, and in case of any doubt arising as to the proper municipality, the Lieutenant-Governor-in-Council shall have power to decide as to the municipality to which any such island shall belong, or be attached, for municipal purposes.

(b) Where the word "parish" or "parishes" occurs in this ^{what 'parish' includes.} Act, it shall be understood to mean a parish or parishes as surveyed under authority of the government of Canada, and to include the outer two miles attached to the river lots, if so laid down on the maps at the Dominion Land Office.

MUNICIPALITIES.

17. The counties, as set forth in the foregoing portion of ^{Division of counties.} this Act, shall remain as at present divided into municipalities, that is to say:—

MUNICIPALITIES OF THE UNITED COUNTIES OF LISGAR, PLESSIS AND GIMLI.

18 The united counties of Lisgar, Plessis and Gimli shall remain divided for municipal purposes as follows:— ^{Lisgar, Plessis, and Gimli.}

(No. 1.) To be known as the Municipality of St. Andrews, ^{St. Andrew's.} shall comprise all that portion of the County of Lisgar from the Red River up to and including the east half of range 3, east; townships 13 to 18, except fractional township 18, range 4, east, both inclusive, whole or fractional, with those portions of the parishes of St. Peters, St. Andrews and St. Clements, and the Indian Reserves lying west of the Red River, except the Town of Selkirk.

(No. 2.) To be known as the Municipality of St. Clements, ^{St. Clement's.} shall comprise all the portions of the County of Lisgar, from the Red River to the line between ranges 8 and 9, east, on the

east, in townships 13 to 18, both inclusive, whole or fractional, with those portions of the parishes of St. Peters, St. Andrews and St. Clements, and the Indian Reserve lying east of the Red River, and townships 19 and 20, ranges 7 and 8, east, fractional, east of Lake Winnipeg, except the Town of East Selkirk.

- Selkirk. (No. 3.) The Town of Selkirk as Incorporated.
 (No. 4.) The Town of East Selkirk as incorporated.
- Plessis. (No. 5.) To be known as the Municipality of Plessis, shall comprise the County of Plessis as described herein.
- Rockwood. (No. 6.) To be known as the Municipality of Rockwood, shall comprise townships 13 to 18, both inclusive, ranges 1 and 2, east, and the west halves of the same townships in range 3, east.
- Gimli. (No. 7.) To be known as the Municipality of Gimli, shall comprise fractional township 18, range 4, east, and all the territory on the west side of Lake Winnipeg, north of township 18 and east of the principal meridian.

MUNICIPALITIES OF THE COUNTY OF VARENNES.

- Varenes. **19.** The County of Varenes shall remain divided into municipalities as follows:—
- Varenes. (No. 1.) The Municipality of Varenes shall be identical with the County of Varenes, except the Town of Rat Portage as incorporated.
- Rat Portage. (No. 2.) The Town of Rat Portage as incorporated.

MUNICIPALITIES OF THE COUNTY OF MANCHESTER.

- Manchester. **20.** The County of Manchester shall remain divided into Municipalities as follows:—
- Franklin. (No. 1.) To be known as the Municipality of Franklin, shall comprise townships 1, 2 and 3, ranges 3 to 13, east, both inclusive, whole or fractional, with that part of the Parish of Ste. Agathe, east of the Red River, as far north as and including lot No. 240 Dominion Land Survey; and that part of range 2 south of the north line of township 3, east of the Red River, except the City of Emerson as incorporated.
- Montcalm. (No. 2.) To be known as the Municipality of Montcalm, shall comprise townships 1, 2 and 3, whole or fractional, in range 1, east; and townships 1 and 2, fractional, in range 2, east, lying west of the Red River; and that portion of the

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Settlement Belt of the Parish of Ste. Agathe lying west of the Red River from the international Boundary line to lot 297 inclusive, except the City of Emerson as incorporated.

(No. 3.) To be known as the Municipality of Douglas, shall comprise townships 1, 2 and 3, ranges 1 and 2, west.

(No. 4.) The City of Emerson as incorporated. Emerson.

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MUNICIPALITIES OF THE COUNTY OF CARILLON.

21. The County of Carillon shall remain divided into municipalities as follows:—

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(No. 1.) To be known as the Municipality of La Broquerie, shall comprise townships 4, 5, and 6, range 7, included, to the eastern limit of the county.

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(No. 2.) To be known as the Municipality of Hanover, shall comprise townships 4, 5, and 6 in range 6, east, and townships 5 and 6 in range 5, east.

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(No. 3.) To be known as the Municipality of De Salaberry, shall comprise township 4 in range 5, east; and townships 4, 5 and 6, whole or fractional, in ranges 3 and 4, east.

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MUNICIPALITIES OF THE COUNTY OF MORRIS.

22. The County of Morris shall remain divided into municipalities as follows:—

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(No. 1.) To be known as the Municipality of Morris, shall comprise that portion of the County of Morris lying west of the Red River, except the Town of Morris.

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(No. 2.) To be known as the Municipality of Youville, shall comprise that portion of the County of Morris lying east of the Red River.

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(No. 3.) The Town of Morris as incorporated. Town of Morris.

MUNICIPALITIES OF THE COUNTY OF LORETTE.

23. The County of Lorette shall remain divided into municipalities as follows:—

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(No. 1.) To be known as the Municipality of Tache, shall comprise the Parish of Lorette and townships 8 and 9, ranges 4 and 5, east, whole or fractional.

- St. Anne.** (No. 2.) To be known as the Municipality of St. Anne, shall comprise the Parish of St. Anne with townships 8 and 9 in ranges 6 to 13, both inclusive, but not including any portion of the Parish of Lorette and township 7, ranges 7 to 13, east both inclusive; and the south east quarter of township 7, range 6 east.
- Hespeler.** (No. 3.) To be known as the Municipality of Hespeler, shall comprise township 7 in ranges 4, 5 and 6, east, except the south east quarter of township 7 in range 6, east.

MUNICIPALITIES OF THE COUNTY OF D'IBERVILLE.

- D'Iberville** **24.** The County of D'Iberville shall remain divided into municipalities as follows:—
- Macdonald.** (No. 1.) To be known as the Municipality of Macdonald, shall comprise townships 7, 8 and 9, range 1, east; and townships 7, 8 and 9, range 2, east, whole or fractional; and such fractional portions of townships 7, 8 and 9, as are in range 3, east, on the west side of the Red River; and the said municipality shall be divided into 6 wards: Ward No. 1 shall be comprised of township 9, range 1, east; Ward 2, of township 8, range 1, east; Ward No. 3, of fractional township 7, range 1, east; Ward No. 4, of township 9, range 2, east; Ward No. 5, of township 8, range 2, east; Ward No. 6 of township 7, range 2, east.
- Wards.**
- Cartier.** (No. 2.) To be known as the Municipality of Cartier, shall comprise the Red River Belt, including the outer two miles on the west side of the Red River, north of and including lot number 529 of the Parish of Ste. Agathe to the northern limit of the Parish of St. Vital on the west side of the Red River within the county.
- St. Norbert.** (No. 3.) To be known as the Municipality of St. Norbert, shall comprise such fractional portions of townships 7, 8 and 9 as are in range 3, east, fractional lying on the east side of the Red River, with that portion of the settlement belt, north of and including lot No. 532 of the Parish of Ste. Agathe to the northern limit of the Parish of St. Vital, within the county on the east side of the Red River.

MUNICIPALITIES OF THE COUNTY OF SELKIRK.

- Selkirk.** **25.** The County of Selkirk shall remain divided into municipalities as follows:—
- Springfield.** (No. 1.) To be known as the Municipality of Springfield, shall comprise townships 11 and 12, whole or fractional, range

2, east, fractional; and townships 10, 11 and 12, ranges 5 to 10, both inclusive; east of the first principal meridian.

(No. 2.) To be known as the Municipality of St. Boniface, St. Boniface. shall comprise that portion of the Parish of St. Boniface lying east of the Red River, with township 10, range 4 east, fractional, except the Town of St. Boniface as incorporated.

(No. 3.) The Town of St. Boniface as incorporated.

Town of St.
Boniface.

(No. 4.) To be known as the Municipality of Assiniboia, Assiniboia. shall comprise the Parishes of Headingly, St. Charles, St. James, not including any portion within the limits of the City of Winnipeg, and that portion of the Parish of St. Boniface lying west of the Red River, not included within the limits of the City of Winnipeg; and townships 10 and 11, ranges 1 and 2, east, fractional; and said Municipality of Assiniboia shall be divided into wards (for each of which there shall be one councillor), as follows:—Ward No. 1: That portion of the Parish of Headingly south of the Assiniboine River, including fractional township 10, range 1, east. Ward No. 2: That portion of the Parish of St. Charles south of the Assiniboine River, including fractional township 10, range 2, east; Ward No. 3: That portion of the Parish of St. James not included within limits of the City of Winnipeg. Ward No. 4: That portion of the Parish of St. Charles north of the Assiniboine River. Ward No. 5: That portion of the Parish of Headingly north of the Assiniboine River. Ward No. 6: Fractional township 11, ranges 1 and 2, east, except that portion within the limits of the City of Winnipeg. Ward No. 7: That portion of the Parish of St. Boniface lying west of the Red River not included within the limits of the City of Winnipeg.

Wards.

(No. 5.) To be known as the Municipality of Kildonan, Kildonan. shall comprise that portion of the Parish of St. John lying on the east side of the Red River, and the Parish of Kildonan, except that portion thereof included within the limits of the City of Winnipeg.

(No. 6.) To be known as the Municipality of St. Paul, shall St. Paul. comprise the Parish of St. Paul, with township 12, ranges 1, 2 and 3, east, whole or fractional.

(No. 7.) The City of Winnipeg as incorporated.

Winnipeg.

MUNICIPALITIES OF THE COUNTY OF MARQUETTE.

26. The County of Marquette shall remain divided into Marquette municipalities as follows:

- Belcourt. (No. 1.) To be known as the Municipality of Belcourt, shall comprise townships 7, 8, 9, 10, 11 and 12, whole or fractional, ranges 3 and 4 west, both inclusive, together with the Parish of Baie St. Paul.
- Ft. Francois Xavier. (No. 2.) To be known as the Municipality of St. Francois Xavier, shall comprise townships 7, 8, 9, 10, 11 and 12, whole or fractional, ranges 1 and 2 west, both inclusive, and the Parishes of St. Francois Xavier, east and west; and the Municipality of St. Francois Xavier shall be divided into wards (each ward to elect one councillor) as follows: Ward No. 1: To be composed of parish lots numbers 1 to 47, both inclusive, according to the Dominion Government Survey of the Parish of St. Francois Xavier, together with all fractional township 10, range 1 west. Ward No. 2: To be composed of parish lots numbers 48 to 112, both inclusive, together with all of the fractional townships 10 and 11, range 2, west. Ward No. 3: To be composed of parish lots numbers 113 to 153, both inclusive, together with sections 8, 17, 18, 19, 20, 29, 30, 31 and 32, and fractional sections 5 and 7 in township 12, range 1, west; and all fractional township 12, range 2, west. Ward No. 4: To be composed of parish lots numbers 154 to 192, both inclusive, together with sections 3, 9, 10, 15, 16, 21, 22, 27, 28, 33 and 34, and fractional section 4, in township 12, range 1, west; and fractional sections 27, 33 and 34, in township 11, range 1, west. Ward No. 5: To be composed of parish lots numbers 193 to 227, both inclusive, together with sections 24, 25, 35 and 36, and fractional sections 13, 23 and 26, in township 11, range 1, west; and sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36, in township 12, range 1, west. Ward No. 6: To be composed of the whole of townships 7, 8 and 9, in ranges 1 and 2, west.
- Wards.
- Woodlands. (No. 3.) To be known as the Municipality of Woodlands, shall comprise townships 13, 14 and 15, whole or fractional ranges 1, 2, 3 and 4, west; and townships 16 and 17, whole or fractional, ranges 1 and 2, west, lying east of Shoal Lake, but not including any portion of the Parishes of Baie St. Paul and Poplar Point.
- St. Laurent. (No. 4.) To be known as the Municipality of St. Laurent, shall comprise townships 16 and 17, whole or fractional, ranges 2, 3 and 4, west, lying west of Shoal Lake, and fractional township 17, range 5, west; and the settlements of St. Laurent and Oak Point.
- Posen. (No. 5.) To be known as the Municipality of Posen, shall comprise townships 18, 19 and 20, whole or fractional, in ranges 1, 2, 3, 4, 5, 6 and 7, west.

MUNICIPALITY OF THE COUNTY OF FAIRFORD.

27. The County of Fairford shall remain composed of the Fairford, following municipality:—

The Municipality of Fairford shall comprise all the territory north of township 20, between the first principal meridian and Lakes Winnipegosis and Manitoba within the Province.

MUNICIPALITIES OF THE COUNTY OF DUFFERIN.

28. The County of Dufferin shall remain divided into Dufferin, municipalities as follows:—

(No. 1.) To be known as the Municipality of Rhineland, Rhineland, shall comprise townships 1, 2 and 3, ranges 3 and 4; and the east two miles of range 5, west.

(No. 2.) To be known as the Municipality of South Dufferin, South Dufferin shall comprise townships 1, 2 and 3, ranges 6, 7 and 8, and the west four miles of range 5, west, except the Town of Nelson.

(No. 3.) To be known as the Municipality of Carleton, shall Carleton, comprise townships 4, 5 and 6, ranges 6, 7 and 8, west, except the Town of Nelson.

(No. 4.) To be known as the Municipality of North Dufferin, North Dufferin shall comprise townships 4, 5 and 6, ranges 3, 4 and 5, west, except the Town of Nelson.

(No. 5.) The Town of Nelson as incorporated. Nelson.

MUNICIPALITIES OF THE COUNTY OF PORTAGE LA PRAIRIE.

29. The County of Portage la Prairie shall remain divided Portage la Prairie, into municipalities as follows:—

(No. 1.) To be known as the Municipality of Elm River, Elm River, shall consist of townships 7, 8 and 9, in ranges 5, 6, 7 and 8, west.

(No. 2.) The Town of Portage la Prairie as incorporated. Town of Portage la Prairie.

(No. 3.) To be known as the Municipality of Portage la Prairie, shall consist of the remaining portion of the County of Portage la Prairie. Portage la Prairie.

MUNICIPALITIES OF THE COUNTY OF NORFOLK.

- Norfolk.** **30.** The County of Norfolk shall remain divided into municipalities as follows:—
- South Norfolk.** (No. 1.) To be known as the Municipality of South Norfolk, shall comprise townships 7, 8 and 9, ranges 9 to 12, west, both inclusive.
- North Norfolk.** (No. 2.) To be known as the Municipality of North Norfolk, shall comprise townships 10, 11 and 12, ranges 9 to 12, west, both inclusive.
- South Cypress.** (No. 3.) To be known as the Municipality of South Cypress, shall comprise townships 7, 8 and 9, ranges 13 to 16, west, both inclusive.
- North Cypress.** (No. 4.) To be known as the Municipality of North Cypress, shall comprise townships 10, 11 and 12, ranges 13 to 16, west both inclusive.

MUNICIPALITIES OF THE COUNTY OF ROCK LAKE.

- Rock Lake.** **31.** The County of Rock Lake shall remain divided into municipalities as follows:—
- Louise.** (No. 1.) To be known as the Municipality of Louise, shall comprise townships 1, 2 and 3, ranges 9 to 12, west, both inclusive, except the Town of Pilot Mound.
- Derby.** (No. 2.) To be known as the Municipality of Derby, shall comprise townships 1, 2 and 3, ranges 13 to 16, west, both inclusive, excepting the fractions of township 3 in ranges 13 and 14, north of Rock Lake and the Pembina River.
- Argyle.** (No. 3.) To be known as the Municipality of Argyle, shall comprise townships 4, 5 and 6, ranges 13 to 16, west, both inclusive; and those fractions of township 3 in ranges 13 and 14, north of Rock Lake and the Pembina River.
- Lorne.** (No. 4.) To be known as the Municipality of Lorne, shall comprise townships 4, 5 and 6, ranges 9 to 12, west, both inclusive.
- Pilot Mound.** (No. 5.) The Town of Pilot Mound as incorporated.

MUNICIPALITIES OF THE COUNTY OF WESTBOURNE.

- Westbourne.** **32.** The County of Westbourne shall remain divided into Municipalities as follows:—

(No. 1.) The Municipality of Westbourne, which shall com- Westbourne.
prise and be identical with the County of Westbourne, except
the Town of Gladstone as incorporated.

(No. 2.) Town of Gladstone as incorporated.

Gladstone.

MUNICIPALITIES OF THE COUNTY OF BEAUTIFUL PLAINS.

33. The County of Beautiful Plains shall remain divided Beautiful
into municipalities as follows:— Plains.

(No. 1.) To be known as the Municipality of Osprey, shall Osprey.
comprise township 13, range 13; townships 13 and 14, range
14; and townships 13 and 14, east half of range 15, west.

(No. 2.) To be known as the Municipality of Glendale, shall Glendale.
comprise townships 13 and 14 in the west half of range 15;
and townships 13 and 14, range 16, west.

(No. 3.) To be known as the Municipality of Lansdowne, Lansdowne.
shall comprise townships 15 to 44, both inclusive, ranges 13
and 14; and township 14, range 13, west.

(No. 4.) To be known as the Municipality of Rosedale, shall Rosedale.
comprise townships 15 to 44, both inclusive, in ranges 15 and
16, west.

(No. 5.) The Town of Neepawa as incorporated.

Neepawa.

MUNICIPALITY OF THE COUNTY OF RIDING MOUNTAIN.

34. The Municipality of Riding Mountain shall comprise Riding Moun-
as at present, the County of Riding Mountain, namely, town- tain.
ships 19 to 44, both inclusive, ranges 17 to 22, west, both in-
clusive.

MUNICIPALITIES OF THE COUNTY OF MINNEDOSA.

35. The County of Minnedosa shall remain divided into Minnedosa.
municipalities as follows:—

(No. 1.) To be known as the Municipality of Odanah, shall Odanah.
comprise townships 13, 14 and 15, ranges 17 and 18, west.

(No. 2.) To be known as the Municipality of Saskatchewan, Saskatchewan
shall comprise townships 13, 14 and 15, ranges 19 and 20,
west.

(No. 3.) To be known as the Municipality of Blanchard, Blanchard.
shall comprise townships 13, 14 and 15, ranges 21 and 22,
west,

- Clanwilliam.** (No. 4.) To be known as the Municipality of Clanwilliam, shall comprise townships 16, 17 and 18, ranges 17 and 18, west.
- Harrison.** (No. 5.) To be known as the Municipality of Harrison, shall comprise townships 16, 17 and 18, ranges 19 and 20, west.
- Strathclair.** (No. 6.) To be known as the Municipality of Strathclair, shall comprise townships 16, 17 and 18, ranges 21 and 22, west.
- Minnedosa.** (No. 7.) The Town of Minnedosa as incorporated.
- Rapid City.** (No. 8.) The Town of Rapid City as incorporated.

MUNICIPALITIES OF THE COUNTY OF BRANDON.

- Brandon.** **36.** The County of Brandon shall remain divided into municipalities as follows:
- Oakland.** (No. 1.) To be known as the Municipality of Oakland, shall comprise townships 7 and 8, ranges 17, 18 and 19, west.
- Glenwood.** (No. 2.) To be known as the Municipality of Glenwood, shall comprise townships 7 and 8, ranges 20, 21 and 22, west.
- Whitehead.** (No. 3.) To be known as the Municipality of Whitehead, shall comprise townships 9 and 10, ranges 20, 21 and 22, west.
- Cornwallis.** (No. 4.) To be known as the Municipality of Cornwallis shall comprise townships 9 and 10, ranges 17, 18 and 19, west.
- Elton.** (No. 5.) To be known as the Municipality of Elton, shall comprise townships 11 and 12, ranges 17, 18 and 19, west.
- Daly.** (No. 6.) To be known as the Municipality of Daly, shall comprise townships 11 and 12, ranges 20, 21 and 22, west.
- Brandon.** (No. 7.) The City of Brandon as incorporated.

MUNICIPALITIES OF THE COUNTY OF TURTLE MOUNTAIN.

- Turtle Mountain.** **37.** The County of Turtle Mountain shall remain divided into municipalities as follows:—
- Turtle Mountain.** (No. 1.) To be known as the Municipality of Turtle Mountain, shall comprise townships 1, 2 and 3, ranges 17, 18 and 19, west.
- Deloraine.** (No. 2.) To be known as the Municipality of Deloraine, shall comprise townships 1, 2 and 3, ranges 20, 21, 22 and 23, west.

(No. 3.) To be known as the Municipality of Whitewater, ^{Whitewater.} shall comprise townships 4, 5 and 6, ranges 20, 21, 22 and 23, west.

(No. 4.) To be known as the Municipality of Riverside, ^{Riverside.} shall comprise townships 4, 5 and 6, ranges 17, 18 and 19, west.

MUNICIPALITIES OF THE COUNTY OF SOURIS RIVER.

38. The County of Souris River shall remain divided into ^{Souris River.} municipalities as follows:—

(No. 1.) To be known as the Municipality of Medora, shall ^{Medora.} comprise townships 1, 2 and 3, ranges 24, 25 and 26, west.

(No. 2.) To be known as the Municipality of Arthur, shall ^{Arthur.} comprise townships 1, 2 and 3, ranges 27, 28 and 29, west.

(No. 3.) To be known as the Municipality of Inchiquin, ^{Inchiquin.} shall comprise townships 4, 5 and 6, ranges 27, 28 and 29, west.

(No. 4.) To be known as the Municipality of Brenda, shall ^{Brenda.} comprise townships 4, 5 and 6, ranges 24, 25 and 26, west.

MUNICIPALITIES OF THE COUNTY OF DENNIS.

39. The County of Dennis shall remain divided into ^{Dennis.} municipalities as follows:

(No. 1.) To be known as the Municipality of Sifton, shall ^{Sifton.} comprise townships 7, 8 and 9, ranges 23, 24 and 25, west.

(No. 2.) To be known as the Municipality of Pipestone, ^{Pipestone.} shall comprise townships 7, 8 and 9, ranges 26 to 29, west, both inclusive.

(No. 3.) To be known as the Municipality of Wallace, shall ^{Wallace.} comprise townships 10, 11 and 12, ranges 26 to 29, west, both inclusive.

(No. 4.) To be known as the Municipality of Woodworth, ^{Woodworth.} shall comprise townships 10, 11 and 12, ranges 23, 24 and 25, west.

MUNICIPALITIES OF THE UNITED COUNTIES OF SHOAL LAKE AND RUSSELL.

40. The united Counties of Shoal Lake and Russell shall ^{Shoal Lake and Russell.} remain divided into municipalities as follows:—

- Oak River.** (No. 1.) To be known as the Municipality of Oak River, shall comprise townships 13, 14 and 15, ranges 23 and 24, west.
- Miniota.** (No. 2.) To be known as the Municipality of Miniota, shall comprise townships 13, 14 and 15, ranges 25, 26 and 27, west.
- Archie.** (No. 3.) To be known as the Municipality of Archie, shall comprise townships 13, 14 and 15, ranges 28 and 29, west.
- Shoal Lake.** (No. 4.) To be known as the Municipality of Shoal Lake, shall comprise townships 16, 17 and 18, ranges 23 and 24, west.
- Birtle.** (No. 5.) To be known as the Municipality of Birtle, shall comprise townships 16, 17 and 18, ranges 25, 26 and 27, west, except the Town of Birtle, as incorporated.
- Ellice.** (No. 6.) To be known as the Municipality of Ellice, shall comprise townships 16, 17 and 18, ranges 28 and 29, west.
- Rosburn.** (No. 7.) To be known as the Municipality of Rosburn, shall comprise townships 19, 20 and 21, ranges 23, 24 and 25, west.
- Silver Creek.** (No. 8.) To be known as the Municipality of Silver Creek, shall comprise townships 19, 20 and 21, ranges 26 and 27, west.
- Russell.** (No. 9.) To be known as the Municipality of Russell, shall comprise townships 19, 20 and 21, ranges 28 and 29, west.
- Shell River.** (No. 10.) To be known as the Municipality of Shell River, shall comprise from townships 22 to 44, both inclusive, ranges 28 and 29, west.
- Boulton.** (No. 11.) To be known as the Municipality of Boulton, shall comprise the remaining portion of the county; namely, townships 23 to 44, both inclusive, ranges 23 to 27, both inclusive.
- Town of Birtle.** (No. 12.) The Town of Birtle as incorporated.
- Interpretation of terms.** **41.** Unless otherwise declared or indicated by the context wherever any of the following words occur in this Act they shall have the meanings herein expressed, namely:—
- Council.** (1.) The term "Council" shall mean the Municipal Council referred to in the context.
- Municipality.** (2.) "Municipality" in addition to the meaning given to the term hereinafter, shall mean any locality the inhabitants

of which are already incorporated and are continued, or which become incorporated under this Act, or under any other Act of this Legislature passed at the last Session or the present Session thereof.

(3.) "County" or "Counties" shall mean the county, union ^{Counties} of counties or united counties referred to in the context, (*as the case may be.*)

(4.) "City" or "Town" shall mean an incorporated city or ^{City and town} town.

(5.) "Land," "Lands," "Real Estate," "Real Property," shall, ^{Land, etc.} respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein.

(6.) "Highway," "Road," or "Bridge," shall mean a public ^{Highway, etc.} highway, road or bridge, respectively.

(7.) "Electors" shall mean the persons entitled for the time ^{Electors} being to vote at any municipal or legislative election, or in respect of any by-law in the municipality, ward or polling sub-division (*as the case may be.*)

(8.) The words "next day" shall not apply to, or include ^{Next day} Sunday or Statutory Holidays.

(9.) The term "local municipality," wherever made use of in ^{Local Municipality} this Act, shall mean a municipality within a county or forming one of the municipal divisions of a county, except incorporated cities and towns, and the word "municipality" shall embrace, as well as local municipalities, any incorporated town or city municipality, unless otherwise expressed, or a different ^{Municipality} meaning shown by the context, so that the term "every municipality," in the portion of this Act relating to sub-divisions of a district, shall mean every city, town, or local municipality within a county or united counties, unless where it is otherwise expressed or excepted.

(10.) The term "clerk" as applied to an officer of a ^{Clerk} municipality shall also include "secretary-treasurer," where the two offices are combined, and "acting clerk" or "acting secretary-treasurer," and *vice versa.*

(11.) The term "councillor" shall, as applied in cities, ^{Councillor} include aldermen.

(12.) The term "declaration" of office, or qualification, shall also mean and include an oath, affirmation, or declaration, as the context may require.

Lieutenant-Governor.

(13.) The term "Lieutenant-Governor" shall also mean and include Lieutenant-Governor-in-Council, when the context may require.

Provincial Secretary.

(14.) The term "Provincial Secretary" shall also mean and include any Minister, for the time being, acting as Provincial Secretary. (This sub-section shall also have a retro-active effect, extending back to 21st July, A. D. 1883.)

Senior Municipality.

(15.) The term "senior municipality" shall mean the municipality, (other than a city) within a county, having the greatest number of ratepayers according to its last revised assessment roll.

Members, officers, by-laws, etc., continued.

42. The head and members of the council, at present holding office, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, (except county corporations) when this Act takes effect, shall be deemed the head and members of the council; and the officers, by-laws, contracts, property, assets and liabilities of every such corporation are continued under and subject to the provisions of this Act.

Municipal corporations, etc., continued.

43. Every municipality and the inhabitants thereof heretofore incorporated as a city, town or local municipality shall continue to be a corporation, under the name of the City, Town or Municipality (*as the case may be*) of

Powers of corporations, etc.

(*naming the name*), or such other names as shall have been given to any such City or Town in its Act or Letters Patent of Incorporation and shall have all the rights, and be subject to all the liabilities of a corporation—and especially, shall have full power to acquire, hold and alienate both real and personal estate for all municipal purposes, and by the same name they and their successors shall have perpetual succession, and they shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts, and in all actions, causes and suits at law and in equity whatsoever; and they shall have a common seal, with power to alter and modify the same at their will and pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or movable, for the use of the said municipality, and of becoming parties to any contracts or agreements in the management of the affairs of the said municipality, and of negotiating loans and borrowing money upon the credit of such corporation for the purpose of defraying any expenses necessary for the carrying on of the business of such corporation, or the payment of the share of indebtedness of any formerly existing municipality apportioned to and imposed upon such corporation under the provisions of this Act or of "The Municipalities' Act, 1883;" or of debts incurred in the management of its affairs; and

Seal.

Loans.

of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities for the payment, or securing the payment, of any sum of money, borrowed or loaned, with power to renew the same or any portion thereof, or for executing, or guaranteeing the execution of any duty, right or thing whatsoever; and for the payment or securing the payment of any money borrowed, or paying loans made or debts owing by the said municipality, or of taking up bonds that may become due, or for the purpose of making a loan or loans, or for any other legitimate and sufficient purpose whatsoever, and the said municipality may grant and issue bonds for the sum or sums of money therein to be specified, under the provisions hereinafter set forth, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the Dominion of Canada, in the United States of America, in any part of Great Britain or elsewhere, and either in the currency of the Dominion, or in sterling money of Great Britain, or in the currency of the country where the same may be respectively made payable, as by the said council may be thought advantageous and expedient; provided always, that the said council shall not give or make any bond, bill, note, debenture, or other undertaking for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void; provided always, that nothing herein contained shall be construed to authorize the said council to issue notes or bills of exchange payable to bearer, or to act as bankers, or to issue notes to circulate as those of a bank.

Notes, etc.

Issue of bonds, etc.

Provide as to amount of bonds, etc.

Not to act as bankers, etc.

Provided further, that nothing in this section shall authorize the contracting of any debt or obligation which for principal and interest might have the effect of increasing the total indebtedness of any municipality so that the amount to be raised annually for all municipal purposes including such principal and interest in such municipality shall exceed in any year a rate of one and one-half per cent. upon all the taxable property within such municipality, according to the last revised assessment roll, except by by-law approved by three-fifths of all voters voting thereon, and passed in accordance with the provisions of this Act, or unless for the payment of estimates of the district board for the purchase or erection and maintenance of registry offices and county courts to be made thereafter, or the opening, construction, maintenance and repairs of any inter-municipal road, bridge or ferry.

Provide.

Limited to rate one and one-half per cent. except upon approval by three-fifths vote.

Exceptior

44. The powers of every such municipality shall be exercised by the council thereof.

Powers exercised by council.

45. The council of a local municipality shall, until altered as hereinafter provided, consist of a Reeve and six Councillors

Composition of council.

and any person being a resident in the municipality and a proprietor in his own name, or in that of his wife, of real estate within the municipality and duly qualified and entitled to vote at a municipal election, may be elected as Reeve or Councillor, unless he is disqualified for any of the following reasons, viz:—

Disqualified persons.

(1.) Being a Judge of any Court of civil jurisdiction, a Gaoler or Keeper of any House of Correction, a Sheriff, Deputy Sheriff, Sheriff's Bailiff, High Bailiff, Chief Constable, Constable, Assessor, Collector, Treasurer or Clerk of any Municipality, Bailiff of any County Court, a County or Crown Attorney, a Registrar, a Deputy Registrar, a Deputy Clerk of the Crown, a Clerk or Deputy Clerk of the County Court, a Clerk of the Peace, an Inn-keeper or Saloon-keeper or Shop-keeper licensed to sell spirituous liquors by retail, a License Commissioner or Inspector of Licenses, a Police Magistrate, or a person having by himself or his partner an interest in any contract with or on behalf of the corporation or being indebted to the municipality except for taxes or surety for any officer or employee of the municipality.

Shareholders in an incorporated company not disqualified.

(2.) But no person shall be held to be disqualified from being elected a member of the council of any municipal corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the council or such municipal corporation, or by having a lease of 21 years or upwards, of any property from the corporation, but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company.

Proviso.

"Provided, that no person shall be qualified for election as Mayor, Reeve, or Councillor, or for any municipal office under the council who is unable to read and write. Nor shall any person who is a surety for any officer or employee of a Judicial District Board, be eligible for election as Mayor or Reeve of any municipality situate within the said Judicial District."

Composition of council of city or town.

46. The Council of any incorporated city or town shall consist of, or continue to consist of a Mayor and such number of Councillors, (and of such qualification in the case of a city) as the charter or Act of incorporation of such city shall specify, and in the case of a town, of a mayor and such number of councillors as may be specified in the charter or letters of incorporation of such town, subject, however, to the same cause of disqualification in either case as mentioned above in the case of local municipalities, and to such other, if any, as shall be specified in any such charter or letters of incorporation aforesaid.

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47. Subject to the provisions of any special Act or to the ^{Municipal} provisions of any charter, or Act, or letters patent of incor-^{elections.} poration of any city or town, not herein repealed, the following shall be the manner of providing for holding municipal elections.

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48. An annual election of a Council shall be held in every ^{Annual elec-} municipality in the manner following: ^{tion.}

A meeting of the electors of the municipality shall take ^{Meeting of} place for the nomination of candidates for Mayor or Reeve (*as* ^{electors.} *the case may be*) and for Councillors, at the last place of meeting of the council, or at such other place as the council by by-law or as any other authority shall lawfully appoint on the last Tuesday in December in each year, (provided the day is not a statutory holiday, in which case it shall take place the day following), at twelve o'clock noon, at which nominations for the office of Mayor or Reeve and for Councillors for the municipality or for the several wards thereof, shall be made; and the time for receiving such ^{Nominations.} nominations shall be between the hours of twelve o'clock noon, and one o'clock in the afternoon, of the day, and all nominations shall be made by a proposer and seconder, who shall be duly qualified electors of the municipality, and one of whom, in case of a nomination of a councillor, shall be an elector of the ward for which such nomination shall be made; provided that no one person shall nominate more than the required number of candidates; but this clause shall not be held to interfere with the provisions of any special municipal charter, or clause of this Act, providing for ^{Proviso as to} nominations being made in the respective wards of such ^{wards, etc.} municipality, and at least ten days notice of such nomination shall be previously given by posting up a notice in each post-office in the municipality.

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49. The clerk of the municipality, or any other person who ^{Clerk, etc.,} may be appointed, shall preside at such meeting; and if the ^{shall} clerk or such other person does not attend, the electors present ^{preside at} shall choose a chairman or person to officiate from among ^{nominations,} themselves. ^{etc.}

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50. Such clerk or chairman shall be the returning-officer at ^{Clerk or chair-} any such election, and shall have all the powers usually ^{man's powers} given or belonging to a returning-officer at elections. ^{as returning} ^{officer.}

51. If more candidates are nominated for the office of Mayor ^{if more than} or Reeve, or for Councillors for the municipality or the several ^{required} wards thereof than are required to be elected under this Act, ^{number of} the clerk or chairman shall announce the same, and make ^{candidates} known to the electors present the time and place, or places, ^{nominated.} when and where the poll or polls shall be opened for the tak-

ing of the votes for the candidates nominated, which shall be one week from the day of such nomination, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon of the same day, except in the case hereinafter specially provided for.

Names of candidates to be posted up.

52. Within two days after such nomination the clerk or chairman shall post up in the office of the clerk, and in two or more conspicuous places within the municipality, and in two or more conspicuous places in each ward of said municipality, (if such municipality be divided into wards,) the names of the persons nominated, and within two days thereafter give notice to the returning-officer or officers of the municipality, or of the several wards thereof, if the same be divided into wards; and any electors having votes in more wards than one shall vote for Mayor or Reeve in the ward in which they reside; but if not qualified to vote in the said ward, they can vote in any ward where qualified; but no elector shall vote more than once for Reeve or Mayor.

List of voters to be furnished

53. The clerk of the municipality shall deliver to the returning-officer of the municipality, who is to preside at an election for the same, or for every or any ward thereof, a correct list of all persons rated upon the last revised assessment roll for the municipality or ward, who are entitled to vote at the said election, in respect to such assessment, under this Act, and shall state in such list whether the person entitled to vote is a householder or a freeholder, or lessee or otherwise.

Duty of clerk, etc., if no contest.

54. If only one qualified candidate for the office of Reeve or Mayor has been nominated within the time limited, the clerk or chairman shall declare such candidate duly elected Reeve or Mayor; and if only the required number of qualified candidates for the office of councillor have been nominated within the time aforesaid, for any of the wards of the said municipality or municipalities, the clerk or chairman shall declare such candidates duly elected councillors.

Vacancy in council.

55. In case the seat of any member of the council shall become vacant by death, resignation accepted by the council, or for a continued absence without leave from the meetings of the council for a period of three months, it shall be the duty of the council to direct a new election to be held for the purpose of supplying such vacancy.

By-election to be for unexpired term.

56. Any Reeve or Mayor, or Councillor elected to fill an occasional vacancy, shall hold office only for the unexpired term of the Reeve or Mayor, or Councillor in whose place he has been elected.

Ward returning officers.

57. It shall be the duty of the returning-officer when the municipality is divided into wards, to appoint for each ward

in which a poll is to be held in conformity with the preceding sections, a deputy-returning officer, to whom shall be entrusted the holding of such poll.

58. In case of municipalities not divided into wards, the clerk of the municipality (or other returning-officer) may perform the duties which in other cases are performed by a deputy returning-officer and may perform the like duties with respect to the whole municipality as are imposed on a deputy-returning officer in respect of a ward. Where no ward clerk may act.

59. And in municipalities which are divided into wards, the returning officer may take charge of one of the wards and perform the duties therein which in other wards are performed by deputy-returning-officers. Returning-officer may take charge of ward.

60. At the time specified the poll (in each ward if divided into wards) shall be opened by the deputy-returning-officer who shall enter or cause to be entered in a book to be kept in accordance with the conditions hereinafter prescribed, the votes of the electors by entering therein the names and occupation or addition of each of them. Opening and closing of poll

61. Each page of the poll book shall contain at the top of as many distinct columns the names and surnames of each candidate as nominated for the office of Mayor or Reeve or Councilors (as the case may be) and each poll book shall be numbered in writing and initialled by the returning or deputy returning-officer in charge of the same. Form of poll book.

62. The clerk of the municipality, on the request of any elector entitled to vote at any one of the polling places, who has been appointed deputy-returning-officer or poll clerk at any other polling place than the one he is entitled to vote at, shall if required to do so, give to such elector a certificate that he is entitled to vote at the polling place where he is stationed during the polling day; and such certificate shall also state the property or other qualification in respect of which he is entitled to vote. Deputy-returning officer can obtain certificate as elector.

63. On the production of this certificate such deputy returning-officer or poll clerk shall be entitled to vote at the polling place where he is stationed, and should it be demanded such deputy-returning-officer take the oath required by law to be taken by voters, the poll clerk may administer the said oath. May vote on certificate. May be sworn by poll clerk.

64. Any town hereafter incorporated on being so incorporated shall cease to belong to the municipality in which it may formerly have been included and shall become a distinct municipality. Town shall be a separate municipality.

Time of holding election in new municipality.

65 In any of the municipalities described herein which were previous to the 22nd December A.D. 1883, wholly included in some other municipality or municipalities, or in any new municipality now or subsequently to be created under the provisions of this Act, the day and time for the nomination of the first Mayor, Reeve and Municipal Councillors, and for the election (if any) thereof for such municipality, and for the first meeting of the council, shall be the same as for the general annual nominations and elections as herein mentioned; Provided in the case of municipalities at present unorganized; and except as herein mentioned, the Lieutenant-Governor-in-Council shall, unless where it is otherwise herein provided, appoint a returning-officer to hold the said nomination and election (if any) and the place or places where such election or elections are to be held, or authorize said returning-officer to do so, and may make or authorize such returning officer to make such other regulations as to the appointment of deputies and poll clerks where necessary, and for the holding of such nomination and election as may be proper and necessary, leading to the due and proper organization of such new municipality.

Appointment of returning officer.

Lieutenant-Governor may provide for organization, in default of election.

66. In any case where a municipal council shall not have been elected under any former or other provisions of this Act, and in respect to which election no other provision has been made, and there has been a failure or neglect to comply with the provisions herein made to secure or continue municipal organization in any municipality the Lieutenant-Governor-in-Council on proof of such failure or neglect, may name a new day for holding a nomination and election in such municipality, and appoint a returning-officer to hold the same and make such orders in respect thereto, and to the first meeting of the council, as in the last preceding section he is authorised to do in respect to the nomination and election therein mentioned; and in case there shall still be any failure or neglect to hold such nomination and election if required, the Lieutenant-Governor-in-Council on proof of such further failure or neglect, may appoint a Council including the Mayor, Reeve or other head of such council for said municipality for the remainder of the current municipal year, and fix the time and place for holding the first meeting. The council so appointed shall have the same power and authority as if the members thereof had been nominated and elected in the usual manner.

Division into wards.

67. Except as otherwise provided for, municipal councils elected under and by virtue of the provisions of this or any previously existing Act, may determine whether their respective municipalities shall be divided into wards, and may, if they so determine, proceed to set off the wards in such manner as will best suit the convenience of the people.

See 112.

68. When a ward or wards neglect or refuse to elect a Councillor or Councillors, the Councillors elected for the municipality, provided there be a quorum, shall at their first meeting appoint a Councillor or Councillors for the same, who shall be a resident ratepayer or resident ratepayers in the municipality.

Where a ward neglects to elect a councillor.

69. The qualification required for voters at municipal elections shall be the same as that required in the case of elections of a member of the Legislative Assembly of the Province, and the voters list as printed, revised and corrected in the case of each municipality as hereinafter provided, shall be the list used for both municipal and legislative elections.

Qualification for voters.

70. The following persons shall not be entitled to vote at a municipal election :—

Disqualification.

(a) Persons having been convicted of felony. Felons.

(b) Aliens, (*except as otherwise provided for.*) Aliens.

71. In case both the owner and occupier of any real estate are rated therefor, both shall be deemed rated within this Act; provided, however, that when any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

Where owner and occupier rated.

72. All persons over sixty years of age, all members and officers of the Legislative Assembly of Manitoba, and of the Senate or House of Commons of Canada, all persons in the Civil Service of the Crown, all Judges, all Coroners, all persons in Priests' Orders, Clergymen and Ministers of the Gospel of every denomination, all members of the Law Society of Manitoba, whether Barristers or Students, all Attorneys and Solicitors in actual practice, all Officers of Courts of Justices, all members of the Medical Profession, whether Physicians or Surgeons, all Professors, Masters, Teachers and other members of any University, College or School in Manitoba, and all officers and servants thereof, all Millers, and all Firemen belonging to any authorized Fire Company, shall not be compelled to serve if elected or appointed members of a Municipal Council, or to any other municipal office.

Persons exempted as municipal councillors.

73. If any person offering to vote at any municipal election is challenged as unqualified by any legal voter, the returning-officer shall require the person so offering to take the following oath or affirmation, to be administered by the returning-officer in the following manner:

Challenge of voters.

Oath or affirmation.

" You swear (or affirm, as the case may be) that you are the person whose name is entered, or intended to be entered, on the list which I now show to you ; that you are twenty-one years of age ; that you have not before voted at this election ; that you are a subject of Her Majesty by birth or naturalization ; that you have not received anything, nor have you accepted of any promise made to you directly or indirectly, either to induce you to vote at this election or to indemnify you for your loss of time, or any service connected with this election, that you are entitled to vote at this election, and that you have not been guilty of any act of corruption disqualifying you from voting at this election."

Refusal to take oath.

The person making such declaration shall be permitted to vote at such election ; but if he refuses to make such declaration his vote shall be rejected.

Voters in unorganized municipalities.

74. In the unorganized districts of this Province, where new municipalities were erected by the "Municipalities' Act of 1883," and in other municipalities which have been sub-divided or altered or otherwise changed in such a manner that voters' lists prepared by certain of the municipalities theretofore existing might not be available for elections to be held in virtue of this Act ; any owner actually and in good faith of real estate within the limits of any of such municipalities, for the period of at least three months previous to said election, of the value of one hundred dollars, or any tenant for the year or by the year of real property within any such municipality of the value of two hundred dollars or upwards, under an annual rental of at least twenty dollars, or the occupant and bona fide householder by the residence of himself or of himself and family (if he have any) on lands in such municipality, of the annual value of at least twenty dollars, shall be qualified as an elector for the first election to be held in any such municipalities ; provided, that he be of the male sex, twenty one years of age, and a subject of Her Majesty by birth or naturalization ; and any person qualified to be an elector at any such election within such municipalities, shall be qualified to be a candidate at any such election therein ; provided however, that any person offering to vote at any such election, if required by the returning-officer an elector or candidate shall, before being allowed to vote, make the following oath or affirmation, namely :

Owners of real estate.

Tenants or occupants.

Candidates' qualification.

Oath or affirmation.

" I do solemnly swear (or affirm, as the case may be) that I am of the full age of twenty-one years, that I am a subject of Her Majesty by birth or naturalization, that I have been for a period of at least three months actually and in good faith owner of real estate of the value of one hundred dollars (\$100) and upwards, or tenant for the year or by the year of real

property of the value of two hundred dollars (\$200) and upwards, under an annual rental of at least twenty dollars (\$20), or the occupant and *bona fide* householder by the residence of myself or of myself and family (*if he have any*) on lands in this municipality, of the annual value of at least twenty dollars (\$20), that I am entitled to vote at this election, and that I have not before voted at this election."

Any person refusing to take this oath shall not be allowed to vote.

75. Any person wilfully making a false declaration of his right to vote, shall on conviction thereof before any two or more Justices of the Peace, be subject to a fine not greater than one hundred dollars; and in default of payment of such fine the same shall be levied by distress; and if it is made to appear that there is not sufficient distress, then the offender may be imprisoned for a period not greater than forty days; and the vote of any person wrongfully voting at any such election shall, on due proof thereof, be struck off and treated as null, should any election at which such vote has been cast be contested as hereafter provided.

Penalty for false declaration.

Vote null.

76. Any person whose name appears on the voters' list for any local municipality and who shall appear to be entitled to vote at any election for Reeve, and who may not reside or be within the county in which such municipality is situated, or any person on his behalf and with his written authority, may at any time after the said voters' list is finally revised and before the day on which a poll is to be held for any municipal election demand and obtain from the clerk of the municipality who shall have charge of the voters' list in which such persons name is set down, a certificate under the hand of the said clerk and the seal of the corporation stating that the person named and described therein is entitled to vote at the said next ensuing election of Reeve; and the said person named in such certificate shall be entitled to vote in any polling subdivision of such municipality at the said ensuing election for Reeve upon producing and giving to the returning-officer deputy-returning-officer or poll clerk having charge of the poll book, the said certificate, and upon taking the oath or oaths, if required to do so, which are entitled to be administered to any voter at such elections.

Certificated voter.

May vote at any poll.

77. The clerk of any municipality of which any such certificate shall be required shall be entitled to demand and receive therefor the sum of fifty cents; and shall upon giving the same make a note or memorandum in the voters' list opposite the name of the person obtaining such certificate showing that such certificate has been given; and the person named in such certificate, on the production and return of the same, shall

Fee for certificate.

be entitled under the usual formalities to vote in the polling division or sub-divisions on the list for which his name appears, if he finds it convenient to do so, and as if such certificate had not been given.

78. The said certificate may be in the following form,—

FORM No. 1.

Form of certificate.

"This is to certify that A B 's entered on the list of voters as last revised for the municipality of _____ and appears to be entitled to vote at the next ensuing municipal election for said municipality as (owner, tenant, or as the case may be) of (naming the property mentioned in the voters' list). This certificate being given under secs. 76 and 77 of 47 Vic., Cap. 11.

[L.S.]

C. D.

Clerk, &c.

Who may be present in polling place.

79. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, candidates, clerks or agents authorized to attend at such polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the deputy-returning-officer to have present or to summon to his assistance in such polling place, any police constable or peace officer, for the purpose of maintaining order or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such deputy-returning-officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

Keeping the peace.

Deputy returning officer to count votes, etc.

80. Every deputy-returning-officer shall, at the close of the poll, count up the votes given for each candidate, and certify over his signature on the voters' list in full words as well as figures the total number of persons who have voted at the polling place at which he has been appointed to preside, and the number of votes given for each candidate, and the said voters' list or certificate or other statement thereon shall also mention or give the ward or place where, and the date when such votes were polled.

Oath, etc., of returning officer as to voters' list.

81. Before returning the said voters' list to the clerk of the municipality the deputy-returning-officer shall make and subscribe before the clerk, or Justice of the Peace, or the poll clerk, his declaration under oath, that the voter's list was used in the manner prescribed by law, and the entries required by law to be made therein were correctly made; which declaration shall thereafter be annexed to the voters' list, and such

voters' list and declaration may be inspected at any time, in presence of the clerk, by any elector of the municipality.

82. The declaration mentioned in the last preceding section shall be in the following form or to the like effect :

FORM No. 2.

OATH OF DEPUTY-RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned deputy-returning-officer for polling Form No. 2. sub-division No. _____, of the city (or as the case may be) of _____, in the county of _____, do solemnly swear, (or if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in an _____ for the said polling sub-division No. _____ of the said city (or as the case may be), was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed),

C. D.

Deputy-returning officer.

Sworn (or affirmed) before me at _____ day of _____ A. D., 18 _____ this

(Signed),

X. Y.,

Justice of the Peace.

Or *A. B.,*

Clerk of the Municipality of _____

Or *J. K.,*

Poll Clerk

83. If the clerk of the municipality is not himself performing the duties of deputy-returning-officer, the deputy-returning officer shall forthwith deliver the said list of voters, personally, to the clerk of the municipality; and if he is unable to do so, owing to illness or other cause, he shall deliver such list to a person chosen by him for the purpose of delivering the same to the clerk; and shall mention on the outside of the cover placed around said list the name of the person to whom the same had been delivered, and shall take a proper receipt therefor.

Delivery of lists of voters to clerk.

84. The clerk of the municipality, after he has received the statements before mentioned of the number of votes given in each polling place, shall cast up the number of votes for each candidate from such statements; and shall at the town-hall, or, if there is no town hall, at some other public place, at noon on the day following the return of such poll books and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also

Declaration of result when and how made.

put up in some conspicuous place a statement under his hand showing the number of votes for each candidate.

Casting vote
in case of tie.

85. 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 clerk of the municipality, or other person appointed by by-law to discharge the duties of clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

Clerk disqualified
except as
to casting vote.

86. Except in such case, no clerk of the municipality shall vote at any municipal election held in his municipality.

Dep. returning
officers etc
entitled to
vote.

87. All deputy-returning-officers and persons employed as deputy-returning-officers and poll clerks, if otherwise qualified, shall be entitled to vote.

Proceedings
where election
improperly
interfered
with.

88. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning-officer, or deputy returning-officer (*as the case may be*), shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to the voters for eight hours in all, in order that all the electors so intending, may have a fair opportunity to vote.

Return
where no elec-
tion held.

89. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said eight hours, the returning-officer, or deputy-returning-officer (*as the case may be*), shall not return any person so elected, but shall return his voters' list on the following day to the head of the municipality, certifying the cause of there not being an election; and a new election shall take place, and the head of the municipality shall forthwith issue his warrant therefor.

Casting up
votes.

90. When a poll has been duly held in each of such wards or polling sub-divisions, and the statements hereby directed to be returned to the clerk have been so returned to him, the clerk shall cast up from the said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other wards to be given to the candidate, and shall at noon on the next day, at the town hall, or if there is no town hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes.

Declaration
where munic-
pality divided
into wards.

91. Upon the same day or the day following that upon which the declaration of the election of any Mayor or Reeve is made, as provided in the last preceding section, the clerk or other person so making such declaration shall transmit by registered letter to the Secretary-Treasurer of the Judicial District Board within which the municipality is situate, a return shewing the name, occupation and post-office address of the Mayor or Reeve so declared elected; and upon failure so to do without any reasonable excuse for such default, such clerk or other person so required to make such return shall pay and forfeit to any person who shall sue for the same summarily before a Justice of the Peace, any sum not exceeding fifty dollars besides costs of suit, such fine and costs to be levied by distress of his goods and chattels or in default of sufficient distress then the offender may be imprisoned in the common goal of the district for a period not exceeding thirty days.

Returns to be made to board.

(And see sec. 110.)

Penalty on default.

92. The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly.

Declaration of office.

93. The treasurer of every municipality now existing, or hereafter to be formed, shall, within one week before the day of nomination for the general annual election for the office of Mayor or Reeve, and Councillors or Aldermen (as the case may be), make up a detailed statement of the receipts and disbursements of the funds of the municipality, with an abstract thereof, showing, under the several and appropriate heads, the aggregate receipts and expenditure for and on account of the various departments and services of the municipality, from the first of January previous to the date of such statement, which shall not be more than one week previous to the nomination, as aforesaid and such statement and abstract shall be kept in the office of the clerk of the municipality, from the time the same shall have been completed, as aforesaid, until after the then ensuing election shall have been held, and any voter or ratepayer of the municipality shall, within the usual office hours during the time aforesaid, be at liberty to inspect the same, and, if he so desire, to take extracts therefrom in said office without any charge therefor; provided that no person entitled to such inspection, and making the same, shall have the right to retain exclusive possession of said statement, as against any other person, for more than one hour during the same day a copy of such statement shall also be produced by the clerk and will be open to inspection at the place of nomination.

Treasurer's annual statement of receipts and disbursements

Open to inspection.

Proviso.

94. The statement and abstract in the last foregoing clause mentioned shall be the statement, or one of the statements, afterwards extended and continued to the thirty-first day of

Statement to form part of subsequent yearly statement.

Penalty for
wilful errors
and omissions.

December, which shall be submitted to the auditors to be appointed, as provided for in this Act; and in case of any wilful error or omission being found therein, or in case the said Treasurer shall fail to make out and have the same for inspection at the time and in manner aforesaid, he shall be subject to a penalty of one hundred dollars, to be recovered with costs by and for the use and benefit of any person entitled to such information, and who shall sue therefor in the County Court for the Judicial Division within which such municipality is situated.

CONTESTED ELECTIONS

County Judge
to hear election
protest.

95. If the election of the Mayor, Reeve, or of any Councillor of any municipality be contested, such contestation shall be decided by the Judge, or Acting Judge of the County Courts in and for the Judicial District within the limits of which the election is held.

Who may con-
test election.

96. Every such election may be so contested by one or more of the candidates, or by any ten at least of the inhabitants qualified to vote at such election.

Petition, how
made.

97. The said contestation shall be brought before the court by a petition signed by the petitioner or petitioners, or by an attorney duly authorized, setting forth in a clear manner the grounds of such contestation.

Copy of peti-
tion to be
served, etc.

98. A true copy of the petition, with a notice stating the day on which the petition will be presented in the court shall be first duly served upon the Mayor, Reeve, or Councillor or Councillors whose election is contested, at least eight days before the day on which the petition is presented to the court; and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service; but no such petition shall be received after the sittings of said court next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such sittings, in which case the petition may be presented on the first day of the next sittings, but not later; nor shall any such petition be received unless security for costs, to be approved by the said Judge or Acting Judge, be given by the petitioners.

When and
how received.

Sufficiency of
grounds.

99. If the court is of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, it shall order proof to be adduced and the parties interested to be heard on the nearest day which it deems expedient, and shall proceed in a summary manner to hear and try the said contestation; the evidence may be taken down in writing or given orally, in whole or in part, as the court shall order; and,

Evidence.

if the trial of such contestation is not concluded at the close of the sittings of the court during which it began, the Judge may continue the same, and shall adjourn from day to day until he has pronounced his final judgment upon the merits of the same; and every such judgment so pronounced and all proceedings had in any such case shall have the same effect as if the same had been pronounced or had in open court.

Adjournment of trial.

Judgment.

100. The court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, or may, in either case, award costs to or against any party; which costs shall be taxed on the inferior scale of costs allowed in the Court of Queen's Bench, and shall be recoverable by execution issued out of the County Court of the Judicial Division in which the contestation took place, by order of the said Judge, or Acting Judge thereof.

Confirmation or avoidance of election.

Costs.

101. If any defect or irregularity in the formalities prescribed for the election are set forth in any such petition, as a ground of contestation, the court may admit or reject the objections according as such defect or irregularity may or may not have materially affected the election.

Defects in petition, etc.

102. If any such County Court shall on any such contestation declare any such election to be void, such court shall, in and by the judgment in that behalf, name the day, not being sooner than fifteen or later than twenty from the date thereof, for which a public meeting of the inhabitants of the municipality shall be called in order to hold another election; and the Mayor, Reeve or the Clerk or the returning officer so soon as he has cognizance of the judgment, shall cause a meeting of the inhabitants of the municipality by giving public notice of the day so named for the election, and shall proceed to the election of other Mayor, Reeve, Councillor or Councillors, in the stead of the Mayor, Reeve, Councillor or Councillors, whose election has been so declared null and void; and the same formalities shall be observed at such election as are required to be observed at every general election under this Act.

Order for new election.

Notices, etc.

103. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend.

Candidate and agent.

104. When in this Act any expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done, in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to

Authority of agent.

attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is duly done, invalidate in anywise the act or thing done.

Sundays and holidays not reckoned.

105. In reckoning time for the purpose of this Act, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this Act to be done on any day which falls on such days, such things may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of Mayor and Aldermen in cities, and Mayor, Reeve, and Councillors in other municipalities.

Election not to be invalidated for mistakes of form, etc.

106. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the schedules of this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election.

Documents produced under rule or order.

107. When a rule or order is made for the production by the clerk of the municipality, of any document in his possession relating to the specified election, the production of the document by the clerk, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any endorsement appearing on any poll book or papers produced by the clerk, shall be *prima facie* evidence of such papers being what they are stated to be by the endorsement.

Prima facie evidence, etc.

108. The council shall meet on the second Tuesday in January in each year, at the hour of twelve o'clock noon, at the last place of meeting of the retiring council, or such other place as the retiring council or other authority shall legally appoint; provided, however, that if such a day be a holiday the meeting shall be held on the following day, and thereafter as often as the council may appoint; and the Reeve or Mayor may at any time summon a special meeting of the council, and it shall be his duty to summon a special meeting whenever requested, in writing, by a majority of the council.

Special meeting.

Reeve, etc., to preside at meetings.

109. The Reeve or Mayor of the council shall preside at the meetings thereof, and in the event of his absence, the council

shall choose from among their number a person to preside, and in such case the said person so presiding shall have all the powers and exercise all functions appertaining to the Mayor or Reeve.

110. It shall be the duty of the clerks of the respective municipalities on or before the first day of February in each year, in addition to the return required by section 91, to transmit to the Secretary-Treasurer of the Judicial District Board of the district within which his municipality is situate, and to the Department of Agriculture, Statistics and Health at Winnipeg, the names and post office address of the Mayor or Reeve, and the Clerk and Treasurer of the municipality for the current municipal year, and any clerk refusing or neglecting to comply with this requirement shall forfeit and pay any sum not exceeding ten dollars to be recovered with costs in any court of competent jurisdiction at the suit of anyone who may sue for the same and to be payable on recovery to the Provincial Treasurer to form part of the Consolidated Revenue Fund of this Province.

Names and addresses of mayor, reeve, etc., to be transmitted.

Penalty for neglect.

111. In every city, town or local municipality, the council may pass by-laws for such municipality in relation to matters coming within the classes of subjects hereinafter enumerated, that is to say :

By-laws that municipalities pass.

(1.) The raising of a municipal revenue by taxes upon personal and real property, and the mode of collecting the same ;

As to municipal revenue.

(2.) The expenditure of the municipal revenue ;

(3.) Roads and bridges and the construction and maintenance of roads and bridges wholly within the municipality ; providing that no by-law shall compel any person bound to perform statute labor on any public highway, road or bridge, to perform the same, or any part thereof, at any point more than three miles distant from the land in regard to which the liability to perform the labor is imposed ;

Roads and bridges.

(4.) The prevention of cruelty to animals ;

Cruelty to animals.

(5.) The regulation of slaughter houses ;

Slaughter houses.

(6.) The prevention or removal of abuses prejudicial to agriculture ; and granting aid to agricultural, horticultural and industrial societies ;

Abuses to agriculture, etc.

(7.) The relief of the poor within the municipality, or for the care and maintenance of its poor, or of pauper patients in any house of refuge, hospital, or other institution, in or outside of the municipality.

Relief of poor, etc.

- Streams, etc. (8.) The condition of streams, water-courses and drains ;
- Drainage. (9.) Drainage works ;
- Fences, etc. (10.) The regulation of fences, dykes and ditches ;
- Nuisances. (11.) The prevention and removal of nuisances ;
- Fires. (12.) The prevention of prairie and other fires ;
- Public health. (13.) The preservation of the public health ;
- Officers, etc. (14.) The maintenance of officers of the municipality ;
- Pounds and herding animals. (15.) The providing and regulating of pounds, and for herding, restraining or regulating the running at large of animals, and for impounding them, and for causing them to be sold in case they are not claimed, or all lawful charges paid within a reasonable time, and such by-law may be made to apply to only a portion of the municipality, or a portion only of the year, as the council may deem expedient ; but no by-law under this section shall authorize the remaining at large of any animal which by chapter 18 of the Consolidated Statutes of the Province is prohibited from running at large.
- Effect of C. 18 C. S. M. saved
- Provido as to wards petitioning for herd by-law. Provided that upon the petition of a majority of the resident ratepayers within any Ward of a Local Municipality filed before the first day of March in any year the council of such municipality shall be obliged upon receipt of such petition to pass a by-law making such provisions under this sub-section as may be required by such petition having application to the said ward only, and any such by-law petitioned for under this proviso shall be passed and entered in the minutes as a matter of course and in the usual form, and public notice of any such by-law shall be posted in at least two conspicuous places in said ward, one of which shall be the Post Office, if any such there be, and any such by-law shall not be repealed before the 15th day of November then next ensuing.
- Notice of by-law.
- Appraising damages. (16.) The appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the by-laws of the Municipality.
- Fees and charges. (17.) The determining of the compensation and fees to be allowed for feeding, caretaking and selling of animals impounded ;
- Municipal hall, etc. (18.) The construction of a municipal hall, lock-up and other buildings ;
- Planting trees. (19.) The encouragement of planting trees on prairie land and public highways ;

- (20.) The taking of the census of the residents in a municipality; Census.
- (21.) The enforcing of the by-laws of the municipality by fine or imprisonment, not exceeding twenty dollars in case of fine, and one month in case of imprisonment, where such by-laws are within the competence of the municipality to enact; Enforcing by-laws.
- (22.) The regulation of the meetings of the council and the general conduct of business; Meetings of council.
- (23.) The appointment of and defining the duties of the clerk, treasurer, assessor and other officers of the municipality not determined by this Act; Duties of officials.
- (24.) Public morals, including the observance of Sunday; Public morals.
- (25.) The establishment, maintenance and regulation of markets; Markets.
- (26.) The imposing of penalties for light weight or short count, or short measurement in bread, fuel or anything marketed; Light weight, etc.
- (27.) The imposition, regulation and commutation of statute labor and dispensing with the same in the municipality or any part thereof; Statute labor.
- (28.) The regulation and maintenance of ferries wholly within the municipality and subject to the jurisdiction of the Legislature of Manitoba; and the granting of exclusive privileges therein for any term not exceeding ten years. Ferries.
- (29.) For imposing a tax on owners, possessors or harborers of dogs; and killing or selling such dogs which have been found running at large contrary to by-laws; Dogs.
- (30.) The establishment and alteration of limits of school districts and the collection of school taxes; School districts.
- (31.) To exempt from taxation any kind of railway property; Railway property.
- (32.) To divide the municipality into wards; Wards.
- (33.) To prevent and regulate, or license, exhibitions held, kept for hire or profit, bowling alleys and other places of amusement, and to fix the fees therefor; Exhibitions, bowling alleys, etc.
- (34.) To prevent or license and regulate a billiard table or tables, kept for hire or profit, and to fix the fees therefor; Billiard tables.
- (35.) To regulate and grant licenses to auctioneers, and to fix the fees therefor; Auctioneers.

Pawnbrokers,
Hawkers,
etc.

(36.) To regulate and grant licenses to pawnbrokers, hawkers, pedlers and transient traders, and to fix the fees therefor ;

Gambling
houses.

(37.) To suppress gambling houses, and to seize and destroy faro-banks, rouge-et-noir, roulette tables, and other devices for gambling found therein.

Compensation
for animals
destroyed for
contagious
disease.

(38.) To compensate the owners, in cases where the municipal council shall see fit, for loss sustained by the destruction of any horse, horses, cattle or other domestic animal or animals ordered and required to be destroyed by proper authority for having any contagious disease, provided that such compensation shall not in any case exceed half the value of the animal or animals so ordered to be destroyed, such value to be fixed by the official making the order or requiring the animal or animals to be so destroyed.

Opening,
altering, and
closing streets,
etc.

(39.) To regulate the opening, alteration and closing of streets and public thoroughfares and the disposition of the former location thereof in cases where the new roadway is taken from the lands of a different owner.

By-laws in
force until
repealed, etc.

All such by-laws shall be executory and remain in force until they are amended, repealed or annulled by competent authority, or until the expiration of the period for which they have been made. But this section shall not be held in any manner to restrict or limit the subjects with regard to which city or town corporations may be entitled to pass by-laws in virtue of the Manitoba Town Corporations Act and its amendments, or of any special charter or letters patent of incorporation.

Proviso as to
cities and
towns.

Existing
wards.

112. Provided that local municipalities divided into wards at the time of the passing of this Act shall remain as at present ; and in all other organized municipalities the council of the present year shall, by by-law, divide the same into wards before the expiration of their term of office, and in time for the next annual election ; except, however, that in the case of municipalities so situated that a division into wards would bring disadvantages to the municipality on the whole, the Lieutenant-Governor-in-Council may, if applied to, and he thinks proper to do so, order that such division into wards need not be made, or that two or three wards only may be formed, with three or two councillors for each ward, as the number of wards may require. Provided, however, that any local municipality may, at any time hereafter, by by-law, increase or diminish the number of its wards, and correspondingly increase or diminish the number of its councillors ; but no such by-law shall go into force or become effective until the approval of the Lieutenant-Governor-in-Council shall have

Council to
set apart
wards.

Exception.

Proviso as to
changing
number of
wards.

been signified; nor shall the council of any local municipality at any time consist of less than a Reeve and six Councillors.

113. The council shall from time to time by by-law appoint the place or places for holding all municipal elections required to be held under this Act, except the first, or when otherwise specially provided for; and the said by-law shall appoint returning officers to hold said election, and in the event of no such returning officers having been appointed, the clerk of the municipality shall appoint the returning officers for holding the election in conformity with this Act.

Appointment of place for holding elections.

114. In case at the time appointed for holding an election the person appointed to be returning officer has died, or does not attend to hold the election within one hour after the time appointed, or in case no returning officer has been appointed, the electors present at the place for holding the election may choose from among themselves a returning officer, and such returning officer shall have all the powers, and shall forthwith proceed to hold the election and perform all the other duties of a returning officer.

Proceedings where no returning officer.

115. The council of each municipality shall also at the last meeting in every year previous to nomination day pass a by-law or by-laws for the remuneration of the councillors of such municipality for the year next following, provided that any such by-law shall not authorize the payment of more than two dollars per day for each day's attendance at the council board, and not more than ten cents per mile travelled each way.

Payment of councillors.

116. The council shall, as soon as may be convenient after the annual election, appoint as many assessors as the by-laws respecting the assessment from time to time authorize or require, and shall fill up any vacancy that occurs in the said office as soon as may be convenient after the same occurs.

Assessors to be appointed.

117. The Lieutenant-Governor-in-Council shall appoint a District Auditor for each Judicial District in the Province, who shall be paid by the District Board such salary as may be fixed by them, and any Auditor so appointed shall be an officer of the Board of the District to which he belongs, and when not occupied in the performance of his duties as Auditor shall be available for any duties he may be required to perform by the said Board; and it shall be his duty so often as required by the council of any municipality, except a city, within his District, or by the Judicial District Board, to proceed to the office of the clerk or treasurer or of any other officer of such municipality to examine and report upon all accounts affecting the corporation or relating to any matter under its control or within its jurisdiction, and in addition to

District Auditor.

Duties.

Special Audita.

Annual
general
audits.

the foregoing duty he shall as soon as possible after the first to January in each year proceed to make an examination and report upon all such accounts and matters for the year ending on the thirty-first day of December immediately preceding in all the municipalities, except cities, within his District. All such reports shall be by him made out, signed, and certified as to correctness in duplicate, and one of said duplicates shall be by him delivered to the Board to be filed and retained for future reference, by the secretary-treasurer of the Board; and the other shall be by him transmitted for a similar purpose to the clerk of the municipality to which it refers.

Duplicate
reports.

Local Auditors

118. Notwithstanding the provisions of the last preceding section, each municipality may at its own expense provide for an audit of their accounts when deemed advisable and any such audit shall be made and affected as set forth in the four following sections.

Appointment
of local
Auditors.

119. Every council, after the municipality has been one year in operation, or as nearly as may be, may at the first meeting thereof in every year, after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates, and the other shall be appointed by the council; but no one who, at the time or during the preceding year, is or was a member or is or was a clerk or treasurer of the council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed as auditor.

Duties of
Auditors.

120. The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment.

Report on
expenditure
contrary to
law.

121. The auditors shall prepare an abstract of the receipts and expenditures and of the assets and liabilities of the corporations, and also a detailed statement of the said particulars in such form as the council may direct, and report in duplicate on all the accounts audited by them; and make a special report of any expenditure made contrary to law; and they shall file the same in the office of the clerk of the council within one month of their appointment; and thereafter any ratepayer of the municipality may inspect one of such duplicate reports at all reasonable hours; and may, by himself or his agent, at his own expense, take a copy thereof or extracts therefrom.

Allowance of
treasurer's
accounts, etc.

122. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer, if found

correct, and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable.

123. Every Returning Officer, every Mayor or Reeve, every Councillor, Assessor, Treasurer, Clerk, Constable, Auditor and every other officer for the municipality shall, before entering upon the duties of his office, make and subscribe a solemn declaration to the effect following: '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 *(insert the name of the office)*, to which I have been elected *(or appointed)*, in the municipality, and that I have not received and will not receive, directly or indirectly, any payment or reward or promise of such, for the exercise of any partiality or other undue execution of the said office, *(and in the case of a Mayor, Reeve, Councillor, Clerk, Treasurer or Auditor only)* that I have not, either directly or indirectly, any interest in any contract with or on behalf of said corporation." Oath of office to be taken. Form.

And the said declaration may be so made and subscribed before a Judge of any Court of Record in this Province, a Justice of the Peace, a Commissioner for taking affidavits, Registrar, Deputy Registrar, Clerk of the Council, Secretary-Treasurer or a Notary Public, and the said Declaration shall be filed in the office of the Clerk or Secretary-Treasurer of the municipality for future reference. Before whom taken. Filed for reference.

POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS, ETC.

124. The council of every municipality may pass by-laws Bonus by-laws.

(1.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company; By subscriptions or loans to railways.

(2.) For endorsing or guaranteeing the payment of any debenture to be issued by the railway company for money by them borrowed, and for assessing and levying, from time to time, upon the whole rateable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted; By endorsement.

(3.) For issuing for the like purpose, and delivery over to any such company or corporation, debentures payable at such times, and for such sums respectively, not less than one hundred dollars each, and bearing or not bearing interest, as the municipal council may think fit; By debentures.

By bonus
and exemp-
tion from
taxation.

(4.) For granting bonuses to any railway company in aid of such railway, and for issuing and delivering debentures in the same manner as in the preceding sub-section provided; for raising money to meet such bonuses, or for exempting the property of any railway company from taxation.

Aid to local
industries.

(5.) To aid local industries by way of granting bonuses or exemption from taxation for any number of years;

Municipality
interested in
railway may
subscribe for
shares, etc.

125. Any municipality, which may be interested in securing the construction of a railway, or through any part of which or near which, the railway or works of any railway company shall pass or be situated, may aid by subscription for shares, or assist such company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company; and otherwise, in such manner as to such extent as such municipality shall think expedient; provided always that, except in cities and towns, such aid, subscription, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of this Act, and added to the previous existing debt, shall not in the whole exceed twenty-five cents per acre on all the lands in the municipality, except in the municipality of Rockwood, where the limitation shall be restricted to fifty cents per acre on all the lands in the municipality.

Proviso.

Except Rock-
wood.

Petition for
submission of
by-law.

126. Such by-laws shall be submitted only on a petition of one-fourth of the duly qualified resident voters under this Act, or upon the company or promoters of such railway or local industry depositing with the Treasurer of the municipality such a sum as shall be amply sufficient to cover the expense of submitting such by-law to the vote of the rate-payers.

Or deposit.

Provisions in
by-law.

127. Such by-laws shall provide for raising the amount so petitioned for, re-payable within thirty years by annual instalments of principal, with interest in the meantime payable yearly or half-yearly, and for the issue of debentures for such instalments and interests, and for delivery to the trustees of the debentures for the amount of such instalments with interest at the times and on the terms specified in the petition; which debentures the municipal council, and the Mayor, Reeve and other officers thereof, are hereby authorized to execute and issue in such case.

No casting
vote.

128. Where the assent of the electors, or of the ratepayers, or any proportion of them, is necessary to the validity of a by-law, the clerk or other officer shall not be entitled to give a casting vote.

129. To render valid a by-law of any municipality for granting a bonus in aid of a railway or local industry or for promoting any manufacture, or for taking stock in any railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by any such company, or for lending money to any other company or person on condition of such company or person establishing or continuing a manufactory in or near such municipality, the assent shall be necessary of three-fifths of the ratepayers voting on the by-law. Three-fifths majority necessary to carry by-law.

130. Any such by-laws as mentioned in sections 124 to 132 both inclusive, shall require the assent of the electors whose names are on the assessment rolls being owners of real estate within the municipality, before the final passing thereof; and the following proceedings shall be taken for ascertaining such assent: Proceedings of obtain assent of electors.

(1.) The council shall, by a by-law, fix the day, hour and places for taking the votes of the electors on the by-law to be submitted to them at the places designated, which shall be the same as those at which the last municipal election was held; and shall also name returning officers to take the votes at such places; and such day shall not be less than four weeks thereafter. Time and place of voting

(2.) The council shall, before the passing of the proposed by-law, publish such particulars thereof as are required by sections 133 and 138 of this Act in some newspaper published weekly or oftener in the municipality or in the Province, but no more than one insertion each week shall be necessary: Particulars of by-law to be published.

(3.) At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner, as nearly as may be, as an election for mayor, reeve, warden and councillors under this Act; Manner of conducting poll.

(4.) The returning officer shall, within three days after the closing of the poll, return the poll books verified to the clerk of the council; Return of poll books.

(5.) The clerk of the council shall add up the number of votes for and against the same, and shall certify to the council, under his hand, whether the required majority have approved or disapproved of the by-law; and he shall keep the same, with the poll books, among the records of his office; Certificate of result of poll.

(6.) In case of dispute as to the result of the vote, the judge shall have the same power for determining the question as he has in any case of a scrutiny of votes; Where result disputed.

(7.) The petition to the judge may be by an elector, or by the council; and the proceedings for obtaining the judge's Who may petition.

decision shall be the same, as nearly as may be, as in the case of a scrutiny.

Challenge of voter.

131. If any person offering to vote on any such by-law is challenged as being disqualified, by any legal voter, the returning-officer shall require the party so offering to vote to take the following oath or affirmation, to be administered by such returning-officer as follows:

Oath of voter.

"You swear (or affirm as the case may be), that you are the person whose name is entered or intended to be entered on the list which I shew you; that you are twenty-one years of age, a subject of Her Majesty by birth or naturalization, and possessed of real estate to entitle you to vote on this by-law under the provisions of 'The Manitoba Municipal Act, 1884,' that you have not before voted on this occasion, and have not received anything nor accepted any promise, directly or indirectly, to induce you to vote or to indemnify you for your loss of time or any service connected with the voting on this by-law; that you are entitled to vote at this election and that you have not been guilty of any act of corruption disqualifying you from now voting."

Money By-laws.

132. The council may, under the foregoing formalities required by this Act, and with the assent of three-fifths of the ratepayers voting thereon, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable property of the municipality:

Aid to roads bridges and public works of outside municipality.

(a.) To assist, by money granted or lent, in the construction, repair or maintenance of any road leading to the municipality, or of any bridge or public work under the direction of the corporation of any other municipality;

Bridges, etc., within municipality.

(b.) To aid in the construction, repair or maintenance of any bridge, causeway, pier, wharf, public road, grist mill, elevator or other public work situated in whole or in part within the municipality or in its vicinity, to be undertaken and built by any incorporated company or person or under the authority of the District Board or by the Provincial Government.

Other purposes.

(c.) Or for any purpose within the jurisdiction of the council, not otherwise provided for:—

By taking shares.

(1.) By taking and subscribing for shares in any company formed for such purposes;

By bonus.

(2.) By giving, by way of bonus, or lending money to such company or person or the Provincial Government;

By Endorsation of loan.

(3.) By guaranteeing, by endorsation or otherwise, any sum of money borrowed by such company or person.

133. Every by-law, amongst other things that may be necessary for its proper understanding, shall recite and enact:

(1.) The object and amount of the proposed loan, issue of debentures, or other purpose of the by-law, together with the time or times of payment, not to exceed thirty years from the day on which it is to come into force:

Recitals in
by-law.
Object and
amount of
loan, etc.
Term not to
exceed
30 years.

(2.) The amount of the already existing debt (if any);

Existing
debt.

(3.) The amount of the whole rateable property of the municipality according to the last revised assessment roll;

Rateable
property.

(4.) The amount required to be raised yearly for the payment of interest and to form a sinking fund for the payment of the debt when due; or to meet the instalments and interest (with or without sinking fund as may be necessary) or otherwise if the debt is so payable, and the day or time when the by-law shall take effect within the financial year in which it is passed.

Amount
required
for interest,
sinking fund,
etc.
Date it takes
effect.

134. Any by-law heretofore submitted for such assent which has received such three-fifths vote, shall, if the other requirements of law have been substantially complied with, be held to have been legally assented to; and proceedings to obtain a judge's certificate of the due passing thereof may be taken as hereinafter provided, if the debentures authorized to be issued thereunder are in the possession or control of the municipality at the time of the passing thereof.

By-law hereto-
fore passed
with three-
fifths vote.

135. Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue and as to the proportionate part of the special rate imposed therefor; provided the repealing by-laws recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not effect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor-in-Council.

Where only
part of loan
raised.

136. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate, or so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been

By-law creat-
ing debt not to
be repealed.

Or altered.

previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment; and no officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first-mentioned by-law, or to alter the same so as to diminish the amount to be levied under it.

Bonus by-law
need not
be published
in full.

137. Any by-law of an incorporated city, town or local municipality for granting a bonus in aid of a railway, or of any local industry or work, or for any other purpose requiring the assent of the electors under the provisions of this Act, or of any special Act of incorporation, or any other by-law for raising money by the issue of debentures and requiring publication, shall not hereafter be required to be published in full, but it shall be sufficient to give such particulars shortly stated as shall enable any person interested in the purpose thereof to become aware of the object and general terms and provisions thereof, including the amount proposed to be raised, the time of payment, the amount required to be levied in each year, the whole existing debt of the municipality, the amount overdue (if any) of principal or interest, the amount of its last assessment, the rate on the dollar levied thereon, and the time and place for taking the votes of the ratepayers therein.

Form of
publication
or notice.

138. The following form for such publication or notice may be used: "Notice is hereby given that a by-law to raise the sum of _____ dollars by the issue of debentures for the purpose of aiding the construction of _____ railway (or securing the establishment of a woollen cloth factory, *as the case may be*) has been submitted to the council of the municipality (town or city) of _____, and that a vote thereon of the ratepayers entitled will be taken on the _____ day of _____ next, (or instant) at (naming the place or places) under the provisions of the "Manitoba Municipal Act, 1884" (*or as the case may be*):—

The said by-law provides that the said debentures shall be payable in _____ years, and that the rate to be levied for interest and sinking fund shall be _____ mills on the dollar.

The present debenture debt of the municipality is \$ _____ on which there is nothing overdue for principal or interest (*or as the case may be*), and its ratable property according to the last revised assessment roll is \$ _____

The said by-law, or a true copy thereof, is on file and can be seen in the office of the undersigned until the day of taking said vote,

The further consideration of the by-law after taking of said vote is fixed for the _____ day of _____ at the council room in the town hall (or as the case may be) of the municipality, at _____ o'clock in the forenoon.

Dated at _____ the _____ day of _____ 188

A. B.,
Clerk of the Municipality of _____

139. Any municipality entitled to pass by-laws for the issue of debentures for any of the purposes contemplated by this Act and not on account of expenditures or payable within the current year, and whether such by-laws require to be voted upon or not (except in the case of by-laws and debentures in connection with court-house and gaol expenditure otherwise provided for), may, after the by-law has been finally passed, submit a certified copy thereof to the judge or acting judge of the county court of the judicial district in which the municipality is situated together with proof to the satisfaction of such judge, and such as he may require to be given of the due compliance on the part of the municipality, with all the requirements of this or any other Act in respect to the passing of such by-laws, and the issue of debentures thereunder, as well as proof of the substantial correctness of all the material averments in any such by-law; and if such judge is satisfied upon the evidence given and the proceedings taken before him that the provisions of the law in respect to such by-law have been substantially complied with and that there has been no undue or improper means or influence used in order to procure the passage of the by-law and that it was in all respects legally and properly passed at a meeting of the council of the municipality appointed and held for the purpose, he shall so certify in manner hereinafter mentioned.

Legalizing
money by-
laws.

Co. judge's
certificate.

140. Upon the submission of said by-law and proofs to such judge, the clerk of the municipality shall cause to be published in the same manner in which the notice of submission of said by-law to a vote had been previously given, a notice to the following effect:—"Take notice that a by-law to authorize a loan of \$ _____ for the purpose of aiding in the construction of the proposed _____ railway, (cloth factory, or as the case may be) has been duly passed by the council of the municipality of _____ that the proofs of the due passing of the said by-law and of the requirements of the statute in that behalf, preliminary to its being so passed having been complied with, have been submitted to His Honor the Judge or acting Judge of the County

Submission to
judge.

Notice.

Courts of the _____ Judicial district, who will be applied to for a certificate as to said by-law under the provisions of sec. 137 47 Victoria, chapter _____ on or after the _____ day of _____ (naming any juridical day after the last publication of the notice.)

Dated at _____ the _____ day of _____ 18 _____

A. B.,
Clerk of the Municipality of _____

Objections to
legality of
by-law.

141. At any time or times that said judge may appoint after the receipt by him of such certified copy of by-law and proofs and before the day named in the notice mentioned in the last preceding section when said certificate might be applied for, any ratepayer of the municipality may offer evidence in writing, under oath or affirmation, as to the non-compliance by or on behalf of the municipality with the requirements of the statute at or preliminary to the passing of such by-law, or as to undue or improper means or influence having been used in order to promote or secure the passage of said by-law, and if the said judge, after examining said proofs and evidence, and such other proof or evidence on either side as he may consider it advisable and proper to ask for and receive, shall be of opinion that the said requirements of the law had not been substantially complied with in reference to the passage of such by-law as aforesaid, or that undue or improper means or influence had been used as aforesaid at any stage of the proceedings to an extent that the passage of said by-law had, in the opinion of said Judge, been thereby secured, the said Judge shall refuse his certificate and report the grounds of his refusal to the clerk of the municipality for the information of his council; and the said by-law and the debentures that may be issued thereunder, if any, shall thereafter be in the same position as if the provision of this Act allowing such reference to the Judge had not been passed.

Caption for
proceedings.

142. The proceedings to legalize or oppose the by-law may be entitled "In the matter of by-law No. _____ of the Municipality of _____," and need not be entitled in any court.

If by-law properly passed,
Judge to
certify.

143. If the said Judge shall be of opinion that the said by-law had been duly and properly passed, he shall so certify to the said municipal council through its said clerk, and shall transmit the copy of said by-law, with a duplicate of said certificate endorsed thereon or thereto attached, together with the proofs and evidence filed on the said application or submission, to the Provincial Secretary, the clerk or secretary-treasurer

first signing the endorsement "a," and affixing the seal of the municipality; and the said Provincial Secretary, at any time with six months after the receipt of said copy of by-law and certificate, shall, on the application of said municipality, sign the endorsement "b," on any debentures issued by said municipality under the authority of said by-law :

(a.) Total amount of the present debt of the Municipality of ^{Statement en-} including that incurred under ^{dorsed on de-} ^{bentures.}
 the within mentioned By-law No. _____
 is _____ dollars.

The total amount of debt incurred during the last year
 (18) is _____ dollars.

The assessed value of real and personal property of the municipality according to the last revised assessment roll is _____ dollars,
 viz : personal, \$ _____ real, \$ _____

The rate in the dollar required to be levied for general purposes as last provided for is _____ and
 for interest and sinking fund on account of all other indebtedness is _____

The total present rate for all purposes is _____ on
 the dollar.

The sinking fund formed for the purpose of paying all such indebtedness and now held under investment or to the credit of the municipality amounts to _____ dollars.

The interest in arrears and past due on the existing debenture debt of the municipality amounts to _____ dollars.

The number of ratepayers on the last revised tax roll of the municipality is _____

[L. S.] Clerk (or Secretary-Treasurer.)

"b." This debenture is issued under the provisions of the ^{Certificate of} _{Prov. Sec.}
 "The Manitoba Municipal Act, 1884," 47, Victoria, chapter _____



 Provincial Secretary.

144. The said endorsement signed by the said Provincial Secretary and sealed with the seal of the said Province shall ^{Effect of certi-} _{ificate of Pre-} _{vincial Sec'y.}

Indefeasible security.

render the debenture on which it is made an absolute and indefeasible security to the lawful holder thereof for the amount of such debenture and the interest, if any, made payable thereon, as against the municipality issuing the same, and shall be absolute proof that said by-law has been legally passed and said debentures properly issued thereunder, and it shall not be competent for such municipality, or any ratepayer thereof, or any other person whatsoever to question the validity of any debenture bearing said endorsement, or of any by-law under the authority of which the same had been issued, in any court of this Province.

Costs of submission of by-law to judge, publication of notice, etc.

145. The municipality by which said by-law had been submitted to the Judge as aforesaid shall pay the cost of publication of the notice of such submission; and the said Judge shall be entitled to demand and receive from the municipality, for examining said by-law and proofs and making such certificate or report refusing the same, in uncontested cases, a fee of ten dollars; and where the due passage or validity of said by-law is questioned as aforesaid he shall be entitled to demand and receive a further sum of ten dollars, as a hearing fee on said contestation, to be paid by the contestant or the municipality according to the result; and any person or persons opposing the confirmation of any such by-law as aforesaid shall, upon filing an affidavit, declaration or affirmation in opposition to such confirmation, deposit the said sum of ten dollars in payment of such fee in case the said contestant shall fail in his application; and in case he shall succeed, the said amount shall be returned to him, and the said additional fee shall be payable by the municipality as aforesaid.

Deposit by contestant.

Costs where affirmance of by-law opposed.

146. In case of the affirmance of any by-law being opposed as aforesaid the said Judge may allow such a sum for the costs of opposing or upholding such application as he shall think reasonable and proper and may give a certificate to the party he may consider entitled to said costs, stating the amount and the person or municipality by which, in his opinion, the same should be paid, and the party or corporation to whom or to which such certificate shall be given shall be entitled to recover the amount thereof as a debt, of which the said certificate shall be *prima facie* evidence in any court of competent jurisdiction; provided, however, that no such certificate for costs shall be given against any person or persons or corporation who has not had due and reasonable notice of the proceedings before said judge and, in the opinion of said judge, a fair opportunity of refuting any charge of illegal or improper conduct in connection with the passing of said by-law.

Proviso.

Registration of debentures not required.

147. The provisions of Chapter 24 of 44 Victoria, intituled "An Act respecting the Registration of Debentures," shall not apply to any by-law certified to by a Judge under the fore-

going sections of this Act or to the debentures issued thereunder.

148. The council of every municipality shall keep in its books two separate accounts, one for the special rate and one for the sinking fund or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix distinguishing the purposes for which the debt was contracted and shall keep the said accounts, with any other that are necessary, so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for payment thereof.

Accounts of debenture rates to be kept.

149. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in augmenting any instalment of the principal for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall remain and may be applied, if necessary, towards the payment of the next year's interest, but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account or in payment of principal of such debt.

If a surplus levied, how disposed of.

150. The Lieutenant-Governor may, by Order-in-Council direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being invested as herein-after provided shall, from time to time, as the same accrues, be applied to the payment or redemption of any such debt or any part of the debentures representing or constituting such debt, or any part of it, and the municipal council shall thereupon apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts as so directed, unless it can be shown to the satisfaction of the said Lieutenant-Governor-in-Council that such payment or redemption cannot be effected as required without unnecessary loss to the municipality.

Lt.-Gov. may direct how surplus to be applied.

151. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the municipal council shall from time to time invest in government securities, or otherwise as the Lieutenant-Governor-in-Council may direct or sanction.

Investment of sinking funds, etc.

152. All debentures and other specialties duly authorized to be executed on behalf of the corporation, shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and signed by the mayor, reeve, or by some

Debentures etc., to be signed by head of corporation and sealed.

Counter-
signed.

other person authorized by by-law to sign the same, and countersigned by the clerk or secretary-treasurer, otherwise the same shall not be valid.

Transferable
by delivery.

153. Any debenture issued under the formalities required by law, by the corporation, payable to bearer or to any person named therein as bearer, may be transferred by delivery; and such transfer shall vest the property in such debenture in the lawful holder thereof, and enable him to maintain an action there upon in his own name.

Valid notwith-
standing a sale
under par, etc.

154. Every such debenture, issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such corporation at a rate less than par, or at a rate of interest greater than six per centum per annum.

Portion of a
municipality
may be incor-
porated as a
town.

155. This Act shall not prevent any portion of any municipality from becoming incorporated as a town under the provisions of "The Manitoba Town Corporations Act," and where any such portion shall become so incorporated it shall cease to be a portion of the municipality in which it lies, but such town shall pay its just share or proportion of all liabilities incurred by the municipality before such separation, according as the same shall then appear by the last revised assessment roll.

Mayor, etc.,
refusing to act
liable to
penalty.

156. Any Mayor, Reeve or Councillor refusing to act, after having been duly elected, shall thereby incur a penalty of forty dollars; which said penalty may be recovered by the municipality by an action in any of the courts of this Province, with full costs, and any mayor, reeve or councillor wilfully neglecting to attend and subscribe to the oath of office as prescribed in this Act shall be evidence of refusal to act.

Settlement
belt included
in certain
cases.

157. In any case where not otherwise defined, in the description of any municipality or ward, where the township and range are all given, or from the nature of the case it appears necessary, or to have been the intention, to include the settlement belt or a portion of it, the line between the lots in the settlement belt most nearly coinciding with such township line (if such township line were produced to the river) shall be the boundary of such municipality or ward, and in the description the word "parish" shall mean the parish as laid down in the official map.

Meaning of
word "parish."

158. The treasurer of every municipality shall, on or before the twentieth day of January in each year, send to the Minister of Agriculture, Statistics and Health a complete return of all the moneys collected in the municipality or received from the Provincial Treasurer for municipal purposes, and of

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all money expended for municipal purposes during the year ending on the thirty-first day of December previous, with a brief statement of the nature of the works on which such money shall have been expended; and every such return shall be certified as correct by the head of the municipality.

159. The treasurer and other officers of each municipality shall be required to give security for such amount and in such manner before entering upon the duties of his office as the council therefor shall determine, which securities the council shall require to justify. Security by officers.

BRIBERY AND ILLEGAL PRACTICES.

160. The following persons shall be deemed guilty of bribery and illegal practices shall be punished accordingly:— Bribery, etc. and punishment therefor.

(1.) Every person who, directly or indirectly by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place or employment to, or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon any by-law for raising any money or creating a debt upon a municipality or part of a municipality, for any purpose whatsoever, or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any such municipal election or upon any such by-law; Giving money to voters. Procuring office, etc.

(2.) Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavor to procure the return of any person to serve in any municipal council, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law. Using undue influence.

(3.) Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavors to procure, the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law; Accepting bribe.

(4.) Every person who advances or pays, or causes to be paid, any money to, or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any municipal election, or at any voting Advancing money for bribery, etc.

upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or re-payment of any money, wholly or in part expended in bribery, at any such election or at the voting upon any such by-law ;

Voter receiving or agreeing for money to vote.

(5.) Every voter who, before or during any municipal election or the voting on any such by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election or upon any such by-law ;

Receiving money after election, etc.

(6.) Every person who, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election or upon any such by-law ;

Hiring teams.

(7.) Every person who hires any horses, teams, carriages, or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to or from any poll as aforesaid.

Corruptly providing refreshments.

(8.) Every person who corruptly by himself or by or with any person or by any other ways or means on his behalf at any time, either before or during any municipal election or the voting upon any By-law, directly or indirectly gives or provides or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provisions to or for any person in order to be elected, or for being elected, or procuring the election of any other person, or the passage of any such By-law, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election or upon such By-law, shall be deemed guilty of the offence of treating.

Offence of treating.

Personation.

(9.) Every person during the voting at any municipal election, or upon any By-law, who knowingly personates and falsely assumes to vote in the name of another person, whose name appears on the voters' list, whether such other person be then living or dead, or if the name of such other person be the name of a fictitious person.

Repeating vote.

(10.) Every person who having already voted at any such election or upon a By-law presents himself again to vote at

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the same election, or upon the same By-law, and every person who aids, incites, counsels, or facilitates the commission by any person whomsoever of any of the foregoing Acts in this subsection mentioned.

161. Every person who, directly or indirectly, by himself ^{Using violence or intimidation.} or by any other person on his behalf, makes use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned.

162. The actual personal expenses of any candidate, his expenses for the actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. ^{Lawful Expenses of candidates.}

163. Where, in an application in the nature of a *quo warranto*, or upon any petition to set aside a municipal election, or any application to quash a By-law, any question is raised as to whether the candidate or any voter has been guilty of any violation of section one hundred and sixty or one hundred and sixty-one of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, or by an examiner upon an appointment granted by him in cases pending in such County Court. ^{Evidence to be taken viva-voce.}

164. Any candidate elected at any municipal election, who is found guilty by the judge upon a trial upon a writ of *quo warranto*, or petition to set aside a municipal election, of any act of bribery, or of using undue influence, as aforesaid, shall forfeit his seat and shall be ineligible as a candidate at any municipal election for two years thereafter. ^{Penalty on candidates.}

165. Any person who is adjudged guilty of any of the offences within the meaning of said sections one hundred and fifty-eight and one hundred and fifty-nine of this Act, shall incur a penalty of not less than ten nor more than fifty dollars, and shall be disqualified from voting at any municipal election or upon any by-law for the next succeeding two years. ^{Additional penalties.}

166. The penalties imposed by the last preceding section or by any other section of this Act, in respect to which no ^{Recovery of penalties.}

special provision is otherwise made, shall or may be recoverable, with full cost of suit, by any ratepayer of the municipality who may sue for the same by action of debt in the County Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or municipal voter until the amount which he has been ordered or adjudged to pay is fully paid and satisfied.

Disqualification upon judgment.

Judge to make return.

167. It shall be the duty of the judge who finds any candidate guilty of a contravention of section one hundred and fifty-eight or one hundred and fifty-nine of this Act, or who condemns any person to pay any sum in the County Court for any offence within the meaning of this Act to report the same forthwith to the clerk of the municipality wherein the offence has been committed.

Clerk to keep book with names of persons guilty, etc.

168. The clerk of every municipality shall duly enter in a book to be kept for the purpose, the names of all persons within his municipality who have been adjudged guilty of any offence within the meaning of sections one hundred and fifty-eight and one hundred and fifty-nine of this Act, and of which he has been notified by the judge who tried the case.

Attendance of witnesses.

169. Any witness shall be bound to attend before the judge of the County Court upon being served with the order of such County Court judge or a subpoena issued by the clerk of the County Court directing his attendance, and upon payment of the necessary fees for such attendance in the same manner as if he had been directed by a writ of *subpoena* in an ordinary cause so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such subpoena.

Fees.

Witnesses not excused on certain grounds.

170. No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any court or before any judge, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act shall be used in any proceeding under this Act against any person, if the judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer to the satisfaction of the judge.

Proviso.

Limitation of actions.

171. All proceedings other than an application in the nature of *quo warranto* against any person for any violation of sec-

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tions one hundred and fifty-eight and one hundred and fifty-nine of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid.

172. No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Manitoba shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver, or as accomplice or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge, before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender.

No penalty after previous joint prosecution.

Proviso.

173. The Clerk of every municipality shall, prior to any election or voting on any by-law, furnish each deputy-returning-officer with at least two copies of the sections of this Act, numbered from one hundred and sixty to one hundred and seventy-three, both inclusive, and shall also post at least two copies thereof in conspicuous places in each polling sub-division in the municipality.

Copies of sections 160 to 173 furnished to deputy-returning officers.

174. Every Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct; but the head or other chairman of the Council may expel and exclude from any meeting any person who has been guilty of improper conduct at such meeting.

Meetings of Council to be open.

175. A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum.

Quorum.

176. The head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Head of Council may vote.

177. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council.

Head of Council may administer certain oaths.

178. In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature,

Salaries of officers.

the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council.

No appointment to be made by tender.

179. No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration.

By-laws to be under seal, etc.

180. Every by-law shall be under the seal of the corporation and shall be signed by the head of the corporation or by the person presiding at the meeting at which the by-law has been passed and countersigned by the clerk or acting clerk of the corporation.

Proof of by-law.

181. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the corporation and certified to be a true copy by the clerk and by any member of the council, shall be deemed authentic, and be received as *prima facie* in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged.

Promulgation of by-law, what to consist in.

182. Every promulgation of a by-law shall, when deemed necessary by the council passing the same, which shall be signified by containing such direction in said by-law, consist in the publication, through the public press, of a true copy of the by-law and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the court to quash the same or any part thereof; and the publication aforesaid shall be in a public newspaper published within the municipality, or if there be no such newspaper, then in a public newspaper published in the Province; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks.

Notice of by-law.

183. The notice to be appended to every copy of the by-law for the purpose aforesaid shall be to the effect following:

Form.

NOTICE.—The above is a true copy of a by-law passed by the municipal council of _____ on the _____ day of _____ 18____; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to one of the Judges of the Court of Queen's Bench before the end of the Term following this notice or he will be

too late to be heard in that behalf; and take notice that such Term commences on the next day of

G. H., Clerk.

184. In case a ratepayer or any person interested in a by-law, order or resolution of the council of a municipality (*other than a city*) applies to the Judge of the County Court having jurisdiction in the municipality, and produces a copy of the by-law, order or resolution to said Judge certified under the hand of the clerk and under the corporate seal, and shows by affidavit that the same was received from the clerk, and the applicant is a ratepayer and interested as aforesaid, the Judge, after at least ten days' service on the corporation of a summons to show cause in this behalf, may quash the by-law, order or resolution in whole or in part for illegality; and according to the result of the application, award costs for or against the corporation on such scale as he shall think proper.

Application to quash a by-law

185. No application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any Judge, unless such application is made to such Judge within one month from the passing of any such order or resolution or from the third publication of the by-law under this Act, as the case may be.

To be made within one month.

183. Any by-law, the passage of which has been procured through or by means of any violation of the provisions of section 160 or 161 of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained.

By-law may be quashed for undue influence.

187. Upon the trial of any petition against the election of a mayor, reeve, or councillor or against any by-law voted upon by the ratepayers under this Act, there shall be struck off from the number of votes given for any candidate or for or against such by-law one vote for each person who shall have been proved to have voted after having been guilty of bribery or undue influence, corrupt practices, treating, or personation at the instigation of the candidate or of one of his agents or of any person acting in the name or in the interest of such candidate or acting for or against such by-law, as the case may be.

Illegal votes may be struck off.

188. Before determining any application for the quashing of a by-law upon the grounds that any of the provisions of this Act have been contravened in procuring the passing of the same, if it is made to appear to a judge of the said County Court that probable ground exist for a motion to quash such by-law, the judge may make an order for an inquiry to be held, upon such notice to the parties affected as the judge may

Inquiry may be ordered and witnesses heard.

direct concerning the said grounds before him, and require that upon such inquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said judge.

Judge may
quash by-law
and award
costs.

189. The said judge shall thereupon, if the grounds therefor appear to him to be satisfactorily established, make an order for quashing the said by-law, and he may order the costs attending such proceedings to be paid by the parties or any of them who have supported said by-law upon such scale as he shall think fit; and if it appears that the application to quash said by-law ought to be dismissed, the said judge may so order and in his discretion award costs to be paid by the person or persons applying to quash said by-law, upon such scale as he shall think proper.

Proceedings
on by-law
stayed.

190. After an order has been made by the said judge directing an inquiry and after a copy of such order has been left with the clerk of the corporation, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry is directed; but if the matter is not prosecuted to the satisfaction of the judge he may remove the stay of proceedings.

Appeal to
Queen's Bench

191. Any decision or order of a judge upon any such application shall be subject to appeal to the Court of Queen's Bench at the next term after the order has been made upon the application to quash such by-law, order or resolution, if such order has been made not less than ten days before the first day of such term or during any term or at the second term after the making of such order if the same has been made out of term and within ten days before the first day of the next term after the making of such order. Such appeal shall be had according to the practice prevailing at the time with reference to appeals from a County Court, save that it shall not be necessary first to apply to the judge of County Court for a new trial, rehearing, reversal or variation of his order or decision.

By-law be-
comes valid
after one
month, etc.

192. In case no application to quash any by-law is made before the expiration of one month next after the third publication of such by-law and notice as aforesaid, the by-law or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law.

Taxes to be
due from
1st Jan.

193. The taxes or rates imposed or levied for any year shall be considered to have been imposed and to be due on

and from the first day of January of the then current year and end with the thirty-first day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied.

194. In case any offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the locality where the offender resides or where the offence was committed, whether the justice is a member of the council or not, may try and determine any prosecution for the offence.

Offences
against
by-laws.

195. Every fine or penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefore be recovered and enforced with costs by summary conviction before any Justice of the Peace for the county or of the municipality in which the offence was committed, and in default of payment the offender may be committed to the common jail, house of correction, or lock-up house of such municipality, there to be imprisoned for any time in the discretion of the convicting justice, not exceeding, (unless where other provision is specially made) thirty days, with or without hard labor, unless fine and penalty and costs, including the costs of the committal, are sooner paid.

Recovery and
enforcement
of penalties.

196. The justice or other authority before whom a prosecution is had, for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of the prosecution, and may by warrant, under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs if not otherwise paid, to be levied by distress and sale of the goods and chattels of the offender.

Penalties
imposed by
by-laws.

How levied.

197. In case of there being no distress found, out of which the penalty can be levied, the Justice may commit the offender to the common jail, house of correction, or nearest lock-up house for the term, or some part thereof, specified in the by-law.

Commitment
in default.

198. Unless otherwise provided, when the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation, unless the prosecution is brought in the name of the corporation, in which case the whole of the pecuniary penalty shall be paid to the corporation.

Application
of fine.

Who may be witnesses.

199. Upon hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such person opposing or defending, shall also be competent witnesses; and all the said persons shall be compelled to give evidence on such hearing.

Ratepayers, etc., competent as witnesses.

200. In any prosecution, suit, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall on account of his being such be incompetent as a witness; but they and every of them, shall be liable to challenge as a juror, except where the corporation, the party to such prosecution, suit, action or proceeding, is a municipality.

May be challenged as jurors.

Compelling witnesses to attend.

201. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under the statutes now in force, or which may be hereafter enacted.

CONVICTIONS UNDER BY-LAWS.

Form of conviction under by-laws.

202. It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such evidence may be in the form following:—

FORM No. 3.

PROVINCE OF MANITOBA, } BE IT REMEMBERED
 County of } that on the day of
 To WIT. } A. D.

A. B. is convicted before the undersigned, one of Her Majesty's justices of the peace in and for the said county or Province, for that the said A. B. (*stating the offence, and time and place, and when and where committed*), contrary to a certain by-law of the municipality of _____ passed on the _____ day of _____ A. D. and intituled (*reciting the title of the by-law*); and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of _____ to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of _____ for his costs in this behalf. And if the said several sums are not paid forthwith (*or on or before*

the _____ day of _____, *as the case may be*,
 I order that the same be levied by distress and sale of the
 goods and chattels of the said *A. B.*; and in default of suffi-
 cient distress, I adjudge the said *A. B.* to be imprisoned in the
 common jail of the county of _____ (or in the public
 lock-up at _____) for the space of _____ days,
 with or without hard labor, unless the said several sums, and
 all costs and charges of conveying the said *A. B.* to such jail
 (or lock-up) are sooner paid.

Given under my hand and seal, the day and year first above
 written at _____, in the said county.

J. M., [L. S.]
J. P.

EXECUTION AGAINST MUNICIPAL CORPORATIONS.

203. Any writ of execution against a municipal corpora-
 tion may be endorsed with a direction to the sheriff to levy Proceedings on executions against municipal corporations.
 the amount thereof by rate, and the proceedings thereon shall
 then be the following:—

(1.) The sheriff shall deliver a copy of the writ and endorse-
 ment to the treasurer, or leave such copy at the office or Sheriff to deliver copy of writs and statement to treasurer.
 dwelling-house of that officer, with a statement in writing of
 the sheriff's fees, and of the amount required to satisfy such
 execution, including in such amount the interest calcula-
 ted to some day as near as is convenient to the day of ser-
 vice;

(2.) In case the amount, with interest thereon from the day
 mentioned in the statement, is not paid to the sheriff within If claim not paid sheriff to strike rate.
 one month after the service, the sheriff shall examine the
 assessment rolls of the corporation, and shall in like manner
 as rates are struck for general municipal purposes, strike a
 rate sufficient in the dollar to cover the amount due on the
 execution, with such addition to the same as the sheriff deems
 sufficient to cover the interest, his own fees, and the trea-
 surer's per centage, up to the time when such rate will probably
 be available.

(3.) The sheriff shall thereupon issue a precept or precepts, Sheriff's precept to treasurer.
 under his hand and seal of office, directed to the treasurer of
 the corporation, and shall annex to every such precept 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
 treasurer to levy or cause to be levied, such rate at the time
 and in the manner by law required in respect of the general
 annual rates.

Execution. (4.) At the time for levying the annual rates next after the receipt of such precept, the treasurer shall add a column to the tax roll headed "*Execution rate in A. B. vs. the Municipality*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and said treasurer, so soon as the amount of such execution or executions is collected shall return to the sheriff the precept with the amount levied thereon.

Rate rolls.

Surplus. (5.) The sheriff shall, after satisfying the execution and all fees thereon, return any surplus, within ten days after receiving the same; to the treasurer, for the general purposes of the corporation.

Clerk, etc., to be officers of the court in respect of proceedings. **204.** The clerk, assessors and treasurer of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect the provisions of this Act, with respect to such executions be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them.

Contracts by members with corporation void. **205.** In case a member of the council of any municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, and which is on that account void or voidable in equity, the same contract, purchase or sale, shall also be held void at any action at law thereon against the corporation.

STATUTE LABOR.

Persons exempt from statute labor. **206.** No person in Her Majesty's military or naval service on full pay, or on actual service, no clergyman or school teacher actually engaged in their profession, shall be liable to perform statute labour or to commute therefor; nor shall any non-commissioned officer or private of the volunteer force, certified by the officer commanding the company to which such volunteer belongs or is attached as being an efficient volunteer; but these exceptions shall not apply to any of the above named persons who are assessed for real property.

Persons liable and in what ratio. **207.** Every male inhabitant of a municipality of the age of twenty-one years and under sixty years of age, who is not otherwise assessed, and who is not exempt by law from performing statute labor, shall be liable to one day of statute

labor on the roads and highways in the municipality, and no council shall have any power to reduce the statute labor required under this section if the statute labor clauses have been adopted.

208. No person shall be exempt from the tax in the last preceding section named unless he produces a certificate of his having performed statute labor or paid the tax elsewhere. Certificate of performance.

209. Every person rated in a municipality (not otherwise exempted by law from performing statute labor), who has been assessed upon the assessment roll of the municipality for a sum not exceeding five hundred dollars shall be liable for one day's statute labor. Proportion of statute labor to assessment.

210. Every person assessed upon the assessment roll of a municipality shall be liable to statute labor according to the amount of such assessment, as follows:— Do.

(a.) Every person assessed in the aggregate for five hundred dollars and upwards to one thousand dollars, two days; \$500, two days.

(b.) For every additional five hundred dollars, one day up to two thousand dollars, and one day for every additional thousand dollars upwards of two thousand dollars. Add one day per \$500 to \$2,000, etc.

(c.) In municipalities where lands have been sub-divided into park or town lots, the council may direct a less rate to be imposed by a general by-law affecting such lots; Park and town lots.

Provided always, that the council of any municipality by a by-law operating generally and ratably, may reduce the number of days labor to which all the parties rated on the assessment roll or otherwise shall be respectively liable, so that the number of days labor to which such person is liable shall be in proportion to the amount at which he is assessed; Ratable reduction of labor by by-law.

Provided also that such rates shall be imposed according to the aggregate valuation of any person so assessed in the municipality;

211. The council of any municipality, may, by by-law direct that a sum not exceeding one dollar and fifty cents a day shall be paid as commutation of statute labor, in which case the commutation tax shall be added in a separate column in the tax roll, and shall be collected and accounted for like other taxes. Commutation may be \$1.50 per day.

212. Provided always that any person desiring to commute their statute labor shall be allowed a reduction of twenty-five cents per day, if paid within one month after the final revision of the assessment. \$1.25 per day if paid within a month.

Where no by-law commutation \$1.50 per day.

213. Where no such by-law has been passed, the statute labor in municipalities in respect of lands of non-residents shall be commuted at the rate of one dollar and fifty cents for each day's labor.

Labor to be performed on notice.

214. Any person liable to perform statute labor under the provisions of this Act, not commuted, shall perform the same when required to do so by the pathmaster or other officers of the municipality appointed for the purpose; and, in case of neglect or refusal to perform such labor after six days' notice requiring him to do the same, shall be held to have commuted for such statute labor at the full rate of commutation in force in the municipality for each day's labor, and such commutation shall be collected and accounted like other taxes, but any person obliged to perform statute labor in virtue of section 207 of this Act so neglecting or refusing to perform the same shall incur a penalty of three dollars, and upon summary conviction thereof before a justice of the peace, such justice shall order the same, together with the costs of the prosecution and distress, to be levied by distress of the offender's goods and chattels, and in case there is no sufficient distress, such offender may be committed to a common jail, house of correction, or nearest lock-up house, and there put to hard labor for any time not exceeding five days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to the common jail or other place of confinement are sooner paid.

Penalty for non-performance.

Penalties payable to treasurer.

215. All sums and penalties, other than costs, recovered under this last section, shall be paid to the treasurer of the local municipality, and form part of the statute labor fund thereof.

Non-residents, when not permitted to perform statute labor.

216. No non-resident who has not required his name to be entered on the roll shall be permitted to perform statute labor in respect of any land owned by him, but a commutation tax shall be charged against him according to its assessed value; and, in all cases in which the statute labor of a non-resident is paid in money, the municipal council shall order the same to be expended in the ward where the property is situated, or where the said statute labor tax is levied.

When non-residents admitted, but do not perform labor.

217. In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labor, or pay commutation for the same, the pathmaster in whose division he is placed shall return him as a defaulter to the clerk of the municipality, before the tenth day of September, and the clerk shall in that case enter the commutation of statute labor against his name in the tax roll; and in all cases, both of residents and non-residents, the statute labor shall be rated and charged according to the assessed value.

218. The Reeve or Mayor of the municipality shall, in his Reeve, etc., a
own municipality, be *ex officio* Justice of the Peace, and shall *J. P. ex officio*
have like powers as are exercised by Justices of the Peace. in muni-
cipality.

219. The Council shall have the power to appoint one or Appointment
more constables within the municipality, whose duty it shall of constables.
be to enforce and maintain law and order, and who shall per-
form all duties usually appertaining to constables, and the
Council shall have the power, from time to time, to remove
such constable or constables for any misconduct in office or
for other cause, and may also regulate the fees to be paid
constables, subject to the statute in that behalf.

220. All questions not made referable to a court or Judge, Settlement of
arising between municipalities, may be referred to the County questions be-
Judge or Acting County Judge of the district within which tween muni-
such disputing municipalities shall lie, or to the judicial cipalities not
district board of said district, as the said municipalities shall made referable
decide upon; and in case of such disputing municipalities to Judge.
being in different judicial districts, the reference may be to the
County Judge of either district, and the decision of the said
board or Judge referred to shall be final, and may be enforced
by *mandamus* or other suitable process of law from or in
the Court of Queen's Bench, or through a Judge thereof.
Should the reference be made to such County Judge he shall Do, where
be entitled to receive from the municipality or municipalities municipal
making the same a fee of five dollars for every day occupied in different
in hearing and deciding the matter in dispute besides his judicial dis-
actual moving expenses. tricts.

221. When any municipality shall deem it expedient to Alterations or
alter the location of any existing road, road allowance, or high- opening of
way, or open up a new road within the limits of such muni- roads.
cipality, it shall be lawful for such municipality to proceed to
expropriate the lands necessary therefor, and to such end to
pass a by-law authorizing a survey to be made by a competent
surveyor, showing the location of the old road, (if it is
intended to alter an existing road), and the proposed location
of the new road; and if such plans be approved of by such
municipality, and so expressed by a by-law of the municipal-
ity, and such by-law and plans shall receive the approval of
the Lieutenant-Governor-in-Council, to whom they shall be
submitted and filed in the department of Public Works, then
from that date such new road shall be deemed to be the road
or public highway, as set forth in such by-law and shown on
such plans.

222. For the purpose of the survey required in the preced- Surveyor may
ing clause, any duly authorized surveyor shall have the enter lands,
right to enter on any property and generally to do anything etc.
necessary to make such survey without doing any unnecessary
damage to the property entered upon.

Compensation
for lands
taken.

223. The municipality shall make fair compensation to any party whose lands have been taken by the laying out or construction of such new road, which shall be a debt due by the municipality to such party, and such party may sue therefor in any court of competent jurisdiction, and proceed to judgment and collect the same as any other debt against such municipality.

How compen-
sation to be de-
termined.

224. The amount of compensation to be paid for any lands thus taken shall be determined in the following manner, that is to say: By a mutual agreement between the municipality and the party whose lands have been taken, if such can be arrived at, but if they fail to agree, or the said party refuse the amount offered by the municipality, he shall name one man as an arbitrator and the council shall name another, who shall find the amount to be paid by the municipality if they can agree thereon, but if not they shall choose a third; and if the two former cannot agree on a third, then the Judicial District Board shall name a third arbitrator: Provided the indemnification to the party whose lands have been taken may be wholly or partly made by the granting to him, (if the Lieutenant-Governor-in-Council shall approve of the closing of said road), by the municipality, (which is hereby authorized to convey the same), the lands formerly occupied by the old road, if such road is changed; and if such portion of land lies contiguous to the other property owned by the said party whose lands have been taken; but not to any other party, in such a manner as to shut out the party whose lands have been taken from the convenience of the highway, or as may otherwise unreasonably prejudice his interest in his other lands.

Proviso.

Meeting of
arbitrators.

225. The arbitrators, (who shall have power to summon witnesses, and examine them under oath, which oath may be administered by any one of the said arbitrators), shall meet as soon as possible after their appointment and determine the indemnification to be paid to the party whose lands have been taken, and a copy of the award, with a bill of the costs of the same, of such arbitrators or any two of them shall be forwarded to the Minister of Public Works, who shall submit the same for the approval of the Lieutenant-Governor in Council, and if so approved, such award shall be final.

Approval of
award.

Costs.

226. If the award to the party whose lands have been taken for the purpose of any road is not greater than the sum offered by the municipality, the whole costs shall be deducted from the sum to be paid such party, but if greater, then the costs shall be determined by the arbitrators.

Proceedings if
arbitrator not
appointed.

227. If the municipality fail to appoint their arbitrator, or if from any reason (not the fault of the party whose



land has been taken), the award is not determined for six months from the date of opening such road, the said party whose lands have been taken may apply to any court of competent jurisdiction, which shall award him such compensation as the said court shall deem just and reasonable.

228. In case the said proprietor is absent from the Province, or is unknown, or has no known place of residence therein, or no agent or representative within the Province, it shall be lawful, upon representation to that effect by affidavit before the Judge of the County Courts for the Judicial District within which the said lands are situate, or a Judge of the Court of Queen's Bench, to order a notice to be inserted three times in the course of one month in the *Manitoba Gazette*, and in some newspaper published in the said municipality, or if there be no newspaper published in such municipality, then the newspaper published in the nearest municipality, calling upon such proprietor to treat with the municipality concerning such expropriation, and that such publication shall be sufficient notice to all parties interested.

229. If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the corporation his acceptance of the sum so offered by them; or notify them of the name of a person whom he appoints as arbitrator, then the said County Judge, or in cases where he may be interested the said Judge of the Court of Queen's Bench, shall on the application of the municipality appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid as aforesaid, who shall proceed to determine the same in a manner similar to that provided in section 225, and his award upon approval by the Lieutenant-Governor-in-Council shall be final.

230. If, within the time aforesaid, the proprietor or his agent agrees upon the terms of expropriation, or names an arbitrator the proceedings shall be as provided by Section 224 of this Act.

231. Upon payment or legal tender of the compensation so awarded or agreed upon to the party entitled to receive the same or upon payment into the said County Court of the amount of such compensation or award, the said municipality shall forthwith have power to take possession of the said lands, or to exercise the right or to do the thing for which such compensation, rent or award has been made or agreed upon, and in the case of resistance or opposition the said judge may upon application by or on behalf of the municipality, and upon proof of the said award and such resistance or opposition issue his warrant to the proper officer forthwith to place the said municipality in possession of the said lands.

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Or may deposit amount of award.

232. If there is reason to fear any claims or encumbrances, or if any party to whom the compensation, or annual rent or any part thereof is payable refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found or is unknown, or for any reason it may be deemed advisable, the said municipality may pay such compensation into the office of the County Court in the judicial division within which the said lands may be situate, with interest thereon for six months, and may deliver to the clerk of the said court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the municipality to the land therein mentioned free and clear of all previously existing encumbrances.

Agreement or award equivalent to title.

Notice of deposit to be given.

233. Such notice as the said Judge may direct shall be given of the said deposit, calling upon all persons entitled to said lands, or any part thereof, or having any legal or equitable interest therein, or representing the interests of any party so entitled to file their claims to the said compensation, or any part thereof, and all such claims shall be received and adjudicated on by the said Judge, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, of every nature and kind whatsoever, and the courts shall make such order for the distribution or payment of the said compensation, or that the same be deposited to await distribution and payment in the hands of the Provincial Treasurer and for securing the rights of either parties interested, and as to payment of costs of proceedings, as to right and justice may appertain.

Court may order distribution or payment into Provincial treasury.

Proceedings to apply to all expropriations.

234. The provisions contained in the foregoing sections 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, and 233 shall apply to all proceedings by municipalities for the appropriation and expropriation of any lands that may be necessary for public use of the inhabitants of such municipality or for any municipal purposes whatsoever, which said lands it is hereby declared to be lawful for such municipality to expropriate for such purposes in the manner hereinbefore provided.

FEEES OF MUNICIPAL OFFICERS.

Fees to belong to corporation, unless otherwise agreed upon.

235. All fees and charges for searches, certificates, copies of documents or other services required from or to be rendered by any clerk, treasurer or other municipal official, and payable under any provisions of this Act, shall be considered as having been received for the corporation by whom such clerk, treasurer, or other official was appointed, unless where it is otherwise expressed in this Act or agreed upon between the council of such corporation and such official in fixing his salary or remuneration.

ASSESSMENT AND COLLECTION OF TAXES.

236. Every municipality shall, on or before the first day of February in each year, furnish the assessor or assessors so appointed with a printed and ruled form of an assessment roll in conformity with Form No. 4 to this Act, in which, after diligent inquiry and aided by the statement hereinafter mentioned, he or they shall set down all the information therein required to be contained.

Municipality to furnish roll to assessor.

237. Unoccupied land, unless where the owner furnishes a statement or otherwise notifies the said assessor or the clerk of the municipality before the return of the assessment roll, of his desire to be assessed therefor, and where such owner or supposed owner is a non-resident, shall be returned as unoccupied or non-resident in the same manner as if the owner had been unknown; and no unoccupied land shall be assessed to any one as owner so as to render him liable for the taxes thereon or to be imposed thereon unless the party so assessed or his agent can be served with the usual assessment slip or notice and have an opportunity afforded him of appealing against said assessment or against his being set down as the owner or made liable for said taxes.

Unoccupied land, how to be dealt with.

238. All vacant or unoccupied lands and all lands used exclusively for farm or garden purposes shall be taxed as farm property; provided, however, that no such property if divided into town or building lots shall be so assessed unless the total area thereof including the allowance for streets shall be in excess of ten acres.

Vacant lands to be taxed as farm property.

239. All real estate in Municipalities other than cities and towns, shall be assessed according to the value of the land for agricultural purposes in an unimproved state.

Farm land valuations.

240. The assessor shall not be bound by any statement if he has reason to doubt its accuracy, and he shall discriminate as to the property mentioned therein which is legally assessable or otherwise, and may assess such person for such amount of real and personal property, as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such property.

Assessor not bound by statement.

241. As the information required for such assessment is obtained, or so soon thereafter as it can reasonably be done, the said assessor or assessors shall notify each person assessed, by name, of the amount and particulars of his or her assessment according to Form No. 5, and said notice in the case of non-residents having no known and duly authorized agent or

Notice of assessment to be given, and manner of giving.

person in the municipality, shall be mailed to the address of the party assessed, if known, or otherwise to the address of any known authorized agent residing out of the municipality.

Assessor to
search in Do-
minion Land
Office.

242. It shall be the duty of the assessor to make such enquiries at the Dominion Land Office as will enable him to assess all lands that have become liable to taxation; and the expenses attending such search shall be paid by the municipality.

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"THE MANITOBA MUNICIPAL ACT, 1884." ASSESSMENT ROLL—FORM NO. 4.

NAME.	CUPATION.	OWNER.							DESCRIPTION.			ACRES.		ASSESSMENT.							
		Owner.	Tenant.	Occupant or Householder.	Resident.	Non-resident.	Occupation.	Age.	Name of and Address.	No. of Lots.	Section.	Range.	Township.	Name of No. of School District.	Under cultivation.	Total.	Personal.	Exempted Personal.	Taxability	Total.	

No. of Days of State Labor.	NUMBER OF PERSONS IN FAMILY.				VITAL STATISTICS			NUMBER OF CATTLE.						Date of Delivery of Assessment Notice.	Remarks.	
	MALES.		FEMALES.		Total.	Religion.	Birth.	Death.	Registered.	Oxen.	Cows.	Young Cattle.	No. of Cattle.			No. of Hogs.
	Married.	Single.	Married.	Single.										Total.	Religion.	

FORM No. 5.

MUNICIPALITY OF

Number	NAME	OCCUPATION	Owner	Tenant	Resident	Non-resident	Occupant	Age	OWN. V.	DESCRIPTION.	ACRES.	ASSESSMENT.	No. of Days of Statute Labor			
			Name.	Address.	No. of Lot.	Section.	Range.	Township	No. of Acres wooded.	Total.	Under cultivation.	Real.	Personal.	Rx'impl'd Pers'ty.	Taxable Pers'ty.	Total.

Amount of Statute Labor	NUMBER OF PERSONS IN FAMILY.		VITAL STATISTICS.		NUMBER OF CATTLE.		Remarks.
	MALES.	FEMALES.	Birth.	Death.	Oxen.	Cows.	
	Married.	Single.	Religion.	Relig'.	Young Cattle.	Young Horses.	Date of Delivery of Assessment Notice.
		Total.			No. of Sheep.	No. of Horses.	
					No. of Hogs.	No. of Horses.	
					No. of Cattle.	No. of Horses.	

Take notice that you are assessed as above specified for the year 18... If you deem yourself overcharged, or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality, in writing, of such overcharge, or other objection, within fourteen days after the day of (insert date on which the Assessment was returned), and your complaint shall be tried by the Court of Revision for the Municipality of (INSERTED.)

SIR, - I intend to appeal against this Assessment, for the following reasons:
To A. B., Clerk, etc.

I am, sir, your obedient servant,
..... Clerk

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246. The following real and personal property shall be exempt from taxation under this Act:—

- Crown lands etc.** (1.) Real estate held in trust for Her Majesty, or for the public use of the Province;
- Public property.** (2.) Real estate vested in, or held in trust for any judicial district board or for the municipality, and used for municipal, judicial, or registration purposes;
- Indian lands, etc.** (3.) Real estate held in trust for any tribe or body of Indians;
- Churches, School-roads, jails, hospitals, etc.** (4.) Every place of public worship, church-yard, public or incorporated educational or charitable institution, public roadway, public square, jail, or public hospital, with the land requisite for the due enjoyment thereof, not exceeding five acres in any one instance;
- Homesteaders chattels \$500.** (5.) Live stock and farming implements, to the value of five hundred dollars, belonging to *bona fide* owners of real estate of at least forty acres;
- Public libraries and Salaries of Civil Servants.** (6.) Public libraries, and the salaries of the Chief Justice and puisne Judges of the Court of Queen's Bench for Manitoba, salaries of County Court Judges, and all officials and employees of the Government of Canada, and of the Government and Legislature of Manitoba.
- Militia horses.** (7.) Each horse regularly enlisted for duty in any corps of the Active Militia of Canada.
- Agricultural and Horticultural grounds.** (8.) All buildings, their appurtenances, and all the land necessarily and actually occupied and belonging to any incorporated agricultural or horticultural society and used solely for the purposes or benefit of such society.
- Half-Breed infants' lands.** (9.) Lands allotted by the Dominion Lands Act to half-breed children of heads of families under the age of eighteen years, not disposed of by them.
- Public Cemeteries.** (10.) Every public burying ground not exceeding twenty acres.
- Household effects.** (11.) Household effects in use by the person assessed or his family.
- Proviso as to homesteaders effects.** **247.** Provided that any one claiming exemption under subsection five of the last preceding section, shall, by himself or his agent, be a *bona fide* resident householder on the property where such live stock and farming implements are found, maintaining and keeping his live stock and implements apart and distinct from any other like property of any other person or persons, so that no more than one such exemption shall be

claimed or allowed in respect to any live stock and farming implements claiming to belong to more persons than one residing together and having such live stock and implements apparently in common, notwithstanding any claim of a distinct or divided ownership.

248. The assessment roll of every municipality shall be annually revised and corrected by the council thereof at a court of revision on complaints made; and for that purpose the said roll shall be returned by the assessor to the clerk of the municipality within such time as shall be provided for by by-law passed by the said council: and the assessor shall attach to the roll so by him returned to the clerk as aforesaid a certificate signed by him and verified upon oath or affirmation in the form following this section; and the person or persons so assessed, or non-assessed, if he or they complain of their assessment or non-assessment, or of the assessment or non-assessment of any other person, shall, within ten days prior to the meeting of the court of revision notify the clerk of his or their ground of complaint; and the council shall, within thirty days after the time fixed for returning the roll, form themselves into a court of revision, to be composed of not less than four members of the council, and appoint a time and place for hearing such complaints, and shall give thirty days' notice thereof by posting a notice on the door of the council chamber, and in four or more conspicuous places in the municipality, and also by publishing the same in at least two consecutive issues of some newspaper published in the municipality, if there is such, and if there is not, then in some newspaper, if any, published in the county in which the municipality belongs, and if none, then in a newspaper published in the assize town or city of the district; and after hearing the parties complaining as well as the assessor or assessors, and such evidence as may be adduced, the said court of revision may alter, raise, or lower the assessment, or amend the roll accordingly; and such decision shall be considered as final, except so far as the same is further amended, on appeal to the Judge of the County Court.

Revision o
Rolls.

Assessor's cer-
tificate.

Court of
sion.

Notice o' sit-
ting.

Alterations in
roll.

(But see 219.)

FORM No. 6.

"I do certify that I have set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be) and the true actual value thereof in each case, according to the best of my information and judgement; and also that the said assessment roll contains a true statement of the aggregate amount of the personal property of every party named in the said roll as well as the exemptions thereon, and the actual amount of persons and property liable to taxation; and that I have estimated and set down the same according to the best of my informa-

Form of asses-
sors certificate.

tion and belief; and I further certify that I have entered thereon the names of all the resident house-holders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned by each, and that I have not entered the name of any person whom I do not truly believe to be a house-holder, tenant or freeholder, or the *bona fide* occupier or owner of the property set down opposite his name, for his own use and benefit; and that the date of delivery or transmitting the notice required by section 229 of "The Manitoba Municipal Act, 1884," is in every case truly and correctly stated in said roll; and I further certify that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or for any other reason whatever; and the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid."

Court of Revision to take evidence.

249. At the court of revision the complainant, witnesses or assessors, shall, give evidence under oath; four members of the council shall be a quorum of the court; any member thereof may administer the oath to any party giving evidence thereat, and the clerk of the council shall be the clerk of the court, unless the court otherwise determines; provided that no change in the assessment shall be made except upon complaints and due notice thereof as required by this Act.

Proviso. Roll to be inspected.

250. Every assessor shall, on or before the day mentioned in any resolution or by-law of the municipality passed for the purpose, deliver to the clerk of the municipality such assessment roll completed and added up with the certificate and affidavits attached, and the clerk shall immediately upon receipt of the roll, file the same in his office and the same shall at all convenient times during office hours, be open to the inspection of all the householders, tenants, occupants, freeholders, and voters resident, owning or in possession of property in the municipality.

Notices of complaints.

251. At least ten days before the meeting of the Court of Revision the clerk of the Court of Revision shall mail to each person mentioned on the assessment roll whose assessment has been complained of by any other person, or whose assessment is sought to be altered, notifying him of the nature of such complaint or proposed alteration, and of the place where, and the date when it will be considered by the Court of Revision.

APPEAL FROM THE COURT OF REVISION.

Appeals.

252. If a person be dissatisfied with the decision of the Court of Revision, he may appeal therefrom, in which case—

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(a.) He shall, within one week after the decision, in person, <sup>Notice by ap-
pellant.</sup> or by attorney or agent, serve upon the clerk a written notice of his intention to appeal to the Judge of the County Courts of the District in which the municipality lies;

(b.) The clerk thereupon shall give notice to all the parties <sup>Notice to re-
pondents.</sup> appealed against, where known, giving in such notice the grounds and particulars of such appeal;

(c.) The party appealing shall, at the same time and in like <sup>Notice to clerk
of County
Court; and
\$2.00 deposit.</sup> manner, give a written notice of his appeal to the clerk of the County Court within the limits of which the municipality is situated, and shall deposit with him the sum of two dollars as security for the costs of the appeal for the first case, and one dollar for each case, if more than one;

(d.) The Judge shall appoint a day and place for hearing <sup>Date and
place of hear-
ing.</sup> the appeal;

(e.) The Clerk of the County Court shall cause a notice to be <sup>Notice of
same.</sup> conspicuously posted up at the office of such court, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a court will be held to hear such appeals;

(f.) At the court so holden, the Judge shall hear the appeal <sup>Hearing judg-
ment and re-
turn.</sup> and may adjourn the hearing from time to time, and defer the judgment thereon at his pleasure, so that a return can be made to the clerk of the municipality before the first day of September.

253. The County Judge shall be paid by the party found <sup>Co. Judges'
fees.</sup> liable for the costs of such appeal at a rate not greater than five dollars for each day occupied in deciding such appeal and his moving expenses; and in case several appeals are heard at the same sittings so held under appointment the Judge's fees and expenses shall be distributed amongst all appeals heard in the discretion of the Judge.

254. The said roll so finally revised shall be taken and held <sup>Revised roll
to be in force.</sup> as the roll of the municipality for all purposes until a new roll shall have been made and returned.

255. The council of each municipality shall, in each and <sup>Levying rates
annually.</sup> every year, after the final revision of the assessment roll, pass a by-law for levying a rate or rates on all the real and personal property on the said roll liable to taxation to provide for all the necessary expenses of said municipality, ^{District} as well as the payment of all such sums or sum of money as the said municipality shall have undertaken

County. to pay or be liable for during the current year in respect of any debenture or other debt or obligation, and, including such sums as may be required for county and district purposes and school purposes in the respective school districts, on property of school districts, within the municipality, by the trustees thereof; and the said trustees shall, on or before the first day of August in each and every year, provide the clerk of the municipality with an estimate of the sum required by their school district, with the names, so far as known, of the persons liable to be assessed as residents for the support of such school.

Tax rolls.

256. Upon and forthwith, after the said final revision of the assessment roll and the passage of said by-law, the clerk of every municipality shall make out a tax roll or rolls in which he shall enter all the lands and taxable property in the municipality comprised in said assessor's roll, and which shall contain columns for all the information required by this Act or otherwise by law to be entered therein. The said roll shall be in two parts, and in the first part which shall be called the "Resident Roll," he shall set down, alphabetically arranged, the name in full of every person assessed and the assessed value of his real and personal property as ascertained after said final revision, and he shall calculate, and opposite the said assessed value as therein described of each respective person he shall set down in separate columns headed with the name or object of each rate such as "District rate," "Railroad debenture rate," "School rate," or otherwise as the case may require, the amount for which the person is chargeable for each purpose respectively and the total amount required to be collected from or paid by such person on the assessment of that year for all the purposes for which a levy is required to be made in said municipality; and for the commutation of statute labor, and every rate the proceeds of which are required by law or by the by-law imposing it to be kept distinct and accounted for separately shall be so entered and calculated separately.

Resident roll.

Non-resident roll.

257. In the second part which shall be called the "Non-Resident Roll," he shall set down and enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of each lot, part of lot or parcel as ascertained after said revision, and he shall enter opposite to each lot or parcel all the rates or taxes with which the same is chargeable in the same manner as is provided for the entry of rates and taxes in said first part or Resident Roll.

Column for arrears.

258. The said tax roll shall also have a column in which shall be entered any arrears of taxes due on or in respect of any land or other property in the municipality, and said

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arrears shall be set down opposite the name of the person, or in the non-resident roll opposite the land to be liable therefor; and these "arrears" of taxes shall be such as shall have been furnished to the clerk of the said municipality by the treasurer of the Judicial District Board, or in case of incorporated cities, by the chamberlain or treasurer to the clerk of such city as elsewhere provided for, or such as the clerk shall himself be otherwise aware of from the books or accounts in his office or possession as such clerk, as being legally due on or in respect of any land or property in said roll.

259. When the said roll is completed which should be on or before the first day of October both parts shall remain in the hands of the local treasurer for collection until the first day of March following, and all parties paying taxes or any portion thereof to the local treasurer before the first of December shall be entitled to a reduction of five per cent. on the same, and on all taxes remaining due and unpaid on the first of December, an additional sum of five per cent. shall be payable until the first day of March, at which time the non-resident lands on said list in arrears for taxes or a return thereof shall be handed over to the Secretary-Treasurer of the Judicial District Board, who shall thereafter have the collection thereof.

Local treasurer to collect taxes up to first of March.

District treasurer collects arrears.

260. As soon as the said tax roll is completed the local treasurer shall, with all due despatch, transmit by mail (registered), a notice containing a statement and demand of taxes to each person whose name appears on said roll, or to the agent of such person if he knows the address of such person or agent, and such statement and demand shall mention the time when such taxes are required to be paid, and when the percentages herein mentioned will be allowed and charged, and the said treasurer shall enter the date of mailing such notice in said tax roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of the mailing of such notice and demand.

Demand of taxes.

Discounts allowed, etc.

261. He shall also give notice by bills posted in at least four public places in the municipality or by advertisement in a newspaper published therein in such manner as the council may direct in respect to the time and place of payment of such taxes and such other general particulars as are contained in the notice of demand aforesaid.

Notice by posters or advertisement.

262. In case any person resident in the municipality, or who being a non-resident shall have required his name to be placed on said roll, and who personally, or by his duly authorized agent resident in the municipality, shall have been served with or shall have received such statement, neglects to pay his taxes for thirty days after such demand, as aforesaid, the trea-

Levy by distress.

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sureur may by himself or his agent levy the same with costs by distress and sale of the goods and chattels of the person who ought to pay the same or of any of the goods or chattels in his possession or in the possession of any person for him wherever the same may be found within the municipality, and the costs chargeable shall be those the council may by by-law or regulation allow for the same, not exceeding in any case the rates fixed by law.

Costs of distress.

Notice of time and place of sale.

263. Notice shall be given by advertisement posted up in at least four of the most public places in the municipality, when and where the sale of goods and chattels distrained is to be made—giving at least eight days' public notice of the time and place of sale and of the name of the person whose property is to be sold—and at the time named in the notice, the treasurer or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary.

Surplus returned.

264. If the goods and chattels seized are sold for more than the whole amount of the assessment levied for, and the costs attending the seizure and sale, the surplus, on demand, shall be returned to the person in whose possession such goods and chattels were when the seizure was made, and in case said surplus shall not be demanded it shall remain the hands of the treasurer of the municipality to be held for and paid over on demand to the person in whose possession said goods and chattels were as aforesaid, or otherwise to the person entitled as owner of said goods and chattels to said surplus, provided that it is so demanded within three years, after which time it shall not be recoverable from the municipality.

Surplus on sales under distress.

Sales to be public.

265. All goods and chattels to be sold under the authority of this Act for the payment of taxes or other dues shall be offered to public competition, and public notice by poster, or advertisement in a newspaper published in the municipality, if any, or by both, shall be given of said intended sale at least eight days before the same shall take place; but such goods and chattels, or any other description of property so publicly sold for taxes shall be exempt from auction duty and need not be sold by a licensed auctioneer.

Exempt from auction duty, etc.

Taxes due by all persons interested.

266. All assessments imposed under this Act shall be due and payable, not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the said property, and by the tenant or lessee of such property; and the payment of such assessment by any such person shall discharge the property.

Collectors may be named.

267. In case the taxes or any portion thereof shall remain unpaid at any time after the tax roll shall have been made

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out, and after notice has been given, the council may by resolution authorize some person to levy the unpaid taxes on said resident roll in the manner and with the powers provided by law for the general levy and collection of taxes.

268. If any of the taxes mentioned in the tax roll remain unpaid, and the treasurer is not able to collect the same, he shall show on said roll when returned, opposite to each assessment or by a statement appended to said roll, the reason why the same could not be collected, by adding the words "Non-resident," or "Not sufficient property to distrain," or "Instructed by council to remit" (*as the case may be.*)

Arrears to be noted.

269. Upon making oath or declaration before the clerk, mayor, reeve or any person authorized to take such oath or declaration, that the sums mentioned in such roll remain unpaid, and that he has not upon diligent enquiry been able to discover sufficient goods or chattels belonging to or in possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof whereon he could levy the same or any part thereof, the treasurer shall be credited with the amount not realized.

Credit for uncollectable taxes.

270. The taxes accrued on any land shall be a special lien on such land, having preference of any claim, lien, privilege or encumbrance, of any party except the Crown, and shall not require registration to preserve it.

Lien for taxes.

ARREARS OF TAXES.

271. On or before the first of March in each year, the treasurer of each municipality, except cities, shall make out a list or statement of all the lands on the non-resident roll on which the taxes have not been paid, and shall transmit the same to the secretary treasurer of the judicial district to which the municipality shall belong, and such return shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, and arrears of taxes paid on lands of non-residents which have become occupied as required by this Act and generally such other information as the said district secretary treasurer may require and demand in order to enable him to ascertain the just tax chargeable upon any land so returned in the municipality for that year; Such statement may be in the following form:

Return of non-resident's arrears

FORM No. 7.

MUNICIPALITY (OR TOWN) OF

Statement of Lands on Non-Resident Roll in arrears for taxes for year ending 31st December, 188 .

Sub-division of Lot or Description.	Block or Section.	No. of Lot or Township.	Parish Lot or Range.	Size of Lot or No. of Acres.	Valuation.	Municipal Rate Mills on the \$.	Statute Labor. or Union per diem.	School Tax.	Total Tax 188	5% added 1st Dec.	Total amount of arrears including 5% added 188	Arrears as rec'd by Treas. owing on occupied lands.	REMARKS.
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					\$	\$	\$	\$	\$				
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272. The local treasurer shall also at such time after the first of March in each year as the council of his municipality shall order, return to said district secretary-treasurer all further lands in the municipality appearing on the roll as resident lands, on which the taxes have not been paid to said local treasurer and which the said local treasurer has been unable to collect by distress and sale of any personal property on said lands or liable to seizure and sale for taxes under this Act, or which have not or cannot be collected from the person entitled to pay the same, by suit; and after such return of unpaid non-resident and resident, taxes respectively, to said district secretary-treasurer no more money on account of the arrears then due on the portion of the tax lists so returned shall be received by any officer of the municipality to which the roll relates; but up to the time that such local treasurer shall have made or furnished any such statement of lands in arrears aforesaid to the district secretary-treasurer, the said taxes shall be payable to the local treasurer, as herein provided.

Return of
resident's
arrears.

District treasurer to collect
after return.

273. The collection of the said arrears shall thenceforth belong to the secretary-treasurer of the judicial district alone, and he shall receive payment of such arrears, and of all taxes on lands, and he shall give a receipt therefor specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of this Act.

District treasurer's receipts.

274. The secretary-treasurer of every district shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the party making payment one of such receipts, and shall deliver to the treasurer of the municipality who had returned the land as in arrear, upon which the payment was made, the second of the set with a corresponding number, retaining the third of the set in the book. The delivery of such receipts shall be made to municipal treasurers at least every month by registered letter.

Triplicate
receipt-book.

Monthly
returns.

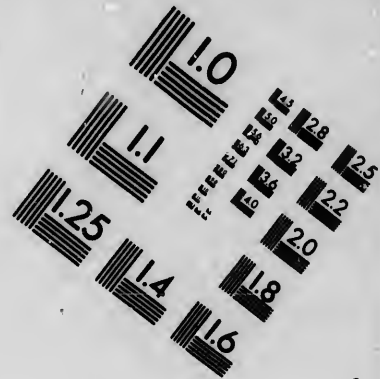
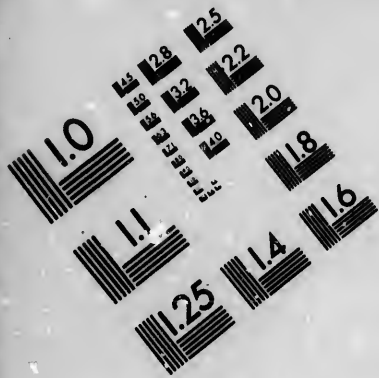
275. The district treasurer shall enter in a book to be kept for that purpose, the name of the party making payment, the lot on which payment is made; the amount paid; the date of payment and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months.

District collection book.

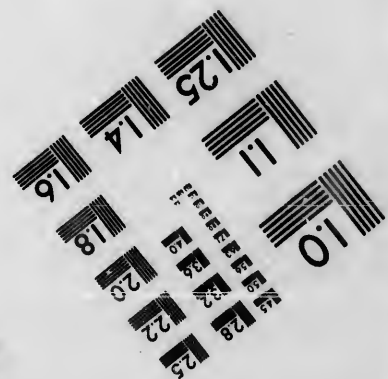
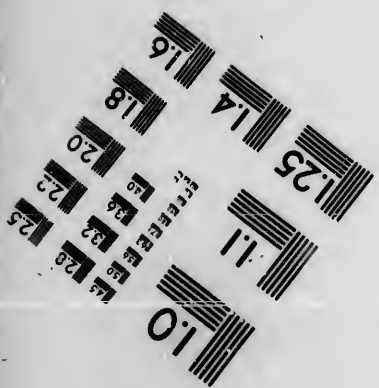
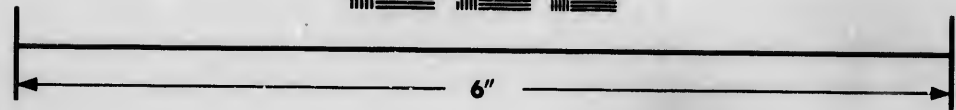
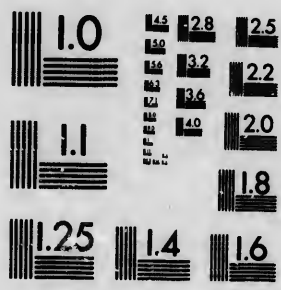
276. Any municipality may by by-law remit either in the whole or in part any taxes now due or to become due upon the lands within such municipality, specifying the particular lands upon which the remission is made, and upon the passing of such by-law it shall be the duty of the clerk forthwith to transmit a copy of the by-law to the

Remission
of taxes.





**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

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Secretary-Treasurer of the judicial district or other officer having the collection of such taxes or arrears of taxes who shall then collect only so much thereof as are not remitted.

No part payment to be received.

277. The treasurer of any municipality or judicial district shall not receive any part of the tax charged against any parcel of land unless the whole of the arrears then due be paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been sub-divided, he may receive the proportionate amount of tax chargeable upon any of the sub-divisions, and leave the other sub-division chargeable with the remainder, and the treasurer may, in his books, divide any piece or parcel of land which has been returned to him in arrears for taxes into as many parts as the necessities of the case may require.

Proviso.

Owners may obtain statements.

278. The treasurer of any municipality, on demand, during the time in which he shall have the tax roll in his possession, and the district secretary-treasurer, after the receipt of the non-resident roll, shall furnish or give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date; and he may charge a fee of twenty-five cents for making out and mailing such statement if it does not contain more than five lots or parcels, and a further fee of ten cents for every additional ten lots or parcels; but the treasurer in either case shall not make any charge for search or statement to any person who forthwith pays the taxes; provided that no more than five dollars shall be charged for any statement.

Fees therefor.

Tenant, etc., subrogated on paying taxes.

279. In the event of the payment of any assessment by the tenant or lessee of any such property, unless otherwise to the contrary agreed upon, he shall have a right of personal action against the owner of the property assessed, or the lessor, holder or occupier of the same as owner as aforesaid for the recovery, with interest and costs, of the amount of such assessment, or of the price or value thereof, paid or contributed by him, and may be by him retained and deducted out of any rent or sum payable for the use and occupation of such property due or accruing due.

Treasurer to collect fines and taxes.

280. The treasurer of the municipality shall be the collector of all the assessments imposed within the limits of the municipality, and of all penalties imposed under this Act, except in any case in which the said assessment or penalties are required to be collected by any other officer or in any other manner.

Separate books to be kept for municipalities.

281. The secretary-treasurer of every judicial district shall keep a separate book for each municipality within the district, except incorporated cities, in which he shall enter all the

lands of the municipality on which it appears from the returns made to him by the clerk and from the tax roll returned to him, that there are any taxes unpaid, and the amount so due; and he shall, on the first day of May in every year, complete and balance his books by entering against every parcel of land the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

282. The said district secretary-treasurer shall also keep an account with each municipality, except incorporated cities, of the taxes and of all moneys received by or paid to him on account of said municipality and of all sums paid to, for or on behalf of said municipalities respectively, and shall act as the agent generally for said municipalities in collecting the moneys due them and paying any interest on debentures or other debts of or claims against said municipalities respectively, as he may be instructed or advised; and the said district secretary-treasurer shall, within ten days from the first day of May in each year, furnish each municipality in his district, as aforesaid, with a statement of account of all receipts and expenditures for or on account of such municipality during the previous year, and shall from time to time as required, and not less frequently than once in each month, pay over to the treasurer of any municipality any moneys in his hands of the funds of such municipality not required for the payment within three months then next ensuing of any indebtedness of such municipality which said district treasurer may have been instructed or required to pay by such municipality or by any by-law or statute binding upon said municipality or treasurer as such.

And separate accounts.

Statements to be published.

Monthly settlements.

283. If, at the yearly settlement to be made on the first day of May, it appears to the district treasurer that any non-resident lands liable to assessment has not been assessed, he shall report the same to the clerk of the municipality; thereupon, or if it comes to the knowledge of the clerk in any other manner that such land has not been assessed, the clerk shall under the directions of the council, enter such land on the non-resident tax roll next prepared by him thereafter, as well for the arrears omitted of the year preceeding only, if any, as for the tax of the current year; and the valuation of such land so entered shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor or assessors for the current year to value such lands; and it shall be the duty of the assessor or assessors to value such lands when required, and certify the valuation in writing to the clerk; and the owners of such lands shall have the right to appeal to the council at its next or some subsequent meeting after the

Entering lands omitted in rolls.

Valuation of same.

Appeal provided.

taxes thereon have been demanded, but within thirty days after such demand, which demand shall be made before the tenth day of November in the year; and any council shall hear and determine such appeal on some day not later than the twentieth day of December following.

Clerical errors. **284.** The district treasurer may correct any clerical error which he himself discovers from time to time, or which may be certified to him by the treasurer of any municipality.

Receipts to be verified. **285.** If any person produces to the district treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee, or any municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid.

Ten per cent. added after 1st of May. **286.** If, at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the district treasurer shall add to the whole amount then due, a sum equal to ten per centum thereon.

Distress warrant may issue. **287.** Whenever the district treasurer is satisfied that there is distress upon any lands of non-residents in arrears for taxes in a local municipality, he may issue a warrant under his hand and seal to the treasurer of such municipality, who shall thereby be authorized to levy the amount due upon any goods and chattels found upon the land, in the same manner, and subject to the same provisions as are elsewhere contained in this Act, with respect to collection of taxes by distress and levy.

Taxation of unpatented lands. **288.** Unpatented land vested in or held by Her Majesty which may be hereafter sold, or agreed to be sold to any person, or which may be located as a free grant, shall be liable to taxation from the date of such homestead or pre-emption entry location, sale or grant; and any such land which has been already sold, or agreed to be sold to any person, or has been located as a free grant, prior to the first day of January, one thousand eight hundred and eighty-three, shall be held to have been liable to taxation since the first day of January, one thousand eight hundred and eighty-three; and all such lands shall be liable to taxation thenceforward under this Act, in the same way as other land, whether any license or occupation, location ticket, certificate of sale, or receipt for money paid on such sale, has or has not been, or is or is not issued, and, in case of sale, or agreement for sale by the Crown, whether any payment has or has not been, or is or is not made thereon, and whether any part of the purchase money is or is not overdue; but such taxation shall not in any way effect the rights of Her Majesty in such lands.

Rights of Crown saved.

289. The treasurer of every district shall furnish to the clerk of each municipality, except cities in the district, and the treasurer of every city shall furnish to the clerk of his municipality, a list of all the lands in his municipality in respect of which any taxes have been in arrear for the year next preceding the first day of June in any year; and the said list shall be so furnished on or before the first day of July in every year, and shall be headed in the words following:—*"List of lands liable to be sold for taxes in the year one thousand eight hundred and ;"* and for the purposes of this Act, the taxes shall be deemed to have been due for the year, although the same may not have been placed upon the tax roll until some month in the year later than the month of January.

Annual lists of lands liable to be sold for taxes to be furnished.

290. The clerk of the municipality is hereby required to keep the said list, so furnished by the district treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver to the assessor or assessors of the municipality, in each year, a copy of such list; and it shall be the duty of the assessor or assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident in the municipality or not, upon their respective assessment notices, that the land is liable to be sold for arrears of taxes, and enter in a column (to be reserved for the purpose) the words *"Occupied and Parties Notified,"* or *"Not Occupied,"* (as the case may be;) and all such lists shall be signed by the assessor or assessors and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall file the same in his office for public use; and every such list, or copy thereof, shall be received in any court as evidence in any case arising concerning the assessment of such lands.

Lists open to inspection.

Notices to be sent.

291. The assessor or assessors shall attach to each such list a certificate signed by him or them, and verified by oath or affirmation, in the form following:—

Assessors certificate of examination.

FORM NO. 8.

"I do certify that I have examined all the lots in this list named; and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief."

Descriptions, etc. to be verified.

292. The clerk of each municipality shall examine the assessment roll when returned by the assessor, and ascertain

whether any lot embraced in the said list last received by him from the district-treasurer is entered upon the roll of the year as then occupied, or is incorrectly described, and shall forthwith furnish to the said district-treasurer a list of the several parcels of land which appear on the Resident Roll as having become occupied, or which have been returned by the assessor as incorrectly described.

District Treas. to return statements of arrears. **293.** Except in cases otherwise provided for, the district-treasurer shall, on or before the first day of September in the then current year, return to the clerk of each local municipality, and every city treasurer shall return to the clerk of the city, an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section 286 of this Act.

Arrears to be added to each years taxes. **294.** The clerk of each municipality shall, in making out the tax roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year; and such arrears shall be collected in the same manner and subject to the same conditions as all other taxes entered upon the tax roll.

Memo. of insufficient distress etc. **295.** If there is not sufficient distress upon any of the occupied lands, in the preceding section named, to satisfy the total amount of the taxes charged against the same, as well for the arrears as for the taxes of the current year, the treasurer shall so state it in his roll, showing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made.

Arrears on non-resident lands. **296.** In case it is found by the statement directed to be made to the district treasurer, that the arrears of taxes upon the occupied lands of non-residents, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing list of lands to be sold by the district treasurer, under the provisions of this Act, notwithstanding that the same may be occupied in the year when such sale takes place; and such arrears shall not again be placed upon the tax roll for collection.

Penalty on officers for neglect of duty. **297.** If the clerk of any municipality neglects to preserve the said list of lands in arrears for taxes, furnished to him by the district treasurer, or to furnish copies of said lists as required, to the assessor or assessors or neglects to return to the district treasurer a correct list of the lands which have come to be occupied, as required by this Act, and a statement of the balances which remain uncollected on any such lots, as also herein required; or if any assessor neglects to examine such lands as are entered on each such list, and make returns in manner herein-

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before directed, every officer making such default shall, on summary conviction thereof before any two justices of the peace having jurisdiction in the county in which such municipality is situated, be liable to the penalties imposed by this Act for any neglect of duty or breach of the provisions hereof by any municipal clerk, and any fine imposed shall be recoverable by distress and sale of any goods and chattels of the party making default.

Recovery by distress sale.

SALE OF LANDS FOR TAXES.

298. Wherever the whole or a portion of the tax on any land has been due for more than one year after the thirty-first day of December of the year when the rate was struck the treasurer of the district shall submit to the chairman of such district, a list in duplicate of all the lands in his books belonging to the several municipalities within the district, the non-resident or other taxes which he is authorized to collect and liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the chairman shall authenticate each such list, by affixing thereto the seal of the Board and his signature, and one of such lists shall be deposited with the clerk of the municipality, and the other shall be returned to the district treasurer, with a warrant thereto annexed, under the hand of the chairman and the seal of the district, commanding him to levy upon the land for the arrears due thereon with the costs.

Sale of lands for taxes over one year in arrears.

Duplicate lists.

299. It shall not be the duty of the district treasurer to make enquiry before effecting the sale of lands for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land.

No enquiry necessary.

300. The said treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerks of the several municipalities in the month of June preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of this Act, except the lands, the arrears for which had been placed on the tax roll of the preceding year and still remain in arrears in consequence of insufficient distress being found on the lands.

Lands excepted from sale.

301. The district treasurer shall prepare a copy of the list of lands to be sold, as authorized by this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising and other expenses of sale, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the

Advertising lands for sale.

Crown, and shall cause such list to be published during four consecutive weeks in the *Manitoba Gazette* and once a week for four consecutive weeks immediately preceding the day of sale therein named in some newspaper published in each county where lands are to be sold if there is one published there, and if not, in a newspaper published in the district.

Interest sold
in Crown
land.

302. Where the title to any land sold for arrears of taxes is in the crown, the deed therefor, 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 recognize or admit that any person or persons possesses or possess under any colour of right whatever, and the municipality on whose behalf any land shall be sold for arrears of taxes, as aforesaid shall in case of any such sale being declared invalid be liable only for the purchase money actually paid therefor to the district treasurer and interest thereon as for damages or otherwise.

Notice of time
and place
of sale.

303. The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes, on a day and at a place named in the advertisement.

Lots, etc. to be
designated.

304. Every such notice shall specify the place, day and hour at which such sale will commence; each lot or parcel of land shall be designated therein by its range and number, or by its number in the plan and book of reference for registration purposes, if any such there be.

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

Day of sale.

306. The day of sale shall be at least forty days after the first publication of the list, and the sale shall take place at the town or city where the assize court of the district in which such lands are situated is held, and at such place in such assize town or city as the chairman in his said warrant shall name.

Posting adver-
tisement.

307. The district treasurer shall post up in some convenient and conspicuous place in his office a copy of such tax sale advertisement and shall furnish each of the clerks and treasurers of the local municipalities with copies thereof to be by them in like manner posted up in their respective offices.

Costs of sale to
be added.

308. The district treasurer shall, in each case, add to the amount of the arrears published, the cost of publication and sale.

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309. If, at any time appointed for the sale of the lands, no bidders appear, the treasurer may adjourn the sale from time to time, provided that no such adjournment shall be made for more than fourteen days inclusive, from the date fixed for the sale or from the date of the last adjournment.

Adjournment for want of bidders.

310. At the place, day and hour appointed for the sale of the lands, and if the taxes thereon, including the costs and expenses, have not been previously paid or collected, the district treasurer shall offer the lands for sale by public auction, and in doing so shall make and declare the amount stated in the list or advertisement as the taxes due, together with the other charges, and shall then sell the same to the highest bidder, or to such person as shall be willing to take it, there being no higher bidder, but subject to redemption as hereinafter provided for; or so much of the said land as is sufficient to discharge the taxes and all lawful charges incurred in and about the sale and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first; and in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes and lawful charges due thereon; and the amount of taxes and other charges stated in the district treasurer's advertisement shall in all cases be held to be the correct amount due.

Sale by public auction.

Subject to redemption.

Highest bidder.

Correct arrears due.

311. If the land when put up for sale will not sell for the full amount of arrears of taxes due and charges, the said treasurer shall then and there sell for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same except upon payment to the district treasurer of the full amount or taxes due, together with the expenses of sale, with a sum equal to ten per centum thereof, if redeemed at any time within one year after the actual date of sale, and if not so redeemed within one year then with the addition of a further and additional sum equal to fifteen per centum thereof, and the district treasurer shall account to the proper municipality for the amount realized in such case over and above his charges, and to the tax purchaser for the amount of his purchase money only, with such additional sum of ten or twenty-five per centum of the amount thereof according as the redemption may have been made in the first or in the second year after the actual date of sale.

Sales for less than arrears &c., due.

Method of redemption.

312. If the land sells for a greater sum than the taxes due, together with the said commission and charges, the purchaser shall only be required to pay at the time of sale the

Purchaser required to pay taxes and cost only at time of sale.

Bal. price payable after term for redemption.

amount of said taxes, commission and charges, and the balance of the purchase money shall be payable within one calendar month after the time of redemption of 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, his heirs or assigns within the time above prescribed, he and they shall forfeit all claim to said land, any to any deed or conveyance thereof, as well as the amount paid at time of sale, and said land shall thereupon cease to be affected by said sale as if it had been duly redeemed.

Land resold after false bid.

313. If the purchaser of any parcel of land fails immediately to pay the treasurer, making such sale, the amount of arrears of taxes and other charges, or such lesser sum as he may have purchased for, the treasurer shall forthwith again put up the property for sale.

Purchaser's certificate.

\$5 fee for deed.

314. The district treasurer or local treasurer who held such sale, after selling any land for taxes, shall give a certificate under his hand, to the purchaser, describing the land as advertised, and what interest therein has been so sold, the sum for which it has been sold and the expenses of sale; and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, will be executed by the chairman and district treasurer, on his or their demand, at any time after the expiration of two years from the actual date of sale, if the land be not previously redeemed, upon payment of a fee of five dollars to cover the expenses of issuing and registering such deed—said fee to form part of the funds of the Judicial District Board, and upon payment of the balance of purchase money remaining over and above the amount paid at the time of sale.

Certificate.

315. Such certificate may be in the following form :

FORM No. 9.

Form of.

I HEREBY CERTIFY, That by Warrant from the Chairman of the Judicial District, dated the _____ day of _____ A. D. 18 _____, commanding me to levy on each of the several parcels, and tracts of land mentioned in a certain Schedule annexed to the said Warrant, for amount due for Rates and Taxes, which have been remaining due for one year and upwards, and the necessary expenses thereon, I have this day sold to A. B., of the _____ of _____, in the County of _____, Farmer (or as the case may be), that certain piece or parcel of land containing _____ acres more or less, and being composed of _____

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(describe the land so that the same may be readily identified,)
 for the price or sum of _____ dollars,
 being for the Taxes _____ dollars, and
 for the expenses _____ dollars,
 and that on demand a deed will be executed by the chairman
 and secretary-treasurer of the said Judicial District Board,
 conveying the above described lands to the said
 his heirs representatives or assigns, according to the nature of
 the interest sold under and by virtue of the said Warrant, at
 any time after the expiration of two years from the actual
 date of sale if the said land be not previously redeemed.

Secretary-Treasurer

Judicial District Board (or clerk or secretary-treasurer of
 the municipality of _____
(as the case may be.)

TREASURER'S OFFICE,
 Brandon,

A.D., 188 .

316. The purchaser shall, on receipt of such treasurer's ^{Effect of sale.}
 certificate of sale, become the owner of the land, so far as to
 have all necessary rights of action and powers for protecting
 the same from spoliation or waste, until the expiration of the
 term during which the land may be redeemed; but he shall ^{Damaging}
 not knowingly permit any person to cut timber growing upon ^{timber, &c.}
 the land, ^{use} injure the land, nor shall he do so
 himself, but ^{use} use the land without deteriorating its
 value.

317. The _____ shall not be liable for damage done, ^{Purchaser's}
 without his ^{liability} to the property during the time the ^{limited.}
 certificate is in force.

318. The statement of the land so sold for arrears of taxes, ^{Statement of}
 with the names of the respective purchasers, the date of sale, ^{lands sold to}
 the time for redemption, and amount required to redeem, ^{be registered.}
 shall within ten days from the actual date of sale, be
 made out by the district treasurer, who shall sign the same
 and affix his official seal thereto, and transmit the same to the
 registrar of the division in which the land sold is situated,
 and such registrar shall enter in a book, to be kept by him
 for that purpose for each municipality, so much of said state-
 ment as shall affect each respective municipality, and shall
 file said statement in his office, after endorsing thereon the
 date of its receipt.

319. Whenever any parcel of land is redeemed the district ^{Notice of}
 treasurer shall forthwith mail and register, or deliver to the ^{redemption to}
 proper registrar as aforesaid, a certificate under his hand and ^{registrar.}

Entry in
register.

official seal as aforesaid, stating the fact of such redemption, the date thereof, and name and address of the person by whom and for whom the redemption was made, and upon receipt of such certificate the registrar shall write, against the entry of the lot mentioned therein, in the proper book, the word "Redeemed" with the date of redemption as given in the certificate, and of the said entry thereof, in a column in said book reserved for the purpose, and shall file said treasurer's certificate of such redemption with the original statement of sale.

Tax sale
registers.

320. The books in which such statement shall be copied shall be called the "Tax sale book of the Municipality of _____," (as the case may be.)

Purchaser's
statement.

321. Every tax purchaser at the time of the sale and before he is given the certificate of sale shall be obliged to sign a statement setting out his full name, occupation and post office address, and such statement shall be preserved by the district treasurer with all the other books, documents and papers connected with such sale.

Notice of
redemption to
purchaser.

322. Upon any parcel of land being redeemed as aforesaid it shall be the duty of the district treasurer to forward by registered letter to the post office address of the purchaser thereof, as mentioned in such statement (or in any other statement subsequently furnished by him) a notice stating that such property has been so redeemed and that the amount to which he may be entitled out of the amount so paid in redemption shall be paid to him on demand; and in the same manner the said purchaser shall be notified of any payment or tender for the purpose of redemption made as hereinafter provided.

Registrar's
fees tax sale
searches.

323. The registrar shall be entitled to a fee of twenty-five cents for each search as to any respective lot or parcel of land to ascertain if the same has been sold for arrears of taxes, as shown by the entry in any such tax sale book, and an additional sum of twenty-five cents for a certificate as to such sale or otherwise, or as to such redemption, if made, or for an inspection, if required, of the said statement, and certificate of redemption, if any on file, as to the sale and redemption or otherwise of any lot or parcel of land; and where a certificate is given as to any parcel of land having been sold for taxes, it shall give the amount required for redemption, the name and address of the purchaser, or the person who redeemed, and the date of sale and of redemption, in case it shall appear to have been redeemed.

Registrar's
fees, assessor's
searches.

324. Whenever it is necessary for the assessor or assessors of any Municipality to make a search in any registry

office for the purpose of ascertaining the name of the proper person to be assessed for any real estate within his or their Municipality, of which the owner is unknown or non-resident, the description of such real estate being supplied by the said assessor or assessors, the registrar shall for every such search be entitled to a fee of five cents to be paid by such assessor or assessors.

325. When making up his statement of tax sales as aforesaid, the district treasurer shall add the sum of fifty cents to the amount theretofore, chargeable against each parcel for redemption, both in said statement and in his books, and shall remit to the registrar, with said statement, the sum of ten cents for each lot therein, as a fee for entering the same as aforesaid, and whenever any parcel of land is redeemed a receipt shall be given to the person paying such redemption, and the certificate mailed or given to the registrar as aforesaid, without further charge; and the sum of ten cents for entering and filing each such certificate shall be payable by the district treasurer to the registrar, who shall endorse on such certificate the date of receiving the same.

Registrar's fee entering statement.

326. The following form may be used for the statement of the tax sale above mentioned

Tax sale statement.

FORM NO. 10.

Statement of lands sold for arrears of taxes on the _____ day of _____, 18____, Form _____ on account of the municipalities mentioned below, situate in _____ are county of _____ dsw fohievsida l thalnobede redeemable within one year from the date andwve hs mentioned.

MUNICIPALITY OF _____

DESCRIPTION OF LOT, ETC.	NAME, OCCUPATION AND ADDRESS OF PURCHASER.	AMOUNT REQUIRED TO REDEEM.	
		\$	Cts
S ½ Sec. 19, Tp. 11, R } 20, W. P. M. }	Thomas Spence, Gentle- } man, Stonewall, Man. }	\$ 30	25

[Seal]

A. B.,
Secretary-Treasurer,
Judicial District,

Brandon,

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Form of Registrar's tax sale books.

327. The books in which said statement shall be entered by the registrar shall have additional columns to those given above for the further entries required, which may be headed as follows :

CERTIFIED AS RE-DEEMED BY	ON BEHALF OF	DATE OF CERTIFIED RE-DEEMPTION.	DATE OF THIS ENTRY.
Joseph Swift, Portage la Prairie.	Self.	July 1, 1885.	July 3, 1885.

Redemption certificate.

328. The certificate of redemption to be sent to the registrar as aforesaid, may be in the following form :

FORM NO. 11.

CERTIFICATE OF TAX SALE REDEMPTION.

I certify that C. D., of, etc., (on behalf of E. F., etc., or) on his own behalf (*as the case may be*), has this day paid the sum of _____ as redemption of the south half of section 9, township 11, range 20, west 1st P. M., sold for arrears of taxes on behalf of the municipality of _____ in the county of _____ on the

18

Dated at Brandon the _____ day of _____ 18

[Seal]

Secretary-Treasurer

A. B.,
Judicial District.

Right of redemption and terms.

329. The owner of any land heretofore sold, or which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns, or any other person on his or their behalf, but in his name only, may at any time within two years from the actual day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the District-Treasurer, before the hour of five o'clock in the afternoon of said last day, for redemption, for the use and benefit of the purchaser or his legal representatives, the sum paid by him together with a sum equal to ten per centum thereof if redeemed at any time within one year after the actual date of sale, and if not so redeemed within one year then with the addition of a further

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and additional sum equal to fifteen per centum thereof, and the treasurer shall give the party paying such redemption money a receipt, stating the sum paid and the object of payment; and such receipt shall be evidence of the redemption.

330. Forthwith upon any such payment or tender being made to such district treasurer as provided in the last preceding section it shall be his duty upon pain of forfeiture of office to transmit to the tax purchaser of the property thereby affected a notice of such payment or tender having been so made and mentioning the name of the person paying or tendering and the name of the person on whose behalf such payment or tender was made. Notice of payment or tender.

331. From the time of a tender to the District Treasurer of the full amount of redemption money required by this Act, the said purchaser shall cease to have any further right in or to the land in question. Effect of redemption.

332. Whenever any such redemption is effected by a person not specially authorized, the treasurer shall mention in a receipt given by him for the redemption money, the name and designation of the person paying the same;

And every redemption receipt shall be made in triplicate in the same manner as receipts for arrears of taxes hereinbefore mentioned; one of which triplicates shall be delivered to the person paying the redemption money, another to the local treasurer, and the other shall remain on record in the office of the district treasurer.

333. If the land be not redeemed within the period allowed for its redemption, then on the demand of the purchaser or his assigns, or other legal representatives, at any time after the expiration of the time limited for redemption, upon payment of the balance of purchase money as aforesaid and of the further sum or charge of five dollars for the issuing and registering of the deed, the district treasurer shall prepare and execute with the chairman of the district board, and deliver to him or them a deed, in duplicate, of the lands sold, countersigned by the clerk or secretary-treasurer of the municipality in which the land is situated, for which service said clerk or secretary-treasurer shall in the case of each deed in duplicate be paid the sum of fifty cents out of said above mentioned charge. Tax deed. Fee \$5.

334. Such deed shall be in the following form or to the same effect and shall state the date and cause of sale, and the price, and shall have the effect of vesting the land in the purchaser, his heirs, or assigns, or other legal representa- Receipts in tax deed.

tives, in fee simple or otherwise, according to the nature of the estate or interest sold; and no such deed shall be invalid from any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented," or held under license of occupation.

FORM No. 12.

FORM OF TAX DEED.

Form of
tax deed.*To all to whom these presents shall come :*

We, _____ of the _____, of _____, Esquire, chairman, and _____ of the _____ of _____ Esquire, secretary-treasurer of the _____ Judicial District Board in the Province of Manitoba.

SEND GREETING :

WHEREAS, by virtue of a warrant under the hand of the chairman and seal of the said district, bearing date the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ commanding the secretary-treasurer of the said district to levy upon the lands hereinafter mentioned for the arrears of taxes due thereon to the municipality of _____ in said district, with costs, the treasurer of the said district did on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ sell by public auction to _____ of _____ in the county of _____, that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of _____ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the _____ day of _____ in the year of our Lord one thousand eight hundred and _____, together with costs;

Now know ye, that we, the said _____ and _____, as chairman and secretary-treasurer of the said district, in pursuance of such sale, and of "The Manitoba Municipal Act, 1884," and for the consideration aforesaid, do hereby grant,

bargain and sell unto the said
 his heirs and assigns, all that certain parcel or tract of land
 and premises containing more or less,
 being composed of (*describe the lands so that the same may be
 readily identified.*)

In witness whereof we, the said chairman and secretary-
 treasurer of the said district, have hereunto set our hands and
 affixed the seal of the said district this
 day of _____, in the year of our
 Lord one thousand eight hundred and _____

[Corporate Seal.]

A. B., Chairman. }
 C. D., Treasurer. }

Countersigned,
 E. F.,
 Clerk of the Municipality of _____

335. The secretary-treasurer of any municipality in which taxes upon lands, imposed by or apportioned or awarded to such municipality, may be owing and unpaid since before the first day of January, A. D. 1883, may, upon being directed so to do by the council of the municipality, transmit to the secretary-treasurer of the district in which such municipality is situated a statement of all such arrears at any time during the present year (1884). Arrears owing before 1st Jan., 1883.

336. Upon the receipt of such statement the district treasurer shall notify the parties (if any) whose names appear as being the owners of, or having interests in the lands so in arrear for taxes, as far as he may be able to ascertain the residence or address of any such persons, and shall collect the arrears of taxes due thereon in a similar manner to that provided for the collection of arrears of taxes under this Act, so far as said provisions may be applicable. Notice to owners.

337. If after the expiration of thirty days after such notices have been sent out, there remain any taxes unpaid on the lands mentioned in said statement, the Lieutenant-Governor-in-Council may direct that the lands upon which such taxes are due be sold for taxes at a certain time and place to be mentioned within the district, and thereupon the district treasurer shall proceed to publish advertisements and to sell such lands for the arrears of taxes due thereon and the interest and expenses of sale, as provided by this Act. And it shall not be necessary for the said treasurer or the district-treasurer to enquire as to whether there is or is not any distress upon such lands, nor shall they be bound to enquire into or form any opinion of the value of the land, and no deed granted for Lieut. Gov. may direct sale in 1884. No enquiries necessary.

any lands so sold shall be invalid from any error or miscalculation in the amount of taxes or interest thereon in arrears or any error in describing the lands as patented, unpatented, or held under lease or license of occupation, and the effect of such deed shall be the same as of any other tax deed granted in virtue of the provisions of this Act. None of the provisions of this Section shall prevent the sale of any land liable for taxes as herein mentioned, on any future occasion, for all arrears that may be due thereon although it may have been omitted from such statement.

Effect of deed same as any tax deed.

Tax deed conveys property and purges land.

338. Such deed of sale shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all payments, liens and mortgages or other encumbrances thereon. And whenever lands are sold for arrears of taxes, and the chairman and secretary-treasurer have given a deed thereof, such deed 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, if the same has not been questioned before some court of competent jurisdiction, by some person interested in the land so sold, within one year from the execution of such deed, provided that taxes shall have been due on said lands at the time of the sale, and that the *bona fide* holder of the title, when questioned as aforesaid, shall not have been guilty of or knowingly a party to any fraud against the provisions of this Act, or in connection with the sale, transfer, or assignment of said land.

Rights of Crown saved.

Tax deed shall be registered.

339. Such deed of sale shall be registered in the Registry Office, for the division within which the lands thereby effected are situate, by the District Treasurer, immediately after the execution thereof, and before the same is delivered to such person, his representatives or assigns.

Former tax deeds legalized.

340. All lands heretofore sold for school, municipal, or other taxes, for which deeds have been given to purchasers, shall become absolutely vested in such purchasers, their heirs or assigns, unless the validity thereof has been questioned in the manner above mentioned, before the first day of January, 1885.

Deeds to be given for lands heretofore sold if redemption term expired.

341. All lands heretofore sold for school, municipal, or other taxes, for which deeds have not been given to purchasers and which shall not have been redeemed under the provisions of the "Municipalities' Act, of Manitoba, 1881," or of the "Municipalities Act, 1883," or the provisions herein made, deeds, therefor, may be granted to the purchaser thereof (upon the production of a duly authenticated certificate of his having so become purchaser), by the Chairman and Secretary-Treasurer of the district within which the said lands may now be situate, and in conformity with the provisions of this Act,

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in so far as the same may apply, and such deeds may be in the following form:—

“FORM No. 13.

“To all to whom these presents shall come:—
We

Form of tax deed for lands heretofore sold.
of the Esquire,

Chairman, and of the Esquire, Secretary-Treasurer of the Judicial District Board of the Province of Manitoba, SEND GREETING :

“Whereas, by virtue of a warrant under the hand of the Warden, and seal of the Municipality of bearing date the day of in the year of our Lord, one thousand, eight hundred and

commanding the Treasurer of the said Municipality to levy upon the land hereinafter mentioned for the arrears of taxes due thereon, with his costs, the Treasurer of the said Municipality did on the day of in the year of our Lord,

one thousand, eight hundred and sell by public auction, to of the County of in the that certain parcel of land or premises hereinafter mentioned, at and for the price or sum of of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon, up to the day of in the year of our Lord, one thousand, eight hundred and , together with costs.’

“Now know ye, that we, the said chairman and secretary-treasurer of the said district, in pursuance of such sale, and of the provisions of “The Manitoba Municipal Act, 1884,” and in consideration of the premises do hereby grant, bargain and sell unto the said his heirs, representatives and assigns, all that certain parcel or tract of land and the premises, containing more or less, being composed of

(describe the land so that the same may be readily identified.)

“In witness whereof we, the said chairman and secretary-treasurer, have hereunto set our hands, and affixed the seal of

the said district this _____ day of
in the year of our Lord, one thousand eight hundred and

[Seal.]

A. B.,
Chairman.

C. D.,
Secretary-Treasurer.

Deeds, after
term expires.

342. In case before the coming into force of this Act, sales of lands for taxes have been made, but the time for redemption has not expired on the coming into force of this Act, then the deeds for the same shall come under the provisions of this Act, and all the provisions of the Act shall apply to such sale and deed.

Term for re-
demption ex-
tended to 1st
Nov.. 1884.

343. With respect to all sales of land for taxes made before the coming into force of this Act, and whereof the time for redemption would expire during this year (1884), the term for the redemption thereof is hereby extended until the first day of November of the present year, up to which date any person or persons entitled to and desirous of redeeming any such lands, may redeem the same by paying the amount necessary for such redemption to the Secretary-Treasurer of the Judicial District Board, within whose district the said lands shall be situate:

Irregularities
of old accounts
provided for.

Provided that in the event of it being impossible to ascertain the correct amount necessary so to be paid in order to effect the redemption of any lands heretofore sold for taxes, owing to the failure on the part of any person or persons, officer or officers of any formerly existing municipality, to return the books, papers and documents containing the evidence of said sale, and the statement of the full amount of alleged arrears of taxes, together with the costs of the sale of the said lands, the said person so desiring to effect such redemption may deposit in the hands of the Secretary-Treasurer of the said Judicial District Board a sum double the amount of arrears of taxes and costs mentioned in the advertisement of the sale thereof for the redemption of the said lands, whereupon he shall receive a special certificate of redemption, setting forth the fact of such deposit, and the reason why it has been made, and notice thereof shall be given as provided by this Act, and he shall be entitled to have returned to him any surplus over the correct amount required for redemption, so soon as the same shall be ascertained.

Actions to set
aside tax sales.

344. In case of any suit or proceeding to set aside or question a sale for taxes being commenced within three years from the time of said sale (being the time within which any such action can be brought or any proceeding taken for that purpose) the plaintiff in any such suit or proceeding shall

within six days after the filing of any bill or on the issue of any writ of summons or ejection, cause, ^{Notice of bill, etc.} the District Treasurer to be notified in writing of the fact of such suit or proceeding having been commenced.

345. The district 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 a book the amount received over the taxes, commission and charges from the purchaser of any lot or parcel of land sold by him against such lot or parcel of land, and the date of sale and receipt of said balance, and the aggregate amounts so received shall from a distinct fund to be called "Tax Sales Fund," and the treasurer shall, in the month of January in each year, furnish a statement to the Provincial Secretary, giving the amount of and other particulars respecting said fund; and whenever any portion of said fund shall have remained in the hands of the treasurer for six years from the day of sale of the land of which it formed part of the purchase money, 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 become forfeited, and after deducting a commission of one and one-half per cent. for charges of keeping the account, shall be transferred from the "Tax Sales Fund" to the credit of the municipality; and the municipality shall thereupon become possessed of said money for its own use and lawful expenditure.

^{Accounts of land tax sales.}
^{"Tax Sales Fund."}

346. The board may, from time to time, authorize or require the treasurer to deposit in the Dominion Savings Bank the money in his hands belonging to the "Tax Sales Fund" or any portion thereof, and all interest or profit accruing from or received on such deposits shall enure to the benefit of the municipality, and shall be accounted for by the treasurer as part of the general revenue less his actual and necessary disbursements made in connection with said fund.

^{Depositing tax sale funds.}

347. Any person claiming to have been the owner or legal representative (not being merely an assignee of the right to demand or receive the money) of the owner of any parcel of land sold for taxes and conveyed by the treasurer, and which shall have realized more than the amount due for taxes, commission 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," provided that a written notice of such claim is served upon the treasurer previous to the time limited for its forfeiture; and upon producing and leaving with said treasurer within six months from the date of service of such notice or claim, an order signed by the Judge of the County Courts of the district in which the sale took place, reciting or declaring that it had been proved to the satisfac-

^{Claimants on tax sale fund.}
^{Judge's order to pay over.}

tion of said judge that the claimant was at the time of sale the lawful and proper owner of the land in respect to which the claim is made or was or is the executor, administrator (or guardian, in case of infancy) of said owner, and requiring the said treasurer to pay the said surplus purchase money to the order of said claimant, and such or any judge's order for payment of any part of said "Tax Sale Fund" shall be kept by the treasurer amongst the vouchers or papers in his office, and shall be his warrant and authority for making such payment.

Petition for order on tax sale fund.

348. In seeking to obtain a judge's order, any claimant upon said fund shall in person or by attorney petition the judge in writing for that purpose, describing the land sold and setting forth the particulars of the sale and the title under which said money is claimed, and shall at the same time furnish an abstract of the title to said land signed by the registrar of the registration division in which the land is situated and produce such title, deed or other evidence as may be required for proving said title to the satisfaction of said judge; and the facts set forth in said petition shall be verified by the affidavit or declaration under the statute, of the claimant so far as it may be necessary to satisfy the judge as to the *bona fide* nature of the claim, and the said judge may, in his discretion, require the claimant to publish a notice of his said claim and to substantiate his title in any other manner that said judge may deem proper; and he may also in his discretion, order the money to be paid into the Court of Queen's Bench, Equity side, in case he shall consider it proper in the interest of an infant or infants or other claimant of, or of any other person not being a claimant, to do so; and in such case a copy of his order shall be filed in said court, and shall state the reason why the order was so made, and said money shall then be dealt with by said last mentioned court in same manner as other monies of minors or infants in dispute in any cause or suit, or otherwise, as the said court shall consider just and equitable.

Proof of title.

Deposit to credit of Suitors' Fund in Equity.

Fees on applications.

349. The same fees shall be paid upon any 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, and, if the judge shall think it advisable to order the money to be paid into the Court of Queen's Bench, Equity side, or otherwise than into the hands of any claimant or his attorney, he may, in his discretion, order said fees or the proper costs of the claimant or any part thereof to be taken from and paid out of the money which formed the subject of the claim; and in all cases where a claimant shall fail to obtain an order for payment upon said treasurer he shall bear and pay the costs of the proceedings.

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350. The fact of claiming any surplus held to the credit of any lot sold for taxes in said tax sale fund shall be considered as an admission of the validity of the sale of the lot in question by the claimant, and the said claimant and all claiming by, through or under him or her, shall, from and after the time of making said claim, be debarred from taking any proceeding in law or equity to question or set aside said 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 said claimant and those claiming by, through or under him or her, as aforesaid.

Estoppel by claim on fund.

351. In case of any suit or proceeding to set aside or question a sale for taxes being commenced within three years from the time of said sale, being the time within which any action can be brought or any proceeding taken for that purpose, the plaintiff in any such suit or proceeding shall within six days after the filing of any bill or the issue of any writ of summons or ejection, cause the district treasurer to be notified in writing of the fact of such suit or proceeding having been commenced, and the 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 said suit or proceeding shall or may be tried; and in case the plaintiff succeeds, the said judge or court shall order the said surplus to be repaid to the defendant, tax purchaser or his proper representatives, and in case the plaintiff fails in such suit or proceeding to set aside said sale, but proves to the satisfaction of the judge or court that he or she was at the time of such sale the lawful owner of said land, and the person entitled to the said surplus purchase money according to the true intent and meaning of this Act, then in such case the said court or judge shall order said surplus to be paid over to said plaintiff, his or her legal representatives, upon and after payment by said plaintiff of the defendant's taxed costs of defence of said suit or proceedings.

Party questioning sale shall notify district treasurer.

Funds impounded pending order.

VOTERS' LISTS.

352. The clerk of each and every municipality shall immediately after the final revision and correction of the assessment roll in every year, make a correct alphabetical list of all male persons being of the full age of twenty-one years and subjects of Her Majesty by birth or naturalization and appearing by the assessment roll to be entitled to vote in the municipality at elections and elections of members of the Legislative Assembly, prefixing to the name of each person his number upon the roll.

Alphabetical list of voters to be made.

353. The said list shall give the names of the voters in each polling sub-division or ward in the municipality separately and shall be in the following form as nearly as may be;

Polling sub-divisions.

FORM No. 14.

VOTERS' LIST—188

Municipality of

in the county of

POLLING SUB-DIVISION NO. 1, COMPRISING, ETC., (giving limits or name of ward, &c.)

Persons entitled to vote at Municipal Elections and Elections to the Legislative Assembly.

No.	No. on Poll.	NAME.	Lot or designation of Land.	How Held.	Post Office.	Resident.	Non-Resident.	Remarks.
1	6	Anderson, Henry	S. 7, Tp R. 2 W	Owner	Rhineland.			
2	8	Atcheson, John	N.E. 4 16, Tp. 2, R. 1 W	Tenant	Gretna.			
3	10	Brown, Peter	{ Vil. Lot 5, w. s. Main St., Gretna. }	Owner	"			
4	15	Curran, Joseph	Sec. 21, Tr. 2, R. 2 W.	Occupant	"			

POLLING SUB-DIVISION NO. 2, (giving limits, &c.)

354. The form of said list may be changed to suit the description of property of voters in incorporated towns and cities. Form of list may be changed.

355. Where a municipality is divided into polling sub-divisions the list shall be made for each of such divisions. May follow divisions.

356. If the qualification of any such person is in respect of real property, the clerk shall, opposite the name of the person, insert in the proper column of the voter's list, the number of the lot or other proper description of the real property in respect of which such person is qualified. Real estate owners.

357. Wherever it appears by the assessment roll that any person is assessed for property within the municipality sufficient to entitle him to vote, but that it lies partly within the limits of one of such sub-divisions and partly within another or others, the clerk shall enter his name on the list of voters in each or every sub-division in which any part of such property is situate, with the following words added: "*See sub-division No. "*" Real estate lying in several divisions.

358. An assessment roll shall be understood to be finally revised and corrected, when it has been so revised and corrected by the court of revision for the municipality, or by the judge of the county court, in case of an appeal, as provided in the assessment clauses of this Act, or when the time during which such appeal may be made has elapsed, and not before. Revised roll when in force.

359. Immediately after the clerk has made the said alphabetical list, and within thirty days after the final revision and correction of the assessment roll, the clerk shall cause at least one hundred copies of said list to be printed (in pamphlet form where practicable), and forthwith shall cause one of such printed copies to be posted up, and to be kept posted up in some conspicuous place in his own office, and deliver or transmit by post, by registered letter, or by parcel or book post registered, three of such copies to each judge of the County Courts of the Judicial District to which the municipality belongs, and two copies to each of the following persons, that is to say:— Printing voters' lists.

- a. Every member of the municipal council of the municipality, except the reeve;
- b. The treasurer thereof;
- c. The sheriff of the assize district;
- d. The prothonotary or deputy clerk of the Crown and Pleas for said district;
- e. Every postmaster in the municipality;
- f. Every head master or mistress of a public school in the municipality.

Five copies to certain persons.

360. The clerk of the municipality shall forthwith also deliver or transmit by post, by registered letter, or by parcel or book post registered, five of such copies to each of the following persons, that is to say:—

a. The Member of the House of Commons for the electoral division in which the municipality or any part thereof lies;

b. The Member of the Legislative Assembly for the electoral division in which the municipality or any part thereof lies;

c. Every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Legislative Assembly respectively;

d. The reeve of the municipality; and

e. The clerk of the executive council.

Space for inserting additions.

361. In printing said list, a space equal to about ten printed lines shall be left between the names beginning with the different letters of the alphabet, for the purpose of inserting any additional names in writing upon the revision or correction of the list, and a blank page shall be left at the end of said list for any certificate that may be required to be appended to the list upon or after said revision or correction.

Certificate on copies sent out.

362. Upon each of the copies so sent to each person shall be a printed or written certificate over the name of the clerk, stating that such list is a correct list of all persons appearing by the last revised assessment roll of the municipality to be entitled to vote at municipal elections and at elections for members of the Legislative Assembly; and further calling upon all electors to examine the said list, and if any omissions or other errors are perceived therein, to take immediate proceedings to have said errors corrected according to law.

Form of certificate.

363. The following shall be the form of certificate, mentioned in the last preceding clause:

FORM 15.

I, A. B., clerk of the municipality of _____ in the county of _____, do hereby certify that the within is a correct list for the year 18____, of all persons appearing by the last revised assessment roll of the said municipality to be entitled to vote at municipal elections and at elections for members of the Legislative Assembly in said municipality; and I hereby call upon all electors to examine the said list, and if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

Dated this _____ day of _____

A. B.,
Clerk of said municipality.

364. The sheriff shall, immediately upon the receipt of his copies, cause one of them to be posted up in a conspicuous place in the court-house; the clerk of the Crown and Pleas, or deputy clerk, (*as the case may be*) upon receipt of his copies, shall cause one of them to be posted in a conspicuous place in his office; every public school head master or mistress shall in like manner post up one of his or her copies on the door of the school-house; and every postmaster shall post up one of his copies in his post office.

Copies of voters' lists to be posted up.

365. There shall also be printed or written upon each copy of said list the names and post-office addresses of the Mayor, Reeve, clerk, treasurer or secretary-treasurer, and collector of the municipality, and the names and addresses of the chairman and secretary-treasurer of the judicial district board of the judicial district in which the municipality is situate; and the name and address of the county judge for said district.

Names of mayor, reeve, etc., printed on voters' lists.

366. The clerk of the municipality, after retaining for use in his office and for purposes of revision and correction as many copies of said printed list as he may deem necessary, may sell and dispose of any surplus copies (to any parties not entitled under this Act to receive them gratis) for the purpose of in whole or in part re-imbursing the municipality the cost of printing the same, at such price as the council may determine not exceeding the rate of five cents for every ten voters whose names are on such list.

Sale of copies.

367. The said list of voters shall be subject to revision by the county judge, at the instance of any person entitled to vote in the municipality for which the list is made, or in the electoral division in which the municipality is situate, on the ground of the names of voters being omitted from the list or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote; and upon such revision, the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the court of revision, or had or had not been determined by that court; and the decision of the judge under this Act, in regard to the right of any person to vote, shall be final as far as regards such person.

Revision of voters' lists.

368. A complaint or appeal may be made on the ground of any person whose name is entered on the list being one of those who are disqualified or incompetent to vote under the provisions of this Act, and may be in the following form:

Complaints and appeals.

FORM No. 16.

Form of.

To the clerk of the municipality of

I, *Peter Grant*, a person entitled to vote in the said municipality, complain that the name *John Jack* is wrongly entered in the voters' list for the said municipality, he being a person disqualified under the section of "The Manitoba Municipal Act, 1884."

And take notice, that I intend to apply to the judge in respect thereof, in pursuance of the statute in that behalf.

Dated the _____ day of _____
18 _____

PETER GRANT,
Residence,

Striking names for non-attendance.

369. If any person whose right to vote is the subject of inquiry, does not attend in obedience to a subpoena or order, issued as hereafter mentioned, the judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of such non-attendance of such person or his agent, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person, according to his discretion, or do both.

Notice of complaints.

370. Any voter or person entitled to be a voter making any complaint of any error or omission of the said list shall, within thirty days after the clerk of the municipality has posted up the said list in his office, give to the clerk, or leave for him at his residence or place of business, notice in writing of his complaint and intention to apply to the judge in respect thereof; and if the office of clerk is vacant by reason of death, resignation or from any other cause, such notice may be given in like manner to the head of the council of the municipality; and the proceedings thereafter by the clerk, judge and parties respectively, and the respective powers and duties of the judge, clerk and other persons, shall be the same, or as nearly as may be the same, as in the case of an appeal from the court of revision; but no deposit shall be required to be made before any such complaint is heard or disposed of.

No deposit required.

Form of notice of appeal or complaint.

371. The following form, or a form to the like effect, shall be that of the notice mentioned in the last preceding clause:

FORM No. 17.

To the clerk of the municipality of

I, *James Smith*, a person entitled to be a voter for the said municipality, complain (*state the names of the persons in respect*

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of whom complaint is made, and the grounds of complaint touching each person respectively—or set forth in lists as follows, varying according to circumstances), that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said municipality, as shown in said list, but are wrongfully omitted from the voters' list; That the several persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongly stated in the said voters' list, as shown in said list No. 2; That the several persons whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in the said voters' list, as shown in said list No. 3:— And that there are errors in the description of the property in respect to which the names respectively are entered on the voters' list (or stating other errors), as shown in the subjoined list No. 4:—And take notice that I intend to apply to the judge in respect thereof, pursuant to the statute in that behalf

Dated the _____ day of _____ 18 _____

JAMES SMITH,
Residence,

List of Complaints mentioned in the above Notice of Complaint.

LIST No. 1 (*showing voters wrongfully omitted from the Voters' List.*)

NAMES OF PERSONS.	GROUND ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LISTS.
James Tupper	Tenant to John Fraser, of N. $\frac{1}{2}$ sec. 4, tp. 7, range 4 w.
Simon Beauclerk	Owner in fee of N. W. $\frac{1}{4}$, &c.
Angus Blain	Assessed too low—property worth \$500.00.

LIST No. 2 (*showing voters wrongly named in Voters' List.*)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	THE ERRORS IN STATEMENT UPON VOTERS' LIST.
Joshua Townsend	2	1	Should be <i>Joseph</i> Townsend.
John McBean	4	1	Should be John McBean <i>the younger</i>
S. Connell	3	2	Should be <i>Simon</i> O'Connell, &c., &c.

LIST No. 3 (showing persons wrongfully inserted in Voters' List.)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST.
Peter White	4	1	Died before final revision of roll,
John May	3	2	Tenancy expired—left the country
David Walters . . .	2	2	Assessed too high—property worth under \$

LIST No. 4. (showing voters whose property is erroneously described in Voters' List &c.)

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED.
Stephen Washburn..	3	2	Name should be in subdivision No. 2
Thomas Gordon....	2	1	Property should be, etc.
Ronald Blue	4	2	Should be described as owner not tenant.

Head of council to report &c.

372. If the notice is given to or left for the head of the council, he shall perform, or cause to be performed, such necessary acts as should be performed by the clerk if there were one.

Form of clerk's report.

373. The following shall be the form or to the like effect of the clerk's report to the Judge in case of appeals and complaints under said clause:

FORM No. 18.

To His Honor the Judge of the County Courts of the Judicial District.

The clerk of the municipality of _____ states and reports that the several persons mentioned in column 1 of the schedule below, and no others, have each given to him (or "left for him at his residence or place of abode" as the fact may be) written notice complaining of errors or omissions in the voters' list for said municipality for 18____, on the grounds mentioned in column 2 of the said schedule, and that such notices were received respectively at the dates set down in column 3 of the said schedule.

Dated, &c.

A. B.,
Clerk of said municipality.

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appea

SCHEDULE.

1	2	3
NAME OF COMPLAINANT.	ERRORS OR COMMISSIONS COMPLAINED OF	DATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK.

374. If any person named as a voter in the said list has, before the final revision and correction of the assessment roll, parted with the property in respect of which his name was entered in the voters' list; the person to whom he has transferred the property, or who is in possession of the same, shall be entitled to apply to the Judge to be entered on the list instead of the person originally named therein; and the person who has parted with such property may apply to the Judge to be entered on the list in respect of any other property which he may have acquired in the municipality and for which he has not been assessed, and the proceedings to be taken in such case shall be the same as in cases of appeals under this Act.

375. The following in substance shall be the form of notice that may be used by a person to whom assessed property has been transferred and claims to be entitled to vote thereon:

FORM No. 19.

To the clerk of the Municipality of

I, *Luke Doran*, a person entitled to be a voter in the said municipality, complain that the name of *Peter Short* is wrongly inserted in the voters' list for the said municipality, he having before the final revision and correction of the assessment roll transferred to me the property in respect to which his name is entered on the said list (or "parted with the property in respect to which his name is entered on the voters' list, and that I am in possession of the same"): And take notice, that I intend to apply to the Judge to have my name entered on the said list, instead of the said *Peter Short*, pursuant to the provisions of the statute in that behalf.

Dated the _____ day of _____ 18

LUKE DORAN.

376. The Judge upon the receipt of the clerk's report as to appeals shall order as follows:—

FORM No. 20.

To _____, Clerk of the Municipality of _____

Upon reading your report and notification respecting the voters' list for the said municipality for 18____, pursuant to the statute in that behalf, I appoint the _____ day of _____ 18____, at the hour of _____ at _____ in the said county, for holding a court to hear and determine the several complaints of errors and omissions in the said voters' list, of which due notice has been given.

You are constituted clerk of the court.

You will advertise the holding of such court, or post up in your office or the place in which the council hold their sittings list of all complaints of errors and omissions in the said voters' list; and you will notify all parties concerned according to law.

Let the assessor for the municipality attend the sittings of the said court, and let the original assessment roll of the municipality for 18____, and the minutes of the court of revision for the municipality for 18____, be produced before me or the acting judge on the day and at the place above mentioned,

Dated this _____ day of _____ 18____

Judge Co. Court,
Judicial District.

Clerk's
notice.

377. Upon receipt of the last mentioned order, the clerk shall post up in his office the following notice:—

FORM No. 21.

Notice is hereby given, that a court will be held, pursuant to the voters' list clauses of "The Manitoba Municipal Act, 1884," at _____ on the _____ day of _____ 18____, at _____ o'clock, in the _____ noon _____ for the purpose of hearing all complaints made against the voters' list of the municipality of _____

_____ for 18____ particulars of which complaints are shown in the sub-joined schedule.

All persons having business at the said court are hereby required to attend at the said time and place.

Dated _____ day of _____ 18____

A. B.,
Clerk of said Municipality.

SCHEDULE.

NAME OF THE PARTY COMPLAINING.	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE.	GROUNDS OF COMPLAINT ALLEGED.

And shall cause to be inserted in a newspaper published in the municipality, (if there is one,) and if not in some newspaper in the county, or in the assize town of the district, the notice first following; and shall give notice in writing, by mail or otherwise, to the party or parties complaining and complained against in the forms, secondly and thirdly following:—

FORM No. 22.

Notice is hereby given, that a court will be held, pursuant to the voters' list clauses of "The Manitoba Municipal Act, 1884," by His Honor the Judge of the County Courts of the Judicial District, at _____ on the _____ day of _____ 18____, at _____ o'clock, in the _____ noon, to hear and determine the several complaints of errors and omissions in the voters' list of the municipality of _____ for 18____.

All persons having business at the said court are required to attend at the said time and place.

Dated this _____ day of _____ 18____

A. B.,
Clerk of the said Municipality.

FORM No. 23.

CLERK'S NOTICE TO PARTY COMPLAINING.

You are hereby notified that, pursuant to the statute in that behalf, a court for the Revision of the voters' list, 18____, for _____ the municipality of _____ will be held by the Judge (or acting Judge) of the County Courts of the Judicial District, at _____ on the _____ day of _____ 18____, at _____ o'clock, in the _____ noon, at which court all complaints duly lodged of any error or omission in the said list will be heard and determined. A list of said complaints is posted up in _____ and you are hereby

required to be and appear at such court; and take notice, that the Judge may proceed to hear and determine the complaints whether the parties complaining appear or not.

By order of his Honour the Judge of the said County Court.

Dated this day of 18

To

A person complaining of error }
in the said Voters' List. }

A. B.,
Clerk of the said Municipality, and
Clerk of said Court.

FORM No. 24.

CLERK'S NOTICE TO PARTIES COMPLAINED AGAINST.

Notice to
respondent.

You are hereby notified that, pursuant to the statute in that behalf, a court for the Revision of the voters' list, 18 , for the municipality of , will be held by the Judge (or acting Judge) of the County Court of the Judicial District, on the day of 18 at o'clock, in the noon, and you are required to appear at the said court, for that has complained that your name is wrongly inserted in the said voters' list, "because," &c., (*state matter of complaint concisely*). A list of all complaints lodged is posted up in ; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of his Honor the Judge of the said County Court.

To

Entered on said voters' list.

A. B.,
Clerk of the said Municipality, and
Clerk of the said Court.

Persons coming
of age.

378. Any person who is rated, or liable to be rated, on the assessment roll, for real property or income of the amount required to entitle him to vote, and who will be of the age of twenty-one years at any time within sixty days from the final revision and correction of the assessment roll, shall be entitled to apply to the Judge to have his name entered upon the voters' list or upon the assessment roll and voters' list, as the case may require.

379. Any party may obtain from the County Court a ^{Subpoena for witness.} subpoena, or from the County Court Judge an order, requiring the attendance at the court for hearing complaints as aforesaid, at the time mentioned in such subpoena or order of a witness residing or served with such subpoena or order in any part of this Province; and requiring any such witness to bring with him and produce at the court any papers or documents mentioned in the subpoena or order; and every witness served with such subpoena or order shall obey the same; provided the allowance for his expenses, according to the scale allowed in County Courts, is tendered to him at the time of service.

380. Any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, the list of which is the subject of complaint, or within the municipality in which the court is held, upon being served with a subpoena or order therein, obey the same without being tendered or paid any allowance for his expenses. ^{Witness to obey subpoena}

381. The following shall be the form of subpoena which ^{Form of subpoena.} may be issued under the last two preceding clauses:—

FORM No. 25.

SUBPOENA.



MANITOBA:
County of
To WIT.

} VICTORIA, by the Grace of God, of the
United Kingdom of Great Britian and
Ireland, Queen, Defender of the Faith.

To

Greeting :

We command you, that all excuses being laid aside, you be and appear in your proper person before our Judge of our County Courts of the _____
Judicial District, at

_____ , on the _____
day of _____ , 18 _____ , at
o'clock in the _____ noon, at the court appointed, and
there and then to be held, for hearing complaints of errors in
the voters' list for 188 _____ , of the municipality of

_____ , in the county
of _____ , and for revision of the said
voters' list, _____ , then and there to testify to all
and singular those things which you know in a certain matter
(or matters) of complaint made and now pending before the
Judge, under the voters' list clauses of "The Manitoba Muni-

in pursuance of the voters' list clauses of "The Manitoba Municipal Act, 1884," with the certificate required by section 337 of the said Act endorsed thereon.

That I did also duly deliver and transmit by post, by registered letter (or "by parcel post registered" or "by book post,") the required number of similar printed copies of the said voters' list, with my certificate endorsed, to each and all of the persons entitled to the same under sections 334 and 335 of said Act.

That no person gave me or did I receive any written notice of complaint and intention to apply to the judge (junior or acting judge) of the county court in respect to the said voters' list within thirty days after I, the said clerk, had posted up the said list in my office, as directed by the provisions of the said Act.

And that to the best of my knowledge and belief, I have complied with the several requirements of the said Act so as to entitle me to apply for certified copies under section 358 of the said Act; and I do hereby, in pursuance thereof, now apply to you the said Judge to certify six of the copies of the said list received by you and being the revised list of voters for the municipality of the said

18 _____ of for the year of our Lord

Witness my hand this 18 _____ day of

Clerk of the said Municipality

P. O.

FORM No. 27.

CERTIFICATE OF JUDGE ON REVISED AND CORRECTED VOTERS' LIST.

A. B., clerk of the municipality of

his hand that no complaint respecting the list of voters under his hand that no complaint respecting the list of voters for the said municipality, for the year 18 _____, has been received by him within thirty days after the first posting up of the same; and on application of the clerk,

Form of judge's certificate.

I, _____, Judge of the County Courts of the _____ judicial district in pursuance of the provisions of the voters' list clauses of "The

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VOTERS' LISTS.

CAP. 11.

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2. The following persons are struck off the said List :

NAME.	POLLING SUBDIVISION.	PART OF LIST.	PROPERTY.

3. The following changes are made in the property described opposite to the names of voters otherwise correctly inserted :

NAME.	POLLING SUB-DIVISION.	PART OF LIST.	PROPERTY AS ORIGINALLY DESCRIBED ON LIST.	PROPERTY AS ALTERED.

4. The following changes are made in the names of voters incorrectly named :

NAME ORIGINALLY ON LIST.	POLLING SUB-DIVISION.	PART OF LIST.	NAMES AS ALTERED.	PROPERTY.

Witness my hand this _____ day of _____

County Judge, _____ Judicial District.

FORM 30.

CERTIFICATE OF JUDGE.

I, _____ Judge of the County Courts of the _____ Judicial District, pursuant to the provisions of the voters' list clauses of "The Manitoba Municipal Act, 1884," do hereby certify that the above (*as the case may be*) is a correct copy of the list of voters for the year _____

18 , received by me from the clerk of the Municipality of _____ according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at _____ this _____ day of _____, 18 _____.

Judge, &c.

Transmission of certified voters' lists.

386. The Judge shall retain one of such certified copies and one statement, and shall deliver or transmit by post, registered, one of such certified copies and one statement to the clerk of the Crown and Pleas or deputy for the judicial district within which the municipality lies; two of such certified copies and two of such statements to the clerk of the municipality, to be kept by him among the records of his office; and the remaining two certified copies and statements to the Clerk of the Executive Council.

MISCELLANEOUS PROVISIONS.

Powers vested in judge.

387. In all proceedings before the Judge under this Act, the judge shall have, with reference to the matters herein contained, all the powers which belong to or might be exercised by him in the County Court.

Judge may appoint constables, etc.

388. The Judge shall have power to appoint some proper person to attend at the sittings of the court as a constable or bailiff; and the duties and powers of such person thereat shall be as nearly as may be the same as those of the bailiff of a County Court at a sitting of a County Court and in reference thereto; and the expenses of the person so appointed and attending shall be borne by the municipality the list for which is the subject of investigation, and shall include such allowance for loss of time, trouble and travelling fees as may be certified by the judge to be reasonable; and the amount certified by the judge shall be paid to such person by the treasurer of the municipality upon the production and deposit with him of the Judge's certificate.

Clerk's duty and compensation.

389. The clerk of every municipality shall be subject to the summary jurisdiction and control of the County Judge in respect of the performance of his duty under this Act, and in respect to every Act required to be performed by such clerk touching the voters' list, in the same manner as officers of the County Court are to the Court; and the clerk shall receive reasonable compensation for the services performed.

Court of revision, where held.

390. The Court for the revision and correction of the voters' lists for the municipalities comprised in each county shall be

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held in the building used for holding the County Court, if there is one within the county, and if not, at any of the places in the county where a municipal town or city council holds its meetings, and if neither of these places is deemed sufficiently central or suitable for the purpose, the Judge may select such other place in the county for the purpose as he may deem proper; and it shall be the duty of the heads of the councils of the municipalities where voters' lists are the subject of revision, upon being notified by the Judge to that effect, to cause the building so selected to be furnished, heated and lighted for the holding of such court at the expense of the municipalities affected; and in case this shall not be done, the Judge may adjourn the court to some other place or building and give such directions as he may deem proper for such necessary furnishing, heating and lighting; and the proprietors of the building so used may recover from the municipality or municipalities which should have made such provisions the sum of five dollars per day, or such other sum if certified to by the Judge for each and every day during which such building is used for the purposes of such court. Any court held in an assize town or city shall be held in the courthouse or in such other place therein as the Judge may deem suitable.

Expenses of court.

391. The Judge shall be paid, before delivering his certificate, the sum of five dollars (together with his actual moving expenses, if any,) for every days' actual and necessary attendance at such court whilst engaged in the revision of said lists; and such payment and all other charges (not otherwise hereinafter provided for) necessary to be incurred in connection with the holding and proper conduct of the business of the court, shall be paid by the treasurer or secretary-treasurer of the municipality upon the certificate or voucher of the Judge as to the service performed, and in cases other than as to his own fees as to the nature of and necessity for the service performed; provided, however, that in case of the necessity and proper attendance at said court of the clerk, treasurer, assessor, or other officer of any municipality, or of any member of the council thereof (unless in the last mentioned case he shall be specially summoned to appear) the cost and expense of such attendance, if any, shall be payable by the municipality interested.

Judge's fee for revision &c., &c., payable by municipality.

Proviso.

392. In all disputed cases coming before said Judge in connection with the revision and correction of the said lists, and in all cases where an application is dismissed as being unwarranted, or where the Judge shall consider that the ground of the application was known, and that the purpose of such application might have been accomplished otherwise than through the medium of the court, and notwithstanding anything in this Act appearing on the contrary, the said Judge

Hearing fee and cost's mry b) ordered to b) paid.

may order the applicant or other person in the position of the respondent and being a party interested in the application before the court, or who has been made a party by the court and has failed to appear after due notice and is within the jurisdiction of the court, to pay a hearing fee of two dollars and such reasonable costs, if any, as the Judge may determine; and payment of such fees and costs, or either, may be enforced by execution in the manner herein provided for the recovery of any penalty, fine or costs incurred or ordered to be paid under the provisions of this Act as to said revision of voters' lists; but this clause shall not be held to limit the power of the Judge to deal with any application or matter coming before him in said court in any other manner mentioned in this Act, and this clause may be read as supplementary to any other clause in the Act of a similar character wherever it can be properly so construed as so intended.

Proviso.

Judge shall report illegal practices.

393. If the Judge who holds a court believes that any person or persons have contravened sections 405 to 408 of this Act, or that frauds in respect to the assessment or voters' lists have prevailed extensively in the municipality it shall be his duty to report the same to the Provincial Secretary, with such particulars as to names and facts as he may think proper.

Amendments.

394. The Judge shall have power to amend any notice or other proceeding upon such terms as he may think proper.

Appellant dying or abandoning complaint may be replaced.

395. If any appellant or complainant entitled to appeal, dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the clerk as aforesaid is afterwards found not to be entitled to be an appellant, the Judge may, if he thinks proper, allow any other person who might have been an appellant or applicant to intervene and prosecute such appeal or complaint, upon such terms as the Judge may think just.

Assessors or officers liable for costs occasioned by omissions etc.

396. In case of errors being found in the said voters' list on the said revision thereof, whether such errors are in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, if it appears to the Judge that the assessor was blameable for any of the said errors, the Judge shall order the assessor, either alone or jointly with any other person, to pay all costs occasioned by the same; and in case of errors for which the clerk was to blame, the clerk, either alone or jointly with any other person, shall be charged with the costs; and in case of errors of the court of revision, the municipality shall, either alone or jointly with any person, pay the costs subject to any claim which the municipality may justly have against the guilty parties; or the judge may order the assessor, clerk or municipality in any

Costs of errors etc.

such case to pay the costs, if any party fails to recover the same from any other party named and ordered to pay the same; and, in all cases not herein provided for, the costs shall be in the discretion of the Judge.

FORM NO. 31.

ORDER FOR PAYMENT OF COSTS.

In the matter of the voters' list for the municipality of ^{Order for} for 18 ^{costs.}, and of the complaint and appeal to the Judge of the County Courts of the ^{judicial} district, by A. B., complaining of the name of C. D. being wrongly inserted in the said list (or, as the case may be, stating in brief the nature of the complaint.)

On proceedings taken before me, pursuant to the said Act, I find and adjudge that the name of the said C. D. was rightly inserted in the said list, (or "was wrongly inserted in the said list"), and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint (or, "and order the said C. D. shall pay the said A. B. his costs incident to the said complaint,"—or, "and order that E. F., the assessor of the said municipality, being blamable for such wrong insertion, do pay the said A. C. his costs incident to such complaint (or, as the case may be, stating it in brief,)—said costs to be taxed pursuant to the said Act.

Dated at this day of 18

County Judge.

397. No costs shall be allowed on any proceeding under ^{Scale of costs} this Act, other or higher than would be allowed in the Queen's Bench under the lowest scale of costs in actions therein.

398. The only costs to which an appellant shall be liable, ^{Costs of} shall be the witness fees, unless in a case of bad faith on his ^{appellant.} part.

399. The payment of any costs ordered to be paid by the ^{Execution for} Judge may be enforced by an execution against goods and ^{costs.} chattels, to be issued from any County Court upon filing therein the order of the Judge, and an affidavit showing the amount at which such costs were taxed and the non-payment thereof.

FORM No. 32.

WRIT OF EXECUTION UNDER FOREGOING SECTION.

Fl. fa. for
costs.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the Sheriff of the

GREETING:

We command you that of the goods and chattels in your bailiwick of C.D., you cause to be made _____ dollars, for certain costs which lately, by an order of His Honor _____ the Judge of the County Courts of the _____ Judicial District, dated the _____ day of _____ 18 _____, were ordered to be paid by said C.D. to A.B., as and for his costs sustained by him on the trial of a complaint against the voters' list of the municipality of _____, in the county of _____ for 18 _____, made and prosecuted under the provisions of the voters' list clauses of "The Manitoba Municipal Act," 1884, which said costs have been taxed and allowed at the said sum as appears of record; and have said money before our Judge of our said court at _____ immediately after the execution thereof: and in what manner you shall have executed this our writ make appear to our Judge aforesaid at _____ immediately after the execution thereof, and have you there then this writ.

Witness, His Honor _____
County Courts, at _____
day of _____
Lord. 18 _____

_____, Judge of our said
_____, the
_____, in the year of our

[SEAL.]

A. B.
Clerk.

Taxing persons put on rolls at revision.

400. If any person not assessed, or not sufficiently assessed, is found entitled to vote, the municipality shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the Judge; and the Judge shall make an order, setting forth the names of the person so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists; and each order shall be transmitted to the clerk of the municipality, and shall have the same effect as if the said particulars had been inserted in the roll.

FORM No. 33.

ORDER FOR ASSESSMENT OF PERSONS OMITTED FROM ROLL, ETC. Order for such assessment.

In the matter of assessment for the year 18 , in the municipality of

The persons mentioned in the first column of the schedule following, not being assessed, or not being sufficiently assessed, on the assessment roll of the municipality of

for the year 18 , and having been found entitled to vote, on proceedings taken before me, the Judge of the County Courts of the

Judicial District, under the voters' list clauses of "The Manitoba Municipal Act, 1884."

In pursuance of section 375 of the said Act, it is adjudged that the said parties mentioned in the first column of the following schedules respectively, should have been assessed for the sums mentioned in the second column, respectively, opposite their respective names, in respect to the land or other property or qualification mentioned in the third columns of said schedules, respectively, opposite the respective names of said parties, and it is ordered that the said parties shall be assessed accordingly.

Dated the _____ day of _____, A. D., 18 _____,

Judge.

SCHEDULE 1.

Column 1. Names of persons liable to have been assessed on the Assessment Roll for the Municipality of _____, but not assessed.	Column 2. Amount for which the party should have been assessed.	Column 3. Property in respect to which the liability to assessment exists

SCHEDULE 2.

Column 1.	Column 2.	Column 3.
Names of persons not sufficiently assessed on the Assessment Roll for the Municipality of for the year 18 .	Amount for which the parties should be assessed in addition to the amount already on the Assessment Roll.	Property in respect to which the liability to assessment exists.

Point of time not essential.

401. The times appointed for the performance, by the clerk of the municipality, of the duties required of him by this Act, shall be directory only to the said clerk; and the non-performance by him of any of the said duties within the times appointed, shall not render null, void or in-operative any of the lists in this Act mentioned.

Forcing clerk to perform duties.

402. In case the clerk of any municipality fails to perform any of the duties aforesaid, if there be one, or if not, the prothonotary, deputy-clerk of the Crown and Pleas (*as the case may be*), shall, forthwith, apply summarily to the County Judge or the junior or acting Judge of the County Court for the district within which such municipality is situated, to enforce the performance of the same.

FORM NO. 34.

APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

Information against delinquent clerk.

Pursuant to section 402 of the voters' list clauses of "The Manitoba Municipal Act, 1884," I, A. B., prothonotary (or deputy-clerk of the Crown and Pleas, (*as the case may be*), for the (or, "a person entitled to be named as an elector on the voters' list for the municipality of _____ in the county of _____, for 18 _____") hereby inform His Honor the Judge of the County Courts of the _____ Judicial District, that C. D., clerk or the said municipality, has failed to perform the duties required of him as such clerk by the said Act, in this, that he the said C. D., has not made out the alphabetical list of voters for 18 _____, for the said municipality, within thirty days after the final revision and correction of the assessment roll thereof (or, "has not delivered or trans-

mitted printed copies of the voters' list for the said municipality, for 18 , to and or to any of them," (or as the case may be, stating in brief the duty not performed), according to the requirements of the said Act; and I apply to you the said Judge, to enforce the performance of the duties aforesaid, and to take such other proceedings as may be necessary.

Dated at . this day of 18 .

A. B.,
Clerk of C. C.

(or, as the case may be).

403. The application may also be made by any person ^{Who may apply.} entitled to be named as an elector on the list in respect of which the application is made.

404. The Judge shall, on such application, require the clerk ^{Judge's order on application against clerk.} of the municipality, and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto, or to the list in respect of which the application is made, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purpose aforesaid.

FORM No. 35.

SUMMONS.

In the matter of the voters' list for the municipality of in the county of

Whereas it appears by the application of A. B., prothonotary (or deputy clerk of the Crown and Pleas) for the (or, "a person entitled to be named as an elector on the said list,") made to me, in pursuance of the "Manitoba Municipal Act, 1884," that you, C. D., the clerk of the said municipality, have failed to perform certain duties required of you by the said Act, in this, that you have not made out the alphabetical list of voters for 18 , for the said municipality, within thirty days after the final revision and correction of the assessment roll thereof, (or, as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You, the said C. D., are therefore hereby required to be and appear before me at my chambers, in

on the _____ day of _____
 18 _____, at the hour of _____ o'clock in the _____ noon
 and then and there have with you and produce before me the
 assessment roll for 18 _____, for the said municipality, and any
 documents in your custody, power or control, relating to the
 assessment roll, or to the voters' list aforesaid; and then and
 there submit yourself for examination on oath as may be
 required of you. Herein fail not at your peril.

Dated this _____ day of _____
 18 _____.

To C. D.,
 Clerk of the municipality of _____

 Judge.

Clerk
 neglecting
 duty.

405. If any clerk of a municipality omits, neglects or refuses to complete the voters' list, or to perform any of the duties hereinbefore required of him for his municipality, such clerk, for each omission, neglect or refusal, shall incur a penalty not exceeding two hundred dollars.

Willful
 alterations,
 etc.

406. If any clerk of a municipality or any other person willfully makes any alteration, omission or insertion, or in any way willfully falsifies any such certified list or copy, or permits the same to be done, every such person shall incur a penalty not exceeding two thousand dollars, or to be imprisoned in the common gaol of the county or district for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court.

False votes.

407. No person shall make, execute, accept or become a party to any lease, deed or other instrument, or become a party to any verbal arrangement, whereby a colourable interest in any house, land or tenement is conferred in order to qualify any person to vote at an election; and any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of one hundred dollars, and any person who induces, or attempts to induce another to commit an offence under this section, shall incur a like penalty.

Penalty.

Recovery of
 fines.

408. The penalties mentioned in the three last preceding sections may be recoverable with costs of suit by any person suing for the same in any court of competent jurisdiction.

Prevention
 of false votes.

409. To prevent the creation of false votes, where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land,

and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, it shall be the duty of the assessor to make reasonable enquiries before assessing such person.

410. Any assessor who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount, with intent in either case to give any person not entitled thereto an apparent right of voting at any election, or who wilfully inserts any fictitious name in the assessment roll, or who wilfully and improperly omits any name from the assessment roll, or assesses any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, or to imprisonment in the common jail of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court.

Assessor wilfully inserting false vote punishable.

411. In case the Clerk of the Executive Council shall in any year deem it advisable to obtain a greater number of copies of the said printed voters' list of any municipality than he is entitled to receive gratis under this Act, he may, before the time for printing said lists shall have arrived, notify the clerk of any municipality that he will require an extra number of copies of said list, stating how many, and it shall be the duty of any such municipal clerk to cause a sufficient number of copies to be printed to meet this extra demand; and the said municipal clerk, on behalf of his municipality, shall be entitled to receive their proportionate cost for such extra copies with an addition thereto of twenty per cent.

C. E. C. may obtain additional li. ts.

412. The prothonotary or deputy clerk of the Crown and Pleas, and the clerk of any municipality having the custody of the list of voters of any municipality or part of any municipality or place, shall furnish a certified copy of such list, then last revised and corrected, or of any of the parts thereof, to any person who may require such copy or part, on being paid for the same by such person at the rate of five cents for every ten voters whose names are on such list or part; the said officers may furnish printed copies, for which they shall be entitled to receive twenty-five cents instead of the fee aforesaid; and the officers shall verify any alterations made therein, by writing their initials in close proximity thereto. If the alterations or interlineations exceed one hundred it shall be the duty of the said officers to furnish written copies.

Prothonotary's list of voters.

Written copies.

413. For each copy of the voters' list or of any of the parts thereof furnished to the returning officer, the clerk or deputy clerk of the Crown and Pleas furnishing the same shall be

Fees for copies of voters' lists.

entitled to receive the sum of ten cents for every ten voters whose names are on such list or part thereof *as the case may be.*

Board of Co.
Judges to
make rules
respecting
voters' lists.

414. The Board of County Judges in the Province, or any two of such Judges may, if requested so to do by the Lieutenant-Governor-in-Council, frame rules and forms of procedure for the purpose of better carrying the provisions of this Act in respect to voters' lists into effect; and such rules and forms shall, after being approved of by the Lieutenant-Governor-in-Council, have the same effect and force as if they formed part of this Act.

Occupants
owners and
tenants.

415. The words householder, (H), freeholder (F), and tenant (T), appearing on the assessment roll pursuant to the provisions of the assessment clauses of this Act shall, for the purposes of said provisions relating to voters' lists, be held also to mean respectively occupant (Oc), owner (O), or tenant (T), and shall be so entered in the voters' list by the clerk of the municipality.

Use of forms.

416. In carrying into effect the voters' list provisions of this Act the forms given in this Act may be used, and the same or forms to the like effect shall, respectively, be deemed sufficient for the purposes mentioned in this Act.

Secs. of 44
Vic, c. 11,
remain
repealed.

417. Sections five to thirty-one, both inclusive, of 44 Vic., Chap. 11, (3rd Session) intituled "An Act to amend certain of the Acts forming part of the Consolidated Statutes of Manitoba," repealed by section 392, of the Municipalities Act, 1883, shall remain repealed; but the provisions of the Act or Acts or parts of Acts repealed by said sections of said Chapter 11 shall not be revived.

Security by
officers.

418. The treasurer and other officers of each municipality shall be required to give security for such amount and in such manner before entering upon the duties of office as the council thereof shall determine, to the effect that they will well and faithfully perform all duties appertaining to their offices respectively, and pay over to the proper person all moneys collected or coming into their hands, power, custody or possession, which securities the council shall require to justify upon oath as to their sufficiency.

DISTRICT BOARDS.

District
boards.

419. The expressions "District" and "Judicial District" as used herein shall be held to mean any of the judicial districts of this Province referred to in the context and the terms "Board" and "District Board" shall be held to mean the board of any such judicial district, formed or hereafter to be

formed under the judicial districts Act, 1883, and the Acts amending the same unless where by the context a different or more confined meaning appears to be intended or is so expressed; and the term "District Treasurer" shall mean the secretary-treasurer of any such district.

420. The jurisdiction of every district board shall be confined to the district itself, except where authority beyond the same is expressly given, and the powers of the board shall be exercised by resolution or by by-laws when not otherwise authorized or provided for, and not inconsistent with this Act. Jurisdiction of boards limited.

421. In the absence of the chairman the board shall select a chairman to preside until said chairman shall arrive or until the adjournment of the board which ever shall first happen. Chairman.

422. The Judicial District Board of each district shall every year make estimates of all sums which may be required for the lawful purposes of each county within the said district for the year in which said sums are required to be levied, and shall apportion the sums so required amongst the municipalities forming such county for county purposes by a report or by-law of such board, and such apportionment shall be made upon the basis of the assessment rolls and valuation of the respective contributing municipalities as herein provided. Yearly estimates.

423. The sums so required for county purposes shall be estimated for by each municipality in making up its tax roll, and a rate sufficient to realize the amount, clear of all costs and charges for collection, shall be placed in the said tax roll, and levied in the same manner as other municipal rates are levied, as elsewhere provided in this Act. Municipalities to levy estimates.

424. The secretary-treasurer of the district board shall act as the the agent of the several municipalities, within the district, (except as hereinafter provided) for the collection of taxes in arrears, the payment of any debts or claims against the municipalities, as he may be advised, and have funds for, properly applicable to such payments, and in respect to such other matters connected with the business of the municipalities required to be transacted outside of their respective limits as may seem desirable, and as the district board shall think proper to sanction. Sec. treas. of board agent for collecting arrears of taxes, etc.

425. The district boards shall have power, and are hereby authorized to adjust, adjudicate, and determine all questions affecting the whole or any portion of their respective districts relating to the construction of intermunicipal roads, and the purchase, expropriation or payment for lands required for the same, with the necessary power therefor under the appropriation clauses of this Act; the establishment and maintenance of ferries, the prosecution of drainage works, or of public Arbitrative powers, etc. Do. as to public works.

works of any character which affect the interests of more than one municipality; and the making of all necessary provision for the procuring of a site, when indicated by the Lieutenant-Governor-in-Council, for the erection of the County Court House, Jail, Registry Office, and other necessary buildings.

Private arrangements between municipalities.

426. Provided that any matters solely affecting the interests of two or more municipalities may be arranged between them, when such arrangement is possible, without reference to the District Board or Commissioner, but failing such arrangement the matter in question shall be determined by said Board or Commissioner.

Opening great highway.

427. In any case where a municipality does not open up a great highway, or a section of road of importance to the general public or to another municipality, through their municipality, and the work shall appear to be specially required to enable traffic to pass through said municipality, the District Board shall determine; (1) as to the necessity of said road; and, if decided that the road is necessary, (2) to proceed to open up the same as provided in this Act; (3) to determine what proportion of the expense shall be borne by each or any municipality in any County, and to award the indemnification to parties whose lands have been taken, and to do all things necessary to open up such road; and on the approval of the Lieutenant-Governor-in-Council, the award and rates levied on the respective municipalities shall be considered legal and binding, and shall be collected by said municipalities in the manner provided by this Act, and paid to the county treasurer or the party appointed by the county council to receive the same.

Maintaining ferries, etc.

428. In case any municipality should desire the establishment and maintenance of a ferry across any stream of water separating such municipality from another municipality not within the same district, or the opening out of a road, or any other public work to be carried out which is not exclusively within and for the benefit of any one district, then the boards of each district interested shall be called together as hereinafter provided and shall meet and form a committee (or an equal number of the members of each board interested may be appointed at such meeting if it be so agreed, to compose such committee), to whom all questions on public works between their several districts shall be submitted.

Joint committees.

429. The committee so formed or composed shall be called the "Joint Committee" of the districts of (*giving names of all districts interested*), they shall at their first meeting select one of their number as chairman and another as secretary, and any decision arrived at, expressed in any document issued by the said committee, signed by the chairman and secretary, as the

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chairman and secretary of such committee, purporting to be the decision arrived at respecting any matter or power given, or intended to be given, shall, on the approval of the Lieutenant-Governor-in-Council being signified thereon, become legal and binding on all parties concerned or affected thereby, and may be enforced by *mandamus* or other process of law and shall be accepted in all courts as *prima facie* evidence that such decision has been arrived at in conformity with the powers and rights conferred on the said committee by this Act, and for the purposes of this Act any member of such joint committee acting as chairman for the time being shall be deemed a chairman and the same rule shall apply to the secretary or any member selected to fill a vacancy in either office.

430. The committee aforesaid shall consider and decide: ^{Questions to be settled by joint committee.} 1st. Whether the work in question is necessary; 2nd. The best method of performing the work; 3rd. The portion of the expense to be borne by each district interested, leaving the several district boards to apportion the sum to be paid by their respective districts between their several municipalities interested.

431. Where it is found necessary to alter any existing road ^{Altering and opening roads.} or to open a new road, in any district, or in which more than one district is interested, the mode of procedure shall be as nearly as possible in accordance with the provisions of this Act for the guidance of municipalities and boards; and any dispute as to payment for lands appropriated for road or other county or district purposes, shall be settled by arbitration or otherwise as provided in this Act.

432. A by-law or resolution passed or adopted by any such ^{By-laws etc., of joint committee.} committee, embracing the several considerations as above set forth, signed by the chairman and secretary of such committee and approved by the Lieutenant-Governor-in-Council, shall be legal and binding upon the districts respectively, and shall not require a seal, nor shall the said committee or any member thereof be personally liable for any proceeding taken thereon.

433. On the application of any municipality interested, the Lieutenant-Governor-in-Council shall name a day, of which ^{Meetings of joint committee.} due notice shall be given in the *Manitoba Gazette* by the Provincial Secretary at least two weeks previous to the time fixed for the first meeting of the joint committee of the districts (which may be adjourned from time to time at the option of such meeting) for the adjudication of the questions submitted to them, and a majority present at any such meeting may determine all questions referred to them under the provisions of this Act; the chairman having in addition to his own vote the right of giving a casting vote in the case of a tie.

Pledging certificate as collateral for advances on arrears of taxes.

Notice of pledge effects a lien upon receipts by district treasurer.

District board may make advances to municipalities.

L. G. in C. to appoint assessment commissioners.

434. At any time after the treasurer of any municipality shall have made a return of the lands in arrears for taxes in this or any subsequent year to the district treasurer as provided by this Act, the council of the municipality to whom such arrears of taxes may be due may instruct their local treasurer to procure from the district treasurer a certificate that said statement has been deposited with him and the amount due on the lands mentioned therein, and any person or persons or corporation making advances of money to any such municipality upon a note or other written acknowledgment of liability for any term not exceeding six months (not including any renewal or extension thereof) may hold said certificate as collateral security for the payment of any such advances. Provided that written notice of the pledging or delivery of such certificate and the amount of the advances made thereon be given to the district treasurer within six days after the same shall have been deposited or pledged as collateral security for any such advances; and it shall be the duty of said district treasurer so soon as he shall realize any sum or sums by the sale of said lands for the taxes due thereon and interest and expenses of sale, which would belong to such municipality to hold the same for the payment of such advances and forthwith upon presentation of such note or acknowledgment when the same shall have become due and payable, to pay the amount mentioned in said note or acknowledgment out of the funds so remaining in his hands to the credit of such municipality according to sufficiency; and may deduct and charge such payment to such municipality; but the fact of such district treasurer not having funds to the credit of the municipality sufficient to pay the said liability or any part thereof shall not in any way affect the liability of such municipality upon said note or acknowledgment.

435. The District Board may, if deemed advisable, make advances out of any funds in its possession to any municipality, repayable with interest, upon the security of the arrears of taxes due upon any lands mentioned in any such statement of lands in arrears for taxes returned to the district treasurer as aforesaid: Provided that no such loan or advance shall be made for a longer term than six months from the time such statement shall have been filed in the office of such district treasurer; but the non-payment of such advances within such term of six months shall not affect the liability of such municipality to the said District Board, or prevent the said Board or the district treasurer from charging said municipality with said debt at any time afterwards as against any funds which said district treasurer shall or may receive or have for or on account of such municipality.

ASSESSMENT COMMISSIONERS.

436. An assessment commissioner shall be appointed by the Lieutenant-Governor-in-Council for each judicial district, for

the purpose of making a valuation of the land in each district, and in every county thereof, except as to incorporated cities and towns; and it shall be the duty of the said assessment commissioners for each respective district, after being notified of such appointment, and with as little delay as possible, to proceed by counties, to make a valuation of the land in the whole of the district for which they had been respectively appointed, except aforesaid as to cities and towns.

437. The said assessment commissioners, after making such arrangements as may be necessary as to the mode and means of making the valuation, shall be required—

(1.) To proceed by counties, to make a valuation of the land in the whole of the district for which they are respectively appointed, except as to cities and towns. Valuation.

(2.) To proceed if necessary to one or more central points in each county or union of counties and there institute such enquiries and obtain such information as may enable them to form an opinion as to the average value of the taxable land in each municipality of such county or union of counties. Enquiries.

(3.) For such purpose to obtain the production of the assessment roll of each municipality for the current year and any previous assessment rolls as they may deem advisable, and if necessary to examine the assessor for the current year or any previous year of any municipality, or the clerk or other person or persons supposed to have any experience and knowledge in respect to the general character and value of the lands of any municipality or municipalities. Examination of rolls etc.

(4.) To get such information at the various land offices as the agents may be able and willing to give as to the quantity, quality and value of the land in such agents' districts, which has been sold or otherwise rendered liable to taxation. Examination in land offices.

(5.) To have authority with the sanction of the Board to procure and agree to pay for the attendance of parties, such as assessors, clerks and other persons known or believed to be competent to give reliable and useful information in respect to the matters which the commissioners are required to report upon, provided that it shall be found less expensive for the commissioners to procure and pay for such attendance, where the required information cannot be otherwise readily obtained without such expense, than to visit the place or locality where such persons reside, and that any such payment, beyond travelling expenses for such attendance shall not exceed the sum of two dollars per day for the time necessarily expended and ten cents per mile each way, by any such person in coming from and returning to his place of residence for the time being for the purpose of such attendance, to give said information. Receiving evidence. Fees to witnesses.

Payment of
witnesses.

(6.) In case they shall require the attendance of any person or persons, to give information as aforesaid, whose attendance has to be procured from any place which the commissioners may not deem it necessary or advisable to visit, and that such person or persons require to be paid for such attendance, the commissioners requiring such attendance shall give the party or parties a certificate addressed to the secretary-treasurer of the judicial district board, stating the sum which any such party is entitled to be paid for such attendance, not to exceed the rate of allowance hereinbefore mentioned.

Payment of
expenses.

(7.) The commissioner may also give a certificate or certificates also addressed to said secretary-treasurer, for the hire of any necessary conveyance, or for board during the performance of his duties, to be paid by said secretary-treasurer and chargeable against him on account of expenditure in connection with said duties.

Advances to
commissioners.

(8.) The said secretary-treasurer with the consent of the chairman of his judicial district board shall make such other payments or advances to said commissioner during the performance of said duties and in respect thereof as may be deemed necessary and expedient to enable said commissioner to meet any incidental expenses necessary to be paid them during the time he shall be so occupied in making said valuation.

Commissioners
accounts.

(9.) The commissioners shall keep a correct account in detail of all their actual and necessary outlay and expenditure for and during each and every day that shall be actually employed in making said valuation and report, and shall obtain and furnish vouchers for all expenses, and such account shall be certified by said commissioner, whose duty it shall also be to make no other or greater expenditure than shall be actually necessary and proper.

Report on
valuation.

(10.) Upon the completion by any commissioner of his said valuation, it shall be his duty to report the result thereof with such details, as may be deemed advisable or as shall be required and he can give to the chairman of the judicial district board for the information of said board and to furnish the Department of Agriculture, Statistics and Health with a copy of said report.

Absence of
rolls provided
for.

(11.) In case any of the assessors of the local municipalities shall not have completed their assessment at the time the commissioner shall be in any such local municipality the commissioner shall make the valuations required, based upon such information as he can obtain at the time, from the last assessment Roll,

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(12). The said commissioners shall be paid at the rate of ten dollars per day each, by their respective boards in addition to their actual moving expenses for each day that they shall be actually employed in making their said valuation and report. Commissioners, fees, etc.

(13). Wherever by this section any officer of a municipality is requested to furnish information within his power or knowledge for the use of such assessment commissioner, he shall be obliged forthwith to furnish the same, and to give him all possible facilities to assist in the proper completion of his duties in making such valuation as speedily as possible. Officers to furnish information.

438. The said assessment commissioners shall be paid by the Board to which they respectively belong at the same rate per day as above provided, including all expenses when travelling, for each day that shall be actually employed in the performance of any duties imposed upon them by this Act, or under any of the provisions thereof, and such payment shall be made by the several judicial district boards (*as the case may be*), and shall be estimated for as a portion of the necessary expenditure of said board to be repaid to them by the municipalities and the amount thereof chargeable and to be charged to each of the municipalities respectively, shall be apportioned according to the real estate valuation of each of said municipalities as returned by the said assessment commissioners; except in cases where they shall be required to act as arbitrators when the municipality or municipalities requiring such arbitration, or who shall be liable for the costs of such arbitration, shall be chargeable with the whole of the expenses and payment of such assessment commissioners while so engaged on such arbitration. Commissioners paid by board. Included in estimates.

439. The said report in duplicate, so to be made as aforesaid, shall be signed by said assessment commissioner making it, who shall append thereto a statutory declaration verifying the same and stating that the said valuation was fairly and impartially made according to the best of their judgment and ability and that he believes the same to be a just and true valuation, as well as such other particulars given in the report, to be correct. Reports to be in duplicate.

440. The secretary-treasurer of the judicial district board (*as the case may be*) shall, on receipt of the said assessment commissioner's report, furnish the clerk or secretary-treasurer of each municipality in the district with a copy of so much of said report as shall relate to each such municipality respectively, and the said valuation shall form the basis for the equalization of the real property of the district for a period. Extracts to be sent clerks of municipalities.

not exceeding five years; and with the personal property as shown by the assessment rolls of the several municipalities, if considered necessary by the district boards, shall form the basis on which the sums to be levied and collected in each municipality respectively, for county or district purposes shall be appointed.

Municipal clerks to facilitate equalization of rolls by sending statements.

441. In order to enable the district board to make such equalization and apportionment, it shall be the duty of the clerk of each municipality, not later than the first day of June in this year (1884) to transmit to the district treasurer a certificate sealed with the seal of the corporation, giving the aggregate value of the real and personal property of such municipality as shown by the assessment roll therefor, although the said assessment roll shall not then have been revised or finally revised; and the clerk of every municipality with as little delay as possible after the final revision of the assessment roll, shall in each subsequent year, as soon as the roll is revised, transmit a copy thereof to the district treasurer of the district within which the municipality is situated, but the neglect of the said clerk to do so shall not prevent the district board from equalizing the valuation of the several municipalities according to the best information obtainable; and any rate imposed according to such equalized assessment shall be as valid as if all assessment rolls of the several municipalities had been transmitted; provided always that the clerk of any municipality failing to transmit said copy of assessment roll to the district treasurer within one month after its final revision, shall be liable to a penalty, on conviction before any Justice of the Peace, not exceeding one hundred dollars nor less than twenty dollars, to be recovered on the information of the district treasurer, and to form part of the general funds of the district.

Penalty on default.

Board to estimate for county and district expenditure.

442. The board of every district shall at its first meeting in every year ascertain and settle as nearly as may be, the amount which shall or may be required for all county purposes for the current year, including the amount required by the judicial district board under the provisions of "The Judicial Districts Act, 1883," and its amendments; and the said board shall, on or before the first day of July in each year, examine the assessment rolls of the different municipalities for the preceding financial year, (or the certificates of the clerks of the municipalities as to the total value of the property assessed to be given under the provisions of this Act in the year 1884,) together with the statement or return of the assessment commissioners then last made as to the value of the real property liable to assessment in each of said municipalities, and on the basis of the said returns and valuations shall apportion the sum that each municipality in the district shall be entitled to pay as its proportion of the aggregate amount

for all county purposes for the current year, including the maintenance of the jail and court house and other expenditure for which the county is made liable under this Act, upon requisition from the judicial district board or otherwise.

443. Where a new municipality is erected within a district so that there is no assessment roll of the new municipality for the next preceding year and no certificate of the value of the real property of the new municipality by the clerk as hereinbefore mentioned, the board shall, by examining the rolls of the former municipality or municipalities of which the new municipality then formed part, ascertain to the best of their judgment what part of the assessment of the municipality or municipalities has relation to the new municipality, and what should continue to be accounted as the assessment of the original municipality or municipalities, and their several shares of the amount required for county purposes shall be apportioned between them accordingly; and in the case of new municipalities erected out of unorganized municipalities, the board shall determine the amounts to be levied for said municipality for county purposes, and determine the means of collecting the same.

Valuations of new municipalities.

Unorganized localities.

444. When a sum is to be levied for county purposes, or by the district for the purposes of a particular locality; the board of the district shall ascertain, and by by-law, direct what portion of such sum shall be levied in each municipality in such county or locality.

By-laws directing levy for county and District purposes.

445. Subject to the provisions of this Act the district treasurer shall, before the fifteenth day of August in each year, certify to the clerk of each municipality in the district the total amount which has been so directed to be levied therein for the then current year for county purposes, or for the purposes of any such locality; and the clerk of the municipality shall calculate and insert the same in the tax roll for that year; and the treasurer of each municipality so assessed, shall provide for and pay the amount so required for county purposes to the secretary-treasurer of the district within the time fixed by the by-law of the district board, passed in reference thereto; and in case any municipal council shall fail to cause the same to be levied and paid within the time so fixed by the board the district treasurer may by warrant direct the sheriff to levy the same in the manner provided for levying executions against a municipality.

Estimates to be certified to each municipality before 15th August, each year.

446. Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on county debentures, whether such provisions are contained in any Municipal Corporations Act heretofore or still in force in this Province, or in any general or special Act authorizing

County debentures to remain binding until paid.

the issue of debentures, or in any by-law of the county or other municipal council providing for the issue of the same; but in any such case wherever any Act, duty, contract, matter or thing is required to be done, attended to or disposed of by a county council or by any officer of a county council, or any obligation incurred by such county council, the same shall be done, attended to, satisfied, completed or performed and disposed of by the judicial district board having jurisdiction, and for such purposes or any of them, the said district board shall have all the necessary powers and authority in the premises and may delegate such powers and authority if deemed advisable to the secretary-treasurer of such board or any other person.

Maintenance
of inter-mun-
icipal bridges.

447. It shall be the duty of district boards to erect and maintain bridges over rivers, forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within any county; and in the case of a bridge over a river forming a crossing of a boundary line between two counties, or a county and a city, such bridge shall be erected and maintained by the district board (at the expense of the municipalities interested) and by the council of the city respectively; and in case they fail to agree on the respective portions of the expense to be borne by each, it shall be their duty to appoint arbitrators as provided by this Act, to determine the amount to be so expended and the proportionate share to be borne by each, and the award made shall be final.

Road by-laws
to be regis-
tered.

448. Every by-law passed by any district board under the authority of which any street, road or high-way has been or is opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the registry office of the county or other registration division in which the land is situated; and for the purpose of registration a duplicate original of such by-law shall be made out, certified under the hand of the secretary-treasurer and the seal of the board and shall be registered without any further proof, the fee for such registration and the necessary entries connected therewith shall be two dollars up to eight hundred words, and fifteen cents for every additional one hundred words.

County by-
laws respect-
ing court
houses and
goals may be
carried out
by board.

449. Where the council of any county, with the consent and concurrence of the Lieutenant-Governor-in-Council, shall before the passing of the Act have passed a by-law or made any provision towards the erection or commencement of the erection, or the purchasing of any building for a court house and jail, to be used as the court house and jail of the district within which such county may be situated, under the provisions of the Judicial Districts' Act, 1883; it shall be lawful for such Judicial District Board, should they see fit, to carry out and perform the undertaking of such county council accord-

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ing to the provisions of any such by-law (subject to the site of any such buildings being approved of by the Lieutenant-Governor-in-Council), in the same manner as if it had been a by-law of said board, but the amounts necessary to defray the expenses thereof, and to provide for the payment of the interest upon any debentures to be issued in virtue of any such by-law, and to form a sinking fund for the final redemption of any such debentures, shall be by the said board collected only from the municipalities lying within the said county in the manner and with all the powers vested in such board in virtue of the provisions of said by-law and of this Act or of any other Act affecting the collection thereof and the levying and collecting rates therefor. But in any such case the board shall first credit such municipalities with the amount payable for the use of such court house and jail property, less the proportion thereof for which such municipalities may be liable, and shall collect or levy for the balance only. ^{Credit given for rental.} Provided, also, that should the board not deem it advisable to proceed with any such undertaking, the said by-law and all debentures issued thereunder may be cancelled and annulled by resolution of the board so that effect.

PENALTIES.

450. In cases not otherwise specially provided for, if any person contravenes this Act, and such contravention is duly ^{Penalties not otherwise provided.} proved by the oath of one creditable witness, before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than five dollars or more than fifty dollars, in the discretion of such justice, with costs.

451. If not paid forthwith, the penalty and costs shall be ^{Levy by distress and sale.} levied by distress and sale of goods and chattels of the offender, under a warrant signed and sealed by the convicting justice and the overplus, if any, after deducting the penalty and costs and charges of sale, shall be returned on demand to the owner of such goods and chattels.

452. Every fine collected under this Act shall be paid to ^{Application of fines.} the treasurer of the municipality or place in which the offence is committed, and shall be applied to the general purposes thereof.

453. In default of payment or distress, the offender shall ^{Imprisonment in default of payment or distress.} be imprisoned by warrant signed and sealed as aforesaid, in the common jail of the district for a period of not less than one day nor more than twenty days, at the discretion of the justice, unless such fine, costs and charges are sooner paid. No such fine or imprisonment shall be a bar to the ^{Fine no bar to action.} recovery of damages by the injured party before any court of competent jurisdiction.

COUNTY COURT AND REGISTRY OFFICES.

County buildings. **454.** The district board shall provide a suitable building in each judicial division in each county, at such place in the county as the Lieutenant-Governor-in-Council shall determine, for holding the county court, and also a registry office, both of which may be in the same building, and shall suitably furnish the same, and shall, if considered necessary, provide a lock-up for and in the county, and shall have the care and maintenance of such court house or building to be used as such, or for the said joint purposes, and of all the offices, rooms and grounds connected therewith in the county, and the care and maintenance of said lock-up, (if any,) and the appointment of the keeper or keepers of said lock-up, and of the persons placed in charge of any such court, building and office or offices, where it is considered necessary to have a person placed in special charge of any such building, office or offices, and shall regulate the duties of such person or persons so in charge, as to the proper lighting, heating and cleaning thereof, and generally as to all all other matters connected therewith, that shall seem to be required.

Care and maintenance. **455.** All expenses incurred under the last section shall be a charge upon all the municipalities within such county, or **Expenses to be borne by municipalities** Judicial Division and shall be apportioned between them according to their respective assessments by the district board in the manner herein before provided, and such municipalities shall respectively levy and remit to the district board their several proportions of such expenses as set forth in the statement and apportionment thereof, in the manner hereinbefore provided.

Plans to be approved by Lieutenant-Governor. **456.** The plans for any such county buildings shall, before any such building is proceeded with or any contract therefor let, be submitted to the Lieutenant-Governor-in-Council for his approval, and such approval be first obtained, and in the meantime until such permanent building is erected and ready for occupation, the board shall provide the best temporary accommodation that can be had in such central or suitable place or places in the county as the Lieutenant-Governor shall approve of, with the necessary appliances and requirements for holding said County Court and for registration purposes.

Court House may be used by council. **457.** Any building used or intended to be used as a court house, or any room provided for that purpose, may be also adapted to and used for meetings of any municipal council within such county and for the offices of its officials, except as to that portion which may be in use as a registry office or by the County Court clerk as an office for the transaction of the business connected with the said court; and any such municipal

council so making use of the same shall pay to the judicial district board such annual rent as may be reasonable, or agreed upon.

458. The foregoing provisions as to County Court accommodation shall not apply to any case in which the County Court is held in an assize town or city in any building under the control of the judicial district board, or of said town or city or jointly so, but in any such case the said board shall at the expense of the municipalities within the county either provide proper, distinct and separate accommodation for the holding of such County Court, in such town and city as in other cases mentioned herein, or the board, city or town having the central thereof shall receive such a rental for the necessary accommodation in such building as may be agreed upon—the foregoing provisions as to County Court accommodation being, however, subject to certain other provisions of this Act, under which the court house and jail may be acquired and owned by a particular city or town municipality.

Assize towns not affected by foregoing sections.

Other provisions.

GENERAL PROVISIONS.

459. In case any Municipal Council shall fail to cause to be levied the amount given in any statement of the Judicial District Board to which it belongs estimating the amount required to be raised by any such Municipality in any year for District purposes under the "Manitoba Judicial Districts Acts." within the time limited for such payments, the Secretary-Treasurer of such Judicial District Board; may by warrant direct the Sheriff to levy the same in the manner provided for levying executions against a Municipality.

Levy by sheriff against municipality in default.

460. In case of a separation of a county from a union of counties, all rules and regulations, and all matters and things in any statute for the regulation of or relating to, court houses or jails in force at the time of the separation, shall extend to the court house and jail of the new county until changed by the district board.

Court houses in separated counties.

461. Where a city or incorporated town uses the court house, jail or lock-up of the county or district, the city or town shall pay to the district such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act.

Council using court house to pay rent, etc.

462. In case, after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by arbitration, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor-in-Council, upon the application of either party, that the amount of the compensation should be re-considered, he may,

Rent adjustable every five years.

by an Order-in-Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the board and council or councils shall settle anew, by agreement or by arbitration, under this Act, the amount to be paid from the time so named in the order.

Court house, etc., heretofore established.

463. Nothing herein contained shall affect any lock-up court-house or prison heretofore lawfully established, but the same shall continue to be a lock-up, court-house or prison, as if established under this Act, until otherwise provided.

Rules of order in councils.

464. Every council may make regulations not specially provided by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointment or calling of special or general meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires; and may repeal, alter and amend its by-laws, from time to time, save as by this Act restricted.

Ferry privileges.

465. A council may grant exclusive privileges in any ferry which may be vested in the municipality, represented by such council, other than a ferry between a Province or Territory of the Dominion of Canada and any foreign country, or between two Provinces or portions of the Dominion.

By-laws to be signed and sealed.

466. Every by-law shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and countersigned by the clerk or acting clerk of the corporation.

Evidence of by-laws.

467. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, or acting clerk and by any member of the council shall be deemed authentic, and be received as *prima facie* evidence in any court of justice without proof of the seal or signature, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged.

Settlement of debts and assets on dissolution of union of counties.

468. When any county or counties shall, as provided for in this Act have been allowed to be separated from the united counties, and the necessary property and the proper buildings have been procured and erected for a court house and jail, or lock up or other County Buildings, and approved by the Lieutenant-Governor-in-Council, the councils of the several municipalities within such county, and the councils of the several municipalities within the county from which it is separated shall enter into an agreement for the settlement of their joint liabilities and the dis-

position of their joint assets, and for determining the balance or amount that may be due by the municipalities in one county to those in the other, and the times of payment thereof; and in determining such balance the municipalities in the amalgamated counties shall assume the debts of the union, and those in the newly created county or counties be charged with such part thereof as may be just, and the value of the real estate, which upon the separation, becomes the property of the amalgamated counties or newly created counties, respectively, and any improvement effected by the union which either county may get the exclusive benefit of, shall also be taken into account.

469. In case the councils of the municipalities in the separated counties are unable to determine by agreement the several matters herein mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the municipalities in the county found liable shall pay to those in the other county, the balance or amount agreed or settled to be due by such county, and such amount shall bear interest at six per centum per annum from the day on which the union is dissolved, and shall be provided for, like other debts, by the municipal councils of the county liable therefor after separation.

Arbitration in case of dispute.
Interest on award.

470. All debts, liabilities, obligations and contracts of every nature and kind whatever, incurred or entered into by any of the existing County Councils within the province of Manitoba after the passing of this Act shall be null and of no effect, and shall not be binding or in any way obligatory upon any such Council, or upon the ratepayers or property within any County in the said Province.

Contracts of county councils after 29th April, 1884, void.

471. The arbitrators hereinbefore referred to shall be appointed as follows, namely—one by each municipal council, and the arbitrators so appointed shall name a chairman from amongst themselves but should they fail to do so within one month of their being notified of their appointment, or to agree as to such chairman within that time, the said chairman may be appointed by the Judge of the County Courts of the district in which such municipalities are situate, and such arbitrators shall have full power to take into consideration all the causes of disagreement between said municipalities making such reference, and shall make such award as shall seem just, and such award signed by any two of such arbitrators shall be final, and may be enforced by *mandamus* in the Court of Queen's Bench or by such other means as by law is provided in reference to awards.

Appointment of arbitrators

472. All assessments made and rates heretofore struck by municipalities are hereby confirmed, and declared valid and binding upon all persons and corporations affected thereby; whether one or more such assessment may have been made or

Assessments and rates confirmed.

rates struck in any one year but this section shall not in any way effect any appeals or casses pending at the time of the coming into force of this Act where the validity of any such assessment or rate may have been questioned.

Proviso.
Municipalities
to contribute
cost of public
buildings.

473. Where any municipality with the consent and concurrence of the Lieutenant-Governor-in-Council, shall, before the passing of this Act, have erected or commenced the erection or purchased any building for a town hall, registry office, County Court office or any or all of these purposes, and the place where such building so situate, shall be selected as the place where the registry office and County Court is to be kept and held for the registration and county court division under this Act, or as the place for meeting of any municipal council, or for all or any of such purposes, the municipalities comprising such county shall, unless where it is otherwise agreed as herein mentioned, be bound to contribute towards the cost of such building *pro rata*, according to their respective assessments, in the same manner as any such building for a like purpose is required or intended to be paid for in future after this Act comes into force; and the municipality by which such building shall have been erected or partly erected, shall be repaid through the district board, the amount of its expenditure thereon, including the cost of the site and the furnishing thereof (in case it has been and is furnished) less the proportion which the said municipality owning the building and site shall be entitled to contribute as its share of such expenditure, and it shall be the duty of the district board to apportion the payment of said expenditure amongst the several municipalities which under this Act are required to furnish registry offices and county court accommodation in and for the county to which they belong, and also to cause the amount required, as aforesaid, to be collected in the same manner as other sums required for county purposes.

Board to repay
municipality
making ex-
penditure.

Councils to
pay for use
of county
buildings.

474. In case the council of the municipality in which any town hall or building for county purposes as last above mentioned is situated, or any other municipal councils in the county, shall desire to use such building, or part thereof for the purpose of its meetings or other local municipal purposes, it shall be entitled to pay for such use or occupation to the district board, such a rent or sum as shall be agreed upon between such municipality and the district board provided that the said board shall consider the accommodation sufficient for such additional use, and shall deem it advisable to enter into any such arrangement.

Disputes may
be submitted
to Lieut.-Gov.
in Council.

475. In case of any district board being, for any reason, unable to agree as to the amount which should be paid or be payable by a municipality or municipalities under the provisions of the two last foregoing sections, or as to any other

matter coming or supposed to be under the authority or control of the board, it shall be competent for such board to submit the matter or question in dispute to the Lieutenant-Governor-in-Council whose decision thereon the said district board shall be bound to abide by and carry out.

476. In cases where, before the coming into force of this Act, the plans of county buildings submitted by any county council to the Minister of Public Works, have been approved, the Judicial District Board shall erect or cause the buildings, the plans of which have been approved, to be erected in accordance with any such resolution or by-law.

Board to erect buildings for which plans are approved

477. The county councils authorized to be formed under the provisions of 45 Victoria, Chapter 3, are hereby declared to have been bodies corporate and politic for the purposes mentioned in said Act, and any such council so formed under said Act shall be held to have been and to be responsible for its acts only so far as such corporate bodies are lawfully so held, and all proceedings taken and things done and performed by any such council under the authority given by said Act, whether completed or in course of completion, and whether under a corporate seal or not, shall be and is and are hereby held to be valid and binding upon all parties concerned therein to all intents and purposes according to the true intent and meaning of said Act, and its repeal on or by the passing of "The Municipalities Act, 1883," or of this Act, shall not affect any pending proceeding or proceedings or the completion of any work already undertaken, or the right of any such council or any party to enforce contribution or payment in respect thereof.

County councils authorized by 45 Vic., c. 3, legalized.

Acts binding.

478. Where a county municipality in existence at the time the Municipalities Act, 1883, was passed, has incurred a debt or other debt which shall be unpaid when this Act comes into force, and when such county municipality was divided, either within itself or with a portion of or the whole of another municipality or portion of or the whole of other county municipalities, into local municipalities, under said "Municipalities Act 1883," so that the county municipality having such debt shall not be coterminous with a local municipality created thereby, the Board of the District within which such county was included shall apportion the amount for interest and sinking fund for such debt, necessary to be raised in each year, amongst the municipalities or portions of a municipality or municipalities properly liable therefor, and shall fix the proper rate or amount to be raised by taxation upon the property which, at the time that such debt was incurred was legally or equitably liable therefor under the provisions of the by-law or authority creating said debt, and shall and may lawfully adopt such means as such board shall think

Liabilities of county municipalities to be distributed by district board.

Rates to be levied.

proper and advisable for having such rate or sum levied, with other rates for county purposes by the municipalities or portions of municipalities liable therefor, as aforesaid, and the same shall be so levied and collected in the same manner as other taxes, and shall be paid over to the district treasurer who shall keep a proper account thereof, and, as the agent of the municipality or municipalities, whole or fractional, chargeable with such debt, shall pay the interest due from time to time on such debentures, invest the sinking fund under the instructions of the District Board, and pay, purchase, or redeem said debentures in the same manner as if such debt had been incurred by the Judicial District Board.

Interest on debentures.

Settlement of inter-municipal debts.

479. The same principal for the settlement of inter-municipal indebtedness so far as applicable, or as it can be made applicable, shall prevail in other cases which may arise under this Act, or the provisions of "The Municipalities Act, 1883," but which have not been specially provided for herein.

Debts of former municipalities not coterminous.

480. Where a formerly existing, other than a county municipality has incurred a debenture or other debt which was unpaid when the division into municipalities made by the Municipalities Act, 1883, came into effect and when such municipality was divided either by said Act or by or under the provisions of any other Act so that the municipality having such debt shall not be coterminous with such other municipality, or municipalities, the Board of the judicial district in which such municipalities are situated shall apportion the amounts necessary to meet payments on account of principal and interest amongst the municipalities or portions of municipalities properly liable therefor and shall otherwise have the foregoing powers mentioned in this Act necessary for the purpose of levying and collecting rates therefor and enforcing payment of the same upon the municipalities or parts of municipalities and the lands therein properly liable therefor by distress or sale of the land for taxes.

Apportioned by board.

Assets of former municipalities not coterminous.

481. Where municipalities existing previous to the coming into force of The "Municipalities Act, 1883," may have been possessed of assets when the said Act came into force consisting of cash on hand or due by collectors or treasurers, taxes, rates, moneys or debts due or accruing due or which might hereafter become due to the said municipalities, or of any kind of real or personal property, and such municipality either within itself, or with the whole or any part of any other then existing municipality or municipalities has been divided into local municipalities under the said Act, or this Act, in such a manner that the said municipality having such assets shall not be coterminous with some local municipality created by said Act, or this Act, the assessment commissioner of the said judicial district, within which such formerly existing muni-

Apportioned by commissioner.

levied, municipalities, and in manner treasurer agent, functional, from fund purchase, debt

municipalities made under 1883,"

municipalities which was by the in such order the having municipal district on the principal municipalities have or the forcing parts of therefor

coming been consist- taxes, might y kind either r then l into such a shall ed by e said- muni-

unicipality was included shall, by a written award, signed by him divide and apportion the said assets amongst the municipalities or portions of the municipalities properly entitled thereto, and the assets of all county corporations which are abolished by this Act shall be in the same manner divided and apportioned amongst the several municipalities included in any such county, in proportion to the equalized assessment thereof.

482. For the purpose of facilitating the division and apportionment of such assets, the same are hereby vested in and transferred to the several judicial district boards, to be held by the said boards in trust, for the municipalities or the portions of municipalities properly entitled thereto, and to which the said boards shall be bound to pay over, transfer and assign the whole, or such portion of such assets as to them or any of them shall respectively be apportioned as aforesaid, so soon as such partition or apportionment shall have been made, and the secretary-treasurer of the said board notified thereof and all sums of and valuable securities so vested in said board shall be entered and accounted for separately under the head of each formerly existing municipality the assets of which are subject to be apportioned as aforesaid.

Assets vested in trust in district boards.

Transfer of assets.

483. When municipalities existing previous to the coming into force of "The Municipalities Act, 1883," may have been possessed of assets, at the time of the coming into force thereof, consisting of cash on hand, or due by collectors or treasurers, taxes, rates, moneys or debts due or accruing due, or which might hereafter become due to the said municipality, or of any kind of real or personal property, and such municipality was coterminous with the boundaries of some municipality created by said Act, all such assets were and the same are hereby declared to have been vested in and transferred to the said lastly mentioned municipality at the time when the said former municipality ceased to exist by the coming into force of said Act, and the said lastly mentioned municipality was and is hereby subrogated in all the powers and authority necessary to enforce the collection and to secure the payment, and to take possession of, use, have, hold and enjoy all or any of the assets aforesaid, and the officers of the said formerly existing municipality, and all other persons whatsoever being indebted thereto or having the possession of any funds, or real or personal property which would be affected by the present section are required forthwith to pay, transfer, assign and make over and deliver up the same to the treasurer of the municipality created by the said Act; and in default of so doing, they or any of them and their respective surety or sureties shall be held liable and responsible for the due payment, transfer, assignment or delivery of the same, and all damages, directly or indirectly, resulting from the non-fulfilment of the duties hereby imposed upon any such person or persons.

Assets of coterminous municipalities.

Vested in new municipality.

Officers to hand over moneys, books etc.

Penalty in default.

Liabilities
of cotermin-
ous munic-
ipalities.

484. Where any municipality such as mentioned in the immediately preceding section has incurred a debenture or other debt or liability or entered into any contract which was unpaid or subsisting when the division into municipalities made by "The Municipalities' Act, 1883," came into effect, all such liabilities were and the same are hereby declared to have become the debts and liabilities and contracts of the said lastly mentioned municipality at the time when the former municipality ceased to exist by the coming into force of "The Municipalities' Act, 1883," and the said municipality so coterminous with the said formerly existing municipality shall make provision for the performance of such contracts and for the amount necessary to pay and satisfy any such debts and liabilities or any interest and sinking fund thereon as the same shall become due, and shall yearly and in every year fix the proper rate or amount to be raised by taxation upon the property within such municipality under the provisions of the by-law or authority creating said debt, and shall levy and collect the same in the same manner as the taxes under the provisions of this Act.

Provision for
payment.

Old collectors
may be con-
tinued.

485. In cases where it may be deemed advisable under the the circumstances set forth in the preceding sections, the judicial district board, or the municipality in whom the said assets are vested as aforesaid, may upon sufficient security bonds being given continue in office the collectors, to whom the said formerly existing municipality or municipalities may have entrusted the duty of collecting any taxes or rates to them due or accruing due, within the limits included in the tax roll under which such collectors were proceeding to make such collections, until and up to the first day of November, A. D. 1884, within thirty days after which latter date all returns in connection with the said tax rolls shall be fully made by said collector or collectors and other officers, upon whom the duty of making such returns is imposed by this Act, and thereafter the provisions of this Act shall apply as if such taxes and rates then remaining unpaid were arrears of taxes for the year 1883.

Returns after
first of Nov.
1884.

Arrears of
taxes.

Commission-
ers award
subject to
appeal.

486. The award or decision of the said commissioners shall be final unless disputed within thirty days from the notification of such award being mailed to the clerk of the municipalities interested; but in all cases an appeal or reference may be had from such award or decision by a petition presented by the council of any municipality interested to the Judge of the County Courts of the Judicial Districts, within said thirty days, and such Judge shall decide summarily upon such petition or reference and award costs as to him may seem proper under the circumstances, and his decision shall be final and not subject to appeal or to be removed by *certiorari* or any other proceeding.

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487. The said assessment commissioners shall, during the time they shall be occupied in obtaining information for assessment purposes within their respective districts make such inquiries as may enable them intelligently and properly to apportion and divide such assets of any formerly existing municipalities superseded or repealed by the Municipalities Act, 1883, and not co-terminous with any municipality created thereby or by this Act, and the municipalities or parts of municipalities benefitted shall bear the additional expenses incurred by the assessment commissioners respectively in obtaining the necessary information for the purpose of such apportionment or division, provided that in the case of dispute it shall be settled upon the principles regarding the settlement of inter-municipal indebtedness, as set forth in this Act.

Assessment commissioners to make enquiries as to assets of former municipalities.

Expenses borne by municipalities

488. The clerk, or secretary-treasurer, or any officer or person having in his power, custody or control any of such assets as are set forth in sections 481 and 483 of this Act or having the custody, possession or control of any of the books, papers, memoranda, statements, vouchers, or accounts, or other papers, documents or writings of every nature and kind whatsoever, of, or belonging to any such formerly existing municipality or county council or containing any entry or memorandum containing any necessary information concerning any of the above mentioned assets thereto belonging, are hereby required forthwith after the passing of this Act, to forward the same by registered package through the mails or by express to the secretary-treasurer of the judicial district board within the limits of which, such municipality or county formerly existed; and in case any such officer or person should fail so to transmit the same within thirty days after the coming into force of this Act, he shall thereby incur a penalty of not less than ten dollars, and not exceeding one hundred dollars, which may be recovered by, and shall belong to any person who shall sue for the same either in his own name or in the name of Her Majesty, with the permission of the Attorney-General, before any county court in the said judicial district or in the judicial district within which such officer or person so having such custody or control may be resident, and in default of payment thereof, with costs, or failure to levy the same by execution or distress within sixty days after judgment shall have been rendered against the defendant in such suit, the said officer or person so offending may be imprisoned in the common gaol of the district within which he is resident for a period not exceeding thirty days, but nothing herein shall prejudice any other right, privilege, action or proceeding that may lie for the recovery thereof.

Officers of former municipalities to forward books, moneys, etc., to district treasurer.

Penalty on default.

Other remedies saved.

489. In any case where a clerk or any other officer of a municipality is required under any provisions herein or under the provisions of any other Statute of this Province, to perform any duty or to take any proceedings, the same shall be performed or taken by the district treasurer.

where council
refuses or fails
to conform to
this Act.

form any duty or furnish any books or other requirements at the expenses of the municipality of which he is an officer, in case the council of the municipality does not authorize him to perform such duty, or furnish such books or other requirements, then it shall and may be lawful for the said clerk at his own expense or in case of refusal, upon demand for the District Treasurer to cause such to be provided or to proceed by mandamus, or otherwise to perform the duty as so imposed and the expense incident thereto or connected therewith, shall be chargeable to the municipality.

Separate ac-
counts of
former munic-
ipalities assets
to be kept by
district treas-
urer.

490. The secretary-treasurer of each Judicial District Board shall keep a separate account as herein provided for, of all moneys and securities and all other vouchers, property and effects of any municipality whose assets may be subject to division and apportionment within his district under the provisions of this Act, and before any disposition is made thereof all such accounts shall be audited at such time as the Judicial District Board shall appoint, not later than one month after the books, papers and vouchers have been handed over (or sooner, if possible) and the sureties for all officers of any such municipality who may have the custody, possession or control, of any such assets, so subject to apportionment, shall not be relieved from any liability upon their surety bonds until such officer shall have fully and finally accounted for all such assets and been duly discharged by a resolution of the Judicial District Board.

Accounts to be
audited.

The audit of such accounts shall be made by two auditors in each district to be appointed in due time by the Lieutenant-Governor in Council, each of whom shall receive for making such audit such sum as may be fixed by the district board.

Special aud-
itors.

Act in force.

491. This Act shall come into force on the fifteenth day of May, A.D. 1884; and from that date all the functions of county councils and of all the officials thereof shall cease. Provided, however, that all sureties shall remain bound and all surety bonds shall remain binding and effective until such officials shall have fully and completely accounted for all accounts and transactions, moneys, securities and effects and all property, real or personal, of every nature and kind whatsoever by them held in virtue of such office, or being or having been in their power, custody, possession, or control, and all such assets, real and personal, of every such county council shall be and become the property of, and the same are hereby vested in the Judicial District Board of the District within which such county may be situate to be by them held in trust and apportioned and divided amongst the municipalities or parts of municipalities entitled thereto to the end, and in the manner provided by this Act, and all debts, liabilities and contracts of such county councils hereby abolished, which may be unpaid or subsisting when the abolition of such county

County books,
papers, etc., to
be forwarded
to district
treasurer.

Co. Councils
abolished.

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councils takes effect in virtue of this Act, shall be and become the debts, liabilities and contracts of the Judicial District Board within which such counties are situated, which shall make provision for the performance of such contracts and for the amount necessary to pay and satisfy any such debts and liabilities or of any interest and sinking fund thereon as the same shall become due, and shall yearly and in every year estimate and obtain from the municipalities interested the amount necessary to be raised for such purposes, and all such amounts so necessary for the purposes aforesaid shall form a charge against the municipalities or parts of municipalities formerly constituting the county by whom such debts, liabilities or contracts were entered into or incurred, and shall be apportioned among and required to be raised by such municipalities or parts of municipalities according to their equalized assessments in the same manner as provided for the raising of all other amounts necessary for district and county purposes, and for such purposes shall have all necessary powers and authority granted in virtue of any of the provisions of the by-law or enactment under the authority of which such liability was incurred or contract made, and of this Act in so far as the same may apply.

Boards succeed to assets and debts of county councils.

Power to raise funds for county purposes.

Provided also, that any officer of any such county council whose functions shall cease by the operation of this Act shall be entitled to no greater sum as salary, damages, or otherwise than an amount equal to three months salary after the coming into force of this Act, and provided further, that no member of any such county council shall be entitled to claim or have any sum of money as damages or otherwise for or instead of indemnity or salary beyond the fifteenth of May next, which may have been fixed or provided as payable to him as such member of any such county council so abolished.

Proviso as to salaries, damages, etc.

492. Whenever under the provisions of this Act it may be necessary for the purpose of effecting any negotiation agreement or arrangement, or deciding upon any matter or thing between any three or more municipal corporations, a meeting of the mayors and reeves of such municipalities shall be convoked by the secretary-treasurer of the judicial district board upon the order of the chairman, at some convenient place to be mentioned in the notice of such meeting. At least two weeks' previous notice of the time and place of such meeting shall be given to every mayor and reeve interested, and the notice shall also mention the matters for consideration at such meeting.

Joint meetings of mayors and reeves.

Notice thereof.

493. The district treasurer, or some other person named by the chairman, shall attend and act as secretary of such meeting, and a chairman shall be selected from amongst the mayors and reeves present, who shall have an additional or casting vote in the case of a tie.

Secretary of joint meeting.

Majority to decide.

494. All questions before such meeting shall be decided by the majority of votes, and the minutes of such meeting shall be kept and preserved by the district board with the other books and papers relating to the municipalities interested, and shall be the basis upon which action shall be taken upon the matters decided upon by such meeting.

Minutes sent to district board.

Acts repealed.

495. All Acts or parts of Acts contrary to or repugnant with the provisions of this Act are hereby repealed, but such repeal shall not have the effect of reviving or bringing into force any Act or Acts heretofore repealed or amended by any Act hereby repealed.

General rules for the guidance of councils.

496. The Lieutenant-Governor-in-Council may cause general rules for the guidance and information of municipal councils in the conduct of the business and proceedings of such bodies and not inconsistent with any of the provisions of this Act, to be framed or drafted and printed with, and as an appendix to this Act by the Queen's printer; and such rules of any of them when adopted by by-law or resolution of any municipal council shall as regards the acts and proceedings of such council have the same force and effect as if the rules so adopted had been herein made specially to apply to and govern the said acts and proceedings of such council, and any such council may from time to time by by-law or resolution, as aforesaid, repeal and re-adopt all or any of such rules as may seem advisable, but nothing herein contained shall be held to deprive any municipal council of the authority to make or adopt other or additional rules and regulations for the conduct of its business and proceedings that it may deem expedient, which shall not be contrary to the provisions of this Act, or from time to time to alter or amend the same.

Suits where boundaries or names of municipalities have been changed.

497. Where by this Act or by any Act of the last preceding Session of this Legislature any municipality has been divided so that a portion or portions of the same has or have been added to and become a portion or portions of another or other municipalities any remaining portion which forms a separate municipality composed of a portion of such original municipality only, without the addition of any other territory, whether known by the same name as that by which such original municipality before subdivision was known or by a different name, may bring and prosecute any action or suit, actions or suits in any court or courts of this Province, and shall be subject to such actions and suits in respect of any right, claim, demand, contract, debt, obligation, liability or tort of such original municipality, and moneys or property thereby recovered by or against the municipality in any such action or suit shall be divided or apportioned among the several portions of the original municipality, as is herein provided in case of other assets or liabilities of a subdivided

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municipality, in such manner as to the Board of the proper Judicial District shall seem equitable.

498. Where by this Act or by any Act of the last preceding Session of this Legislature, a municipality has been subdivided so that there is no municipality now existing which is composed wholly of a portion of one formerly existing municipality; or where a municipality composed wholly of a portion of one formerly existing municipality has not brought any such action or suit in respect of a right, claim, demand, or contract as aforesaid, then upon the request of the council of a municipality which includes a portion of such subdivided municipality, the Judicial District Board for the district in which the municipality so requesting the same is situated shall bring and maintain an action or suit in the name of the subdivided municipality or of the Board, to enforce such right, claim, demand, or contract (whether such subdivided municipality shall be known by a name not still belonging to any municipality or not), and any proceeding, judgment, decree, order or decision had or given on such action or suit shall have the same effect for or against, and be binding upon the separate portions of the subdivided municipality and upon other parties to the action or suit, as if the subdivided municipality were still an existing municipal corporation under the original name and may be enforced accordingly, and any moneys or property thereby recovered for or against the assumed municipal corporation by the name in which such action is brought, shall be divided or apportioned among the several portions of the original municipality, as is herein provided in case of other assets or liabilities of a subdivided municipality.

Suits where municipalities have been wholly extinguished.

499. Where by this Act or any Act of said last preceding session a previously existing municipality has been subdivided so that there is no municipality formed wholly of a portion of one previously existing municipality, any right, claim, and demand, contract, debt, obligation, liability or tort against or of said formerly existing municipality may be enforced by action or suit brought or to be brought against said previously existing municipality by the name by which it was formerly known; process and proceedings thereon may be enforced by service on the Chairman of the Judicial District Board of the district in which some of the different portions of the subdivided municipality are situated, as in case of an action or suit against such Board itself; and any moneys recovered in such action or suit against the assumed municipality against which such action or suit is brought by the name aforesaid, shall be apportioned and levied by the proper Judicial District Board among and upon the different portions of such subdivided municipality, as hereinbefore provided in case of liabilities of such subdivided municipality.

Suits against subdivided municipalities

Service on chairman of board.

Fees to county
judge.

500. Whenever under any of the provisions of this Act a fee is provided to be paid for the performance of any duty by the county judge, such fee shall be transmitted together with an amount sufficient to cover moving expenses, if any, to the said judge at the time of the making of the reference or application to him, and until such fee is paid the said judge shall not be required to take any action or proceedings with reference to the matter which is the subject of such application or reference.

Debentures
heretofore cer-
tified by judge
can be endors-
ed by Provin-
cial secretary
& make
absolute proof
of validity.

501. All debentures of any municipality issued under the provisions of "The Municipalities' Act of Manitoba, 1881," or "The Municipalities' Act, 1883," or partly under one and partly under the other, for which a certificate has been given by a Judge of the Court of Queen's Bench, or a County Judge under the provisions of the last mentioned Act; provided the by-law has been approved by the electors, and the other formalities of law have been substantially, although not wholly complied with, may be authenticated by the Provincial-Secretary in the manner provided by the "The Municipalities' Act, 1883," or this Act, by endorsing the same and affixing his signature and the seal of the Province thereto as provided in this Act, and when so endorsed, signed and sealed shall be rendered binding upon the municipality issuing the same, and an absolute and indefeasible security to the lawful holder thereof for the amount of such debenture or debentures and interest (if any) made payable thereon as against the municipality issuing the same, and such endorsement shall be full and absolute proof that all necessary proceedings respecting the issue of said debentures have been substantially complied with, and the said debentures themselves are legal and regular, and within the scope of the said Municipalities' Act, 1883, and that the by-law under which said debentures have been issued was legally and properly passed.

Debentures
heretofore en-
dorsed declar-
ed legal.

502. All debentures of any municipality issued either under "The Manitoba Town Corporations' Act" and the the Acts amending the same or "The Municipalities' Act, 1883," or partly under the one and partly under the other, and having been passed and certified by a county court judge under proceedings in conformity with sections 124 to 147, inclusive of "The Municipalities' Act, 1883," such debentures being endorsed in effect as provided by section 143 of said lastly mentioned Act, sealed with the seal of the Province and bearing the signature of the Provincial Secretary or acting Provincial Secretary, are hereby legalized and confirmed and shall be thereby rendered binding upon the municipality issuing the same, and an absolute and indeasable security to the lawful holder thereof for the amount of such debenture and interest, if any, made payable thereon as against the

municipality issuing the same, and such endorsement shall be received in all courts as full and absolute proof that all proceedings respecting the issue of such debentures, and the said debentures themselves are legal and regular and within the scope of the said sections of "The Municipalities' Act, 1883," and that the by-law, under which said debentures have been issued, has been legally passed, and that the said debentures have properly issued thereunder, and it shall not be competent for any such municipality or any ratepayers thereof, or any person whatsoever to question the validity of any debenture so endorsed, signed and sealed as aforesaid, or of any by-law under the authority of which the same has been issued in any court within this Province.

503. The council of any local municipality or town may use either the French or English language or both in the transaction of all municipal business within the municipality, and all notices given and published in either language shall be valid.

504. All notices and advertisements required by this Act to be published in any newspaper shall also be published in the *Manitoba Gazette* during the period or time or times when such notices or advertisements shall be so required to be published.

505. All by-laws for raising money on the credit of any municipality, not to be repaid within any current year, shall require to be submitted for the assent of the ratepayers, in the manner herein provided, and to render the same valid it shall be necessary that it should receive the assent of three-fifths of the ratepayers voting on the by-law.

506. No by-law or debenture issued by any municipal corporation shall bear interest at a rate higher than eight per centum per annum.

507. At any time after the passing of this Act, and until the next meeting or session of this Legislature the Lieutenant-Governor-in-Council may from time to time by Order-in-Council make such provisions for the proper and effectual working of this Act as shall seem necessary and expedient; and by such Order or Orders-in-Council any apparent omissions in the provisions of this Act may be supplied, and one or more of any apparently contradictory provisions repealed; and generally may put such construction upon any section, clause, provision or part of the Act, the meaning of which may appear doubtful, or to be contrary to some other section, clause, provision or part, or opposed to the general tenor, spirit and intent of the Act, as the said Lieutenant-Governor-in-Council may deem proper and to be the true intent, meaning

Full and absolute proof.

French and English may be used.

Notices and advertisements to be published in Manitoba Gazette.

Money by-laws to require three-fifths vote.

Rate of interest limited.

Lieut.-Gov. to make temporary provision for working this Act.

Also to interpret or repeal its clauses if needed.

and object of the Legislature and not contrary to the general principles and spirit of municipal law.

Orders in council referred to in last section to be approved by the judges of Q. B.

To be published in Gazette.

Short title.

508. Such Order-in-Council shall, so far as possible be of general application to all municipal organizations of the same class or designation throughout the Province, and shall be approved of, as being within the scope, intent and meaning of this section, by the judges of the Court of Queen's Bench for the Province or any two of them, and upon and immediately after such approval the said Order or Orders shall be published in the *Manitoba Gazette* and shall have the force and effect of law as if they had formed part of or been incorporated in this Act before the passing thereof and until the same shall have been passed upon by the Legislature at the session thereof next following the date of any such Order-in-Council.

509. This Act may be cited as "The Manitoba Municipal Act, 1884."

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CAP. 12.

An Act to amend the "Judicial Districts' Act, 1883."

[Assented to 29th April, 1884.]

WHEREAS, it has been deemed expedient to revise and amend certain portions of the "Judicial Districts' Act, 1883," being Part II, Chapter 1 of the Acts passed in the Session of the Legislature of Manitoba, held in the 46th and 47th years of Her Majesty's reign,

Her Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

1. Section 5 of the said Act is hereby amended by striking out the word "counties," in the eighteenth line thereof, and substituting therefor the word "municipalities"; and by striking out the word "county," in the nineteenth line thereof, and substituting therefor the word "municipality."

Cap. 1, Sec. 5, amended.

2. Section 7 of the said Act is hereby repealed.

Sec. 7 repealed.

3. There shall be in and for each Judicial District, as defined by the said Act, a Board, constituted of five members, four of whom shall be elected annually, in the manner hereinafter provided by the Reeves and Mayors of the several municipalities composing each Judicial District respectively, and the fifth member in each district shall be nominated by the Lieutenant-Governor-in-Council, at the same time as the annual elections are held, and shall also be Chairman of the Board.

Constitution of boards altered.

4. The said Boards shall continue to constitute in and for each of the districts, a body corporate and politic for the purposes set forth in the Acts hereinafter mentioned, and in addition to all powers vested in the Judicial District Boards by the "Judicial Districts' Act, 1883," shall have all the power and authority herein and in the "Manitoba Municipalities' Act, 1884," set forth, or which may hereafter be conferred upon such Boards, with a common seal, to be called The Eastern, Central, or Western Judicial District Board, respectively.

Bodies corporate and politic.

5. Three members of the said Board shall form a quorum for the transaction of business, and in the case of an equality of votes, the measure shall be held to have been carried in the negative.

Quorum.

Present
boards.

6. The several Judicial District Boards as constituted by this Act shall be and continue to be bodies corporate and politic until the third Tuesday in February, 1885, and thereafter until their successors in office have been selected as follows, namely:—

E. J. D. board
for 1884.

(1.) The Eastern Judicial District Board shall be composed of T. A. Bernier, Esq., chairman; R. S. Thompson, Reeve of Louise; Andrew Dryden, Reeve of MacDonald; James Green, Reeve of Assiniboia, and James Colcleugh, Mayor of Selkirk.

C. J. D. board
1884.

(2.) The Central Judicial District Board shall be composed of Edward McDonald, Esq., Mayor of the Town of Portage la Prairie, chairman; Mathew Ferris, Reeve of Portage la Prairie; Dr. T. W. Gilbert, Reeve of North-Cypress; J. J. Hamilton, Mayor of Neepawa; and George Claxton, Mayor of Gladstone.

W. J. D.
board, 1884.

(3.) The Western Judicial District Board shall consist of Thomas Mayne Daly, Esq., Mayor of Brandon, chairman; George Forster, Reeve of Whitewater; W. J. Helliwell, Reeve of Woodworth; W. J. Manby, Reeve of Odanah; and Charles A. Boulton, Reeve of Russell.

Elective mem-
bers.

7. The four elective members of the said Board shall be chosen annually from amongst the Reeves and Mayors of the municipalities in each district in the manner following, that is to say:—

Eastern dis-
trict subdivi-
sions.

(1.) The Eastern Judicial District for the purposes of this Act shall be sub-divided into four sections, namely:—

No. 1. "Section No. 1" to be composed of the counties of Rock Lake and Dufferin.

No. 2. "Section No. 2" to be composed of the counties of Manchester, Morris, Carrillon, D'Iberville and Lorette.

No. 3. "Section No. 3" to be composed of the counties of Selkirk and Varennes; and

No. 4. "Section No. 4" to be composed of the counties of Lisgar, Plessis, Gimli, Marquette and Fairford.

Central dis-
trict.
Sub-divi-
sions.

(2.) The Central Judicial District for the purposes of this Act shall be divided into four sections, namely:—

No. 1. "Section No. 1" to be composed of the county of Portage la Prairie.

No. 2. "Section No. 2" to be composed of the county of Norfolk.

No. 3. "Section No. 3" to be composed of the County of Beautiful Plains, and

"Section No. 4" to be composed of the County of West-No. 4. bourne.

(3.) The Western Judicial District for the purposes of this Act shall be divided into four sections, namely:—

"Section No. 1" to be composed of the counties of Souris No. 1. River and Turtle Mountain.

"Section No. 2" to be composed of the counties of Brandon No. 2. and Dennis.

"Section No. 3" to be composed of the counties of Minnedosa No. 3. and Riding Mountain; and

"Section No. 4" to be composed of the counties of Shoal No. 4. Lake and Russell.

8. On the third Tuesday in January in each year the Secretary-Treasurer of each Judicial District Board shall forward to each of the Mayors and Reeves in office for that year in each of the sections in his district a printed ballot in the following form:

FORM OF BALLOT.

Form.

..... JUDICIAL DISTRICT.

Section No. ,

Annual Election, A. D. 18

I, *Reeve (or Mayor as the case may be)*, of the municipality *(city or town)* hereby declare my vote in favor of *the present Reeve (or Mayor, as the case may be)*, of the municipality *(city or town)* of *the said Judicial District, as member* of the *Judicial District Board for said* Section No. *for the year 18*

(Signature.)

9. Upon receipt of such ballot, it shall be the duty of the Mayor or Reeve receiving the same to fill in the name of the Mayor or Reeve within the section in which his municipality lies, for whom he desires to vote as member of such Judicial District Board, to represent the said section thereon; and for the information of the Mayor or Reeve so voting the secre-

Ballot to be filled up and returned.

tary-treasurer of the Judicial District Board shall forward along with the said ballot a list of all the mayors and reeves within the section for which the member is to be elected, and any of said mayors or reeves shall be eligible for election as a member of the said Judicial District Board to represent the section within which his municipality may be situate. The ballot having been filled in shall be signed by the Mayor or Reeve voting, and immediately returned to the secretary-treasurer of the said Judicial District Board in a special envelope marked on the outside "Ballot for section No. " prepaid and registered.

Sec.-treas. to endorse and file ballots according to sections.

10. Upon receipt of such ballot by the secretary-treasurer of the Board, it shall be endorsed with the date of the receipt thereof, and signed and placed by him, without opening the same in a sealed envelope to be endorsed "Ballot for elective member, section No. A. D. 18 "

Counting ballots.

11. Upon the first Tuesday in February, at the hour of noon, or so soon thereafter as a meeting can be had, the said secretary-treasurer shall in the presence of the Judge of the County Courts for his district, or the chairman of the Board and one other person, who shall be either the sheriff, the prothonotary, or the deputy prothonotary, shall proceed to open the said ballots by sections, and to count the same, and upon such count, the Mayor or Reeve for whom the greatest number of ballots have been cast shall be the member of the said Judicial District Board, to represent the section for which he has been elected, for the following year.

Casting vote.

12. If, upon said count, there should be an equality of votes for two or more Mayors or Reeves, the judge or in his absence the chairman of the said Board shall in presence of the other persons present when the said count is made, and immediately upon the completion of such count, give a casting vote in favor of one of such Mayors or Reeves so having an equality of votes, and the Mayor or Reeve for whom such casting vote is so cast shall be the member elected for such section.

Filling vacancies in board.

13. In case of a vacancy occurring in a Judicial District Board at any time during the year on account of the death, removal, forfeiture or loss of office as Mayor or Reeve by any of the elective members of such Board, the chairman of said Board shall issue his fiat to the secretary-treasurer thereof for the purpose of holding an election for the section in which the vacancy has occurred, and thereupon such secretary-treasurer shall forward ballots in the same manner as for the annual election to each of the Mayors and Reeves within the section where the vacancy occurred together with a list of the Mayors

and Reeves eligible for election and a notice of the vacancy having occurred in the representation of such section, with a request to have the ballot filled in and returned; and on the twenty-first day after the ballots have been so sent out, or, if such day should be a legal holiday, then upon the next following day which shall not be a legal holiday, the said ballots shall be opened and counted in the same manner as ballots for annual elections, and the same provisions as apply to annual elections of such elective members shall also apply to any election so held for the purpose of filling any vacancy in the elective members of any District Board, and the Mayor or Reeve elected shall hold office for the unexpired portion of the term for which his predecessor had been elected.

14. The first election of members of said Judicial District Boards under this Act shall take place in the months of January and February, A.D. 1885, and during the same period the Lieutenant-Governor-in-Council shall nominate the respective chairmen of said Boards, and thereafter such elections and nominations shall be made annually under the provisions of this Act in the months of January and February of every year. Election for 1885.

15. Such Boards shall enter into office on the third Tuesday of February following such election and nomination, and shall continue in office until the third Tuesday of February in the year following, and thereafter until their successors in office have been duly appointed (or elected, as the case may be). Term of office.

16. Section 9 of the said Act is hereby amended by adding after the word "meeting," in the first line thereof, the words "It shall be the duty of the said Boards," which words were omitted through a clerical error in the printing of the said section. Sec. 9, c. 1, 46 and 47 Vic., amended.

17. Section 10, of the said Act is hereby amended by striking out the word "To" in the first line thereof, and substituting therefor the words "The said Judicial District Boards shall." Sec. 10 amended.

18. Section 15, of the said Act is hereby amended by striking out the word "county" in the fifth line thereof, and by substituting therefor the word "municipality." Sec. 15 amended.

19. Section 16, of the said Act is hereby amended by striking out the word "county" in the fourth line thereof, and substituting therefor the word "municipality," and by striking out the word "Board" in the 15th line thereof and substituting therefor the word "corporation." Sec. 16 amended.

20. Section 17, of the said Act is hereby amended by Sec. 17 amended

striking out the words "county or city and county" in the sixth line thereof, and substituting therefor the words "municipality or city and municipality."

Sec. 18
amended.

21. Section 18 of the said Act is hereby amended by striking out the words "warden of the" in the fifth line thereof, and substituting therefor the words "Reeve of each."

Sec. 19
amended.

22. Section 19 of the said Act is hereby amended by striking out the first line thereof, and substituting therefor the words "In the case of a town and municipality or municipalities, or city and municipality or municipalities."

Sec. 23
amended.

23. Section 23 of the said Act is hereby amended by adding after the word "same" in the nineteenth line thereof, the words "or situated within the county issuing the same."

Sec. 25
amended.

24. Section 25 of the said Act is hereby amended by striking out the word "counties," in the tenth line thereof, and substituting therefor the word "municipalities."

Sec. 28
amended.

25. Section 28 of the said Act is hereby amended by striking out the word "counties," in the third line thereof, and substituting therefor the word "municipalities," and by striking out the word "counties" in the ninth line thereof, and substituting the word "municipalities" therefor; by striking out the word "warden" in the tenth line, and substituting therefor the words "mayor or reeve;" by striking out the word "county" in the tenth and fifteenth lines and substituting therefor the word "municipality," in each case.

Sec. 29
repealed.

26. Section 29 of the said Act is hereby repealed and the following substituted therefor:—

New section
substituted.

" 29. The councils of each respective municipality according to their assessed value as aforesaid shall cause the amounts so given in each statement to be levied and raised with the other sums required for municipal purposes and it shall be the duty of the said several municipal councils and of their respective treasurers to pay over to the secretary-treasurer of the Judicial District Board the said estimated sums between the first and tenth days of December in each year, or at such time or times thereafter, not later than the first day of February following, as the secretary-treasurer shall require, and in case of the failure of any municipality to levy and raise the sum or sums required for the payment of debentures or interest or for any other purposes of this Act by the Judicial District Board, the said Board may cause the same to be levied on the municipality failing to pay and contribute in the same manner as is herein elsewhere or by law otherwise provided for the collection of rates or debts from municipalities by execution or otherwise."

J. D. board
may levy on
default.

27. Where the court house and gaol property is owned or acquired by any incorporated city or town, alone, or jointly with a municipality, or where any municipality has become possessed of any such court house and gaol property, either alone or jointly with any other municipality or municipalities as the successors of any county which may have owned or acquired any such property jointly with any city or town, and debentures have been issued, or are about to be issued for the purchase thereof or payment therefor under any by-law pursuant to the said Act, it shall be the duty of the council or councils of such municipality or municipalities (as the case may be) to make provisions for levying an annual rate on the taxable property of the municipality or municipalities to meet the payment of their respective shares of the interest on such debentures, and to form a sinking fund for the final redemption thereof; but in the case of any such gaol and court house property being owned by any such incorporated city or town, alone, or in connection with a local municipality as aforesaid, the Judicial District Board shall on or before the thirty-first day of December in each year, pay the said municipality or municipalities having the charge and control of such gaol and court house property for the use thereof on behalf of the several other municipalities in the Judicial District, an annual sum equal to twelve per cent. on the cost, to such incorporated city or town, alone, or in connection with a municipality as aforesaid, of such gaol and court house property and of any permanent additions or improvements made from time to time thereon or thereto, and shall also pay the due proportion of the cost of the maintenance thereof, and of the administration of justice in the district, and of other incidental expenses connected therewith.

Municipalities
to levy rate for
court house
and gaol.

12 per cent.
payable by
31st Dec. in
each year.

28. Sub-section "e" of section 32 of the said Act is hereby amended by striking out the word "county" in the first and last lines thereof, and substituting therefor the word "municipality."

Sec. 32
amended.

29. Section 33 of the said Act is hereby repealed and the following substituted therefor:

Sec. 33
repealed, new
sec. substituted.

"33. Each of said municipalities shall forthwith on receiving such estimate cause the amount of the same to be levied and collected in the manner in which other taxes are collected and levied within the municipality."

Municipalities
to collect
amount of
estimates.

30. Section 34 of the said Act is hereby amended by striking out the word "counties" therein, and substituting therefor the word "municipalities."

Sec. 34
amended.

31. Section 48 of the said Act is hereby amended by striking out the word "name," in the fifteenth line thereof, and sub-

Sec. 48
amended.

stituting therefor the word "have," and the said amendment is hereby declared to have a retroactive effect, commencing on and from the day when the said section came into force.

J. D. boards
to perform
duties of
county coun-
cils.

32. In all cases where, under the provisions of "The Municipalities' Act, 1883," or of any other Act in force in this Province, any act, matter or thing of an inter-municipal nature relating to any municipalities (other than county municipalities heretofore existing) or of any reference, arbitration award, decision, appointment or proceeding is or was required to be had, taken, performed or done or otherwise disposed of by the council or any of the officers of any county, such act, matter or thing shall be and the same is hereby required to be had, taken, performed or done or otherwise disposed of by the Judicial District Board wherein the municipalities interested are situate, and by the officer or officers of such Board corresponding to the officer or officers of such county council required to take, perform or do or otherwise dispose of any such act, matter or thing in virtue of the provisions of any of the Acts above referred to.

And the said board shall have power and authority to make all necessary contracts, appointments and provisions for the effectual carrying out and discharging of all duties imposed on them under the "Manitoba Municipal Act, 1884:"

Proviso as to
loans, etc.

Provided, however, that none of the powers hereby conferred shall have the effect of giving power or authority to any Judicial District Board to issue debentures, contract loans, or otherwise in any manner, incur any debt or obligation for any of the purposes, causes, matters, or other things for which county councils may have possessed such power or authority previous to the coming into force of this Act.

Members'
indemnity.

33. The indemnity and allowances to be made to the members of the several Judicial District Boards shall be fixed by the Lieutenant-Governor-in-Council, and such board shall settle and fix all salaries of the employees and officers thereof not otherwise specially provided for.

Officers'
Salaries.

Sec.-Treas. to
remain in
office.

34. The present secretary-treasurers of the said Boards for the time being shall remain in office, but should a vacancy occur for any cause or reason whatever in the office of any such secretary-treasurer his successor in office and all future secretary-treasurers of such Board shall be appointed, and their salaries and the amount and nature of the security to be given by them shall be fixed by their respective Judicial District Boards, with the approval of the Lieutenant-Governor-in-Council.

Salaries.

District
health
officers.

35. Each Judicial District Board shall at its first meeting after the passage of this Act, and at its first meeting in each

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year thereafter, appoint for each section of the district having a representative at the Board a Health Officer, who shall, wherever practicable, be a properly qualified medical practitioner, to carry out and enforce the provisions of the Acts relating to the public health. The same person may be appointed for more than one such section of such district, should it be necessary for the purpose of avoiding expense or for other reasons. Should any Judicial District Board neglect to appoint such officers then it shall be lawful for the Lieutenant-Governor-in-Council to appoint one or more such officers, and to determine the amounts he or they shall receive for his or their services, which amounts shall be paid by the Judicial District Board as though the appointment had been made by the said Board. The council of any city ^{City health officers.} incorporated under any special or general Act of the Legislative Assembly may appoint a health officer for such city, and in case of such appointment being made, the clerk of such city shall file a notice thereof with the Department of Agriculture, Statistics and Health, within fourteen days thereafter, and on, from, and after the date of such filing, the health officer of the section of the Judicial District within which the said city is situate shall cease to have any jurisdiction within such city.

36. No by-law for the issue of debentures for any purpose whatsoever shall be passed, and no debentures shall be issued by any Judicial District Board unless the assent of three-fifths of the ratepayers, being owners of real estate within said district, voting on such by-law shall have been previously obtained sanctioning such by-law: Provided that in case of the submission of such by-law to the vote of the ratepayers all the provisions of "The Manitoba Municipal Act, 1884," ^{Money by-laws to be submitted to ratepayers.} 1884, as to voting on by-laws apply. ^{3-5th vote required.} as to legalizing such by-laws shall apply to such by-laws as nearly as can be: Provided that this section shall not prevent any such board from borrowing money for any period not extending beyond one year, and from giving promissory notes therefor. ^{Provisions of M. M. Act, 1884, as to voting on by-laws apply.} ^{Provide as to current expenses.}

37. All Acts and parts of Acts inconsistent with or repugnant to the provisions of this Act are hereby repealed, but such repeal shall not have the effect of reviving any Acts heretofore repealed, which shall be and remain repealed. ^{Acts repealed}

38. This Act and the Act hereby amended may be cited together as the "Manitoba Judicial Districts' Acts." ^{Short title.}

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APPENDIX

—TO—

"The Manitoba Municipal Act, 1884,"

—CONTAINING THE—

"RULES FOR GUIDANCE AND INFORMATION OF MUNICIPAL
COUNCILS IN THE CONDUCT OF BUSINESS, ETC.,"

REFERRED TO AND AUTHORIZED BY SECTION 496 OF SAID ACT.

RULES OF THE COUNCIL OF THE MUNICIPALITY OF

Adopted after being read in council on the _____ day of _____
A. D, 18 _____

1. The council shall meet in the council chamber on the _____ Meetings of
or in such other place (in case of that chamber not being available) as the head council.
of the council shall appoint, and the regular meetings shall take place on the
(*first and third Tuesdays in each month as may be determined on*) unless when
otherwise ordered, at the hour of _____ o'clock in the _____ noon.
2. If on the expiration of half an hour after the hour named in the preceding Adjournment
rule, or otherwise appointed, there shall be no quorum present, the head of the if no quorum.
council or a councillor acting as chairman, may take the chair and adjourn.
3. When the council adjourns, the members shall keep their seats until the Respect for
chairman leaves the chair.
4. Whenever the chairman is obliged to adjourn the council for want of a Names of
quorum, the hour at which such adjournment is made, and the names of the mem- members pre-
bers then present shall be inserted in the minutes of the council. sent if no
quorum.
5. As soon as the chairman has taken the chair, the minutes of the last preced- Minutes of
ing meeting shall be read by the clerk, to the end, that any mistake therein may last meeting.
be corrected by the council; after which reading (and correction, if any) the said
minutes shall be confirmed and shall be signed by the chairman.
6. The chairman shall preserve order and decorum and shall decide questions Chairman to
of order, subject to an appeal to the council. preserve
order.
7. When the chairman is called upon to explain a point of order or practice, he Ruling on
is to state the rule applicable to the case, without argument or comment, point of orde

- Who shall preside at meetings.** 8. In case the proper head of the council shall not be in attendance at the hour appointed for meeting of the council, the clerk shall call the council to order, and a chairman shall be chosen who shall preside until the arrival of the reeve, or proper head of the council, or, in the event of their continued absence, until the close of the meeting.
- Members speaking.** 9. Every member, previous to his speaking, shall rise from his seat uncovered and address the Chair.
- Member entitled to floor.** 10. When two or more members shall rise at once, the Chairman shall name the member who is first to speak; and the other or others may appeal to the Council if dissatisfied with the Chairman's decision, by the question, "Which member was first up?" without debate.
- Member to vote unless excused.** 11. Every member who shall be present when a question is put in Council shall vote thereon, unless a majority of the Council then present shall excuse him.
- Conduct of members.** 12. When the Chairman is putting a question, no member shall walk out of, or across the Council Hall; nor when a member is speaking shall any other member hold discourse or interrupt him, except to order, nor pass between him and the Chair.
- Calling a member to order.** 13. A member called to order by the Chairman, shall immediately sit down, after which the Chairman shall give the reason or reasons for calling the member to order, and the Council, if appealed to, shall decide on the case without debate. If there be no appeal, the decision of the Chair shall be submitted to.
- Irrelevant speaking.** 14. No member shall speak beside the question in debate.
- Reading the question or motion.** 15. Each member may of right require the question or motion under discussion to be read for his information, at any time of the debate, but not so as to interrupt a member speaking.
- Order as to speaking.** 16. No member, other than one proposing a question or motion, (who will be permitted to reply), shall speak more than once on the same question without leave of the Council, except in explanation of a material part of his speech, which may have been misconceived, but he is not to introduce new matter.
- Strangers.** 17. No strangers shall be admitted to that part of the Chamber specially allotted to members of the Council in session without permission from the Chairman.
- Rules in committee of the whole.** 18. The Rules of the Council shall be observed in a Committee of the Whole Council, so far as they may be applicable, except the Rules limiting the number of times of speaking, and of taking the Yeas and Nays.
- Yeas and nays.** 19. Upon a division of the Council, the names of those who vote for and of those who vote against the question, shall be entered upon the Minutes, if one member requires it, before the vote is declared.
- Motion to adjourn.** 20. A motion to adjourn takes precedence of all others, and may be moved at any time; but this question cannot be received after another question is actually put, and while the Council is engaged in voting.
- Motion to leave chair.** 21. In the Committee of the Whole, a motion that the Chairman leave the Chair, shall always be in order, and shall take precedence of any other motion, without debate.

APPENDIX.

iii.

22. No motion shall be debated or put unless the same be in writing and seconded, excepting only a motion to adjourn, which shall not require to be in writing.

23. After a motion has been read by the Chairman, it shall be deemed to be in possession of the Council; but may be withdrawn at any time before decision or amendment, with the permission of a majority of the members present.

24. When a question is under debate, no motion shall be received unless to amend it, or to commit it, or to postpone it to a certain day, or for the previous question, or to lay it on the table, or for adjournment. The previous question may be put on the motion of one member verbally.

25. The previous question, until it is decided shall preclude all amendment and debate of the main question, and shall be in the following words:—" Shall the main question be put now?" and if decided in the affirmative the Chairman shall immediately put it to the Council to be voted on.

26. All questions, whether in Council or committee, shall be put in the order in which they are moved, except motions to amend, or for the filling up of blanks, or referring to time or money, when the amendment, the longest time and the lowest put sum shall then be put first.

27. Every motion, when seconded, must be received and read by the Chairman in Council, except in the cases provided for by the Rules of this Council.

28. It shall be the duty of the Chairman in Council, whenever he shall conceive that a motion which he has received and read may be contrary to the Rule of this Council to apprise the Council thereof immediately before the question on such motion is put, and to cite the rule which is applicable to the case.

29. Every By-Law shall be introduced by a motion for leave, specifying the title of the By-Law, or a motion to appoint a committee to prepare and bring it in, or by an order of the Council, or on the report of a committee; and every By-law introduced by a report shall be submitted to the Council independent of such introductory report, and said report must be adopted previous to the By-Law being read so that the sense of the Council may first be determined, and no By-Law shall be received unless accompanied by a report of a committee, until the order for "motions" has been reached.

30. No By-Law shall be committed or amended until it shall have been twice read, and no money By-Law shall be finally passed before it has been revised by the corporation solicitor.

31. In Committee of the Whole, the Chairman, standing in his place, shall report to the Council the state of the By-Law when the Committee rose; and after such report the By-Law shall be submitted to debate and amendment, if thought fit, in the Council before the question to adopt and to engross it shall be put and voted upon.

32. Every By-Law shall receive three separate readings previous to its being passed, which readings may take in one day, or at one sitting of the Council, unless otherwise provided by law.

33. When a By-Law is read in the Council, the Clerk shall certify the readings (and the time thereof, if on different days) on the back.

By-laws to be first read by clerk and then serially by chairman.

34. By-Laws committed to a Committee of the whole Council shall first be read throughout by the Clerk, and then shall be read by the Chairman, clause by clause, as debated, leaving the preamble and title to be last considered, the Chairman then putting the question—" Shall the By-Law be reported ?"

Certifying passage of by-law.

35 When a By-Law passes the Council the Clerk shall certify the same, with the date thereof, at the foot of the By-Law, stating the dates of the several readings and of the passing thereof.

Report on petition or by-law.

36. When any petition or By-Law presented to the Council shall have been referred to a Committee to examine and report thereon, no person or persons shall be heard for or against said petition or By-Law until after said Committee shall have reported to the Council.

Petitioners not heard until by-law is reported from committee.

37. Whenever any petition or By-Law presented to the Council shall have been referred to a committee to examine the matter thereof, and report the same to the Council as it shall appear to them, the Council shall not admit any petitioners to be heard by themselves or counsel against such petition or By-Law until the matter thereof shall have been first reported to the Council.

Parties interested in by-law.

38. All persons whose interest or property may be affected by any By-Law may appear in person before the committee to give their consent or may transmit such consent in writing, the authenticity of which may be proved to the satisfaction of the committee.

Petitions, etc., how presented

39. Petitions, memorials and other papers, except accounts, addressed to the Council shall be presented by a member in his place, who shall endorse thereon or see that there is endorsed thereon the name of the petitioner or applicants or one of them, and such member shall sign his name thereon and shall be answerable to the Council that such petition, memorial, or other paper does not contain improper or impertinent matter, and the endorsement thereon only, including the name of the member presenting the same shall be read by the Chairman unless a member shall require the reading of the paper, before its reference to a committee, in which case the whole shall be read by the clerk.

Reading of papers laid before council or referred.

40. Papers laid before the Council or referred to a committee for consideration are of right to be read to the Council or committee; they are then like every other paper that belongs to the Council to be moved for, if required to be read, and, if objected to, to be decided by taking the sense of the Council.

Moneys how paid.

41. All moneys ordered to be paid by the Council shall be so paid by the cheque or order of the treasurer, (countersigned by the mayor, warden, reeve) or in his absence by such member as the Council may appoint for the time being.

Claim to be reported.

42. No claim or account laid before the Council shall be paid, nor shall a grant of money for any purpose be made until reported on, and such payment or grant recommended by a committee, and no debt or obligation shall be incurred or authorized on behalf of the Corporation without the consent or order of the Council, except in connection with matters coming properly within the control or management of a committee, and in such case, the debt or obligation must be incurred under the authority of such committee, or the chairman or acting chairman thereof; but this or any other Rule shall not affect or interfere with the payment of salaries or sums authorized by By-Law of the Council or payable under an Act of Parliament.

Debts—how authorized.

Proviso.

Accounts for work, etc., to be certified.

43. All claims and accounts for work and labor before being reported for payment must be certified as correct by the chairman or acting chairman of the committee, under whose authority the same was performed; and all claims and

APPENDIX.

v.

accounts for goods, merchandize or material of any kind supplied by any merchant manufacturer, tradesman or mechanic, purporting to be for the use of the Corporation, shall, when presented to the Council, be accompanied by the written order or requisition of the chairman of a committee; and the Council shall not be responsible for the payment of any such last mentioned claim or account, unless the goods, merchandize or material were supplied upon such order or requisition.

Vouchers with accounts rendered.

(NOTE.—In connection with this Rule it is to be understood by the Council that the members authorized to incur a debt or obligation on behalf of the Corporation, shall only do so in respect of such matters as are properly within their respective authority or control.)

Explanatory note.

44. When any report before the Council is objected to by at least three members it shall be laid on the table until the next sitting of the Council and shall then be taken up as the first order of the day. This rule shall not apply at the last sitting of the year.

Report of committee when objected to.

45. Every member who shall introduce a By-Law, Petition or Motion, upon any subject which may be referred to a Special Committee, shall be one of the Committee, without being named by the Council.

Special committee composed of.

46. Of the number of members appointed to compose a Committee, such number thereof as shall be equal to a majority of the whole number chosen shall be a quorum competent to proceed to business, in all cases where the number to form such quorum shall not be specially fixed in the motion of appointment.

Quorum.

47. At the first sitting of the Council in each year, the following standing committees, to consist of not less than three nor more than five members each, shall be appointed, viz.:

Standing committees.

Finance and Assessment.

Public Works and Property.

By-Laws, Printing and Contingencies.

Etc., etc., (as may appear to suit the exigencies of the Council) and to such Committees all matters relating to those objects shall be respectively referred.

48. The order of the day shall have preference to any motion before the Council.

Order of day to have preference.

49. The order of the day shall be as follows:—

1. Calling of the Council to order.
2. Reading and confirming Minutes.
3. Receiving Petitions, Accounts and Communications.
4. Disposing of Petitions, Accounts and Communications.
5. Reports of Committees.
6. Consideration of By-Laws.
7. Unfinished Business.
8. General Business.

Orders of the day

50. When any order or orders of the day shall be lost by the Council or Committee of the Whole Council breaking up for want of a quorum, or by an adjournment of either, the order or matter so lost shall be taken up in succession at the state or point it or they were left in, to be proceeded with as the first business at the next sitting of the Council.

Lost orders of the day.

COMMITTEES.

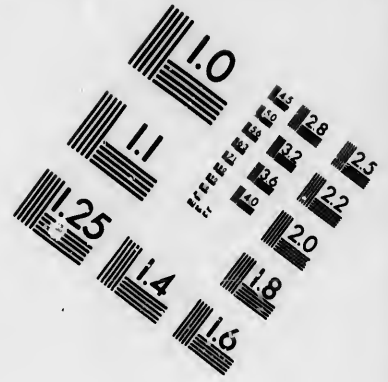
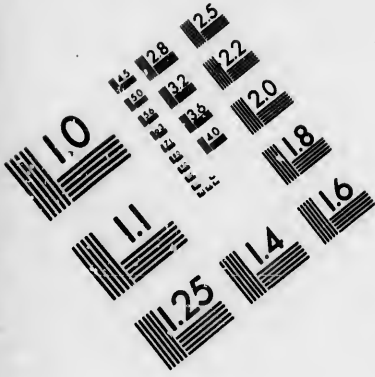
- Committee of the whole.** 51. In forming a Committee of the Whole Council, the Chairman shall leave the chair, and shall, before leaving the same, appoint a Chairman to preside, and in all Committees the Chairman shall have the same authority in the Chair of the Committee as the head of the Council presiding in Council.
- Motion for committee to rise.** 52. On motion in Committee to rise and report, the question shall be decided without debate.
- Mover for committee to be member of.** 53. Every member who shall introduce a By-Law, Petition, or Motion upon any subject which may be referred to a Special Committee, shall be one of the Committee without being named by the Council.
- Quorum of committee.** 54. Of the number of members appointed to compose a Committee, such number thereof as shall be equal to a majority of the whole number chosen, shall be a quorum competent to proceed to business in all cases where the number to form such quorum shall not be specially fixed in the motion of appointment.
- Matter disposed of.** 55. It shall not be competent for any member to introduce or revise any matter disposed of by the Council during the same session.
- Money grant must be reported on.** 56. No grant of money for any purpose shall be recommended or given by the Council on a simple motion or resolution, but must first be recommended under a report from one of the standing or special Committees to whom the subject or application for such has been previously referred; and no motion or application for any grant or payment of money shall be taken up or discussed or dealt with on the last day of any Session, unless notice thereof shall have been given at least on the previous day. Payment of salaries for service rendered under former By-Laws of this Council are still in force and exempt from this rule.
- Striking standing committees.** 57. The Chairman, after making the necessary declaration of office and addressing the Council in each and every year, shall appoint a Committee of not less than members to strike the Standing Committees for the year, or shall strike the Standing Committees himself, if so instructed by resolution of Council.
- Head of council to be sworn in.** 58. The Reeve or Mayor shall be sworn in and take his declaration of office on the same day as he is declared elected.
- Suspension of rule.** 59. No rule of this Council shall be rescinded or suspended without the consent of two-thirds of the members present.
- Direct motion to alter or amend by-law or reports.** 60. Whenever a direct motion is made to amend or alter any Report or By-Law before the Council, in a distinct or particular manner, not requiring the Committee presenting the same to reconsider it, such alteration or amendment shall be made in Council, without referring same back to the Committee for mere alteration; but this rule shall not apply to cases where it is requested to refer any Report or By-Law back for reconsideration.

(NOTE.—The Rules as adopted by a Council should be numbered for reference. A portion only of the foregoing Rules might be found suitable in some instances, and in other cases additional Rules might be found necessary.)

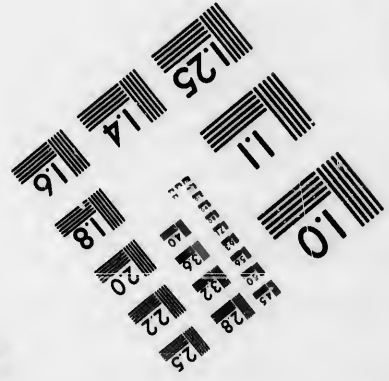
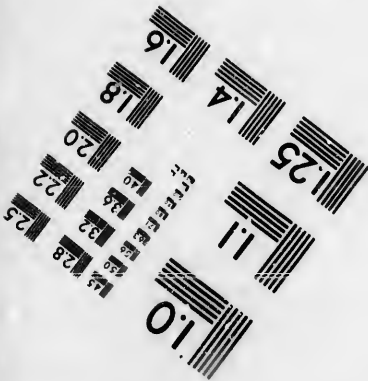
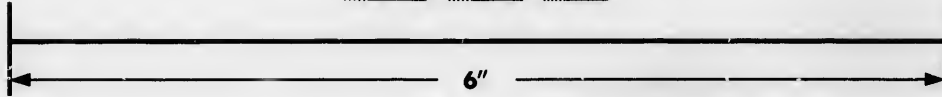
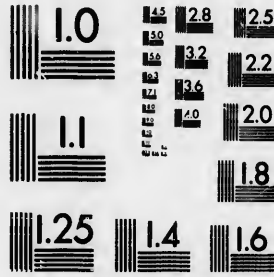
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APPENDIX B.

*Containing "An Act to amend 'The Manitoba Judicial
Districts' Act,'" and "An Act to amend 'The
Manitoba Municipal Act, 1884.'"*

47 VICTORIA, CAPS. 50 AND 51.

Assented to 3rd June, 1884,

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CAP. 50.

An Act to amend the "Manitoba Judicial Districts' Acts."

[Assented to 3rd June, 1884.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

1. The several Judicial District Boards of this Province are hereby declared to have had and to have, all the rights and be subject to all the liabilities of a corporation and especially shall have full power to acquire, hold and alienate both real and personal estate for all the purposes for which such Boards have been constituted, or which may be within their authority or jurisdiction and to have perpetual succession and power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law and in equity whatsoever, and to have a common seal with power to alter and modify the same at their will and pleasure; and to be in law capable of receiving by donation, acquiring, holding, disposing of, and conveying any property real or movable for the use of the said Boards, and of becoming parties to any contracts or agreements in the management of the affairs of the said Boards; and of negotiating loans and borrowing money upon the credit of such Boards, for the purpose of defraying any necessary expenses for the carrying on of the business thereof or of debts incurred in the management of their affairs, and of giving or accepting any notes, judgments or other instruments or securities for the payment, or securing the payment of any sum of money, borrowed or loaned, with power to renew the same or any portion thereof, or for executing or guaranteeing the execution of any duty, right or thing whatsoever; and for the payment or securing the payment of any money borrowed, or of taking up bonds that may become due, or for the purpose of making a loan or loans, or for any other legitimate purpose whatsoever.

Provided always, that the said Boards shall not give or make any bill, note or other undertaking pursuant to this section for an amount greater than one-half of the estimated expenditure of any such Board for current expenses and management of the affairs of the said Board for the year in which any such bill, note or undertaking may be given.

And provided further, that no deed of sale, mortgage or other instrument affect any real estate of any Judicial

District Board or under the control thereof shall be made, granted or executed by any such Board except with the approval of the Lieutenant-Governor-in-Council.

Loans limited to one year.

Provided however, that this section shall not be construed to give the Judicial Districts Boards power to borrow money upon any agreement that it shall be repaid within any period longer than one year except with the approval of the electors as otherwise provided, and no such Board shall have power to renew any note or other obligation so as to extend the time for payment of any part thereof beyond two years from the date of the said note or agreement.

By-laws of J. D. Boards declared valid.

2. All by-laws which have heretofore been passed by any of the Judicial District Boards of the Province of Manitoba to provide for the issue of debentures to raise the sum or sums required for the maintenance of goals, court-houses and administration of justice therein, and other incidental expenses connected therewith up to the first day of November, A. D. 1884, or any of said purposes, are hereby declared to be and to have been within the authority of the said Boards and each of them to pass; and the same and all clauses, matters and things therein contained are hereby declared to be legal and valid and binding upon the said Board or Boards passing the same, and their and each of their successors and the municipalities contained within their respective districts, according to the tenor and intent thereof; and the debenture or debentures issued or to be issued thereunder and the coupons of each such debenture are hereby declared to be and to have been legal and valid and binding upon the said Board or Boards which have passed said by-law or by-laws and issued the said debentures, and the successors of each of them, and the municipalities contained within their respective districts according to the tenor and intent thereof, and the said debenture or debentures shall be a first lien upon the assets and property of the said Board or Boards.

Debentures declared valid and a lien.

Collection of principal and interest of debentures.

The amount or amounts of principal and interest of the said debenture or debentures shall be collected and paid in the manner prescribed for the collection and payment of debentures issued by Judicial District Boards by "The Judicial Districts' Act of 1883," and the Acts amending the same; and the said Board or Boards are hereby declared to have and possess full power and authority to issue and negotiate the said debentures under the said by-laws or any of them.

Short title.

3. This Act and the Acts hereby amended may be cited together as "The Manitoba Judicial Districts' Acts."

CAP. 51.

An Act to amend "The Manitoba Municipal Act, 1884."

[Assented to 3rd June, 1884.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

1. Section 43 of the Act passed at the present Session of the Legislature of Manitoba, Chaptered 11, intituled: "The Manitoba Municipal Act, 1884," is hereby amended by inserting therein immediately after the twenty-second line thereof the words following "constructing any works or exercising any powers mentioned in section 111 of this Act and the various sub-sections thereof or of"; and by inserting the word "for" immediately after the word "or" in the twenty-fourth line of said section. Sec. 43, cap. 11, 47 Vic., amended.

2. Sub-section 1 of section 45 of the said Act is hereby amended by striking out the words "a deputy registrar" in the sixth line thereof; and sub-section 2 of the same section is hereby amended by striking out the proviso attached thereto and substituting the following:—

"Provided that no person shall be qualified for election as mayor or reeve of any town, city or municipality who is surety for any officer or employee of the Judicial District Board in which such town, city or municipality is situated." Sub-sec. 1, sec. 45, amended. Proviso.

3. The time for filing the petition of a majority of the resident ratepayers under sub-section 15 of section 111 of the said Act is hereby extended so far as it relates to the present year until the 20th day of June of this present year (1884). Sub-sec. 15, sec. 111, amended.

4. Section 138 of the said Act is hereby repealed and the following substituted therefor:— Sec. 138 amended.

"138. The following form for such publication or notice may be used:—'Notice is hereby given that a by-law to raise the sum of _____ dollars by the issue of debentures to that amount for the purpose of aiding the construction of _____

_____ railway (or, as the case may be), has been submitted to the council of the municipality (town or city) of _____ and that a vote of the ratepayers entitled to vote thereon will be taken on the _____ day of _____ next (or instant), at (naming the place or places), under the provisions of "The Manitoba Municipal Act, 1884," (or, as the case may be).

The said by-law provides that the said debentures shall be payable in _____ years, with interest at _____ per centum per annum, payable yearly, and that the amount to be levied in each year shall be \$ _____ (or in the years following; in the year 1885 shall be \$ _____, in the year 1886, \$ _____) (or, as the case may be) for interest and sinking fund for, re-payment of principal (or instalments of principal as the case may be).

The whole existing debt of the municipality (town or city) is \$ _____, on which there is nothing overdue for principal or interest (or, as the case may be) the amount of its ratable property according to the last revised assessment roll is \$ _____, and the rate on the dollar levied according to the last rate struck is _____

The said by-law or a true copy thereof is on file and can be seen at the office of the undersigned until the day of taking said vote.

The further consideration of the by-law after the taking of said vote is fixed for the _____ day of _____, at the council room in the town hall (or, as the case may be) of the municipality (town or city) of _____ at _____ o'clock in the _____ noon.

Dated the _____ day of _____, A. D. 188 _____.

A. B.,
Clerk of the Municipality
(town or city) of _____

Sec. 298
amended.

5. Section 298 of said Act is hereby repealed and the following substituted therefor:

"298. Wherever the whole of a portion of the tax on any land has been due for more than one year after the thirty-first day of December of the year when the rate was struck, the treasurer of the district shall submit to the chairman of such district, lists in duplicate of all the lands in his books belonging to the several municipalities within the district, on which he is authorized to collect any taxes and liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite the same, including all taxes in arrear to the end of the calendar year last preceding the submission of such statement, and the chairman shall authenticate each such list by affixing thereto the seal of the Board and his signature, and one of such lists shall be deposited with the clerk of the municipality in which the

lands therein described are situated, and the other shall be returned to the district treasurer with a warrant thereto annexed, under the hand of the chairman and the seal of the district, commanding him to levy upon the lands therein described, for the arrears due thereon with the costs."

6. To remove doubts which may exist respecting the disposition made or to be made of lands formerly constituting a portion of any of the great highways in the Province which have ceased or may cease to be used as part thereof on account of changes made in the line of any such highway, it is hereby declared that upon the said lands so ceasing to be used as part of such highway they become and shall be vested in the municipality within which such lands are situate, and the said municipality shall make due compensation for the lands so taken for the new roadway in the manner provided in the expropriation clauses of "The Manitoba Municipal Act, 1884."

Alteration of great highways and disposition of old roadway.

Compensation for new roadway.

7. Section 306 of said Act is hereby amended by striking out all the words after the word "at" in the second line and substituting therefor "the County Seats in the several counties included in the district and where there are no County Seats established then at such place as may be fixed by the Judicial Board of the District and at such place in said County Seats or other place as the chairman of the Board in his warrant shall name."

Sec. 306 amended.

8. The form given in section 315 of the said Act is hereby amended by inserting immediately after the word "redeemed" in the twenty-second line of said form the words "and if the requirements of 'The Manitoba Municipal Act, 1884,' be otherwise complied with."

Form No. 9 (sec. 315) amended.

9. Section 333 of the said Act is hereby amended by inserting in the fifth line thereof immediately after the word "aforesaid" the following words "within the time provided by this Act and of all subsequent taxes upon such land from the date of the tax sale," and by striking out the words "in duplicate" where they occur in the ninth line thereof.

Sec. 333 amended.

10. Section 310 of the said Act is hereby amended by striking out all the words in said section after the word "for," where the same occurs in the tenth line thereof and by adding the following sub-section thereto:—

Sec. 310 amended.

(a.) The district treasurer may offer the said land for sale in legal sub-divisions or in different lots or parcels, so that no such lot or parcel shall be less than a single lot according to any registered plan, nor less than a legal sub-division according to the Dominion Government Survey. If there be no registered plan of the lands of which the parcel offered for

Lands to be sold in legal sub-divisions or lots.

sale forms a part, he shall exercise his discretion in selling the portion which shall appear to him best in the interests of the owner and of the municipality; and if, by selling according to the above conditions a portion of the particular lands assessed for any sum for which the same are advertised for sale, he realizes the full amount of the taxes due thereon and the other charges, he shall not then sell any further portion thereof; and the amount of taxes and other charges stated in the district treasurer's advertisement shall, in all cases, be held to be the correct amount due.

Proceedings to legalize certain by-laws may be continued.

11. In cases where since the passing of said Act and before the passing of this Act a Judge of the Court of Queen's Bench has certified, under section 143 of "The Municipalities Act, 1883," that he is of opinion that a by-law passed before the passing of "The Manitoba Municipal Act, 1884," has been duly and properly passed, such certificate shall be deemed as valid and effectual as if the said "The Municipalities Act, 1883," had not been in any way amended or superseded by "The Manitoba Municipal Act, 1884," and where before the passing of this Act the clerk of any municipality has advertised as provided in section 140 of "The Municipalities Act, 1883," that any such by-law therein referred to has been submitted to a Judge of the Court of Queen's Bench, and that such judge will be applied to for a certificate as to such by-law under the provisions of section 139 of said last mentioned Act, the proceedings to obtain such certificate may be continued, and the certificate of such judge, if given, shall be as valid and effectual as if the said "The Municipalities Act, 1883," had not been in any way amended or superseded by "The Manitoba Municipal Act, 1884."

By-laws heretofore passed providing for county courts and registry offices.

12. Where, before the passing of the said "The Manitoba Municipal Act, 1884," a County Council had passed a by-law for the issue of the debentures of the county for the purpose of defraying the cost of erecting or supplying a building for the purpose of a County Court or Registry Office or both with or without provision for furnishing the same, or for the purpose of paying any indebtedness incurred for any such purpose or purposes, and the plans of such building have been or shall hereafter be approved by the Lieutenant-Governor-in-Council, such by-law shall be binding upon the county. And if the debentures have not been issued thereunder, the officers of the Judicial District Board within whose district the county is situated shall proceed to obtain said by-law to be legalized under section 139 and following sections of the said "The Manitoba Municipal Act, 1884," (if not already legalized under the former Municipal Act), and shall issue the debentures thereon as the debentures of the formerly existing county municipality, sealing them with the seal of the Judicial District Board and expressing therein that the Judicial Dis-

J. D. Board may issue debentures.

trict Board promises to pay the principal and interest secured by such debentures respectively out of the moneys to be levied upon and collected from the municipalities composing such county, and the same shall then be valid and effectual and binding upon the county and the municipalities composing the same, as if the County Council had still remained in existence and had full power to pass such by-law and issue such debentures and as if the officers of the county had issued the debentures; and the Judicial District Board shall in each year levy upon and collect from the various municipalities composing the county the sums necessary to pay the interest on such debentures according to the by-law, and the sinking-fund for payment of principal or the instalments of principal (as the case may be), and shall provide for investment of the sinking fund in all respects as the County Council might have done if still existing.

Interest and sinking fund.

And the Judicial District Board shall dispose of the debentures as the County Council might have done, and apply the proceeds thereof to defraying the cost of such buildings with or without the cost of furnishing (as the case may be), or any indebtedness incurred by the County Council therefor.

Board may sell debentures.

13. The Board of any Judicial District may, at the request of the council of any municipality, pass by-laws for borrowing money upon the credit of the county in which such municipality is situated, for any purposes for which the council of the county had power under "The Municipalities Act, 1883," to levy moneys upon and collect the same from the municipalities composing the county, or for any purposes for which the said Board may under the "Manitoba Municipal Act, 1884," levy moneys upon or collect the same from the municipalities composing such county, or to pay or liquidate any indebtedness incurred by such County Council or incurred by the Judicial District Board for such county; and such Board may issue and dispose of debentures for such money so to be borrowed and interest thereon as a council of a municipality may do in respect of matters within its powers, promising to pay the moneys and interest represented by such debentures respectively out of the moneys to be levied upon and collected from the municipalities composing the county, and such by-law and debentures may be legalized as by-laws and debentures of municipalities under the said "The Manitoba Municipal Act, 1884," provided, however, that such by-law is to be submitted to a vote of the ratepayers of said county, and to be approved by three-fifths of those voting thereon as in case of by-laws for issue of debentures of municipalities.

By-laws for loans on credit of county.

Proviso.

(a). The Judicial District Board shall provide for the expense of submitting such by-law to the ratepayers for their approval and levy the expenses upon and collect the same

Expense of voting on by-laws.

from the municipalities composing said county if the same be approved by the requisite number of the ratepayers, or if the same be not approved then the said expenses shall be levied upon and collected from the municipality or municipalities whose council or councils may have asked for the submission of such by-law.

Mode of submitting by-laws to electors.

(b). The proceedings for submitting such by-law or of any by-law submitted under section 449 of "The Manitoba Municipal Act, 1884, as hereby amended for the approval of the ratepayers, for taking their votes thereon, and for petitioning against or quashing the by-law shall be the same as nearly as possible as that provided by the said Act with reference to by-laws for raising money upon the credit of a municipality. The Board shall fix the time and place for voting on the by-law, and the clerk of each municipality in the county, or such other person as the Judicial District Board shall appoint shall be the returning officer for such municipality with all the powers of a returning officer at municipal elections, and his returns shall be made to the secretary-treasurer of the District Board who shall upon receipt of all the returns add up the number of votes for and against the by-law, and certify to the Board whether the required majority have approved or disapproved of the by-law, and shall keep the same with the poll books in the records of his office. The clerks of the different municipalities shall furnish to the deputy returning officers the voters' lists and poll books as in case of municipal elections.

Returning officers.

Voters' lists.

Loans for payment of old county debts.

(c). Notwithstanding any provisions of any statutes to the contrary the various Judicial District Boards of the Province shall have power in their discretion under resolution without submission to the ratepayers to borrow from any persons or corporations all sums of money required by them to pay off and liquidate the claims and obligations to which the county corporations heretofore existing were liable and for which the said Boards are now liable under "The Manitoba Municipal Act, 1884" by giving bonds, notes or other written obligations therefor and the said sums so borrowed shall be chargeable against the municipalities within the county or counties the obligations of which are so liquidated. Provided that no such bond or note shall be given for any period exceeding one year except under a by-law approved by the ratepayers as herein before mentioned.

Proviso.

Sec. 449 amended.

14. Section 449 of the said "The Manitoba Municipal Act, 1884" is hereby amended by adding the following words:—

Consent of ratepayers required.

"Provided also that the debentures shall not be issued under such by-law nor shall the said undertaking be carried out and performed, unless, or until, the said by-law shall have

been submitted to the ratepayers of the county entitled to vote upon by-laws under the said "The Manitoba Municipal Act, 1884" for approval: and approved by three-fifths of the electors voting thereon in accordance with the said Act."

15. Section 454 of the said "Manitoba Municipal Act, Sec. 451 1884" is hereby amended by adding thereto the following as amended. a sub-section:—

(1.) Provided however that no money shall be expended in the erection of such county buildings or in the purchase of a site therefor except under a by-law duly passed by a County Council before the passing of "The Manitoba Municipal Act, 1884" unless and until a by-law authorizing the same shall have first been submitted to the electors in the county and shall have received the approval of three-fifths of the electors being owners of real estate voting thereon. All the provisions contained in this Act with regard to the submission of by-laws to the vote of ratepayers shall apply to the submission of any such by-law. This sub-section shall not apply to the Counties of Beautiful Plains, Lorette, D'Tberville, Carillon and Marquette.

Proviso as to
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