



BY AUTHORITY.

THE THIRD YEAR OF THE REIGN OF HIS MAJESTY
KING EDWARD VII.

CAP. X.

An Act for the further amendment of "The Towns Incorporation Act of 1896."

Passed 16th April, 1903.

BE it enacted by the Lieutenant-Governor and Legislative Assembly as follows:—

1. Section 7 of "The Towns Incorporation Act of 1896" is hereby amended by striking out the words "as defined in Section 21" and substituting in lieu thereof the words following: "Composed of the persons liable to be rated under Section 76."

2. Section 12 of said Act is hereby repealed and the following substituted therefor:

"12. The Returning Officer so appointed by the Lieutenant Governor in Council shall provide himself with a list of electors, composed of persons liable to be rated under Section 76, within the boundaries of the said Town, and arrange the same in alphabetical order. He shall also appoint a suitable person to act as Poll Clerk, whom he shall swear to the proper and faithful discharge of his duties. The Poll shall be opened at ten o'clock in the morning and remain open until four o'clock in the afternoon. The Clerk shall record the name of each voter when he offers to vote."

3. Section 21 of said Act is hereby amended by adding at the end thereof the following words: "Provided that if no rate shall be levied upon the said Town, previous to the day of holding such election, the person before whom such election is held shall provide himself with a list of electors, composed of the persons liable to be rated under Section 76."

4. Sub-section 57, of Section 64 of said Act is hereby amended, by adding at the end thereof the following words: "And to provide water for the purpose of extinguishing fires."

5. In case the election mentioned in Section 11 of said Act, was held after the first day of January and before the third Tuesday of April in the present year, or shall be held after the first day of January and before the third Tuesday of April in any year after the passing of this Act. It shall not be necessary to hold an annual election as provided for in Section 21 of the said Act on the third Tuesday in April of any year in which such election has been or may be held, but the persons who are Mayor and Aldermen on the said third Tuesday in April shall continue in office until the third Tuesday in April of the year following, and the said annual election shall, for the purpose of the said Act, be deemed to have been held and the said Mayor and Aldermen elected thereat.

CAP. XXXI.

An Act to amend an Act intituled "An Act in addition to and in amendment of The Towns Incorporation Act, 1896."

Passed 9th May, 1903.

BE it enacted by the Lieutenant-Governor and Legislative Assembly as follows:—

1. So much of Section 6 of the Act 60 Victoria, Chapter 18, as precedes Sub-Section (a) thereof is hereby repealed and the following is substituted in lieu thereof:—

"In case a by-law shall at any time be passed by the Town Council declaring that it is expedient in the interests of the town to take, expropriate and acquire the works and property of any company incorporated, or constructing its works after the passing of 'The Towns Incorporation Act of 1896,' for the purpose of supplying such town or any place or places in part within the limits of such town and in part outside the limits of the town, with gas, electric light water and sewers, or a sewerage system, or for any of such purposes, the Town Council may thereupon proceed to take, expropriate and acquire the works of the company or any part thereof, and all property used in connection therewith or any part thereof, for the purpose of supplying gas, electric light, water, sewers, or a sewerage system, whether the works and property or any of them are within or without the town, or supply any other place or places outside of the town, and shall pay therefor at a valuation to be determined by arbitration in the manner hereinafter provided."

2. Sub-Section (f) of said Section 6 of the Act 60 Victoria, Chapter 18, is hereby repealed.

3. Said Chapter 18 is hereby amended by adding at the end thereof the following Sections, as Sections 7, 8, 9 and 10 thereof respectively.

"7. The Town Council shall have power at any time to pass a resolution declaring that it is expedient in the interests of such town to borrow the money necessary to pay for all such works and property so to be taken, expropriated and acquired or purchased under this Act, said money to be used and applied for the purposes mentioned in such resolution, and to issue debentures of the said town therefor, with coupons attached, for interest at a rate not exceeding five per centum per annum, payable semi-annually to the holders thereof in such form as the Town Council may deem expedient, redeemable within thirty years from the date of such debentures respectively, which said debentures, and coupons thereto attached, shall be according to the provisions of Chapter XIV. of the Acts of Assembly 62 Victoria."

"8. The Town Council is hereby authorized to collect yearly a sum sufficient to pay interest upon the money so borrowed, and a so such further amount for a sinking fund as said Council may deem expedient, together with the charges for assessing and collecting the same by rate or assessment upon said town, to be assessed and collected in like manner as any other general rate or assessment for town purposes, and the amount so levied and collected for the purpose of a sinking fund shall be annually invested under the order and direction of the Town Council, in approved public securities, and with the interest accruing thereon held and applied in payment of said debentures as the principal of the same becomes due and payable or as the same may be redeemed."

"9. The Town Council and any Company incorporated for the purpose of supplying gas, electric light, water and sewerage or either or any thereof may, if they think fit, agree for the purchase and sale of the works and property of such Company, or of any portion of said works and property, subject to the approval of the ratepayers of the town by vote of such ratepayers, of the amount so agreed to be paid therefor, and the Town Council is hereby invested with all power and authority necessary for the purpose of taking such vote, and may by by-law direct when, and the manner in which such vote may be taken. If the majority of the ratepayers voting, vote in approval of the amount so agreed upon as aforesaid, such agreement shall be deemed to be approved of by the ratepayers of the Town."

"10. Upon the Town Council paying to the Company the amount payable, as hereinbefore provided for the works and property of such Company or for any part thereof, the said works and property or such part thereof, and all the rights, privileges, franchises and immunities of the said Company shall attach to, and vest in the Town and may be enjoyed and exercised by the Town Council."

4. The Town Council of any Town shall have the power each and every year, to borrow temporarily, or until the rates and taxes are collected in such year, a sum or sums of money not exceeding in all, the sum of Three thousand dollars, from any chartered Bank, or otherwise, and as soon as the said rates and taxes are collected, the sums so borrowed shall be repaid by the Town Council to the Bank, or other person from whom the same may have been borrowed.

5. Section 55 of the Towns Incorporation Act of 1896, is hereby amended by adding after the word "Mayor" in the fourth line from the end of said Section, the words "or any Alderman."

6. Section 70 of "The Towns Incorporation Act of 1896," is hereby amended by adding thereto the following Sub-Sections:

(a) The amount assessable by said County Council upon the District included in the said Town shall be proportionate to the valuation of the real and personal estate and income liable to be rated in the said Town, as compared with the aggregate valuation of the real and personal property and income liable to be rated in the Parish in which said Town is situated, such valuation being determined in accordance with the provisions of Chapter 100 of the Consolidated Statutes in such case made and provided, and the County Council shall, by warrant, in the form mentioned in Section 33 of the said Chapter 100 of the Consolidated Statutes, direct the Board of Assessors for the said Town to assess and levy the proportion of the said rates payable by the said Town under such levy, which warrant it shall be the duty of the Secretary of the Municipality to transmit to the Board of Assessors for the said Town, within fourteen days after the ordering of the said rate. The sums of money directed to be levied by said warrant shall be added to the sums of money directed to be raised and levied in the said Town by the Town Council thereof, and the assessment for the year shall be made and levied on the basis of the sum total in the manner as provided in "The Towns Incorporation Act of 1896."

(b) Out of any and all such taxes from time to time collected and received by the collector and receiver of taxes for the said Town, the proportion thereof assessed and levied for County purposes shall be by him paid over to the Treasurer of the Municipality within which said Town is situated, after deducting all proper costs, charges and expenses of collection, and so that the County and Town shall respectively receive the like proportion of all rates and taxes so collected as the rates required to be assessed by said town for County purposes have to the amount assessed for Town purposes,